// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of June, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: 0

// Deputy City Manager Bonnie Svrcek spoke briefly on the Regional Library Study. Ms. Svrcek stated the Campbell County Board of Supervisors agreed to partner with the regional library system. Ms. Svrcek informed Council that Bedford County will not participate in the regional library system. Staff would like to defer any action on this item until the July 9th work session to give staff more time to gather additional information with Campbell County. The consensus of Council is to table this item until the July 9th work session.

// Ms. Svrcek recognized Lynn Dodge, Director of Libraries and Museum, for her service to the regional library system and on her upcoming retirement.

// Human Services Director Tamara Rosser provided information on the goal of SNAP (Supplemental Nutrition Assistance Program) which is to reduce hunger and increase food security. This program permits low-income households to have a more nutritious diet by increasing their food purchasing power. SNAP also provides food when there is a disaster. Ms. Rosser gave a presentation about the 2012 SNAP program in Lynchburg detailing benefits, participant numbers, eligibility requirements, spending costs, and federal involvement. This federally mandated program is administered by the Department of Human Services' Division of Social Services. In closing, Ms. Rosser stated that SNAP is one of the most effective ways to provide food to these families. Council Members had the following questions and concerns regarding the SNAP program:

- How SNAP relates to the meal program available in public schools (free and/or reduced breakfast and lunch). Are participants required to be SNAP eligible? Ms. Rosser responded by stating that participants are required to meet certain income eligibility requirements.
- Does a connection exist between increased college enrollment and the increase in SNAP participation? Ms. Rosser stated that college students likely represent a small portion of the 350 students enrolled in SNAP benefits.
- What can the city do to address the increase in SNAP participants over the last ten years? How does Lynchburg compare to other cities in regards to the SNAP program. Ms. Rosser stated she will be happy to produce a report to Council with information specifying how Lynchburg compares to other first cities. She also stated that "free" is not necessarily "free." There are conditions participants must meet in order to receive these benefits.
- Why is Lynchburg's poverty rate so high? What policy decisions have we as Council made to increase the poverty level? What exactly is driving our poverty rate? Mr. Kimball Payne, City Manager, stated that perhaps the City could hire someone to determine how Council's policy decisions impact poverty rates. However, Council expressed concern over whether funds for such a study are feasible.

- Some of the current programs operating within the communities were created to address poverty issues. Of course a more educated workforce and more programs that give a "hand up" to people are beneficial.

// City Manager Kimball Payne provided information regarding the Fiscal Stress Index. This is published by the Commission on Local Government every few years (most recently published in January 2013, but it reflects data from fiscal year 2011). Mr. Payne stated the fiscal stress index illustrates a locality's ability to generate additional revenues from its current tax base relative to the rest of the Commonwealth. The three components are:

- Revenue capacity per capita (the theoretical ability of a locality to raise revenue)
  - o True value of real estate
  - o True value of public services
  - o Corporation real estate
  - o Registered vehicles
  - o Local option tax receipts and adjusted gross income
- Revenue effort (a computation of how much revenue a jurisdiction could generate if it taxed its population at a state-wide average rate)
  - o Real estate taxes
  - o Corporation taxes
  - o Personal Property taxes
  - o Local option sales taxes
- Median household income

Mr. Payne further discussed during FY 2011 the average index value for Virginia's cities was significantly greater (104.95) than the average for its counties (97.97). These statistics indicate that Virginia's cities are experiencing more of a financial burden than its counties. Lynchburg's fiscal stress is 110.88, which is high and we also rank 4th in the state for fiscal stress. Lynchburg's revenue capacity per capita in FY 2011 was ranked 21.

// City Manager Kimball Payne continued with the discussion on how to determine the parameters and structure of the tourism program. During the May 28th meeting, it was acknowledged that a decision regarding the program's structure after January 1, 2014 needed to be made by November 1, 2013. Mr. Payne stated the following points were made during the May 28th work session discussion:

- The consensus of Council was that the purpose of a tourism program is understood and that further discussion regarding this would not be productive.
- The tourism program should promote the whole City and not just a few venues.
- There is a need for better program metrics.
- There should be a cap on annual funding of the program.
- There should be a non-appropriations clause in any contract.
- There is a need to restore the customer/vendor relationship.

- There should be a verifiable return on investment (ROI).
- The value of the tourism program should be set and then expensed; there should not be a programmed revenue formula.
- There is a need for an independent organization with oversight authority.
- There should be flexibility regarding funding during tough economic times.
- There were differing opinions on whether a contract renewal, with modifications (‘tweaks”), was the right approach or if the contract expectations needed to be “re-tooled” and possibly subject to the procurement process.
- A desire for a greater regional approach was expressed.
- There should be a better link between the tourism program and City marketing programs.
- There should be better information regarding group sales.

Mr. Payne stated subsequent to the May 28th meeting Council Member Perrow articulated five specific points that he has agreed could be shared with Council which are:

- Develop appropriate metrics for accountability
- Promote Lynchburg attractions (perhaps through some minimum standard)
- Reformulate the board for better oversight; Council appoint the members; include City staff; and reduce the size to five or less (perhaps have an oversight board such as described here with the rest of the current board in an advisory role)
- Eliminate the 73% of lodging tax funding standard; set the budget at a fixed baseline amount and revisit annually
- Establish a contract of five or more years

During the May 28th meeting the question was asked if major changes to the contract specifications would trigger a requirement to go through a formal procurement process. After consulting with the City Attorney it was determined there is a technical requirement to procure this service. In the past, however, the City has determined that there is no private entity other than the Chamber of Commerce that would be capable of providing the service. Accordingly, the service has never been formally procured. Proceeding to renew the contract with the Chamber would merely involve posting notice, for the requisite time period, of the determination to proceed with sole source procurement. Of course there are still two other alternatives for the tourism program: a City department or an authority. As the discussion continues on the tourism program it might be appropriate to focus on what seems to be the three most important areas: relationship, financing and performance measurement.

// Mayor Gillette discussed the School Board appointments and stated that Council needs to decide what process it should follow. Mayor Gillette stated that Council Members were comfortable moving ahead with reappointments for Mary Ann Hoss (District 1) and Marie Waller (District 2) to the School Board without doing further interviews. Council Member Perrow made a motion, seconded by Council Member Foster to reappoint Mary Ann Hoss – School District 1 and Marie Waller – School District 2. Council by the following recorded vote approved the reappointment of Mary Ann Hoss and Marie Waller:

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

Next, Mayor Gillette asked Council whether additional Council interviews for District 3 were needed. Council agreed that those in consideration should be given the opportunity to interview before Council to maintain the same process for everyone. After a brief discussion, Council agreed to discuss the matter in a closed session to discuss interviews for District 3.

// Vice Mayor Johnson left the meeting at 6:00 p.m.

// During roll call Council Member Foster read a concern that Vice Mayor Johnson had received regarding maintenance on Rivermont Avenue near Villa Maria that property had not been maintained due to high grass and hedges. City Manager Kim Payne stated that this item came to the attention of staff last week.

// On motion of Council Member Helgeson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., to select candidates to interview that are interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, (1950), as amended:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Johnson	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 Cary, and Council by the following recorded vote adopted the motion:

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

// City Council recessed the meeting at 6:38 p.m.

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

The following Members were present:

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

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

// Copies of the minutes of the May 14, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Sheriff, City Council Report #9 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-13-073, as presented, to re-appoint City Manager L. Kimball Payne, III and Police Chief Parks Snead to the Blue Ridge Regional Jail Authority Board:

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

// In the matter of Public Works – Water, City Council Report #10 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-074, as presented, amending the FY 2013 Water Capital Projects Fund budget and appropriating $9,500, fully reimbursable, to reimburse costs associated with bringing Pedlar Dam into compliance with minimum standards for dam safety:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 regarding the petition of Mr. & Mrs. Michael McLeroy to vacate an unnamed alley situated between the properties of 2018 and 2024 Rivermont Avenue, 115 Huron Avenue and 121 Irvington Street. The entire length of the alley is proposed to be vacated, which is approximately two hundred sixty six (266) feet and approximately fifteen (15) feet in width. City Planner Tom Martin gave an overview of the request. One individual spoke against closing the alley, stating that once it is closed it can never be opened again. One individual spoke in favor of closing the alley to help prevent dogs and cars using it for a pass through and the other property owners were in agreement with closing the alley. 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 item came before PDC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-13-075, as presented, to vacate an unnamed alley situated between the properties of 2018 and 2024 Rivermont Avenue, 115 Huron Avenue and 121 Irvington Street:

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

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of REDP, LLC for a Conditional Use Permit (CUP) at 2021, 2029, 2037, 2045 Miller Drive and 316 Morgan Street to allow the construction of three (3) duplexes with associated parking on approximately five hundred forty-eight thousandths (.548) acres in a B-1, Limited Business District. City Planner Tom Martin gave a summary of the request stating that the Planning Commission recommended approval. Mr. Kevin Schley, representative of Watts Auction and Realty, gave a summary of the request and asked Council to approve the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-13-076, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of Cellco Partnership (Verizon Wireless) for a Conditional Use Permit (CUP) at 5700 Pleasant Valley Road to allow the construction of a two hundred forty (240) square foot, twelve (12) foot height base station housing and generator on approximately seven hundred ninety eight thousandths (.798) acres in a R-2, Low Medium Density Single-Family Residential District. City Planner Tom Martin gave a summary of the request stating that the Planning Commission recommended approval. Council Member Nelson stated that he represented Mrs. Geraldine Clark and the late Mr. W.E. Clark in negotiating the petition with Verizon Wireless and in that regard he has a conflict of interest and will not be discussing or voting on this item. Mr. Stephen Waller representing Verizon Wireless spoke asking for approval of the CUP. 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 Foster, Council by the following recorded vote adopted Resolution #R-13-077, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #14 regarding adopting the Campbell Avenue/Odd Fellows Road Land Use & Corridor Master Plan Study as part of the City's *Comprehensive Plan 2002 -2020*. The proposed master plan encompasses the area of the City between the Lynchburg Expressway and the City Limits and Candlers Mountain Road and Florida Avenue. City Planner Tom Martin gave introductory remarks of the request. Mr. Bill Carpenter the City's Land Use consultant gave a presentation on the Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan Study. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council discussion on this project it was suggested to place this item on a future work session agenda. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote postponed this item to a work session:

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

// In the matter of Health Department, City Council Report #15 was considered. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-078, as presented, approving the Memorandum of Understanding between the City of Lynchburg and Centra Health to complete the exchange of the properties at 1900 Thompson Drive and 901 Lakeside Drive:

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

// In the matter of Taxes, City Council Report #16 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-079, as presented, amending the FY 2013 General Fund budget and appropriating $139,036 with resources from the General Fund Reserve for Contingencies for a partial refund of the real estate taxes paid by River Ridge Mall, LLC, for the tax years 2009 through 2012:

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

// The meeting was adjourned at 8:52 P.M.

Clerk of Council