// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of January, 2009, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance led by Cub Scout Pack 180 – Den #2. The following Members were present:

Present: Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	6
Absent: Dodson	1

// Mayor Foster recognized Natasha Chowdry and Damian Garrett, members of the Mayor's Youth Council.

// Copies of the minutes of the December 9 (2 meetings), 2008 meeting, having been previously furnished Council, reading was dispensed with. Council Member Garrett asked that the minutes on page 228 be changed to reflect that only "some" funding is budgeted for the D Street Bridge replacement. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as corrected:

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

// Copies of the minutes of the December 13, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

// Vice Mayor Dodson arrived at 7:38 p.m. during Agenda Item #1.

// In the matter of Community Development - General, a public hearing was held regarding a request of Liberty University for the City to vacate the unopened portion of Ericsson Drive. City Planner Tom Martin provided a brief summary regarding the request, explaining that Ericsson Drive was constructed in 1995 to serve an expansion of the Ericsson facility. Mr. Martin informed that right of way for the road extended to what was railroad right of way at the time and that Ericsson Drive was not extended to Wards Road because of the barrier of the railroad and the premise that the only way to facilitate a vehicular crossing would be the construction of a railroad bridge over the roadway. Mr. Martin went on to say that on June 10, 2008, City Council approved the request of Liberty University for an expansion of up to 15,000 students and that conditions of approval of the Conditional Use Permit (CUP) were that two vehicular tunnels and improvements to the intersection of Wards Road be constructed by the University provided permission was granted by the railroad. Mr. Martin noted that the master plan approved for Liberty University indicated that Ericsson Drive should be extended in the future and that the proposal at the time was that Liberty University would construct the two vehicular tunnels and dedicate them to the City of Lynchburg for maintenance. Mr. Martin explained that a traffic study has been conducted to determine the feasibility of connecting Ericsson Drive and to justify the City taking ownership of the tunnels and that the traffic study indicated for optimum performance a third vehicular tunnel should be constructed to aide right turning movements. Mr. Martin stated that Wards Road is a congested roadway that serves a significant retail area of the City and that the ability to improve capacity of Wards Road is limited due to the constraints of Rock Castle Creek, the railroad and existing businesses. Mr. Martin noted that a pedestrian study is currently being conducted in the area as is a traffic study on Harvard Street and that vacating the right of way will prevent the City's ability to provide central access to Route 460, strengthen the City's road network and deal with growing traffic congestion on Wards Road and Candler's Mountain Road. Mr. Martin stated that the Physical Development Committee recommended that following a public hearing, that this item be scheduled for the January 27 work session for further discussion and that following the work session, staff is recommending that the request to vacate the right of way for Ericsson Drive not be approved. Mr. Norm Walton, Perkins & Orrison, representing the petitioner, provided a brief overview regarding the request, stating that plans are underway to construct the two private tunnels to connect the University to Wards Road. Mr. Walton noted that the right of way connects Liberty's proposed new driveway entrance tunnels to University Boulevard and asked for City Council approval of the vacation of the right of way. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, Chair of the Physical Development Committee, stated that this item did come before the Committee and that following discussion, the Committee recommended that staff move forward with the public hearing and to schedule this item for discussion at the January work session. Council Member Perrow stated that he would like some additional information before making a decision, i.e., total cost of project (tunnels, street improvements), including a timeline for completion, and some clarification regarding ownership of Harvard Street. Council Member Helgeson stated that he is supportive of the request, that Liberty University is paying to build the two tunnels, that the City is not in a financial position to build a third tunnel, but that he would be willing to wait until the January work session to allow time for staff to respond to Council Member Perrow's questions. Other Council Members also mentioned that they would like more time to consider the request, and on motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote agreed to schedule this item for further discussion at the January 27 work session:

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

// In the matter of Community Development - General, a public hearing was held regarding the sale of City-owned property at 3104 Fulton Street, Tax Map No. 169-07-001, consisting of approximately 2.5 acres, 3036 Forest Hills Circle, Tax Map No. 169-06-04, consisting of approximately 1.7 acres, and 2600 Rainbow Circle, Tax Map No. 169-08-003, consisting of approximately 3.0 acres, to Long Meadows, Inc. for $70,000. Real Estate Manager Steve Lawson provided a brief summary regarding the request. Mr. Lawson explained that a Request for Proposals (RFP) was solicited for potential residential development of these three City-owned lots and that the proposals were reviewed with a recommendation given to the Physical Development Committee (PDC) based on the highest overall return to the City. Mr. Lawson stated that the recommendation is to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution. Mr. Chris Morey, President of Long Meadows, Inc., outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, PDC Chair, stated that the Committee thought this was a good proposal for the property and asked that the item be forwarded to the full Council. In response to questioning, City Attorney Walter Erwin stated that the City Code requires that the sale of City-owned property come before City Council for two readings, and that the action requested at this meeting would be the first reading to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution which would come to City Council at a later date and be the second reading. Council Members posed questions regarding the proposed development of the property, including the impact to Fulton Street due to increased traffic from the development. Council Member Garrett questioned if a traffic study had been done to determine the impact of the increased traffic to Fulton Street and Old Forest Road. City Traffic Engineer Gerry Harter stated that no traffic study had been done. City Manager Kimball Payne stated that since it would be in the City's best interest to place the property into private hands, that staff was asked to seek proposals for the purchase and development of these three parcels of City-owned property. Mr. Payne went on to say that staff was also asked to ensure that the development proposal would increase the assessed value of the property and thereby maximize its value to the City. In response to questioning, Mr. Payne noted that the property is currently zoned as R-3, which would permit duplexes, and that the development agreement would allow the City to have input regarding the development of the property. Council Member Helgeson stated that he was concerned that only two proposals were received and that he would need to review the final development agreement to see how the property would be developed before he could vote to support the request. Several other Council Members also indicated that they would like to see how the property would be developed before making a final decision regarding the sale and development of this property. Mr. Payne stated that tonight's vote was only the first reading of the item and that this item would need to come back to City Council for final approval. Mr. Payne went on to say that if City Council approves the first reading, then the developer would work with the City to finalize a satisfactory development agreement for the development of this property. In response to questioning, Mr. Payne stated that a "yes" vote tonight would not mean that a Council Member would have to vote "yes" on the final Resolution to approve the development agreement. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote agreed to the recommendation to authorize the sale of these three City-owned parcels to Long Meadows contingent on the finalization of a satisfactory development agreement with the City and adoption of a final resolution:

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

Noes: Helgeson 1

// In the matter of Commonwealth Attorney, Donna Nash along with Susan Clark, members of the Lynchburg City Family Violence Fatality Review Team, presented its second report regarding a review of family violence related fatalities. Ms. Nash stated that heightened awareness and continuous attention to this very important issue are the keys to improving the community's response to domestic violence within the City.

// In the matter of Recreation - General, City Council Report #6 regarding appropriating $51,000, fully reimbursable, to provide funding for improvements to the Sandusky Regional Visitor Center was considered. City Manager Kimball Payne provided a brief summary regarding the request. Council Member Garrett stated that he is a member of the Board of Directors of the Sandusky Foundation, that he receives no income for his service, that the City Attorney has advised that he does not have a conflict of interest that would prevent him from voting on this matter, and that he will participate in and vote on this matter. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-001, as presented, amending the FY 2009 City Capital Projects Fund budget and appropriating $51,000, fully reimbursable, to provide funding for improvements to the Sandusky Regional Visitor Center:

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

// City Manager Kimball Payne provided an overview regarding budget cost reductions for the FY2009 Budget due to the current economic recession. Following the presentation, Mr. Payne stated that with crisis comes opportunity and that he is confident that the City will weather this fiscal storm with creativity and resourcefulness.

// On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Boards and Commissions, i.e., Community Development Advisory Committee, Transit Company Board, Tourism Board, Region 2000 Greenways Alliance and Audit Committee, and to discuss the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-3711(A)(1) and (3), respectively, of the Code of Virginia, 1950, as amended:

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

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

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Christian H. DePaul to serve on the Transit Company Board of Directors to fill unexpired term ending October 31, 2010:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Laurie Foot for a one year term and appointed Steve Arnold for a two year term on the Region 2000 Greenways Alliance:

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

Noes: 0

// The meeting was adjourned at 10:16 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 27, 2009** AGENDA ITEM NO.: 3

CONSENT: **X** REGULAR: CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **State-Mandated Records Retention and Disposition Schedule for Real Estate and Personal Property Paid Tax Tickets**

RECOMMENDATION: Adopt a resolution authorizing Billings and Collections to destroy paid tickets for real estate and personal property taxes for FY 2002 – FY 2003 in accordance with the requirements of the Library of Virginia records retention guidelines.

SUMMARY: Under the provisions of the Virginia Public Records Act, Sections 42.1-76, et. seq. Of the Code of Virginia for the retention and disposition of public records, localities are required to maintain “hard copy” files for various tax and tax payment related records. Following specified time periods, certain records may be destroyed subject to the approval of the local governing body; the regular removal of such manual records is important to allow adequate space to accommodate newer, incoming records.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): None

REVIEWED BY: lkp

<u>RESOLUTION:</u>

BE IT RESOLVED That the Billings and Collections Division, in accordance with the provisions of the <u>Virginia Public Records Act,</u> Sections 42. 1–76 et. Seq. of the <u>Code of Virginia</u> for the retention and disposition of public records, is hereby authorized to destroy paid real estate and personal property tax tickets for FY 2002 – FY 2003.

Adopted:

Certified: ______________________
Clerk of Council

006L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE**: January 27, 2009**		AGENDA ITEM NO.: 4
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE**: Appropriate Funds from the Sale of Zoll M-Series Cardiac Monitor/Defibrillators in Order to Purchase Automated External Defibrillators (AEDs) to Place on Various Fire Department Vehicles**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 General Fund budget and appropriate $32,000 with resources from the sale of Zoll M-series cardiac monitor/defibrillators in order to purchase Automated External Defibrillators (AEDs) to place on various fire department vehicles.

SUMMARY: EMS Captains in the fire department began discussions with representatives from Bedford County Fire and Rescue earlier in FY 2009 about selling City-owned Zoll M-series cardiac monitor/defibrillators to them at a fair price. The Lynchburg Fire Department is phasing out the use of the Zoll M-series brand in favor of Physio Control LifePak 12 cardiac monitor/defibrillators. The department sold four used Zoll M-series cardiac monitor/defibrillators at a cost of $8,000 each to Bedford County. The Bedford County representative signed an agreement that the Zoll M-series cardiac monitor/defibrillators were sold “as is” with no warranty, stated or implied.

The department requests to utilize the funds to purchase 13 AEDs to place on various first response and administrative vehicles. The AEDs require much less maintenance and interface with Physio Control LifePak 12 cardiac monitor/defibrillators. Currently, the department has only five 24-hour medic units in service; therefore, the vehicles equipped with AEDs will be able to provide additional assistance for cardiac emergencies.

PRIOR ACTION(S): Finance Committee January 27, 2009

FISCAL IMPACT: None

CONTACT(S):
Fire Chief S. Brad Ferguson, 455-6340
EMS Captain Chris Adams, 455-4139
Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 General Fund budget is amended and $32,000 is appropriated with resources from the sale of Zoll M-series cardiac monitor/defibrillators in order to purchase Automated External Defibrillators (AEDs) to place on various fire department vehicles.

Introduced: Adopted:

Certified: ________________________________
Clerk of Council

007L

Lynchburg City Council
Agenda Item Summary

MEETING DATE**: January 27, 2009** AGENDA ITEM NO.: **5**

CONSENT: **X** REGULAR: CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION**:**

ITEM TITLE**: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant: Award to Purchase a Type I International Ambulance and Toughbook Laptop Computers.**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $103,695 with resources of $90,668 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and $13,027 from the General Fund Reserve for Contingencies to assist with the purchase of a Type I International ambulance and seven (7) Panasonic Toughbook CF 30 laptop computers.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) periodically awards grant funding to assist career and volunteer EMS agencies in obtaining/maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of citizen and community EMS services. The grant application was a continuation of such endeavors.

The Fire and EMS Department was notified officially on January 2, 2009 of an award of $90,668 in Rescue Squad Assistance funding to purchase a Type I International ambulance ($77,641) and seven (7) Panasonic Toughbook CF 30 laptop computers ($13,027).

The laptop computers would replace five obsolete laptop computers and add two additional laptop computers, which would place a laptop computer on every medic unit. The medic unit run reports are produced utilizing reporting software installed on the laptop computers. Total cost of the laptop computers is $26,054; therefore, the City's match would be $13,027.

The ambulance would replace one in-service medic unit. The matching funds to purchase the ambulance are available in the current Fleet Fund budget and do not require a new appropriation.

PRIOR ACTION(S):
Finance Committee, September 23, 2008
Finance Committee, January 27, 2009

FISCAL IMPACT: A one-time appropriation of $13,027 from the General Fund Reserve for Contingencies.

CONTACT(S):
Fire Chief S. Brad Ferguson, 455-6340
Captain Sean Regan, 455-4139
Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):
Resolution
Award letter

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $103,695 is appropriated with resources of $90,668 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and $13,027 from the General Fund Reserve for Contingencies to assist with the purchase of a Type I International ambulance and seven (7) Panasonic Toughbook CF 30 laptop computers.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

008L

COMMONWEALTH of VIRGINIA

Department of Health

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Gary R. Brown
Director

P. Scott Winston
Assistant Director

Office of Emergency Medical Services
P.O. Box 2448
Richmond, VA 23218-2448

109 Governor St., Suite UB-55
Richmond, VA 23219

1-800-523-6019 (VA only)
804-864-7600
FAX: 804-864-7580

January 1, 2009

Document
Received

JAN 0 2 2009

Lynchburg
Fire Department

Ellen Davidson Martin
Lynchburg Fire Department
800 Madison Street
Lynchburg VA 24504

Dear Grant Administrator:

The Office of Emergency Medical Services (OEMS) is pleased to announce that your agency has been awarded funding from the Financial Assistance for Emergency Medical Services Grant Program, known as the Rescue Squad Assistance Fund (RSAF). The attached Award Page itemizes the actual dollar value, quantity, funding level and item(s) your agency has been awarded under this program. The following documents have been included in your grant award package:

- ***Memorandum of Agreement***: All three (3) pages of this document must be signed and returned by **March 1, 2009**. Original or faxed copies will be accepted.
- ***Instructions for Grant Reimbursement***: All items must be submitted in order to process your reimbursement.
- ***Equipment Status/Final Report Form***: This form must be submitted sixty (60) days after the grant cycle deadline.

Your agency may have had a condition placed on your award. Any and all conditions must be met in order to receive reimbursement. All vehicles that are awarded under the RSAF Grant Program *must be available for service 24 hours a day – 7 days a week.* Any agency that is not fully compliant with PPCR/PPDR submission through OEMS will not be reimbursed for their grant award until compliance has been fully met.

Any item awarded that is available by state contract, www.eva.virginia.gov, must be purchased under state contract unless your agency has received prior approval from OEMS. For communications equipment purchases, OEMS recommends you check the **STARS** contract for pricing.

If you have any questions, please contact Amanda Davis, OEMS Grant Program Manager at (804) 864-7611, Amanda.Davis@vdh.virginia.gov or Linwood P. Pulling, Grant Specialist at (804) 864-7612, Linwood.Pulling@vdh.virginia.gov or 1-800-523-6019 for additional grant information.

Congratulations,

Gary R. Brown

Gary R. Brown
Director

Enclosures

VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment
www.vdh.virginia.gov/oems

Office of Emergency Medical Services
Consolidated Grant Program

AWARD PAGE

January 1, 2009 - December 31, 2009 Grant Period

Agency Name: LYNCHBURG FIRE DEPARTMENT

Grant Number: BR-C10/12-08

	Code	Items Requested	Status	Quantity Funded	Funding % Level	C T	#	Amount Funded
G	17823	Type 1 Amb- International	FUNDED	1	50			$77,640.50
		Conditions: 1-Vehicle 12-Quote						
G	17824	Panasonic Toughbook CF30	FUNDED	7	50			$13,027.00
		Conditions: 11-Computer						
								$90,667.50

G - Rescue Squad Assistance Fund R - Recruitment and Retention T - ALS Training Fund

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 27, 2009** AGENDA ITEM NO.: 7

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Status Report on the Tourism Program**

RECOMMENDATION: N/A

SUMMARY: The Director of Tourism for the Lynchburg Regional Convention and Visitors Bureau, Becky Nix, will provide a brief summary of her activities and the accomplishments of the organization since she started last Fall.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp