

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of May, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Nelson, Perrow, Gillette 5

Absent: Johnson, Tweedy 2

// During roll call Council Member Nelson mentioned a concern about a road construction sign obstructing the vision of drivers pulling out of Edley Place onto Fort Avenue heading North.

// Council Member Foster mentioned that the Martin Luther King, Jr., sign near the Old City Cemetery, heading South, is again skewed and needs to be secured.

// Council Member Perrow asked Department of Public Works Director Gaynelle Hart if it is time to turn on City fountains. Council Member Perrow also mentioned that approximately forty members of Sorensen's Political Leaders Program visited Lynchburg over the weekend. They toured Amazement Square and heard presentations on local government and interactions with regionalism.

// Council Member Helgeson commended Public Works Director Gaynelle Hart for having the potholes on Wards Ferry Road repaired.

// Mayor Gillette noted that the air show was a success and thanked Campbell County for their work and for an opportunity to bring this event to the region.

// On motion of Council Member Perrow, seconded by Council Member Nelson, 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, pursuant to Section 2.2-3711(A.)(7), of the Code of Virginia, 1950:

Ayes: Foster, Helgeson, Nelson, Perrow, Gillette 5

Noes: 0

Absent: Johnson, Tweedy 2

// Council members Johnson and Tweedy joined the closed session.

//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

// City Council recessed the meeting at 5:50 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 Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette along with Dana Wright recognized the following Mayor's Youth Council Senior Students whose terms will end in June: Kate Ruehle, President; Corbett McKinney, Vice President; Makayla Rony, Secretary; and Parker John Pfaff, Treasurer (absent). Mayor Gillette also recognized two Mayor's Youth Council Sophomores in attendance - Woods Cook and Will Winstead.

// Mayor Gillette along with Communications and Marketing Director Joann Martin recognized and presented certificates to the 2016 Citizens Academy Graduates. Remarks on behalf of the class were given by Ivette Matos-Serrano and Michael Brosmer.

// In the matter of Commonwealth, Resolution #R-16-042 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$34,900 with resources from additional Federal funds received from a revised Virginia Department of Criminal Justice Services FY 2016 Victim Witness Grant Program award to fund employee compensation increases and updates to office space, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – General #1, Resolution #R-16-048, to amend the FY 2016 General Fund budget and appropriate \$2,120,916 with resources from pre-paid rent from the Lynchburg Baseball Corp. to fund capital improvements to the Baseball Stadium and parking lot, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-051 adopting the FY 2017 Mandated and Contractual External Service Providers Budget and appropriating \$8,190,632 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-052 adopting the FY 2017 Central Virginia Alliance for Community Living (formerly Central Virginia Area Agency on Aging) Budget and appropriating \$15,000 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-053 adopting the FY 2017 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,906 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-054 adopting the FY 2017 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16- 055 adopting the FY 2017 Virginia Legal Aid Society Budget and appropriating \$11,249 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// Council Member Perrow asked that item #9 be pulled from the Consent Agenda which would be voted on separately. Council Member Perrow disclosed the following statement; "my wife is a member of the Board of Trustees for Amazement Square. This is a volunteer position, not paid whatsoever. Her being on the Board is not a personal interest of ours as a family and therefore not a legal conflict of interest. I can vote on this fairly and without judgment." In the matter of FY2017 Budget/CIP, Resolution #R-16-056 adopting the FY 2017 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,604 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-057 adopting the FY 2017 Region 2000 Local Government Council Budget and appropriating \$44,778 for this budget, laid over from the May 10, 2016

meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-059 adopting the FY 2017 Greater Lynchburg Transit Company Budget and appropriating \$8,113,688 for this budget, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-060 adopting FY 2017 Operating Fund Budgets for other funds and appropriating the sums of each fund, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-062 adopting the FY 2017 Capital Budget and appropriating \$31,744,850 for the City Capital Projects Fund, \$538,000 for the Schools Capital Projects Fund, \$1,900,000 for the Airport Capital Projects Fund, \$4,600,000 for the Water Capital Projects Fund, \$4,515,000 for the Sewer Capital Projects Fund, and \$1,125,000 for the Stormwater Capital Projects Fund, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-065 and appropriating \$50,000 of the FY 2017 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2016 through June 30, 2017, laid over from the May 10, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of School - Board, a public hearing regarding City Council Report #15 was held as a continuation of the May 10, 2016, public hearing to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Gillette read into the record additional names of volunteers who have applied to-date to serve on the School Board: District I – Susan Morrison; District 2 – Lewis Lee, Jr. and Charleta Mason.

The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Charleta Mason and Susan Morrison. Lewis Lee, Jr. submitted a letter to Council. There was no one else present who wished to speak to this item. On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote closed the public hearing and after the regular meeting will select candidates in a closed meeting to interview for the School Board:

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

Noes: 0

// Mr. Rick Forney spoke before Council, providing information about Guillian-Barre Syndrome (GBS) Month.

// In the matter of Public Works, City Council Report #17 was considered. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-068, as presented, to extend the Virginia Department of Transportation (VDOT) Revenue Sharing Program administration agreement for an additional three years (FY2017, FY2018 and FY2019):

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

Noes: 0

// In the matter of FY2017 Budget/CIP, Resolution #R-16-050 adopting the FY 2017 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$205,166,116 for this budget, laid over from the May 10, 2016 meeting, was again presented and read. On motion of Council Member Johnson, seconded by Council Member Tweedy, Council by the following recorded vote adopted the Resolution with no further discussion:

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

Noes: Helgeson 1

// Council Member Nelson disclosed that his wife is an employee of the Lynchburg School System but that does not by recommendation letter of the Commonwealth's Attorney constitute a statutory conflict of interest and would not impair his ability to be objective in consideration of this item. Vice Mayor Johnson disclosed that the amount that he is paid as an employee of Lynchburg City Schools is not enough to constitute a legal conflict of interest and therefore he will vote on this matter. In the matter of FY 2017 Budget/CIP, Resolution #R-16-058 adopting the FY 2017 School Operating Budget and appropriating \$102,794,779 for this budget, laid over from the May 10, 2016 meeting, was again presented and read. On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution with no further discussion:

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

Noes: Helgeson 1

// In the matter of Council, City Council Report #20 was considered on adopting a Resolution approving the Employment Agreement with the new City Manager. Council Member Helgeson stated that he voted in favor of hiring Ms. Svrcek as the new City Manager; however, he does not agree with the justification for

the amount of compensation which starts at 95% of the current City Manager's ending salary and there will be an additional position in the City Manager Office. Council Member Helgeson suggested incentive pay for performance and other Council members spoke in support of the contract. On motion of Council Member Perrow seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-069, as presented, approving the Employment Agreement with the new City Manager, Bonnie Svrcek:

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

Noes: Helgeson 1

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of candidate interviews for appointment to the School Board:

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

Noes: 0

// The meeting was re-opened to the public.

// Council Member Johnson 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

// The meeting was adjourned at 8:42 P.M.

Clerk of Council