

Agenda Item #4

042

May 13, 2014

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of May, 2014, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Cary gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: 0

// Mayor Gillette presented Certificates of Recognition to the 2014 Hill Climbers.

// Copies of the minutes of the April 8, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, 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 22, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, 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 Region 2000, City Council Report #3 was considered. On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-040, as presented, approving the reappointment of City Manager L. Kimball Payne, III, and Public Works Director Gaynelle L. Hart to the Region 2000 Services Authority:

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

Noes: 0

// In the matter of School - Board, a public hearing was held regarding City Council Report #4 for 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 record the names of the current School Board members whose terms will expire on June 30th: District 1, Regina Dolan-Sewell, who is willing to serve again; District 2, Jennifer Poore, who is willing to serve again; and District 3, Treney L. Tweedy, 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 – Lewis Lee, Jr. and Michael A. Bodnar; District 2- Angela Goin Tyree; District 3- Stephen Burkett. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Stephen Burkett, Lewis Lee, Jr., Jennifer Poore, and Angela Goin Tyree. Vice Mayor Johnson offered the name of LaShan Lovelace. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members discussed and reached consensus to continue the public hearing until the May 27 meeting to allow more time for citizens to apply for the positions on the School Board. On motion of Council Member Foster, seconded by Vice Mayor

Johnson, Council by the following recorded vote continued the public hearing until May 27 to allow more time to receive names of volunteers:

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

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Noes:

0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 5 outlining the petition of B&H Holding to rezone approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road from I-2, Light Industrial District and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend previously approved proffers and to allow the construction of a car wash. Kevin Henry, Planner II, gave a summary of the request and stated that the Planning Commission recommended approval of the rezoning with proffers and the Conditional Use Permit. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-14-041, as presented, granting the petition of B&H Holding to rezone approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road from I-2, Light Industrial District and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend previously approved proffers:

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

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Noes:

0

On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-14-042, as presented, granting the petition of B&H Holding for a Conditional Use Permit at 3801 and 3805 Wards Road to allow fill within the 100-Year Floodplain to facilitate the development of the property as a car wash:

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

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Noes:

0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #6 outlining the petition of GDG Lynchburg Hotel, LLC for a Conditional Use Permit (CUP) to allow the construction of one hundred fifty-six (156) apartment units within three (3) four (4) story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candler's Mountain Road in a B-3C, Community Business District (Conditional). Kevin Henry, Planner II, gave a summary of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Jason Vickers-Smith representing the petitioner asked Council for an approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-043, as presented, granting the Conditional Use Permit:

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

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Noes:

0

// In the matter of Bonds, a public hearing was held regarding City Council Report #7 authorizing the issuance of General Obligation Public Improvement Bonds not to exceed \$105,120,000 and the issuance of not to exceed \$40,000,000 General Obligation Public Improvement Refunding Bonds, Series 2014, for City, Schools, Water and Sewer Capital Projects and amend 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. Director of Financial Services Donna Witt gave a summary of the issuance of General Obligation Public Improvement Bonds. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated he would be voting against this Bond Resolution due to the fact that this is the largest tax burden debt that will be placed on the taxpayers in the history of Lynchburg. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-044, as presented, authorizing the issuance of General Obligation Public Improvement Bonds not to exceed \$105,120,000 and the issuance of not to exceed \$40,000,000 General Obligation Public Improvement Refunding Bonds, Series 2014, for City, Schools, Water and Sewer Capital Projects and amend the FY 2014 General, Water, and Sewer Funds' Operating Budgets:

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

On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-045, as presented, to provide appropriations totaling \$700,000 with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance:

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

// In the matter of City Council, City Council Report #8 was considered. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-046, as presented, confirming the City Manager's Declaration of Emergency related to the train derailment and subsequent fire that occurred on April 30, 2014:

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

// In the matter of Schools - General, City Council Report #9 was considered. 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-14-047, as presented, 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:

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

// In the matter of FY 2015 Budget City Council Report #10 regarding adoption of the FY2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$193,427,251 was considered. City Manager Kimball Payne provided a brief summary regarding the Budget. Council Members decided to vote on each Budget resolution separately. Council Member Helgeson stated that there was no tax increase in this year's Budget but a 4 million tax increase has been in the Budget for the last two years and for that reason he would be voting against this item. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-048, as presented, adopting the FY 2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$193,427,251 for this budget:

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

Noes: Helgeson 1

// On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-049, as presented, adopting the FY 2015 Mandated and Contractual External Service Providers Budget and appropriating \$8,081,521 for this budget:

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

Noes: 0

// 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-14-050, as presented, adopting the FY 2015 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 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-14-051, as presented, adopting the FY 2015 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,917 for this budget:

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

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-052, as presented, adopting the FY 2015 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 Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-053, as presented, adopting the FY 2015 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 Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-054, as presented, adopting the FY 2015 Virginia Legal Aid Society Budget and appropriating \$10,816 for this budget:

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

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-055, as presented, adopting the FY 2015 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

// Council Member Perrow stated he recently entered into a contract with the Region 2000 Local Government Council, which provides engineering services to Region 2000 Government Council and he has a personal interest. Council member Perrow stated under the Virginia Conflict of Interest Act, he must abstain from discussion and voting on this item. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-056, as presented, adopting the FY 2015 Region 2000 Local Government Council Budget and appropriating \$44,392 for this budget:

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

Noes: 0

Abstention: Perrow 1

// Mayor Gillette read the motion regarding the FY 2015 School Operating Budget and appropriating \$96,735,696 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 Helgeson stated he would not support the budget because it was a \$3.4 million increase over last year’s budget.

On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-057, as presented, adopting the FY 2015 School Operating Budget and appropriating \$96,735,696 for this budget:

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

Noes: Helgeson 1

// On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-058, as presented, adopting the FY 2015 Greater Lynchburg Transit Company Budget and appropriating \$7,091,143 for this budget:

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

Noes: 0

// 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-14-059, as presented, adopting FY 2015 Operating Fund Budgets for other funds and appropriating the sums of each fund:

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

Noes: 0

// Council Member Helgeson stated that the FY 2015 – 2019 Capital Improvement Program Budget will be maxed out and the ability for the City to borrow will be limited for many years. The spending of millions and millions of dollars for the new Heritage High School when there is a greater need for better roads and traffic patterns on Wards Road and Greenview Drive, for that reason he would be voting against this item.

On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-060, as presented, adopting a Resolution amending the FY 2015 – 2019 Capital Improvement Program Budget:

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

Noes: Helgeson 1

// On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-061, as presented, 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:

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

Noes: Helgeson 1

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-062, as presented, approving the payment of monetary incentives, awards and bonuses, not to exceed \$60,000 annually, to City employees under certain circumstances:

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-14-063, as presented, 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:

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

Noes: 0

// 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-14-064, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2014 through June 30, 2015 at 49.28%:

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

Noes: 0

// The meeting was adjourned at 8:50 P.M.

Clerk of Council