// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of October, 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, Gillette 5

Absent: Perrow, Tweedy 2

// Council Member Perrow arrived at 4:07 p.m.

// Council Member Tweedy arrived at 4:11 p.m.

// City Manager Kimball Payne provided the draft 2016 Legislative Agenda to Council. Mr. Payne stated that the City is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The 2016 Legislative Agenda is meant to highlight those issues of particular importance to the City. Mr. Payne stated there were little changes in the 2016 Legislative Priorities and explained those changes. Council agreed to bring this item back for adoption at the November 10 Council meeting.

// City Planner Tom Martin and Michael Lauer with Planning Works continued with the Zoning Ordinance revisions. First, Mr. Lauer outlined the issues for discussion that Council identified at its October 13th work session. Several issues were discussed at length, such as Occupancy, Accessory Dwellings, Neighborhood Norms, Chickens, Residences in B-1, and Bike Parking. Mr. Lauer shared the status report for the continuation of the revisions.

- Edits from legal consultants incorporated
  - Focused on incorporating statutory language
  - No substantive changes to procedures or standards
- Errata incorporated
- Pending issues

After the presentation and further discussion on the proposed revision, Council directed staff to advertise the Zoning Ordinance for a public hearing on November 10, 2015. There still could be future work sessions on the Zoning Ordinance after the public hearing.

// There were no roll call items.

// City Council recessed the meeting at 6:26 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 Nelson gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Police – General, Resolution #R-15-087 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $15,750 with resources of $10,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of $4,217, and $1,033 transferred from the FY 2016 General Fund Police Department budget to provide funds for speed enforcement activities, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council

Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-15-088 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $36,449.46 with resources of $18,224.73 from the Bulletproof Vest Partnership 2015 Grant Program and $18,224.73 transferred from the FY 2016 General Fund Police Department ($17,064.73) and Sheriff's Office ($1,160) budgets to purchase 48 replacement bulletproof vests for law enforcement officers, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-15-089 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $36,964 with resources from the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement software, flashlights and holsters, targets, desktop computer, and a laptop computer, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-15-090 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $67,541 with resources of $45,027 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of $19,760, and $2,754 transferred from the FY 2016 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, 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, a public hearing was held regarding City Council Report #8 regarding receiving bids and adopting an Ordinance to award a franchise agreement to Amazement Square for the construction and operation of a time travel exhibit and education center in the vicinity of 9th and Jefferson Streets.

Council Member Nelson made the following statement. In the past I have served as legal counsel for Amazement Square. My professional ethics prohibit me, as an attorney, to use my elected position to promote the interests of a client unless doing so is clearly in the public's interest. I do not have a legal conflict of interest that would require me to abstain from discussion and voting on this item.

Council Member Perrow made the following statement. My wife is on the Board of Amazement Square and is not compensated. It is a voluntary position; therefore, it does not constitute a conflict of interest and I will participate in the discussion and voting of this item.

City Manager Kimball Payne gave a summary of the item, stating Amazement Square has requested a franchise agreement from the City to allow use of city right of way for a time travel exhibit along 9th and Jefferson Streets. Mort Sajadian with Amazement Square asked Council for approval of the franchise agreement. One individual spoke in favor of this item. 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 awarded a franchise agreement for the construction and operation of a time travel exhibit and education center in the vicinity of 9th and Jefferson Streets to Amazement Square:

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

// In the matter of Airport – General, a public hearing was held regarding City Council Report #9 regarding approving and authorizing the execution of a lease agreement with Centra Health for the purpose of operating an emergency medical helicopter evacuation service at Lynchburg Regional Airport.

Council Member Helgeson made the following statement. My wife is an employee of Centra Health, which makes me the spouse of an employee of Centra Health. Even though my wife is an employee of Central Health, I am able to participate in this matter fairly, objectively, and in the public interest. Therefore, I intend to participate in the discussion of and to vote on the proposed lease between the City and Centra Health.

Mayor Gillette made the following statement. Since I have a contract with Centra Health, Inc. that generates in excess of $10,000 in annual income, under the Virginia Conflict of Interest Act, I must abstain from discussion and voting on this item. At that point Vice Mayor Johnson proceeded with the public hearing on this item. City Manager Kimball Payne stated that there were errors in the lease agreement which will be corrected on the final lease. Airport Manager Mark Courtney gave a brief summary of the item. 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-15-091, as amended, approving and authorizing the execution of a lease agreement with Centra Health for the purpose of operating an emergency medical helicopter evacuation service at Lynchburg Regional Airport:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Abstention: Gillette	1

// In the matter of Airport – General, a public hearing was held regarding City Council Report #10 regarding approving and authorizing the execution of a lease agreement with Bon Air Brokerage for the purpose of operating as a Specialized Aviation Service Operator (SASO) at Lynchburg Regional Airport. Airport Manager Mark Courtney gave a brief 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-15-092, as presented, approving the execution of a lease agreement with Bon Air Brokerage for the purpose of operating as a Specialized Aviation Service Operator (SASO) at Lynchburg Regional Airport:

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

// In the matter of Recreation – General, City Council Report #11 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-093, as presented, granting permission to the Southern Memorial Association to construct a new building, called the "Comfort House," on the grounds of Old City Cemetery:

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

// In the matter of Region 2000, City Council Report #12 was considered. Council Member Tweedy made the following statement. I am employed by Goodwill Industries of the Valleys and Goodwill is the operator of the Region 2000 Workforce. I do not have a legal conflict of interest that requires me to abstain from voting on this item. However, even though the Conflict of Interest Act does not require me to abstain because I don't have a legal conflict, I know some people might question whether or not I can be fair and impartial when it comes to the matters involving the Region 2000 Workforce Development, so in order to avoid even the appearance of a conflict, I am going to abstain from discussion and voting on this item. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-15-094, as presented, approving the proposed amendments to bring the Region 2000 Workforce Area Agreement into compliance with Federal and State requirements, and authorized the appropriate City official to sign the agreement:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 6
Noes: 0
Abstention: Tweedy 1

// In the matter of Human Services – Budget, City Council Report #13 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second. Council by the following recorded vote adopted Resolution #R-15-095, as presented, to amend the FY 2016 General Fund budget to approve the addition of a Family Support Specialist (1 FTE) for the Foster Care Unit within the Department of Human Services:

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

// In the matter of Police – Grants, City Council Report #14 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-096, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $205,486 with resources from a Department of Justice-Bureau of Justice Assistance- Body-Worn Camera Pilot Implementation Program Grant and $103,818 from Reserve for Contingencies Fund to purchase and implement a Body-Worn Camera program for the Police Department:

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

Noes: 0

// In the matter of City Council, City Council Report #15 was considered to cancel the November 24, 2015 City Council meeting. City Manager Kimball Payne stated that presently there are no agenda items for City Council's regularly scheduled meeting on November 24, 2015. A suggestion was made to hold a work session earlier in the afternoon on November 24th and cancel the regularly scheduled 7:30 p.m. meeting. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote agreed to cancel the regular council meeting at 7:30 p.m. and hold a work session meeting starting at 1:30 p.m. on November 24, 2015:

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

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Transit Company Board, Lynchburg Parking Authority and Planning Commission; 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 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 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 Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Margaret (Peggy) Whitaker, to serve on the Transit Company Board for a term to expire October 30, 2018:

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

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Christos Carroll and Mary-Winston Deacon to serve on the Transit Company Board for terms to expire October 30, 2018:

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

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Carl Matice to serve on the Lynchburg Parking Authority to fill an unexpired term ending October 30, 2017:

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

Noes: 0

// The meeting was adjourned at 9:27 P.M.

Clerk of Council