AGENDA ITEM #: 3

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of February, 2020, at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 7

Absent: 0

// In the matter of Public Works, Update on citizen feedback from public meetings and survey results on proposed changes to the refuse collection system and discussion of staff recommendations, Agenda Item #1a, Ms. Gaynelle Hart began the discussion with a presentation on the public meetings. There were two public meetings held in January 2020 and there was an online survey as well. The outline of the public meeting format was to discuss the challenges with the current operating system, guiding principles for planning, discuss SCS Engineers' Solid Waste Evaluation, discuss benchmarks with other cities and give City staff's recommendations. There were small group discussions to receive citizen input and feedback. They discussed next steps.

Ms. Hart reported that citizens were very positive regarding their refuse collectors. Citizens wanted to see more consistent enforcement, a choice of cart size and aesthetic improvements to current recycling sites. There was support for scheduled brush/bulk collection and citizens said they would prefer curbside recycling.

Staff's recommendation were as follows: 1) continue to offer 32 & 64 gallon carts – long term offer 96 gallon cart (phased in); 2) add a second education and enforcement position to assist with informing citizens and to bolster the enforcement program; 3) educate citizens on new refuse procedures and regulations; 4) continue the six drop-off recycling centers; 5) assign schedule by refuse collection day for brush and bulk collection with limits set-out size and eligible contents and clarify set out times and 6) no curbside recycling collection at this time.

The schedule for brush and bulk collection would be by refuse collection day. Example: If your refuse collection day is Monday, you get brush/bulk pickup on the first full week of the month; Tuesday is the second week, etc. Residents would be able to set out material for the following week's pickup on Saturday. Materials should be set out by Monday morning to ensure pickup during the week. The citizens had very positive comments about this recommendation.

Ms. Donna Witt talked about the billing changes. The recommendation is to do away with the cumbersome decal process and put a monthly fee on the user's water bill. The monthly billing would start on January 1, 2021. The fee would apply to all single-family dwellings and structures up to four units. Staff is recommending a flat fee regardless of cart size. The fee pays for all trash services including brush, bulk, recycling, convenience center, pedestrian cans, cart swap and repair, and all other trash services. Landfill disposal costs make up less than 17 percent of the refuse costs. The majority of expense is in the fixed cost associated with collection – personnel, equipment and equipment maintenance, fuel, recycling contract, cart replacements, etc.

Councilmember Wright asked how staff would explain why a person should pay the same amount regardless of cart size. Ms. Witt said a citizen is paying for the full trash service. It costs the same amount to stop at a house no matter how much a person throws away, especially in light of the fact that the landfill cost is only 17 percent of refuse expenses. Councilmember Perrow noted that if people fill up two carts, for example, the truck would fill up twice as fast and there would be twice as many trips despite the actual disposal tonnage cost. He would argue that heavier users cost more for the system. Ms. Witt said they do not anticipate that people's habits will change. Councilmember Perrow would agree but noted that the 17 percent landfill cost could go up depending on the future disposition of the regional landfill authority. He thinks there is a long-term risk there and Ms. Witt said she did not disagree.

Councilmember Helgeson thinks this is not new uncharted territory but where we originally came from. It used to be done based upon people's real estate taxes. Trash was picked up and the City was beautiful. Then we started monkeying around with the decal system. It used to be a service and was not based on how much trash you threw away or tonnage. He thinks we have done a complete full circle except that it is not in people's real estate taxes. They are paying a whole lot extra for something they used to get as a service. He pointed out that interviewing approximately 150 people is not by any means a true sampling of the 82,000 people in the City. It is not really a utility because a utility would be based on usage. He does not think this system will be good for neighbors. It would be better if people could just set out their trash and have it picked up as a service and we had a clean city. From a fairness standpoint, he thinks we need to look at this a little bit better and think about the long-term history of it and learn from it.

Ms. Witt pointed out that we used to own the landfill and it generated a lot of revenue. Now we are part of the regional landfill authority. Councilmember Helgeson said we could pay them out of the real estate taxes collected. Mayor Tweedy noted we have to generate the additional funds it costs to dump the trash and Councilmember Helgeson is suggesting they take it out of the $1.11 collected with no tax increase. Councilmember Helgeson noted they did it for years. Citizens utilize some services, for instance, public schools. Mayor Tweedy commented that he is suggesting making a cut somewhere to supplement trash pickup. Councilmember Helgeson noted this is saying that we raise fees for citizens without a corresponding reduction in real estate taxes. Mayor Tweedy noted that would lower the real estate tax base and keep it from going somewhere else. Councilmember Helgeson noted this is a service that is used by 100 percent of the citizens. Not 100 percent of citizens use other services such as public schools or the library, for example. Ms. Witt noted that not all citizens pay real estate taxes. She also noted that it was not sustainable because the landfill was filling up. She thinks that triggered a change that had to happen. Councilmember Helgeson noted that the trash fee went up 37 percent last year and he heard from a lot of citizens.

Ms. Witt noted that they compared the City to other First Cities and cities that are similar to Lynchburg in size. The current monthly equivalent fee is $9.17 for a 64-gallon container and staff is proposing we charge a $15.02 monthly fee for the next 18 months beginning January 1, 2021. She noted that is still relatively low compared to surrounding cities and other cities our size. She also noted that the other comparable localities offer curbside recycling except Bedford and Bedford County. It was also noted that the $1.25 bag will remain.

Councilmember Wright asked if this fee is per cart and was told that it is per cart. He wondered if a business has three carts if they have to pay three fees. Ms. Witt noted that businesses are privatized. Ms. Hart noted that they pick up some business refuse but they are termed as small businesses, for instance, an attorney that has converted a single-family home into an office. She acknowledged there probably needs to be a better definition in the ordinance because right now it falls on her to decide if they qualify and they try to hold the business to one cart.

Councilmember Wright thinks they should have staff come up with a definition because otherwise it could open up claims that the City is being unfair. Dr. Reid Wodicka commented that staff will be coming back with ordinance changes at a later date.

Ms. Witt remarked that they recommend expanding the customer base by removing the free decals for SNAP and tax relief program recipients. Not billing these residents would result in a need to bill everyone else approximately $3 per month more than proposed. They propose continuing the exception for Pleasant Valley/Tyreeanna residents because it was commitment made to them in 1999. The SNAP recipients change every month and it will be difficult to enforce. She noted that they and the college population are very transient as well and mentioned that there are approximately 100 to 200 moves a month. She commented that there are approximately 3,000 SNAP recipients and approximately 400 elderly and disabled persons in the tax relief program.

Councilmember Helgeson noted that the Tyreeanna residents were compensated because they were close to the landfill. He is not sure they should still get something for free that everyone else is paying for when the landfill is gone. Ms. Witt noted that there are 200 residents in that neighborhood that are getting free trash pickup.

Dr. Wodicka acknowledged that the amount needed from the general fund for trash service will decrease over time. Because of the timing next year, the effect will be pretty minimal for the next budget year. Over time, there will be between $1.7 and $2.2 million that becomes available for typical governmental services and it will be a Council decision how to spend that money. There was some discussion about how this would be defined. Councilmember Helgeson noted it cannot be called a utility fee because it has nothing to do with the amount of use. Dr. Wodicka had some answers for the question “Should refuse collection be revenue self-sufficient?” because it is staff’s recommendation is that this service should be self-supporting. Similar to water, sewer, and stormwater, refuse has a defined customer base (four units or less) who receive the direct benefit. Commercial businesses and apartments do not receive direct benefit and are paying taxes to subsidize residential owners having their trash picked up. He acknowledged there is some residual benefit to all those who do not receive service (i.e. a clean city for industrial, commercial, and apartments), but the primary benefit is to individual customers. Refuse is more like a utility service than a typical General Fund financed service. It is more like water and sewer, in which there is a specific customer served who benefits. For example: we do not charge people for sewer service if they are not connected to the system. It is unlike public safety, in which everyone benefits from the service regardless of who is calling for service because everyone benefits from crime reduction even if you are not the one calling the police. The benefit of refuse collection is mainly felt by the customers who receive service. Using General Fund revenue to supplement the service results in those who receive very little benefit from the service still having to pay for it. A utility service fee more accurately reflects the cost of the service and the benefit received by the customer and reduces costs to those who do not receive the service.

Councilmember Helgeson noted that water and sewer are based on consumption. The proposed trash fee is categorically exempt because it is not based on how much trash a person generates. Dr. Wodicka noted that if a person has four cans, they will pay four fees. The only way to charge per amount of trash would be to have a scale on the truck. He agrees with Councilmember Helgeson that it is not a perfect model but it is certainly better than having everyone pay even when they are not receiving any benefit.

With regard to eventually creating an Enterprise Fund for this service, Dr. Wodicka had the following summary: Target FY 2023 to create a Solid Waste Enterprise Fund to include collection and disposal in one fund. There are steps needed to create an Enterprise Fund such as capturing costs associated with fleet and building assets, and related depreciation, calculating indirect costs associated with this service, ensuring long-term revenue self-sufficiency and drafting financial policies to govern the Enterprise Fund.

Staff needs Council to make some decisions today such as whether or not to include the enforcement/education position in the FY2021 budget, whether or not to continue multiple cart sizes, whether or not to transition to a monthly billing process and whether or not to reduce billing exceptions for SNAP recipients and tax relief recipients.

With regard to next steps, staff will communicate changes to the community, present the FY 2021 Budget according to the decisions made tonight, implement bulk/brush schedules, work to create the billing structure needed to implement the recommendations, improve recycling sites and work towards the creation of a Solid Waste Enterprise Fund.

With regard to a proposed timeline: March-June 2020 – Communication and necessary ordinance changes; July 1, 2020 -- begin new brush/bulk schedule; by July 1, 2020 -- begin improvements to recycling sites and January 1, 2021 -- begin new billing structure.

Councilmember Wright asked if the public had any input on reducing the exceptions for SNAP and tax relief recipients. Ms. Hart said this was not brought up at the public meeting. She has received feedback both for and against it. He is not sure how he feels about this but is in favor of the first three decisions that need to be made.

Councilmember Wilder likes the idea of maintaining two cart sizes. He also likes the bulk and brush pickup being done on a scheduled day once a month. Dr. Wodicka clarified for him that the reason they are requesting SNAP recipients no longer be given free trash decals is that it is very burdensome to make sure they are keeping the list accurate. None of them love the idea of taking away the exceptions but feel a little better because it may be easier for a person to come up with $15 a month as opposed to $80 or $110 at one time.

Ms. Svrcek clarified for him that in 1999 Council passed a resolution to give Tyreeanna residents free trash service. She does believe there was a sunset on it and they do not want to break a promise at this point unless Council would like to change it because the environment has changed. Councilmember Wilder thinks they need to continue to honor it because the water treatment plant is still in the area.

Vice Mayor Dolan would support the first three decisions that need to be made. She is not sure about the SNAP recipient exception because it might be hard for them to come up with $15 a month. Dr. Wodicka reiterated that none of them love it but there is reasoning behind it. Councilmember Helgeson noted it is giving a benefit to a select group at the expense of others.

Councilmember Nelson understands all the points and agrees with the recommendations. He is grappling with not being environmentally conscious when we are offering no incentive for people to conserve and be efficient and lower their use. There is no practical limitation to the average person. It encourages waste and discourages recycling and incentivizes the quicker exhaustion of our landfill. Now everything discarded has a consequence to it. If people do not need to recycle, they probably will not recycle if it does not affect their pocketbook. He would like a good answer for that to be able to justify saying that Lynchburg is not environmentally conscious when it comes to our landfills and our waste.

He understands why the residents of Tyreeanna were given free trash service. They were convenient to the landfill and they had to endure the smell. The landfill is no longer there and there is the 17 percent cost now of picking up their trash and taking it to the regional landfill. He would need to know the rationale for the exemption before he would vote to continue it. He would like to see the minutes from the meeting where it was discussed. Ms. Hart indicated that it was the truck traffic and the landfill odor that was the theory behind giving those residents free trash service.

Councilmember Perrow thinks they are missing the big question and that is whether we want to move this to a utility or keep it as a service. He is no sure how he feels about the education position. He needs to look at that in the overall budget. He likes the multiple cart sizes. He thinks they should go to monthly billing no matter how this goes. He is hopeful they will generate a lot more revenue through a monthly billing process. He asked if there are any residences that have reductions in their utility bills or waivers. Dr. Wodicka said there are none. He said the recommendation is not being made because of the administrative hurdle. They feel there needs to be a wide net cast for who is paying for the fee and that it needs to be fair. Councilmember Perrow said he agrees it needs to be fair. If we go to this system, everyone needs to pay into the system. Maybe some people pay at a reduced rate.

Dr. Wodicka explained that the way that population exists makes it very difficult to track and know where they are because the transiency rate is so high. In order to keep it fair, you would need to add people just to track down folks and that is not a reasonable thing. Councilmember Perrow suggested staff not actively pursue them but a person would have to apply for a reduced rate. Dr. Wodicka indicated all these options were discussed but they kept coming back to the same thing.

Councilmember Perrow asked for more explanation on the slide showing the projected revenue. Dr. Wodicka explained that if Council adopts this revenue and fee structure that over time, the amount of money that would typically be used for other governmental services reduces over time rather than going to refuse collection. Councilmember Perrow would like to know what the budget is for trash now and what is it estimated to be going forward and how are we going to pay for it. Dr. Wodicka said these numbers are based on the SCS study. He cannot quote them exactly but they will go approximately 5 percent a year after the initial 18 month period at \$15.02. Councilmember Perrow would like to know what the cost to citizens is now and how that will carry forward so we can accurately understand. How many pennies on the dollar are being spent from real estate taxes for trash service? Dr. Wodicka said it would be somewhere close to the third column. Councilmember Perrow estimated it is approximately 3 cents of the tax rate in year 2022 and going forward it jumps up to around 4 cents. He wants to be clear because this is effectively a tax increase through fees to our constituents.

Councilmember Helgeson thinks that if everyone has to pay the same amount that they will not spend money on gasoline to recycle. They will just throw it all in the can. He would like to them to think about how they can treat this as fairly as possible as a service to our citizens. He does not think hiring another enforcement person is a good thing because it is going to raise the eventual cost of the utility fund. He does like the choices for cart sizes. He does not know how they can call this a utility fund because if he uses less water and sewer, he pays less for it. He does not think it is a good element to fairness if some people have to pay more so some people can pay less. He would like to look at going back to how it used to be.

Councilmember Nelson noted it is being suggested that there will be a savings that will benefit the general fund. Dr. Wodicka said that would be a reasonable way to read it and that is what they were trying to say in the footnote on slide #19: "Surplus from General Fund savings from FY2026-2029 will be applied to future refuse capital costs." Councilmember Nelson asked for clarification that it would not go toward operating costs or to schools but will go to refuse capital. Dr. Wodicka said that is the importance of eventually creating an Enterprise Fund similar to the water or sewer funds.

Councilmember Wright asked if it is sort of being acknowledged that people overfill their trash cans anyway and we are just recognizing reality by providing a bigger container (possibly later). He agrees that they may be disincentivizing people from conserving and throwing away less. Mayor Tweedy asked why the 96-gallon can is being phased in later. If people overtop the 64 gallon container, are we just kicking the can down the road?

Mayor Tweedy said giving people on SNAP free trash service is counter to what we are trying to do as a City's goal of increasing people's incomes, behaviors and opportunities. She thinks this ties into the financial management and financial literacy piece we are pushing through other programs. For her, the key is that a person is not going to be on SNAP indefinitely. She is interested in what qualifies someone to be on the tax relief program. Ms. Witt those on that program have to own their own home and cannot have additional persons living with them that would have additional income. It is also based on income and investments. Ms. Witt said it would create an administrative nightmare to try and keep track of who is living in that property when it comes to utility billing. She acknowledged it would be easier for those on the tax relief program because they own their own homes.

Councilmember Perrow made a motion, which was seconded by Councilmember Nelson, to begin the process of going to a monthly utility billing system. Councilmember Helgeson is not sure why they would need an education and enforcement position added then. Other members of Council and Dr. Wodicka said the enforcement and education person will be needed mainly for the bulk and brush pickup piece. Ms. Svrcek said it is important to how you want the City to look and Councilmember Helgeson said he would love it to look clean like it used to be. Ms. Svrcek said our population used to be a lot less than it is now and our environment has totally changed. Councilmember Helgeson noted that density has been pushed for the last twenty years. Mayor Tweedy said we are here now and we are projected to grow to 92,000. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

Mayor Tweedy and Ms. Svrcek clarified that the education position does not need to be voted on tonight and it is mainly needed because they will be going to a new bulk and brush program. Ms. Svrcek said it will come back to them for consideration in the budget one way or another.

Councilmember Wright made a motion to move forward with multiple cart sizes (32 and 64 gallon). The motion was seconded by Councilmember Nelson. He asked for clarification that the fees are not being set at this point because he did not wish to second the motion if is setting the same fee no matter the cart size. Dr. Wodicka clarified that the fees will be set during the budget process. Mayor Tweedy wondered if that is going to keep our

City clean if we are continuing to use the same size carts. Ms. Svrcek said that is another reason we need another enforcement person. Dr. Wodicka noted that based on citizen feedback, they did not want a 96 gallon cart, especially if there would only be one cart size. Ms. Hart said one reason we would not offer a 32 and a 96 gallon cart at this time is that they need to phase in the purchase of the 96 gallon carts. Councilmember Nelson pointed out that a person could pay for a 32 and 64 gallon cart and end up with 96 gallons. It was clarified for Council that a person will have to pay the monthly fee per cart. Councilmember Perrow thanked them for listening to the citizens because some people only need a 32 gallon container and the topography in Lynchburg presents many challenges for citizens to get their cart to the curb. Councilmember Helgeson agrees with having different cart sizes but this has no bearing on charging the same fee for either size container or going to a utility fee in general because he does not agree with that. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

Councilmember Perrow made a motion to remove the exception for SNAP and tax relief recipients. The motion was seconded by Councilmember Helgeson. Councilmember Perrow said he made this motion to support staff. If Council is not going to support staff's recommendation, he would suggest staff come back to them with some options. Councilmember Helgeson said he seconded this motion out of fairness and equality. Some people should not have to pay more so some people can have free trash service. The motion passed by the following vote:

Ayes:	Helgeson, Nelson, Perrow, Wilder, Wright	5
Noes:	Dolan, Tweedy	2

Mayor Tweedy clarified that she voted no because she wanted more information on the tax relief recipients. Councilmember Wright noted they can revisit this issue during the budget process if someone would like to make a motion to reconsider it at a later time.

With regard to discussion of the Tyreeanna neighborhood exception, staff will bring this back to them for discussion at a later meeting.

// In the matter of Parking, Agenda Item #2., Mr. Dave Malewitz gave a Presentation on the 2019 accomplishments of the Lynchburg Parking Authority and the Parking Management Department. On June 12, 2018, the Lynchburg Parking Authority approved the Riverfront Paid Parking Project. City Council authorized the purchase of four parking meters the following September. After the completion of paving in several lots, paid parking operations began in February 2019. Some goals for success were to implement permit and paid parking for more effective and efficient lot management; create parking space availability; encourage vehicle turnover through hourly time limits and paid parking; create a more aesthetically pleasing parking experience through paving and improvements and improve parking lot safety.

Some of the forecasted initiatives were getting the right message to the public; allowing time for education before ending ticket warning period; effectively monitoring the whole area; responding to business concerns; having a good mix of hourly and permit parking in the off-street lots and a paving schedule and funding to complete work. He showed them some examples of the outreach and signage done for the public. Parking staff received a lot of positive feedback from these efforts.

Mr. Malewitz reported the following successes: vehicle turnover and space available for visitors; businesses pleased that parking is available; created dedicated permit parking spaces in Riverfront and Depot Lots; flyers helped educate drivers on program; painted parking spaces have maximized use of parking lot and safer parking lots for driving and walking.

Councilmember Perrow what the plans are to increase transient parking or incentivize the use of it. Mr. Malewitz said permit parking seems to be successful in the Mosaic Lot so they may want to turn it back into a permit only lot. He also commented that 55 parking spaces in the Riverfront Lot were dedicated for business use. A lot of the visits are at night, so you may not see a lot more revenue until there are more daytime activities occurring in the area. Councilmember Perrow asked for clarification that a person can park anywhere in the Riverfront Lot on the weekends and evenings and was told yes.

Some next steps will be the Canal Lot – currently continuing discussions with Amazement Square; paving other half of lot when funding available and the Jefferson Street Lot – reviewing lot operations once CSO 56 project has Begun and then operate lot as permit and hourly parking. There will be public outreach beforehand.

Councilmember Nelson asked Mr. Malewitz if the busses dropping off children at Amazement Square and being allowed to stay there during the visit is being resolved. Mr. Malewitz said they worked with Amazement Square and resolved the issue so the children can be dropped directly in front of the door and the busses can pull to the back of lot during the visit.

In answer to a question from Councilmember Helgeson, Mr. Malewitz said the downtown parking budget is approximately $560,000 and they are net zero because they are bringing in $560,000 in revenue. Councilmember Helgeson asked if they are getting a lot for that money. Mr. Malewitz said he believes so because the enforcement piece is huge and it pays for the enforcement personnel. The turnover helps our downtown businesses thrive and succeed. The turnover would not happen without enforcement.

Mr. Malewitz went over the goals of the Lynchburg Parking Authority 2019-21 Comprehensive Work Plan, which were to refocus priorities on achievable goals for the Parking Authority and design goals to complement and build off of the Downtown 2040 Master Plan. Its vision included community engagement; communication; development impact on parking inventory; effective monitoring and enforcement of parking behavior; sustainable development and alternative transportation and incorporate recommendations from planning studies into parking management operations.

Some of its goals are strategic parking plans; management of monthly parking permits; community engagement and communications; technology plans for parking operations; parking policies examination and an inventory of private parking lots in the central business district; efficient management of public parking lot operations; maintenance program for parking facilities and Lynchburg Parking Authority Work Plan Update.

He outlined some of the current progress: completed recommendations from 2007 Carl Walker Parking Study; Parking Permit Management Committee formed and reviewing processes; Website and brochure communications being updated in-house and Downtown 2040 Master Plan strategy sessions are in progress.

Some steps to move the ploan forward are an established timeline for established goals; achievable goals; staff resources, involvement from community, funding opportunities and potential public private partnerships.

Councilmember Perrow thanked Mr. Brandon Farmer and all the other members of the Parking Authority. It is a thankless job and he noted that the parking enforcement personnel are not people that citizens look forward to seeing. It is a tough job. Councilmember Nelson echoed those comments. He noted he served on the authority for six jobs and one does not hear a lot of happy comments from constituents. He thinks it is impressive as to where we have come through so many challenges and they are doing a great job. Councilmember Wilder asked if we are having good utilization of the Passport parking app. Mr. Malewitz said there is good utilization, especially at the Midtown and Crossroads parking lots.

// In the matter of Roll Call, Agenda Item #3, Councilmember Wright congratulated the City on the ribbon cutting and reopening of the Jefferson Park Community Center. He thinks making these centers more usable and pleasant for the neighbors is one of the coolest projects the City does.

Councilmember Wright went to a Tinbridge Hill neighborhood meeting recently and he appreciates all the staff and public coming out to give their input. He will also be attending a Daniels Hill historic community meeting on Thursday at 7:00 p.m. He would like a staff member to attend as they have some concerns with the new development coming on Cabell Street and some parking challenges.

Councilmember Nelson said he attended Ms. Dominique Nelson's Civics class last week at Dunbar Middle School. It was a delightful experience with very sharp students and he showed the card they made for him.

Councilmember Perrow noted we had one of the best Physical Development Committee meetings today that we have had in a long time. Staff prepared for it very well and we went through a lot of information.

Councilmember Nelson and Vice Mayor Dolan had no items.

Mayor Tweedy reiterated that the Jefferson Park Community Center was a great event and it is the fourth center to be renovated. She had a great time with Ms. Nelson's class as well. She also mentioned that she attended the Virginia First Cities meeting in Richmond recently. Councilmember Perrow attended as well. He has served as our representative on that and she thanked him for him time on that committee.

// The meeting was recessed at 6:01 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present:	Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling Wilder, Beau Wright, Treney Tweedy	7
Absent:		0

// Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Miss Annie Townsend and Miss Landis Townsend were present to challenge the Mayor, Vice Mayor, City Council, and the Lynchburg community to participate in and endorse Lighten' Up Lynchburg, which is sponsored by the Mayor's Youth Council. The race will take place on March 7 at 10:00 am at Peaksview Park.

// In the matter of Consent Agenda, Agenda Items #4, 5, 7, 8 and 9 (six removed because Vice Mayor Dolan had abstained), Councilmember Perrow made a motion to approve the consent agenda, which was seconded by Councilman Helgeson and passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright,	7
Nos:		0

// In the matter of Consent Agenda, Agenda Item #6, Councilmember Perrow made a motion, which was seconded by Councilmember Helgeson to approve. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright,	7
Nos:		0

// In the matter of Community Development, Agenda Item #10, a public hearing was conducted to Public hearing to receive citizen comments regarding the Community Development Block Grant (CDBG) and HOME Program Housing and Non-Housing Goals for the development of the Program Years 2020-2024 (Fiscal Years 2021-2025) Five-Year Consolidated Plan and adopt a resolution approving the Housing and Non-Housing Goals. Ms. Melva Walker provided Council with a summary of the agenda item.

Mr. Jeff Smith of Rush Homes was present to speak in favor of the plan. He fully supports the housing and non-housing goals of the plan. The issue of affordable housing came up over and over again in the stakeholder meetings. They support family stability and believe that affordable, appropriate and decent housing is the basis for it. He would like to caution them on mixed income housing. It only takes one or two instances in mixed housing to give that housing a problematic reputation. It needs to be done carefully and cautiously.

There was no one else that wished to speak either in favor or in opposition to the agenda item and she closed the public hearing portion. She turned to Councilmember Wright, the chair of the Community Development Advisory Committee (CDAC). He thanked the City staff for its really diligent and skillful administration of the City's CDBG and HOME funds. CDAC made one change to goal four to align it with Economic Development's Blueprint for Opportunity. CDAC recommended approval of the goal and he made that in the form of a motion. Councilmember Wilder seconded the motion and said he is so thankful that we have these funds to help people transition into more stable housing.

Councilmember Helgeson noted that he and the former Mayor Gillette crafted these goals and they talked about home ownership and now those are being stricken with these new goals. Rehabilitation and homeownership goals are being replaced with having permanent rentals. He does not think that having a goal of permanent rentals as opposed to home ownership is the direction that we want for the City. He cannot support these proposed goals and would like the previous ones to remain in place.

Ms. Walker explained that the term "sales market" certainly refers to home ownership. They worked with a consultant to revamp the goals but they have not taken away the home ownership component. She does not think revising the two goals takes away home ownership in any way, shape or form.

Speaking as the Chair of the Lynchburg Redevelopment and Housing Authority, Councilmember Perrow thinks these goals that the authority could get behind and support. He would suggest editing the first goal to: "Support initiatives to increase permanent affordable housing in ~~both~~ the rental ~~and sales~~ markets. <u>Increase the number of owner-occupied units.</u> Emphasis to be placed on mixed income and inclusive communities." Councilmember Wright accepted that amendment to his motion.

Councilmember Helgeson wanted to know what was meant by "Support the improvement to public facilities and infrastructure." Other members of Council said it would be a community center, for example. Councilmember Helgeson wondered if this should go under non-housing goals. Councilmember Perrow felt it should be under housing goals because there is public housing that is owned by the housing authority.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of Community Development – Conditional Use Permits, Agenda Item #11, a public hearing was conducted regarding the petition of Rush Homes, Inc. for a Conditional Use Permit at 2117 Florida Avenue to allow the construction of a forty-eight (48) unit apartment complex in a B-3, Community Business District. Ms. Victoria Glasgow provided Council with a summary of the agenda item. Mr. Bill Berkley of Cardinal Survey & Design was present to represent the petition. He does not think Rush Homes needs much introduction in providing housing for unique populations in the City. He pointed out that there is a bus stop and shopping close by, which is important to the population it will be serving.

Mr. Jeff Smith of Rush Homes explained that they reviewed ten sites in partnership with LRHA and found this one to be the most suitable. Rush Homes will be the developer and property manager. LRHA will provide project based vouchers and will provide some construction management during the project. A community meeting was held and the biggest fear expressed by the 16 attendees is that this would become another James Crossing. Rush Homes is a local property manager. Mr. Smith lives here and it is important to him that this works for our community. He gave them an overview of the type of units and the type of users it will serve and assured them that there were so many things about the site that made it the perfect choice for what they are trying to accomplish.

Mr. Nick Pontius from Ward IV spoke in favor of the petition. He is a volunteer for Rush Homes and he really feels this site is a great site and a great opportunity for Rush Homes.

Mr. Michael Linthicum who lives near the site spoke in opposition to the petition. He does not think it is a good idea because they are having problems with getting the sidewalks and streets repaired. He has to pick up litter constantly and the traffic is bad. He would prefer to see something like a technical college at this site.

Mr. B. B. Shavers spoke in opposition of the petition. He did not like the term "these people" being used because it is disrespectful to people at James Crossing.

Ms. Janice Linthicum spoke in opposition to the petition. She would prefer an owner live here than for it to be rental property. She thinks that eventually it will be the same as James Crossing. She thinks everything goes in this neighborhood like the Juvenile Detention Center and a probation and parole office. These types of things do not go in Boonsboro or Ivy Hill.

Dr. Monroe Baldwin, a teacher at University of Lynchburg, spoke in opposition to the petition. They are trying to bring health care into James Crossing. He noted that there are no doctor's office or clinics in the Campbell Avenue or Florida Avenue area. He thinks it is a better idea to distribute low-income housing around the city and not put them all in one place.

A man spoke in opposition (he did not give his name) to the petition because he thinks there is the potential for the population living here to be victims of people who prey on the most vulnerable. He loves what Rush Homes does in the community but is not sure this is the right location. He knows of a physically challenged person being exploited currently at James Crossing.

Mr. Michael Gillette spoke on behalf of the Projects Committee that has been working on this project. He commented that Rush Homes takes very seriously the idea of integrating its housing throughout the City. It also takes very seriously the need to partner with organizations such as the Housing Authority and Miriam's House in order to leverage the opportunities to serve an unmet need in the City. Rush Homes has a waiting list for housing for low-income disabled persons. There is on-site support for the individuals who will be living in these units. This will go a long way toward addressing some of the problems expressed by citizens this evening. It is the perfect location because of transportation access, shopping nearby and it is not in an area that is thick with rental units. There is a great deal of single-family housing in the area. When he served on CDAC, they always knew that Rush Homes was a great partner because it would spend the money the way it was supposed to, do it in a timely fashion, create a quality project and not walk away when the project was done.

Mr. Gillette noted that they looked at several locations and that, in fact, Rush Homes has developments all over the City. They have to take sites that are available but if someone knows of a suitable site in Boonsboro, they would be happy to look at it. It is also not Council's job to decide that it would be better to have a doctor's office or some other business at a location. What is on the table right now is a proposal to do some very good work for some people who desperately need this opportunity.

Mayor Tweedy closed the public hearing portion of the petition. Councilmember Helgeson asked why the zoning is not being changed from its business zoning to residential zoning. Ms. Glasgow explained that B-3 requires commercial on the first floor and residential above and calls for a conditional use permit (CUP) for any other residential uses. The Campbell Avenue Corridor Study identified this area as a mixed use area. This project would fulfill that requirement in the plan because it is residential near commercial and also fits the *Future Land Use Map (FLUM).* Councilmember Helgeson noted that since it is a CUP, the CUP could be revoked if there is trouble, as opposed to a rezoning. Councilmember Helgeson noted that it seems strange to him that they keep having apartments put in business zones. He is not referring to this project specifically. He is talking about putting residential in a commercial zone without changing the underlying zoning.

In answer to a question from Councilmember Wilder, Mr. Smith said they cannot rent to anyone under the age of 18 and they cannot be a student. The average age is around 55 to 60 years of age. In answer to another question from Councilmember Wilder, Mr. Smith said he was not aware of any problems for the neighborhoods created by their other developments. Whatever problems are presented, they have been able to overcome.

Councilmember Perrow noted that although he and the Mayor serve on the Housing Authority, they do not receive any compensation and do not have a conflict of interest. The City Attorney confirmed that it is correct that they have no conflict of interest as defined in the Conflict of Interest Act. Councilmember Perrow noted that the Housing Authority is in support of this project and the interim director spoke at the Planning Commission meeting with the board's endorsement. Councilmember Perrow noted that he had the same concerns expressed by the citizens here tonight. He has learned a lot about the history of the James Crossing Apartments and the problems that have evolved from it over the years. He noted that a commissioner pointed out that if someone has lived in that area all their life and needs to move into a facility due to accessibility reasons, they would have to move a good bit away and would not be able to stay in their community. That argument really swayed him. He has seen the good work that Rush Homes has done and believes they will manage it very well. This needs to be a good project because this neighborhood needs a quality place for seniors to live. He thinks there is a lot of value in that possibility and he would make a motion to move the resolution. The motion was seconded by Councilmember Nelson.

Councilmember Nelson noted that he agrees with the points made tonight by citizens. He does not think we should concentrate that of low income in certain areas. He noted that James Crossing and this model are completely different. James Crossing is owned by someone all over the East Coast and its investment in the community is minimal, if nothing. This project is different because it has three partners that have a track record of success of bringing forward good housing and quality of life in Lynchburg. He feels confident that the residents will not be preyed upon because of the oversight of these partners. With regard to home ownership, he does not think that these residents have the wherewithal to own their own home. They need affordable and quality housing. It is near a grocery store and not in a food desert. People can find points to criticize about it but he thinks it is a positive decision in terms of location.

Councilmember Wilder noted that this project meets many of the goals of Bridges to Progress such as affordable housing, food deserts and transportation barriers. He has seen Rush Homes' other projects and how they have managed those properties with wraparound services. He has trust in Mr. Smith and Rush Homes. For all these reasons, he does not think that this will be a situation like James Crossing and he will support it.

Councilmember Perrow noted that LRHA is really concentrating efforts to assist the whole area along Florida Avenue and make it a better place for everyone to live and work and play. The Housing Authority is also supporting an interested developer through conduit bond funding, which will completely renovate and redo the James Crossing Apartments with a new management and ownership team. LHRA was able to extract concessions from the developer and established a deep relationship with them.

Vice Mayor Dolan understands the concerns of the neighbors but is so confident about the quality of work that Rush Homes does in the community that she is very comfortable with this project. We are talking about providing affordable housing and this fits right in with our initiatives.

Councilmember Helgeson said he was glad to be reminded by Mr. Gillette that Rush Homes is not an unknown entity. He likes the idea of the on-site personnel and noted that they are granting a CUP and not a rezoning. He also commented that the concept plan says they will preserve trees in the front. From the photo provided, it does not look like there are any trees in the front. Ms. Rachel Frischeisen noted that aerial photos are intentionally taken when the leaves are not on the trees. There are definitely trees in the front of the property and if there are not, there is a requirement for street trees anyway.

Mayor Tweedy is very familiar with this project and this area because she sits on the Housing Authority and has family and friends that have lived in this area for years. She noted that this is the first time that they have had an owner that was willing to sit down and work with the City. Change takes time and the developer has been willing to listen to the City's concerns. The investor is putting in to the tune of $28 million in the bonds. The project may cost as much as $40 million. They are investing in the people as well. Rush Homes is a responsible partner and have proven to do quality projects. She also reminded everyone that Council pledged to invest money into the Florida Avenue sidewalk project in the last budget year discussion. This is an area of town that was not being invested in other than a detention center, but where public investment is, private investment follows. In response to a request for a vocational center, she noted that Virginia Career Works is right next door to the Jubilee Center. Everyone needs to do a better job of educating the community of what and where the opportunities are, as well as do the investment. Council hears "not in my background" often and they have to make their decisions based on the merit of the project, the developers and the plans. For these reasons, she will be supporting it and looks forward to the outcome, the results and the quality that will be in this area.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of Community Development – Rezonings, Agenda Item #12, a public hearing was conducted regarding the petition of Best Choice Homes Inc. to rezone approximately one and forty-six hundredths (1.46) acres at 1001 Oakmont Circle from R-1, Low Density Residential District, to B-3C, Community Business District (Conditional), to allow the use of the existing structure as an office and to allow the construction of a parking area. Ms. Frischeisen gave a summary of the report to Council. Ms. Amy Seipp of Accupoint Surveying and Design was present to represent the petitioner. The home will be updated and she explained that the petitioner is a realtor and would like to keep his business in Lynchburg. The reason he is requesting B-3 is so that the parking area can be put in front of the building as opposed to the rear right next to single-family homes. This use should create a nice transition from commercial fronting Timberlake Road into the single-family neighborhood. The petitioner has been active in talking to the neighbors and addressing their concerns. They feel that he is the ideal occupant as he is a residential realtor and knows how to protect neighborhoods and will be very aware of the neighbor's needs and concerns.

Mr. John Myers, a resident of Oakmont Circle, spoke in favor of the petition. He is very positive about the project as it will be an update to the property. He does not feel that the few cars that will come to the office each day will create any problem.

Ms. Danielle Ott, a resident of Oakmont Circle, spoke in favor of the petition. Her back yard abuts this property. She cannot imagine a family ever living in this home and she thinks a small business is the best use for the property. The improvements to the property should help the property values in the neighborhood as well.

Ms. Diane Candler, a resident of Oakmont Circle, spoke in opposition of the petition. They have been experiencing drainage problems since developments started going in on Timberlake Road. There are drainage problems at the back of 1001 Oakmont Circle as well. She is concerned with the traffic as there have been several accidents at the intersection with Timberlake Road. She was involved in one that was very serious. It is impossible to get across Timberlake Road during peak hours. She has a problem with it becoming a business because the parking lot will make the existing drainage problems worse.

Ms. Joan Spry spoke in opposition of the petition. She mentioned that the traffic is horrible and it is scary to think of a business going into the property and making it more difficult for people to get down the street. She is concerned about the drainage problem as well. She thinks they need a right hand turn lane on to Oakmont Circle or a traffic light. She would also like to see the issue of people speeding on Oakmont Circle rectified.

Ms. Seipp pointed out that the traffic into this business will be almost as low as a single-family home because as a realtor, he will be out showing homes. The intersection has been studied by VDOT and it is recommended for that crossover to be closed within the next few years. With regard to the drainage issues, they are not allowed to have any more water leave the site than currently does. They will use best management practices to contain all the water that will be coming off the parking lot.

Councilmember Helgeson is concerned with the property being zoned to B-3 because other properties around it are B-1. If this business leaves, something like a McDonalds could go in. Ms. Seipp said the driving reason for the B-3 zoning was to allow for the parking lot to go in the front rather than in the back. From a common sense perspective, that makes more sense than leaving the large expanse in the front. Councilmember Helgeson noted that he appreciates that because it better protects the neighborhood. Ms. Seipp explained that the proffer to be in substantial compliance with the site plan means that a McDonalds could not go in there without coming back to Council. You could not even expand this existing real estate office in the future without coming back to Council because that would not be in substantial compliance with the site plan. Ms. Frischeisen noted that the petitioner added this proffer after the Planning Commission because of concerns from the neighbors.

Councilmember Helgeson suggested that a right hand turn lane on to Oakmont Circle would be a good idea. Ms. Seipp said the City has plenty of right-of-way to do so if they chose. Ms. Frischeisen said a turn lane was not required by the City Engineer. This use did meet the threshold for a right turn taper to be required. If the traffic warrants it, it sounds like it is a something for the City to do rather than this petitioner. The number of daily trips generated by a single-family home is ten and this use will not generate any more trips. He will be out during the day showing homes and there will occasionally be visitors to the office. It might actually generate fewer trips than a busy residential home.

Councilmember Helgeson wondered what could go in here as a B-3 that would be an intensive use. Ms. Frischeisen explained that no matter what goes in here, it has to fit in the existing building and parking lot, so it could only get so intense. A restaurant could go in but it would likely not have enough parking. The biggest assurance the neighbors have is substantial compliance with the site plan. If they deviate much from the footprint of the building or the parking lot, it has to come back to Council. The building is approximately 2,200 square feet.

In response to a question from Councilmember Wilder, Ms. Frischeisen noted that a traffic study was not required because it did not meet the threshold of 50 peak hour trips. She cannot imagine a use that would generate 50 trips in an hour in this small of a building. In response to another question, she said that the response at Planning Commission from neighbors was overwhelming positive. He asked if staff is comfortable with the stormwater plans. She said they are not designed at this time but our Environmental Reviewer will make sure it complies with all DEQ requirements both for quantity and quality. There are inspections to make it is installed and maintained properly.

Councilmember Wright made a motion to approve the resolution for the *FLUM* amendment. The motion was seconded by Councilmember Perrow. Councilmember Wright supports the petition because it will be an improvement to the property, the neighbors are protected from something like a gas station and the low traffic impact. He thinks this is a good use of the property and commended Mr. Miller for his outreach to the neighborhood. He also noted that the neighbors spoke very favorably of the project at the Planning Commission meeting.

Councilmember Perrow noted that if Mr. Miller sells the property and another use goes in, it would likely be a professional office and that is consistent with what is being talked about. It will have to be a low intensity to comply with the concept plan. Most of the properties fronting Timberlake Road have gone to commercial and it makes sense to change the *FLUM* and the zoning. He thinks it offers good protection for the neighbors. If the neighbors are concerned about traffic, he would encourage them to talk to City staff about a traffic management plan. He would be interested to know whether or not VDOT's traffic study called for a right turn lane here.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

Councilmember Perrow made motion to approve the rezoning, which was seconded by Councilmember Wright and passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of Community Development – Rezonings, Agenda Item #13, a public hearing was conducted regarding the Petition of FNB Property Corp. to amend the Future Land Use Map from Low Density Residential to Neighborhood Commercial and to rezone approximately two and two hundredths (2.02) acres located at 5010 Boonsboro Road from R-1, Low Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a four thousand five hundred (4,500) square foot bank building with associated parking.

Councilmember Perrow announced he would be abstaining from the vote because he owns shares in First National Bank and Bank of the James. He also serves on the Bank of the James advisory board. Since he is a member of a group that has more than three members, the Conflict of Interest Act would allow him to participate. He could participate fairly, objectively and in the public interest but realizes that his impartiality could be called into question. He has never been accused of dodging a vote and takes them all head on. For him, to be put in a binary decision where he may be perceived as being impartial and one of those decisions crosses his ethical line, therefore he is asking Council's permission to abstain. Councilmember Perrow left the dais.

Ms. Frischeisen gave Council a summary of the report. Mr. Doyle Allen of Hurt & Proffitt came forward to represent the petitioner and the owners of the property. He addressed the "ongoing reduction of land for single-family development" concern. The potential for this property is 15 lots. However, due to the topography and sewer availability, it is not possible to get 15 lots on the property. The cost of developing this property for a maximum of three lots would exceed the value of the lots. If the property could truly be developed into 15 single-family residential lots, staff's concern would be valid.

He addressed the *FLUM* designation not supporting the proposed use. He analyzed the rezoning petitions for the last two years and approximately 75 percent of them required a *FLUM* amendment, including the preceding rezoning petition Council just approved.

Another of staff's concerns was that this could set a precedent to expand the commercial uses along the corridor. Since going to Planning Commission, the concept plan has been revised to only include approximately two acres leaving an R-1 buffer on the subject parcel. This is simply a request to expand the existing neighborhood node that already exists and is not spot zoning.

Mr. Todd Hall, president and Chief Executive Officer of First National Bank spoke in favor of the petition. The bank has a vested interest in the City and wants to be part of mutually beneficial opportunities. He mentioned that they constructed their headquarters on Odd Fellows Road and built a branch on Old Forest Road and have also put a branch downtown. They absolutely want to do the right thing and be a good neighbor. They are willing to offer the R-1 area to be perpetual green space. It was suggested that it be conveyed to the neighbors but they think it is better for them to keep it, maintain it and pay the taxes for it.

Mr. Harry Coffee spoke in favor of the petition. He lives on Burnt Bridge Road. He thinks this will be a great improvement to the area and he pointed out that there is a bank across the street. He has spoken to several of his neighbors and they are definitely in favor of this project.

Mr. Harry Flint, who represents the owners of the property, spoke in favor of the petition. He noted that several citizens have written letters of support. He noted that people like to be able to walk to businesses and as a realtor, he knows that banks are great neighbors. They are quiet, do not operate for long hours and take a lot of Mondays off.

Mr. Sam Hubbard, a resident of Boonsboro Road, spoke in favor of the petition. He is part owner of the property and grew up in the house on the property. The area has grown so substantially with a lot of commercial uses in the area and it is no longer suitable for a single-family residence. The owners have been trying to sell this property for some time but they were not comfortable with previous proposals. They are very pleased with what the bank is proposing to do on this site and think it provides a good buffer for the residential properties around it. He still lives in the neighborhood and it is important that this property be developed as a good fit for the residents.

Ms. Jane Blickenstaff of Blickenstaff & Company Realtors spoke in favor of the petition. She thinks this bank will be a wonderful architectural gem into the business 501 corridor. She understands that there are 12,000 trips a day past this site and she does not think that people want to live on such a busy road. She projects that the potential three houses that could be built on the site would probably be rental property. This site is part of a commercial node and is hooked on to Walgreens. She also pointed out the three acres that are being preserved to protect the Royal Oak area. It is a perfect spot to stop future commercial development and keep it all in one particular spot. It will increase taxes and add employment.

Ms. Ellwyn Andrusky spoke in opposition of the petition. Her property adjoins this property. She thinks this will adversely affect her property value. She thinks there will be a lot of lighting at night as well. She does not think that there is a need for another bank in the area and there are rental vacancies at Village Court. She noted that a profession planning company did a study for the City and did not recommend commercial along this corridor. Staff is also not recommending approval of this request for reasons from the *Comprehensive Plan.*

Mr. Alan Andrusky spoke in opposition of the petition. He has interests in the adjoining lots. He thinks this is spot zoning for a use that serves the private interest of a few. It is a 24-hour commercial facility with 24-hour pedestrian public areas, lighting, signs, noise and headlights encroaching on a quiet neighborhood. He has not received any assurance that his property values will not be affected. He does not think it will help anyone to want to purchase and build a single-family residence on the adjoining R-1 vacant lots. The “stop light” to prevent this commercial expansion was set in 1978 and it is unjust to move it now for the residents who have already invested in their residences.

Mr. Maynard Jones spoke on behalf of the Boonsboro/Peakland Neighborhood Association in opposition of the petition. They would them to uphold the decision of the Planning Commission. He sent them a letter last week outlining seven reasons not to support this rezoning. He will not repeat them out of respect for their time but is there to answer any questions they might have for him.

Mr. Doyle Allen pointed out that the R-1 portion they are not requesting to rezone will leave a substantial between this property and Ms. Andrusky’s. This buffer should also ensure there is no decrease in her property value. He confirmed that there are 12,000 vehicles going by this property daily and he does not think anyone wants to live in a house 40 feet off such a busy road.

Mr. Flint pointed out another letter of support he has from someone living on Englewood Street. He said there is no groundswell of opposition to this rezoning. The house has been vacant for 15 years and it is an improvement to a gateway to our City on a U.S. highway.

Councilmember Helgeson noted that this property abuts Walgreens. It has also been well defined that it cannot be used for a bunch of houses. He thinks it is critical to have a branch bank to serve the people of Boonsboro. He also pointed out that this is improving a property that has been vacant for 15 years, grow our tax base and employ people. He appreciates that the bank is asking for the lowest intensive commercial zoning and has removed three acres from its request. When things make sense, we do them. They have received a lot of emails in support of this petition.

Councilmember Helgeson made a motion to approve the *FLUM* amendment. It was seconded by Vice Mayor Dolan. Vice Mayor Dolan agrees with all the comments made by Councilmember Helgeson. She walked the property and listened to traffic whizzing by her. There is no way anyone would want to live there. She thinks it will improve the Scenic Corridor.

Councilmember Nelson agrees that we need to protect our R-1 property. We only have 3,000 acres left. We also need to protect our Scenic Corridor gateways. The topography of this property would require a tremendous investment to make it buildable. He does not think that it will ever get developed and noted that could be a good thing because it is an attractive, natural setting. Ms. Andrusky had mentioned $60 million dollars in residential developments in the area but Councilmember Nelson pointed out the ones she mentioned do not front on a busy highway.

He appreciates Mr. Jones’ efforts to preserve the corridor but thinks that it will be better preserved if this bank goes in as opposed to three to five homes being built on Boonsboro Road. That is because all the trees would have to be taken down and you would have front yards and driveways and the face of a house. He does not really consider that a scenic corridor. This concept plan is showing approximately 250 feet of woods that will be preserved, which is better for the scenic corridor, as well as leaving the back of the property preserved. He thinks approving this plan is smart growth and promotes the scenic corridor and he will be supporting it.

Councilmember Wright agrees with the comments made by Councilmember Nelson. He would like to know if the proffer to make the three acres permanent green space has been formally submitted. Ms. Frischeisen said a proffer has not been submitted and the concept plan does not specifically that this will be maintained as permanent green space. Councilmember Wright supports this motion and rezoning because it has this area has had a commercial history for years. It is a good use of the property and it is walkable. There is also a bank across the street. It is not out of character for the neighborhood. They have received many emails and phone calls from people in support which speaks to its approval, generally speaking, in the community.

Councilmember Wilder is in support of this petition for the same reasons already stated. He also walked the property and does not think it is suitable for houses. It has been vacant for years and it will be good to have something there at the gateway to our community.

Ayes:	Dolan, Helgeson, Nelson,Tweedy, Wilder, Wright	6
Nos:		0
Abstentions:	Perrow	1

Councilmember Helgeson made a motion, which was seconded by Vice Mayor Dolan, to rezone the property. Councilmember Nelson asked if the petitioner is prepared to add the proffer about the permanent green space. Much of his support was based on that representation. Mr. Allen said it has not been added but they are willing to do so. He showed them on the concept plan where a line is shown as the limits of disturbance. Ms. Frischeisen said that would not prevent them from clear cutting the trees just disturbing the ground.

Mr. Erwin explained that State Code prevents Council from accepting a brand new proffer at tonight's meeting. Only an existing proffer can be clarified or tweaked. Council would not have to hold another hearing but would need to bring it back to its next meeting. Councilmember Helgeson does not think it is necessary and we can take the bank's word. The bank would have to be bulldozed to develop something at the rear of the property. Mr. Erwin indicated that they could not accept the proffer at a later date if they approve the rezoning tonight. The rezoning process would have to be done again to amend any proffers. Mr. Allen suggested the language could be added to the proffer about substantial compliance with the concept plan. Mr. Erwin said that would create a risk for the applicant. If the rezoning was challenged and it was found that this additional language was a material change, the rezoning could be set aside. This could tie up the applicant in court for a year. If there are concerns with not delaying the project, the safer course of action is to postpone action.

There was discussion about whether or not this would be considered a material change. Mr. Erwin said if Council is comfortable with the applicant's representation, they could accept the clarification of the proffer. However, if the people who are opposed to this project want to challenge it, the court could rule that it was a material change.

Councilmember Nelson would like to postpone action for two weeks. Mr. Allen said the applicant is able to do that. Councilmember Nelson made a motion to postpone action for two weeks. The motion was seconded by

Councilmember Wright. Councilmember Helgeson reiterated that he does not see how anything could be developed in the rear without tearing down the bank. Councilmember Wilder said he would prefer to have it resolved tonight because the petitioner has made concessions already.

The motion passed by the following vote:

Ayes:	Dolan, Nelson, Tweedy, Wright	4
Nos:	Helgeson, Wilder	2
Abstentions:	Perrow	1

// In the matter of Public Comment, Agenda Item #14, Mr. B B Shavers addressed Council regarding the lack of the African American and minority vote in Lynchburg. In 2019, we had an all-white jury. He would like them to speak for him and others like him.

// In the matter of Community Development. Agenda Item #15, Council considered a request got an exemption from the Subdivision Ordinance at 186 Schothum Street. Ms. Frischeisen provided with an overview of the ordinance sections that pertain to this request and the history of this property and request. The options left for the developer (in order to be issued a certificate of occupancy) are to construct the water line, which he does not want to do because of expense or the City could cash in the bond posted for the project, which it is prepared to do, or the developer can request an exception. The City Planner does not feel that there is a hardship and will not grant him an exception. Planning Commission also did not recommend an exception.

On behalf of the Physical Development Committee, Councilmember Perrow explained that this developer wanted to divide a large lot and put in two houses. He committed to putting in two water lines. The first house went fine and then he found out it would be more expensive to put in the second water line. He is hoping the City will cave and give him an exception. The PDC agreed with staff and he makes a motion on behalf of the PDC to deny this request. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of City Code, Agenda Item #15, Council considered adopting an Ordinance to amend and reenact the Code of the City of Lynchburg, 1981, by adding thereto two new sections, to-wit: section 2-363.3 relating to the assessment of a $5 fee in criminal and traffic cases to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system and section 2-363.4 relating to the assessment of a $25 processing fee for persons admitted to the Blue Ridge Regional Jail upon conviction of a felony, misdemeanor, or traffic offense.

Councilmember Nelson pointed out that the words “and convicted” need to be added after “charged” in the first paragraph of Section 2-363.3. He would like to amend the ordinance just to be sure there is no inference that every person that is charged with a violation of any statute or ordinance has to pay this fee. He made a motion to approve the ordinance with his change. Councilmember Wright seconded the motion and it passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of Assessor, Agenda Item #16, Council considered adopting a resolution to amend the FY 2020 General Fund budget and appropriate $178,837 with resources from the General Fund Reserve for Contingencies to refund overpayment of real estate taxes for tax years 2017, 2018 and 2019 by LSC Communications Printing Company for property(s) located at 4201 Murray Place. Mr. Jeff Bandy explained LSC filed a grievance in Circuit Court. Mr. Bandy met with their tax representative and agrees with him that the City was in error. They settled on a value based on their broker's opinion.

On behalf of the Finance Committee, Councilmember Helgeson noted the building has limited use but is huge. It has limited buyers and very little ability to sell at that price. The Committee felt it was justified to pay it from the fund. Mr. Bandy said he will try to address these types of issues a little beforehand so we do not have to be taking out the money from our reserve. Councilmember Helgeson made a motion to approve the resolution on behalf of the Finance Committee and it passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of Budget, Agenda Item #17, Council considered approving a change order in the amount of $64,010 for the completion of the rehabilitation of the Percival's Island Bridge project. Mr. Clay Simmons noted that this change order is needed because the contractor started finding railroad ties that were completely rotted. It was not foreseen in the design.

On behalf of the Physical Development Committee, Councilmember Perrow commented that he is satisfied that City staff and the engineers did their due diligence in coming up with the best possible solution. He does not see another way to do it. He is disappointed that this project exceeds the contract by 25% but is pleased that we have had other projects that have been well within the budget. He makes a motion on behalf of the PDC to approve the resolution. It passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

// In the matter of City Council, Agenda Item #18, Council considered options for the recruitment of a City Manager. Councilmember Perrow thinks a national search would be the best thing to do for our citizens so we can have the best candidates come forward. He also thinks it would be very wise to use an expert service. There are a lot of benefits of having someone shepherd us through that is familiar with the process but not in the organizational network.

Councilmember Wright agrees and feels they should lean on expertise that exists in the marketplace to ensure that we find the best possible candidate for our community.

Councilmember Helgeson agrees with the national search and using an expert service. He would suggest they widen the net by not limiting the candidates to having governmental experience or have a certain type of degree or have experience in Virginia, for example. We are looking for a chief executive that can execute Council's policies.

Councilmember Wilder agrees with using an expert service. It shows our citizens that we are taking this seriously.

Councilmember Perrow noted that timeline is an aggressive one. Councilmember Wright does not want them to be compelled to choose someone just because we want to get someone in there. We need to be rigorous about choosing the right person and not be pushed into it by an arbitrary timeline.

Councilmember Helgeson was not sure what they would be discussing in closed session because they only receive some of this information this afternoon and he does not think they can be prepared to pick a firm. Councilmember Perrow would still like to discuss this item. It does not mean that they have to make a decision tonight about which firm it is choosing. There was discussion about whether it was allowable to go in to closed session to discuss the candidates if they are not ready to choose one. Mr. Erwin clarified that it would be an acceptable topic for a closed session. It was clarified that there was consensus from Council to do a national search and to use an outside recruitment firm.

// On motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote elected to hold a closed meeting to d a) the discussion and consideration of prospective candidates for the position of Deputy City Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and; b) for consultation with legal counsel concerning a specific legal matter requiring the provision of legal advice, specifically the discussion of the terms and conditions of a proposed contract between the City and a consultant to provide services for the recruitment and hiring of a new City Manager, because discussion in an open meeting would compromise the bargaining position and negotiating strategy of the City, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

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

Councilmember 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 Councilmember Wright, and Council by the following recorded vote adopted the motion:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// The meeting was adjourned at 9:20 p.m.

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Clerk of Council

Turnover*

*Corrected 2/10/2020****

	Voluntary Resignations		Total Separations**	
	2018	2019	2018	2019
Citywide	8.09%	6.30%	12.36%	9.67%
Sworn Police	8.05%	9.70%	13.70%	13.70%
Sworn Fire	5.35%***	5.35%***	9.10%***	6.95%
Emergency Services	10.81%	8.10%	18.91%	8.10%

*Full-time Employees Only

**Includes Deceased, Retired, Separated Without Prejudice, Dismissed, Released During Initial Employment Period, Resignation, Resignation in Lieu of Dismissal, & Reduction in Force

City of Lynchburg Premiums

	Contracts	Premium	City Contribution	Total Cost
Employee Only	690	$26	$489	$515
*Employee + Spouse	134	$330	$701	$1,031
*Employee + Child	85	$264	$561	$825
*Employee + Children	47	$379	$806	$1,185
Employee + Family	225	$544	$1,156	$1,700
Family (Both Employees)	14	$153	$1,547	$1,700

***Tier corrected 2/11/20**