

// A regular meeting of the Council of the City of Lynchburg was held on the 14th 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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// Mr. Ben Copeland, Assistant Superintendent for Operations and Administration, presented the School Board conceptual plan for the replacement of the current Heritage High School (HHS) with a new building on the existing site. Mr. James McCalla with Mosley Architects spoke first to deliver a short presentation explaining how the group used a workshop to create potential designs for Heritage High School. Mr. Copeland explained the concept, cost estimate, schedule and third party services.

After the presentation of the proposed design concept for HHS there were many questions, compliments and continuing concerns about the cost of the school. Council proposed the following questions and concerns:

- Is the Field House still on the table for the project?
- Concerns were raised because so much investment has been put into this building over the last few years.
- What plans are being made to fund the Governor's School building?
- Have plans been made for the existing green space?
- Does the atrium have a functional capacity or serve as an ornamental space?
- Which state educational consultants were consulted about the building space and the price of the new school (HHS)?
- How many high schools in Virginia have indoor tracks? There is only one high school; Heritage.
- Expressed concerns over the three-story model for HHS and whether it is energy efficient.

Mayor Gillette thanked the Council Members for the feedback and comments. He also stated this school will be technology capable for the future. He also believes the current finish date of 2018 would be great, but the City should work to be as frugal as possible while also providing a quality educational facility.

// Council Member Perrow made a statement that his firm has an interest in the Lynchburg Civic Center project. He stated, "In that regard, I have a conflict of interest, though no action will be taken, I will not participate in this item."

Bryan David, Executive Director of the Region 2000 Economic Development Council, provided an update on the activities of the Civic Center Working Group which has been exploring the feasibility of building such a facility in the community. Mr. David provided an update on the ongoing civic center discussion with Region 2000, Liberty University, and other partner agencies who are studying the viability of building a civic center. Mr. David further stated that the Sears store at River Ridge Mall has been purchased by Liberty University, which offered the store as a future civic center location.

// During roll call Council Member Cary stated he had received a letter from a resident on Princeton Circle complaining that some residents on Princeton Circle had not renewed their permit parking sticker and would like the police department to look into this matter.

// Council Member Foster commented that it was now a smooth ride on Rivermont Avenue and also she was very appreciative of the bike lanes that had been added.

// Vice Mayor Johnson stated a concern of a possible traffic problem on Pierce Street regarding the bus route for students.

// Mayor Gillette made the following announcements:

Recognized the City of Lynchburg for winning 3 of 6 awards (Best Meal, People's Choice and Judges Choice) for the Canstruction project which helped to raise food for the Blue Ridge Area Food Bank.

Recognition of Lynch's Landing Awards:

Lynch's Landing Foundation and the City of Lynchburg were presented with Virginia Main Street Milestone Achievement Awards.

Cliff's Edge Lofts received Award of Excellence from Virginia Downtown Development Association.

The Comprehensive Plan Public Meeting Schedule:

TUESDAY, JUNE 4

6:00 p.m. – 8:30 p.m.

E.C. Glass High School Cafeteria

2111 Memorial Avenue

WEDNESDAY, JUNE 5

11:00 a.m. – 1:30 p.m.

Paul Munro Elementary School Cafeteria

4641 Locksview Road

6:00 p.m. – 8:30 p.m.

Sandusky Middle School

805 Chinook Place

Council Retreat is scheduled for September 3, 2013.

Joint Council and School Board Meeting is scheduled for October 1, 2013.

// On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members about a specific legal matter, the extension of Virginia Aviation's lease at the Lynchburg Regional Airport and for consultation with legal counsel and briefings by staff members concerning the case of River Ridge Mall v. City of Lynchburg, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended.:

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

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Noes:

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// 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 Foster, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// City Council recessed the meeting at 6:43 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 7

Absent: 0

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

// Copies of the minutes of the April 9, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 23, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Police – Emergency Services, Resolution #R-13-049, laid over from the April 23, 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 School – Board, a public hearing was held on City Council Report #8 regarding receiving input from citizens on 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 the current School Board members whose terms will expire on June 30th: District 1, Mary Ann Barker, who is willing to serve again; District 2, Jettie Marie Waller, who is willing to serve again; and District 3, Albert L. Billingsly, who is not eligible to serve again. Mayor Gillette then read into the record the names of

volunteers who have applied to-date to serve on the School Board: District 1 – Michael A. Bodnar, Thomas Butler, and Christopher Shearer; District 2 – Eyvonne H. Green, and Lewis Lee, Jr.; District 3 – no volunteers. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Mary Ann Barker, Eyvonne H. Green, Lewis Lee, Jr., and Jettie Marie Waller. Two individuals spoke in support of Eyvonne H. Green. There was no one else present who wished to speak to this item. Council Members discussed and reached consensus to continue the public hearing until the May 28 meeting to allow more time for citizens to apply for the positions on the School Board. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote continued the public hearing until May 28 to allow more time to receive names of volunteers:

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

Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held on City Council Report #9 regarding receiving comments on the Community Development Block Grant (CDBG) and HOME Program FY 2014 Annual Action Plan and adopting a Resolution approving the FY 2014 Annual Action Plan. Grants Manager Melva Walker gave an outline of the Community Development Block Grant (CDBG) and HOME Program FY 2014 Annual Action 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 Helgeson, Chair of the Community Development Advisory Committee (CDAC), seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-050, as presented, approving the FY 2014 Annual Action Plan:

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

Noes: 0

// In the matter of Community Development – General, a public hearing was held on City Council Report #10 regarding the adoption of a Resolution to approve a lease agreement between the City of Lynchburg and Ramp Church International for city-owned property located at 3813 Old Forest Road. Real Estate Manager Steve Lawson gave a summary of the request. One individual from Ramp Church International spoke in favor of 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 matter came before the PDC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-13-051, as presented, approving a lease agreement between the City of Lynchburg and Ramp Church International for city-owned property located at 3813 Old Forest Road:

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

Noes: 0

// In the matter of City Council, Ms. Consuela Mosley spoke before Council regarding the Parental Alienation Awareness Organization. The organization helps to address parental alienation which impacts the quality of children's lives.

// In the matter of City Council, Mr. Michael Largen spoke before Council representing Cornerstone homeowners. Mr. Largen stated homes were purchased in Cornerstone, in part based upon the conditions placed on the Cornerstone Development by City Council and there are buildings now under construction that they believe are violating these conditions.

// Council Member Nelson read into the record a statement that he previously prepared work on the parcel of land by Lynchburg College and would abstain from discussion and voting on this item.

In the matter of Economic Development Authority (EDA), City Council Report #13 regarding approving the issuance of bonds not to exceed \$7,700,000 through the Economic Development Authority of Amherst County, Virginia (EDA), for Lynchburg College was considered. Mr. Ted Craddock, Lynchburg Economic Development Authority legal counsel, provided a brief summary regarding the request. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-052, as presented, approving the issuance of bonds not to exceed \$7,700,000 through the Economic Development Authority of Amherst County, Virginia, for Lynchburg College:

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

// In the matter of Lynchburg Economic Development Authority (LEDA), City Council Report #14 approving the issuance of bonds not to exceed \$25,000,000 through the Lynchburg Economic Development Authority (LEDA) was considered. Mr. Ted Craddock, Lynchburg Economic Development Authority legal counsel, provided a brief summary regarding the request. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-053, as presented, approving the issuance of bonds not to exceed \$25,000,000 through the Lynchburg Economic Development Authority (LEDA), for the benefit of Lynchburg College:

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

// In the matter of Registrar, City Council Report #15 was considered. Council Member Nelson, Chair of the Finance Committee (FC), stated that this matter came before the FC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-054, as presented, 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:

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

// In the matter of Sheriff, City Council Report #16 was considered. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution

#R-13-055, as presented, agreeing to allow the City of Bedford to withdraw from membership in the Blue Ridge Regional Jail Authority:

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

Noes: 0

// In the matter of City Council, City Council Report #17 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-13-056, as presented, approving proposed amendments to City Council's Rules of Procedure:

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

Noes: 0

// In the matter of FY 2014 Budget, City Council Report #18 regarding adoption of the FY 2014 Budget was considered. City Manager Kimball Payne provided a brief summary regarding the budget. Council Members stated they would be supporting the budget because it is a balanced budget with no increases; there are no apparent tax increases and employees are receiving a 3% raise. Council Members decided to vote on each budget resolution separately. Council Member Helgeson stated he would not support this budget, that the total City budget is a \$23 million increase this year that benefits everyone but taxpayers. He suggested that Council develop a plan to become more fiscally conservative to reduce spending and to reduce the tax burden on our citizens. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-057, as presented, adopting the FY 2014 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$189,444,488 for this budget:

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

Noes: Helgeson 1

On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-058, as presented, adopting the FY 2014 Mandated and Contractual External Service Providers Budget and appropriating \$9,714,712 for this budget:

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

Noes: 0

On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-059, as presented, adopting the FY 2014 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget:

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

Noes: 0

On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-060, as

presented, adopting the FY 2014 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,909 for this budget:

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

Noes: 0

On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-061, as presented, adopting the FY 2014 Tourism Budget and appropriating \$500,000 for this budget:

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

Noes: 0

On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-062, as presented, adopting the FY 2014 Region 2000 Economic Development Partnership Budget and appropriating \$81,586 for this budget:

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

Noes: 0

On motion of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-063, as presented, adopting the FY 2014 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget:

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

Noes: 0

On motion of Council Member Foster, seconded by Vice Major Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-064, as presented, adopting the FY 2014 Virginia Legal Aid Society Budget and appropriating \$10,400 for this budget:

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

Noes: 0

On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-065, as presented, adopting the FY 2014 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,302 for this budget:

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

Noes: 0

Mayor Gillette read the motion regarding the FY 2014 School Operating Budget and appropriating \$92,964,218 for this budget. Council Member Nelson stated that his wife is a School Division employee but that fact would not impair his unbiased judgment in consideration of this item. Vice Mayor Johnson read a statement that he is employed in a part time position with the Lynchburg School System. He stated, "As a part time member of the Lynchburg School System I may earn less than \$10,000 in annual income.

If I earn less than \$10,000 in annual income I do not have a conflict of interest under the Virginia Conflict of Interest Act. Even if the income from my part time position with the Lynchburg School System exceeds \$10,000 annually, I am a member of a larger group, employees of the Lynchburg School System, and I am able to participate in discussion and adopting of the budget, including the allocation of funds for the Lynchburg City Public Schools fairly, objectively, and in the public interest. Therefore, I will participate in and vote on this matter."

Council Member Cary stated several concerns regarding the Schools budget. After reviewing the data of absences in the 11 elementary schools, he suggested providing 4 truancy/security officers instead of 11 officers. This would reduce the cost from \$363,020 to \$231,000. Council Member Cary made a motion, seconded by Council Member Perrow to adjust the Schools Operating Budget from \$92,964,018 to \$92,733,218. Council Member Helgeson stated he would not support the budget because it was a \$3.4 million increase over last year's budget. Several Council Members stated they would not support this motion in reducing the Schools budget, but rather would support giving the children the best education possible. After further discussion, Council Member Nelson stated that the schools need more administrative employees to monitor attendance records, not necessarily truancy/security officers. Mayor Gillette called for a vote on the motion made by Council Member Cary, seconded by Council Member Perrow to adjust the Schools Operating Budget from \$92,964,018 to \$92,733,218. Council by the following recorded vote defeated the motion:

Ayes: Cary, Perrow 2

Noes: Foster, Helgeson, Johnson, Nelson, Gillette 5

Council Member Nelson made a substitute motion to reduce the Schools Operating Budget to \$92,904,000 seconded by Council Member Perrow. Council Member Nelson stated based on the school pay scale and reviewing the job description of the truancy/security officers these positions were more in line with a secretary. He also noted the job description for the positions specified little security responsibilities and required no specialized training in security or truancy case management. Mayor Gillette called for a vote on the substitute motion made by Council Member Nelson, seconded by Council Member Perrow to reduce the Schools Operating Budget to \$92,904,000. Council by the following recorded vote defeated the motion:

Ayes: Cary, Nelson, Perrow 3

Noes: Foster, Helgeson, Johnson, Gillette 4

Council Member Foster made a motion to adopt the School Operating Budget and Vice Mayor Johnson seconded the motion. Council Member Helgeson stated he would not support the budget for several reasons 1) a \$3.6 million increase over last year's budget, 2) hiring 33 more employees, and 3) a 2% declining enrollment. After further discussion, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-066, as presented, adopting the FY 2014 School Operating Budget and appropriating \$92,964,218 for this budget:

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

Noes: Cary, Helgeson, 2

On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-067, as presented, adopting the FY 2014 Greater Lynchburg Transit Company Budget and appropriating \$6,777,936 for this budget:

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

Noes: 0

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-13-068, as presented, adopting the FY 2014 Operating Fund Budgets for other funds and appropriating the sums of each fund:

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

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-069, as presented, 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:

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

Noes: 0

On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-070, as presented, approving the payment of monetary incentives, awards and bonuses to City employees under certain circumstances:

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

Noes: 0

On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-071, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2013 through June 30, 2014 at 46.65%:

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

Noes: 0

// The meeting was adjourned at 9:37 P.M.

Clerk of Council