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// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of May, 2018, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,

Treney Tweedy, Sterling A. Wilder, Joan F. Foster

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Absent:

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// Mayor Foster and Vice Mayor Tweedy presented a Proclamation for "Older American's Month" Lynn Fox from Parks and Recreation Department accepted the proclamation to celebrate the entire month of May for "Older American's Month"

// Mayor Foster and Vice Mayor Tweedy presented a Certificate of Recognition to Brandon Dizon (ROTC), a senior at Heritage High School will be participating in an JROTC Honor Platoon event in Normandy, France.

// Mayor Foster and Vice Mayor Tweedy presented Certificates of Recognition to Mayor's Youth Council Senior.

Hayden Swisher - Virginia Episcopal School

Paul Skorcz – Virginia Episcopal School

Woods Cook – Virginia Episcopal School

Will Winstead – Virginia Episcopal School

Molly Grahma – Holy Cross School

Jalyn Rosser – E. C Glass High School

Tmerk Cobbs – Heritage High School

Bryson Gerhardt – E. C. Glass High School

Imani West – Heritage High School

Matthew Young – E. C. Glass High School

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// Mayor Foster and Vice Mayor Tweedy presented Certificates of Recognition to the 2018 Hill Climbers

Zach Bryant – E. C. Glass

Allayah Clark – Empowerment Academy

Dakota Clark – E. C. Glass

Deshiya Hill – R. S. Payne

Jasmine House – Linkhorne Middle

Aitor Salazar – Sandusky Elementary

Izzie Smulik – Sandusky Elementary

// Mayor Foster and Vice Mayor Tweedy presented a Proclamation for Municipal Clerks Week beginning May 6 – 12, 2018 to:

Valeria P. Chambers, MMC, Clerk of Council

Kyna Thomas, CMC, Deputy Clerk of Council

// Copies of the minutes of the March 20, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Copies of the minutes of the March 27, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Copies of the minutes of the April 9, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

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// In the matter of Community Development, Resolution #R-18-024 to amend the FY 2018

City/Federal/State Aid Fund budget and appropriate \$20,812 from the Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Systems Notification of Upcoming Court Hearings and Related Matters to implement an automated notification system to remind defendants and probationers of scheduled court dates and related appointments, laid over from the April 10, 2018 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development, Resolution #R-18-025, to amend the FY 2018

City/Federal/State Aid Fund budget and appropriate \$50,000 from the Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Community Criminal Justice Board (CCJB) Planning, laid over from the April 10, 2016 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Budget, Resolution #R-18-026, to amend the FY 2018 Operating and Capital Budgets and appropriate or rescind funds to reflect the Third Quarter Adjustments, laid over from the April 10, 2016 meeting, was again presented and read, and on motion of Council Member Perrow seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

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// In the matter of Schools, a public hearing was held regarding City Council Report #7 to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2018, in School Board districts 1, 2 and 3. The following volunteers spoke to City Council regarding their desire to serve on the School Board. Mayor Foster read into the record the names of the current School Board members whose terms will expire on June 30th: District 1, Derek L. Polley, who is not willing to serve again; District 2, Sharon Y. Carter, willing to serve again; and District 3, Katie Snyder, willing to serve again. Mayor Foster then read into the record the name of volunteers who have applied to-date to serve on the School Board:

District 1

Anthony B. Andrews

Belle Evans

Andrew E. Taylor

Roy P. Lee-Washington

District 2

Jeffrey W. Horsley

Lewis A. Lee, Jr.

Nakesha R. Moore

Consuela M. Mosley

District 3

Atul Gupta

The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board: Consuela M. Mosley, Katie Snyder, Sharon Carter, Nakesha R. Moore, Atul Gupta, Andrew Taylor, and Anthony B. Andrews. Mayor Foster stated three letters were received for the school board appointments; Belle Evans, Rory Lee-Washington and Lewis Lee, Jr. who asked that his name be removed from the list, There was no one else present who wished to speak to this item, and the public hearing was closed. A motion was made by Council Member Dolan, seconded by Council Member Wilder to close the nominations for school board. Before the vote was taken Council Member Perrow submitted the name of Dr. Michael Gillette, School District 1 into the record. Council Member Helgeson made a suggestion to keep the school board appointments open until the second meeting in May, historically we have always keep the nominations open to the second meeting to allow more time to receive names of volunteers. After a discussion on the options to either continue the public hearing until May 22 to allow more time to receive names of volunteers or close the public hearing and schedule interviews. Council Member Nelson made a substitute motion to continue the public hearing until May 22 to allow more time to receive names of volunteers and Council Member

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Helgeson seconded that motion. Council voted to accept the substitute motion by the following recorded vote:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

The substitute motion became the main motion and Council by the following recorded vote agreed to continue the public hearing until May 22 to allow more time to receive names of volunteers:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 8 outlining the petition of Shelton & Hailey Holding Company, LLC to amend the Future Land Use Map (FLUM) from Low Density Residential to Community Commercial and to rezone approximately one and thirty-five hundredths (1.35) acres from R-2, Low-Medium Density Residential District to B-3, Community Business District at 5001, 5005, 5013 & 5051 Fort Avenue to allow the continued operation and expansion of appliance sales and service.

Planner Rachel Frischeisen provided an overview of the request to amend the FLUM and to rezone this property from R-2, Low-Medium Density Residential to B-3, Community Business District to allow the continued operation and expansion. Ms. Frischeisen went on to say that the Planning Commission recommended approval of the FLUM amendment and the rezoning.

Amp Seipp, with Accupoint Surveying & Design, LLC representing the petitioner Shelton & Hailey Holding Company asked Council approval on the FLUM and the rezoning. Ms. Seipp stated the store is a Lynchburg icon and it will remain an appliance store with a facelift. Ms. Seipp went on to say that she thinks it will be a great viable business for this area and asked Council for the approval of the FLUM and the rezoning.

Rick Read of Coldwell Banker Realty Company spoke to Council on behalf of the owners (Hawkins Appliance Store) that how pleased they are to find someone who is going to continue the current use of the property and asked Council to approve the FLUM and rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed.

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On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-18-028, as presented, to amend the Future Land Use Map (FLUM) for a certain area located at 5001, 5005, 5013 and 5051 Fort Avenue from Low Density Residential to Community Commercial:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-18-029, as presented, to rezone approximately one and thirty-five hundredths (1.35) acres from R-2, Low-Medium Density Residential District to B-3, Community Business District at 5001, 5005, 5013 & 5051 Fort Avenue to allow the continued operation and expansion of appliance sales and service.

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Jeffrey Carico for a Conditional Use Permit at 127 Tomahawk Industrial Park to allow the operation of a recreational sports facility in an I-2, Light Industrial District.

Planner, Rachel Frischeisen provided an overview of the request for the Conditional Use Permit (CUP) stating to allow the operation of a recreational sports facility located at 127 Tomahawk in an I-2 Light Industrial District which is allowed. Ms. Frischeisen went on to say that the Planning Commission recommended approval of the CUP petition.

Jeffrey Carico spoke before Council asking approval of the CUP at 127 Tomahawk Industrial Park to allow the operation of a recreational sports facility. 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 Helgeson, Council by the following recorded vote adopted Resolution #R-18-030, as presented, granting the Conditional Use Permit to allow the operation of a recreational sports facility in an I-2, Light Industrial District located at 127 Tomahawk Industrial Park:

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Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of City Council, City Council Report #10 was considered to approve the award of the City's Towing and Vehicle Recovery Contract to Bee Line Transport, Inc. City Manager Bonnie Svrcek provided a summary of the request. Ms. Svrcek stated that two proposals were received from two companies: Bee Line Transport, Inc., and Glenn A. Trent, Inc. Ms. Svrcek went on to say an evaluation committee reviewed the proposals independently then met to discuss the proposals. Ms. Svrcek went on to say the committee agreed unanimously to recommend award to Bee Line Transport. The Notice of Award was posted to Bee Line Transport on March 23, 2018 with no questions, concerns, or protests received for my recommendation that Council approve this contract.

On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-18-031, as presented, to approve the award of the City's Towing and Vehicle Recovery Contract to Bee Line Transport, Inc.

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Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2019 Budget/CIP/City Code, City Council Report #11A was considered to adopt the FY 2019 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$211,152,327 for this budget. Council Member Helgeson comments mentions the recession 10 years ago. In Henrico County, the Deputy Director of Finance developed a plan to ensure they have a long-term approach and fiscal discipline in the Operating budget and Capital budget t build a reserve. He stated that initially he was ready to vote to approve the FY 2019 budget although it does not include any tax cuts, it does promote no new tax increases, it built up the reserve through fiscal discipline and managed reductions in spending. The reserve that was established was spent, positions added and fiscal discipline is gone. Unless Council exhibits leadership and fiscal discipline, we will find ourselves in the same position next year.

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On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-032, as presented, adopting the FY 2019 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$211,152,327 to this budget:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// In the matter of FY 2019 Budget/CIP/City Code, City Council Report #11B was considered to adopt the FY 2019 Mandated and Contractual External Service Providers Budget and appropriating \$8,100,370 for this budget. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-033, as presented, adopting the FY 2019 Mandated and Contractual External Service Providers Budget and appropriating \$8,100,370 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2019 Budget/CIP/City Code, City Council Report #11C was considered to adopt the FY 2019 Discretionary External Service Providers Budget for Amazement Square \$200, Central Virginia Alliance for Community Living \$15,000 and Central Virginia Community College Board (CVCC) \$1,942 for this budget.

Council Member Helgeson suggested that the Discretionary External Budget items be divided into three separate motions:

- 1) The FY 2019 Discretionary External Service Providers Budget for Amazement Square \$200, Central Virginia Alliance for Community Living \$15,000 and Central Virginia Community College Board (CVCC) \$1,94.
- 2) The FY 2019 Discretionary External Service Providers Budget for Elizabeth's Early Learning Center and appropriating \$15,000.
- 3) The FY 2019 Discretionary External Service Providers Budget for Virginia Legal Aid Society and appropriating \$11,699.

On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following

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recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-034 as presented, to adopt the FY 2019 Discretionary External Service Providers Budget for Amazement Square \$200, Central Virginia Alliance for Community Living \$15,000 and Central Virginia Community College Board (CVCC) \$1,942 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2019 Budget/CIP/City Code, City Council Report #11CA was considered to adopt the FY 2019 Discretionary External Service Providers Budget for Elizabeth's Early Learning Center and appropriating \$15,000 for this budget. Council Member Helgeson commented, we need to ensure things are separate as tax dollars are being used to fund Elizabeth's Early Learning Center. Council Member Perrow also stated he believes it is bad precedence to fund Elizabeth's Early Learning Center. On motion of Council Member Wilder, seconded by Vice Mayor Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-035 as presented, to adopt the FY 2019 Discretionary External Service Providers Budget for Elizabeth's Early Learning Center and appropriating \$15,000 for this budget:

Ayes: Dolan, Nelson, Tweedy, Wilder, Foster 5

Noes: Helgeson, Perrow 2

// In the matter of FY 2019 Budget/CIP/City Code, City Council Report #11CB was considered to adopt the FY 2019 Discretionary External Service Providers Budget for Virginia Legal Aid Society and appropriating \$11,699 for this budget. Council Member Helgeson stated that he voted for the Virginia Legal Aid Society because they did good work. The recent actions against the City made by Virginia Legal Aid Society make it hard to support them at this time. Council Member Perrow stated this is a tough decision not to fund Virginia Legal Aid Society regarding their previous actions with the City. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-036 as presented, to adopt the FY 2019 Discretionary External Service Providers Budget for Virginia Legal Aid Society and appropriating \$11,699 for this budget:

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Ayes: Dolan, Nelson, Tweedy, Wilder, Foster 5

Noes: Helgeson, Perrow 2

// In the matter of 2019 Budget/CIP/City Code, City Council Report #11D was considered to adopt the FY 2019 School Operating Budget and appropriating \$100,300,949 for this budget.

Council Member Nelson made the following statement: "As a member of City Council, I am expected to participate in the discussion of, and to vote upon, the adoption of the City's budget, which included the allocation of funds for the Lynchburg City Public Schools. My wife is an employee of the Lynchburg City Public Schools, both of which groups have more than three members. I therefore intend to participate in the discussion of and to vote upon the adopting of the City of Lynchburg's budget, including the allocation of funds for the Lynchburg City Public Schools".

Council Member Helgeson stated he would be voting against the school budget because the budget calls for an increase while there is a decline in enrollment and an increase in school administration. He further stated that each year more money is allocated to the Schools, which means more burdens on our taxpayers. Council Member Perrow stated Schools Operating Fund has grown at least 3%, they received funding from the State and flat funding from Council. He also supports Council Member Nelson's amendment based on facts and reason, but not to arbitrarily level funds. If there was a well-documented reason why, the positions and the specific consequences he could get behind this motion, but at this point, I will not support this motion.

On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-037, as presented, to adopt the FY 2019 School Operating Budget and appropriating \$100,300,949 for this budget:

Ayes: Dolan, Nelson, Tweedy, Wilder, Foster 5

Noes: Helgeson, Perrow 2

// In the matter of 2019 Budget/CIP/City Code, City Council Report #11E was considered to adopt the FY 2019 Greater Lynchburg Transit Company Budget and appropriating \$8,277,373 for this budget.

On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following

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recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-038, as presented, to adopt the FY 2019 Greater Lynchburg Transit Company Budget and appropriating \$8,277,373 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of 2019 Budget/CIP/City Code, City Council Report #11F was considered to adopt the FY 2019 Operating Fund Budgets for other funds and appropriating the sums of each fund.

On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-039, as presented, to adopt the FY 2019 Operating Fund Budgets for other funds and appropriating the sums of each fund:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of 2019 Budget/CIP/City Code, City Council Report #12G was considered to adopt the FY 2019 – 2023 Capital Improvement Program Budget.

On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-18-040, as presented, to adopt the FY 2019 – 2023 Capital Improvement Program Budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of 2019 Budget/CIP/City Code, City Council Report #12H was considered to adopt the FY 2019 Capital Budget and appropriating \$30,001,938 for the City Capital Projects Fund, \$4,195,000 for the Schools Capital Projects Fund, \$3,200,000 for the Airport Capital Projects Fund, \$7,902,000 for the Water Capital Projects Fund, \$4,476,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-041, as presented, to adopt the FY 2019 Capital Budget:

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Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of 2019 Budget/CIP/City Code, City Council Report #12I was considered to adopt the FY 2019 General Fund Non-Departmental Poverty Initiative funds in the amount of \$50,000 which may only be spent upon approval by a majority vote of City Council. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote adopted Resolution #R-18-042, as presented, to adopt the FY 2019 General Fund Non-Departmental Poverty Initiative funds in the amount of \$50,000 which may only be spent upon approval by a majority vote of City Council:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of 2019 Budget/CIP/City Code, City Council Report #12J was considered to adopt \$50,000 of the FY 2019 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2018 through June 30, 2019. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-043, as presented, to adopt \$50,000 of the FY 2019 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2018 through June 30, 2019.

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of 2019 Budget/CIP/City Code, City Council Report #12K was considered to adopt in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, to set the personal property tax relief rate for the fiscal year beginning July 1, 2018 through June 30, 2019 at 45.59%. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-18-044, as presented, to adopt in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, to set the personal property tax relief rate for the fiscal

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year beginning July 1, 2018 through June 30, 2019 at 45.59%:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Council Member Wilder concerned about murders in Ward 2. He wanted to know if these recent murders indicate an increase in crime and what is law enforcement doing to address this problem. Chief Raul Diaz provided information about the concerns of Council Member Wilder. A dual approach (enforcement and community outreach) is currently being used. The CAT Team is providing help within this community trying to resolve these murders. Vice Mayor Tweedy asked for prayers for everyone and to encourage the community to help law enforcement.

// On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting to consider appointments and scheduling for Lynchburg City School Board interviews pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 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 Perrow, and Council by the following recorded vote adopted the motion:

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Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

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Noes:

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// The meeting was adjourned at 10:25 P.M.