

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of May, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// Deputy City Manager Bonnie Svrcek introduced Emily Boniface, an intern working for the summer in the City Manager's Office.

//City Manager Kimball Payne provided an overview of the proposal for funding of the Lower Bluffwalk Project.

Mr. Payne stated that this matter originated during City Council's annual retreat and further stated that Council Member Nelson advised that there was significant private sector interest in the Lower Bluffwalk project with several investors desiring to start projects along the Lower Bluffwalk. Council Member Nelson also maintained that expediting the construction schedule is likely to lower the projects overall cost as well as accelerate financial returns for the City. Mr. Payne went on to say the concern, however, was that with the continued funding of only \$1 million a year, it would take five years to complete the project and private sector interest might lessen over that time. During Council discussion Council Member Helgeson had concerns regarding the funding of this project and would not be supporting the Resolution. On motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded voted adopted Resolution #R-11-062 as presented, supporting the proposal for funding of the Lower Bluffwalk Project:

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

Noes: Helgeson 1

// City Manager Kimball Payne gave an overview of the Wards Road Pedestrian/Bicyclist Bridge Memorandum of Understanding (MOU) between the City of Lynchburg and Liberty University (LU) concerning the construction of a pedestrian/bicyclist bridge in the 3900 block of Wards Road. Mr. Payne went on to say that the City and LU staff have been working as a project team to coordinate the design and ultimate construction of the pedestrian/bicyclist bridge. On motion made by Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-063 as presented, approving the Memorandum of Understanding between the City and Liberty University for the construction of a Pedestrian/Bicyclist Bridge across Wards Road:

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

Noes: 0

// Parks and Recreation Director Kay Frazier provided a brief update on the Lynchburg Community Market that was requested by City Council during the recent budget session. Ms. Frazier stated that over time the Community Market evolved from a Saturday only market to a six-day, and now a five-day, a week market. The Armory and Community Market complex has long been seen as a community meeting place and economic driver for downtown Lynchburg revitalization. Ms. Frazier further stated, although the capital funds have not been available to implement the plan, the mission of the Lynchburg Community Market has not changed and is defined as follows:

- To perpetuate Lynchburg's historic public market activity;
- To support local agriculture;

- To help revitalize downtown Lynchburg;
- To provide opportunities to small, local businesses;
- To provide a public gathering place;
- To celebrate the region's food traditions.

// City Manager Kimball Payne provided information regarding the bonuses for City employees. Mr. Payne stated during the budget deliberation Council indicated its intention to provide a bonus to City employees based on savings in the FY 2011 Budget. During Council discussion, Council Member Helgeson had concerns with the additional burden on the taxpayers and would not be supporting this Resolution. On motion made by Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-064 as presented, to approve the FY 2011 General Fund budget with the resources from the savings in the General Fund to fund a staff bonus for the June 30, 2011 pay date:

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

Noes: Helgeson 1

// During Roll Call Mayor Joan Foster thanked Director of Communications and Marketing JoAnn Martin for a wonderful job for making arrangements for the U.S. Navy Blue Angels to receive a key from the City while they were in Lynchburg for two days. Mayor Foster also announced a Proclamation was given for Red Poppy Week. Council Member Cary referred to an article in the newspaper that focused on improved relationships between city/county governments and school boards by laying the groundwork for next year's budgets and urging the various local boards and their leaders to meet with each other and become familiar with the major issues and challenges facing their counterparts. Council Member Cary explained an operational review allows an organization, in this case Lynchburg City Schools, to evaluate how well it is achieving school system goals and whether resources are properly allocated and utilized in a cost-effective manner. Council Member Cary asked that the Lynchburg City School Board act to engage an operational review consultant. It is certainly a worthy goal and one that Council Member Cary hopes Lynchburg City Council and the Lynchburg City School Board will embrace. Council Member Cary went on to say from personal experience such a report can have a positive impact on an organization and hopes that the Lynchburg School Board will initiate a Request for Proposal (RFP) for an operational review so results can be available when City Council considers the School Board's budget request next year. Council Member Cary made a motion that City Council would encourage the Lynchburg School Board to consider an independent operational review seconded by Council Member Gillette and Council by the following recorded vote encouraged the Lynchburg School Board to seriously consider an independent operational review:

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

Noes: 0

// City Council recessed the meeting at 6:26 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 Gillette gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to the 2011 Citizens Academy graduates.

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to high school seniors; Sherika Callen, Natasha Chowdry, Eric D. Holston-Shoultz, Gabrielle Simmons, Kenneth Sterne III and Jeanette Levin, for serving on the Mayor's Youth Council.

// Copies of the minutes of the May 10, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Schools – General / Parks and Recreation – General, Resolution #R-11-037 amending the FY 2011 Schools Capital Projects Fund and appropriating \$200,000, with resources transferred from the City Capital Projects Fund Parks Paving and Lighting project, to renovate the tennis courts at E. C. Glass High School, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-046 adopting the FY 2012 Mandated and Contractual External Service Providers Budget and appropriating \$8,291,272 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-047 adopting the FY 2012 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-048 adopting the FY 2012 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,831 for this budget, laid

over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-049 adopting the FY 2012 Court Appointed Special Advocate Budget and appropriating \$12,000 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-050 adopting the FY 2012 Region 2000 Economic Development Council Budget and appropriating \$81,586 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-051 adopting the FY 2012 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-052 adopting the FY 2012 Virginia Legal Aid Society Budget and appropriating \$10,000 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-053 adopting the FY 2012 Amazeement Square Real Estate Tax Refund Budget and appropriating \$5,302 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-057 adopting the FY 2012 Greater Lynchburg Transit Budget and appropriating \$7,049,103 for this budget, laid over from the May 10, 2011

meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-058 adopting the FY 2012 Operating Fund Budgets and appropriating the sums for each fund, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-059 adopting the FY 2012 Capital Budget and appropriating \$11,908,494 for the City Capital Projects Fund; \$1,030,518 for the School Capital Projects Fund; \$1,850,000 for the Airport Capital Projects Fund; \$5,088,000 for the Water Capital Projects Fund and \$22,553,000 for the Sewer Capital Projects Fund, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-060 approving the payment of monetary incentives, awards and bonuses to City employees under certain circumstances, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-061 to set the personal property tax relief rate for the fiscal year beginning July 1, 2011 through June 30, 2012 at 55.44%, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Circuit Court – General, City Council Report #21 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-065, as presented, amending the FY 2011 General Fund budget and appropriating \$22,265, with resources from the State Compensation Board, Technology Trust Fund fees to support information technology needs in the Office of the Circuit Court Clerk:

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

Noes: 0

// In the matter of Police – General, City Council Report #22 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-066, as presented, amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$33,000, with resources from the 2010 State Homeland Security Program to purchase thermal imaging equipment for use in critical incident response:

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

Noes: 0

// In the matter of School - Board, a public hearing continued from May 10 was again held to receive 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 Foster read into the record the names of two individuals who's names had been presented at the May 10 Council Meeting by Vice Mayor Johnson; Ronnie Shultz, School District 2 and Nathaniel Marshall, School District 2. Both candidates declined the nomination for School Board. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Foster stated that interviews will be scheduled with the selected applicants.

// In the matter of Finance – Bonds, a public hearing was held regarding City Council Report #24 regarding the adoption of a Resolution authorizing the issuance of not to exceed \$21,010,000 Sewer Revenue Bonds in accordance with Section 15.2-2206.A of the Code of Virginia. Timothy Mitchell, Utilities Director gave a brief overview of the request. One person spoke to this item. 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 Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-067, as presented, authorizing the issuance of not to exceed \$21,010,000 Sewer Revenue Bonds pursuant to Section 15.2-2206.A of the Code of Virginia:

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

Noes: 0

// In the matter of City Code/Police – Emergency Services, City Council Report #25 was considered. Council Member Perrow made a motion to adopt the Ordinance, seconded by Council Member Nelson. Council Member Cary offered a friendly amendment to add the word “alarm” in front of system that is on page two of the Ordinance to be consistent. Council Member Perrow accepted the friendly amendment offered by Council Member Cary and Council by the following recorded vote adopted Ordinance #0-11-068, as amended, amending sections of the City Code relating to the sale, maintenance and use of Alarm Systems within the City:

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

Noes: 0

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-045 adopting the FY 2012 General Fund Operating Budget (excluding External Service Provider and Component Unit expenditures) and appropriating \$179,152,997 for this budget, laid over from the May 10, 2011 meeting, was again presented and read. Council Member Helgeson stated that he had previously voted no on the next four items and

there was not reason to restate his concerns. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson 1

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-054 adopting the FY 2012 Lynchburg Community Action Group Budget and appropriating \$25,000 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson 1

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-055 adopting the FY 2012 Rebuilding Together Budget and appropriating \$25,000 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson 1

// In the matter of the FY 2012 Budget/CIP, Resolution #R-11-056 adopting the FY 2012 School Operating Budget and appropriating \$85,728,781 for this budget, laid over from the May 10, 2011 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson 1

// On motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commission, i.e. School Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended:

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

Noes: 0

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

// Council Member Helgeson 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

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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 Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
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Noes:	0
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// The meeting was adjourned at 8:32 P.M.

Clerk of Council