// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

// Director of Financial Services Donna Witt gave an overview of the Bond Sale. Ms. Witt stated that the Bond sale was very successful. The City sold $115.2 million of Bonds at a premium of 3.44%. Ms. Witt further stated that the Bond Sale would close on July 10, 2014.

// During roll call Council Member Nelson mentioned he had received several complaints regarding the trash can decals and the new blue trash bags.

// Council Member Cary mentioned the same, concerning the trash can decals and the new blue trash bags. He also mentioned the grass at 2544 Hawthorne Road has been cut. He announced the Volunteer Night at the Lynchburg City Stadium was very well attended.

// Council Member Foster also mentioned she had heard from several constituents regarding the trash can decals and the new blue trash bags.

// Council Member Helgeson stated that the welcome event held for the Veterans celebrating the 70th Anniversary of D-Day at Normandy was well attended and the Veterans truly enjoyed the welcome celebration.

// Vice Mayor Johnson mentioned that the grass still has not been cut on the vacant lot on Jackson Street next door to Mr. John Hughes, III. He also mentioned the new exhibit at the Lynchburg Museum – Experience the James is an outstanding exhibit and encouraged everyone to visit the museum.

//Mayor Gillette stated he has challenged Roanoke City Mayor David Bowers in the Rachel Ray Challenge to save 1,000 animals this summer. If Roanoke Mayor Bowers loses then he will publicly congratulate Lynchburg at a council meeting and vice versa. The Humane Society will be eligible to win between $5,000 and $100,000, Mayor Gillette challenged the citizens of Lynchburg to adopt a pet from the Humane Society this summer.

// On motion of Council Member Cary, 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 choose which candidates to interview from among those 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: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, 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 Cary, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// City Council recessed the meeting at 5:47 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

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

// Mayor Gillette presented a Certificate of Recognition on the 100th Anniversary of the Virginia Cooperative Extension.

// Mayor Gillette and City Manager Kimball Payne recognized Bonnie Svrcek, Deputy City Manager, for 15 years of service with the City of Lynchburg.

// Copies of the minutes of the May 13, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the May 27, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #6 outlining the petition of Robert Crocker to rezone approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. Kevin Henry, Planner II, gave a summary of the request on this item. Acorn Hill representative Mr. Robert D. Crocker asked Council to approve the rezoning petition. One individual spoke in opposition to this rezoning petition. There was no one else present who wished to speak to this

item, and the public hearing was closed. After Council discussion on this item several concerns were raised, it would be directly in the neighborhood, and the traffic would be a problem in this area. Council had several options to consider: table the item, send it back to the Planning Committee or deny the petition. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote denied the Ordinance:

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

Noes: 0

The motion was denied but can come back in less than a year.

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #7 on the petition of Pinnacle Properties to vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park. The area is approximately two hundred seventy-four thousandths (0.274) of an acre and runs six hundred nineteen and a half (619.5) feet along Tomahawk Industrial Park. Kevin Henry, Planner II, gave a summary of the petition of Pinnacle Properties to vacate a portion of right-of-way. 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 matter came before the PDC and they recommended forwarding this item to Council. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-14-067, as presented, vacating a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park:

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

Noes: 0

// In the matter of Economic Development – General, a public hearing was held regarding City Council Report #8 on the incentive amendments to Virginia Enterprise Zone #2 and #46. Director of Economic Development Marjette Upshur gave a summary of the 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 Foster, Council by the following recorded vote adopted Resolution #R-14-068, as presented, for incentive amendments to Virginia Enterprise Zones #2 and #46:

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

Noes: 0

On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-14-069, as presented, to amend and reenact Section 36-126.19 of the City Code, relating to incentives for the City's Enterprise and Technology Zones:

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

Noes: 0

// In the matter of City Code, a public hearing was held regarding City Council Report #9 on the consideration of amending the definitions, scope, permit requirements, technical criteria, plan requirements, plan approvals, facility maintenance, enforcement and appeals provisions and establish fees for the Stormwater Management Ordinance (Chapter 16.2) to comply with mandates of the Virginia

Stormwater Management Act. Director of Community Development Kent White gave a summary of the Virginia Stormwater Management Act. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council discussion, Council Member Helgeson stated the mandates would be a heavy burden on the taxpayers and he would not be voting to approve the Virginia Stormwater Management Act. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #O-14-070, as presented, amending the definitions, scope, permit requirements, technical criteria, plan requirements, plan approvals, facility maintenance, enforcement and appeals provisions and establish fees for the Stormwater Management Ordinance (Chapter 16.2) to comply with mandates of the Virginia Stormwater Management Act:

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

Noes: Helgeson 1

// In the matter of Community Development – Zoning, City Council Report #10 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-071, as presented, denying the Conditional Use Permit (CUP) to AT&T to allow a one hundred thirty-five (135) foot monopine and associated equipment cabinets at 1721 Langhorne Road in an R-1, Low Density, Single Family Residential District:

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

Noes: Helgeson 1

// In the matter of Human Services – General, City Council Report #11 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-072, as presented, amending the FY 2014 City/Federal/State Aid Fund budget and appropriating $139,332 with resources from the Virginia Commonwealth University (VCU) Strategic Prevention Framework State Incentive Grant (SPF-SIG) to help reduce the number of alcohol-related vehicle crashes involving drivers who are between 15 and 24 years of age:

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

Noes: 0

// In the matter of Human Services – General, City Council Report #12 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-073, as presented, amending the FY 2014 City/Federal/State Aid Fund budget and appropriating $15,000 with resources from the State Department of Social Services to address the backlog of Medicaid applications:

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

Noes: 0

// In the matter of Police – Emergency Services, – City Council Report #13 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-074, as presented, amending the FY 2014 City/Federal/State Aid Fund budget and appropriating $77,876 with resources of $20,938 reimbursable from the Virginia Department of Emergency Management FY 2013 Emergency Management Performance Grant and $56,938 from the Capital Improvement Projects Miscellaneous Radio Replacement Fund, to purchase, install, configure and oversee operation of the WebEOC Professional incident management system:

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

Noes: 0

// In the matter of Police – Emergency Services, City Council Report #14 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-075, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating $22,000 with resources from the Virginia Wireless E-911 Services Board FY 2015 Grant Program to replace the CAD workstations located in the Department of Emergency Services Emergency Communications Center:

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

Noes: 0

// In the matter of Police – General, City Council Report #15 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second. Council Member Perrow stated he would not be supporting this item due to the fact that funds would be coming from the Reserve for Contingencies and he does not think it would be a good idea at this time to use those funds. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-076, as presented, amending the FY 2015 General Fund budget and appropriating $115,713 with resources from the FY 2015 General Fund Reserve for Contingencies to purchase 170 tasers, accessories, and the first year of Taser Assurance Plan coverage:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette 6

Noes: Perrow 1

// In the matter of Police – General, City Council Report #16 was considered. Several Council Members stated they would not support this item because at the present time there is no State Budget. It would not be very prudent to go into next year's budget and use funds from the Reserve for Contingencies. On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-077, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating $227,860 with resources of $94,095 from the 2014/2015 School Resource Officer Department of Criminal Justice Services Grant

Program, $50,000 from Lynchburg City Schools annually and $83,765 from the FY 2015 General Fund Reserve for Contingencies to create three School Resource Officer positions and provide vehicles, training, and equipment associated with these positions:

Ayes: Cary, Foster, Johnson, Nelson, Gillette 5

Noes: Helgeson, Perrow 2

// In the matter of Human Resources – Benefits, City Council Report #17 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-14-078, as presented, to formally elect a 20.80% Virginia Retirement System (VRS) contribution rate for the FY 2015-2016 biennium:

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

Noes: 0

// The meeting was adjourned at 10:20 P.M.

_____

Clerk of Council