

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of May, 2012, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Gillette, Johnson 2

// Council Member Gillette arrived during Agenda Item #1 at 4:10 p.m.

// City Manager Kimball Payne gave an overview regarding the Memorandum of Understanding (MOU) between the City of Lynchburg and Rush Lifetime Homes, Inc., that will govern the renovation and community use of the Armstrong gymnasium. Mr. Payne stated that one of the reasons the MOU is being brought before Council is that it is envisioned that the City will take the \$250,000 that Rush Homes will pay for the property and put it into renovations to the interior of the gymnasium.

During Council discussion Council Member Helgeson stated that the money the City sold the building for is now going to be used to refurbish this property, the City is going to pay the utilities to keep it running and having staff in the building to operate it. Also Mr. Helgeson stated he felt like Council had just gone through the CIP process and decided what was important and now this project comes up. After further discussion, Council Member Perrow made a motion to authorize the City Manager to sign the Memorandum of Understanding with the further understanding that Council be kept apprised of the actual cost and make sure the City only does what is necessary so the City can reallocate the remaining funds, seconded by Council Member Cary. Council Member Helgeson stated that there were a lot of things that he liked about this but that he still had some reservations at this time and would be voting against this project, and Council by the following recorded vote approved the motion:

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

Noes: Helgeson 1

Absent: Johnson 1

// Public Works Director David Owen gave a briefing on the City's trash decal program stating that from time to time council members hear complaints from citizens regarding the operation of the solid waste collection program, specifically regarding the use, or non-use, of the decals and trash tags. Mr. Owen further explained how the program started, some of the challenges faced by the trash collectors and suggested possible changes to the ordinance.

// In the matter of the Virginia Retirement System (VRS) - City Manager Kimball Payne stated that this has been discussed several times with City Council and has now received the official letter from VRS that is requiring Council to make two decisions and communicate that to the state prior to July 1st and have formulated two resolutions to reflect the action that Council has taken during the budget adoption process.

Mr. Payne went on to explain the two resolutions Council is being asked to adopt and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-12-077, as presented, certifying to the Virginia Retirement System Board of Trustees that the City of Lynchburg elects to pay the contribution rate of 20.89% effective July 1, 2012:

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

Noes: 0

Absent: Johnson 1

On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-078, as presented, enacting the requirement adopted by the General Assembly that employees must begin paying the 5% member contribution and that contribution must be offset by a salary increase:

Ayes: Cary, Gillette, Helgeson, Nelson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// Vice Mayor Johnson arrived during Item #4 at 5:42 p.m.

// City Manager Kimball Payne discussed with Council the schedule for Council swearing in and that Judge Yeatts has agreed to come in around 5:00 p.m. on June 26 and will perform the ceremony. City Manager Payne discussed the organizational meeting that is scheduled to be held on July 2nd at 10:00 a.m. Mr. Payne further discussed several items that need to be addressed regarding City Council's Rules of Procedure.

// During roll call Council Member Nelson noted the passing of W. E. Clark, III, stating that he was a proud veteran, teacher and coach at Dunbar High School and later at E. C. Glass, a civil rights leader and a very conscientious and active member of his neighborhood, the Tyreeanna neighborhood. Mayor Foster commented on the loss of Mr. Clark and said he would be tremendously missed. Council Member Cary commented on the loss of Mr. Clark whom he considered a friend and stated Mr. Clark was a strong advocate for education, for equality, a strong advocate for his Pleasant Valley neighborhood and a proud United States Marine. Council Member Helgeson noted that at the Finance Committee meeting held this morning regarding a report on the Juvenile Detention Center, the cost per housed juvenile is over \$130,000 per child and that something needed to be done. A few years ago it was \$102,000 per person and it's now up to \$132,000. Vice Mayor Johnson commented on the passing of Mr. Clark and stated that he also served the Pleasant Valley Baptist Community and that area and lived next door to the old Pleasant Valley church all of his life and was proud to have Mr. Clark as a member of the Ward he represents.

// City Council recessed the meeting at 6:01 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 recognized the graduates of the Citizens Academy.

// Mayor Foster and Vice Mayor Johnson recognized the Mayor's Youth Council Senior Students.

// Mayor Foster and Vice Mayor Johnson recognized Mr. Thomas Foster - Teacher at Paul Lawrence Dunbar Middle School.

// Copies of the minutes of the May 8, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-048 adopting the FY 2013 Mandated and Contractual External Service Providers (excluding the Lynchburg Humane Society) Budget and appropriating \$8,898,140 for this budget, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-050, adopting the FY 2013 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-051 adopting the FY 2013 Central Virginia Community College Board and Related Operating Budget and appropriating \$1,899 for this budget, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-052 adopting the FY 2013 Court Appointed Special Advocate Budget and appropriating \$12,000 for this budget, laid over from the May 22, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-053 adopting the FY 2013 Region 2000 Economic Development Council Budget and appropriating \$81,586 for this budget, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-054 adopting the FY 2013 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 8,

2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-055 adopting the FY 2013 Virginia Legal Aid Society Budget and appropriating \$10,000 for this budget, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013, Resolution #R-12-056 adopting the FY 2013 Amazement Square Real Estate Tax Refund and appropriating \$5,302 for this budget, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-059 adopting the FY 2013 Operating Fund Budgets and appropriating the sums of each fund, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-060 adopting the FY 2013 Capital Budget and appropriating \$10,342,220 for the City Capital Projects Funds; \$975,000; for the School Capital Projects Fund; \$1,850,000 for the Airport Capital Project Fund; \$3,203,746; for the Water Capital Projects Fund and \$2,180,000 for the Sewer Capital Project Fund and \$300,000 for the Stormwater Capital Project Fund, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY 2013 Budget, Resolution #R-12-061 approving the payment of monetary incentives, awards and bonuses to City employee under certain circumstances, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 FY2013 Budget, Resolution #R-12-062 to set the personal property tax relief rate for the fiscal year beginning July 1, 2012 through June 30, 2013 at 52.8%, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 Fire - General, Resolution #R-12-063 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$50,000, fully reimbursable, to be utilized for equipment and training for the Fire Department's Technical Rescue Team, laid over from the May 8, 2012 meeting, was again presented and read, and on motion of Council Member Perrow, 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 School - Board, a public hearing was held regarding City Council Report #20 regarding 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 Foster read into the record the names of two new volunteers, Patricia Williams Coleman – School District 3 and Nina L. Polley – School District 2. Mayor Foster stated that Nina L. Polley had withdrawn her application, as well as District 1 volunteer Mona Williams. Ms. Katie Snyder, District 3 volunteer, spoke to City Council stating her reasons and qualifications for this position. There were two individuals speaking in support of Ms. Snyder. Nina L. Polley, spoke before City Council and stated that she would like to be re-considered as a candidate for the School Board. Mayor Foster stated that one email and two letters had been received supporting Mrs. Evoyne Green's application. There was no one present who wished to speak to this item. Mayor Foster asked Council if they would like to continue the public hearing to June 12 and make appointments on June 26 or if they would like to close the public hearing and schedule interviews. Council Member Perrow said that he had received an email from District 3 candidate Joshua Owens and he had planned to come, but had been out of town and may have experienced a flight delay because of the bad weather. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote closed the public hearing and to schedule interviews:

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

Noes: 0

City Manager Kimball Payne stated that the Clerk has suggested June 5 as a date to schedule the interviews and Council by consensus agreed to hold interviews on June 5.

// In the matter of City Code/Taxes, City Council Report #21 was considered. On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-12-079, as presented, amending the City Code relating to the exemption of Real Estate Taxes for certain Elderly and Disabled persons:

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

Noes: 0

// In the matter of FY2013 Budget, Resolution #R-12-047 adopting the FY 2013 General Fund Operating Budget (excluding External Service Provider and Component Unit expenditures) and appropriating \$182,508,667 for this budget, laid over from the May 8, 2012 meeting, was again presented and read. Council Member Gillette made a motion to approve which was seconded by Council Member Nelson. During discussion several Council Members stated their reasons for voting against this Budget resolution: (1) this is a \$3 million tax increase and a \$2.4 million stormwater tax increase to our citizens, (2) citizens are currently fiscally stressed, (3) one out of every eight housing units in the city are now vacant, (4) one out of every four residents in the city are dependent on food stamps, (5) bigger tax burden on property owners, (6) duplicated services between the City of Lynchburg and City Schools need to be consolidated, and (7) the need to privatize a number of services. After discussion, Council by the following recorded vote adopted the Resolution:

Ayes: Gillette, Johnson, Nelson, Foster

4

Noes: Cary, Helgeson Perrow

3

// In the matter of FY2013 Budget, Resolution #R-12-049 adopting the FY 2013 Contractual External Service Provider Budget for the Lynchburg Humane Society and appropriating \$281,538 for this budget, laid over from the May 8, 2012 meeting, was again presented and read. Council Member Gillette made a motion to adopt the resolution, seconded by Vice Mayor Johnson. Council Member Helgeson stated that he would not be voting for this because of the following: a bigger tax burden put on the City's taxpayers, this budget gives the Humane Society an additional \$675,000 by approving the contract, this budget gives them \$281,000 operating budget which doubles the amount of money that was given to them last year, and when raising the taxes on the citizens is not the time to be increasing the services to stray animals. Council by the following recorded vote adopted the Resolution:

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

6

Noes: Helgeson

1

// In the matter of FY2013 Budget, Resolution #R-12-057 adopting the FY 2013 School Operating Budget and appropriating \$92,796,315 for this budget, laid over from the May 8, 2012 meeting, was again presented and read. Council Member Gillette made a motion to adopt this resolution and Council Member Cary seconded the motion. Council Member Nelson made the following disclosure "my wife is an employee as a principal in the public schools, notwithstanding that fact, I do not think that it would impair my independent judgment in deciding this issue." Council Member Helgeson stated that he would be voting against this resolution for the following reasons: (1) a bigger tax burden on citizens, (2) this is a 12% increase or \$3.7 million more than what was given them last year, (3) a lack of progress toward consolidation and privatization, (4) council is just throwing money at problems instead of getting serious about fixing education. Council by the following recorded vote adopted the Resolution:

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

6

Noes: Helgeson

1

// In the matter of FY2013 Budget, Resolution #R-12-058 adopting the FY 2013 Greater Lynchburg Transit Budget and appropriating \$7,016,113, laid over from the May 8, 2012 meeting, was again presented and

read. Council Member Gillette made a motion to adopt the resolution, seconded by Vice Mayor Johnson. Council Member Helgeson stated that about two months ago Council decided to give \$506,000 in taxpayer money to help fund GLTC's line of credit and now Council is being asked to give an additional \$400,000 over last year and that Council should not be increasing the tax burden on the city's already fiscally-stressed taxpayers. Council by the following recorded vote adopted the Resolution:

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

Noes: Helgeson, Perrow 2

// On motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, 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 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 Perrow, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// The meeting was adjourned at 9:13 P.M.

Clerk of Council