

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of October, 2011, 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, Nelson, Perrow, Foster 6

Absent: Johnson 1

// Vice Mayor Johnson arrived at 4:04 p.m.

// City Manager Kimball Payne again explained the Greater Lynchburg Transit Company Funding Request by stating that GLTC is no longer asking for an immediate cash infusion to balance the FY 2012 Budget. Mr. Payne went on to say while this issue remains on the table, the GLTC Board will instead be considering service reductions. Mr. Payne referenced correspondence from the GLTC Board related to the ongoing fiscal challenges of the organization and a letter from First Transit that addresses the findings of the recent financial audit.

// Legislative Liaison Linda McMinimy presented the proposed Legislative Agenda for the 2012 session of the General Assembly. Ms. McMinimy did state this would be a long session starting in January and ending in May. Ms. McMinimy provided an overview regarding the Proposed 2012 Legislative Priorities:

- State Aid to Localities
- Comprehensive Services Act (CSA)
- Educational Funding
- Local Law Enforcement Funding
- Water Quality

Ms. McMinimy further presented the other legislative positions. Several Council Members had concerns regarding the wording of the Eminent Domain and the water quality positions. Also one Council Member asked that the Virginia Retirement System (VRS) position be moved up to the priorities section and after further discussion, Council consensus was to make the necessary changes to the draft 2012 Legislative Agenda and present at the next Council meeting on November 8th.

// Leslie King, Assistant to the City Manager, presented the Proposed City Council Vision Statement. Ms. King stated that during Council retreat it was suggested that the "Good Government" component of Council's Vision Statement be revised to acknowledge the City's role in regional initiatives. The following language was proposed for adoption by Council: Good Government: City government will deliver, in an equitable manner, public services through the effective and efficient stewardship of resources. *We will also engage in regional efforts that advance the interests of our citizens.* Council Member Perrow stated he would not support the Proposed City Council Vision Statement because he felt it was not a statement that rises to the level of vision and does not think it is appropriate. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-119, as presented, revising City Council's Vision Statement:

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

Noes: Perrow 1

// During roll call Council Member Gillette stated he would like the Clerk to send a proposed calendar by email on the anticipated Budget Work Session for 2012. Council Member Perrow received a call regarding the pedestrian access to City streets around Lynchburg College. Also the caller asked about a pedestrian crossing at the stoplight on Wards Road at CVS and Kroger stores. Vice Mayor Johnson recognized the Virginia Home Makers Society on their State Conference that was held in Lynchburg at the Holiday Inn. Mayor Foster suggested a change in the November 22 Council Meeting to began at 1:00 P.M. instead of 4:00 P.M. since there were only a few items on the agenda. Council by consensus agreed to start the November 22 Council Meeting at 1:00 P.M.

// On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Transit Company Board and the Lynchburg Parking Authority; and for consultation with legal counsel and briefings by staff members regarding a specific legal matter requiring the provision of legal advice, specifically, the discussion of legal issues concerning the City boundaries that were created by the 1976 annexation, and for consultation with legal counsel and briefings by staff members about probable litigation by Justin Sandling, pursuant to Section 2.2-3711(A.)(1) and (7), respectively, of the Code of Virginia, 1950:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, 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 Gillette, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Jennifer D. Martin and James H. Mundy, to serve another term on the Transit Company Board for terms to expire October 31, 2014:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed L. Kimball Payne to serve a term on the Transit Company Board for a term to expire October 31, 2014:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed J. Randolph Nelson to serve another term on the Lynchburg Parking Authority for a term to expire October 31, 2013:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Anna Bentson to serve a term on the Lynchburg Parking Authority for a term to expire October 31, 2012:

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

Noes: 0

// City Council recessed the meeting at 6:28 p.m.

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

The following Members were present:

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

Absent: Johnson 1

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

// Copies of the minutes of the October 11, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as revised:

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

Noes: 0

Absent: Johnson 1

// In the matter of Fire – General, Resolution #R-11-107 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$7,200, to purchase a Forcible Entry Simulator for the Fire Department's Burn Building, laid over from the October 11, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution to purchase a Forcible Entry Simulator for the Fire Department's Burn Building:

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

Noes: 0

Absent: Johnson 1

// In the matter of Fire – General, Resolution #R-11-108 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$7,527, to purchase a Temperature Monitoring System (TMS) for the Fire

Department's Burn Building, laid over from the October 11, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution to purchase a Temperature Monitoring System (TMS) for the Fire Department's Burn Building:

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

// In the matter of Police – General, Resolution #R-11-109 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$35,820 with resources of \$29,850 and in-kind match of \$5,970 to send crash team members to accident reconstruction training and to purchase equipment, laid over from the October 11, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution to send crash team members to accident reconstruction training and to purchase equipment:

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

// In the matter of Police – General, Resolution #R-11-110 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$51,224, fully reimbursable, to purchase replacement digital in-car video recording equipment and computer tablets, laid over from the October 11, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution to purchase replacement digital in-car video recording equipment and computer tablets:

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

// In the matter of Police – General, Resolution #R-11-111 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$53,227 with resources of \$42,137, an in-kind match of \$8,438, to provide selective DUI and occupant restraint enforcement activities, attend related training and purchase equipment, laid over from the October 11, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution to provide selective DUI and occupant restraint enforcement activities, attend related training and purchase equipment:

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

// Vice Mayor Johnson joined the meeting at 7:33 p.m. after the vote on the Consent Agenda.

// In the matter of City Code/Registrar, a public hearing was held regarding City Council Report #12

regarding an Ordinance to amend the City Code relating to the City's Election Wards, Election Precincts and Voting Places. City Planner Tom Martin gave a summary of the request stating as a result of population changes identified in the 2010 Census, boundary adjustments are necessary to Ward and Precinct Boundaries. Mr. Martin further stated that guidelines for redistricting advise that the population for Wards should be within five percent (5%) of the ward's ideal population relative to the total population of the City. The ideal population of each ward would be eighteen thousand eight hundred and ninety-two (18,892) individuals. Mr. Martin went on to say that boundary adjustments also cannot result in "retrogression" or a condition where the minority population does not have the same voting strength. 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 Cary, Council by the following recorded vote adopted Ordinance #O-11-120, as presented, to amend the City Code relating to the City's Election Wards, Election Precincts and Voting Places:

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

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Noes:

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// In the matter of Cable, a public hearing was held regarding City Council Report #13 regarding an Ordinance for a second amendment to the Cable Franchise Agreement between the City of Lynchburg, Virginia and Ntelos Media Inc. Mike Goetz, Director of Information Technology, gave a summary of the Ntelos Cable television Franchise request. Mr. Goetz stated that Ntelos has requested that its cable television franchise be amended to expand its franchise to provide cable television services to areas in the City beyond the Cornerstone neighborhood. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council discussion it was consensus of Council to present this item at the November 8th Council meeting.

// In the matter of City Code, a public hearing was held regarding City Council Report #14 regarding an Ordinance amending the City Code relating to the regulation of Stormwater within the City. Tim Mitchell, Utilities Director, gave a summary on the existing and future stormwater management needs and pending regulations associated with the Chesapeake Bay clean-up efforts. Mr. Mitchell further stated that a stormwater utility and enterprise fund are recommended in order to effectively and efficiently address these needs. Mr. Mitchell went on to say a fee based on the amount of impervious area on individual properties is recommended as it would apply to all developed properties with the City and is regarded as the most equitable method of funding the stormwater management needs of the City. There were two individuals that spoke in favor of the Ordinance amending the City Code relating to the regulation of Stormwater within the City. There were two individuals that spoke in opposition regarding this item against adding more fees to the water bill. 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 had the following concerns:

- . use a stormwater fee
- . add the fee to current utility bills
- . send the bills to property owners or tenants

Council Member Helgeson made a motion, seconded by Council Member Perrow to table the discussion until the Budget session. Council Member Gillette suggested that it would be too long to table this item and asked the item be discussed at the December 13 meeting. Council Member Helgeson agreed to change his motion and Council Member Perrow seconded the change. Council by the following recorded vote agreed to take this item to the December 13 Council Meeting:

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

Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #15 regarding requesting the Commonwealth Transportation Board to establish a project for the construction of a pedestrian/bike trail along the former Kanawha Canal in Lynchburg. Charles Grant, Construction Manager, gave a summary to request the Commonwealth Transportation Board to establish a project for the construction of a pedestrian/bike trail along the former Kanawha Canal in Lynchburg, including improvements to the 9th Street Kanawha Canal Bridge to allow pedestrian/bike travel under the bridge, creation of a Canal Park to serve as a trailhead, and stabilization of the adjacent historic train tunnel for a future transportation exhibit. Mr. Grant further stated that this work is a continuation of the Downtown & Riverfront Master Plan 2000. This phase of work will focus on the Kanawha Canal revitalization as a trailhead connection between Percival's Isle and Blackwater Creek. Mr. Grant went on to say included is the stabilization of the old railroad tunnel located behind Amazement Square and this tunnel will be used for a future transportation exhibit. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC and made a motion to request the Commonwealth Transportation Board to establish a project for the construction of a pedestrian/bike trail along the former Kanawha Canal in Lynchburg. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-11-121, as presented, to establish a project for the construction of a pedestrian/bike trail along the former Kanawha Canal in Lynchburg:

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

Noes: 0

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #16 regarding authorizing the issuance of not to exceed \$10,000,000 General Obligation Public Improvement Bond Anticipation Notes (BANS). Donna Witt, Financial Services Director, provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC and made a motion to approve the \$10,000,000 General Obligation Public Improvement Bond Anticipation Notes (BANS). The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-11-122, as presented, authorizing the issuance of not to exceed \$10,000,000 General Obligation Public Improvement Bond Anticipation Notes (BANS) pursuant to Section 15.2-2606.A of the Code of Virginia, 1950:

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

Noes: 0

// Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC and made a motion to adopt the Resolution. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-123, as presented, amending the FY 2012 General Fund's Adopted Budget and appropriating \$34,956, for issuance costs related to the FY 2012 General Obligation Public Improvement Bond Anticipation Notes for the Bank Qualified Line of Credit:

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

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Noes:

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// In the matter of City Council, Ms. Barbara Petit spoke before Council regarding a concern with the Lynchburg Police Department.

// The meeting was adjourned at 9:32 P.M.

Clerk of Council