Item #2

// The Swearing In Ceremony took place on the 28th day of June, 2016, prior to the regularly scheduled meeting. The Honorable Circuit Court Judge Patrick Yeatts presided over the official swearing-in of Lynchburg City Council Members: Mary Jane Dolan (Ward I Representative), Sterling A. Wilder (Ward II Representative), Jeff S. Helgeson (Ward III Representative), and Turner Perrow, Jr. (Ward IV Representative).

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of June, 2016, 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	7
Absent:	0

// Economic Development Director Marjette Upshur reported on the Lynchburg Business Development Centre. City Council requested a report on the Lynchburg Business Development Centre at the February 23rd meeting following the Office of Economic Development's presentation on TechHire and its new CO.STARTERS program. Ms. Upshur stated that the Office of Economic Development researched and prepared a report on the Business Development Centre including its history, sources of revenue, and tenants. Ms. Upshur went on to say that previously, the Office of Economic Development had prepared a white paper on best practices for business incubation and presented it to the executive director and executive committee of the Business Development Centre Board of Directors in March of 2015. The Lynchburg's Business Development Centre, Inc. (BDC) opened as a small business incubator in 1989 with 20,000 square feet of office and manufacturing space. An additional 22,000 square feet was added in 1993. The initial ideas for developing the incubator came as a result of conversations with the U.S. Economic Development Administration following large layoffs in our area. The feasibility study focused on available commercial real estate and the entrepreneurial base. Ms. Upshur went on to say that the facility is owned by the City of Lynchburg and operated by the Business Development Centre, Inc., a non-profit corporation under section 501 c3 of the IRS code. Council suggested several items in regard to the Best Practice such as a strategic plan, growing the tax base and writing a policy. There was no action taken.

// During roll call Council Member Nelson stated he would like to thank the Mayor and Vice Mayor on the services they had rendered to the City during their term on Council.

// Council Member Tweedy stated a concern from a citizen regarding the increased traffic on Shaffer Street after the closing of Rives Street. In addition the citizen asked how the residences were notified of the public hearing. In response to the notification of public hearing City Manager Kimball Payne stated he spoke with the City Attorney Walker Erwin who mentioned that the legal notice had been done and said the City did meet the proper notification requirements for the item. Council Member Tweedy's concern was the increased traffic in that area. She thanked Mayor Gillette and Vice Mayor Johnson for their support and leadership during their term on Council.

// Council Member Foster also thanked Mayor Gillette and Vice Mayor Johnson for their fine service that they showed to the community and serving with them. She also noted that at Memorial Avenue near Park Avenue the weeds and grass at the Dollar General Store have grown up and need some attention.

// Council Member Perrow had questions about Granicus product iLegislate and iAnnotate. The majority of Council is using iLegislate. He wanted to know the benefit of having both iLegislate and iAnnotate. He requested that the City check with Granicus about enlarging space so everything could change over from the dropbox to iLegislate. Council Member Perrow thanked Mayor Gillette on the fairness in the way he conducted the meetings and gave Council opportunities to speak their minds and get their points across and thanked Vice Mayor Johnson, saying what a wonderful person he is and admires the way he conducted himself.

// Council Member Helgeson mentioned the concern relating to the Rives Street that Council Member Tweedy mentioned and wanted to know if anything could be done about reversing the decision. City Manager Kimball Payne stated he would talk with the City Attorney to share his thoughts on this issue. Mr. Payne further stated that this property now is privately owned. Council Member Helgeson thanked Mayor Gillette and Vice Mayor Johnson for their fine commitment and service while on Council.

//Vice Mayor Johnson asked would it be possible to start a job corp business in the incubator at the Business Development Centre like a grocery store then bringing that grocery store out into the community.

// Mayor Gillette stated it has been a pleasure to serve with all of Council, he appreciated the exchanges they have had and the dedication and it has been an honor.

// On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., School Board and Economic Development Authority Board; 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 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 Johnson, 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 Perrow, Council by the following recorded vote re-appointed Michael Nilles to serve another term on the Lynchburg School Board District 3 for a term to expire June 30, 2019:

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

On nomination of Vice Mayor Johnson seconded by Council Member Nelson, Council by the following recorded vote appointed Susan D. Morrison to serve on the Lynchburg School Board District 1 for a term to expire June 30, 2019:

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

On nomination of Vice Mayor Johnson seconded by Council Member Foster, Council by the following recorded vote appointed Charleta F. Mason to serve on the Lynchburg School Board District 2 for a term to expire June 30, 2019:

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

On nomination of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote appointed Georgeann Snead and Gerry Swienton to serve on the Economic Development Authority Board for terms to expire June 30, 2020:

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

// City Council recessed the meeting at 5:45 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

Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette presented a Certificate of Recognition to Jan Ramsey and Phil Spinner in Communications and Marketing for receiving the National Association of Government Communicators (NAGC) Award.

// In the matter of Water Resources – General, Resolution #R-16-070 to amend the FY 2016 Water Capital Projects Fund budget and appropriate $8,000 with resources from Virginia Department of Conservation and Recreation grant to reimburse costs associated with bringing Pedlar Dam into compliance with minimum standards for dam safety, laid over from the June 14, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Fire – General, Resolution #R-16-071 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $38,500 with resources from the Virginia Department of Fire Programs Regional Fire Services Training Facilities (RFSTF) Grant to purchase a Flashover Simulator to be located at the Central Virginia Regional Emergency Services Training Center, laid over from the June 14, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, 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 – General, Resolution #R-16-075 regarding the selling of city owned property located at 305 and 309 Lucado Place consisting of six hundred forty-nine thousandths (.649) of an acre to the Lynchburg Regional Business Alliance, laid over from the June 14, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Finance - Budget, Resolution #R-16-079 to amend the FY 2016 Budget and appropriate funds to adjust revenue, expenditure and transfers for the General Operating, City Capital Project, and Stormwater Capital Projects Funds, laid over from the June 14, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, 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 Council/Region 2000 Services Authority, City Council Report #9 was considered. On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-16-081, as presented, to appoint City Manager Bonnie Svrcek to the Region 2000 Services Authority:

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

// In the matter of City Council/Sheriff, City Council Report #10 was considered. On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-16-082, as presented, to appoint City Manager Bonnie Svrcek, and Police Chief Raul M. Diaz to the Blue Ridge Regional Jail Authority Board:

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

// In the matter of Community Development – Historic Review Board, a public hearing was held regarding City Council Report #11 regarding the petition of Alessandro Dellai to appeal the decision of the Historic Preservation Commission (HPC) to deny the installation of a photovoltaic system on the west facing roof of the garage/carriage house located at 1416 Harrison Street in the Diamond Hill Historic District. City Planner Tom Martin provided an overview of the request regarding the petition of Alessandro Dellai to appeal the decision of the Historic Preservation Commission. Mr. Martin stated that the HPC denied the Certificate of Appropriateness (COA) request. The petitioner Mr. Alessandro Dellai spoke to appeal the decision of the HPC to deny the COA request to install solar panels. He explained that the solar panels would be installed on the west facing the side of the garage and carriage house. Mr. Morris with HPC spoke stating that because the panels would be visible from the street, the application is not consistent with the guidelines. The applications committee recommends denial. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several issues were raised regarding the appeal of HPC decision concerning property at 1416 Harrison Street. Council Member Perrow made a motion to uphold the decision by the Historic Review Board, there was no second, the motion failed for a lack of a second. Council Member Perrow stated he would not support the motion to reverse the decision of the Historic Preservation Commission. Council Member Nelson made a motion seconded by Vice Mayor Johnson to delay this item until the July 12 Council meeting, to give more time to the neighbors in the Diamond Hill Historic District. After further discussion on this item Council Member Nelson withdrew his motion seconded by Council Member Johnson. Council Member Nelson stating he would be voting against this item to give more time to discuss this with neighbors in the Diamond Hill Historic District. On motion of Council Member Tweedy seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-16-083, as presented, to reverse the decision of the Historic Preservation Commission to deny the Certificate of Appropriateness (COA) request of Alessandro Dellai to install a photovoltaic system (solar panels) on the west facing roof of the garage/carriage house located at 1416 Harrison Street:

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

// In the matter of City Code, City Council Report #12 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-15-084, as presented, to amend and reenact Section 26-1 of the City Code relating to the City's Nuisance Ordinance:

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

// In the matter of City Code/Economic Development – General, City Council Report #13 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-16-085, as presented, to amend and reenact Section 36-151 of the City Code relating to the Taxation of Machinery used in Manufacturing and Mining Businesses:

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

// In the matter of Taxes, City Council Report #14 was considered. On motion of Council Member Perrow, Chair of Physical Development Committee (PDC) stated this item has been before PDC which recommended approval. There was no second required. Council Member Helgeson expressed concern with the City providing a waiver for Real Property Tax Penalty and interest for the Krise Building. Council by the following recorded vote adopted Resolution #R-16-086, as presented, that the penalty is waived and the accrued interest is re-calculated at 3% from a rate of 10% related to the delinquent Real Estate taxes on the Krise Building:

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

Noes: Helgeson 1

// In the matter of Taxes, City Council Report #15 was considered. Mayor Gillette made the following statement, "since I have a contract with Centra Health which generates in excess of $10,000 in annual income, under the Virginia Conflict of Interest Act, I must abstain from discussion and voting on this item." After the statement from Mayor Gillette, Vice Mayor Johnson proceeded with this item. City Manager Kimball Payne provided a summary of the request regarding the agreement with Centra Health resolving certain issues related to real property taxes on Centra-owned properties. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-087, as presented, authorizing the City Manager to sign an agreement with Centra Health, Inc. to resolve questions related to the real property tax status of certain properties owned by Centra Health:

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

Noes: 0

Abstention: Gillette 1

// Mayor Gillette and Vice Mayor Johnson presented a Certificate of Recognition to City Manager Kimball Payne on his retirement. On motion of Council Member Helgeson and seconded by Council Member Nelson to retire the City Manager's chair. Council by the following recorded vote agreed to retire the City Manager Kimball Payne office chair:

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

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-088, as presented, bestowing upon L. Kimball Payne, III the title of "City Manager Emeritus" in recognition of the lasting value of his personal and professional commitment to excellence which has enabled him to be a highly effective and exemplary public servant:

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

Noes: 0

// The meeting was adjourned at 9:11 P.M.

Clerk of Council