

320 July 12, 2016

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of July, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:	0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #1 outlining the petition of Lynchburg College for a Conditional Use Permit (CUP) to allow housing for up to four (4) students at 200 Bell Street which is zoned R-2, Low-Medium Density Residential District. Council Member Dolan made the following statement. "In addition to serving on City Council, I also serve as a trustee for Lynchburg College. While I do not receive a financial benefit from my service as a trustee and I do not have a personal interest in the outcome of the Lynchburg College's petition for a conditional use permit, I wish to avoid any appearance of bias or impropriety. Therefore, with my fellow Council Members' consent, I will abstain from participating in the discussion of or voting on Lynchburg College's petition. Council Member Nelson made the following statement. "I represent Lynchburg College in some real estate properties. I felt it would not be a conflict of interest and needed to disclose that statement. I am able to participate in this matter fairly, objectively and in the public best interest, therefore, at this time I will not abstain, I will participate in the discussion of and vote on this item." Planner I Rachel Frischeisen provided an overview of the request for the CUP. Ms. Frischeisen stated that the Planning Commission recommended partial approval only for 200 Bell Street, and stated denial for the other properties. Lynchburg College representative Mr. Steve Bright asked Council for approval of the rezoning petition. 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 Tweedy, Council by the following recorded vote adopted Resolution #R-16-089, as presented, granting the Conditional Use Permit:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Abstention: Dolan	1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 2 outlining the petition of 1600 Campbell Avenue, LLC to rezone approximately one and ninety-two thousandths (1.092) acres at 1600 Campbell Avenue from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the property as a counseling center or other permitted uses. Planner II Anne Nygaard provided an overview of the rezoning petition and stated the Planning Commission recommended approval of the rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-16-090, as presented, granting the rezoning petition:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:	0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #3

regarding a request to grant a License Agreement to Shentel Communications, LLC to place approximately 38,600 feet (7.31 miles) of aerial fiber optic cable in City-owned right-of-way from the city limits on Candler's Mountain Road to Wards Road thence to Fort Avenue to Twelfth Street to Monroe Street to Fourteenth Street to Washington Street to Concord Turnpike to the northern city limits at Percival's Island. City Engineer Lee Newland provided a summary for the request to grant a License Agreement to Shentel Communications, LLC. 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-16-091, as presented, granting a License Agreement to Shentel Communications, LLC:

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

7

Noes:

0

// In the matter of Public Works – Water, a public hearing was held regarding City Council Report #4 regarding the condemnation of Permanent and Temporary easement, located at 745 Custer Drive for the construction of the Burton Creek Interceptor Sanitary Sewer Line. Water Resources Director Tim Mitchell provided a summary for the condemnation of Permanent and Temporary easement, located at 745 Custer Drive for the construction of the Burton Creek Interceptor Sanitary Sewer Line. Attorney Barrett Lucy representing the petitioner Mrs. Linda Scott asked Council for 30 days to work this agreement out. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson made a motion and second by Council Member Perrow to postpone indefinitely this item until the August 9 Council meeting. Council by the following recorded vote agreed to postpone the condemnation of Permanent and Temporary easement, located at 745 Custer Drive for the construction of the Burton Creek Interceptor Sanitary Sewer Line to the August 9 Council meeting.

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

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Noes:

0

// In the matter of Court, City Council Report #5 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter 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-16-092, as presented, 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:

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

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Noes:

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// In the matter of Tourism, City Council Report #6 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-093, as presented, 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:

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

Noes: 0

// Mayor Foster stated that Council had received the Rules of Procedure prior to the meeting by electronic means and asked for a motion. City Attorney Walter Erwin stated that in the Rules of Procedure Section 7-1.C which deals with the Mayor shall make appointments of two Council members to serve on the Audit Committee for three (3) years term. Mr. Erwin stated since the City no longer has an Audit Committee, that this can be taken out of the Rules of Procedures. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Council's Rules of Procedure and established the times and places for Council meetings from July 12, 2016 through June 30, 2018:

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

Noes: 0

// In the matter of Public Works, City Council Report #8 on Rives Street. City Manager Bonnie Svrcek gave an update on the Rives Street issues. City Attorney Walter Erwin provided the legal language regarding this item. Mr. Erwin went on to say just as there are two sets of laws, there are also two different procedures a locality can use when vacating a public street or alley. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote asked the City Attorney Walter Erwin to prepare language relating to the vacating of public streets and alleys:

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

Noes: 0

// Mayor Foster made the following announcements before going into closed session. Remind the citizens of Lynchburg and surrounding areas that the Virginia Commonwealth Games will be held at Liberty University on July 22 – 24, 2016 and invited everyone to come out to these games.

// On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting 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, and to consider appointments to Council appointed Boards and Commissions, i.e. Community Code Compliance Team, Region 2000 Local Government Council, Region 2000 Economic Development Council, Region 2000 Work Force Investment Council, Virginia First Cities Policy Group and Region 2000 Metropolitan Planning Organization, pursuant to Section 2.2-3711(A.) (1), and (7) respectively, of the Code of Virginia, 1950:

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

Noes: 0

// 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.

The Motion was seconded by Vice Mayor Tweedy, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Bonnie Svrcek to serve on the Region 2000 Local Government Council Board for an indefinite term:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Bonnie Svrcek to serve on the Lynchburg Regional Business Alliance for an indefinite term.

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Joan Foster to serve on the Region 2000 Workforce Investment Council for an indefinite term:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed MaryJane Dolan and Sterling Wilder to serve on the Community Code Compliance Team for indefinite terms:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Turner Perrow to serve on the Virginia's First Cities Coalition Council for an indefinite term:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Bonnie Svrcek to fill an expired term ending June 30, 2017 on the Region 2000 Metropolitan Planning Organization:

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

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Noes:

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// The meeting was adjourned at 9:40 P.M.

Clerk of Council