// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of August, 2012, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Nelson, Perrow, Gillette 5

Absent: Cary, Johnson 2

// City Manager Kimball Payne introduced Karen Walton, the new Greater Lynchburg Transit Company (GLTC) General Manager.

// Human Resources Director Margaret Schmitt and Schools Chief Financial Officer Anthony Beckles gave a progress report toward a consolidated health benefits package for City and City Schools employees.

Council Member Perrow read the following comments from Council Member Cary. Council Member Cary's concern about using the word "consolidation" to describe the progress to date is being generous at best. Council Member Cary further stated the goal as expressed in meeting with the consultants months ago is to have a basic plan for both City and City School employees with the option of a "richer" plan for which employees would pay more. "We are light years from being anywhere close to that. The fact that the City and City Schools are at least talking about "consolidation" is a good thing but we're a long way from achieving real consolidation and I find that both disconcerting and disappointing." Council Members also stated they were pleased with the progress and thanked both the City and City Schools in working together to continue the consolidation of having one health plan for City and City Schools employees.

// Gary Christie, Executive Director of the Region 2000 Local Government Council and Bryan David, Executive Director of the Economic Development Council provided an overview of Region 2000 Partnership and the Local Government Council.

Council Member Perrow had several suggestions for the Region 2000 Local Government Council to possibly look into the idea of consolidation of the different Social Services in the region and also have a conversation of a Regional Airport Authority.

// Vice Mayor Johnson arrived at the meeting at 5:25 p.m.

// City Manager Kimball Payne made some introductory comments regarding the trash collection and the disposal programs which would include proposed changes to City Code regarding solid waste management services. Director of Public Works Dave Owen provided an update on the Trash Cart Program. Mr. Owen made remarks regarding the planned changes and the necessary revisions to the City Code to both implement the changes and to recognize the transition of solid waste disposal activities from the City to the Region 2000 Services Authority. Mr. Owen further stated in his presentation one recommendation/option is to move toward color prepaid trash bags.

During Council discussion there were questions and concerns regarding the options for color prepaid trash bags. Mayor Gillette read comments from Council Member Cary stating he understands that citizens "game" the system in two ways: (1) upgrading from 32 gallon to 64 gallon containers, and (2) putting bags of trash out for pickup without the required tag. Council Member Cary further commented going to color prepaid bags is a partial solution, but what about the trash cans without current decals?

Mayor Gillette quoted Council Member Cary "At some point we have to inject firmness – tough love, if you will – to our trash pickup policy; if it's not in a properly colored bag or a trash can with current sticker, it will not be picked up. Citizens can always take it to the landfill – free for first 500 pounds each month."

Mr. Owen further discussed the trash carts to say that the pay-as-you throw system works but a few changes could make it work better with less violations and will generate additional revenue ("everyone pay their fair share"). Council discussion and concerns regarding the trash carts were: more choices for citizens, collection procedures, charging a fee for switching from 32 gallon to 64 gallon carts and how to continue encouraging recycling.

Mayor Gillette stated that Council had consensus on several points which were: 1) retain the two cart sizes, 2) staff develop some type of fee structure for switching out carts, 3) do not leave uncollected trash on the streets and 4) continue the conversation on colored trash bags. Consensus from Council is to bring this item back for further discussion in September.

// City Manager Kimball Payne discussed with Council a date for Council's Retreat and the joint meeting with the School Board. After Council discussion, it was the consensus of Council to schedule Friday, October 19, 2012 as the date for Council's Retreat. Suggestion from Council is to not call this a Retreat but Council Strategic Planning Session. The joint meeting with Council/School Board will be held on Tuesday, October 30, 2012; location and time will be announced later.

// During roll call Council Member Foster gave an update on Live Healthy Initiatives stating that there were 2,231 citizens now logged on that site. The challenge was to lose 12 tons in 2012 and that has been done with 23,774 pounds lost. What a way to go Lynchburg and surrounding area.

// Council Member Helgeson stated that on Fort Avenue near Osaka Restaurant the City needs to look into paving the center lane which is rough and has holes.

// Vice Mayor Johnson stated there is a public trash receptacle at the top of 12th Street stairs and the citizens in that neighborhood would like to have it moved to a different location because a family has moved into the house where the receptacle was located. The Farmers City Beautification Committee asked if there were any funds left in the Keep Lynchburg Beautiful Commission.

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e. Youth Services Citizens Board, VASAP Board and Regional Tourism Board, for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically, legal issues involving the award of the proposed towing contract and to conduct performance evaluations of the City Manager, City Attorney and Clerk of Council respectively, pursuant to Section 2.2-3711(A.)(1) and (7) of the Code of Virginia, 1950, as amended:

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

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

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

// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote appointed Anthony Andrews to serve on the Youth Services Citizens Board to fill an unexpired term ending June 30, 2015:

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

On nomination of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Nicholas R. Gilger to serve another term on the VASAP Board for term to expire August 31, 2015:

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

On nomination of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote appointed Todd A. Swindell to serve on the Regional Tourism Board to fill an unexpired term ending June 30, 2013:

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

// City Council recessed the meeting at 6:33 p.m.

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

The following Members were present:

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

Absent: Cary 1

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

// Copies of the minutes of the June 26, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Cary 1

// Copies of the minutes of the July 3, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Cary 1

// Copies of the minutes of the July 10, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Cary 1

// In the matter of Commonwealth Attorney, Resolution #R-12-087 amending the FY 2013 General Fund Budget and appropriating $17,736, with resources from additional Fines and Fees Collection Revenue to support a new Fines and Fees Collection Division in the Office of the Commonwealth's Attorney, laid over from the July 10, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Cary 1

// In the matter of Human Services - General, Resolution #R-12-089 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $50,862 with resources from Centra Health, Inc. for an Out-stationed Benefit Programs Specialist position, laid over from the July 10, 2012 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Cary 1

// City Council Report # 13 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-12-092, as presented, approving the name change of the Central Virginia Community Services Board to “Horizon Behavioral Health”:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #14 outlining the petition of Jackson Street United Methodist Church for a Conditional Use Permit (CUP) at 900 and 906 Jackson Street to allow a child care center for up to twenty (20) children in an R-3, Medium Density, Two-Family Residential District. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the petition for Jackson Street United Methodist Church. Dr. Alexander Duncan, Jr., Jackson Street United Methodist Church representative, spoke to this item and asked for Council approval. Five individuals spoke in favor of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-12-093, as presented, granting the Jackson Street United Methodist Church a Conditional Use Permit at 900 and 906 Jackson Street:

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

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #15 regarding amending the Future Land Use Map (FLUM) from Institutional to Medium Density Residential at 512 Breezewood Drive and outlining the petition of Mark Hartless to rezone approximately three and ninety-nine hundredths (3.99) acres from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density Residential District at 512 Breezewood Drive. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the FLUM and the rezoning petition. Mr. Norm Walton, Perkins & Orrison, Inc. representative, and Mr. Mark Hartless, property owner, spoke to this item and asked for Council approval for the FLUM and the rezoning. Four individuals spoke in opposition regarding their concerns on the conditions of the road and added traffic on an already narrow and overburdened road. 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 Helgeson, Council by the following recorded vote adopted Ordinance #O-12-094, as presented, amending the Future Land Use Map from Institutional to Medium Density Residential at 512 Breezewood Drive:

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

// During Council's discussion in the matter of rezoning the property at 512 Breezewood Drive, Council had several concerns regarding the density, developers future alternatives, lack of proffers and the traffic problem. Vice Mayor Johnson was in favor of moving forward with this project and not to delay the project.

// Council Member Perrow made a motion, seconded by Council Member Helgeson to delay action on this item and bring the item back to the September 11 Council meeting.

// Vice Mayor Johnson made a substitute motion to move forward with approving the rezoning petition. The motion failed for lack of a second.

// Council Member Perrow restated his motion, seconded by Council Member Helgeson to delay action on this item. Council by the following recorded vote adopted the motion to delay action on rezoning property at 512 Breezwood Drive and bring this item back to the September 11 Council meeting:

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

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #16 to receive citizen comments on the adoption of a resolution authorizing the City Attorney's office to initiate condemnation proceedings to acquire a storm sewer easement on property owned by Sandra A. Schwarz, located at 2123 Rivermont Avenue. Public Works Director Dave Owen 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 the PDC which recommended approval to initiate condemnation proceedings to acquire a storm sewer easement. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-12-095, as presented, to initiate condemnation proceedings to acquire a storm sewer easement on property owned by Sandra A. Schwarz, located at 2123 Rivermont Avenue:

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

// In the matter of Police – General, City Council Report #17 was considered. Council Member Nelson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval to implement a multi-disciplinary Crisis Intervention Team. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-096, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $70,110, with resources of $63,099 from the 2012 Byrne/JAG Program and $7,011 from Central Virginia Community Services, to implement a multi-disciplinary Crisis Intervention Team:

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

// In the matter of Towing, City Council Report #18 was removed from the Agenda.

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to continue the closed meeting to conduct performance evaluations of the City Manager and City Attorney respectively, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended:

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

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

// Council Member Perrow 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 Johnson, and Council by the following recorded vote adopted the motion:

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

// The meeting was adjourned at 10:15 P.M.

Clerk of Council