// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of August, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// Mayor Foster made the following statement: Public hearing items #12 and #13 have been pulled from tonight's Agenda at the request of the Department of Transportation and the Federal Highway Administration.

// Virginia Cooperative Extension Central District Director Jan Baker explained to Council the steps taken to fill the vacancy created by the retirement of Extension Agent Don Davis. Ms. Baker introduced the new Extension Agent Kevin Camm. Mr. Camm explained to Council that Virginia Cooperative Extension (VCE) is facing financial challenges and as a result, VCE can no longer continue to operate in the same manner that it has for the past 100 years. Mr. Camm went on to say that the City's contribution as a local partner has been and continues to be critical to the continuation of these services. Mr. Camm further stated that VCE is committed to providing educational programs at the local level in 4-H Youth Development, Agriculture and Natural Resources Family and Consumer Sciences and Community Viability. Mr. Camm explained that in order to provide these services, VCE will need to utilize personnel more efficiently and conduct programs across county lines whenever feasible. Mr. Camm also asked Council to complete a survey because their feedback will help guide the future re-organization of the Virginia Cooperative Extension.

// Tourism Program Director Becky Nix gave a brief presentation to Council on the activities of the tourism program over the past 18 months.

// City Manager Kimball Payne gave a brief overview of City/Schools Consolidation efforts stating that he had included two (2) documents in Council's packet, (1) a compilation of notes from a series of meetings that had been held and (2) a document that lays forth goals and principles for consolidating four (4) benefits programs that are currently operating independently of each other-- medical and pharmacy benefits, health management and wellness, and occupational health and workers compensation. Much of the discussion since February 2010 has been focused on the possible opportunities to consolidate the benefit programs with the intent to move forward later into areas that are not necessarily going to bring cost savings but would help with cost avoidance and improved efficiencies.

Council Member Cary had concerns regarding the School's health insurance and prescription drug program. Council Member Cary also questioned why the Schools issued a Request for Proposals (RFP) for a renewal quote for the Schools' pharmacy program when the City's provider was working on a combined quote for both organizations. Council Member Cary further stated that the City changed the renewal date for its health insurance program several years ago to coincide with the City Schools health insurance renewal date and asked why the Schools bypassed the Procurement Office.

School Superintendent Dr. McKendrick responded to the concerns of Council Member Cary regarding the insurance program. Dr. McKendrick stated that the Schools were attempting to save money and had issued the RFP with that intent. Dr. McKendrick went on to say that the Schools investigated companies and from that investigation had received a savings of $206,000.

Council Member Gillette stated that there was a lack of communication with the consolidation issue and a breakdown in cooperation. Council Member Gillette further stated that according to the Human Resource Director Margaret Schmitt, initial findings estimated that the City Schools could have saved approximately $192,000 plus $85,000 in rebates, more than the $206,000 the Schools saved.

// City Manager Kimball Payne gave a brief overview regarding Heritage High School. Mr. Payne stated that the draft document provides an approach for addressing the issues related to the school with a resolution goal of 2018. Mr. Payne went on to say that there are a couple of other time suggestions in the document, one is how to resolve this by 2018 and the need to have a preferred course of action identified by 2010. Mr. Payne explained that the initiative would include broad-based community discussions that would include all the stakeholders. Mr. Payne suggested a small steering committee be formed with representatives from both Lynchburg City Schools and the City. Mr. Payne stated that he would like Council's endorsement of the Plan and once Council endorses the Plan it would be presented to the School Board for their endorsement. This endorsement should come with some designation of leadership to the steering committee.

Council Member Perrow stated that he found no objections to the Plan and suggested that the steering committee should have strong representation from both City Council and the School Board. Council Member Perrow also recommended that there should be two members each from City Council and the School Board. Council Member Perrow also stated he would like to be considered for one of the members from City Council.

Vice Mayor Johnson stated that this is a workable plan and commended Council Member Perrow for volunteering to be one of the City Council representatives. Vice Mayor Johnson also stated that after talking with Council Member Gillette regarding his ideas, he recommended Council Member Gillette for the position of chair with Council Member Perrow as the other Council representative.

Following further discussion Vice Mayor Johnson made a motion that a steering committee or task force be formed with Council Member Perrow as one of the representatives from Council and Council Member Gillette as the chair with two (2) School Board members, one of which would serve as the vice chair and the other as a member-at-large, with the City Manager and the School Superintendent Dr. McKendrick on board with this initial phase and that they be granted the authority to move forward. The motion was seconded by Council Member Perrow.

Council Member Helgeson stated that he would not support this motion but he was in agreement with the discussion and would like to see this move forward through a task force. Council Member Helgeson further stated that while he liked the recommended process he believes the City is moving too quickly on this item.

Mayor Foster called for the vote and City Council by the following recorded vote passed the motion:

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

// City Manager Kimball Payne provided Council with a recommendation on establishing a procedure for addressing excessive absences on Council appointed Boards and Commissions.

Council Members discussed and reached consensus to adopt “City Council Policy to Address Excessive Absenteeism on Boards and Commissions.”

On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote reviewed and approved “City Council Policy to Address Excessive Absenteeism on Boards and Commissions”:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// City Manager Kimball Payne provided Council with possible topics for its Annual Retreat on Friday, September 10th, from 9:00 a.m. to 5:00 p.m. at the James River Conference Center. Retreat topics include:

- Implications of Chesapeake Bay Water Quality Regulations: TMDL, nutrient load allocations, stormwater, WWTP plant upgrades, CSO--"the perfect storm"
- Revamping the City's approach to HUD programs allocations
- Fiscal Overview including future fiscal challenges
- Council Goals & Priorities
- Council Initiatives
- Sustainable City Initiative
- Employee compensation in general and, in particular, Public Safety compensation
- FY 2012 Budget Process: civic engagement, Council budget retreat, etc

Council Members discussed and reached consensus to proceed with the topics that the City Manager had suggested for the retreat with the exception of “Implications of Chesapeake Bay Water Quality Regulations.”

// There were no items for roll call.

// City Council recessed the meeting at 7:04 p.m.

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

The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Absent:	0

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

// Mayor Foster made the following statement: Public Hearing Items #12 and #13 have been pulled from tonight’s Agenda at the request of the Department of Transportation and the Federal Highway Administration.

// Copies of the minutes of the July 9, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// Copies of the minutes of the July 13, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as amended:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7
Noes: 0

// In the matter of Schools – School Board, a public hearing was held regarding City Council Report #10 to receive the views and/or nominations from citizens concerning the appointment of a District III representative to fill a vacancy on the Lynchburg School Board. Mayor Foster read into the record the name of one volunteer who applied to date to serve as a District III representative on the School Board, Leslie J. Faircloth. There was no one else present who wished to speak. Council Members discussed and reached consensus to continue the public hearing until the September 14 meeting to allow more time for citizens to apply for the District III vacancy on the School Board. Vice Mayor Johnson made a motion to close the nominations, but that motion failed for lack of a second. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote continued the public hearing until September 14 to allow more time to receive names of volunteers:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7
Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #11 regarding approving the Community Development Block Grant (CDBG) 2010-2015 Consolidated Plan and 2010-2011 Annual Action Plan. Grants Manager Melva Walker provided a brief summary of the request. One individual spoke in opposition to the Action Plan.

There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-10-092, as presented, approving the Community Development Block Grant (CDBG) 2010-2015 Consolidated Plan and 2010-2011 Annual Action Plan:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7
Noes: 0

// City Council Report #12 regarding the public hearing on adopting resolutions authorizing condemnation proceedings for fifteen (15) parcels of property for Phase I of the Midtown Connector Project has been postponed at the request of the Virginia Department of Transportation and the Federal Highway Administration.

// City Council Report #13 regarding the public hearing to convey approximately 0.64 acre of real property on Langhorne Road to the Trustees of Peaceful Baptist Church in exchange for real property from the church related to the construction of the Midtown Connector Project has been postponed at the request of the Virginia Department of Transportation and the Federal Highway Administration.

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #14 regarding the vacation and selling of 0.278 acre of excess right-of-way to Liberty University. Real Estate

Manager Steve Lawson provided a brief 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 Nelson had a concern regarding the selling of 0.278 acre of excess right-of-way to Liberty University. Council Member Nelson questioned the difference in the selling of the property being lower than the independent appraiser's assessed value which is approximately $60,000.

Council Member Perrow, Physical Development Committee (PDC) Chair, stated that this item was discussed. This motion required no second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-093, as presented, authorizing the vacation and selling of 0.278 acre of excess right-of-way to Liberty University:

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

Noes: Nelson 1

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #15 authorizing the City Manager to approve a month-to-month lease agreement between the City of Lynchburg and DLB, Inc., for a portion of the property located at 1721 Monsview Place. Real Estate Manager Steve Lawson provided a brief summary 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 Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-10-094, as presented, approving a month-to-month lease agreement with DLB, Inc., for a portion of the property located at 1721 Monsview Place:

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

Noes: 0

// In the matter of Public Works - Sewer, City Council Report # 16 was considered. Council Member Perrow made a motion, seconded by Council Member Helgeson to add this item to the agenda and Council by the following recorded vote added City Council Report # 16 to the agenda:

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

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote reviewed and approved as presented, changes to the fixed-price contract for construction of Divisions 2 & 6 of the James River Interceptor:

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

Noes: 0

// On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of (1) consultation with legal counsel and briefings by staff members concerning the lawsuit of <u>Mary Beard Peterson v. Michael Eagle, et als.;</u> (2) to consider appointments to Council-appointed Boards and Commissions, i.e., Youth Services Board, Lynchburg Parking Authority, Lynchburg Regional Airport Commission and Regional Tourism Board and (3) to discuss the position of the Clerk of Council, pursuant to Section 2.2-3711(A)(7)(3)(1), respectively, <u>Code of Virginia</u> (1950), as amended:

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 Vice Mayor Johnson, 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 Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Teresa Billingsley to serve on the Youth Services Citizens Board to fill an unexpired term ending June 30, 2011:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// The meeting was adjourned at 10:18 P.M.

Interim Clerk of Council