

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of February, 2012, 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

// Water Resources Director Tim Mitchell presented an overview of the FY 2013 Rate Study and Annual Report which includes information on the following:

- Water and Sewer Fund operational expenses, revenues, and capital improvements
- Combined Sewer Overflow (CSO) Program progress
- Stormwater Fund regulatory updates, operational and capital needs, new initiatives, and recommended budget and rate.
- Recommended rate increases
- Rate comparisons
- Water, Sewer and Stormwater Projections
- Statistical data

Mr. Mitchell stated that the utility rate strategy developed for this year continues with the guiding principles of:

- Minimize the impact of rate adjustments on residential and other small customers
- Ensure necessary funding is provided for increases in operating and debt service costs
- Ensure compliance with the Special Order for Combined Sewer Overflow (CSO)
- Ensure compliance with adopted Fund Balance and Debt Management Financial Policies
- Provide an equitable distribution of costs based on actual services provided

Mr. Mitchell further stated that the proposed increase includes a 3% increase in the water volume rate to \$2.36 per hcf. and that no increase in the sewer volume rate is proposed. Mr. Mitchell went on to say that it is recommended that the stormwater rate be established at \$4.00 per single family unit (sfu) per month and other proposed increase include a 5% increase in industrial surcharges and septic hauler charges to more closely cover the cost of providing those services. It was recommended to proceed to a public hearing regarding the recommendations to increase the water and sewer rates and establish a stormwater fee rate as proposed in the FY 2013 Rate Study and Annual Report.

// Neighborhood Program Manager Keith Wright provided an overview on the Community Code Compliance Team Report. Mr. Wright stated that the City's Community Code Compliance Team (CCCT) was created by City Council to develop and implement "a proactive, coordinated and focused long-term strategy to improve living conditions through consistent code compliance, thereby facilitating a positive impact on the quality of life in Lynchburg." Mr. Wright further stated that the CCCT includes representatives from the neighborhood, as well as the City Manager's Office, Community Development, Billings and Collections, Fire Marshal, Public Services, Police, City Attorney's Office, Social Services, Commissioner of the Revenue, Lynchburg Redevelopment and Housing Authority and City Council. Mr.

Wright went on to say that the Team representatives frequently conduct neighborhood walkthroughs as part of its mission to work proactively with residents to identify concerns and raise awareness of local codes and public maintenance needs. In 2011 the Community Code Compliance Team coordinated six meetings, four of which were conducted in neighborhoods at the request of residents. Mr. Wright explained the new approach and the importance of this process. The Team uses neighborhood walkthroughs to provide information to neighbors about the City's process for Code compliance and whether or not the City can or cannot address the issue; and the establishment of a timeframe for compliance. Mr. Wright went on to say during the reporting period there was a consensus among Team members that the Team should focus on new ways to get information regarding the City Code to the community. Mr. Wright stated that the Team believes that rather than simply citing property owners with a notice for every violation, a better approach is to focus on education regarding applicable Codes. The benefit to citizens and government alike is to gain a well-rounded approach to Code compliance.

// City Planner Tom Martin gave a presentation on the Commercial Electronic Variable Message Signs (CEVMS) (also known as Digital Billboards). Mr. Martin stated that on November 22, 2011, Council Member Helgeson requested that City Council consider allowing billboards with a changeable message within the City. Commercial Electronic Variable Message Signs (CEVMS) or "digital" billboards are those that can display a digital image rather than a static one. Each digital billboard can display multiple advertisements in six (6) second increments as permitted by the Code of Virginia. Mr. Martin further stated that digital billboards eliminate the need for on-site installation of vinyl posters and allow the billboard industry to increase advertisement space (and revenues) without adding additional billboard locations. After Council discussion, Council Member Helgeson made a motion, seconded by Council Member Cary, to proceed with amending the billboard ordinance and the motion passed by the following recorded vote:

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

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Noes:

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// City Manager Kimball Payne gave a summary of the Procurement of Transit Management Services for Greater Lynchburg Transit Company (GLTC). Mr. Payne stated the GLTC Board of Directors has started a process for the procurement of transit management services. The current vendor, First Transit, has been advised that the Board does not plan on automatically renewing the present contract and that it will seek proposals from qualified transit management companies. Mr. Payne further stated that the anticipated procurement will be completed by the end of the calendar year. First Transit has agreed to a month to month extension of its contract until the procurement process is complete. The GLTC Board has procured the services of a transit consultant to assist with the procurement process. Mr. Payne went on to say that the procurement process will consist of an examination of transit management service options, the selection of an appropriate model, the drafting of a Request For Proposal (RFP) for transit management services, review of the proposals and the negotiation of a contract with the top-ranked vendor. Mr. Payne stated that GLTC does not have funds designated in its operating budget to pay for the services of the consultant. However, there are funds available in GLTC's capital account that the Board

plans to use for the consultant. The origin of the funds is a \$50,000 appropriation to GLTC as the local match for the purchase of the new transfer center site. It turned out that the cost of that acquisition was covered 100% by Federal and State funding, except for \$3000 needed for title insurance. Mr. Payne further stated the GLTC Board intends to use the remaining \$47,000 in its capital account to pay for consultant services related to the procurement of transit management services and wanted City Council to be aware of its plans.

// During roll call Council Member Cary stated he had two items, 1) in the Liberty Journal magazine on page 8 there is an article entitled "A new era of community cooperation" which talked about the Amtrak proposal by Liberty to the City and Amtrak and stated that he would like to see the City start some discussion with Liberty and Amtrak about this proposal; and 2) read a statement regarding the Lynchburg Humane Society and the \$8 million funding gap in proposed revenue and stated that this request could not have come at a more inopportune time and that his job as a Council Member is to balance the Humane Society's funding request along with other requests.

Vice Mayor Johnson thanked JoAnn Martin, Director of Communications and Marketing along with City staff for a great event at the State of City Address.

Mayor Foster also thanked JoAnn Martin for being so supportive with all the last minute changes and handling it in a timely manner and thanked the citizens for their support with over 400 in attendance, and reminded the citizens about the healthy challenge for FY 2012 and to visit the website at www.livehealthilyynchburg.com.

// City Council recessed the meeting at 6:14 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

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Absent:

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Council Member Nelson gave the Invocation, Parker Ehlinger, Boy Scout Troop 180 lead the Pledge of Allegiance.

// Mayor Foster presented to Valeria P. Chambers, Clerk of Council a service award for 25 years.

// Public Works Director, Dave Owen and Kelly Hitchcock of Region 2000 Local Government made a presentation regarding Safe Routes to School and Bike Week. Mr. Owen stated in May, 2011 City Council approved the submittal of a grant application to the Virginia Department of Transportation (VDOT) Safe Routes to School (SRTS) program to provide pedestrian improvements around Perrymont, T. C. Miller, and Dearington Elementary Schools for the purpose of promoting safe walking access to the schools for students and families. Mr. Owen further stated the City has been notified by VDOT that it has been awarded \$376,796. The grant specifically will allow the following improvements: (1) Perrymont - construct approximately 3,154 feet of new sidewalk, new marked crosswalks, handicap accessible ramps, and upgraded school pavement markings; (2) Dearington - install approximately 2,930 feet of sidewalk, new marked crosswalks around the school and neighborhood, and new school zone markings; and (3) T. C.

Miller - install approximately 1,745 feet of sidewalk, new marked crosswalks, and eight timed pedestrian signals.

Mr. Owen went on to say this award is the result of a partnership among Lynchburg City Schools, Virginia's Region 2000 and the City of Lynchburg to expand pedestrian resources to ensure that Lynchburg residents and students can safely access local school facilities and other resources in the community. The development of these resources supports safe access, increases opportunities for exercise and healthy lifestyles for our residents, and meets several goals in the City's Sustainable Lynchburg Initiative. Ms. Hitchcock stated the Virginia's Region 2000 and the Lynchburg Area Greenway Alliance, in partnership with Lynchburg City, Lynch's Landing, the Greater Lynchburg Greenway Alliance, and local businesses, will host the Greater Lynchburg Bike Week and Greater Lynchburg Clean Commute Challenge during the Week of May 14th – 18th. Ms. Hitchcock went on to say several events will be held during Bike Week to encourage citizens to get out and ride their bikes. A key event is the Clean Commute Challenge, a week-long event to challenge local individuals and companies to commute to work through biking, walking, carpooling, using transit or any combination of alternative transportation for one or more days during the week.

// Copies of the minutes of the February 14, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as amended:

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

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Noes:

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// In the matter of Commonwealth – General, Resolution #R-12-015 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$20,000, fully reimbursable, to support a Family Violence Legal Assistant position and activities related to the Domestic Violence and Intimate Partner Prosecution Unit, laid over from the February 14, 2012 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// In the matter of Fire – General, Resolution #R-12-016 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$98,175 with resources of \$54,417 from the Rescue Squad Assistance Fund and \$43,758 from the Fire Department budget to purchase two (2) Physio LifePak 15 cardiac monitor/defibrillators, two (2) Stryker Power Pro ambulance cots, seven (7) video laryngoscopes, and seven (7) airway packs for the Fire Department, laid over from the February 14, 2012 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// In the matter of Fire – General, Resolution #R-12-017 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$100,000, fully reimbursable, to purchase a trailer for the Fire Department's Technical Rescue Team, laid over from the February 14, 2012 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

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Noes:

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// In the matter of Public Works – General, City Council Report # 10 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-12-019 for the sale of the City's building located at 1721 Monsview Place (former Armstrong School) to Rush Lifetime Homes, Inc.:

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

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Noes:

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// In the matter of Public Works – General, a public hearing was held regarding City Council Report #11 regarding the consideration of selling approximately six and three hundred seventy-eight thousandths (6.378) acres of City owned property located at 3901 Old Forest Road (Tax Parcel #23102001) and between Whitehall Road and Lakeside Drive to S. J. Collins Enterprises, LLC., for proposed retail development. Economic Development Director Marjette Upshur gave a summary of the report. Mr. Jeffrey DeHart representing S.J. Collins Enterprises gave a presentation regarding the property at 3901 Old Forest Road. Several developers had concerns that they were not aware the property at 3901 Old Forest Road was available and was the City getting a fair price for the land. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several Council Members felt it was unfair that local developers would never realize it was an option and City maps don't register the property as it is listed simply as right-of-way and others mentioned it was up to the developers to tell the City what they're looking for. When the discussion continued and concern of price was mentioned it was mentioned that this should be discussed in closed session. Vice Mayor Johnson made a motion, seconded by Council Member Nelson to support the request for the selling of the property at 3901 Old Forest Road. Council Member Helgeson made a substitute motion, seconded by Council Member Perrow to table this item until the end of the Council meeting. Vice Mayor Johnson stated he would not support going into closed session as Council should be transparent, and Council by the following recorded vote tabled this item to the end of the agenda:

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

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Noes:

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// Mr. Louis F. Sette spoke before Council regarding a concern with incentive money pledged to Delta Star.

// In the matter of City Council, City Council Report # 13 was considered. On motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-12-022, as presented, supporting efforts to create the "Hill City Classic" Soap Box Derby Race:

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

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Noes:

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// On motion of Council Member Helgeson, seconded by Council Member Perrow, 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 proposed sale of the 6.378 acres located at 3901 Old Forest Road, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended:

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

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Noes: Johnson

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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 Nelson, and Council by the following recorded vote adopted the motion:

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

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Noes:

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// After the closed session, Vice Mayor Johnson made a motion, seconded by Council Member Gillette, and Council by the following recorded vote introduced and laid over to a later meeting Resolution #R-12-023, as amended, granting the selling of approximately six and three hundred seventy-eight thousandths (6.378) acres of city owned property located at 3901 Old Forest Road (Tax Parcel #23102001) and between Whitehall Road and Lakeside Drive to S. J. Collins Enterprises, LLC., for proposed retail development:

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

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Noes:

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// The meeting was adjourned at 9:24 P.M.

Clerk of Council