// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of July, 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

// Planning Commission Chair Laura Hamilton provided a brief overview regarding the Annual Report on the activities of the Planning Commission including the implementation of the City's Comprehensive Plan 2002-2020 for the fiscal year ending June 30, 2010. Ms. Hamilton explained that this report is also intended to supplement the plan by suggesting priorities as City Departments determine Capital Improvement Project (CIP) requests for existing and planned projects and that while approval of the Annual Report will encourage its use in the CIP and Budget development process, the report does not mandate new funds or projects. Council Member Nelson and Council Member Perrow had several Zoning Ordinance revisions to the Annual Report.

Council Member Helgeson had concerns regarding a complete rewrite of the Zoning Ordinance stating that he does not believe it is a good time to have this done. Council Member Perrow discussed the Tyreeanna Master Plan and proposed sewer service extension in that area and was also interested in hearing Physical Development Committee thoughts on this.

Council Member Perrow read from page 16, item 10.14 of the report referencing the Rental Rehabilitation Program of the Lynchburg Redevelopment and Housing Authority (LRHA) and stated that, due to Council action at the last meeting, what he had just read is a false statement and we are now in conflict with (1) the City's Comprehensive Plan and (2) the Planning Commission Report. Council Member Perrow also noted that on page 21 of the report Item IV references 2010 CIP and 2011 CIP and asked if that was correct. Ms. Hamilton replied that it should say 2011 and 2012 CIP.

Mayor Foster asked Council for approval of the report with the changes that were brought out during the discussion and Council approved the Planning Commission's Annual Report.

// Public Works Director, David Owen, and Sam Updike from the Information Technology Department, gave a brief overview of the changes that are taking place to the Refuse, Bulk and Brush Collection systems that will improve service delivery and reduce costs. Mr. Owen stated that the decision to institute several changes to the systems is to improve service delivery and reduce costs:

<u>Bulk and Brush Collection:</u>

- Beginning July 1, 2010, resident will no longer have to schedule bulk and brush collections.
- Refuse collectors will pick up these items during regular trash collection.
- If the pile is too large for the refuse collectors, the collectors will use smart phone technology to communicate to knuckle boom operators and schedule the pick up.

White Goods Collection:

- Large household appliances like refrigerators, air conditioners, freezers, etc. that contain regulated compounds such as Freon. Residents will continue to call Citizens First to schedule the collection.

Friday Trash Collection Moves to Wednesday:

- Beginning July 14, residents will begin to have Wednesday trash collection

Mr. Owen explained the major change with trash collection is a change in the schedule for residents who now receive Friday collection. Beginning on Wednesday, July 14, these residents will begin to have Wednesday trash collection, the refuse collectors will work four 10-hour days, Monday-Thursday, beginning in July and that notice was given to the residents by door hangers being placed on trash carts and doors. Mr. Owen explained that in order to accommodate these changes, it is necessary to move Friday trash collection to Wednesdays. Mr. Owen went on to say that this new schedule coupled with the changes in bulk/brush collection is expected to result in cost savings and improved efficiencies.

// Council Member Gillette left the meeting at 5:52 P.M.

// Utilities Director Tim Mitchell and CSO Program Manager Jeff Scarano gave an update on the work of the Stormwater Advisory Committee (SWAC). Mr. Scarano stated the purposes of the SWAC Committee are to represent a wide cross-section of interest groups, to engage public participation and to make recommendations. Mr. Scarano went on to say some of the recommendations will include: stormwater management priorities, appropriate and affordable level of service, level of interest in public participation in stormwater management program activities and recommendations of various stormwater management, needs assessments, regulations and policies, financial requirements, and funding mechanisms. During the presentation Mr. Scarano explained that stormwater is the portion of precipitation (rain, snow, etc.) that runs off pavement, rooftops, and lawns in urban areas. Mr. Scarano went on to explain that Lynchburg is in the second year of their second five-year permit cycle, the first permit issued in 2003 and the current permit expires June 30, 2013. After the presentation it was suggested by Council to further discuss the Stormwater Management Initiative at the Council Retreat.

// Council Member Gillette returned to the meeting at 6:06 P.M.

// City Attorney Walter Erwin gave a brief overview of the School Board vacancy that was created when a member moved outside of their School District. Mr. Erwin stated the State Code provides that “a vacancy occurring on the school board at any time other than by expiration of term shall be filled by the governing body for the unexpired term.” Mr. Erwin explained that according to State Code there was no particular procedure to fill that vacancy and no required time frame.

Council Member Gillette suggested advertising the position and to hold a public hearing at the August meeting to decide on an interview schedule unless it becomes an obvious choice. Council Member Perrow made a motion to advertise for a public hearing by following Council’s standard procedures to appoint a School Board Member, seconded by Council Member Helgeson, Council by the following recorded vote passed the motion:

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

// During roll call Council Member Perrow asked a question about Council's Annual Retreat list date of August 30th and was informed that the date was August 31st. City Manager Payne stated that one Council Member could not make any of those dates that were listed and another date would have to be set. Council Member Helgeson informed City Council about an email he had received referencing police officers leaving the police department and the problem with recruiting and retaining officers and wanted Council to look at this issue. He asked that staff prepare a report discussing this issue at a future work session. Council Member Cary asked that the City Manager and a representative for City Schools provide a progress report in August on City/School consolidation efforts and when they could expect decisions to be made. One of the key elements is health insurance; there is no reason why the City and City Schools should not have one health insurance for all their employees. Council Member Cary also stated that the police officers can go and work for the Sheriff's Department and make $4,000 more and work Monday through Friday, they get more money for less risk and less working hours. Council Member Nelson stated that he echoed what Council Member Helgeson was saying about the Police Department and agreed that this item should be looked at. Mayor Foster stated that she also agreed with looking at this item again. Vice Mayor Johnson agreed that this issue should be looked at and asked that Human Resource Director Margaret Schmitt be there to discuss any trends identified with retention of officers. City Manager Payne stated that the August Work Session was full and that this could be a Council retreat item.

// City Council recessed the meeting at 6:36 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

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

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to Kenneth Smith for his service on Citizens for a Clean Lynchburg.

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to the Utilities Department for their excellent Safety Record.

// Mr. Garth Wheeler, Director of the Virginia Department of Criminal Justice Services presented to Mayor Foster and Vice Mayor Johnson a plague of recertification as a Certified Crime Prevention Community. This recertification was approved by the Virginia Department of Criminal Justice Service Board on June 10, 2010.

// Copies of the minutes of the June 22, 2010 meeting, having been previously furnished Council, reading was dispensed with. Council Member Nelson asked that Minute Book Page 217 be amended to include "and future applications" at the end of the following sentence, "Council Member Nelson asked what impact would this have on the budget <u>and future applications</u>." Council Member Cary abstained from voting on the minutes due to the fact he was not on Council for the June 22 meeting. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as amended:

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

// In the matter of Central Virginia Mental Health, City Council Report # 7 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-085, as presented, approving the Central Virginia Community Services FY 2011 Performance Contract:

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

// In the matter of Public Works – Sewer, City Council Report # 8, Council Member Perrow stated that this item was specifically to discuss a change in contractor prices that would exceed 25 percent and request that this item be pulled from the agenda and be referred to the Physical Development Committee. City Manager Payne stated that he had informed staff and this item would be placed on the next Physical Development Committee meeting.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Lynchburg College for a Conditional Use Permit (CUP) to amend the existing master plan to allow the conversion of two existing single-family dwellings to housing for up to thirteen students at 431 Lakewood Street and 315 College Street. City Planner Tom Martin provided a brief overview of the request and stated that the Planning Commission recommended approval of the CUP with the conditions as outlined in the report. Council Member Nelson stated that he has a conflict of interest on this item informing that he had represented Lynchburg College at the time these houses were acquired and actually handled the acquisition of these properties and left the meeting during the discussion and voting. Mr. John Lewis, representing the petitioner, outlined the request and asked for approval. 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-10-086, as presented, granting the Conditional Use Permit:

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

Council Member Nelson returned to the meeting.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #10 outlining the petition of Brookes Brothers, LLC for a Conditional Use Permit (CUP) to allow the implementation of a comprehensive sign plan at 7802 Timberlake Road. City Planner Tom Martin gave a brief overview of the request stating that the Planning Commission recommended approval of the CUP.

Mr. Vince Phelps, representing the petitioner, gave a brief presentation of the petition and asked for approval. One person 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 Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-10-087, as presented, granting the Conditional Use Permit to allow the implementation of a comprehensive sign plan at 7802 Timberlake Road:

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

Noes: 0

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #11 regarding authorizing approval to execute a license agreement with Intellifiber Networks, Inc., to install approximately 1,000 feet of fiber optic cable from 629 Church Street to 725 Church Street to provide high bandwidth services. City Engineer Lee Newland gave 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 Perrow, Physical Development Committee (PDC) Chair, stated that this item came before PDC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote adopted Resolution #R-10-088, as presented, authorizing approval to execute a license agreement with Intellifiber Networks, Inc., to install approximately 1,000 feet of fiber optic cable from 629 Church Street to 725 Church Street to provide high bandwidth services:

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

Noes: 0

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #12 regarding authorizing approval to execute a license agreement with Agrium, Inc. to install an underground electrical bank at 2410 Mayflower Drive to Agrium's new facility located at 2501 Mayflower Drive. City Engineer Lee Newland gave 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 Perrow, Physical Development Committee (PDC) Chair, stated that this item came before PDC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote adopted Resolution #R-10-089, as presented, authorizing approval to execute a license agreement with Agrium, Inc. to install an underground electrical bank at 2410 Mayflower Drive to Agrium's new facility located at 2501 Mayflower Drive:

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

Noes: 0

// Mr. W. J. Norris spoke before Council concerning separate and unequal treatment of citizens with regards to boarding the Greater Lynchburg Transit Company buses.

// In the matter of Public Works – General, City Council Report # 14 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-090, as presented, approving the renaming of three (3) existing unopened public streets, "Hillcrest Avenue" to "Hillcrest Drive," "Irvington Street" to "Irvington Lane" and "Mountain View Road" to "Mountain View Lane":

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

Noes: 0

// In the matter of Police – General, City Council Report #15 was considered. City Manager Kimball Payne gave a brief overview of the request and stated that a public hearing is not required but public comment can be heard if someone wishes to speak. Mr. Payne also stated that Council did not need to act on the grant but just needed to be aware that the grant was received.

// In the matter of Police – General, City Council Report #16 regarding the donation of Used Body Armor to Ten Four Ministries "Armor of God" Project was pulled from the agenda for further staff discussion.

// In the matter of Finance – Bonds, City Council Report # 17 was considered. Financial Services Director Donna Witt gave a brief summary of the request. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-10-091, as presented, authorizing the reimbursement from the proceeds of tax-exempt obligations of expenditures to be made by the City in advance of the issuance and receipt of the proceeds of such tax-exempt obligations:

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

Noes: 0

// Council Member Cary asked Council to revisit Agenda Item #13 with Mr. Norris regarding the Greater Lynchburg Transit Company (GLTC). Mayor Foster stated the practice of Council is to listen respectfully to the concerns from citizens. City Manager Kimball Payne stated that he has asked the Deputy City Manager Bonnie Svrcek to take this concern to the GLTC Board at their next meeting.

// On motion of Council Member Gillette, 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., Museum Advisory Board, Lynchburg Parking Authority, Lynchburg Regional Airport Commission, Region 2000 Local Government Council and Regional Tourism Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

Noes: Helgeson 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 Council Member Cary, 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 Perrow, Council by the following recorded vote appointed Joan F. Foster, to serve on the Region 2000 Local Government Council for a term to expire June 30, 2012:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote appointed Elizabeth D. Hutter to serve on the Museum Advisory Board to fill an unexpired term ending June 30, 2011:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote appointed J. Randolph Nelson to serve on the Lynchburg Parking Authority to fill an unexpired term ending October 30, 2011:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote reappointed Robert L. Bailey to serve on the Central Virginia Community College Board, for a term to expire June 30, 2014:

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

Noes: 0

// The meeting was adjourned at 8:45 P.M.

Interim Clerk of Council