

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of December, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Absent:

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// Mayor Foster stated that the City of Lynchburg was presented with a Certificate of Recognition which Vice Mayor Tweedy received from the National League of Cities Conference in November on Let's Move Cities, Towns and Counties.

// Mayor Foster recognized Mike Goetz, Director of Information Technology for receiving a certificate for Second Place in the 2016 Digital Cities Survey in the 75,000-124,000 population category.

// Mayor Foster presented four awards to Jennifer Jones and her staff at Parks and Recreation from the Virginia Recreation and Park Society (VRPS).

// Director of Financial Services Donna Witt introduced Mr. Chris Banton, a representative with Brown Edwards, LLC, who provided the audit presentation. Mr. Banton presented an overview of the City's Comprehensive Annual Financial Report (CAFR) and related reports for fiscal year ending June 30, 2016.

Mr. Banton stated that no new accounting policies were adopted and the application of existing policies was not changed during the year. Mr. Banton further reported that the City's Audit Report again this year was a clean audit. In reporting the Lynchburg City Schools section of the audit for year ending June 30, 2016, the audit did not detect any matters that warranted issuance of an internal control or management letter. The Schools also had a clean audit.

// Horizon Behavioral Health Services Annual Report was presented by Chief Executive Officer Damien Cabezas. Since 1969 Horizon Behavioral Health has been supporting and promoting the health, independence, and self-worth of individuals and families in this region. Horizon Behavioral Health provides mental health, substance abuse and intellectual disability services to more than 9,000 children and adults in Central Virginia. Mr. Cabezas provided a portfolio of services that Horizon Behavioral Health offers:

- Case Management
- Housing Services
- Emergency Services
- School Based Services
- Health Services
- Psychiatric Services
- Outpatient Services
- Intensive Services

// Due to time constraints the Zoning Ordinance Amendment Agenda Item was postponed until January 10, 2017 at the 4:00 p.m. work session.

// Mayor Foster provided Council with the process of School Board Appointments. Mayor Foster stated that as a result of the resignation of one of the members of the School Board, City Council needs to discuss what to do about the vacancy resulting from the resignation. The State Code provides that:

- (i) A vacancy occurring on the School Board shall be filled by City Council for the unexpired term,
- (ii) The names of nominees and applicants for an appointment to the school board must be considered at a public hearing, and
- (iii) There must be at least seven days between the public hearing at which the names of nominees and applicants are considered and the appointment.

Mayor Foster stated the options for Council to consider.

1. Since there is only a little over six months remaining in the vacant term, City Council could decide not to fill the vacancy at this time; Council could wait and fill the vacancy in the spring of next year as part of the normal appointment process.
2. Council can follow its usual process of inviting interested residents of School District 2 to submit applications, interview the applicant or applicants Council chooses, and appoint the applicant Council decides is the most qualified.
3. The members of Council can simply discuss the vacancy among themselves, select an individual Council believes is qualified to fill the remainder of the vacant term, announce the individual's name at a public hearing, and after seven days have passed, appoint such individual to serve on the School Board.

After Council discussion on their options for the vacancy on the School Board, Council Member Helgeson made a motion, seconded by Council Member Nelson, to follow option two which states to follow the usual process of inviting interested residents of School District 2 to submit applications, interview the applicant or applicants Council chooses, and appoint the applicant Council decides is the most qualified. Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// During roll call Council Member Wilder mentioned the meeting that was held on December 12, 2016 regarding the Downtown projects which are: Downtown Utility/Streetscape Project, Fifth Street Improvements, Phase III, Main Street Bridge Replacement, Two-Way Street Conversion and Community Market Parking Deck Replacement Project. He also mentioned the National League of Cities Conference that he attended in November.

// Council Member Perrow stated that he had received a call from a citizen stating that he was very appreciative of the professionalism and customer service that he received from Citizens First.

// Vice Mayor Tweedy mentioned the National League of Cities Conference that she attended with her colleague, Council Member Wilder and accepted the award for the City on "Let's Move! Cities, Towns and Counties."

// City Manager Bonnie Svrcek stated that Heather Brown has now been appointed as the new Human Resources Director.

// On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Community Development Advisory Committee, Planning Commission, Horizon Behavioral Health, Lynchburg Regional Airport Commission, Design Review Board, Social Services Advisory Board, Historic Preservation Commission, Board of Building Code Appeals, Dr. Martin Luther King, Jr./Lynchburg Community Council and Lynchburg Community Action Group Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// 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 Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Kimberly Dyke Harsley, Michelle Jackson, Dennis Newton, April Sales, Jimmie Stevens, Joan Foster and Randy Nelson to serve on the Community Development Advisory Committee for terms to expire December 31, 2017:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Robert C. Light, Jr. and David Perault to serve on the Planning Commission for terms to expire December 31, 2019:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote appointed Kensie Johnson to serve on the Planning Commission to fill an unexpired term ending December 31, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Betty Brickhouse to serve on the Horizon Behavioral Health for a term to expire December 31, 2019:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote appointed Mark C. Little to serve on the Historic Preservation Commission for a term to expire June 30, 2019:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Bert Dodson, Jr. to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2019:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote appointed Bonnie Svrcek, City Manager to serve on the Lynchburg Regional Airport Commission for an indefinite term:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote appointed Miriam A. Torian to serve on the Social Services Advisory Board for a term to expire September 30, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On nomination of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote appointed Christopher Rhoades to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council to fill an unexpired term to expire June 30 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// City Council recessed the meeting at 6:30 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Absent:

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

// Copies of the minutes of the October 11, 2016 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 amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// Mayor Foster asked to pull the minutes of the October 25, 2016 meeting from the Consent agenda and vote on it separately because she was not present at the meeting. Copies of the minutes, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder

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Noes:

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Abstain: Foster

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// Copies of the minutes of the November 1, 2016 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 amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// Copies of the minutes of the November 8, 2016 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: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// Copies of the minutes of the November 10, 2016 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 amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of Water Resources – General, a public hearing was held on City Council Report #11 regarding consideration of leasing a portion of a City-owned conduit located along Candler's Mountain and a private driveway located in Campbell County to Shentel Communications, LLC, to allow Shentel to install and operate approximately 3,400 feet of fiber optic cable in the City-owned conduit. Director of Water Resources Timothy Mitchell provided an overview 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 Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-131, as presented, leasing a portion of a City-owned conduit located along Candler's Mountain and a private driveway located in Campbell County to Shentel Communications, LLC:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of Public Works – Street Vacations, a public hearing was held on City Council Report #12 regarding the petition of Farrell Lynchburg Properties, LLC to vacate an unnamed alley located between Richmond Street and Baltimore Street, running parallel between Oakley Avenue and Hood Street. The alley is approximately fifteen (15) feet wide and extends approximately three hundred and five (305) feet. The portion proposed for vacation contains a privately owned building and parking lot, and contains approximately one hundred three thousands (.103) acres. City Planner Tom Martin gave an overview of the street vacation. 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, chair of the Physical Development Committee (PDC) who stated this item came before PDC, and required no second, Council by the following recorded vote adopted Ordinance #O-16-132, as amended, regarding the petition of Farrell Lynchburg Properties, LLC to vacate an unnamed alley located between Richmond Street and Baltimore Street, running parallel between Oakley Avenue and Hood Street:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of Donald J. & Theresa M. Siwek for a Conditional Use Permit (CUP) at 4897 Fort Avenue to allow the construction of a building addition with three automobile service bays and to bring the existing nonconforming use into compliance with the City's Zoning Ordinance in a B-3, Community Business District. City Planner Tom Martin provided an overview of the CUP request and stated that the Planning Commission recommended approval.

Mr. Thomas Brooks, Sr., of Acres of Virginia, representing the petitioner, 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-16-133, as presented, granting the Conditional Use Permit at 4897 Fort Avenue to allow the construction of a building addition:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of City Code/Community Development, a public hearing was held on City Council Report #14 regarding consideration of adopting an Ordinance to amend Sections 11-191 and 11-192 of the City Code relating to Vacant Property Registration. In 2003 City Council adopted requirements for owners to register buildings that are vacant for more than 12 months by January 1 each year. The City would charge a \$25 registration fee to help offset administrative costs and civil penalties could be assessed by

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if the owner fails to register. The program was never implemented due to resource constraints. The proposed amendments would change the annual registration date to July 1, clarify the ordinance applies to derelict buildings, increase the registration fee to \$100 and the associated civil penalties for failing to register. Director of Community Development Kent White gave a summary of the Ordinance. Highlighted was the fact that staff spends a significant amount of time monitoring, inspecting and responding to complaints about vacant structures. The recommendation is to implement the program and direct the registration fees supplement staff resources. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several members questioned the definition of "derelict building" which the City modeled off of the State's definition for a derelict building. According to State Code, a derelict building must be vacant for at least 6 months, boarded or secured according to building code and not connected to utilities. Of particular concern was the criteria a derelict building be boarded up or secured while also being considered a danger to public health. Council Member Nelson suggested consideration of the amendments to be tabled until January. A motion was made by Council Member Nelson, seconded by Council Member Helgeson to table the Vacant Property Registration until January 2017. This motion failed:

Ayes: Helgeson, Nelson, Perrow

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Noes: Dolan, Tweedy, Wilder, Foster

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After the motion failed, Council Member Wilder stated several concerns why the City should move forward. He stated he receives complaints about blighted structures, and the City should come up with solutions to address such properties. He stated at least by approving the amendments this is another step in the right direction. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote adopted Resolution #R-16-134, as presented, adopting an Ordinance to amend Sections 11-191 and 11-192 of the City Code relating to Vacant Property Registration:

Ayes: Dolan, Tweedy, Wilder, Foster

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Noes: Helgeson, Nelson, Perrow

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// In the matter of City Council, Mr. David Gifford spoke before Council regarding childhood education in the City of Lynchburg.

// In the matter of City Council, Mr. John Salmon spoke before Council regarding the appointments of future Lynchburg School Board members.

// In the matter of Academy Center of the Arts, City Council Report #17 was considered. On motion of Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item has been before FC which recommended approval. There was no second required and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-135, as presented, to amend the FY 2017 General Fund budget and appropriate \$200,000 with resources from the Academy Center of the Arts Committed Fund Balance reserve for payment to the Academy Center of the Arts:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

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// In the matter of Registrar, City Council Report #18 was considered. On motion of Council Member Helgeson, Chair of the Finance Committee (FC), who stated that this item has been before FC which recommended approval. There was no second required and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-136, as presented, to amend the FY 2017 General Fund budget and appropriate \$12,200 with resources from the General Fund Reserve for Contingencies to provide funding to the Electoral Board/Registrar's Office for estimated cost for the January 10, 2017 Senate of Virginia Special Election:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Emergency Services – General, City Council Report #19 was considered. On motion of Council Member Helgeson, Chair of the Finance Committee (FC), who stated that this item has been before FC which recommended approval. There was no second required and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-137, as presented, to amend the FY 2017 City/Federal State Aid Fund budget and appropriate \$2,800 with funding from the Virginia Wireless E-911 Services Board FY 2015 Public Safety Answering Point Grant Program to install Centralized Automatic Message Accounting (CAMA) module card equipment and configure two (2) trunks at the Department of Emergency Services Emergency Communications Center:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Emergency Services – General, City Council Report #20 was considered. On motion of Council Member Helgeson, Chair of the Finance Committee (FC), who stated that this item has been before FC which recommended approval. There was no second required and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-138, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate \$42,150 with funding from the 2016 Hazardous Materials Emergency Preparedness Grant to conduct a commodity flow study on the hazardous materials transported through the City:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// In the matter of Emergency Services – General, City Council Report #21 was considered. On motion of Council Member Helgeson, Chair of the Finance Committee (FC), who stated that this item has been before FC which recommended approval. There was no second required and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-139, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget to appropriate \$150,000 with funding from the Virginia Wireless E-911 Services Board FY 2017 Public Safety Answering Point Grant Program to upgrade the existing Call Handling Equipment (CHE) system at the Department of Emergency Services:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// In the matter of Police – General, City Council Report #22 was considered. On motion of Council Member Helgeson, Chair of the Finance Committee (FC), who stated that this item has been before FC which recommended approval. There was no second required and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-140, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate \$35,000 with resources from the Virginia

Department of Emergency Management (VDEM) 2016 State Homeland Security Program (SHSP) to purchase a Crisis Response Throw Phone System for the Lynchburg Police Department Crisis Negotiations Team (CNT):

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// The meeting was adjourned at 9:25 P.M.

Clerk of Council