

Agenda Item #8

November 26, 2013

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// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of November, 2013, at 1:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Cary, Foster, Helgeson, Nelson, Perrow, Gillette 6

Absent: Johnson 1

// In the matter of Water Resources – General, Resolution #R-13-124 amending the FY 2014 Sewer Capital Projects Fund budget and appropriating \$750,000 with resources transferred from the FY 2014 Sewer Operating Fund budget to remain in compliance with the State Water Control Board Special Order, laid over from the November 12, 2013 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Johnson 1

// In the matter of Transit, Resolution #R-13-126 amending the FY 2014 City Capital Projects Fund budget and appropriating \$246,724 with resources from the General Fund GLTC committed fund balance reserve to provide for GLTC capital projects, laid over from the November 12, 2013 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Johnson 1

// In the matter of Economic Development - General, City Council Report #3 was considered. Ted Craddock legal council for EDA gave an overview of this item. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-128, as presented, approving the issuance of up to \$9,000,000 in bonds for Randolph College through the Industrial Development Authority of Campbell County, Virginia:

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

Noes: 0

Absent: Johnson 1

// In the matter of Council, City Council Report #4 was considered. City Manager Kimball Payne stated following the November 12th work session, staff has incorporated Council's comments into the revision of the Legislative Agenda for the 2014 Session of the Virginia General Assembly. Mr. Payne stated that Council asked that two alternatives be incorporated for discussion and adoption on the issue of Law Enforcement Data Collection and Retention. Language regarding Water Quality has been amended as well. Legislation supporting the Filing of Bills with Local Fiscal Impact, opposition to any legislation that would reduce Taxes on Machinery and Tools and Taxes on Business Licenses and support for full funding of Teacher Retirement Benefits are included as 2014 Legislative Priorities.

On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted the Legislative Agenda for the 2014 Session of the Virginia General Assembly:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Johnson	1

// In the matter of Public Works – General, City Council Report #5 was considered. Don DeBerry, Deputy Public Works Director, gave a summary of the Fort Avenue on road bike facility striping plan. Mr. DeBerry stated that, as recommended in the Region 2000 Bike plan, this restriping plan eliminates on street parking on one side of Fort Avenue to accomplish the addition of the bike lanes for both sides. Mr. DeBerry went on to say that the City comprehensive plan states that parking will not be removed from Fort Avenue, from Park Avenue/Kemper Street to Memorial Avenue, “to permit increased traffic flow”.

// In the matter of Chamber of Commerce, City Council Report #6 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-129, as presented, for the establishment of the Lynchburg Regional Convention and Visitors Bureau (LRCVB) and the Lynchburg Regional Tourism Board:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Johnson	1

On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-13-130, as presented, for the creation of six (6) full-time and seven (7) part-time positions which are authorized effective January 1, 2014, for the purpose of staffing the Department of Tourism, including the Lynchburg Visitors Center:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Johnson	1

// In the matter of Parks & Recreation – General, City Council Report #7 was considered. Before discussion on this item Council Member Perrow made the following statement “my company, WW Associates, has a contract with Liberty University for engineering services. I have been advised that because of my personal interest, I should abstain from discussing and voting on this item.”

City Manager Kimball Payne stated that in March of this year, Liberty University announced plans to construct athletic facilities on Treasure Island and Daniel’s Island in the James River. Access to Treasure Island would be via a new bridge replacing the former bridge that was destroyed in the 1985 flood. A road through Riverside Park to the original bridge had been constructed by the City in the 1920’s. In 1931 City Council adopted a resolution allowing the YMCA and its successors-in-interest the right to use the road for “private purposes” as long as its use did not constitute a nuisance in Riverside Park. Mr. Payne further stated that the grant of access to Treasure Island, within the limitations of the law and with appropriate conditions, is a reasonable action to allow for the use and enjoyment of the islands and the James River. Council is asked to authorize the scheduling of a public hearing to consider a franchise granting Liberty

University access to Treasure Island through Riverside Park. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote agreed to schedule a public hearing to receive input on a proposal to grant Liberty University access through Riverside Park to Treasure Island:

Ayes: Cary, Foster, Helgeson, Nelson, Gillette	5
Noes:	0
Absent: Johnson	1
Abstention: Perrow	1

// After Mayor Gillette read the closed session item, Council Member Perrow read the following statement, "Freedom Aviation has asked Lynchburg City Council to amend its franchise agreement to allow it to sell aviation fuel to commercial airlines at the Lynchburg Regional Airport. While Freedom Aviation is a duly organized Virginia corporation, it is also a subsidiary of Liberty University. I am a member of WW Associates, Inc., a civil engineering firm, and I receive a salary from the firm in excess of \$10,000.00 per year, and have an ownership interest in the firm that exceeds 3% of the firm's assets. My company, WW Associates, Inc., occasionally contracts with Liberty University for engineering services, but my company has never done engineering work for Freedom Aviation. Even though my company has done business with Liberty University, I am able to participate in Freedom Aviation's request to amend its franchise agreement fairly, objectively, and in the public interest. Therefore, I will participate in City Council's consideration of Freedom Aviation's request at today's close session."

// On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and staff members about a specific legal matter, Freedom Aviation's request that City Council amend its franchise agreement to allow it to sell aviation fuel to commercial airlines at the Lynchburg Regional Airport, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Johnson	1

// The meeting was re-opened to the public.

// Council Member Foster 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 Helgeson, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
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Noes:	0
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Absent: Johnson	1
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// The meeting was adjourned at 3:14 P.M.

Clerk of Council