

// A regular meeting of the Council of the City of Lynchburg was held on the 10th 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, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Absent:

0

// Mayor Gillette recognized the Canstruction for receiving an Award. This annual event takes place each year and the team collects canned goods to make sculptures to compete against other teams. The canned goods go to the Blue Ridge Area Food Bank. Rachel Frischeisen, the Canstruction captain gave a brief overview of the event and the role it plays in helping to reduce food shortages in the area.

// Director of Financial Services Donna Witt provided the City's Credit Ratings and Bond Sale Results. The City's ratings were affirmed by the three rating agencies as strong AA ratings with noted strong financial management, healthy reserves, a strong liquidity position, and economic development. Ms. Witt stated that the General Obligation Bonds were sold at a premium to Fidelity Capital Markets with a Total Interest Calculation (TIC) of 2.547%. Ms. Witt went on to say that due to a favorable interest rate annual debt service costs will be slightly less than the \$700,000 in the proposed budget. The savings will be proposed for inclusion in the debt service reserve. The Bond closing date is set for May 19, 2016.

// City Transportation Engineer Maggie Cossman provided information on the Timberlake Road - Logans Lane Concept. Per Council's request, an alternative configuration for the Timberlake-Logan-Route 501 off-ramp has been developed. Ms. Cossman stated the alternative configuration includes a roundabout at the off-ramp terminus with a connection to the credit union and adjacent residential area. The Schewels parcel ties to Logans Lane between the roundabout and Timberlake Road. Permission is required from Schewels to relocate their entrance as shown on the concept. Ms. Cossman went on to say this concept is only viable because the City has approved the purchase of the 7001 Timberlake Road parcel making it available for road construction. She further stated the roundabout alternative provides the best traffic flow, is safer than the all-way stop option and is more economical than the bridge option. Estimated construction cost is \$3.1M for the roundabout option compared to \$6.3M for the bridge alternative. Council questioned the time process of this project. Citizens should know this intersection is expected to alleviate congestion during rush hour.

// During roll call Council Member Nelson mentioned better signage is needed at Commerce and Main Streets near Craddock Hotel.

// Council Member Foster mentioned all the wonderful events such as Vintage Lynchburg, The Loft Tours, and an International Festival on Saturday, April 30, 2016 in downtown Lynchburg. She wonders if Tourism can look into similar events to raise awareness for more people to attend such events in the community to raise revenue.

// Council Member Helgeson mentioned potholes that were on Wards Ferry Road. In response to the potholes, the City Manager stated the City has already started to address this issue.

// Mayor Gillette mentioned while visiting Alexander, Virginia, their boards and commissions shared with their Council a yearly report. He suggested that the chairs of boards and commissions could provide a yearly report to Council to share information and potentially coordinate their efforts.

// On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting for an interview with and consideration of the top-ranked candidate to serve as the new City Manager, and for discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community, pursuant to Section 2.2-3711(A.)(1) and Section 2.2-3711(A.)(5) respectively, of the Code of Virginia:

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 Council Member Foster, and Council by the following recorded vote adopted the motion:

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

7

Noes:

0

// Mayor Gillette asked for a motion to announce the new City Manager. Vice Mayor Johnson made a motion seconded by Council Member Perrow to formally offer the position of City Manager to Bonnie Svrcek. Council by the following recorded vote approved the appointment of Bonnie Svrcek as the new City Manager for the City of Lynchburg. 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 5:45 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

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

// Mayor Gillette presented Certificates of Recognition to the 2016 Hill Climbers.

// Copies of the minutes of the April 12, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

// Copies of the minutes of the April 19, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, 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 April 26, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, 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 Commonwealth's Attorney, City Council Report #7A 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-16-042, as presented, 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:

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

Noes: 0

// In the matter of School – Board, a public hearing was held regarding City Council Report #8 for receiving 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 the names of the current School Board members whose terms will expire on June 30th: District 1, Mary Ann Hoss, who is not eligible to serve again; District 2, Jettie Marie Waller, who is not willing to serve again; and District 3, Michael Nilles, who is willing to serve again. Mayor Gillette then read into the record the names of volunteers who have applied to-date to serve on the School Board: District 1 – Tracy Baker; District 2 – Gregory M. Crivello and James W. Tolbert; District 3 – Desmond Mosby and Tiffany Jefferson Tullock. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Michael Nilles and Tracy Baker. One individual spoke on behalf of Michael Nilles. Gregory M. Crivello submitted a letter to Council. There was no one else present who wished to speak to this item, and the public hearing was closed. Council

Members discussed and reached consensus to continue the public hearing until the May 24 meeting to allow more time for citizens to apply for the positions on the School Board. On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote continued the public hearing until May 24 to allow more time to receive names of volunteers.

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

7

Noes:

0

// In the matter of Community Development/CDBG, a public hearing was held regarding City Council Report #9 to receive public comments on the Community Development Block Grant (CDBG) and HOME Program FY 2017 Annual Action Plan and adopt a Resolution approving the FY 2017 Annual Action Plan. Grants Manager Melva Walker provided an overview of the Community Development Block Grant (CDBG) and HOME Program FY 2017 Annual Action Plan and asked Council to adopt a Resolution approving the FY 2017 Annual Action Plan. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-043 as presented, approving the FY 2017 Annual Action Plan:

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 #10 outlining the petition of Jimmy Ferguson to rezone approximately five and seventy-seven hundredths (5.77) acres from I-3, Heavy Industrial District to I-2, Light Industrial District and for a Conditional Use Permit (CUP) to allow the use of an existing building at 2301 Mayflower Drive as an indoor shooting range. City Planner Tom Martin gave an overview of the request and stated the Planning Commission recommended approval of the rezoning and CUP petitions. Mr. Norm Walton with Perkins & Orrison representing the petitioner asked Council for approval of the rezoning and CUP petitions. 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 Johnson, Council by the following recorded vote adopted Ordinance #0-16-044, as presented, granting the petition of Jimmy Ferguson to rezone approximately five and seventy-seven hundredths (5.77) acres from I-3, Heavy Industrial District to I-2, Light Industrial District:

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

7

Noes:

0

Council discussed the CUP at length and several Council Members were concerned with the noise ordinance at the nearest residential zone boundary. There was a suggestion to postpone the CUP until further information could be collected for the indoor shooting range, certifying that the facility will meet the decibel standards. A substitute motion was made by Council Member Perrow, seconded by Council Member Nelson to postpone the CUP to gather additional information regarding the indoor shooting range. After discussion on the substitute motion it was decided to withdraw the substitute motion to postpone the CUP. A friendly motion was made by Council Member Perrow and seconded by Council Member

Johnson to add the following condition: "documentation shall be submitted by the Design Engineers for the indoor shooting range certifying that the facility will meet the decibel standard of the City's noise ordinance at the nearest residential zone boundary." On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-045, as amended, granting the Conditional Use Permit to allow the use of an existing building at 2301 Mayflower Drive as an indoor shooting range:

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 #11 outlining the petition of City Spaces LLC for a Conditional Use Permit (CUP) at 3504 Powhatan Street to allow an existing single family house to be converted to a duplex in a B-1, Limited Business District. City Planner Tom Martin provided an overview of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Alex Steady, representing the petitioner asked Council for approval of 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 Perrow, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-16-046, as presented, granting the Conditional Use Permit at 3504 Powhatan Street to allow an existing single family house to be converted to a duplex in a B-1, Limited Business District:

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 #12 outlining the petition of Forest Road United Methodist Church for a Conditional Use Permit (CUP) at 2805 Old Forest Road to allow a modified sign consisting of approximately thirty-eight (38) square feet, of which nineteen and one half (19.5) square feet would be a digital reader board in a B-1, Limited Business District. City Planner Tom Martin provided an overview of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Ray Buchanan, representing the petitioner asked Council for approval of 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 Johnson, Council by the following recorded vote adopted Resolution #R-16-047, as presented, approving the Conditional Use Permit to allow a modified sign at Forest Road United Methodist Church located at 2805 Old Forest Road:

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

7

Noes:

0

// In the matter of Public Works – General, City Council Report #13 was considered. On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-048, as presented, 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:

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

Noes: 0

// In the matter of Taxicabs, City Council Report #14 was considered. City Manager Kimball Payne provided information regarding the regulation of taxicabs, and to eliminate the requirement for a Certificate of Public Convenience and Necessity. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-049, as presented, amending Chapter 37 of the City Code, relating to the registration and operation of Taxicabs within the City:

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

Noes: 0

// In the matter of FY2017 Budget/CIP/City Code, City Council Report #15A adopting the FY 2017 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$205,166,116 for this budget was considered. Council Members decided to vote on each Budget resolution separately. Council Member Helgeson stated he would be voting against the FY 2017 General Fund Operating Budget because the budget continues to grow each year and he would like to lower taxes for our citizens to help our community grow and prosper to build our tax base. On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-050, as presented, adopting the FY 2017 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$205,166,116 for this budget:

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

Noes: Helgeson 1

// On motion of Council Member Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-051, as presented, adopting the FY 2017 Mandated and Contractual External Service Providers Budget and appropriating \$8,190,632 for this budget:

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

Noes: 0

// 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-16-052, as presented, 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:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-053, as

presented, adopting the FY 2017 Central Virginia Community College Board and Related Operations Budget and appropriating \$1,906 for this budget:

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

Noes: 0

// 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-16-054, as presented, adopting the FY 2017 Robert E. Lee Soil & Water Conservation District Budget and appropriating \$10,000 for this budget:

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

Noes: 0

// 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-16-055, as presented, adopting the FY 2017 Virginia Legal Aid Society Budget and appropriating \$11,249 for this budget:

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

Noes: 0

// Council Member Perrow disclosed the following statement; "my wife is on the Board of Amazement Square and is not compensated. It is a voluntary position, therefore, it does not constitute a conflict of interest and I will participate in the voting of this item." On motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-056, as presented, adopting the FY 2017 Amazement Square Real Estate Tax Refund Budget and appropriating \$5,604 for this budget:

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

Noes: 0

// 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-16-057, as presented, adopting the FY 2017 Region 2000 Local Government Council Budget and appropriating \$44,778 for this budget:

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

Noes: 0

// Mayor Gillette read the motion regarding the FY 2017 School Operating Budget and appropriating \$102,794,779 for this budget. Council Member Johnson disclosed he is a part time employee of the Lynchburg School System. He stated, "in my part time position with the Lynchburg School System my annual income may not exceed \$10,000 annually and I will not have a conflict of interest. Therefore, I will participate in the discussion and vote on the School Operating Budget." Council Member Nelson disclosed that his wife is an employee of the Lynchburg School System but that fact would not impair his unbiased judgment in consideration of this item. Council Member Helgeson stated he would be voting

against the school budget because the budget calls for a 5% increase while there is a 3% decline in enrollment. He further stated that each year more money is allocated to the Schools and this year they want to add 2% of new positions, which means more burden on our taxpayers. 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-16-058, as presented, adopting the FY 2017 School Operating Budget and appropriating \$102,794,779 for this budget:

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 introduced and laid over to a later meeting for final action Resolution #R-16-059, as presented, adopting the FY 2017 Greater Lynchburg Transit Company Budget and appropriating \$8,113,688 for this budget:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-060, as presented, adopting FY 2017 Operating Fund Budgets for other funds and appropriating the sums of each fund:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-16-061, as presented, amending the FY 2017 – 2021 Capital Improvement Program Budget:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-062, as presented, 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:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-063, as presented, approving the payment of monetary incentives, awards, and bonuses not to exceed \$5,000 per employee. The total amount paid shall not

May 10, 2016

297

exceed \$60,000 annually:

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

7

Noes:

0

// On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-064, as presented, specifying that FY 2017 General Fund Non-Departmental Poverty Initiative funds in the amount of \$50,000 may only be spent upon approval by a majority vote of City Council:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette

5

Noes: Helgeson, Perrow

2

// On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-065, as presented, 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:

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

7

Noes:

0

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-066, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2016 through June 30, 2017 at 47.23%:

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

7

Noes:

0

// On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #R-16-067, as presented, to amend and reenact the Code of the City of Lynchburg relating to the City's Business and Professional Licenses:

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

7

Noes:

0

// The meeting was adjourned at 9:06 P.M.

Clerk of Council