

August 9, 2016

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// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of August, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Wilder gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

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Absent:

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// Mayor Foster and Vice Mayor Tweedy recognized Steve Bozeman who made a presentation for the Order of the Purple Heart. Mr. Bozeman stated that all the surrounding counties are all dedicated as Purple Heart locations.

// Mayor Foster and Vice Mayor Tweedy recognized the City's Department of Human Resources for receiving the Best Small HR Agency by IPMA-HR.

// Mayor Foster and Vice Mayor Tweedy presented a Certificate of Recognition for the Tree City USA Designation to Gaynelle Hart, Director of Public Works.

// Mayor Foster and Vice Mayor Tweedy recognized the plaque that was received from the Commonwealth Games. Sergei Troubetzkoy, Director of Tourism, Jenny Jones, Director of Parks and Recreation, Marjette Upshur, Director of Economic Development and Lisa Meriwether, Sales Manager for Tourism were recognized by the Mayor for arranging the Commonwealth Games that were held in Lynchburg.

// Council Member Perrow asked that Items #1, #2, #3 and #4 be removed from the Consent Agenda because he wanted to make a statement on the minutes. Items #5, #6, #7, and #8 would be voted on separately.

// Copies of the minutes of the June 14 (two meetings), 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 June 28, 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 July 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 presented:

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

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Noes:

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// Copies of the minutes of the July 12, 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 7

Noes: 0

// In the matter of Court, Resolution #R-16-092 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$24,490 with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbers 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office, laid over from the July 12, 2016 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Tourism, Resolution #R-16-093 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from a marketing leverage grant from the Virginia Tourism Corporation, laid over from the July 12, 2016 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of City Council, City Council Report #7 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote amended and reaffirmed the City's Finance Committee Guidelines:

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

Noes: 0

// In the matter of City Council, City Council Report #8 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote amended and reaffirmed the Physical Development Committee Guidelines:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 9 outlining the petition of LYNVET, LLC to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Low Density Residential to Community Commercial and to rezone approximately one and two hundred six thousandths (1.206) acres at 806 & 808 Mercury Street from R-2, Low-Medium Density Residential District to B-3C, Community Business District (Conditional) to accommodate the construction of a parking area. Rachel Frischeisen, Planner I, provided a summary of the FLUM and the Rezoning petitions. The Planning Commission recommended approval of the petitions. Mr. Scott Beasley of Hurt & Proffitt, representing the petitioner, asked Council for approval of the petitions. 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-16-094, as presented, to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Low Density Residential to Community Commercial:

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

Noes: 0

On motion of Vice Mayor Tweedy seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #O-16-095, as presented, to rezone approximately one and two hundred six thousandths (1.206) acres at 806 & 808 Mercury Street from R-2, Low-Medium Density Residential District to B-3C, Community Business District (Conditional) to accommodate the construction of a parking area:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #10 outlining the petition of Centra Health, LLC, for a Conditional Use Permit (CUP) to use the existing home and property at 1343 Oak Lane and 1512 Fairway Drive as a group home for up to four (4) pregnant and postpartum women with infants in an R-2, Low-Medium Density Residential District. Council Member Dolan made the following statement, "In addition to serving on City Council, I also serve on the Centra Health Foundation Board. I do not receive any financial support and do not have a conflict of interest. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item." Council Member Helgeson made the following statement, "I am a member of a group, the spouse of an employee of Centra Health and notwithstanding that relationship, I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item." City Planner Tom Martin provided an overview of the CUP petition and stated the Planning Commission recommended approval. Ms. Carolyn Jacques, representing the petitioner, asked Council for approval of 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 Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-096, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 regarding the petition of Jet Holdings LLC to vacate a portion of right-of-way located along 801 5th Street. The portion proposed for vacation is approximately six thousandths (.006) of an acre. Rachel Frischeisen, Planner I, provided a summary of the request to vacate a portion of right-of-way located along 801 5th Street. Mr. Will Sigler with Berkley Howell & Association, representing the petitioner, asked Council for approval to vacate a portion of right-of-way located along 801 5th Street. 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), stated that this matter came before the PDC which recommended approval to vacate a portion of right-of-way located along 801 5th Street. The portion proposed for vacation is approximately six thousandths (.006) of an acre. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-16-097, as presented, for Jet Holdings LLC C to vacate a portion of right-of-way located along 801 5th Street. The portion proposed for vacation is approximately six thousandths (.006) of an acre:

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

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Noes:

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// In the matter of City Council, Joy Wriston spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, David Wriston spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Bernice Rudder spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Brenda Murdock spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Dennis Henson spoke before Council regarding the closing of Rives Street.

// In the matter of City Council, Deleesa Carr spoke before Council regarding concerns with Greater Lynchburg Transit Company (GLTC).

// In the matter of Economic Development – General, City Council Report #18 was considered. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-098, as presented, authorizing the issuance of bonds for Westminster Canterbury Lynchburg, Inc. through the Economic Development Authority of the City of Lynchburg:

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

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Noes:

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// In the matter of Commonwealth Attorney, City Council Report #19 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second. On motion of Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-099, as presented, to amend the FY 2017 City/Federal/State Aid Fund budget to appropriate \$133,078 with resources from the FY 2017 Victim Witness Grant Program to meet the direct victim assistance service needs in the community:

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

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Noes:

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// In the matter of Commonwealth – General, City Council Report #20 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second. On motion of Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-100, as presented, to amend the FY 2017 General Fund budget and appropriate

\$52,545 with resources from the General Fund Reserve for Contingencies to support the purchase of a new prosecution case management system:

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 #21 was considered. Police Chief Raul Diaz, gave a presentation regarding a web based tool that connects law enforcement with the community to reduce crime and improve public safety.

// In the matter of Water Resources – General, City Council Report #22 was considered. Vice Mayor Tweedy stated she would not be supporting this item to give an additional 30 days to the property owner because this item needs to move forward. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-101, as presented, authorizing the condemnation of Permanent and Temporary easements located at 745 Custer Drive for the Burton Creek Interceptor Sewer Replacement project:

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

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Noes: Tweedy

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// On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the disposition of publicly owned real property because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, and for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically various legal matters relating to the Midtown Connector Project, pursuant to Section 2.2-3711(A.)(3) and (7), respectively, of the Code of Virginia, 1950:

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 Nelson 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.

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The Motion was seconded by Council Member Perrow, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// The meeting was adjourned at 10:34 P.M.

Clerk of Council