

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of December, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Absent:

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// Director of Financial Services Donna Witt introduced Mr. Chris Banton, a representative with Brown Edwards, LLC, who provided the audit presentation. Mr. Banton presented an overview of the FY 2017 Comprehensive Annual Financial Report (CAFR) and related reports for fiscal year ending June 30, 2017. Mr. Banton further stated that the City of Lynchburg received the highest possible marks on its annual audit for fiscal year 2017. From the auditors the City received a clean and unmodified audit, which means the City has no significant deficiencies related to Financial Statements and no instance of noncompliance material. He went on to say that the City also was completely in compliance with regulations from the Federal Government for how funds are spent, which is unusual because most localities have at least a few small infractions. In reporting the Lynchburg City Schools section of the audit for year ending June 30, 2017, the audit did not detect any matters that warranted issuance of an internal control or management letter. The Schools also had a clean audit. After the presentation, Council made a suggestion that for future reports from the Auditors they would appreciate receiving the report early so they will have time to review the report.

// City Assessor Jeff Bandy provided the revised 2018 Legislative Agenda to include Infill Development that Council had requested at the November 28, 2017 meeting. The direction from Council was to prepare code amendments to provide tax incentives for infill development of residential, commercial, multi-family (5 + units), or industrial buildings in the City's Rehabilitation and Conservation Districts, Redevelopment Areas, and Arts & Cultural Districts. Mr. Bandy stated that this tool would provide incentives for infill development to encourage additional housing, business services, employment opportunities and revitalization in older areas of the City. Council also directed staff to explore ways to expand the applicability of the program to other neighborhoods within the City. Mr. Bandy went on to say, currently the only areas eligible for infill development with real estate tax exemption periods in this code section are redevelopment, rehabilitation and conservation areas. Council may also provide the exemption in the City's Arts & Cultural District in accordance with a separate state code section. Since the purpose of redevelopment areas, conservation areas, and rehabilitation districts is to designate areas of operation for the Housing Authority, expanding the boundaries of these areas would mean that the Housing Authority would be expected to provide services in those areas. Allowing local governments to determine the areas where real estate tax incentives for infill development apply would provide a tool to promote neighborhood revitalization and economic development without expanding the workload of the

Housing Authority. He further stated that Staff proposes to amend the City's 2018 Legislative Agenda to encourage enabling legislation to let the local governing body determine where real estate tax incentives for infill development apply. Council Member Perrow made a motion seconded by Council Member Wilder to amend the 2018 Legislative Agenda to include Infill Development. Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// City Manager Bonnie Svrcek stated Council had requested staff to obtain information on City Council Salaries/Benefits for FY 2019. The request for additional information regarding Council compensation was made at Council's retreat in early November particularly as compensation relates to non-salary related or fringe benefits. Ms. Svrcek went on to say Section 15.2-1414.6 of the Code of Virginia states that no increase in the salary of a member of council shall take effect until July 1 after the next regularly scheduled general election of council members. The Code further states that every proposed increase in the salary of members of council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly consolidated city when the proposed increase shall be adopted at least two months prior to the date of its municipal election. Ms. Svrcek further stated that according to the Code of Virginia cities within the 75,000 to 174,999 population bracket shall be allowed to set salaries for mayors, which include presidents of council and council members not to exceed \$25,000 for the Mayor and \$23,000 for Council. The "Study on City Council Salaries and Fringe Benefits" offers comparative information from other cities in the Commonwealth. It is not clear whether non-salary related or fringe benefits fall within Section 15.2-1414.6 of the Code of Virginia. In consultation with the City Attorney and in the spirit of transparency, staff recommends that Council consider any compensation be considered within the Code of Virginia language noted above. If Council were to add fringe benefits to their compensation, the following rates would apply: Group Life Insurance – 1.31% of salary; Medical Insurance (employee only) - \$5,520; Dental Insurance (employee only) - \$336; Vision (employee only) - \$48; Virginia Retirement System – 18.76% City contribution. Council salaries are set forth in the City Code and a change to the salaries would require a Code amendment. To incorporate members of City Council with benefits a resolution would have to be adopted. Ms. Svrcek stated with a municipal election on May 1, 2018 Council would need to take action on a proposed increase prior to January 1, 2018. Ms. Svrcek offered some background information. On December 11, 2007 City Council voted to increase the salary of the Mayor from \$10,000 to \$12,000 per year and increase the salary of Council members from \$8,000 to \$10,000 per year.

Council Member Helgeson began the discussion with the reasons for this request to raise the salaries for Council members. He stated because of the time commitment required of Council members

to serve on a variety of boards and commissions and appear at public events, he was in support of raising the salaries for Council members because City Council's salaries are the lowest of any City with more than 75,000 residents in the State.

Council Member Dolan stated she would have a hard time supporting Council members receiving a raise since the City Manager has asked each department to do a two percent cut in their budget. I know that no one does it for the money but do it for civil responsibilities.

Vice Mayor Tweedy stated she agrees with Council Member Helgeson there should be some type of compensation. If you are looking for a diverse group of people who are willing and able to do this, which is a lot of hard work. People don't have the flexibility because they have to work and everyone does not have that flexibility. We do it for the love of it and our community. Several Council members spoke against raising salaries since the City Manager had recently asked City departments to cut their budgets by two percent because of revenue coming in lower than expected.

Council Member Helgeson put forward a motion to have a statutory amount to increase Council's annual salaries; \$20,000 for the mayor and \$18,000 for Council members. This motion died for lack of a second.

Mayor Foster stated she would not have supported that motion. I agree we do need a diverse Council but we also need a diverse workforce. She also mentioned budget constraints especially since the preliminary budget proposal does not have a recommendation for a cost-of-living increase for City employees. She further stated she might consider health benefits for Council members.

Council Member Wilder agreed a higher salary would be needed to attract diverse Council members, but he felt Council Member Helgeson's proposed figures were too high. He did state that Lynchburg is the lowest in the State. He made a substitute motion to raise the Mayor's salary to \$18,000 and \$15,000 for Council members. The motion to raise Council members' salaries failed by the following recorded vote:

Ayes: Helgeson, Wilder	2
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Noes: Dolan, Nelson, Perrow, Tweedy, Foster	5
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Council also discussed the possibility of making some health insurance benefits available to Council members. Council Member Helgeson and Mayor Foster were in support of some type of health insurance benefits.

Council Member Perrow stated he opposed health insurance for Council members because it would mean Council members who opted into the health insurance would be compensated at a higher rate than other members. He also stated this might set a precedent of having Council members compensated at different levels. Other Council members were not in favor of health benefits and had a problem with how this would work. Council Member Helgeson made a motion and seconded by Mayor Foster to support some type of health insurance benefits for Council. This suggestion regarding health insurance benefits was also voted down by the following vote:

Ayes: Helgeson, Foster	2
Noes: Dolan, Nelson, Perrow, Tweedy, Wilder	5

At the end of both discussions there was no Ordinance adopted to change the City Code for salaries for Council members and there was no Resolution adopted for Council members to participate in the City's health insurance plan.

// During roll call Vice Mayor Tweedy mentioned how she thoroughly enjoyed the Christmas Parade that was held on December 3, 2017.

// On motion of Council Member Dolan, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for: (i) the discussion and consideration of the acquisition by the City of a lot currently owned by Amazeement Square, Inc. and located at 11 9th Street for the operation of a public skatepark because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; for discussion and consideration of the City Manager's and Clerk of Council's performance evaluations; and, to consider appointments to various boards and commissions, specifically the Community Development Advisory Committee, the Planning Commission, Horizon Behavioral Health, the Sister City Liaison, the Lynchburg Regional Airport Commission, the Museum Advisory Board, the Historic Preservation Commission, the Transit Company Board of Directors, the Economic Development Authority, the Design Review Board, and the Lynchburg Business Development Center, pursuant to Section 2.2-3711(A.) (1) and (3) of the Code of Virginia:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, 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 Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Kimberly Dyke-Harsley, Joan Foster, Randy Nelson, and Dennis Newton to serve on the Community Development Advisory Committee for terms to expire December 31, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed John Hughes, III and Susan Murray to serve on the Community Development Advisory Committee for terms to expire December 31, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Nancy Marion to serve on the Planning Commission for a term to expire December 31, 2020:

December 12, 2017

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Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Treney Tweedy to serve on the Horizon Behavioral Health for a term to expire December 31, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed C. Lynch Christian, III to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Heidi F. James to serve on the Museum Advisory Board to fulfill an unexpired term ending June 30, 2019:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Antonio Davis, Sr. to serve on the Transit Company Board for a term to expire October 30, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// City Council recessed the meeting at 5:50 p.m.

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

The following Members were present:

Present: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster

6

Absent: Helgeson

1

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

// In the matter of Fire, Resolution #R-17-101, to amend the FY 2018 Stormwater Capital Fund budget and appropriate \$70,494 with resources from Stormwater Local Assistance Fund (SLAF) matching grant to reimburse costs for Fire Station No. 8 Water Quality Improvement Project laid over from the November 28, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// In the matter of Police, Resolution #R-17-102 to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$36,182.98 with resources of \$18,091.49 from the Bulletproof Vest Partnership 2017 Grant Program and \$18,091.49 transferred from the FY 2018 General Fund Police Department (\$13,703.99) and Sheriff's Office (\$4,387.50) budgets to purchase 43 replacement bulletproof vests for law enforcement officers, laid over from the November 28, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// Copies of the minutes of the November 14, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// Council Member Helgeson arrived at the meeting.

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of James River Day School (Lynchburg Day School, Inc.) for a Conditional Use Permit (CUP) in an R-1, Low Density Residential District at 5039 Boonsboro Road to allow the expansion and improvements to athletic fields.

// Council Member Perrow stated the following disclosure statement. "I am a member of the Board of Trustees at the Lynchburg Day School, Inc. In that capacity I am not compensated nor do I have a public interest; however my children do attend that school. Therefore, with my fellow Council members'

consent, I will abstain from participating in the discussion of or voting on the petition for James River Day School". City Planner Tom Martin provided an overview of the request and stated the Planning Commission recommended approval. Mr. Scott Beasley with Hurt and Proffitt, representing the petitioner, asked Council to approve the CUP. 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 Dolan, Council by the following recorded vote adopted Resolution #R-17-104, as amended, granting the petition of James River Day School (Lynchburg Day School, Inc.) for a Conditional Use Permit in an R-1, Low Density Residential District at 5039 Boonsboro Road to allow the expansion and improvements to athletic fields:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster	6
Noes:	0
Abstain: Perrow	1

// In the matter of City Council, City Council Report #9, Mark Reed spoke before Council regarding a request for Foster Parents in Lynchburg and surrounding communities.

// In the matter of Economic Development, City Council Report #10 was considered. Council Member Dolan stated the following disclosure statement. "In addition to serving on City Council, I also serve as a Trustee for Lynchburg College. While I do not receive a financial benefit from my service as a Trustee and I do not have a personal interest in the outcome of Lynchburg College's bond issue, I wish to avoid any appearance of bias or impropriety. Therefore, with my fellow Council member's consent, I will abstain from participating in the discussion of or voting on the Lynchburg College petition".

Council Member Nelson stated the following disclosure statement. "I have represented Lynchburg College in the past on many real estate transactions that was off the campus and was compensated for those services. My professional ethics prohibit me, as an attorney, to use my elected position to promote the interest of a client unless doing so is clearly in the public's interest. I am able to participate in discussion fairly, objectively, and in the public interest. I do not have a legal conflict of interest that would require me to abstain from discussion and voting on this item."

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-17-105, as presented, authorizing the issuance of bonds for Lynchburg College through the Economic Development Authority of the City of Lynchburg, Virginia:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: 0

Abstain: Dolan 1

// The meeting was adjourned at 7:55 P.M.

Clerk of Council