// A regular meeting of the Council of the City of Lynchburg was held on the 10th 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

// Human Resources Director Margaret Schmitt gave an overview on the potential for consolidation of the City and Schools Health Benefits Program. Ms. Schmitt introduced representatives Ms. Shelly Blackburn, Mr. Jeff Harlow and Mr. Chris Covert with Aon Hewitt who gave a presentation on the following:

- Aon Hewitt Point of View
- Focus Group Highlights
- Demographic and Plan Comparison
- Consolidation “Go” or “No Go” Discussion
- Next Steps/Timeline

// Utilities Director Tim Mitchell gave a report of the Draft Region 2000 Water Supply Plan. Mr. Mitchell stated that on November 2, 2005, Title 62.1 of the Code of Virginia 9 VAC 25-780 et seq. Local and Regional Water Planning Regulations became effective. Mr. Mitchell further stated these regulations required that all local governments in the Commonwealth of Virginia submit a local or regional water supply plan to the State Water Control Board. Mr. Mitchell went on to say that the purpose of this was multi-fold and included:

1. Ensure that adequate and safe drinking water is available to all citizens in the region;
2. Encourage, promote, and protect all other beneficial uses of the region’s water resources;
3. Encourage, promote, and develop incentives for alternate water sources; and
4. Promote conservation.

Mr. Mitchell stated the next step is to hold a public hearing to adopt a resolution of the Plan, which includes a Drought Response and Contingency Plan and the final adopted Plan must then be submitted to Department of Environmental Quality (DEQ) by November 2, 2011 deadline.

// Grant Manager Melva Walker gave a summary of the allocations from the Community Development Advisory Committee (CADC) regarding recommendations for the FY 2012 Community Development Block Grant (CDBG) and HOME Program. Ms. Walker stated the Business Development Center returned funds from their Revolving Loan and between this amount and HUD’s final estimated allocation amount, City Council will need to reduce the CDAC recommended allocation amount by $40,352.32. Council Member Helgeson, Chair of the CDAC said that CDAC had met and staff had given a breakdown and the recommendations from this meeting was before Council. There being a shortfall, Council was going to have to decide where funds are coming from. Vice Mayor Johnson, Vice Chair stated that his was a compromise budget and the four (4) organizations listed at the bottom of the list were CDAC’s recommendation. Vice Mayor Johnson added that this money is going away in the next year and that this would be the last time for this type of allocation and wanted to see where the money was coming from that would be fair and equitable to everyone. Several Council Members had concerns regarding Bluffwalk

project and Tinbridge Hill Neighborhood. Several different allocations were discussed which included reducing the following: The Gateway House, Inc., Smart Beginnings, YWCA DVPC and Miriam House.

Vice Mayor Johnson made a motion to stay with CDAC's recommendation and the compromise that came from CDAC about the allocation for the four non-profits to stay as CDAC recommended and to take the $40,000 out of Tinbridge Hills and if there is a reallocation of $40,000 it would go back into Tinbridge Hills, seconded by Council Member Gillette. Mayor Foster asked that the Smart Beginnings be removed and voted on separately due to the fact that she worked on the Leadership Committee representing the City on the Smart Beginnings and that she can recuse herself from this vote and vote on everything else. Mayor Foster asked Vice Mayor Johnson if he would accept taking Smart Beginnings out of the motion as a friendly amendment and he replied yes.

Council Member Perrow made a friendly amendment to the motion, seconded by Council Member Helgeson, to amend the motion of Vice Mayor Johnson and level fund The Gateway House, Inc., YWCA and Miriam's House and apply the balance and make it up in the Tinbridge Neighborhood. Mayor Foster stated that Miriam's House and the Gateway had similar activities. Council Member Helgeson suggested taking $1,000 from Gateway and give it to Miriam's House and Mayor Foster agreed and offered this as a friendly amendment and Council Member Perrow accepted the friendly amendment as did Council Member Helgeson. Vice Mayor Johnson stated that he would not vote for the motion because it is going against the Committee recommendations by reshuffling the money for nonprofits, and Council by the following recorded vote defeated the motion:

Ayes: Cary, Helgeson, Perrow	3
Noes: Gillette, Johnson, Nelson, Foster	4

Vice Mayor Johnson's motion was again presented seconded by Council Member Gillette to vote on all the items excluding Smart Beginnings and Council by the following recorded vote passed the motion:

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

A motion was made by Council Member Helgeson, seconded by Council Member Perrow to give $4,000 to Gateway, $1,000 to YWCA, $1,000 to Miriam's House and the balance to Smart Beginnings, seconded by Council Member Perrow and Council by the following recorded vote passed the motion:

Ayes: Cary, Gillette, Helgeson, Nelson, Perrow	5
Noes: Johnson	1
Abstain: Foster	1

Council Member Helgeson made a motion to lower funding of $6,750 from LynCag Substantial Rehabilitation and the LNDF Homeownership Fund, seconded by Council Member Cary. Council Member Nelson made a statement that he would abstain from voting on this motion stating that he does pro bono work for Lynchburg Neighborhood Development Foundation, and Council by the following recorded voted passed the motion:

Ayes: Cary, Gillette, Helgeson, Perrow, Foster	5
Noes: Johnson	1
Abstain: Nelson	1

// During roll call Council Member Helgeson referred his question to the City Manager that Buffalo Wild Wings will be having an outside event on Sunday, May 15, 2011 from 11:00 A.M. until 11:00 P.M. with concern not to violate the noise ordinance. In response to Council Member Helgeson, City Manager stated that it is private property.

// City Council recessed the meeting to attend a Reception for Hill Climbers recipients which was hosted at the Holiday Inn.

// City Council recessed the meeting at 6:10 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

Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Johnson presented Certificates of Recognition to the 2011 Hill Climbers recipients, i.e., Joshua Baroch, Sophie Brooks, Shakera Cabler, Demarr Gillis, Deshad Gillis, Taehum Kim, Kaylyn Mays, Donovan Montague, Savannah Moore, Terrell Moss, and Frances White.

// Mayor Foster and Vice Mayor Johnson presented Certificates of Recognition to Liberty University Debate Team.

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition for Occupant Protection Month to the Police Department.

// Vice Mayor Johnson made a request that Item #8 on the Consent Agenda be removed and to vote on that item separately. Mayor Foster had a request from the Police department to remove Item #9 from the Consent Agenda until the proper documentation had been received for the approval of the grant.

// Copies of the minutes of the April 26 (2 meetings), 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the revised minutes as presented:

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

// In the matter of Schools, Resolution #R-11-034 amending the FY 2011 General Fund Budget and appropriating $1,467,931 for transfer to the School Operating Fund with resources from unexpended FY 2010 School Operating 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 Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Budget, Resolution #R-11-035 amending the FY 2011 Third Quarter Budget Adjustments, laid over from the April 26, 2011 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Lynchburg Neighborhood Development Foundation (LNDF), Council Report #8 was considered. Vice Mayor Johnson made a motion, seconded by Council Member Cary to table this item for a future meeting. Council Member Nelson made a statement that he does pro bono work for Lynchburg Neighborhood Development Foundation (LNDF) and it could be considered as a conflict. Council Member Gillette offered a friendly amendment to include budget Item 18K with the motion, Vice Mayor Johnson and Council Member Cary accepted the friendly amendment.

Council Member Helgeson stated that he would not support tabling this item because it has been discussed at length during the budget process and thought it was by consensus of Council that this was no longer a contract. Council Member Perrow also agreed with Council Member Helgeson to terminate this contract. Council Member Helgeson made a substitute motion to adopt the attached resolution terminating the contract between the City and LNDF as presented by staff, seconded by Council Member Perrow, and Council by the following recorded vote defeated the motion

Ayes: Cary, Helgeson, Perrow,	3
Noes: Gillette, Johnson, Foster	3
Abstain: Nelson	1

City Attorney Erwin stated that now the substitute motion had failed Council has to vote on the original motion by Vice Mayor Johnson, and Council by the following recorded vote passed the motion to table item 8 and item 18K:

Ayes: Gillette, Johnson, Perrow, Foster	4
Noes: Cary, Helgeson	2
Abstain: Nelson	1

// In the matter of Police – General, City Council Report #9 for FY 2011 Department of Emergency Management Grant for Thermal Imaging Equipment was pulled from the agenda until the Police department could receive the proper documentation for the grant.

// In the matter of Schools – General / Parks and Recreation – General, City Council Report #10 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-037, as presented, to amend the FY 2011 Schools Capital Projects Fund and appropriate $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:

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

// 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, Regina Dolan-Sewell, who is willing to serve again; District 2, Thomas H. Webb, who is not willing to serve again; District 3, Treney L.

Tweedy, who is willing to serve again. Mayor Foster then read into the record the names of volunteers who have applied to-date to serve on the School Board: District 1 - there were no volunteers; District 2 – Dierdre G. Glover, Lewis Lee, Jr., and Jennifer Poore; District 3 - there were no volunteers. There were no candidates that spoke before City Council. Vice Mayor Johnson submitted the names of Ronnie Shoultz and Nathaniel Marshall as District 2 representatives. 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 May 24 meeting to allow more time for citizens to apply for the positions on the School Board. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote continued the public hearing until May 24 to allow more time to receive names of volunteers:

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

Noes: 0

// In the matter of Community Planning – CDBG, a public hearing was held regarding City Council Report #12 regarding the FY 2012 Community Development Block Grant (CDBG) and HOME Program Annual Action Plan. Grant Manager Melva Walker gave a summary 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 Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-038 regarding the FY 2012 Community Development Block Grant and HOME Program Annual Action Plan with the necessary changes:

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

Noes: 0

// In the matter of Schools – General, City Council Report #13 was considered. On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-039, as presented, to endorse the Safe Routes to School Travel Plan and grant application for Perrymont, T. C. Miller and Dearington Elementary Schools:

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

Noes: 0

// In the matter of Community Planning – General, City Council Report #14 was considered. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-11-040, as amended, endorsing an open-space easement between Peter Houck and the Virginia Outdoors Foundation at 300 and 304 Overstreet Lane is consistent with the City of Lynchburg's Comprehensive Plan:

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

Noes: 0

// In the matter of CVCS, City Council Report #15 was considered. On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-041, as presented, authorizing the borrowing of $800,000 by the Central Virginia Community

Services Board to build and operate an intermediate care facility for adults with intellectual disabilities in the Central Virginia area:

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

Noes: 0

// On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-042, as presented, authorizing the borrowing of $1,000,000 by the Central Virginia Community Services Board to purchase an electronic health record system:

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

Noes: 0

// In the matter of Public Works – General, City Council Report #16 was considered. On motion of Council Member Perrow, Chair of Physical Development, stated this item came before the Committee, which required no second, Council by the following recorded vote adopted Resolution #R-11-043, as presented, to support a $1.0 million grant application to Virginia Department of Transportation to compete in the Revenue Sharing Grant Program:

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

Noes: 0

// In the matter of Finance – General, City Council Report #17 was considered. On motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-044, as presented, revising the Financial Management Policies for Fund Balance as updated in accordance with the requirements of GASB 54, Financial Management Policies – Fund Balance:

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

Noes: 0

// In the matter of FY2012 Budget/CIP, City Council Report #18 was considered. Council Member Perrow provided a statement that this is a good Budget. He commended the City departments for operating more efficiently to keep new spending initiatives down and finding ways to absorb additional health care costs without seeking more funding. Council Member Perrow was most proud of the reserve of reoccurring revenues set aside for Heritage High School. The General Fund is balanced, and he is pleased to support this Budget. Council Member Helgeson provided a statement that it was a pretty good year and was able to come up with a good Budget. There needs to be more “fine tuning” of the city’s spending and more thought given to the burden placed on taxpayers. Council Member Helgeson was concerned about the future spending on Heritage High School and to look out for the citizens that are footing the bill. Vice Mayor Johnson stated for the record as saying there are going to be some hard choices next year and also adding if no action is taken then employees will flee for better paying jobs elsewhere. Vice Mayor Johnson stated on a whole, he was pleased with this year’s Budget.

On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-045, as

presented, adopting the FY 2012 General Fund Operating Budget (excluding External Service Provider and Component Unit expenditures) and appropriating $179,152,997 for this budget:

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

Noes: Helgeson 1

// 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-11-046, as presented, adopting the FY 2012 Mandated and Contractual External Service Providers Budget and appropriating $8,291,272 for this budget:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 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-11-047, as presented, adopting the FY 2012 Central Virginia Area Agency on Aging Budget and appropriating $15,000 for this budget:

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

Noes: 0

// 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-11-048, as presented, adopting the FY 2012 Central Virginia Community College Board and Related Operations Budget and appropriating $1,831 for this budget:

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

Noes: 0

// 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-11-049, as presented, adopting the FY 2012 Court Appointed Special Advocate Budget and appropriating $12,000 for this budget:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 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-11-050, as presented, adopting the FY 2012 Region 2000 Economic Development Council Budget and appropriating $81,586 for this budget:

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

Noes: 0

// 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-11-051, as presented, adopting the FY 2012 Robert E. Lee Soil & Water Conservation District Budget and appropriating $10,000 for this budget:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 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-11-052, as presented, adopting the FY 2012 Virginia Legal Aid Society Budget and appropriating $10,000 for this budget:

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

Noes: 0

// 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-11-053, as presented, adopting the FY 2012 Amazement Square Real Estate Tax Refund Budget and appropriating $5,302 for this budget:

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

Noes: 0

// Council Member Cary made a motion to adopt this budget and Council Member Perrow seconded the motion. Council Member Helgeson stated he could not support this because the City has already given LynCag funding and to give this would be like giving it to your favorite charity and believes this is wrong and should be stopped, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-054, as presented, adopting the FY 2012 Lynchburg Community Action Group Budget and appropriating $25,000 for this budget:

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

Noes: Helgeson 1

// The FY 2012 Lynchburg Neighborhood Development Foundation Budget and appropriating $25,000 item was tabled.

// 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-11-055, as presented, adopting the FY 2012 Rebuilding Together Budget and appropriating $25,000 for this budget:

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

Noes: Helgeson 1

// Council Member Gillette made a motion to adopt the School Operating Budget and Council Member Cary seconded the motion. Council Member Helgeson listed some of his concerns regarding this budget which are 1) the city has a zero based budget and the schools have never had a zero based budget, 2) there are less students being served, 3) there are less results happening, 4) the schools have the same number of positions despite declining enrollment, and 5) the City is giving the schools double the amount of money than what is required. After further discussion, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-056, as presented, adopting the FY 2012 School Operating Budget and appropriating $85,728,781 for this budget:

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

Noes: Helgeson 1

// On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-057, as presented, adopting the FY 2012 Greater Lynchburg Transit Budget and appropriating $7,049,103 for this budget:

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

Noes: 0

// 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-11-058, as presented, adopting the FY 2012 Operating Fund Budgets and appropriating the sums for each fund:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-059, as presented, 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:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 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-11-060, as presented, approving the payment of monetary incentives, awards and bonuses to City employees under certain circumstances:

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

Noes: 0

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-061, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2011 through June 30, 2012 at 55.44%:

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

Noes: 0

// The meeting was adjourned at 10:22 P.M.

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Clerk of Council