

// A regular meeting of the Council of the City of Lynchburg was held on the 13th<sup>th</sup> day of February, 2018, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,  
Trenay Tweedy, Sterling A. Wilder, Joan F. Foster

7

Absent:

0

// Mayor Foster recognized Melissa Foster, Director of Emergency Services for the StormReady Community designation by the National Weather Service.

// Mayor Foster recognized Heather Brown, Director of Human Resources and Michelle Jackson, staff member for receiving the LEAD Award for "Government on the GO"!

// Brian Booth, General Manager of Greater Lynchburg Transit Company (GLTC) provided GLTC's Annual Report on operations for Fiscal Year 2017, which included an update on the following categories:

- GLTC Total Revenue increased 24%
- GLTC finished out the year with a surplus, and did not utilize any funds from the Reserve Account
- GLTC remains the 10<sup>th</sup> largest system in Virginia
- GLTC System-wide Ridership increased 8%, primarily due to increase in Liberty University service

#### GLTC Major Accomplishments:

- GLTC's Operations and Maintenance Facility moved into a new location at 419 Bradley Drive and hosted a grand opening
- Implemented a new streamlined fare structure
- Participated in two Statewide Bus "Rodeo's", hosting the Paratransit Rodeo in Lynchburg
- Took delivery of bus awarded through Smart Scale to operate the Downtown Circulator which began in August 2017
- Renewed partnership with Liberty University, Lynchburg College and Central Virginia Community College

#### GLTC Upcoming Projects for 2017- 2018:

- A study of GLTC services should be completed late April 2018 and some changes will be implemented over the summer
- Addition of Low Floor Paratransit Buses
- Implement new Fare Collection Technology (Smart Cards)

- Planning for Transit Bus Fleet Replacement to begin in 2019
- System-wide Review and Revamp of Routes through the Transit Development Plan (TDP)
- Continued emphasis on Customer Service and Safety
- Further enhance relationships with area businesses, schools, human services and community organizations.

Following the annual report, Council thanked Mr. Booth for his leadership at GLTC and in the community. Council also mentioned several comments, including: since ridership has declined the budget request should be less; budget request was reduced by 2% like other departments; effect of gasoline prices on ridership; cost of the building; ridership from Liberty University and ridership from the City is almost double; how to maintain and increase the services; in the City we have a public transportation system and Liberty University has a mass transportation system which are two different types of systems (in mass transportation the timing is a critical point); the HOPPER bus is a very nice addition to the downtown area; Lynchburg College and Central Virginia Community College have u-pass agreements (which is similar to a contract) and they can use the bus service by showing their identification card to board the bus; what is attributed to the low ridership such as services, routes or wait time; the biggest concern is the time it takes to get from one point to another; to make the service more direct and more frequent without increasing the number of buses on the street; continue to find ways to be as efficient as possible; transportation is a necessary core service, would not go so far as to say it is critical, but it is necessary for citizens to get to their jobs and is a necessity in Lynchburg. In conclusion, Mr. Booth further stated when the study is completed in late April, they hope to implement some of the changes over the summer and he thanked Council for their support over the years.

// Mark Courtney, Airport Director provided the FY 2019-2023 Airport Capital Improvement Program (ACIP) Presentation. Along with a background briefing on the airport's capital planning process and source of capital funds, the presentation also included the performance metric of various recent and planned passenger terminal upgrades and amenities.

#### Airport Major Accomplishments:

- Lynchburg Regional Airport Total Passenger Traffic in 2017 was 162, 640 (up 7.1% from 2016)
- Monthly Load Factors (passenger seats) on average went out full and were filled at 82% for the entire year
- Scheduled Seat/Departure Comparison for January 2016 – April 2018 showed some decline but has increased for the months of April, May and June 2018
- LYH Average Lowest Fares (Published – Top 39 Destinations) – January 2006 – December 2017

## Airport Revenue Scenario: Annual Projections (Based on FY 2017 Actual)

| <u>With Airline Service</u>                           | <u>Without Airline Service</u>                                  |
|-------------------------------------------------------|-----------------------------------------------------------------|
| <u>Operating</u>                                      | <u>Operating</u>                                                |
| Total Airport-Generated Revenue - \$2,641,878         | Total Airport-Generated Revenue –<br>\$ 739,726 (72% Reduction) |
| <u>Capital</u>                                        | <u>Capital</u>                                                  |
| FAA Entitlement (Air Carrier) funds - \$1,050,000     | FAA Entitlement (Air Carrier) funds - \$0                       |
| State Entitlement (Air Carrier) funds - \$1,203,604   | State Entitlement (Air Carrier) funds - \$0                     |
| Passenger Facility Charges (PFCs) - \$ <u>320,942</u> | Passenger Facility Charges (PFCs) - \$0                         |
|                                                       | FAA Entitlement (GA) funds - \$150,000                          |
|                                                       | Eligible for State funds - ?                                    |
| Total Annual Capital Revenue - \$2,574,546            | Total Annual Capital Revenue - \$150,000                        |
| Combined Operating/Capital Rev. \$5,216,424           | Combined Operating/Capital Rev - \$889,726<br>(83% Reduction)   |

Capital Budget

- Total Average Annual Budget - \$3,145,000 Million
  - o Primarily Infrastructure Related
  - o Programmed in FAA approved Airport Capital Improvement Program (ACIP) and Airport Layout Plan (ALP)

Federal Funding and LYH

- Federal (FAA) AIP Program
  - o Congressionally authorized and appropriated
- Entitlement and Discretionary
  - o Eligible @ 90/10
- LYH qualifies for FAA AIP funding based on an entitlement formula
  - o FY 2018 Entitlement Fund balance \$2 Million

State of Virginia

- Commonwealth Aviation Fund
  - o Entitlement and discretionary – eligible @100, 80/20 or 90/8/2
- Special Fund includes Marketing, Air Service, Maintenance
  - o Eligible @ 50/50 or 80/20
- FY 2018
  - o \$1,398,434 entitlement
  - o \$45,000 marketing and air service

Passenger Facility Charges (PFCs)

- Normally used for specific, eligible and FAA approved capital projects
- \$4.50 per enplaned airline passenger (plus air taxi)
- Strict FAA approval process
- Currently have two PFC contracts
  - o 1<sup>st</sup> expires September 2022
  - o 2<sup>nd</sup> expires September 2031

City Bond Funds

- Usually go to the Bond Market
- Airport use limited to revenue – producing projects

Airport Project Capital Improvement Program total \$53 Million since year 2000

- Runway Extension Project total \$15 Million completed over ten years ago
- Air Traffic Control Tower was completed in June total \$4.5 Million (four year process)
- Snow Equipment – Multipurpose Unit converts into a broom, plow and snow blower - total \$725,000
- New Ramp Area (South) total \$4.3 Million which was completed in two phases
- Airfield Lighting Rehabilitation to LED Lighting - savings of \$15,000 a year in electricity cost

FAA Capital Improvement Program Federal Proposed Projects

- North GA Development Area, Phase I (Taxiway/Apron Construction)
- Terminal Passenger Boarding Bridge

- Rehabilitate Mid-Field Apron (and portion of Taxiway “G”) – Design/Construction

#### Pay-As-You-Go Capital Funding and City Bond Funds

- Airport use limited to revenue – producing projects
- Retained earnings and airport capital funds
- Airport utilizes City Bond sources

#### Airport Economic Impact

- In 2016, Virginia's commercial service airports contributed \$21.8 billion in economic activity, which supported 140,540 jobs with an annual payroll of nearly \$7.4 billion
- Virginia commercial service airports generated \$32,670 of economic activity for every aircraft take-off and landing
- Lynchburg Regional Airport's Economic Impact:
  - o 1,770 jobs
  - o \$60 million in wages
  - o \$180 million of economic activity

After the presentation, Council thanked Mr. Courtney for his service to the City and his continued efforts to keep the quality of air service in the City. Council remarks included some of the following comments: update airport lounge; have more air services in and out of Lynchburg; another airline; passenger amenities; and emphasis on building infrastructure. Mr. Courtney concluded by saying there are three important things needed to operate an airport successfully, flights, fares and frequency of flights.

// Gaynelle Hart, Director of Public Works provided a presentation on the Snow Removal Operations. The following information was highlighted in the presentation on snow removal priorities and the use of new technology to improve our winter storm response. The current snow removal priorities utilized by staff are as follow:

Priority 1: Staff clears all primary streets and heaviest traveled routes. The priority 1 streets include Expressway, Wards Road, Timberlake Road and Boonsboro Road.

Priority 2: Staff clears all collector streets and Greater Lynchburg Transit Company bus routes. The priority 2 streets include Hollins Mill Road, Florida Avenue, Wards Ferry Road as well as roads into industrial parks.

Priority 3: Staff plows residential streets if there is more than two inches of snow. The new technology Public Works is implementing to improve winter weather response includes automatic vehicle locators (AVL), pre-treatment of roads with salt brine, and anti-icing pavement overlay.

Public Works Snow Removal – Planning

- Update Route Maps
- Order Salt & Materials
- Employee Training
  - o Equipment Rodeo Event
  - o Employee Expectations
- Equipment Preparation
- Renew Contracts

Equipment Available

- 23 Spreaders
- 24 Plows
- Contractors are utilized for removal and hauling if more than 6" of snow

Materials Used

- Salt – Primary & Secondary
- Slag – Residential
- Salt/slag mix
- Brine
- Liquid Calcium

Snow Removal Priorities

- Primary Roads – 381 miles
- Secondary Roads – 130 miles
- Residential Areas (plowed if more than 2") – 494 miles
- Bridges & Overpasses
- Identified Trouble Areas

Primary Roads

Expressway

Wards Road

Secondary Roads

Bus Routes

Mayflower Drive

|                  |                  |
|------------------|------------------|
| Rivermont Avenue | McConville Road  |
| Timberlake Road  | Wards Ferry Road |
| Memorial Avenue  | Leesville Road   |

#### Enhanced Public Relations

- Partnership with Communications & Marketing
- Facebook
- Press Releases
- Informational Programming

#### Challenges

|                                  |                     |                      |
|----------------------------------|---------------------|----------------------|
| Forecasting                      | Ice                 | More than 6" of snow |
| Conversion of Equipment          | Back to back events | Hard Packed Snow     |
| Event starting during rush hours | Parked Vehicles     | Private contractors  |
| Low temperatures                 | Abandoned Vehicles  |                      |

// During roll call Council Member Nelson suggested since the City Manager has asked each department to reduce their budget by 2%, Council should think about reducing their salary by 2% during budget consideration.

// Council Member Helgeson mentioned the deer overpopulation in the area and made a request to expand the City's bow hunting permit program to include nuisance species.

// Mayor Foster made the following announcement:

- State of the City Address will be held on Monday, February 26, 2018 in the Council Chamber at 7:00 P.M.

// On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for discussion of plans to protect the safety and security of the members of City Council while they are in City Hall, because discussion in an open meeting would jeopardize such safety and security plans, pursuant to Section 2.2-3711(A)(19) of the Code of Virginia, 1950, as amended:

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

Noes: 0

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

// Council Member Perrow 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 Wilder, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// City Council recessed the meeting at 6:05 p.m.

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

The following Members were present:

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

Absent: 0

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

// Mayor Foster introduced three Mayor's Youth Council Students:

Morgan Gafford – Junior at E. C. Glass High School

Mikayla Burton – 11<sup>th</sup> Grader at Holy Cross

Hailey DeLorey – 12<sup>th</sup> Grader at Holy Cross

// Copies of the minutes of the January 9, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Nelson, 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 January 23, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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 #8 outlining the petition of Danny Tyree for a Conditional Use Permit (CUP) at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43) unit townhouse development in an R-3, Medium Density Residential and B-3, Community Business District. City Planner Tom Martin gave an overview of the petition. Mr. Martin stated that the properties are currently zoned R-3 Medium Density Residential and B-3, Community Business District. The uses that are permitted by right in the R-3 Medium Density Residential are single family homes and duplexes. The uses permitted by right in the B-3 Community Business District allow a variety of commercial uses and single family homes by right. Mr. Martin went on to say the Comprehensive Plan 2013-2030's Future Land Use Map (FLUM) recommends Medium Density Residential and Community Commercial use for the area. While the petition is consistent with the FLUM, the Planning Commission recommended denial of the CUP due to concerns about the increased traffic on Wood Road, which does not currently meet City standards, as well as the development's impact on the character of the existing neighborhood.

Mr. Norm Walton of Perkins and Orrison, representing the petitioner, spoke before Council asking for the approval of the CUP at 1002 Wood Road and 8129 Timberlake Road. Mr. Walton stated they are requesting 43 townhomes on this site, which is less than the allowable density per the Zoning Ordinance as well as the FLUM. Mr. Walton acknowledged this proposal would still require the approval of a CUP. The other proposal is a by-right development with duplexes in the R-3 portion and two buildings in the B-3 portion of the property with commercial on the first floor and apartments on the second floor. Mr. Walton went on to say the Transportation Engineer might make the same recommendation to widen Wood Road but it would likely be a recommendation and not a requirement. They believe that townhomes would fit the character of the neighborhood.

Four individuals spoke in favor of this project stating the townhomes would be good for the neighborhood and would be an upgrade to the subdivision. The property being in two different zones created a little hardship, but they feel the townhomes would be in good character with the neighborhood and this is the best use of the property. The townhomes would show ownership while the duplexes would be rental property and would be out of character for the neighborhood. Townhomes meet all the City's requirements for zoning and development and it provide the type of housing that is needed in the City. The owner of the properties stated that if this project is denied they will seek the by-right use.

Two individuals spoke in opposition to this project stating the townhome development would be out of character with the rest of the neighborhood, would cut through the neighborhood, put single family homes in that area, and the stormwater runoff would end up in yards and basements. One individual spoke not in favor or in opposition, but mentioned several concerns including the width of Wood Road, traffic and safety issues and asked if it was possible to table this item until the Virginia Department of Transportation completed their study.

Mr. Walton returned with a rebuttal for this project stating they do not dispute that Wood Road needs to be widened and is only one block from Timberlake Road and the majority of the traffic will be going back into the neighborhood. He also mentioned the concerns regarding rental of duplexes in that neighborhood. There was no one else present who wished to speak to this item, and the public hearing was closed.

During Council deliberation the following concerns were discussed: no real negative impact to the neighborhood; traffic and the ability to get onto Timberlake Road; traffic commons and the intersection; more suitable for single family homes and completely out of character for townhomes; is zoned R-3 instead of R-1 and is more of a single family neighborhood. Council Members Dolan, Helgeson, Perrow and Foster stated they would vote in favor of a motion to deny the CUP and major concerns included the split zoning, density and traffic. Upon further discussion several Council Members mentioned the following: is there any proposal in the future to widen Wood Road; out of character for the neighborhood; City staff approved this project on its own merits; complies with the FLUM; less density than is permitted by our zoning regulations; complies in character with what we have designated that property to accommodate; is very close to Timberlake Road; possibly have some type of traffic reducing barriers such as speed bumps and signs on Timberlake Road that say no through traffic; the by-right is an important issue and the owner stated if this is not approved then could use the by-right uses for this property. Council Members Wilder, Nelson and Tweedy stated they would not support a motion to deny the CUP for Danny Tyree because of the previous concerns and the by-right issue.

A motion was made by Council Member Perrow, seconded by Council Member Helgeson and Council by the following recorded vote denied the Conditional Use Permit to Danny Tyree in an R-3, Medium Density Residential District and B-3, Community Business District at 1002 Wood Road and 8129 Timberlake Road to allow the construction of a forty-three (43) unit Townhome Development. The motion to deny the CUP passed by a 4-3 vote.

Ayes: Dolan, Helgeson, Perrow, Foster

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Noes: Nelson, Tweedy, Wilder

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// In the matter of City Council, City Council Report #9 was considered. Hayden Swisher, President of the Mayor's Youth Council, provided information on the coats, scarves and gloves drive that was just completed in January, which was a success. Mr. Swisher mentioned the Lighten-Up-Lynchburg 5K Run/Walk that would be hosted by the Mayor's Youth Council on March 24, 2018 at 9:00 a.m. at Peaks View Park with the theme "To get fit and fight obesity". He encouraged everyone to register for this great event.

// In the matter of Community Development, City Council Report #10 was considered for adopting a Resolution approving the renaming of the 2300 Block of Liberty Mountain Drive. Planner Rachel Fricheisen provided an overview of the request from Liberty University to rename a portion of Liberty Mountain Drive to Regents Parkway. This portion of the street is private. The purpose of the renaming is to provide continuity with the future relocation of Regents Parkway. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-18-007, as presented, approving the renaming of the 2300 Block of Liberty Mountain Drive to Regents Parkway:

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

7

Noes:

0

// In the matter of Schools, City Council Report #11 was considered. Director of Financial Services Donna Witt provided the request to adopt a Resolution to amend the FY 2018 General Fund budget and authorize \$426,317 with resources from unexpended FY 2017 Schools Operating Fund appropriations to increase the Schools Health Insurance Reserve. 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-18-008, as presented, to amend the FY 2018 General Fund budget

and authorize \$426,317 with resources from unexpended FY 2017 Schools Operating Fund appropriations to increase the Schools Health Insurance Reserve:

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

Noes: 0

// In the matter of Water Resources, City Council Report #12 was considered to adopt the Virginia Department of Transportation (VDOT) Land Use Permit Resolution which will be used by the City to obtain permits to work within VDOT right-of-ways located within the City limits and adjacent areas. Jeff Martin, Assistant Director of Water Resources stated that VDOT required localities to adopt a resolution as part of their permitting process as assurance that the City will be responsible to repair or replace any damaged VDOT facility in accordance with their standards. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-18-009, as presented, to adopt the Virginia Department of Transportation (VDOT) Land Use Permit Resolution which will be used by the City to obtain permits to work within VDOT right-of-ways located within the City limits and adjacent areas:

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

Noes: 0

// In the matter of Bonds, City Council Report #13 was considered to adopt a Resolution to authorize a reallocation of \$597,893 of the General Obligation Public Improvement and Refunding Bonds, Series 2016, from Economic Development Projects to Fleet Services Projects. Director of Financial Services Donna Witt stated a reallocation resolution is necessary because the original bond resolution did not include a category for Fleet Services Projects. A public hearing is not required as the reallocation is less than 10% of the par amount of the Series 2016 Bonds. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-18-010, as presented, to authorize a reallocation of \$597,893 of the General Obligation Public Improvement and Refunding Bonds, Series 2016, from Economic Development Projects to Fleet Services Projects:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Wilder, 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 Ruth Anne Phillips v. City of Lynchburg, because discussion in an open meeting would adversely affect the negotiating or litigation posture of the City pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended:

|                                                               |   |
|---------------------------------------------------------------|---|
| 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 Wilder, and Council by the following recorded vote adopted the motion:

|                                                               |   |
|---------------------------------------------------------------|---|
| Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster | 7 |
| Noes:                                                         | 0 |

// The meeting was adjourned at 9:15 P.M.

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Clerk of Council