// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of December, 2015, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: 0

// Director of Financial Services Donna Witt introduced Ms. Julie Moore with Brown Edwards, LLC, who provided the audit presentation. Ms. Moore presented an overview of the City's Comprehensive Annual Financial Report (CAFR) and related reports for fiscal year ending June 30, 2015. Ms. Moore stated that no new accounting policies were adopted and the application of existing policies was not changed during the year. Ms. Moore 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, 2015, the audit did not detect any matters that warranted issuance of an internal control or management letter. The Schools also had a clean audit.

// Deputy City Manager Bonnie Svrcek presented City Council with a brief introduction chronicling actions taken that led to the poverty presentation from the University of Virginia Demographics Research Group. Ms. Svrcek stated that the research had been conducted per City Council's wishes to gain a better understanding of the U. S. Census data regarding poverty within the City of Lynchburg. Ms. Svrcek introduced Annie Rorem and Luke Juday with the University of Virginia Demographics Research Group who made a presentation regarding the analysis of the poverty data. Ms. Rorem stated that even after removing data concerning the City's large student population, the City still had a poverty rate of 22.6%. Ms. Rorem and Mr. Juday also discussed the rates of poverty among subgroups (race, educational attainment, employment, etc). Following the presentation and a question and answer period, the members of City Council raised the following points of discussion and concerns:

- What is government's role in reducing poverty?
- There is a need to include the business community in further discussions.
- What policies will help to grow the tax base?
- What budgetary impacts will result in efforts to address poverty?
- What legal, institutional, social, or cultural barriers contribute to keeping people in poverty?

Mayor Gillette asked City Manager Payne if the City Leadership Team could discuss the poverty data and possible ways to address the problem. Mr. Payne stated that the Leadership Team would discuss the issue and he would report back to City Council in February 2016. Four action areas were identified for continued discussion: job readiness, job opportunities, job matching, and providing necessary support to remove or lessen barriers like transportation and childcare needs.

// Due to time constraints the Zoning Ordinance Rewrite was rescheduled. Council agreed to start the work sessions at 2:00 p.m. on January 12 and 26 to complete the Zoning Ordinance Rewrite.

// Mayor Gillette asked Council to set a date for the Council Budget Retreat. After discussion on this item, the date for the retreat was set for Tuesday, January 19, 2016, 12:30 p.m. until 4:00 p.m. in the Second Floor Training Room.

// During roll call Council Member Perrow stated that the sidewalk at Robin Alexander Restaurant located on Main Street is in need of repair.

// Mayor Gillette read a letter from City Manager Kimball Payne in which the City Manager stated his intention to retire effective June 30, 2016. Mayor Gillette thanked the City Manager for his service and for providing exemplary service to the City.

// City Council recessed the meeting at 6:23 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	7
Absent:	0

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

// Mayor Gillette presented a Certificate of Recognition to Tarsha Joyner – Winner of the Food Network 'Christmas Cookie Challenge'.

// Mayor Gillette recognized the Department of Finance, Budget Division, for receiving both the Government Finance Officers Association Certificate of Achievement in Financial Reporting for FY 2014 and the Distinguished Budget Presentation Award for FY 2015.

// Copies of the minutes of the November 2, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the November 10, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Courts, Resolution #R-15-097 amending the FY 2016 City/Federal/State Aid Fund budget and appropriating $20,250 with resources from a grant from the Library of Virginia to preserve seven-five (75) Deed books at the Lynchburg Circuit Court Clerk's Office, laid over from the November 10, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Schools, Resolution #R-15-098 amending the FY 2016 General Fund budget and appropriating $3,411,449 with resources from unexpended FY 2015 Schools Operating Fund to fund needs as approved by the School Board, laid over from the November 10, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #9 regarding the petition of Genworth Life and Annuity Insurance Company to vacate a portion of Main Street, which is approximately two (2) feet wide and extends approximately one hundred fifty-five (155) feet. The portion proposed for vacation is approximately eight thousandths (.008) of an acre and is located along the frontage of the property at 717 Main Street. Planner I Rachel Frischeisen provided a summary of the request stating that the owner is petitioning to vacate a narrow portion of right-of-way along the frontage of the property at 717 Main Street to accommodate the construction of a parking deck associated with the Virginian Hotel. Mr. Russ Nixon with Nixon Land Surveying, representing the petitioner, asked Council for approval of the street vacation. 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. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-15-104, as presented, to vacate a portion of Main Street, which is approximately two (2) feet wide and extends approximately one hundred fifty-five (155) feet, which is approximately eight thousandths (.008) of an acre and is located along the frontage of the property at 717 Main Street:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of AMERCO Real Estate Company to rezone approximately twelve and seventy-two hundredths (12.72) acres from I-2C, Light Industrial District (Conditional), to B-5C, General Business District (Conditional), to reuse and redevelop an existing site as a self-service storage facility with accessory uses such as retail, equipment rentals, warehouse and RV storage at 7401 Timberlake Road. City Planner Tom Martin provided a summary of the request and stated the Planning Commission recommended approval of the rezoning petition. Mr. Gary Case with Gary Case and Company, representing the petitioner, asked Council for approval of the rezoning 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 Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted Ordinance #0-15-105, as presented, granting AMERCO Real Estate Company to rezone approximately twelve and seventy-two hundredths (12.72) acres from I-2C, Light Industrial District (Conditional), to B-5C, General Business District (Conditional), to reuse and redevelop an existing site as a self-service storage facility with accessory uses such as retail, equipment rentals, warehouse and RV storage at 7401 Timberlake Road:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of Randolph College for a Conditional Use Permit (CUP) at 2711 and 2715 Rivermont Avenue and 227 Westmoreland Street to allow the use of existing buildings at 2715 Rivermont for student housing and existing buildings at 2711 Rivermont and 227 Westmoreland Street as school offices with the construction of an associated parking area in an R-4, Medium-High Density, Multi-Family Residential District.

Council Member Nelson stated that he has represented Randolph College in acquisition of one of these properties which constitutes a conflict of interest under the Virginia Conflict of Interest Act and he will abstain from discussion and voting on this item.

Council Member Foster stated that she is employed with Beacon of Hope as its Director of Development. Mr. Wes Fugate, the representative for Randolph College, is the Chairman of Beacon of Hope's Board of Directors and one member of a twenty-six member board. Council Member Foster further stated "my employment with Beacon of Hope and Mr. Fugate's position as the Chairman of Beacon of Hope does not constitute a conflict of interest under the Virginia Conflict of Interest Act. I am able to participate in the discussion of, and to vote on this request fairly, objectively, and in the public interest." City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Wes Fugate, Vice President and Chief of Staff of Randolph College asked Council for approval of the CUP. One individual spoke in opposition regarding this request stating his concerns were students partying late at night and increased noise. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council's discussion on this item, Council Member Helgeson stated he would not be supporting this request due to land use issues and it is too close to a neighborhood. On motion of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-106, as presented, granting the Conditional Use Permit at 2711 and 2715 Rivermont Avenue and 227 Westmoreland Street to allow the use of existing buildings at 2715 Rivermont for student housing and existing buildings at 2711 Rivermont and 227 Westmoreland Street as school offices with the construction of an associated parking area in an R-4, Medium-High Density, Multi-Family Residential District.

Ayes: Foster, Johnson, Perrow, Tweedy, Gillette	5
Noes: Helgeson	1
Abstention: Nelson	1

// In the matter of Public Works, a public hearing was held regarding City Council Report #12 regarding granting a franchise agreement to Humble, LLC, for the construction, operation and management of an outdoor café for restaurant use, located in the public right-of-way of the lower Bluffwalk and 13th Street. City Manager Kimball Payne gave a summary of the item, stating Humble, LLC, has requested a franchise agreement from the City. Mr. Mark Borel owner of Humble, LLC, asked Council to grant the franchise agreement. 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 Nelson, Council by the following recorded vote awarded a franchise agreement to Humble, LLC, for the construction, operation and management of an outdoor café for restaurant use, located in the public right-of-way of the lower Bluffwalk and 13th Street:

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

Noes: 0

// In the matter of Police – Training Center, a public hearing was held regarding City Council Report #13 regarding granting a franchise agreement to the Central Virginia Criminal Justice Academy to allow the Criminal Justice Academy to continue leasing the second floor of the City Armory building located at 1200 Main Street, for a period of twenty (20) years. City Manager Kimball Payne gave a summary of the item, stating Central Virginia Criminal Justice Academy has requested a franchise agreement to continue leasing the second floor of the City Armory building. 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 Perrow, Council by the following recorded vote granted a franchise agreement to the Central Virginia Criminal Justice Academy to allow the Criminal Justice Academy to continue leasing the second floor of the City Armory building located at 1200 Main Street, for a period of twenty (20) years:

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

Noes: 0

// In the matter of Parks and Recreation, City Council Report #14 was considered and Council heard a presentation regarding the negotiation of the sale of the Lynchburg Hillcats Baseball Team and Stadium Lease negotiations with Elmore Sports Group. City Manager Kimball Payne stated that the Lynchburg Baseball Corporation is planning to sell the Lynchburg Hillcats to Elmore Sports Group, Ltd. (Elmore Sports). Mr. Payne went on to say that Elmore Sports is a diverse sports and entertainment business that owns several minor league baseball and hockey teams. Elmore Sports has indicated its intention for the Hillcats to remain in Lynchburg. This will necessitate the development of a lease or franchise between the City and Elmore Sports for the use of the baseball facilities at the City Stadium. Mr. Payne introduced Mr. D. G. Elmore with Elmore Companies, Inc. Mr. Elmore stated that his company is buying with the intention of staying in Lynchburg; however, he raised a number of issues regarding the City Stadium:

- Parking resurfacing and additional parking for fans
- The field needs to be completely redone
- Give a face-lift to the inside of the ball park (new netting and new seating areas to enhance fans' experiences)

Mr. Payne stated that he wants Council to completely understand the terms of any lease agreement. This is the first formal lease with a baseball team ownership. The intention is to bring a completed lease document to Council when it's appropriate for advertising the franchise process. No action from Council was required at this time.

// On motion of Council Member Nelson, seconded by Vice Mayor Johnson, 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, Towing Advisory Board and Design Review Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

Noes: 0

// The meeting was re-opened to the public.

// Council Member Foster 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 Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Mark Lowe to serve on the Planning Commission for a term to expire December 31, 2018:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote appointed Robert Bowden, III and Leslie Baker Gahagan to serve on the Planning Commission for terms to expire December 31, 2018:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Clyde Clark, Sr. to serve on the Horizon Behavioral Health for a term to expire December 31, 2018:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Robert Day to serve on the Lynchburg Regional Airport Authority for a term to expire December 31, 2018:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote appointed Massie G. Ware, Jr. to serve on the Lynchburg Regional Airport Authority for a term to expire December 31, 2018:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Kendall Craft, Melissa Foster, Randy Martin, and Jeff Nicholas to serve on the Towing Advisory Board for terms to expire December 31, 2018:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Thomas L. Fitzgerald to serve on the Design Review Board for a term to expire December 31, 2018:

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

Noes: 0

// The meeting was adjourned at 9:55 P.M.

Clerk of Council