

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of February, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// Mayor Foster made the following statement at the beginning of the meeting regarding the proposal to relocate the Precinct 304 polling place from Heritage Elementary School to the Lynchburg First Church of the Nazarene on Wards Ferry Road. Mayor Foster stated that the suggestion to relocate the polling place was initiated by Liberty University and Council has since been advised that, because of various concerns, Liberty does not support the relocation of the polling place to the First Church of the Nazarene.

// Director of Utilities Tim Mitchell gave a brief overview of the Utility Rate Study Report. Mr. Mitchell stated that a statistical and financial information section of key measures are routinely tracked to help enhance performance and track various trends such as water consumption, so that we can be more responsive to changing conditions. Mr. Mitchell explained the following rate study:

The utility rate strategy developed for this year continues with the goals to:

1. Equitable sharing of water and sewer costs based on service provided.
2. Ensure rates promote sustainable water and sewer operations and infrastructure.
3. Minimize future rate spikes.
4. Meet the financial obligations related to the CSO Special Order.
5. Ensure compliance with Council's financial policies.

Mr. Mitchell stated that the recommendations include a 4 % increase in water volume rate to \$2.22 per h.c.f.; and increases in various other fees to more closely reflect the actual cost of providing the associated services. Mr. Mitchell went on to say that there would be no increase in the sewer rate proposed for FY 2011. As a result, the composite water and sewer bill for the typical residential customer increases by slightly over 1%. Council Member Perrow made a motion to proceed with a public hearing, seconded by Council Member Johnson. Council by the following recorded vote passed the motion:

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

Noes: 0

// City Manager Kimball Payne gave a brief summary of the 2010 Low Income Housing Credit Projects. Mr. Payne stated that he received letters of support provided for 2010 Low Income Housing Tax Credit Program (LIHTC) projects in Lynchburg. Mr. Payne went on to say unless Council directs otherwise, letters of support will be sent under the City Manager's signature. Mr. Payne stated that the Tax Reform Act of 1986 established the LIHTC Program to encourage private investment in affordable housing. Mr. Payne stated more specifically, the LIHTC is a dollar-for-dollar reduction in tax liability to the owner of qualified low-income housing development for the acquisition, rehabilitation, or construction of low-income rental housing units. Mr. Payne went on to say that the amount of credits allocated is based directly on the number of qualified low-income units that meet federal rent and income targeting requirements. Mr. Payne stated that the Virginia Housing Development Authority is responsible for allocating the credits to

developments within Virginia and has established several tax credit pools and a scoring system to determine the allocation through a competitive process and the tax credits apply to the owner's federal tax return. Mr. Payne explained to qualify for tax credits, a development must meet a number of conditions set forth in Section 42 of the Internal Revenue Code. In particular, the development must provide low-income housing units that meet certain occupancy and rent requirements and must provide localities with an opportunity to comment on the developments under consideration. The specific requirement regarding occupancy can be satisfied in two ways: either at least 20% of the tenants must have an income less than 50% of the Area Median Gross Income (AMGI), adjusted for family size; or, at least 40% of the tenants must have an income less than 60% of the AMGI, adjusted for family size. An applicant or project receiving a letter of support from the locality will qualify for 50 points. If an opposition letter stating that the development is inconsistent with 1) current zoning or, 2) other applicable land use regulations is written, the development will receive no points. Additionally, if a locality provides no comments or if the letter does not meet the support or opposition criteria required, the application will receive a score of 25 points. The maximum number of points available differs based on the type of tax credit the developer is seeking. Mr. Payne stated that the City has received five notices of potential applicants for the tax credits, as follows:

1. Frank Roane Apartments: 26 units; rehabilitation of an existing project owned and managed by Lynchburg Covenant Fellowship (a letter of support has already been submitted for this project);
2. Lynchburg High Apartments: 74 units; rehabilitation of an existing project owned and managed by Lynchburg Covenant Fellowship (a letter of support has already been submitted for this project);
3. Fort Ave. Lofts: 66 units; development of a former industrial building at 2730 & 2734 Fort Ave.; this project is subject to a rezoning request that will be heard by Council in April or later. It is suggested that no letter of support be provided unless and until the rezoning is approved by Council.
4. Jobbers Overall Apartments: 50 units (16 in an existing building and 34 in new construction); adaptive reuse and new construction at 1421 Kemper Street.
5. Village Oak Townhomes: 100 units; rehabilitation of the existing property by LNDF.

Council Member Helgeson made a motion to recommend denial of the five programs, there was no second and the motion failed. Council Member Gillette asked if it was necessary for a motion. Mr. Payne stated that he does not need any action or any motion after his intentions are stated. If Council disagrees, then Council would give direction. Council Member Nelson stated that he has been very closely involved with Lynchburg Covenant Fellowship through the years and therefore would have a conflict and would have to have no involvement with this decision. Council Members discussed the project and followed the recommendation by the City Manager and thought it to be an excellent opportunity to continue the downtown revitalization project. There was no motion required and Council asked the City Manager to proceed with his recommendation.

// Director of Economic Development Marjette Upshur gave a brief summary regarding the proposal to establish an ordinance to create an Arts and Cultural District. Ms. Upshur stated that the State Code permits localities to create Arts and Cultural Districts to provide incentives to attract and grow arts and

cultural organizations. Ms. Upshur explained that the attraction and growth of artists and cultural organizations will further revitalize Lynchburg's historic downtown, creating an "entertainment cluster", add jobs and increase an important element in community livability. Ms. Upshur went on to say that estimated Amusement Tax collected from existing "qualified arts organizations" in 2009 was \$18,000.00. City Manager Kimball Payne stated that he wanted to draw attention to the fact that there are some permits and assistance that can be provided and suggested it would be included as well. After discussion from Council, Ms. Upshur stated that this is just an outline of the ordinance and explained that It would just be like an overlay district where you may decide to either not charge the amusement tax for that particular area or to take the amusement tax as collected and use that for either promotion or capital projects. Council Member Perrow made a motion to accept the boundaries as proposed and to provide BOPL and admissions tax incentives inside the boundary, seconded by Council Member Gillette. Council Member Johnson made a friendly amendment to the motion to add the Legacy Museum and the Old City Cemetery into the Arts and Cultural Boundary, seconded by Council Member Gillette. Council Member Perrow made a motion to proceed with a public hearing, seconded by Council Member Johnson. Council by the following recorded vote passed the motion:

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

Noes: 0

// During roll call Council Member Johnson wanted to congratulate the publisher of a new magazine "434".

Vice Mayor Dodson wanted to congratulate Heritage High School and E. C. Glass High School for making the basketball tournament.

// City Council recessed the meeting at 6:32 p.m.

// City Council reconvened the meeting at 7:30 p.m. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the February 6, 2010 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 presented:

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

Noes: 0

// Copies of the minutes of the February 9, 2010 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 presented:

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

Noes: 0

// Copies of the minutes of the February 16, 2010 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 presented:

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

Noes: 0

// In the matter of Commonwealth's Attorney, Resolution #R-10-010 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$90,253, with \$67,683 reimbursement, to support the Domestic Violence Prosecution Unit, laid over from the February 9, 2010 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: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Fire-General, Resolution #R-10-011 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$38,579, with \$19,289 reimbursement, to purchase a Physio LifePak 15 cardiac monitor/defibrillator and a 24 7 Now CentreLearn Learning Management System for the Fire Department, laid over from the February 9, 2010 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: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Juvenile Services, Resolution #R-10-012 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$16,801, with 16,351 reimbursement, to provide support to localities in their efforts to strengthen the local juvenile justice system, laid over from the February 9, 2010 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: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Juvenile Services, Resolution #R-10-015 amending the FY 2010 Comprehensive Services Act (CSA) Fund budget and appropriating \$370,570, with \$269,182 reimbursement, to increase the amount of local resources, laid over from the February 9, 2010 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: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Police - General, City Council Report # 12 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-016, as presented, approving the Certified Crime Prevention Community Recertification for the Police Department:

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

// Mayor Foster recognized Derek Gale a member of the Mayor's Youth Council

// In the matter of Registrar, City Council Report #13 was considered regarding citizen input on the possible relocation of the polling place for the Fourth Precinct of the Third Ward from Heritage Elementary School to the Lynchburg First Church of the Nazarene. City Manager Kimball Payne stated that during City Council's January 26 work session it was suggested that the Heritage Elementary School polling place be relocated to accommodate the large number of Liberty University students that registered to vote in the 2008 and 2009 elections. City Council agreed to schedule the matter for discussion at its February 9th work session. Mr. Payne stated that at the February 9th work session Council voted to advertise and hold a public hearing to receive citizen input on the possible relocation of the polling place from Heritage Elementary School to the Lynchburg First Church of the Nazarene. City Council also requested that representatives of the Lynchburg Electoral Board and the Lynchburg Area Center for Independent Living (LACIL) visit and inspect the First Church of the Nazarene to determine if the proposed location meets the accessibility and other requirements for a polling place. Mr. Payne explained that the notice of the public hearing was duly advertised in the *News & Advance* once a week for two successive weeks.

There were several citizens that spoke in opposition to moving the polling place for the following reasons: safety issues of the students, GLTC buses bottom out when leaving the church parking lot, standing in long lines to vote, school will be in session, students want their voices heard, impact traffic problem, consider Lynchburg as home, our civil rights to vote in Lynchburg, opportunity to be involved, increased accessible, freedom to vote, discrimination, rights to vote, second class citizens, pay taxes and other sites are Central Virginia Community College (CVCC), Circuit City and Liberty University.

There were several citizens that spoke in favor of leaving the polling place at Heritage Elementary School for the following reasons: No problem with polling place at Heritage Elementary School, it will be disrespectful to residents in the area if polling place is moved, privilege and equal rights. There was no one else present who wished to speak to this item, and the public hearing was closed.

After the discussion from Council, Council Member Perrow made a motion that the existing polling location remain unchanged, seconded by Council Member Gillette. After further discussion Vice Mayor Dodson wanted to add a friendly amendment to the motion that Council ask the School Board to change their date of April 30th to May 4th as far as the day for Teacher Retreat Day or Teacher Work Day, for the whole school system. Council Member Perrow did not accept the friendly amendment and after restating his motion, seconded by Council Member Gillette, Council by the following recorded vote left the existing polling location at Heritage Elementary School unchanged:

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

7

Noes:

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// The meeting was adjourned at 10:34 P.M.