

Agenda #4

140

March 10, 2015

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of March, 2015, 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

// City Manager Kimball Payne presented an overview of the Proposed FY 2016 Budget for the City of Lynchburg. Mr. Payne stated that the Proposed FY 2016 Budget which includes the General, Fleet, Capital, Airport, Water, Sewer, Stormwater and other minor funds, as well as component units, minus beginning funds and transfer between funds, with this year's budget totaled \$330.4 million. The decrease is mainly attributable to the appropriation in FY 2015 for the construction of Heritage High School (\$72.3 million) that is not repeated in FY 2016. General Fund expenditures for FY 2016 are projected to increase by about \$8.3 million.

The Proposed FY 2016 Budget complies with the fiscal policies adopted by City Council. It does not include any recommendation for tax increases and proposes only a small increase in Sewer Fund user fees. Mr. Payne went on to say that the Proposed FY 2016 Budget reflects a stabilizing economy and utilizes increased revenues to improve service delivery capabilities in some departments; in some cases restoring cuts made during the recession and in other cases adding resources. Mr. Payne further stated in particular, the proposed budget recognizes revenue streams from consumption related taxes that were underestimated in the previous budget and provides additional funding for Public Safety and Public Works. The proposed budget funds increased debt service and supports an across-the-board pay increase of two percent (2%) for City and Schools employees, which includes funding for new positions, or conversions from part-time to full-time, to support increased service demands. The Budget Principles are important to the sound fiscal management of an organization that must meet mandated and contractual financial commitments while delivering quality services. The proposed budget supports these principles which include:

- Fund debt service
- Fund mandated programs
- Maintain a fund balance in accordance with fiscal policy
- Provide appropriate compensation for City employees
- Preserve employee benefits
- Replace essential equipment, especially vehicles and computers
- Maintain existing facilities and infrastructure
- Provide excellent core services
- Provide quality customer service

Mr. Payne concluded that the Proposed FY 2016 Budget is offered for City Council consideration, deliberation, amendment, and adoption. Over the next several weeks, Council will have the opportunity to hear from and question the representatives of the various departments and agencies seeking funding in the FY 2016 Budget.

// City Manager Kimball Payne reviewed the Budget Work Session calendar with Council with possible dates for March and April. After the discussion, Council decided to eliminate April 7, 2015 from the calendar and reserve the other dates as stated.

// Donna Witt, Director of Financial Services gave an overview of the FY 2016 General Fund Revenues. The following are the proposed major revenues:

- Current Real Property Tax - \$55.4 million – a 1% increase.
- Current Personal Property Tax - \$17.3 million – a 2.9% increase from Revised FY 2015 to FY 2016.
- Local Sales Tax - \$14.5 million – a 1% increase over FY 2015 Revised.
- Consumer Utility Tax Electric - \$3.8 million – the FY 2016 revenue is projected flat with FY 2015 Revised.
- Communications Sales and Use Tax - \$3.3 million – the Projected FY 2016 figure reflects the continued reduction in revenue.
- Business Licenses - \$8.3 million – the FY 2016 projection reflects a 2% increase over FY 2015 Revised.
- Motor Vehicle Licenses - \$1.5 million – the FY 2015 is revised to include a 3.1% increase over FY 2015 Adopted; FY 2016 is projected to include an additional 1.5% over Revised FY 2015.
- Lodging Tax - \$2.1 million – the FY 2016 projection reflects a 1.5% increase over FY 2015 Revised.
- Meal Tax – \$13.5 million – the FY 2016 projection reflects a 3.0% increase over the FY 2015 Revised.
- Ambulance Service Fees - \$2.8 million – the FY 2016 Projection remains flat with FY 2015 Adopted based on current year collections.

Ms. Witt also provided information regarding the Non-Dedicated Revenues (\$6.2 million increase) and the Dedicated Revenues (\$46,000 decrease). The overall total General Fund Revenues increased \$6.1 million.

// During roll call Council Member Nelson applauded the Public Works department on the way they handled the snow and ice storms over the last two months. He further thanked the Lynchburg Police department for a great job that they did in handling the traffic control during the Selma March in Lynchburg on March 8, 2015.

// Council Member Tweedy also thanked Public Works for their fine job on the removal of the snow. One suggestion from a citizen, would it be possible for residents to park on one side of the street so the snow plow would be able to get down very narrow streets.

// Council Member Foster congratulated the young lady from R. S. Payne that won the News and Advance Spelling Bee contest from Dunbar Middle School.

// Council Member Perrow stated he and Vice Mayor Johnson attended the National League of Cities (NLC) Conference in Washington, D.C.

// Vice Mayor Johnson mentioned his attendance at the NLC Conference and also stated that President Obama was in attendance at the conference.

// Mayor Gillette mentioned that the Budget Citizen Engagement meeting will be held on March 17, 2015 at 7:00 p.m. at the Miller Center located on Grove Street.

// City Council recessed the meeting at 5:22 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 led by Cub Scout Pack 29.

// Copies of the minutes of the February 10, 2015 meeting, having been previously furnished Council, reading was dispensed with. Council Member Helgeson asked if a motion and second had been added to Agenda Item #6 of the minutes, to which the Clerk replied the change had been made, and on motion of Council Member Nelson, 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 February 24, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, 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 Bonds, Resolution #R-15-010 amending the FY 2015 General, Water and Sewer Funds Adopted Budget and appropriating \$71,000, \$15,008 and \$17,492 respectively with resources from the refunding bond proceeds for a total of \$103,500 for estimated issuance costs related to the General Obligation Public Improvement Refunding Bonds, Series 2015, laid over from the February 24, 2015 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

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 #8 outlining the petition of Rosedale Farm, LLC to rezone approximately twenty-six and eight tenths (26.8) acres at 1600 Graves Mill Road from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional) and for a Conditional Use Permit (CUP) to allow a cluster commercial development that would allow the construction of a minimum of twenty (20) townhomes, forty-five (45) condominiums, fifty (50) apartments and one hundred thousand (100,000) square feet of office space. City Planner Tom Martin gave a summary of the request and stated the

Planning Commission recommended approval of the Rezoning and CUP petitions. Hopkins Brothers representative Mr. Bryant Hare asked Council to approve 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 Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-15-013, as presented, granting the petition of Rosedale Farm, LLC to rezone approximately twenty-six and eight tenths (26.8) acres at 1600 Graves Mill Road from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional):

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

Noes: 0

On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-014, as presented, granting the Conditional Use Permit to allow a cluster commercial development that would allow the construction of a minimum of twenty (20) townhomes, forty-five (45) condominiums, fifty (50) apartments and one hundred thousand (100,000) square feet of office space:

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

Noes: 0

// In the matter of Public Works/Water Resources – Water, City Council Report #9 was considered. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-015, as presented, to amend the FY 2015 Water Capital Projects Fund budget and appropriate \$5,000 with resources from a 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 Public Works/Water Resources – Water, City Council Report #10 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-016, as presented, to amend the FY 2015 City Capital Projects Fund budget and appropriate \$10,000 with resources from a Virginia Department of Conservation and Recreation grant to reimburse costs for College Lake Dam associated with compliance for dam safety:

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

Noes: 0

// In the matter of Museum – General, City Council Report #11 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-15-017, as presented, to amend sections relating to the appointment of the members of the Museum Advisory Board:

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

Noes: 0

// In the matter of Community Development – General, City Council Report #12 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-018, as presented, to provide Virginia Housing Development Authority (VHDA) loan funding for the Kirkley Apartments:

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

7

Noes:

0

// In the matter of Economic Development – General, City Council Report #13 was considered. To negotiate the final terms of and execute a performance agreement between the City of Lynchburg, the Lynchburg Economic Development Authority, and Virginian Hotel, LLC to facilitate the rehabilitation, renovation and redevelopment of the property known as the former Virginian Hotel located at 712 Church Street. Director of Economic Development Marjette Upshur provided a summary of the request for the performance agreement to facilitate the rehabilitation, renovation and redevelopment of the property known as the former Virginian Hotel located at 712 Church Street. During the discussion several Council Members had concerns in approving the performance agreement because they had received emails from citizens that they thought the performance agreement was being hurried through before Council had a chance to hear from the citizens. A motion was made by Council Member Nelson, seconded by Council Member Helgeson to postpone a vote of approving the performance agreement to renovate the historic Virginian Hotel building until a public hearing could be held. Council by the following recorded vote agreed to hold a public hearing at the March 24th Council meeting:

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

7

Noes:

0

// On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning the case of *Allyson Brooks Carter v. Eugene Alphonso Tweedy and the City of Lynchburg*, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City:

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

7

Noes:

0

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

// Vice Mayor 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

March 10, 2015

145

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

// The meeting was adjourned at 9:11 P.M.

Clerk of Council