

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of September, 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:

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// Horizon Behavioral Health CEO Damien Cabezas provided Council with a report on Mental Health Services in the Central Virginia Region. 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 use 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

// City Manager Kimball Payne gave background information on the firm that conducted the Citizen Survey. Mr. Payne stated in 2004, 2006, 2008, and 2013, the City conducted surveys using the National Citizen Survey (NCS) instrument administered by the National Research Center, Inc. (NRC). The purpose of conducting the surveys is to obtain statistically valid data concerning resident satisfaction with community amenities and the services provided by local government.

Next, Mr. Payne introduced President and CEO, Tom Miller with National Research Center, Inc. (NRC) which provided the results of the survey. Mr. Miller stated that NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Build Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement). In May 2015, the survey was mailed to 1400 residents with a final overall response rate of 26%. The City included three questions of special interest on the NCS. The first question asked residents to indicate which methods they prefer to receive information about City government, its activities, events and services. About 8 in 10 respondents indicated that local electronic media outlets would be the most preferable way to receive information. Close to three-quarters of participants also identified the City web site and local print media outlets as at least preferable. The local government channel was the least preferable option for information. The second question asked residents about their opinions about the importance of various City issues for the next five years. The most important issue was workforce training, which rated as essential or very important by 83% of participants. This was closely followed by maintaining and

improving infrastructure, health and wellness opportunities and reducing the poverty rate with 8 in 10 respondents giving high importance to each. It was also noted that about 4 in 10 residents gave high levels of importance to reducing food deserts. The survey also gauged the importance of strategic planning area to the overall quality of life in Lynchburg. Residents indicated that safe neighborhoods and education were the most important to quality of life with at least 9 in 10 respondents deeming these areas as essential or very important.

In conclusion, Lynchburg residents continue to enjoy a high quality of life. Mobility rates have increased but there are still opportunities for improvement. The residents identified Economy and Safety as main focus areas. A vast majority of residents reported a high level of feeling safe in their neighborhoods and in Lynchburg's downtown/commercial area. The residents also gave excellent or good ratings to safety services, and the ratings for fire prevention and emergency preparedness improved since the last iteration of the survey. The members of the City's Leadership Team and a group of Emerging Leaders will participate in a Next Steps Workshop designed to assist in analyzing the survey results, assess priorities and determine next steps in moving the use of the results from research to action.

// Director of Financial Services Donna Witt provided information for amending FY 2016 Operating and Capital Budgets and appropriating funds to reflect the FY 2016 First Quarter Adjustment. The General, City/Federal/State Aid, Technology, Asset Forfeiture, Fleet Services, and City Capital Projects Fund were reviewed to reflect the FY 2016 First Quarter Adjustments. Ms. Witt further stated that Council policy requires a minimum Unassigned General Fund Balance of 10% of General Fund revenues. The unaudited Unassigned Fund Balance is projected to be approximately \$31.0 million, or 17.6%, of General Fund revenues as of June 30, 2015. Of the \$31.0 million, approximately \$13.0 million is left to fund First Quarter Adjustments and FY 2017 Capital Improvement Program (CIP) pay-as-you-go expenditures. There will be a public hearing on this item at the 7:30 p.m. meeting. After the public hearing Council is asked to adopt a Resolution.

// During roll call Council Member Nelson mentioned he had received several complaints from residents at the end of Griffin Street regarding water runoff. He stated that Public Works has taken notice of the situation but would like a follow up to see what the City's obligations are regarding this.

// Council Member Tweedy stated she had attended several community meetings and one big concern was City sidewalks. She asked for an explanation on the costs of putting sidewalks in those areas.

// Council Member Foster mentioned an article in the VML magazine regarding "Maker's Space" and asked how the City could become a part of it? She also mentioned how much she loves the new Parks and Recreation magazine.

// Vice Mayor Johnson mentioned a sidewalk repair needed at the corner of the Daily Bread building.

// City Council recessed the meeting at 5:27 p.m.

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

The following Members were present:

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

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

// Copies of the minutes of the August 11, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Police – General, City Council Report #6 was considered. On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-067, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$25,750 with resources of \$8,397 from the 2015 Byrne/JAG Crisis Intervention Team Grant and \$17,353 is transferred from the General Fund Police Department FY 2016 Budget to continue the Crisis Intervention program:

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

// In the matter of Fire – General, City Council Report #7 was considered. On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-068, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,246 with resources of \$49,238 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$18,008 transferred from the FY 2016 General Fund Fire Department budget to purchase one (1) Physio LifePak 15 cardiac monitor/defibrillator, one (1) Lucas 2 chest compression device, one (1) Panasonic H2 reporting tablet, and one (1) Stryker Power Pro XT stretcher for the Fire Department:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 8 outlining the petition of Lynchburg Renting LLC to rezone approximately seven and one hundred twenty-five thousandths (7.125) acres at 714 Leesville Road from R-1, Low Density, Single-Family, Residential District to R-3C, Medium Density Two-Family Residential District (Conditional), and for a conditional use permit to construct sixty-eight (68) townhomes for sale.

Council Member Nelson stated that he represents the owner and developer and in this instance the Legal Rules of Professional Ethics prohibit him, as an attorney, from using his position as an elected official to benefit a client; therefore, he would abstain from discussion and voting on this item.

Mayor Gillette stated that although he does not have an actual conflict of interest, he does have an apparent conflict of interest since Mr. Bruce Gallier's company manages rental properties owned by his 401(k) plan; therefore, he would rather avoid even the appearance of a conflict by abstaining from discussion and voting on this item. Mayor Gillette asked Vice Mayor Johnson to proceed with the public hearing. City Planner Tom Martin provided an overview of the rezoning and Conditional Use Permit (CUP) for Lynchburg Renting LLC. Mr. Martin did note that the rezoning and CUP petitions are in keeping with the City's Future Land Use Map (FLUM) and the City's Comprehensive Plan 2013-2030. Mr. Martin went on to say that the Planning Commission ultimately recommended approval of the rezoning to R-3 but did not recommend the CUP for the townhouse use. However, because the developer proffered to comply with the concept plan, approving the rezoning and denying the CUP may potentially prohibit the future development of the property for any use. Mr. Bill Berkley of Berkley Howell and Associates, representing the petitioner, outlined the request and asked for approval. Mr. Bruce Gallier, owner of Lynchburg Renting, LLC, also asked Council for approval stating that the number of townhouses have been reduced from the original plan. Six individuals spoke in opposition to the proposed rezoning citing concerns regarding water runoff to adjacent property, property value decreasing, increased crime rate, and increased traffic. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members discussed the proposed rezoning and offered the following comments and concerns, i.e., stormwater maintenance, Comprehensive Plan, traffic and sidewalks. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote agreed to deny the Lynchburg Renting LLC to rezone at 714 Leesville Road:

Ayes: Foster, Helgeson, Johnson, Perrow, Tweedy,	5
Noes:	0
Abstention: Nelson, Gillette	2

// City Council Report #9 was presented before Council Report #8. Vice Mayor Johnson arrived at the meeting after the action on Council Report #9.

// In the matter of Budget, a public hearing was held regarding City Council Report #9 regarding amending the FY 2016 Operating and Capital Budgets and appropriating funds to reflect the FY 2016 First Quarter Adjustments in the General, City/Federal/State Aid, Asset Forfeiture, Technology, Fleet Services, and City Capital Projects Fund. Director of Financial Services Donna Witt gave an overview of the FY 2016 First Quarter Adjustments. 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 Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-069, as presented, amending the FY 2016 Operating and Capital Budgets and appropriating funds to reflect the FY 2016 First Quarter Adjustments in the General, City/Federal/State Aid, Asset Forfeiture, Technology, Fleet Services, and City Capital Projects Fund:

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

// In the matter of City Council, Ricky Theodore spoke before Council regarding an incident that occurred at the James Crossing Apartments.

// In the matter of City Council, Ronald BB Shavers, President and Founder of The Shopo Foundation for Youth Inc., spoke before Council regarding recent incidents and actions of Lynchburg Police Department officers towards citizens in our city.

// In the matter of Public Works – General, City Council Report #12 was considered. 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. Council by the following recorded vote adopted Resolution #R-15-070, as presented, with regard to the construction of Phase 2 of the Route 460/29 (Richmond Highway) corridor improvements in the City of Lynchburg between Campbell Avenue and Concord Turnpike. City Council asks that the Virginia Department of Transportation commit to the following: 1) the continued access from Tyreeanna Road onto westbound Route 460/29, 2) the installation of appropriate warning signals advising drivers on westbound Route 460/29 of traffic entering from Tyreeanna Road, and 3) support for future improvements to the access from Tyreeanna Road onto Route 460/29 as a part of the statewide and local transportation planning process:

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

Noes: 0

// In the matter of Economic Development – General, City Council Report #13 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-071, as presented, for an Industrial Revitalization Fund application:

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

Noes: 0

// In the matter of Economic Development – General, City Council Report #14 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-15-072, as presented, to amend and reenact the Code of the City of Lynchburg by adding Chapter 13.2 containing sections numbered 13.2-1 through 13.2-5, the new Chapter and Sections relating to the designation of the City as a Tourism Zone:

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

Noes: 0

// In the matter of Parks and Recreation – General, City Council Report #15 was considered. Council Member Helgeson, Chair of the Finance Committee (FC), stated that this item came before FC which recommended approval. 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-15-073, as presented, to amend the FY 2015 General Fund budget and appropriate \$76,304 to the Parks and Recreation Department with resources of \$65,817 from Debt Service Payments from the Economic Development Authority of the City of Lynchburg for Miller Center and \$10,487 from the FY 2015 Unassigned Fund Balance to make lease payments to Miller Center Building, LLC as required by the Miller Center Project Lease Agreement:

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

Noes: 0

// In the matter of City Council, City Council Report #16 was considered. Deputy City Manager Bonnie Svrcek gave an overview of the request to approve funds that were adopted in the FY 2016 Adopted Budget to address poverty. Council Member Helgeson stated he would not be supporting this Resolution to use funds to study the Bridges Out of Poverty Initiatives because he felt that it was a poor use of taxpayers' funds and that government had been studying poverty for decades and spent billions of dollars on programs which do not work. Council Member Helgeson also cited a study done by the Brookings Institute that included three indicators for avoiding poverty - 1) Graduation from high school; 2) Full time employment and 3) Refrain from having children out of wedlock. On motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-074, as presented, to expend \$28,088 of the \$50,000 in funding available to address poverty in the FY 2016 Adopted Budget. Of the \$28,088, an amount of \$18,088 is allocated for an analysis of demographic and related data that impacts the City's poverty rate by The Demographic Research Group at the University of Virginia and \$10,000 is allocated to continue training employees and the faith and business communities on the "Bridges Out of Poverty" model:

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

6

Noes: Helgeson

1

// In the matter of Airport – General, City Council Report #17 was considered. City Manager Kimball Payne presented the lease agreement with Aviation Resources, Inc. to City Council for approval with a few modifications such as higher lease rates and fewer facilities that would be leased to Aviation Resources. Mr. Payne stated that certain items were requested, such as performance standards pertaining to discrimination, separation of church and state and customer satisfaction, and have been included. One such provision states Aviation Resources shall provide equal access by all classes of airport users to facilities under its control. Mr. Payne went on to say that the lease agreement covers a three-year term with an option to renew for an additional five years. Council Member Perrow made a motion, seconded by Council Member Helgeson to accept the lease agreement with Aviation Resources, Inc. Council Member Nelson made a friendly amendment to the lease agreement to include a change to the lease's wording that Aviation Resources, Inc. financial statement would be audited. Council Member Perrow accepted the friendly amendment, seconded by Council Member Helgeson. Council by the following recorded vote adopted Resolution #R-15-075, as amended, to execute a lease with Aviation Resources, Inc. for facilities at the Lynchburg Regional Airport formerly leased by Virginia Aviation:

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

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Noes:

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// The meeting was adjourned at 10:05 P.M.