// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of September, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: Foster 1

// City Manager Kimball Payne explained the process for receiving the Franchise Proposals during the work session. Mr. Payne outlined the ordinance for awarding a franchise to Milestone Communications Management III, Inc., granting Milestone the nonexclusive right, privilege, franchise, and authority, to install, operate and maintain telecommunication monopoles and ground telecommunications equipment on designated City-owned properties throughout the City. Mayor Gillette asked if there were any proposals to be submitted at this time. Milestone Communications Management III, Inc., was the only proposal that was received. Mayor Gillette explained that Council would take action on this item at the council meeting tonight.

// Ben Copeland, Assistant Superintendent for Operations and Administration for Lynchburg City Schools briefed Council on the status of design development and material and cost estimates for the new Heritage High School (HHS). Mr. Copeland also reported on the cost estimates from both the architect and the third party estimator.

// Donna Witt, Director of Financial Services, provided information for a request for proposals for a Bank Qualified Loan as part of a multi-year funding plan to finance capital projects. The City's financial advisors, Davenport and Company, have examined the Captial Improvement Program (CIP) and related cash flows in order to prepare a multi-year financing plan for capital projects, which include Heritage High School. Ms. Witt went on to say the first step in the multi-year funding plan would allow the City to take advantage of and lock in low interest rates with a bank qualified loan. During Council discussion it was the consensus of Council to move forward to issue a Request for Proposals (RFP) for a Bank Qualified Loan as part of a multi-year funding plan to finance capital projects.

// City Planner Tom Martin provided an update on the Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan Study. Mr. Martin explained that the Plan encompasses two distinct initiatives: 1) a "grass roots" effort spearheaded by the Campbell Avenue area businesses and residents, and 2) the state's funding of the Odd Fellows Road U.S. Route 460/29 interchange in July 2011. Mr. Martin further explained while Campbell Avenue and Odd Fellows Road have unique conditions and land uses, they function as a pair. Impacts and improvements to one road will likely cause significant indirect impact to the other. Mr. Martin went on to say that during preparation of the plan, City staff worked with a group of key stakeholders and hosted a series of neighborhood meetings to solicit input on the Plan. Mr. Martin stated the document provides an "area-wide" plan, as well as individual "master plans" for the Campbell Avenue and Odd Fellows Road corridors.

// City Manager Kimball Payne provided information regarding the Odd Fellows Road Public Private Partnership (P3) Proposal. Mr. Payne stated that in July English Construction submitted to the Virginia Department of Transportation (VDOT) an unsolicited proposal for the construction of the Odd Fellows

Road Interchange. The proposal also addressed the planned improvements to Greenview Drive. Mr. Payne went on to say, in preparation of City comments regarding the unsolicited Public Private Transportation Act (PPTA) proposal for the Odd Fellows Road Interchange, that a number of issues have been identified:

- The consistency of the P3 proposal with the design components in the Odd Fellows Road plan that Council will be discussing earlier in the agenda; specifically, aesthetic finishes, landscaping, lighting, pedestrian and bicycle amenities on the interchange and road.
- The importance of the interchange as a gateway to the City and Liberty University.
- The necessity that improvements to the Odd Fellows Road/Mayflower Drive intersection and to Odd Fellows Road between Mayflower Drive and the interchange (Project B1) be completed coincident with the completion of the interchange for proper traffic flow.
- The necessity for and timing of improvements to Odd Fellows Road between Mayflower Drive and the Expressway (Project B2).
- The overall value (in terms of cost, scope and schedule) of the P3 proposal relative to a traditional design/bid/build approach.
- The appropriateness of including the Greenview Drive improvements in the proposal; relevance, economies of scale, schedule, administration, and cost.
- The financial plan outlined in the proposal.

Mr. Payne explained that Virginia Department of Transportation (VDOT) and the City are conducting a detail-level project screening review of the proposal in early October and then a decision will be made by VDOT on whether or not to proceed to the next stage, a PPTA procurement, and seek competing proposals. That process would take 120 days with a final decision on the project as early as Spring 2014.

// During roll call Mayor Gillette announced that Get!Downtown event will be held on September 13, 2013 from 6:00 p.m. until 9:00 p.m.

// City Council recessed the meeting at 6:57 p.m.

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

The following Members were present:

Present: Cary, Helgeson, Johnson, Nelson, Perrow, Gillette	6
Absent: Foster	1

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

// Copies of the minutes of the August 13, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Public Works – General, a public hearing was held on City Council Report #8 regarding a request to grant a License Agreement to Liberty University to place 60 feet of fiber optic cable in City-owned right-of-way from 3777 Candlers Mountain Road to 4000 Candlers Mountain Road. City Engineer Lee Newland gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that he would defer to Vice Mayor Johnson because his company, WW Associates, has a contract with Liberty University for engineering services that will generate in excess of $10,000 in annual income. He stated that he had been advised that because of his company's contract, he should abstain from discussing and voting on this item. Vice Mayor Johnson stated that this matter came before PDC, which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-13-093 as presented, granting a License Agreement to Liberty University to place 60 feet of fiber optic cable in City-owned right-of-way from 3777 Candlers Mountain Road to 4000 Candlers Mountain Road:

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

// In the matter of Public Works – Street Vacation, a public hearing was held on City Council Report #9 regarding adopting an Ordinance vacating two hundred and eleven thousandths (0.211) acre of unopened right-of-way lying between 3540 Young Place and 4000 Mayflower Drive. City Planner Tom Martin gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow made the statement again regarding abstaining due to his company's contract with Liberty University. Vice Mayor Johnson stated that this matter came before the Physical Development Committee (PDC,) which recommended approval to vacate the right-of-way. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-13-094, as presented, vacating two hundred and eleven thousandths (0.211) acre of unopened right-of-way lying between 3540 Young Place and 4000 Mayflower Drive:

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

Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-095, as presented, granting the selling of two hundred and eleven thousandths (0.211) acre located between 3540 Young Place and 4000 Mayflower Drive to Liberty University:

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

// In the matter of Public Works – Street Vacation, a public hearing was held on City Council Report #10 regarding the consideration of adopting an Ordinance vacating twenty-six thousandths (0.26) of an acre from portions of Whitehall Road and Lakeside Drive right-of-way adjacent to 2400 Lakeside Drive. City Planner Tom Martin gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before PDC, which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Ordinance #O-13-096, as presented, vacating twenty-six thousandths (0.26) of an acre from portions of Whitehall Road and Lakeside Drive right-of-way adjacent to 2400 Lakeside Drive:

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

// In the matter of Region 2000, a public hearing was held on City Council Report #11 regarding the request of the Town of Bedford to withdraw from the Region 2000 Services Authority. City Manager Kimball Payne gave an overview of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-097, as presented, granting the Town of Bedford to withdraw from the Region 2000 Services Authority:

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

// In the matter of Community Development - General, a public hearing was held on City Council Report #12 regarding adopting an Ordinance for the lease of City property at 409 and 459 Perrymont Avenue to Milestone Communications Management III, Inc., for the operation of a Telecommunications Monopole. City Manager Kimball Payne gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Gillette called for a vote to table this item until action could be taken on Item #13 which is to approve the Milestone Communications Franchise Agreement. On motion of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote tabled this item until such time as action has been taken on Item #13:

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

After Item #13 was approved, Mayor Gillette called for a motion on Milestone Communications Management III, Inc., Council Member Cary made the motion, seconded by Council Member Perrow, and Council by the following recorded vote adopted #O-13-099, as presented, for the lease of City property at 409 and 459 Perrymont Avenue to Milestone Communications Management III, Inc., for the operation of a

Telecommunications Monopole:

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

// In the matter of Community Development - General, City Council Report #13 was considered. On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-13-098, as presented, granting a telecommunication tower franchise to Milestone Communications Management III. Inc., to install, operate and maintain telecommunication monopoles and ground telecommunications equipment on various City-owned properties throughout the City:

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

// In the matter of Budget, City Council Report #14 was considered. On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-100, as presented, amending the FY 2014 Operating and Capital Budgets and appropriating funds to reflect the carry forward of unexpended funds from FY 2013:

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

// City Manager Kimball Payne provided information on reducing the amount of the fee charged for concealed handgun permits, which Council Member Helgeson asked that this matter be placed on the agenda for consideration. City Attorney Walter Erwin stated that Council has had no role in setting the fee for a concealed handgun permit. This process is handled by the police department, and Chief Parks Snead provided background information on revenue received and overtime expenses for the past three years on concealed handgun permits. During Council discussion the following concerns were mentioned; should the fee be lower, second amendment rights, it is a fee not a tax, the permit is a right to carry a concealed weapon, and find a more efficient way to process a background check. Council Member Perrow made a substitute motion, seconded by Council Member Cary, to move the fee from $50.00 to $35.00. Council Member Cary made a motion to have the police department reduce the cost and find a more efficient way to process the permits. This motion failed for lack of a second. Council Member Perrow withdrew his motion. Mayor Gillette and Vice Mayor Johnson dissented because they did not feel a second review would produce different results. Council Member Cary made a motion, seconded by Council Member Perrow that this item would be tabled until a corrected cost analysis could be prepared on future ways to ensure efficiencies and cost estimates, and Council by the following recorded vote tabled this item:

Ayes: Cary, Helgeson, Nelson, Perrow 4
Noes: Johnson, Gillette 2
Absent: Foster 1

// On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed boards and commissions, i.e., Social Services Advisory Board, Board of Building Code Appeals, Dr. Martin Luther King, Jr.,/Lynchburg Community Council, Economic Development Authority, Redevelopment and Housing Authority and Lynchburg Business Development Centre; pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended,:

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

// Council Member Helgeson left during the closed meeting.

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

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

Ayes: Cary, Johnson, Nelson, Perrow, Gillette	5
Noes:	0
Absent: Foster, Helgeson	2

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Christina Delzingaro, Gloria Scalise, and Thomas Sparhawk to serve on the Social Services Advisory Board for terms to expire September 30, 2017:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette	5
Noes:	0
Absent: Foster, Helgeson	2

On nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Thomas Sparhawk to serve on the Board of Building Code Appeals for a term to expire September 30, 2017:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette 5
Noes: 0
Absent: Foster, Helgeson 2

On nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Jevon Scott to serve on the Martin Luther King, Jr.,/Lynchburg Community Council for a term to expire June 30, 2016:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette 5
Noes: 0
Absent: Foster, Helgeson 2

On nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Mark A. Strosnider to serve on the Economic Development Authority Board for a term to expire June 30, 2017:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette 5
Noes: 0
Absent: Foster, Helgeson 2

On nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote reappointed Edgar J. T. Perrow, Jr. to serve on the Redevelopment and Housing Authority Board for a term to expire September 30, 2017:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette 5
Noes: 0
Absent: Foster, Helgeson 2

On nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote reappointed J. Frederick Watson to serve on the Lynchburg Business Development Centre Board for a term to expire September 30, 2016:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette 5
Noes: 0
Absent: Foster, Helgeson 2

On nomination of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Brandon M. Baber, Michael A. Forren, Keith H. Hawkes, Jr., Maurice Jordan Preston, and Carmen IC Riley to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2016:

Ayes: Cary, Johnson, Nelson, Perrow, Gillette 5
Noes: 0
Absent: Foster, Helgeson 2

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

Clerk of Council