// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of August, 2018, at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 7

Absent: 0

// City Manager Bonnie Svrcek presented for consideration a Resolution Declaring and Rescinding a State of Emergency for the College Lake Flood and Dam event that occurred on August 2, 2018. Council adopted the resolution Declaring and Rescinding a State of Emergency for the College Lake Flood and Dam Event. On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-18-063, as presented, Declaring and Rescinding a State of Emergency for the College Lake Flood and Dam Event:

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

Noes: 0

A brief video was shown of the flooding on August 2nd at the College Lake Dam. Director of Water Resources Tim Mitchell gave an update on where we are but most importantly where we are going. Mr. Mitchell provided a comprehensive timeline explaining the flood on August 2nd and background information of the College Lake Dam. He stated that the water from the lake overtopped Lakeside Drive. Emergency personnel began evacuating residents downstream around 12:30 a.m., on August 3rd the overtopping ended. City staff met with external engineers the next day to inspect the dam and determine the best path forward. The Immediate concern was water pressure on a compromised dam and significantly higher risk of failure associated with other overtopping events. When meeting with external advisors and state regulators, it was decided to open a sluice gate and drain the lake. Mr. Mitchell said they made this decision to prioritize public safety in the event of another rain event. The continued conversation to immediately remove debris blocking the low level outlet (the debris could result in outfall becoming pressurized) and then open the sluice gate on the low level outlet.

- Relieve any water pressure being exerted on the dam
- Provide additional upstream storage for future rain events
- Monitor downstream for changes and weeps

The next step would be to evaluate emergency repair versus temporary repair on the dam. A decision was made to proceed with temporary repairs to the dam in lieu of emergency repairs to restore two lanes of traffic on Lakeside Drive. Mr. Mitchell mentioned the following Focus Areas:

- Develop plans for temporary dam repairs
- Environmental recovery
- Regulatory involvement
- Collaboration with University of Lynchburg
- State and Federal assistance
- Short and long term planning

Mr. Mitchell went on to say that a meeting will be held with University of Lynchburg President Dr. Garren and Board of Trustees to discuss and ask for approval of the following:

1. Authorize the university to work with the City to develop short and long term options for the lake bed
2. Permit the City to perform the work necessary on the lake bed for short and long term stabilization
3. Agree to collaboratively work with the City and others to develop options and phasing scenarios for wetlands restoration
4. Agreement to ultimately remove the dam and build a bridge over the Lake
5. Collaboratively explore various sources of funding including grants, creation of wetland mitigation banks, etc.
6. Permit the City to spread a wetland seed mixture to begin stabilization possibly as early as next week including the use of the athletic fields at Faculty Drive for staging
7. Assist the City with long term monitoring of the Lake (also great opportunities for staff and students to be involved in the design, regulatory process, construction, various other hands-on opportunities)
8. Agree to a vision of transitioning the Lake to a Wetlands Learning Laboratory and destination for environmental exploration by citizens, students, and tourists; as well as become a model for best practices in the development of Wetlands Stream Restoration

In looking ahead to begin stabilization of existing lake bed with wetland seed mix, continue work and modifications to temporary riser structure, develop a longer term plan for low level outfall – current situation is very temporary, focus projects on upper lake bed first and control erosion through lake bed likely by a combination of stream bed stabilization and grade control structures, look at options to control float debris entering the lake, seek state, federal and private funding assistance and move forward as quickly as possible with long term solution and the long term solution must be submitted to Department of Conservation and Recreation (DCR) by March 31, 2020. Mr. Mitchell mentioned the challenges and decisions.

1. Very complex situation with multiple stakeholders
2. Construction in the lake bed is extremely difficult and costly
3. Managing the flow through the lake and particularly the low level outlet
4. Extremely maintenance intensive
5. Look at options to control float debris entering the lake
6. Move forward as quickly as possible with long term solution – hard deadline with DCR
7. Be prepared for a long process
8. Immediate decisions will need to be made regarding level of lake bed restoration, where funding will come from, and long term plans

Mr. Mitchell further stated the City is ultimately moving toward removing the dam and building a bridge over the remaining waterway to accommodate traffic on Lakeside Drive. He did not provide a timeline for any changes. We really want to make the best use of the money we invest in this process and a better way to keep the water levels low. City Manager Bonnie Svrcek echoed Mr. Mitchell's statements, advising Council that the City is in the early stages of these conversations and is pursuing every opportunity for funding.

After the presentation, Council Members asked several questions. Council Member Helgeson commended City staff for their response on August 2nd. Council Member Helgeson asked about financing the lake bed restoration, indicating University of Lynchburg (UL) should fund most of it because the lake is its property. Mr. Mitchell said he discussed the situation with City Attorney Walter Erwin, who advised him the City can provide assistance for the restoration, even though it is private property, because it is for the greater public good. However, he said a lot of discussions need to take place regarding the funding. Council Member Nelson asked about the estimated cost to repair the dam and bridge again to two way traffic. Mr. Mitchell responded the cost of the dam and the bridge repair is around two hundred thousand dollars. What is the probability of the dam overtopping in the case of a storm similar to the one that hit the City on August 2nd. Mr. Mitchell responded in that exact scenario, the dam would overtop again. For a smaller storm event, which is much more likely, we are in a much safer situation than we were before. Council Member Nelson also mentioned the water quality in the tributaries feeding into College Lake, saying the amount of sedimentation in them would suggest that development regulations aren't sufficient or well-enforced. According to Mr. Mitchell, Lynchburg's erosion control regulations for development are stricter than State requirements; this is very typical of an urban area as it is very hard to control sediment runoff in an urban environment. Council Member Wilder stated he wanted to commend Mr. Mitchell and his staff on the hard work everyone has done. He asked about the cost for repairing the lake. Mr. Mitchell responded that it's too early in the process to know the cost. Council Member Wilder mentioned in reference to the flood, is there any State or Federal funds to help with the assistance. Mr. Mitchell responded that all our options to possibly help with this situation are being explored. Council Member Wright asked, what is the environmental effect downstream? Mr. Mitchell responded, they have set up a stream monitoring system. Council Member Perrow and Mayor Tweedy praised Mr. Mitchell and his team's efforts in prioritizing public safety on August 2nd and in the following days. Mayor Tweedy said she was grateful that citizens' needs were met that rainy night and is optimistic funds will come to replace and repair what we need to fix.

// Chief of Police Diaz presented information on issues in the department related to retention of current officers, recruitment of new officers and right-sizing of staffing levels. During the presentation, Chief Diaz briefed Council on the difficulties facing the department, such as its staffing levels. When considering right-sizing, he said the City must incorporate a number of factors, including calls for service, technology and best practices for 21st century policing. The time Lynchburg Police Department (LPD) officers spend on calls for service has risen from 56 percent in 2015 to more than 75 percent this year. Chief Diaz said the International City/County Management Association recommends this number should not exceed 60 percent of an officer's workload "because then we become reactive, not proactive." Additionally, the average time of a call for service is up from 21 minutes in 2001 to 43 minutes in 2015. All of these factors place a strain on the current force, which is asked by the City to do more in the community. Officers participate in more than two dozen community organizations and programs and they sit on the board of several local civic organizations. When discussing right-sizing the force, the police chief cited data showing the city lags behind its neighboring cities in the number of sworn officers per capita. Currently, Lynchburg has 2.15 officers per 1,000 people. Danville has 3.29 sworn officers per 1,000 people. Another challenge of the department is retention, which is directly related to staffing. If people stay and don't leave, I don't have to recruit that many people. He said the most recent statistics from the U.S. Department of Justice show an average 7 percent annual turnover. Lynchburg's average over the last five years was almost 14 percent. The department is constantly training officers who then leave in a few years for other opportunities. Over 80 percent of our road patrol officers have less than five years of experience. Chief Diaz went on to say it costs $17,000 to hire a new officer. New officers on the force must work with a more experienced officer for nine to 10 months before they can go out on their own. It takes another three to five years before the officers really settle into the job. There is an art to it and it takes time to develop the ability to do it right. To address these challenges several proposals to consider; increase staffing, implementing a pay scale with wage progression and reinstating retirement health benefits for officers with 25 years of service. Chief Diaz asked staff to incorporate and prioritize the recommendations for the fiscal year 2020 budget, but said he hopes the City can implement sooner than next year's budget cycle.

Overall, Council Members were receptive to Chief Diaz requests but took no action at the meeting. Council Members said they prioritized public safety in the community and praised the department's efforts to reduce crime and participate in community organizations. Council Member Helgeson asked City staff to look at adding a placeholder for 25 new officers for Council review in an upcoming meeting. Vice Mayor Dolan mentioned, certainly the report was very powerful and comprehensive. Vice Mayor Dolan went on to say "as a governing body, if we are unable to see how serious this is and we do not find the resources to meet those needs, we are failing." Mayor Tweedy cautioned that while she understands the public safety needs, we would love to fund everything but the City has many challenges. Chief Diaz stated this presentation required no action at this time.

// Due to time constraints the Code Compliance Programs Overview was postponed until the September 11, 2018 work session.

// During roll call Council Member Nelson mentioned calls that he received from citizens regarding the speed limits on Rivermont Avenue and would it be appropriate to evaluate and make any adjustments. Each Council Member mentioned they had received calls regarding speeding on Rivermont Avenue.

// Council Member Perrow mentioned the speeding on Rivermont Avenue and the pedestrian cross walks. He thanked the City staff for removing the restriction at the Landfill for citizens to take their items after the flood.

// Council Member Helgeson mentioned the City gave a special exempt status to the Krise building in June 2016 and nothing has been done on that building. Council Member Helgeson asked Donna Witt, Director of Financial Services to speak to this item. Ms. Witt stated that the penalty was waived and the accrued interest was recalculated at 3% from a rate of 10% for delinquent real estate taxes on the Krise building. Ms. Witt went on to say that she heard from the attorney and they will close on August 22 or 23, 2018. The City should collect about $94,000 which will pay all the back taxes on the Krise building and the interest that has accrued on the building. Council Member Helgeson further stated if the Krise building does not close on the stated date then Council on what action to take.

// Council Member Wright mentioned he also received calls regarding the speeding on Rivermont Avenue.

// Council Member Wilder mentioned the National Night Out held at the Riverfront which was a great success and thanked City staff for their support. He mentioned the Lynchburg City Schools Convocation at E. C. Glass that was held on Monday, August 13, 2018 and thanked Vice Mayor Dolan for speaking at the National Night Out and the Convocation in the absence of Mayor Tweedy. School starts on Wednesday, August 15, 2018, again this year with the "Men to School". Any man who wants to greet students, wishing them well, encouraging them, and conveying how much we appreciate them and to have a great school year is encouraged to participate. The Men to School will begin at the high schools at 7:05 a.m.; middle schools at 7:25 a.m. and elementary schools at 8:10 a.m.

// Vice Mayor Dolan gave a shout out to the Lynchburg City Schools staff and teachers and wished them a great year.

// Mayor Tweedy made the following announcements:

- City Council Retreat will be held on Tuesday, August 28, 2018 from 8:30 a.m. to 4:00 p.m. at the Dolan Conference Room at Lynchburg General Hospital.
- Lynchburg City Schools start on Wednesday. August 15, 2018 and she encouraged citizens to slow down and watch out for our students.

// On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e. Martin Luther King, Jr./Lynchburg Community Council, Historic Preservation Commission, Virginia Alcohol Safety Action Program (VASAP), Region 2000 Local Government Council and Region 2000 Workforce Investment Council; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended**:**

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

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright, Tweedy	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 appointed Vivian C. Miller, to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council with a term expiring June 30, 2021:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Noes:	0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Michael J. Erquiaga to serve on the Historic Preservation Commission, with a term to expire June 30, 2021:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Noes:	0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote reappointed Brenda Finch to serve on the Virginia Alcohol Safety Action Program (VASAP) Board for a term to expire August 31, 2021:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Noes:	0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Mayor Treney Tweedy to serve on the Region 2000 Local Government Council for a term to expire June 30, 2022:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Mayor Treney Tweedy to serve on the Region 2000 Workforce Investment Council:

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

Noes: 0

// City Council recessed the meeting at 6:12 p.m.

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

The following Members were present:

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

Noes: 0

// Vice Mayor Dolan gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the May 22, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

Abstain: Wright 1

// Copies of the minutes of the June 5, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Nelson, Perrow, Wilder, Tweedy	5
Noes:		0
Abstain:	Helgeson, Wright	2

// Copies of the minutes of the June 12, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Helgeson, Nelson, Wilder, Tweedy	5
Noes:		0
Abstain:	Perrow, Wright	2

// Copies of the minutes of the June 19, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the June 26, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

Ayes:	Helgeson, Nelson, Perrow, Wilder, Tweedy	5
Noes:		0
Abstain:	Dolan, Wright	2

// Copies of the minutes of the July 2, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dolan, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the July 10, 2018 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, Wilder, Wright, Tweedy 6

Noes: 0

Abstain: Helgeson 1

// In the matter of Fire, Resolution #R-18-062, to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate $56,938 with resources of $28,204 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund, $25,000 transferred from the FY 2019 General Fund Fire Department budget, and $3,734 appropriated from the General Fund Fire Equipment Assigned Fund Balance to purchase CPR manikins, (1) LifePak cardiac monitor and (1) Power Pro stretcher for the Fire Department, laid over from the July 10, 2018 meeting, was again presented and read, and on motion of Vice Mayor Dolan, seconded by Council Member Wilder, Council by the following recorded vote adopted

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

Noes: 0

// In the matter of Community Development - Rezoning, a public hearing was held regarding City Council Report #14 outlining the petition of Todd DeCourcy, Thomas Road Baptist Church to rezone approximately twenty three hundredths (.23) acres at 4259 White Street from R-2, Low-Medium Density Residential to R-3, Medium Density Residential to allow the use of an existing structure as a duplex. City Planner Tom Martin provided a summary of the request stating the petition is consistent with the Zoning Ordinance, which permits duplexes within an R-3 Medium Density Residential District. The Comprehensive Plan 2013 – 2030 Future Land Use Map (FLUM) recommends an Institutional use for the property. Mr. Martin went on to say that the Planning Commission recommended approval of the rezoning petition. Mr. Norm Walton of Perkins & Orrison was present to represent the petitioner.

Mr. Walton stated that Thomas Road Baptist Church owns the property and would like to use this property to house missionary families. He went on to say that there is adequate parking and there will be no exterior changes to the house. One individual spoke in favor of the petition and no one spoke in opposition. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Nelson made the following statement. “In the past I have served as legal counsel for Liberty University on real estate matters. I felt it would not be a conflict of interest and needed to disclose that statement. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item.” On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-18-064, as presented, granting the petition of Todd DeCourcy, Thomas Road Baptist Church to rezone approximately twenty three hundredths (.23) acres at 4259 White Street from R-2, Low-Medium Density Residential to R-3, Medium Density Residential to allow the use of an existing structure as a duplex:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Noes:	0

// In the matter of Police, City Council Report #15 was considered introducing a Resolution to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate $41,936 with resources from the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff’s Office and the Office of the Commonwealth’s Attorney. Police Chief Diaz provided an overview of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-065, as presented, to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff’s Office and the Office of the Commonwealth’s Attorney:

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

Noes: 0

// In the matter of Human Services, City Council Report #16 was considered, to amend the FY 2019 General Fund budget and appropriate $196,031 with resources of $178,531 from the State Department of Social Services and $17,500 from Horizon Behavioral Health Services to the Division of Social Services for staff and operations in preparation for the expansion of Medicaid benefits and to approve the addition of three full-time positions for the Lynchburg Division of Social Services. Human Services Director Tamara Rosser provided a summary of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-066, as presented**,** to approve the addition of three full-time positions for the Lynchburg Division of Social Services:

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

Noes: 0

// In the matter of Water Resources, City Council Report #17 was considered, to amend the FY 2019 Water Fund Operating Budget to add one new full time engineering project manager. Water Resources Director Tim Mitchell provided a summary of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-18-067, as presented, to amend the FY 2019 Water Fund Operating Budget to add one new full time engineering project manager:

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

Noes: 0

// In the matter of Parking, City Council Report #18 was considered, to amend the FY 2019 General Fund budget and appropriate $40,500 from the Assigned Fund Balance Reserve for Parking to purchase four

(4) parking payment stations. Parking Manager David Malewitz provided a summary of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-068, as presented, to amend the FY 2019 General Fund budget and appropriate $40,500 from the Assigned Fund Balance Reserve for Parking to purchase four (4) parking payment stations:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Noes:	0

// In the matter of Parks and Recreation, City Council Report #19 was considered, to amend the FY 2019 General Fund budget and appropriate $15,000 to the Parks and Recreation Fees budget to provide a benefit match that incentivizes the purchase of fruits and vegetables for Supplemental Nutrition Assistance Program (SNAP) participants. Community Market Manager Jennifer Kennedy provided a summary of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-069, as presented, to provide a benefit match that incentivizes the purchase of fruits and vegetables for Supplemental Nutrition Assistance Program (SNAP) participants:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Noes:	0

// The meeting was adjourned at 8:07 P.M.