

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of May, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 6

Absent: Dodson 1

// Vice Mayor Dodson arrived at 5:05 p.m.

// City Planner Tom Martin provided a summary report of the proposed amendments to Chapter 14, Transportation of the Comprehensive Plan 2002-2020. Mr. Martin stated that the City of Lynchburg Comprehensive Plan 2002-2020 recommends continuous monitoring and updates of the Plan to insure it "has not simply been put on the shelf". Mr. Martin explained that the Plan specifically identifies positive and negative effects that new development and redevelopment have on the City and recommends that policies be designed to maximize City-wide economic development strategies and determine if code changes will meet these objectives without negative impacts on environmental sensitivity, cultural resources and surrounding land uses. Mr. Martin explained the three revisions in the Transportation Plan:

- Guiding Principles – the plan should be established to provide a vision for the City's transportation policies and to support decision making.
- Access Management - process of providing and managing access to development while preserving the regional flow of traffic in terms of safety, capacity and speed.
- General Text Edits – focus on Long Range Transportation Plan (LRTP), Six Year Improvement Program (SYIP) and Transportation Improvement Plan (TIP).

Council Member Perrow stated several concerns regarding the Plan...

- changing the wording from "fiscally realistic" to "fiscally responsible"
- being more business friendly by putting the development where it is needed and then routing the bus lanes to that development.
- Do we really want to define the future land use map around the current or future transit service?
Or should the current or future transit service be defined around the future land use map?

Council Member Helgeson stated that he would like to have the school bus system in the document because of the frequent stopping and starting of the school buses.

After the discussion with Council, it was the consensus of Council to make corrections and then proceed with advertising for a public hearing.

// During roll call Council Member Helgeson questioned the pretty high turnover in the downtown parking enforcement stating that there has been a significant difference and requested the number on parking tickets that were issued before the Parking Management program and then parking tickets after. Council Member Gillette congratulated the citizens of the City of Lynchburg for pulling off a productive and incident free election last week. He did not get any calls from constituents about problems anywhere. He also congratulated Mayor Foster, Council Member Nelson and welcomed Council Member Elect Cary to Council. Council Member Perrow expressed congratulations for a job well done to the Electoral Board, poll workers and the Registrar's office on the May 4th election. Council Member Perrow also asked staff about

moving to annual assessments. Council Member Johnson again asked about the welcoming signage in the White Rock Hill Neighborhood. Vice Mayor Dodson stated that two police officers from our Sister City of Glauchau, Germany will be visiting Lynchburg from May 17 – 26, 2010. Mayor Forster discussed the Swearing In Ceremony for new Council Members, the Organizational Meeting and School Board Appointments. On the consensus of Council the Organizational Meeting was set for July 9th at 1:00 P.M. in Council Chamber. The Swearing in Ceremony and School Board Appointments dates were not selected at the meeting.

// On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the acquisition of real property for a public purpose, the Midtown Connector Project, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City as permitted by Section 2.2-3711(A)(3), respectively, Code of Virginia (1950), as amended:

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

7

Noes:

0

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

// Council Member Johnson 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: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster

7

Noes:

0

// City Council recessed the meeting at 6:50 p.m.

// City Council reconvened the meeting at 7:30 p.m.

// The following Members were present:

Present: Dodson, Gillette, Helgeson, Nelson, Perrow, Foster

6

Absent: Johnson

1

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

// Mayor Foster presented a proclamation for John Stewart Walker Realtor Day.

// Copies of the minutes of the April 20, 2010 meeting, having been previously furnished Council. Council Member Helgeson asked to pull the April 20 minutes from the agenda.

// Copies of the minutes of the April 27, 2010 meeting, having been previously furnished Council.

Council Member Helgeson asked to pull the minutes of April 27 minutes from the agenda.

// In the matter of Finance - Bonds, Resolution #R-10-038 amending the FY 2010 General Fund Adopted Budget and appropriating \$10,125 from the General Fund Reserve for Contingencies for seventy-three percent (73%) of the re-authorizing costs, laid over from the April 27, 2010 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: Dodson, Gillette, Helgeson, Nelson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// In the matter of Budget, City Council Report #7 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-10-039, as presented, amending the FY 2010 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure and transfer adjustments:

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

Noes: 0

Absent: Johnson 1

// In the matter of Finance - Bonds, Resolution #R-10-044 amending the FY 2010 General, Water and Sewer Funds' Adopted Budgets and appropriating \$97,645, \$23,687 and \$28,868, respectively, with resources from the refunding bond proceeds for a total of \$150,200 for estimated issuance costs, laid over from the April 27, 2010 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: Dodson, Gillette, Helgeson, Nelson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// In the matter of Public Works - General, City Council Report #9 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-045, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$744,000, with resources of \$500,000 in Federal funding for replacement of the HVAC system at the Public Library and to perform building energy audits/energy efficiency upgrades to City buildings:

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

Noes: 0

Absent: Johnson 1

// In the matter of Budget/City Council, City Council Report #10 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-046, as presented, amending FY 2010 General, Fleet, Regional Juvenile Detention Center, Airport, Water and Sewer Funds Adopted budget and appropriating \$509,184, for a staff bonus to be paid on the July 1, 2010 pay date:

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

// In the matter of Schools - School Board, a public hearing was 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 the current School Board members whose terms will expire on June 30: District 1, Mary Ann Barker; District 2, Darin L. Gerdes, who is not willing to serve again; District 3, Albert L. Billingsly. Mayor Foster then read into the record the names of volunteers who have applied to-date to serve on the School Board: District 1 – Anne L. Alfieri, Elizabeth Marsh, and Bryan E. Tiller; District 2 – Jenifer R. Poore and Jettie Marie Waller; District 3 there were 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, Albert Billingsly, Jenifer R. Poore and Jettie Marie Waller. Three individuals spoke in support of Jettie Marie Waller; two individuals spoke in support of Jenifer R. Poore. There was no one else present who wished to speak. Council Members discussed and reached consensus to continue the public hearing until the May 25 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 Helgeson, Council by the following recorded vote continued the public hearing until May 25 to allow more time to receive names of volunteers:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of Mount Carmel Baptist Church Trustees for a Conditional Use Permit (CUP) to allow the construction of a church parking lot in an R-3, Medium Density Two-Family Residential District at 807, 811 and 817 Norwood Street. City Planner Tom Martin provided a brief summary regarding the petition, stating that the Planning Commission recommended approval of the CUP. Mr. Ed Ewers, with James C. May and Associates, representing the petitioner, outlined the request and asked for approval. There was one individual, Ms. Cynthia Coles that spoke in support of the request. There was no one else present who wished to speak to this item and the public hearing was closed. On motion of Council

Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-10-047, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of Redeemer Presbyterian Church for a Conditional Use Permit (CUP) to adopt a master plan that would allow the future construction of a church sanctuary, classroom space, parking additions, recreational and maintenance facilities in an R-1, Low Density, Single-Family Residential District at 2021 and 2025 Mimosa Drive. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Martin stated that the Planning Commission originally conducted a public hearing on October 14, 2009 and requested that the petitioner provide additional detailed information regarding stormwater management, parking layout, grading and construction limits. Mr. Martin went on to say with those items being addressed the Planning Commission recommended approval of the CUP. Ms. Mary Ellen Goodlatte, an attorney representing the Redeemer Presbyterian Church, outlined the request and asked for approval stating that the request for the CUP is to expand the existing sanctuary and add additional parking spaces to the facilities at 2025 Mimosa Drive. There were four individuals that spoke in support of the petition. There was no one else present who wished to speak to this item and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-10-048, as presented, granting the Conditional Use Permit:

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

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #14 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 516 Polk Street under Section 36-19.5 of the Code of Virginia. LRHA Manager Connie Snavelly provided a brief summary regarding the request. 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 Helgeson, Council by the following recorded vote adopted Resolution #R-10-049, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 516 Polk Street under Section 36-19.5 of the Code of Virginia:

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

// In the matter of Housing Authority, City Council Report # 15 was considered. City Manager Kimball Payne explained that Resolution #R-09-066 adopted July 14, 2009 authorizing Lynchburg Redevelopment

and Housing Authority (LRHA) to pursue acquisition of blighted property at 517 and 521 Winston Ridge Road to clarify that both structures are on the same lot and are also shown as 519 and 521 Winston Ridge Road on City tax map parcel 108-09-022, under Section 36-19.5 of the Code of Virginia.

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-10-050, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 519 and 521 Winston Ridge Road under Section 36-19.5 of the Code of Virginia:

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

Noes: 0

Absent: Johnson 1

// Council Member Johnson arrived at 9:03 p.m. during agenda item #16.

// In the matter of FY2011 Budget/CIP, City Council Report #16 regarding the FY 2011 Budget and Capital Improvements Program was considered. City Manager Kimball Payne stated that the budget resolutions incorporate all of the budget changes requested by City Council. Council Member Perrow stated that he was supporting this because it is a balanced budget with no increases, there are no apparent tax increases, the size of government has been reduced and increased productivity and given bonuses to staff. Council Member Helgeson stated that he was not voting for this resolution because he believes we could have tightened up our belts a little more; Council Member Helgeson went on to say that we needed to recognize the physical stress on taxpayers, and that there were several items that needed to be looked at. Vice Mayor Dodson stated that there were a lot of localities that had bigger problems and a lot of work was done by Council and staff and put into this budget and it was the best we could do, particularly with the state cuts and believes it's a fine budget. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-051, as presented, adopting the FY 2011 General Fund Operating Budget (excluding External Service Provider expenditures) and appropriating \$177,893.783 for this budget:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 6

Noes: Helgeson 1

// On motion of Vice Mayor Dodson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-052, as presented, adopting the FY 2011 Mandated and Contractual External Service Providers Budget and appropriating \$6,946,888 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-053, as presented, adopting the FY 2011 Central Virginia Area Agency on Aging Budget and appropriating \$15,000 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-054, as presented, adopting the FY 2011 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,831 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-055, as presented, adopting the FY 2011 Court Appointed Special Advocate Budget and appropriating \$12,000 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-056, as presented, adopting the FY 2011 Region 2000 Economic Development Council Budget and appropriating \$82,250 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-057, as presented, adopting the FY 2011 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-058, as presented, adopting the FY 2011 Virginia Legal Aid Society Budget and appropriating \$10,000 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-059, as presented, adopting the FY 2010 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,302 for this budget:

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

Noes: 0

// Council Member Helgeson stated he was voting against this because it is not level funding as stated but because the state has lowered the requirements based on General Assembly action that we were giving

more than was mandated, overexpending of the schools operating budget and the funds that they were going to have to fix the leaky roof at Heritage High School, this year we are budgeting for 1.9M dollars extra to go for capital improvements, and the increase in the local taxpayers contribution is the extra 2.5M dollars debt service for Sandusky Middle School. Vice Mayor Dodson stated that in his opinion this is level funding as far as operating for the schools in relation to the operations not counting the capital improvements. Council Member Perrow stated that last year's local contribution was \$31,942,103, and this year we're giving the same amount and he is supportive of that because the State contribution declined significantly and its still a 10% cut in their operating fund but that in future years he will continue to support consolidating services between the City and the Schools and he was going to support this resolution. On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-060, as presented, adopting the FY 2011 School Operating Budget and appropriating \$85,544,431 for this budget:

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

Noes: Helgeson 1

// On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-061, as presented, adopting the FY2011 Greater Lynchburg Transit Budget and appropriating \$6,527,524 for this budget:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-062, as presented, adopting all other FY 2011 Operating Fund Budgets and appropriating the sums for each fund:

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

Noes: 0

// Council Member Perrow pointed out that the City was not incurring a lot of new debt, that we would be tapping a letter of credit and felt that was a good thing. Council Member Helgeson stated that there were a lot of excellent things in this budget but was reluctant to vote for it because of traffic concerns that were not funded. Council Member Helgeson went on to say that he believes the priority on transportation should have been ahead of some of the other items in the CIP so he cannot support this at this time. On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-063, as presented, adopting the FY 2011 Capital Budget and appropriating \$9,593,736 for the City Capital Projects Fund; \$1,941,733 for the School Projects Fund; \$2,355,000 for the Airport Capital Projects Fund; \$4,885,000 for the Water Capital Projects Fund; and \$12,500,000 for the Sewer Capital Projects Fund:

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

Noes: Helgeson 1

// On motion of Vice Mayor Dodson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-064, as presented, approving the payment of monetary incentives, awards and bonuses to City employees under certain circumstances:

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

Noes: 0

// On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-065, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2010 through June 30, 2011 at 54.68%:

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

Noes: 0

// On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of prospective candidates for the position of the Clerk of Council pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

Noes: 0

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

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

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

Noes: 0

// The meeting was adjourned at 9:44 P.M.