

Agenda Item #2

080

August 12, 2014

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of August, 2014, 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

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Absent:

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// Mayor Gillette congratulated Council Member Helgeson on his recent marriage.

// Mayor Gillette recognized the Procurement Staff for receiving the Universal Public Procurement Certification Council Agency Certification Award.

// Deputy City Manager Bonnie Svrcek introduced the new Executive Director of the James River Council on the Arts and Humanities, Cameo Hoyle, and the Director of Tourism, Sergei Troubetzkoy.

// City Manager Kimball Payne introduced Kelly Harris-Braxton, Executive Director of Virginia First Cities and Jim Regimbal of Fiscal Analytics, A presentation was given of the work of Virginia First Cities and the financial state of the Commonwealth. The information that was presented was the 2014 Virginia First Cities Annual Report.

// City Manager Kimball Payne provided feedback on a date for a fall Strategic Planning Session and topics of interest. Mr. Payne suggested topics that could be addressed during the planning session including: the twelve strategic pillars and related activities, the Capital Improvement Plan, a preliminary view of the FY 2016 Budget environment, team building, senior staff succession, and Capital Projects by priority. After Council discussion it was agreed to have the Strategic Planning Session on September 29, 2014 from Noon until 5:00 P.M. at a location to be announced later.

// There were no Roll Call items.

// On motion of Council Member Helgeson, 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., Planning Commission, Historic Preservation Commission, Youth Services Citizens Board, Community Code Compliance Team, Region 2000 Local Government Council, Region 2000 Metropolitan Planning Organization and Virginia Municipal League (VML) Environmental Quality Policy Committee, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

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Noes:

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// 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 Council Member Nelson, 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 Helgeson, Council by the following recorded vote appointed Mark Lowe, to serve on the Planning Commission to fulfill an unexpired term ending December 31, 2015:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed William N. Mays, Jr., to serve on the Planning Commission to fulfill an unexpired term ending December 31, 2014:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Christopher McSwain to serve on the Historic Preservation Commission for a term ending June 30, 2017:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Treney Tweedy to serve on the Youth Services Citizens Board for an indefinite term:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Joan F. Foster to serve on the Region 2000 Local Government Council Board for a term ending June 30, 2018:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Turner Perrow to serve on the Region 2000 Metropolitan Planning Organization for a term ending June 30, 2016:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Joan F. Foster to serve on the Community Code Compliance Team for an indefinite term:

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

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Turner Perrow to serve on the Virginia Municipal League Environmental Quality Policy Committee for an indefinite term:

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

Noes: 0

// City Council recessed the meeting at 5:35 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 Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the June 10, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, 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 June 24 (2 meetings), 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, 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 Emergency Services, Resolution #R-14-091 amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$46,846 with resources of \$23,423 from the Virginia Department of Emergency Management and \$23,423 of in-kind matching services to partially fund the Emergency Services Specialist position within the Department of Emergency Services, laid over from the July 8, 2014 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of City Code/Registrar, a public hearing was held regarding City Council Report #10 to amend and reenact Section 14-34 of the City Code to change the location of the voting place for the Fourth Precinct of the Third Ward from Heritage Elementary School, located at 501 Leesville Road, Lynchburg, Virginia, to the First Church of the Nazarene, located at 1737 Wards Ferry Road, Lynchburg,

Virginia. Electoral Board Chair Pat Bower provided 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 Helgeson, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #O-14-092, as presented, to amend and reenact Section 14-34 of the City Code to change the location of the voting place for the Fourth Precinct of the Third Ward from Heritage Elementary School, located at 501 Leesville Road, Lynchburg, Virginia, to the First Church of the Nazarene, located at 1737 Wards Ferry Road, Lynchburg, Virginia:

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

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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 #11 outlining the petition of Prayer of Faith Temple Church of God In Christ for a Conditional Use Permit (CUP) to allow a child day care center for up to fifty (50) children between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday at 3100 Hill Street in a R-2, Low-Medium Density, Single-Family Residential District. Kevin Henry, Planner II, gave a summary of the request and stated the Planning Commission recommended approval of the CUP. The representative from Prayer of Faith Temple Church of God In Christ, Ms. Dashaia Womack, requested approval of the CUP for the day care center. Ms. Womack also apologized for not going through the proper process last year. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-093, as presented, granting the Conditional Use Permit:

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

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Noes:

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// In the matter of Community Development – Historic Review, a public hearing was held regarding City Council Report #12 on the petition of twenty-seven (27) registered voters of the City of Lynchburg to appeal the decision of the Lynchburg Historic Preservation Commission (HPC) regarding the approval of a Certificate of Appropriateness for the installation of new windows on the basis that the new windows do not meet the Residential Design Review Guidelines for Historic Districts. The property is located at 323 Harrison Street, which is within the Garland Hill Historic District. Kevin Henry, Planner II, gave a summary of the request regarding HPC's approval of a Certificate of Appropriateness (COA) for new windows on the house at 323 Harrison Street in the Garland Hill Historic District.

Garland Hill Neighborhood Association representative Frances B. Calhoun spoke regarding modifying a decision of the Historic Preservation Commission approving the replacement windows on the property located at 323 Harrison Street. Two individuals spoke to uphold the decision of the Historic Preservation Commission. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion there were two options to consider: (a) reverse the HPC decision, which would require the owner to remove the windows and install wooden sash windows; or (b) uphold the HPC decision to approve the COA for Robert Mouzayck's property at 323 Harrison Street. Jeffery

Schneider, Vice Chair of the Historic Preservation Commission, stated that the HPC approved the request of Robert Mouzayck to install new aluminum clad windows at 323 Harrison Street. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-094, as presented, as option "B" to uphold the Historic Preservation Commission decision, to approve the Certificate of Appropriateness by Robert Mouzayck concerning property at 323 Harrison Street:

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

Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #13 on approving the request of Appalachian Power Company for an easement to install approximately 1,800 feet of underground power lines on City owned property (Lynchburg Regional Airport) in Campbell County. Council Member Nelson stated that he represents Mr. David Dudley and that he would abstain from discussion and voting on this item. City Manager Kimball Payne 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. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before PDC and they recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-14-095, as presented, to approve the request of Appalachian Power Company for an easement to install approximately 1,800 feet of underground power lines on City owned property (Lynchburg Regional Airport) in Campbell County:

Ayes: Foster, Helgeson, Johnson, Perrow, Tweedy, Gillette 6

Noes: 0

Abstention: Nelson 1

// In the matter of Public Works – Street Vacation, no public hearing was held regarding City Council Report #14 on the petition of Peyton Morgan to vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 New Street. Mayor Gillette stated that there was an error in the ad when it was advertised. Council agreed to postpone this item and re-advertise this street vacation. Council by the following vote agreed to postpone the petition of Peyton Morgan to vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 New Street.

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 #15 on the petition of Cari L. Smith to vacate a portion of unopened right-of-way known as Craighill Street located between 1210 and 1300 Norvell Street. The area is approximately one hundred seventy-two thousandths (.172) of an acre. The dimensions of the proposed vacation are one hundred fifty (150) feet long by fifty (50) feet. Kevin Henry, Planner II, 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.

Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before PDC and they recommended approval. This motion does not require a second, and Council

by the following recorded vote adopted Ordinance #O-14-096, as presented, to vacate a portion of unopened right-of-way known as Craighill Street located between 1210 and 1300 Norvell Street:

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

Noes: 0

// In the matter of City Code/Inspections/Fire Department, City Council Report #16 regarding an Ordinance to amend sections 11-2, 19-42 and 19-47.2 of the City Code relating to the enforcement of the 2012 Edition of the Uniform Statewide Building Code and the 2012 Edition of the Statewide Fire Prevention Code. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #O-14-097, as presented, to amend sections 11-2, 19-42 and 19-47.2 of the City Code relating to the enforcement of the 2012 Edition of the Uniform Statewide Building Code and the 2012 Edition of the Statewide Fire Prevention Code:

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

Noes: 0

// In the matter of Community Planning – Zoning, Robert J. F. Murphy spoke before Council regarding the upcoming update of the City's Zoning Ordinance.

// In the matter of Economic Development – General, City Council Report #18 was considered. Mayor Gillette made the following statement, "since I am an employee of Centra Health, Inc., 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 meeting. Council Member Helgeson stated that his wife is an employee of Centra Health, but he is able to participate in Centra Health's request fairly, objectively, and in the public interest. Therefore, he will participate in City Council's consideration of this request. On motion of Council Member Helgeson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-098, as presented, approving the issuance of up to \$100,000,000 bonds through the Lynchburg Economic Development Authority (LEDA) for the benefit of Centra Health, Inc:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Abstention: Gillette 1

// In the matter of Parks and Recreation – General, City Council Report #19 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before FC for approval. This motion does not require a second. Several Council Members were not in favor of appropriating \$135,720 from the FY 2015 General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers because the balance of the Reserve for Contingencies has dropped by more than 30% in the new fiscal year that started in July, and it does not seem wise to spend the Reserve so early in the year. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-099, as presented, amending the FY 2015 Parks and Recreation General Fund budget and appropriating \$135,720 with \$135,720 from the

General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette 5

Noes: Helgeson, Perrow 2

Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC for approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-100, as presented, amending the FY 2015 Parks and Recreation General Fund budget and appropriating \$8,000 with resources of \$4,000 from the FY 2015 General Fund Reserve for Contingencies and \$4,000 from the Schools Operating Fund to provide Wi-Fi access in the neighborhood community centers:

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

Noes: 0

// The meeting was adjourned at 9:26 P.M.

Clerk of Council