

June 14, 2016

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 14th day of June, 2016, at 2:00 p.m. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The purpose of the meeting was to interview candidates interested in serving on the Lynchburg School Board. The following members were present.

Present: Helgeson, Foster, Nelson, Perrow, Tweedy, Gillette 6

Absent: Johnson 1

// On motion of Council Member Helgeson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., to interview candidates interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

Noes: 0

Absent: Johnson 1

// Vice Mayor Johnson arrive at the School Board Interviews at 4:43 p.m.

// 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 Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// The meeting was adjourned at 6:30 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of June, 2016, at 7:30 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

Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance.

Mayor Gillette announced that Thursday, June 23, 2016 at the Hillcats Stadium would be appreciation night for Kim Payne. The game starts at 6:30 p.m. with Kim throwing out the first ball.

Mayor Gillette introduced Hayden Swisher from Virginia Episcopal School and Bryson Gerhardt from E. C. Glass who are rising juniors from the Mayor's Youth Council.

// Copies of the minutes of the May 10, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the May 24, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Water Resources – General, City Council Report #3 was considered. On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-070, as presented, 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:

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

Noes: 0

// In the matter of Fire – General, City Council Report #4 was considered. On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-071, as presented, 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:

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 # 5 outlining the petition of Old Dominion Elks Lodge #181 to rezone approximately

five hundred fifty-six thousandths (0.556) of an acre located at 515, 517, 519 and 523 Polk Street and 1007 and 1011 6th Street from R-3, Medium Density Residential District to B-4, Urban Commercial District to allow the construction of a private lodge. City Planner Tom Martin provided an overview of the request and stated the Planning Commission recommended approval of the rezoning petition. Mr. Leonard Washington spoke on behalf of the Old Dominion Elks Lodge #181 asking Council to approve the petition.

Mr. Carl Hutcherson spoke to ask Council to grant the request for Old Dominion Elks Lodge #181. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-16-072, as presented, granting the petition to Old Dominion Elks Lodge #181 to rezone approximately five hundred fifty-six thousandths (0.556) of an acre located at 515, 517, 519 and 523 Polk Street and 1007 and 1011 6th Street from R-3, Medium Density Residential District to B-4, Urban Commercial District to allow the construction of a private lodge:

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

7

Noes:

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On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-16-073, as presented, authorizing the City Manager to execute an Access Agreement between the City and the Old Dominion Elks Lodge 181 to use the City owned parking lot located at the corner of 5th Street and Polk Street as a means of access to a new parking lot that the Old Dominion Elks Lodge 181 plans to build to serve the new Elks Lodge that is to be constructed on the property located at 513 Polk Street. The Access Agreement will be for an initial term of 5 years with the City and the Old Dominion Elks Lodge 181 having the option to renew the Access Agreement for a second 5 year term:

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

7

Noes:

0

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #6 regarding the petition of the Lynchburg Regional Business Alliance to vacate a portion of right-of-way, which is approximately twenty-seven hundredths (0.27) of an acre, located at the end of Lucado Place. The portion proposed for vacation includes approximately one-hundred and ninety-six (196) feet of the street and a parking area that serves 301 5th Street. City Planner Tom Martin provided an overview of the request to vacate a portion of right-of-way located at the end of Lucado Place. Ms. Megan Lucas spoke on behalf of Lynchburg Regional Business Alliance to ask Council to approve the right of-way located at the end of Lucado Place. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Ordinance #O-16-074, as presented, the petition of the Lynchburg Regional Business Alliance to vacate a portion of right-of-way, which is approximately twenty-seven hundredths (0.27) of an acre, located at the end of Lucado Place:

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

7

Noes:

0

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #7 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. City Planner Tom Martin provided an overview of this 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 Nelson seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-075, as presented, regarding the selling of city owned property located at 305 and 309 Lucado Place. The Lynchburg Regional Business Alliance has offered to purchase the property for the current assessed value of \$3,500:

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

7

Noes:

0

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #8 regarding the petition of the City of Lynchburg to vacate portions of unopened right-of-way, which is approximately seventeen and eight hundred fifty-one thousandths (17.851) acres total, located east of the Lynchburg Expressway and south of Lakeside Drive, north of Whitehall Road and extending to the Norfolk & Southern Railroad, and property located between 3800 and 3804 Old Forest Road. The property would be marketed for sale as retail use. Council Member Nelson made the following statement “I have represented clients of this property, but I feel it would not be a legal conflict of interest, I need to disclose that statement. 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 Perrow made the following statement “My brother owns a piece of this effective property, I have no business relationship with my brother, and I have no legal conflict and need to disclose this statement to Council. I will participate in the discussion and voting of this item. At any time that I perceive this to be a conflict I will abstain.” City Planner Tom Martin provided an overview of the property stating the first priority is to improve traffic conditions while a secondary goal would be economic development. He stated that the Planning Commission recommended approval of the zoning petition. Mr. Nathan Perrow spoke on behalf of the property located at 127 Whitehall Road. There was no one else present who wished to speak to this item, and the public hearing was closed. Council discussed this item at length and after the discussion of this item Council Member Perrow stated he would refrain from further discussion and voting of this item. Council Member Helgeson stated the minutes should reflect that City Council and the City Manager addressed this item to not leave the property owners land locked. On motion of Council Member Foster, this motion does not require a second and Council by the following recorded vote adopted Ordinance #O-16-076, as presented, regarding the petition of the City of Lynchburg to vacate portions of unopened right-of-way, which is approximately seventeen and eight hundred fifty-one thousandths (17.851) acres total, located east of the Lynchburg Expressway and south of Lakeside Drive, north of Whitehall Road and extending to the Norfolk & Southern Railroad, and property located between 3800 and 3804 Old Forest Road:

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

6

Noes:

0

Abstention: Perrow

1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of the City of Lynchburg to zone approximately seventeen and eight hundred fifty-one thousandths (17.851) acres to B-3, Community Business District and B-5, General Business District. The property is currently unopened right-of-way located east of the Lynchburg Expressway and south of Lakeside Drive, north of Whitehall Road and extending to the Norfolk & Southern Railroad, 2346 & 2348 Lakeside Drive and property located between 3800 and 3804 Old Forest Road. The property would be marketed for sale as retail use. Mayor Gillette asked if Council Member Nelson and Council Member Perrow would like to reaffirm their statement they made in Agenda Item #8, they both agreed. Council Member Nelson reiterated the same disclosure statement as stated in Agenda Item #8. "I have represented clients of this property, but I feel it would not be a legal conflict of interest, I need to disclose that statement. 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 Perrow reiterated the same disclosure statement as stated in Agenda Item #8. "My brother owns a piece of this effective property, I have no business relationship with my brother, and I have no legal conflict and need to disclose this statement to Council. I will participate in the discussion and voting of this item. At any time that I perceive this to be a conflict I will abstain." City Planner Tom Martin provided an overview of the request for the rezoning. Mr. Donald Burman spoke in opposition of the rezoning stating increased traffic and the impact it would have in this area. City Manager Kimball Payne stated that Council approved a concept for road improvement in 2006 for "one-way pairs," which call for the construction of a northbound lane that branches from and reconnects to the current expressway near the intersection with Lakeside Drive. Mr. Payne went on to say that the properties would be marketed for sale in conjunction with or after the construction of proposed improvements to the intersection of U.S. 221 and U.S. 501. Mr. Payne further stated that there is no funding for the "one-way pairs," the estimated cost about \$15 to \$20 million; the City intends to reapply for HB2 State transportation funding. these properties are available for sale which is consistent with the City goal of providing transportation improvements. 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 Foster, Council by the following recorded vote adopted Ordinance #0-16-077, as presented, granting the petition of the City of Lynchburg to zone approximately seventeen and eight hundred fifty-one thousandths (17.851) acres to B-3, Community Business District and B-5, General Business District.to the intersection of Lakeside Drive and the Lynchburg Expressway :

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

7

Noes:

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// In the matter of Police – General, City Council Report #10 was considered. On motion of Council Member Johnson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-16-078, as presented, authorizing an application for the 2016 Edward Byrne Memorial Justice Assistance Grant in the amount of \$43,797 to purchase law enforcement equipment:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette

5

Noes:

0

Absent: Helgeson, Perrow

2

// In the matter of Police – General, City Council Report #11 regarding a briefing on the Lynchburg Police Department (LPD) Community Action Team and update on the Body-Worn Camera Program Implementation. Chief Raul Diaz, provided information on the creation of a Community Action Team (CAT) to enhance its community oriented policing activities. He went on to say the ultimate size of the team will be twelve officers and the Lynchburg Police Department (LPD) plans to apply for a Community Oriented Policing Services (COPS) grant for seven of the positions. Chief Diaz provided an update on the implementation of the Body-Worn Camera program.

// In the matter of Finance - Budget, City Council Report #12 was considered. On motion of Council Member Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-079, as presented, 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:

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

Noes: 0

// In the matter of City Council, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-080, as presented, that the Lynchburg City Council reaffirms the “Code of Conduct for Municipal Service to the City of Lynchburg” and the “City of Lynchburg Compensation Philosophy” that are included in the updated City of Lynchburg Employment Policies and Procedures, effective July 1, 2016:

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

Noes: 0

// In the matter of City Council, City Council Report #14 regarding the Two-Way Traffic conversion on Church and Main Streets from one-way to two-way traffic. City Manager Kimball Payne provided an overview of the Plan to convert Church and Main Streets from one-way to two-way traffic. Mr. Payne went on to say if the Plan proceeds, the earliest that conversion would occur is Fall 2017, concurrent with the completion of the first phase of the utility line replacement and streetscape improvements.

// On motion of Council Member Foster, 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., Youth Services Citizens Board, City Employees Appeal Board, Zoning Appeals Board, School Board, Dr. Martin Luther King, Jr. / Lynchburg Community Council, Economic Development Authority Board, Museum Advisory Board, and Historic Preservation Commission; 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 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 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 Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Walter M. Fore, Jr., to serve on the Youth Services Citizens Board for a term to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Michael W. Brosmer and Cynthia M. Robinson to serve on the Youth Services Citizens Board for terms to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Cary Moseley to serve on the City Employee Appeal Board for a term to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Ivette Matos-Serrano to serve on the City Employees Appeal Board for a term to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Jevon Scott to serve on the Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Julian B. Richie to serve on the Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Bob Clarke and Lynn Dodge to serve on the Museum Advisory Board for terms to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Marjorie M. Freeman, Kenneth S. Mayo, Loretta Robinson and Caroline Wilson to serve on the Museum Advisory Board for terms to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Sam Roskelley to serve on the Historic Preservation Commission for a term to expire June 30, 2019:

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

Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Shanda Rowe to serve on the Historic Preservation Commission for a term to expire June 30, 2019:

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

Noes: 0

// The meeting was adjourned at 11:13 P.M.

Clerk of Council