// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of June 2012, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Johnson 1

// Vice Mayor Johnson arrived at 4:03 p.m.

// Director of Community Development Kent White and Dr. Michael Chandler with Planning Works, Inc., presented the Zoning Ordinance Diagnostic Final Report. Mr. White stated that Planning Works, Inc., in partnership with the Lynchburg Planning Commission and the Department of Community Development, recently completed its assessment of the City's Zoning Ordinance. Mr. White further stated that the diagnostic review identifies the strengths and weakness of the ordinance, as well as its compliance with state law. As part of the process, Planning Works interviewed representatives from City Council, the Planning Commission, the Board of Zoning Appeals, the Historic Preservation Commission, as well as a broad cross section of City staff who work with the City's Zoning Ordinance on a regular basis. These interviews provided a foundation for nine (9) community listening sessions where approximately 200 citizens shared their views regarding the City's Zoning Ordinance as a tool for community development. Mr. White went on to say the feedback, along with comments offered through social media tools and during the Department of Community Development's Zoning "Road Show" presentations, is reflected in the *Zoning Ordinance Diagnostic Final Report* along with the citizen comments. Dr. Chandler provided a summary of the study process and findings. Dr. Chandler went on to say although the presentation is primarily for informational purposes, the Planning Commission endorsed the diagnostic and recommended City Council consider adopting the study findings and appropriate the resources necessary to revise the ordinance as a single project over an 18 to 21 month timeframe. After Council questions and concerns a motion was made by Vice Mayor Johnson, seconded by Council Member Cary to move forward with the Request For Proposal (RFP), with the understanding that Council be kept apprised of the actual cost, and Council by the following recorded vote approved the motion.

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

Noes: 0

// Engineering Project Manager J. P. Morris provided a progress report summarizing the work accomplished by City Staff since August 2011 on the Midtown Connector, Phase I. Mr. Morris went on to say the updates include the award of the contract, notice to proceed with construction and six month schedule for construction activity.

// Public Works Director Dave Owen provided a report on Recycling, Decals and Trash Tags Program. Mr. Owen stated City Staff had met with all local recycling and trash hauling firms and Sonoco was chosen as the recycling and trash hauling firm. Mr. Owen provided the following options for the Decals and Trash Tags Program:

1. Eliminate the use of trash bags outside of the trash carts – everyone must use a cart – residents could still use one time tags or annual decals (many other cities use this approach)

2. Partner with local vendors to sell trash "pay" bags with the disposal fee built into the costs – specific color and logo on each bag if a resident did not want to use a cart (City of Poquoson, Littleton, NH & Fort Worth, Texas all use this approach) – Worcester, MA uses two sizes of yellow trash bags that residents must buy locally
3. Charge a flat rate to all residential units in the city (flat fee concept)
4. Add disposal fee to water / sewer bill either based on size of trash cart or a set fee per household
5. Bill monthly disposal costs by size of cart used (Gainesville, FL; San Jose, CA; Portland, Or and Seattle, Washington) – separate fee
6. Special collection fee for untagged / improperly decaled trash or charge a significant fee (i.e. $25 to $50) for bags not removed from curb (Norfolk & Wilmington, NC)
7. Leave untagged trash at curb and place a violation notice on it – use Smart phones to assist in follow-up and enforcement – charge additional cost of collection and disposal as well as administrative costs plus a penalty of 25-50% of those costs.

Mr. Owen went on to say that options 1, 2, and 7 were recommended as possible options and proposed, with the City Manager's approval, to bring this back to Council in August with recommendations, our preferred method with one option, no more than two and after further discussion Council concurred.

// City Manager Kimball Payne presented the Public Safety Pay Action Plan. Mr. Payne discussed the following regarding the Pay Action Plan:

- Goals
- Police and Fire Structure
- Emergency Services Structure
- Pay Processes
- Cost
- Impact of Plan
- Consequences
- Option to Address Negative Consequences

After Council discussion, Council Member Gillette made a motion, seconded by Vice Mayor Johnson to approve the additional $125,000 on the condition that the funds would be secured from within the public safety departments by means of position elimination or managed vacancies, and Council by the following recorded vote approved the motion.

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

// Council Member Nelson recognized the 100th Year Anniversary Celebration of the Brothers of the Old Dominion Elks Lodge #181 held in Lynchburg and stated it was a very nice event.

// Council Member Helgeson asked questions regarding the GLTC loan for $506,000 and another loan for $112,000, City Manager Payne responded that the $506,000 was to balance the budget and the $112,000 was to make payroll for the month of July and further stated the total amount would be repaid.

// Council Member Perrow asked Council would it be possible to change the organizational meeting from July 2 to July 3. It was the consensus of Council to change the organizational meeting to July 3 at 4:00 p.m. in Council Chamber.

// Vice Mayor Johnson also recognized the Brothers of the Old Dominion Elks Lodge #181 on their 100th Year Anniversary Celebration.

// City Council recessed the meeting at 6:42 p.m.

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

The following Members were present:

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

Vice Mayor Johnson gave the Invocation, and Boy Scout Troop 1412 lead the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Johnson presented a Proclamation to James Ackley and proclaimed June 13th as James Ackley Day.

// Anna Bentson Director of Lynch's Landing along with Pat Haley of Camp Kum Ba Yah asked for Council and the City of Lynchburg to join the celebration of the Batteau Festival which will be held on Saturday, June 16, 2012 from 9:00 a.m. to 3:00 p.m. at Percival's Island and also thanked all the food vendors, artists, exhibitors and demonstrators for their support.

// Council Member Gillette asked that the May 22 and June 5 minutes be voted on separately, stating he was not present for the June 5 meeting.

// Copies of the minutes of the May 22, 2012 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:	Cary, Gillette, Johnson, Nelson, Perrow, Foster	6
Noes:		0
Absent:	Helgeson	1

// Copies of the minutes of the June 5, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of American Legion Post 16 for a Conditional Use Permit (CUP) at 1301 Greenview Drive to allow the construction of an addition to the existing lodge in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the CUP. Representative Trent Warner with Warner Engineering, Inc. spoke to this item, and asked for Council 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-12-080, as presented, granting the Conditional Use Permit:

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

// In the matter of Schools – General, City Council Report # 9 was considered. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-081, as presented, concurring with the School Board's Election of the Certified Rate for the employer contribution to the Virginia Retirement System (VRS):

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

// In the matter of Schools – Budget, City Council Report #10 was considered. Council Member Cary stated that he would not support this item because he felt the funds received from the settlement should be earmarked for capital cost for Heritage High School only and not be used for other school repairs as requested. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-082, as presented, amending the FY 2012 Schools Operating Budget and appropriating $324,800 with resources from the settlement of a class action suit against Beazor East, Inc., regarding the roof at Heritage High School:

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

// The meeting was adjourned at 8:09 P.M.

Clerk of Council