

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of July, 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, Tweedy, Gillette 6

Absent: Perrow 1

// Council Member Perrow arrived at 4:25 p.m. during the school presentation.

// Assistant Superintendent Dr. Jay McClain provided a presentation on two programs currently underway in Lynchburg City Schools to enhance classroom learning: Lesson Plan Observation of Learning Engagement Teaching (LOLET) and Classroom Observation of Learning Engagement Teaching (COLET). Dr. McClain shared information on how the LOLET and COLET approaches would work for raising the bar of teaching and learning in Lynchburg City Schools. In conclusion, Dr. McClain stated the next steps of the programs are:

- Continue to deepen implementation of LOLET/COLET
- Updated training in August 2015
- Expansion of the tool to some other core areas
- Revision of PAR guides this summer to support LOLET/COLET
- Continue monthly classroom visits and principal training

// Scott Horton with Municipal Code Corporation gave a presentation of the Lynchburg City Code, which will now be maintained and hosted online by Municode. The web-based platform of Municode services will also provide a more user-friendly, searchable Code for a wide variety of users.

// Major Stokes with the Police Department provided a presentation on Crime Statistics in Lynchburg. According to the data that was presented the City's overall crime is down by about 4 percent from 2014 compared to 2013. Other issues were discussed in the presentation including the following:

- National Incident Based Reporting
- Crime Statistics 2013 - 2014
- Group A Offenses - more serious, felony and misdemeanor
- Group B Offenses - less serious, mostly misdemeanor offenses
- Officer Time Commitments
- 2015 YTD Crime Statistics

Major Stokes stated that compared to a five-year average, 2014 shows more than a 7 percent decrease in crime in the City of Lynchburg.

// City Attorney Walter Erwin provided information on changes to the Freedom of Information Act (FOIA) and the Conflict of Interest Act (COIA) that were adopted by the General Assembly in its recent session and became effective on July 1, 2015.

// City Manager Kimball Payne and Airport Director Mark Courtney advised Council on the Freedom Aviation lease negotiations. Mr. Payne advised that there were only a few items in the proposed lease agreement for the former Virginia Aviation facilities to be resolved; the timing of customer satisfaction

surveys, the bundling of services with a fuel discount, and the potential for a decrease in the rent based on financial performance. In addition, Freedom Aviation was asking for a new lease on the fuel farm concurrent with the new facilities lease and the amendment to the franchise agreement. It was noted that a new lease for the fuel farm would require a recommendation from the Airport Commission and a public hearing. In discussion, Council indicated that it would prefer to finalize the facilities lease and the franchise amendment prior to considering a fuel farm lease. Council was willing to accept Freedom's position on two of the three items to be resolved in the facilities lease. After further discussion, on motion of Council Member Foster, seconded by Council Member Perrow, Council agreed that the facilities lease would include a customer satisfaction survey only prior to renewal rather than annually, and that fuel discounts could be included with bundled services as long as the arrangements were consistent with FAA regulations; but declined to include a mandatory rent reduction based on financial performance and directed that a new fuel farm lease would only be considered after approval of the facilities lease and the amendment to the franchise. The motion passed by the following recorded vote:

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

Noes: 0

// During roll call Council Member Foster asked staff for an update on the Academy of Fine Arts by the August council meeting.

// Vice Mayor Johnson mentioned a video that is being displayed at Randolph College until October 10, 2015, entitled Lynchburg Bridge. The Lynchburg Bridge video project strives to increase dialogue among black men.

// City Council recessed the meeting at 6:44 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.

// Copies of the minutes of the June 9, 2015 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: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// Council Member Foster asked that the June 23 (two meetings), 2015 minutes be removed from the Consent Agenda because she was not present at that meeting. Item #8 was voted on separately.

// Copies of the minutes of the June 23 (two meetings), 2015 meetings, 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: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Abstention: Foster 1

// In the matter of Fire – General, Resolution #R-15-059 to amend the FY 2015 City Capital Projects Fund budget and appropriate \$58,046 to fully fund the renovation of Fire Station #6 (Miller Park Station), laid over from the June 23, 2015 meeting, was again presented and read, and on motion of Council Member Perrow, 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 Parking, Resolution #R-15-060 to amend the FY 2015 General Fund budget and appropriate \$168,000 with resources of \$56,000 from the Assigned Fund Balance Reserve for Parking and \$112,000 from additional Parking revenue to purchase a new software system and align expenditures based on a new accounting process, laid over from the June 23, 2015 meeting, was again presented and read, and on motion of Council Member Perrow, 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

// Mayor Gillette stated that he is under contract with Centra Health and his income exceeds the limit set by the Virginia Conflict of Interest Act and he would be abstaining from the discussion and vote on this item. Mayor Gillette further stated that Vice Mayor Johnson would proceed with this item.

In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of Centra Health Incorporated for a Conditional Use Permit (CUP) at 1331 Oak Lane to allow an outpatient clinic for autism therapy associated with Virginia Baptist Hospital in an R-2, Low-Medium Density, Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition, explaining that both the Planning Division and Planning Commission are recommending approval of the Conditional Use Permit. Mr. Ted Strickler, representing the petitioner, outlined the request and asked for approval. One adjoining property owner spoke in support of the petition stating that he thinks this is an excellent use of the property. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members discussed the conditions of the CUP and agreed additional wording should be added to Condition #1. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-062, as amended, granting the Conditional Use Permit at 1331 Oak Lane to allow an outpatient clinic for autism therapy associated with Virginia Baptist Hospital in an R-2, Low-Medium Density, Single-Family Residential District:

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

Noes: 0

Abstention: Gillette 1

// In the matter of Economic Development – General, City Council Report #12 was considered. Council Member Helgeson stated he would be voting against the meeting because the need for the special

meeting was based on poor staff planning and was entirely avoidable. On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-15-063, as presented, to schedule a special meeting for Tuesday, July 28, 2015, at 7:30 p.m., in City Hall for the purpose of conducting a public hearing to receive comment on an application for Enterprise Zone Designation for a portion of the City, currently in Enterprise Zone #46:

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

Noes: Helgeson 1

// In the matter of City Code/Airport – General, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-15-064, as presented, to amend and reenact the Code of the City of Lynchburg, by adding new Sections numbered 31-18 through 31-18.3, relating to the creation of an Airport Police Department:

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

Noes: 0

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the City Manager's performance, and for consultation with legal counsel and staff members about a specific legal matter, the City's interest in the property located at 2007 Memorial Avenue now that the Lynchburg Life Saving Crew is no longer providing emergency services to Lynchburg's citizens, pursuant to Section 2.2-3711(A.)(1) and (7) respectively, of the 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 Council Member Foster, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// The meeting was adjourned at 9:14 P.M.