// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of April, 2012, at 3:00 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 3:07 p.m.

// School Superintendent, Dr. Scott Brabrand, discussed state and local funding for Lynchburg Public Schools. Dr. Brabrand further stated that across the Commonwealth school funding is being cut. Several Council Members had concerns and questions regarding the school funding and what would happen if school funding was cut further. Dr. Brabrand answered by stating that more teaching positions would be cut, larger class sizes and school programs would also be affected. Council Member Cary made a motion, seconded by Council Member Perrow to transfer $700 thousand from schools funding to Public Safety. Council Member Gillette stated that if the $700 thousand is given to Public Safety then it would mean cutting more teachers. Council Member Gillette made a substitute motion, seconded by Vice Mayor Johnson to support the City Manager's recommendation for $3.7 million for school funding. Council Member Nelson stated that his wife is a School Division employee but that fact would not impair his unbiased judgment in consideration of this issue. Council by the following recorded vote adopted the motion to support the City Manager's recommendation for $3.7 million for school funding:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// City Manager Kimball Payne stated that Council had requested that the Tourism Board of the Chamber of Commerce come to discuss the funding of the Tourism Program. Tourism member Greg Starbuck gave an overview of the tourism program. Mr. Starbuck stated the accountability, and how the City has strengthened through the tourism program. Mr. Strarbuck went on to say how the Tourism Program had maintained its accreditation. Mrs. Becky Nix also gave an overview of the tourism program and the many return on investments from this program. During Council discussion, some concerns were: could the tourism program be combined with a city department, tourism is a good investment, to amend the contract, all businesses rely on the tourism program, to keep the tourism funding level at this time. Council did not take any action on this item.

// Deputy City Manager Bonnie Svrcek gave an overview of the Proposed Humane Society Agreement. Ms. Svrcek stated on February 14, 2012 City Council directed staff to issue a Request for Qualifications (RFQ) for the provision of animal shelter services based on the current level of services provided by the Lynchburg Humane Society. Ms. Svrcek stated there were no responses to the RFQ. Ms. Svrcek went on to say that Council directed staff to negotiate with the Lynchburg Humane Society (LHS) in the event there were no responses to the RFQ, and staff has negotiated with the LHS the general terms of an agreement and lease costs. Council Member Perrow made a motion, seconded by Council Member Cary to approve the Proposed Humane Society Agreement and Lease between the City of Lynchburg and the Lynchburg Humane Society.

Council Member Helgeson stated he would not support the Humane Society agreement because we're giving them a high increase, one on the capital side, $675,000 for a long term lease, and we are doubling the operating expenses. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-039 as presented, to approve the terms of the agreement and lease between the City of Lynchburg and the Lynchburg Humane Society:

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

Noes: Helgeson 1

// Erin Hawkins, Water Quality Manager with Water Resources gave an overview of the Stormwater Utility Credit Program. Ms. Hawkins stated on December 13, 2011, City Council approved an Ordinance to implement a Stormwater Utility. Since that time, the City has developed an outline of the credit program for single-family residential properties and for non-residential/multi-family properties. Ms. Hawkins further stated that the credit program would allow a credit for property owners or occupants who implement or have implemented certain stormwater management measures that provide a permanent reduction in post-development stormwater runoff and pollutant loading pursuant to section § 15.2-2114 of the Code of Virginia. Ms. Hawkins went on to say the credit amount would be determined based on the type of Best Management Practice (BMP) that is installed and the percentage of the impervious area of the site that is treated by the BMP. The maximum credit that may be earned is 50% of the stormwater fee. Ms. Hawkins further stated that in April City staff met with members of the Stormwater Advisory Committee to review and receive comment on the programs; summarize the application process, credit term, eligible stormwater BMPs and maintenance requirements. A user's guide will be developed for each program outlining the application process and requirements. During Council discussion several Council Members asked questions regarding the Stormwater Credit Program. On motion of Council Member Nelson, seconded by Vice Mayor Johnson to adopt an Ordinance setting the Stormwater fee at $4.00, Council by the following recorded vote adopted Ordinance #O-12-040 as amended, adopting a $4.00 Stormwater fee:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// City Manager Kimball Payne gave a briefing on the Virginia Retirement System (VRS) options as a result of the General Assembly action.

// City Manager Kimball Payne reviewed the FY 2013 Budget Balancing. During Council discussion various items were discussed to balance the budget. Council Member Gillette made a motion, seconded by Vice Mayor Johnson to set the Real Estate Tax Rate from $1.05 to $1.11. During the discussion on the Real Estate Tax Rate, several council members had concerns that we have just adopted a Stormwater fee of $4.00 which will be an extra burden on the citizens; largest property tax increase in the City over decades, coupled with new Stormwater fees; to support public safety and education and to do both correctly taxpayers would have to pay an extra $100 a year in taxes, and Council by the following recorded vote adopted an Ordinance #O-12-047 as amended, approving the Real Estate Tax Rate from $1.05 to $1.11:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// City Council recessed the meeting at 7:15 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 Cary gave the Invocation, followed by the Pledge of Allegiance by the James River Day School Girl Scouts.

// Copies of the minutes of the March 27, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow seconded by Council Member Cary, 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 April 3 (2 meetings), 2012 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Public Works – Monument Terrace, City Council Report # 6 was considered. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-035, as presented, for the leasing of approximately 1,500 square feet of space on the first floor of the Monument Terrace Building, located at 900 Church Street, for an initial period of three (3) years, with two (2) three-year renewals, to the Lynch's Landing Foundation:

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

Noes: 0

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #7A regarding the selling of approximately fifty-one thousandths (0.051) acre of city owned property to Cliff Edge Lofts, LLC., which is a portion of a parcel located at 101 5th Street to correct a building encroachment. Tom Martin, City Planner, gave a summary of the request and stated the Planning Commission recommended approval of selling the property and recommended approval of the street vacation. A representative with Cliff Edge Lofts, LLC 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. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval of selling the property to Cliff Edge Lofts, LLC. This motion does not required a second, and Council by the following recorded vote adopted Resolution #R-12-041 as presented, approving the selling of approximately fifty-one thousandths (0.051) acre of City owned property to Cliff Edge Lofts, LLC.:

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

Noes: 0

Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that the street vacation also came before the PDC which recommended approval of the street vacation. This motion does not required a second, and Council by the following recorded vote adopted Ordinance #O-12-042 as presented, vacating a portion of 7th Street located adjacent to 612 Commerce Street:

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

// In the matter of Finance – Bonds, a public hearing was held regarding City Council Report #8 regarding authorizing the issuance of not to exceed $7,700,000 Sewer Revenue Bonds pursuant to Section 15.2-2206.A of the Code of Virginia. Director of Financial Services Donna Witt 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. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-043 as presented, regarding authorizing the issuance of not to exceed $7,700,000 Sewer Revenue Bonds pursuant to Section 15.2-2206.A of the Code of Virginia:

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

// In the matter of Budget, a public hearing was held regarding City Council Report #9 regarding amending the FY 2012 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditures, and transfer adjustments. Director of Financial Services Donna Witt gave a summary of the request. One individual spoke not to fund the canines for the police department. City Manager Kimball Payne responded that this was a replacement of canines due to a retirement not an increase. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated he would not support the FY 2012 Third Quarter Adopted Budget regarding the downtown revitalization item. 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-12-044, as presented, amending the FY 2012 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditures, and transfer adjustments:

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

// Mr. Nicholas Willoughby did not appear before Council regarding his concern.

// In the matter of Police – Emergency Communications, City Council Report # 11 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-12-045, as presented, allowing the Industrial Development Authority of the Town of Amherst (Amherst Town Authority) to assist in the financing of a new regional emergency communications system:

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

// In the matter of Community Development – General, City Council Report #12 was considered. On motion of Council Member Nelson seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-046, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $91,288 with resources from the Department of Social Services, to provide 10 units of tenant-based rental assistance and associated supportive services:

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

Noes: 0

// In the matter of Transit, Resolution #R-12-038 amending the FY 2012 General Fund budget and appropriating $506,496, with resources from the unassigned General Fund Balance, to satisfy the Account Payable related to the operation of the Greater Lynchburg Transit Company (GLTC) operations and to preclude the renewal of a line of credit to fund GLTC operations laid over from the April 10, 2012 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// The meeting was adjourned at 8:18 P.M.

Clerk of Council