// A special meeting of the Council of the City of Lynchburg, recessed from June 24, 2014 was held on the 8th day of July, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Valeria P. Chambers, Clerk of Council, presiding. The purpose of the meeting was to elect City Council officers. The following members were present:

Present: Foster, Gillette, Helgeson, Johnson, Nelson, Perrow, Tweedy	7
Absent:	0

// The Clerk of Council declared nominations were in order for the Office of President of Council, who will serve as ex-officio Mayor of the City of Lynchburg for a two-year term ending June 30, 2016. Council Member Johnson nominated Council Member Gillette. Council Member Perrow nominated Council Member Foster. Council Member Foster respectfully declined the nomination for President. Council Member Helgeson nominated Council Member Perrow. There being no further nominations, Council Member Johnson made a motion that the nominations for President be closed. This motion was seconded by Council Member Foster and Council by the following recorded vote approved the motion to close the nominations for President:

Ayes: Foster, Gillette, Helgeson, Johnson, Nelson, Perrow, Tweedy	7
Noes:	0

City Council voted by written ballot. Deputy Clerk Kyna Thomas received the written ballots and then read aloud the ballots:

Gillette: Foster, Gillette, Johnson, Nelson, Tweedy	5
Perrow: Helgeson, Perrow	2

Clerk of Council Chambers announced that Council Member Gillette has been elected President of Council.

// The Clerk of Council declared nominations were in order for the Office of Vice President of Council, who will serve as ex-officio Vice Mayor of the City of Lynchburg for a two-year term ending June 30, 2016. Council Member Gillette nominated Council Member Johnson. Council Member Perrow nominated Council Member Foster. Council Member Foster respectfully declined the nomination for Vice President. Council Member Helgeson nominated Council Member Perrow. There being no further nominations, Council Member Foster made a motion that the nominations be closed. This motion was seconded by Council Member Gillette, and Council by the following recorded vote approved the motion to close the nominations for Vice President:

Ayes: Foster, Gillette, Helgeson, Johnson, Nelson, Perrow, Tweedy	7
Noes:	0

City Council voted by written ballot. Deputy Clerk Thomas received the written ballots and then read aloud the ballots:

Johnson: Foster, Gillette, Johnson, Nelson, Tweedy	5
Perrow: Helgeson, Perrow	2

Clerk of Council Chambers announced that Council Member Johnson has been elected Vice President of Council.

// After the Organizational Meeting the newly elected President, Michael Gillette, presided over the meeting. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7
Absent: 0

// Mayor Gillette made the following announcements:

- Council Member Perrow is celebrating his 40th Birthday on July 8, 2014.
- Welcomed the newest Council Member, Treney Tweedy, to the dais.
- Asked if the item to adopt a Resolution to approve the Law Enforcement Mutual Aid Agreement could be added to the agenda before Roll Call. The Agenda was changed to include this item.

// Mayor Gillette stated that Council had received the Rules of Procedure prior to the meeting by electronic means and asked for a motion. 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 8, 2014 through June 30, 2016:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7
Noes: 0

// City Attorney Walter Erwin gave a briefing on the Freedom of Information Act and the Conflict of Interest Act to City Council. Mr. Erwin noted the following changes:

- The financial disclosure form required by the Virginia Conflict of Interest Act (COIA) must be filed twice a year, instead of once a year. Forms must be filed by December 15th to cover the preceding six month period (May through October), and by June 15 for the preceding six month period (November through April).
- The amendments reduce the personal interest threshold from $10,000 to $5,000.
- The new amendments include several new provisions regarding gifts.
- The amendments prohibit tangible gifts with a value of more than $250 from a lobbyist, or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts.
- The amendments also clarify the distinction between gifts and other things of value received for travel.

Mr. Erwin also mentioned the Freedom of Information Act (FOIA) electronic meetings. Council asked the City Attorney to look into FOIA electronic meeting procedures and report back to Council.

// City Manager Kimball Payne introduced Mr. Chris Winstead, Lynchburg District Administrator, with Virginia Department of Transportation (VDOT) who provided a briefing on Odd Fellows Road and Greenview Drive Projects. Mr. Winstead stated that the separate projects will be procured through a "Design/Build" process and a Request for Qualifications (RFQ) has recently been issued by VDOT. Mr. Winstead further reviewed the scope of the two projects, the estimated costs, and the anticipated schedule.

// Deputy City Manager Bonnie Svrcek gave a summary of the 2014 Region 2000 Regional Library Operations. Ms. Svrcek stated that on August 13, 2013 Council authorized participation in a Phase II Operational Analysis for a Regional Library System with Bedford and Campbell Counties. Ms. Svrcek further stated that the consulting firm of Management Partners was hired to perform the analysis with assistance from the Regional Library Working Group. Ms. Svrcek went on to say that Management Partners will present the findings of the Phase II Operational Analysis as outlined in the Regional Library Operations Report.

Ms. Amy Paul with Management Partners stated that a phase approach to creating a Regional Library system is recommended by Management Partners with the first phase focusing on shared services. Ms. Paul went on to say that the prerequisite to forming a Regional Library System is sharing an Integrated Library System (ILS). Bedford and Campbell Counties are on a common ILS platform and funding for the Lynchburg Public Library to transition this platform is included in the FY 2015 Adopted Budget. Preliminary work is underway by Lynchburg Library staff to move to the common ILS platform. The net cost reduction of the regional system is projected at about $595,000, according to the report from Management Partners.

After Council discussion, Council agreed to pass a Resolution directing City staff to continue moving forward with an implementation plan for the regional system that aims at finding cost savings with shared resources. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-082, as presented, authorizing staff to continue moving forward with an implementation plan for the regional system that aims at finding cost savings with shared resources:

Ayes:	Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	7
Noes:		0

Council also unanimously agreed to repeal the $25 fee as recommended by the consulting firm advising the City and Bedford and Campbell Counties in the ongoing study to establish a regional library. Council Member Nelson made a motion, seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted Ordinance #O-14-083, as presented, relating to the Annual Nonresident Library Fee:

Ayes:	Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	7
Noes:		0

Mayor Gillette stated the City should look to achieve as much local control as possible in working out the agreement. Aside from technical questions, Council seemed supportive of the idea. Council Member Perrow said “I think this is a great idea,” and added “I’d like to see if we can make it work”.

// Kent White, Community Development Director and Shaun Conway, GIS Specialist provided a demonstration on Open Data Portal. Mr. Conway stated that this portal has been implemented on the City’s website which provides easier access to City data, increasing transparency of local government operations and improving customer service to those desiring to access this data.

// Mayor Gillette presented the item on the Law Enforcement Mutual Aid Agreement. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-084, as presented, approving the Law Enforcement Mutual Aid Agreement:

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

Noes: 0

// During roll call Council Member Foster mentioned she had received a complaint regarding mulching at Monument Terrace. Would it be possible to form a group called the Friends of Monument Terrace to see if they could help with the situation at Monument Terrace? The second issue regarded concerns about some Community Centers being closed. City Manager Kimball Payne responded stating that due to sickness and terminations over the past month, Parks and Recreation is having a problem staffing the Community Centers. Mr. Payne stated there were two reasons why they were having problems filling the positions; not offering a fair market wage for the positions and continued discussion on closing some Centers.

// Council Member Perrow reported that the American flag at the Community Market needs to be replaced.

// Council Member Nelson asked if the situation on Payne Street regarding the garage has been resolved. The City Manager responded that the situation is still ongoing but there is no violation. The neighbors are still having their differences.

// 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 and Horizon Behavioral Health; pursuant to Section 2.2-3711(A)(1), 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 Foster 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 Nelson, Council by the following recorded vote appointed Council Member Treney Tweedy, to serve on the Horizon Behavioral Health to fill an unexpired term ending December 31, 2014:

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

Noes: 0

// City Council recessed the meeting at 6:14 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 Foster gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette presented a Certificate of Recognition to Kevin Shroyer – Civil War Sesquicentennial.

// In the matter of Community Development – General, Resolution #R-14-079 amending the FY 2015 City/Federal/State Aid Fund budget and appropriating $98,298 with resources of $88,298 from the U.S. Department of Housing and Urban Development (HUD) and $10,000 transferred from the FY 2015 General Fund Division of Social Services budget to provide at least 10 units of tenant-based rental assistance and associated case management services, laid over from the June 24, 2014 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: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Virginia Episcopal School for a Conditional Use Permit (CUP) at 400 VES Road to allow the construction of a seventy-eight (78) space parking area in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin provided an overview of the request and stated the Planning Commission recommended approval of the CUP. Representative Scott Beasley with Hurt & Proffitt, Inc. asked Council to approve 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 Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-085, as presented, granting the Conditional Use Permit:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 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 CDDI Development Group to rezone approximately 3.41

acres located at 2627 Old Forest Road and 2624 and 2700 Confederate Avenue from R-3, Medium Density, Two-Family Residential District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a restaurant and to allow the construction of a special events center and associated parking. Kevin Henry, Planner II, provided a summary of the rezoning request and stated that the Planning Commission recommended approval of the request. Representative Paul Hughes with CDDI Development Group asked Council for approval of the rezoning request. There were three individuals who spoke in favor of the rezoning 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 Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-14-086, as presented, granting the petition of CDDI Development Group to rezone the use of the existing building as a restaurant and to allow the construction of a special events center and associated parking:

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

Noes: 0

// In the matter of Community Development – Historic District, a public hearing was held regarding City Council Report #10 regarding the petition of CDDI Development Group, LLC for the properties located at 2624 and 2700 Confederate Avenue, more particularly Tax Map Identification Number 16610009 and 16610010, approximately one and seventeen thousandths (1.017) acres, to be included in the Locust Thicket Local Historic District. Kevin Henry, Planner II, provided a summary of the petition and stated that the Planning Commission recommended approval of the request. Representative Paul Hughes with CDDI Development Group asked Council for approval of the 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 Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-14-087, as presented, granting the petition of CDDI Development Group, LLC for the properties located at 2624 and 2700 Confederate Avenue:

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 #11 regarding the petition of CDDI Development Group, LLC to vacate a right-of-way known as Boxwood Place between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue which is approximately four hundred two thousandths (.402) of an acre. In particular, the right-of-way is fifty (50) feet in width and extends for a length of approximately three hundred fifty (350) feet. Kevin Henry, Planner II, provided a summary of the petition. Council Member Perrow, Chair of the Physical Development Committee (PDC) reviewed this petition. The PDC forwarded the petition to Council without a recommendation to allow the request to be considered within the context of the applicant's rezoning and historic district requests. Representative Paul Hughes with CDDI Development Group asked Council for approval to vacate a right-of-way. 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 Foster, Council by the following recorded vote adopted Ordinance #0-14-088, as presented, to vacate a right-of-way known as Boxwood Place between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #12 outlining the petition of Belleau Wood Development, LLC to rezone approximately 25 acres located at 7814, 7816, 7822, 7824, 7900, 7904, 7906 7908, 7912 & 8022 Timberlake Road and 109 & 111 Buckingham Drive from R-1, Low Density, Single-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-3C, Community Business District (Conditional) to R-4C, Medium-High Density, Multi-Family Residential District and B-3C, Community Business District (Conditional). The purpose of the rezoning is to amend previously approved proffers to allow the construction of a private street in lieu of a public street and to allow the construction of a 284 unit apartment complex, with associated office, clubhouse, pool and parking. The plan indicates vehicular and pedestrian connections to Timberlake Road and Buckingham Drive. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the two rezoning petitions. Ed Tam with Belleau Wood Development LLC, asked Council for approval of the two rezoning petitions. Mr. Tam also stated he was working to accommodate concerns of the neighbors. Several individuals spoke to support the rezoning. There were other individuals that spoke in opposition to the rezoning whose concerns were the connectivity issue, a narrow road, increased traffic and creating a non-safe neighborhood. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion the concerns were connectivity and proffers. City Manager Kimball Payne pointed out that Council has the authority to deviate from the Comprehensive Plan. Mr. Payne went on to say that if Council chose to do so, City staff would bring forth recommendations that would line up with the Comprehensive Plan. Mr. Payne further stated that Council has the responsibility to review matters on an individual case basis. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-14-089 as presented, granting the rezoning of Phase I of the petition:

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

Noes: 0

Council Member Helgeson stated he would be voting against the Phase II petition because he would like to drop the connector road proffer and not add a burden to the project and also wanted the project to undergo further review in a work session. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-14-090, as amended, on proffers 5, 8, and 11 granting the rezoning of Phase II of the petition:

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

Noes: Helgeson 1

// In the matter of Emergency Services, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-091, as presented, 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:

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

Noes: 0

// The meeting was adjourned at 10:30 P.M.

Clerk of Council