// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of November, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

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

Absent: 0

// Mayor Foster welcomed and introduced the new President and CEO of Lyn-CAG, William J. Coleman. Mr. Coleman spoke briefly on his appointment as President of Lyn-CAG. Mr. Coleman stated their objective is to identify the needs of the City and what Lyn-CAG can do as an agent, set priorities, and focus resources on overcoming poverty. He also mentioned there are things as an agent they would like to do while transforming themselves to meet those needs. It is hard to identify poverty and strategies to address it. He has a vision for Lyn-CAG that says “Lyn-CAG Cares”, which would help focus on who they are rather than what they do.

- To make sure we do our best and that we provide the best service
- We respect every person that we serve
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Mr. Coleman stated that in the near future he plans to report on the things that Lyn-CAG is doing to meet the needs of people in Central Virginia and the future plans of the organization.

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- August 9, 2017 – Planning Commission held a work session on the proposed zoning ordinance amendments
- September 13, 2017 – Planning Commission conducted a public hearing
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Mr. Perault went on to say that the main focus is to talk about how the process works to address complaints, concerns and at the end coming up with a solution. Several Council Members commented stating that the Planning Commission is a diverse group with diverse experience and how they worked through the process on the sidewalks. Since the rewrite of the zoning ordinance is complete, looking forward is the next step to having a clear vision for the future of Lynchburg, to identify goals toward achieving that vision, creates policy guidance for public and private decision-makers, and identifies tasks that need to be pursued to make the Plan’s vision and goals a reality. The report was reviewed by the

Planning Commission on September 13, 2017 with a favorable recommendation of forwarding it to City Council for information purposes.

// Deputy City Manager Charles Hartgrove provided background information on the National Citizens Survey (NCS) before the presentation by Dr. Tom Miller, President and Chief Executive Officer for the National Citizens Survey. The City of Lynchburg utilizes the National Research Center to conduct the National Citizens Survey every other year. The survey has been conducted in 2004, 2006, 2008, 2013, 2015, and this year (2017). The information from this survey for the City of Lynchburg residents has historically provided guidance to both City Council and staff regarding community strategic planning and overall service delivery. Dr. Miller stated he would go over the survey at a high level because there is so much data in this survey. Arrangements have been made to present the survey to the Leadership Team in more detail and identify the focus areas of the strategic plan. Dr. Miller went on to say he would focus on three key findings:

Community Livability

- Community Characteristics
- Governance
- Participation

Facets of Community Livability

- Safety
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The NCS and Lynchburg

- Participant in the NCS since 2004
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Dr. Miller mentioned that in the 2017 survey, compared to 2015, 29 categories received higher ratings; 94 received similar ratings and 10 received lower ratings. The key focus areas for the City of Lynchburg are Safety and Economy. The Economy ratings are on the rise (vibrant downtown/commercial area rate increased 53% and Economic development rate increased 52%). The positive Economic Features are cost of living and work in Lynchburg. The shopping opportunities have taken a sharp downturn (in 2004 it was 46% and in 2017 it was 40%. A higher priority for the City is providing stable, quality employment.

The next key finding is Mobility which has room for improvement, but may not be a priority. Mobility services are on the rise. The third key finding is Residents. Resident's engagement has improved since 2015. In summary, the Economy ratings are on the rise, reflecting successes and challenges. There is room for improvement in Mobility, but it may not be a priority for residents and residents are more engaged in their community. Council Member Perrow suggested that this should come back to another work session after staff and Council has had time to fully digest it and see what staff sees as priorities, responses and initiatives over the next couple of years. City Manager Bonnie Svrcek stated that the Leadership Team will take a deeper dive into the data with conversations about how to use this data to determine priorities for the future.

// Deputy City Manager Charles Hartgrove provided an overview of the Rotary Centennial Riverfront Skatepark Operation. Mr. Hartgrove gave some background information on the Rotary Centennial Riverfront Skatepark and how we arrived at this point.

History of the Skatepark

- November 6, 2003 - Memorandum of Understanding (MOU) signed between City Manager and Amazement Square, Inc. (ASI) Executive Director Mort Sajadian.
- August 2003 – The Noon and Morning Rotary Clubs, and the Greater Lynchburg Community Trust recognized for contributing a total of $118,000 for construction costs for the new skatepark
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Mr. Hartgrove mentioned the following key elements:

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Mr. Hartgrove explained what has changed with the Skatepark.

- January 6, 2017 – letter from Mort Sajadian, President and CEO of Amazement Square Inc. to City Manager Bonnie Svrcek stating that after more than 10 years trying to operate the park, they are finding that they are unable to continue absorbing operational losses. The admission has been reduced from $5 to $1 and safety requirements were lowered as well.
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The Police Department had the following summary of calls for the Skatepark:

- In the past 13 years there have been an average of 5 calls for service per year at the Skatepark and the highest three years have been the most recent three years (2015, 2016 and 2017)
- During the 30 month time period, there has been an average of 1 call for service per month and 47% of the calls for service were citizen initiated Skatepark trespassing calls related to people skating after the facility was closed

There was a need for positive places and programs for Teens with the following statistics:

- The Fairview Community Meetings (2016) request showed more positive places and programs for teens. Studies showed that every $1 spent on afterschool programs and positive activities for youth saves $6 in crime, court and detention costs. An activity such as skateboarding encourages physical activity which is a key factor in reducing youth obesity.

Mr. Hartgrove mentioned the other current Youth Partner Groups with the City.

- Blue Ridge Lacrosse
- Central Virginia United Soccer
- Central Virginia Volleyball Association
- Hill City Youth Football and Cheerleading
- Lynchburg Little League
- Lynchburg Tennis Patrons
- Girls on the Run
- Challenged Sport Exchange
- Boys and Girls Club of Greater Lynchburg
- Blackwater Rugby Football Club
- Greater Lynchburg Off – Road Cyclist

The Lynchburg Parks and Recreation Department Priorities 2017 – 2019 include the following which involves their strategic plan:

- Develop Partnerships
- Upgrade Neighborhood Centers
- Quality vs. Quantity (Programming)
- Generating New Revenue/Fund Raising

- Staff Development

- Change Perceptions
- Park Building/Skate Park and Infrastructure Improvements
- Getting clear on Special Events administration and implementation
- Staff Retention/Rewards
- James River Connection/Natural Resource Leverage

Mr. Hartgrove provided the options that staff recommended to Council for the skatepark. City Staff have not entered into any formal negotiations regarding financial or in-kind partnerships with any potential community partners regarding this issue.

Option #1

- Nullify the MOU and buy Rotary Centennial Riverfront Skatepark from Amazement Square Inc.
- The property known as Rotary Centennial Riverfront Skatepark be transferred to the City of Lynchburg
- Designate the Skatepark as an official City park
- The cost of the Skatepark to be determined based on the assessed value of the improvement minus contributions from the City ($50K) and the Morning and Noon Rotary Clubs/Greater Lynchburg Community Trust ($118K)
- A payment schedule to be negotiated over time

Option #2

- Comply with the adopted Memorandum of Understanding between the City and Amazement Square Inc. by approving a deed transfer of the 1.5 acres of land known as the Rotary Centennial Riverfront Skatepark and all improvements on said property to the City of Lynchburg.
- Accept the operation of Rotary Centennial Riverfront Skatepark under the umbrella of Lynchburg Parks and Recreation Department. Approve the proposed budget for a unsupervised, skate-at-your-own risk Skatepark.

Option #3

- Nullify the Memorandum of Understanding thus paving the way for Amazement Square Inc. to convert the facility into an Outdoor Discovery Center. The new facility will focus on botanical, aquatic and environmental education similar to the Portland Oregon Children's Museum.

Option #4

- Amend the Memorandum of Understanding and subsidize the operation of Rotary Centennial Riverfront Skatepark for operating costs estimated at $40,000 annually. This would be paid to Amazement Square.
- This option assumes Amazement Square Inc. will agree to open and operate the Skatepark with established hours. The Skatepark will be open at least 50 hours per week. Specifics to be determined.
- A new Memorandum of Understanding would be written with more specific parameters of

operations

- Amazement Square Inc. may not charge a fee

Option #5

- Rotary Centennial Riverfront Skatepark remains closed. No resolution to the problem

Option #6

- What option(s) has staff not thought of or considered?

Mr. Hartgrove stated that staff recommended to Council Option #2. Uphold the adopted Memorandum of Understanding between the City of Lynchburg and Amazement Square, Inc. by approving a deed transfer of the 1.56 acres of land adjacent to the signal tower. The property known as Rotary Centennial Riverfront Skatepark and all improvements on said property to be transferred to the City of Lynchburg to be operated as an officially designated City park.

After the presentation, Council had a very lengthy discussion on the 6 options. The following are Council's thoughts and recommendation on the options.

Council Member Wilder is in favor of option #2 recommended by City staff and consider parenting with neighborhood centers and neighborhood watch programs on how we can mobilize our neighborhoods/communities to work together.

Council Member Perrow stated this was a complex issue with three points of interest. 1) Does the City want to assume the responsibility of the Skatepark? 2) Should Amazement Square be compensated in any way? and 3) How would the Park be managed? After discussing his three questions, he recommended option #1 and thinks the City should assume the responsibility of the Skatepark and compensate Amazement Square fairly, which is a good place for the City to start.

Council Member Nelson stated that he agrees with Council Member Perrow's comments and concerns regarding the options. There is a need to have positive athletic youth activities and programs in the City; it is an existing asset and to waste that feature would be reckless on the part of the City. The Skatepark is a feature that draws people to Lynchburg which enhances the quality of life. If a private group is not operating it, then the logical place would be the Parks and Recreation program. Council Member Nelson asked several questions, "has Amazement Square agreed to give back the skatepark to the City with no compensation", the answer to that question was no; "has Amazement Square agreed to give it back to the City if there is compensation", the answer was yes. City Attorney Walter Erwin commented on the matter that the Court would have to enforce the Memorandum of Understanding. Council Member Nelson did mention a disclosure in this matter, which depends on whether the City would compensate Amazement Square or not. He stated that option #2 does not call for any monitoring at all and he could not support it, but would consider option #6 with some monitoring and agreed that option #2 is the most appropriate option.

Council Member Dolan stated she agrees with what Council Member Nelson said and one of her big concerns with option #2 is "skate at your risk." Council Member Dolan stated she would be in favor of option #6 but with option #2 agree with some sort of compensation.

Council Member Helgeson stated that we should recognize the Rotary Club and Amazement Square contributions and support of the skatepark and noted that times have changed. He was not in favor of option #2 because he has concerns with liability and potential issues of the skatepark which will be a lot of responsibility.

Vice Mayor Tweedy is in favor of option #2 with no compensation to Amazement Square but still has concerns with the monitoring of the skatepark.

Mayor Foster spoke on all six options and stated why she chose option #2. Mayor Foster was in agreement with the City taking over the skatepark but it needs some type of monitoring system, possibly having cameras installed, and some sort of compensation to Amazement Square.

- option #1 – take over the skatepark with some compensation
- option #2 – take over the skatepark with no compensation
- option #3 – nullify the MOU and make an outdoor discovery center
- option #4 – no
- option #5 – not to close the park, will not vote for that option
- option #6 – likes it, need some type of cameras and monitoring

After the many comments and concerns, Council Member Perrow made a suggestion to split the questions; 1)The City take back the Skatepark and 2) if any compensation to Amazement Square. Council Member Perrow made a motion seconded by Council Member Nelson that the City, through the Parks and Recreation Department, initiate steps to take over the skatepark. Council by the following recorded vote adopted the motion:

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

Noes: 0

The compensation section was discussed. Council Member Nelson made a motion, seconded by Council Member Perrow to authorize City staff to seek terms for acquiring the real estate from Amazement Square. Council Member Nelson stated that we are not in a position to identify the amount of compensation, how much the compensation would be, how it would be paid and how it would be financed and whether Amazement Square would be agreeable to take it in any form and there needs to be some conversation between Amazement Square and the City and that would be appropriate for City Staff. Council Member Perrow stated regarding the Memorandum of Understanding that it is clear if it fails it would convert back to the City. Council Member Perrow went on to say that Amazement Square should fairly be compensated as we move forward. Council Member Helgeson stated “I do understand the element of fairness; I look at fairness for our taxpayers and fairness with Amazement Square. We know what the Memorandum of Understanding says and don’t want to be overly unfair to anyone”. Council Member Helgeson made a suggestion after his remarks that maybe we should go with option #2 with no compensation. He stated he would not be supporting this motion. Council Member Nelson restated his motion to make it clear; the motion to authorize City staff to seek terms for requiring real estate from

Amazement Square. Council by the following recorded vote adopted the motion to authorize City staff to

seek terms for acquiring real estate from Amazement Square:

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

Noes: Helgeson 1

// During roll call Council Member Nelson mentioned that at several voting places in the City there were no "I Voted" stickers". He also mentioned the opening of the train ride to Roanoke which was a lovely experience.

// Council Member Perrow mentioned that he and Council Member Wilder were growing mustaches for the month of November called "mustache for kids" (M4K) a fundraiser for Jubilee Family Development Center, Boys and Girls Club, Big Brother and Sister and others.

// Council Member Helgeson mentioned the Veterans Parade which was a wonderful event that had not been held in 80 years.

// Council Member Wilder mentioned the wonderful train ride to Roanoke.

// Council Member Tweedy mentioned the Veterans Day Parade and the train ride to Roanoke.

// Mayor Foster mentioned the Veterans Day Parade which was held on Saturday, November 12, 2017.

// Consideration of a closed meeting for the discussion of plans to protect public safety and the security of City Hall and the safety of persons using City Hall because discussion in an open meeting would jeopardize the safety of such persons or the security of the building, pursuant to Section 2.2-3711(A.)(19.) of the Virginia Code. On motion of Council Member Dolan, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting:

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

Noes: 0

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

// Council Member Dolan 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 6:36 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 Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster introduced Jim Stutts, President of Virginia Park and Recreation Society, who presented to Jennifer Jones Director of Parks and Recreation and staff the following annual awards from the Virginia Park and Recreation Society.

- Best New Program – Hill City Hoops
- Best New Facility (Bricks and Mortar) – Lynchburg City Stadium
- Best New Renovation/Addition (Bricks and Mortar) – Riverside Park
- Best New Environmental Sustainability – Please Do Hug the Trees Campaign
- Best Promotional Effort (Specialty)- The Green Machine

// Mayor Foster presented a proclamation for Nurse Practitioners Week.

// Copies of the minutes of the September 26, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Budget, Resolution #R-17-093 to amend the FY 2018 Operating and Capital Budgets and appropriating funds to reflect the FY 2018 First Quarter Adjustments, laid over from the October 10, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #9 regarding the petition of William Bohn and Jennifer Woofter to appeal the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) to allow the installation of four (4) twenty-four (24) inch fiber reinforced polymer columns (FRP) on the front porch at 1919 Rivermont Avenue. Mr. Chris McSwain, Chair of the HPC provided an over of the petition. Ms. Jennifer Woofter spoke asking Council to appeal the decision of the HPC.

There was no one else present who wished to speak to this item, and the public hearing was closed.

Council discussed the decision of HPC to deny the Certificate of Appropriateness.

After the discussion, Council Member Helgeson made a motion to appeal the decision of the HPC, and that motion failed for a lack of a second. On motion of Council Member Perrow, seconded by Council

Member Nelson, Council by the following recorded vote adopted Resolution #R-17-096, as presented, to uphold the decision of the Historic Preservation Commission to deny a Certificate of Appropriateness at 1919 Rivermont Avenue to allow the replacement of four (4) twenty-six inch (26”) diameter wood columns on the front of the structure with four (4) twenty-four inch (24”) diameter fiberglass columns:

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

Noes: Helgeson 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of 712 12th Street, LLC to rezone approximately five hundred eighty-four thousandths (0.584) acres at 712 12th Street from I-2, Light Industrial District to B-4(C), Urban Commercial District (Conditional) to allow the use of the existing building as apartments. Planner II Anne Nygaard provided an overview of the petition.

There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-097, as amended, granting the petition of 712 12th Street, LLC to rezone approximately five hundred eighty-four thousandths (0.584) acres at 712 12th Street from I-2, Light Industrial District to B-4(C), Urban Commercial District (Conditional) to allow the use of the existing building as apartments:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #11 regarding the consideration of amending Section 35.2-67, Sidewalks and Pedestrian Connectivity to provide alternatives to when sidewalks are required as part of any development subject to site plan review. City Planner Tom Martin provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-17-098, as presented, amending Section 35.2-67, Sidewalks and Pedestrian Connectivity to provide alternatives to when sidewalks are required as part of any development subject to site plan review :

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

Noes: 0

// In the matter of City Council, Gavin Braithwaite provided a video regarding the skatepark to Council.

// In the matter of City Council, Jeff Gray was not present to speak to Council regarding the skatepark.

// In the matter of City Council, Robert Blevins and Jackie Asbury were not present but Ben Ravely spoke before Council regarding the skatepark.

// In the matter of City Council, Katie Basten spoke before Council regarding the skatepark.

// In the matter of City Council, City Council Report #16 was considered. This item was introduced at the October 10, 2017 Council meeting, Council agreed to move forward with this item, to authorize the sale of surplus City property located at 405 Cabell Street. Council discussed this item at length and after the

discussion, Council Member Helgeson stated he was not in support of the sale of this property. On motion of Council Member Perrow, seconded by Mayor Foster, Council by the following recorded vote adopted Resolution #R-17-099, as presented, for the proposed sale of surplus City property located at 405 Cabell Street

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

Noes: Helgeson 1

// In the matter of City Council, City Council Report #17 (2018 Legislative Agenda) was not discussed. This item will be presented at the November 28, 2017 Council meeting. Council by consensus postponed the 2018 Legislative Agenda until the next Council meeting on November 28, 2017. Council by the following recorded vote passed this motion to postpone the 2018 Legislative Agenda to November 28, 2017:

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

Noes: 0

// The meeting was adjourned at 9:52 P.M.

Clerk of Council

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Mr. Hartgrove went on to say that the skatepark is currently closed while there is a group of skaters that want a convenient place for safely and legally skateboarding. The skaters and their parents have formed a group called “Save Our Skatepark” with the goal of having the Skatepark opened for skateboarding use. The City does recognize the importance of donor intent during the original fundraising phase of this project and the City also values the collaborative relationships with our community stakeholders that have invested in the Skatepark and Downtown Lynchburg overall.

The Police Department had the following summary of calls for the Skatepark:

- In the past 13 years there have been an average of 5 calls for service per year at the Skatepark and the highest three years have been the most recent three years (2015, 2016 and 2017)

- During the 30 month time period, there has been an average of 1 call for service per month and 47% of the calls for service were citizen initiated Skatepark trespassing calls related to people skating after the facility was closed

There was a need for positive places and programs for Teens with the following statistics:

- The Fairview Community Meetings (2016) request showed more positive places and programs for teens. Studies showed that every $1 spent on afterschool programs and positive activities for youth saves $6 in crime, court and detention costs. An activity such as skateboarding encourages physical activity which is a key factor in reducing youth obesity.

Mr. Hartgrove mentioned the other current Youth Partner Groups with the City.

- Blue Ridge Lacrosse
- Central Virginia United Soccer
- Central Virginia Volleyball Association
- Hill City Youth Football and Cheerleading
- Lynchburg Little League
- Lynchburg Tennis Patrons
- Girls on the Run
- Challenged Sport Exchange
- Boys and Girls Club of Greater Lynchburg
- Blackwater Rugby Football Club
- Greater Lynchburg Off – Road Cyclist

The Lynchburg Parks and Recreation Department Priorities 2017 – 2019 include the following which involves their strategic plan:

- Develop Partnerships
- Upgrade Neighborhood Centers
- Quality vs. Quantity (Programming)
- Generating New Revenue/Fund Raising
- Staff Development
- Change Perceptions
- Park Building/Skate Park and Infrastructure Improvements
- Getting clear on Special Events administration and implementation
- Staff Retention/Rewards
- James River Connection/Natural Resource Leverage

Mr. Hartgrove provided the options that staff recommended to Council for the skatepark. City Staff have not entered into any formal negotiations regarding financial or in-kind partnerships with any potential community partners regarding this issue.

<u>Option #1</u>

- Nullify the MOU and buy Rotary Centennial Riverfront Skatepark from Amazement Square Inc.
- The property known as Rotary Centennial Riverfront Skatepark be transferred to the City of Lynchburg
- Designate the Skatepark as an official City park
- The cost of the Skatepark to be determined based on the assessed value of the improvement minus contributions from the City ($50K) and the Morning and Noon Rotary Clubs/Greater Lynchburg Community Trust ($118K)
- A payment schedule to be negotiated over time

<u>Option #2</u>

- Comply with the adopted Memorandum of Understanding between the City and Amazement Square Inc. by approving a deed transfer of the 1.5 acres of land known as the Rotary Centennial Riverfront Skatepark and all improvements on said property to the City of Lynchburg.

- Accept the operation of Rotary Centennial Riverfront Skatepark under the umbrella of Lynchburg Parks and Recreation Department. Approve the proposed budget for a unsupervised, skate-at-your-own risk Skatepark.

Option #3

- Nullify the Memorandum of Understanding thus paving the way for Amazement Square Inc. to convert the facility into an Outdoor Discovery Center. The new facility will focus on botanical, aquatic and environmental education similar to the Portland Oregon Children's Museum.

Option #4

- Amend the Memorandum of Understanding and subsidize the operation of Rotary Centennial Riverfront Skatepark for operating costs estimated at $40,000 annually. This would be paid to Amazement Square.
- This option assumes Amazement Square Inc. will agree to open and operate the Skatepark with established hours. The Skatepark will be open at least 50 hours per week. Specifics to be determined.
- A new Memorandum of Understanding would be written with more specific parameters of operations
- Amazement Square Inc. may not charge a fee

Option #5

- Rotary Centennial Riverfront Skatepark remains closed. No resolution to the problem

Option #6

- What option(s) has staff not thought of or considered?

Mr. Hartgrove stated that staff recommended to Council Option #2. Uphold the adopted Memorandum of Understanding between the City of Lynchburg and Amazement Square, Inc. by approving a deed transfer of the 1.56 acres of land adjacent to the signal tower. The property known as Rotary Centennial Riverfront Skatepark and all improvements on said property to be transferred to the City of Lynchburg to be operated as an officially designated City park.

After the presentation, Council had a very lengthy discussion on the 6 options. The following are Council's thoughts and recommendation on the options.

Council Member Wilder is in favor of option #2 recommended by City staff and consider parenting with neighborhood centers and neighborhood watch programs on how we can mobilize our neighborhoods/communities to work together.

Council Member Perrow stated this was a complex issue with three points of interest. 1) Does the City want to assume the responsibility of the Skatepark? 2) Should Amazement Square be compensated in any way? and 3) How would the Park be managed? After discussing his three questions, he recommended option #1 and thinks the City should assume the responsibility of the Skatepark and compensate Amazement Square fairly, which is a good place for the City to start.

Council Member Nelson stated that he agrees with Council Member Perrow's comments and concerns regarding the options. There is a need to have positive athletic youth activities and programs in the City; it is an existing asset and to waste that feature would be reckless on the part of the City. The Skatepart is a feature that draws people to Lynchburg which enhances the quality of life. If a private group is not operating it, then the logical place would be the Parks and Recreation program. Council Member Nelson asked several questions, "has Amazement Square agreed to give back the skatepark to the City with no compensation", the answer to that question was no; "has Amazement Square agreed to give it back to the City if there is compensation", the answer was yes. City Attorney Walter Erwin commented on the matter that the Court would have to enforce the Memorandum of Understanding. Council Member Nelson did mention a disclosure in this matter, which depends on whether the City would compensate Amazement Square or not. He stated that option #2 does not call for any monitoring at all and he could not support it, but would consider option #6 with some monitoring and agreed that option #2 is the most appropriate option.

Council Member Dolan stated she agrees with what Council Member Nelson said and one of her big concerns with option #2 is "skate at your risk." Council Member Dolan stated she would be in favor of option #6 but with option #2 agree with some sort of compensation.

Council Member Helgeson stated that we should recognize the Rotary Club and Amazement Square contributions and support of the skatepark and noted that times have changed. He was not in favor of option #2 because he has concerns with liability and potential issues of the skatepark which will be a lot of responsibility.

Vice Mayor Tweedy is in favor of option #2 with no compensation to Amazement Square but still has concerns with the monitoring of the skatepark.

Mayor Foster spoke on all six options and stated why she chose option #2. Mayor Foster was in agreement with the City taking over the skateprk but it needs some type of monitoring system, possibly having cameras installed, and some sort of compensation to Amazement Square.

- option #1 – take over the skatepark with some compensation
- option #2 – take over the skatepark with no compensation
- option #3 – nullify the MOU and make an outdoor discovery center
- option #4 – no
- option #5 – not to close the park, will not vote for that option
- option #6 – likes it, need some type of cameras and monitoring

After the many comments and concerns, Council Member Perrow made a suggestion to split the questions; 1)The City take back the Skatepark and 2) if any compensation to Amazement Square. Council Member Perrow made a motion seconded by Council Member Nelson that the City, through the Parks and Recreation Department, initiate steps to take over the skatepark. Council by the following recorded vote adopted the motion:

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

The compensation section was discussed. Council Member Nelson made a motion, seconded by Council Member Perrow to authorize City staff to seek terms for acquiring the real estate from Amazement Square. Council Member Nelson stated that we are not in a position to identify the amount of compensation, how much the compensation would be, how it would be paid and how it would be financed and whether Amazement Square would be agreeable to take it in any form and there needs to be some conversation between Amazement Square and the City and that would be appropriate for City Staff. Council Member Perrow stated regarding the Memorandum of Understanding that it is clear if it fails it would convert back to the City. Council Member Perrow went on to say that Amazement Square should fairly be compensated as we move forward. Council Member Helgeson stated "I do understand the element of fairness; I look at fairness for our taxpayers and fairness with Amazement Square. We know what the Memorandum of Understanding says and don't want to be overly unfair to anyone". Council Member Helgeson made a suggestion after his remarks that maybe we should go with option #2 with no compensation. He stated he would not be supporting this motion. Council Member Nelson restated his motion to make it clear; the motion to authorize City staff to seek terms for requiring real estate from Amazement Square.

Council by the following recorded vote adopted the motion to authorize City staff to seek terms for acquiring real estate from Amazement Square:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes: Helgeson	1

// During roll call Council Member Nelson mentioned that at several voting places in the City there were no "I Voted" stickers". He also mentioned the opening of the train ride to Roanoke which was a lovely experience.

// Council Member Perrow mentioned that he and Council Member Wilder were growing mustaches for the month of November called "mustache for kids" (M4K) a fundraiser for Jubilee Family Development Center, Boys and Girls Club, Big Brother and Sister and others.

// Council Member Helgeson mentioned the Veterans Parade which was a wonderful event that had not been held in 80 years.

// Council Member Wilder mentioned the wonderful train ride to Roanoke.

// Council Member Tweedy mentioned the Veterans Day Parade and the train ride to Roanoke.

// Mayor Foster mentioned the Veterans Day Parade which was held on Saturday, November 12, 2017.

// Consideration of a closed meeting for the discussion of plans to protect public safety and the security of City Hall and the safety of persons using City Hall because discussion in an open meeting would jeopardize the safety of such persons or the security of the building, pursuant to Section 2.2-3711(A.)(19.) of the Virginia Code. On motion of Council Member Dolan, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting:

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

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

// Council Member Dolan 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 6:36 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 Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster introduced Jim Stutts, President of Virginia Park and Recreation Society, who presented to Jennifer Jones Director of Parks and Recreation and staff the following annual awards from the Virginia Park and Recreation Society.

- Best New Program – Hill City Hoops
- Best New Facility (Bricks and Mortar) – Lynchburg City Stadium
- Best New Renovation/Addition (Bricks and Mortar) – Riverside Park
- Best New Environmental Sustainability – Please Do Hug the Trees Campaign
- Best Promotional Effort (Specialty)- The Green Machine

// Mayor Foster presented a proclamation for Nurse Practitioners Week.

// Copies of the minutes of the September 26, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Budget, Resolution #R-17-093 to amend the FY 2018 Operating and Capital Budgets and appropriating funds to reflect the FY 2018 First Quarter Adjustments, laid over from the October 10, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #9 regarding the petition of William Bohn and Jennifer Woofter to appeal the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) to allow the installation of four (4) twenty-four (24) inch fiber reinforced polymer columns (FRP) on the front porch at 1919 Rivermont Avenue. Mr. Chris McSwain, Chair of the HPC provided an over of the petition. Ms. Jennifer Woofter spoke asking Council to appeal the decision of the HPC.

There was no one else present who wished to speak to this item, and the public hearing was closed. Council discussed the decision of HPC to deny the Certificate of Appropriateness.

After the discussion, Council Member Helgeson made a motion to appeal the decision of the HPC, and that motion failed for a lack of a second. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-096, as presented, to uphold the decision of the Historic Preservation Commission to deny a Certificate of Appropriateness at 1919 Rivermont Avenue to allow the replacement of four (4) twenty-six inch (26") diameter wood columns on the front of the structure with four (4) twenty-four inch (24") diameter fiberglass columns:

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

Noes: Helgeson 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of 712 12th Street, LLC to rezone approximately five hundred eighty-four thousandths (0.584) acres at 712 12th Street from I-2, Light Industrial District to B-4(C), Urban Commercial District (Conditional) to allow the use of the existing building as apartments. Planner II Anne Nygaard provided an overview of the petition.

There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-097, as amended, granting the petition of 712 12th Street, LLC to rezone approximately five hundred eighty-four thousandths (0.584) acres at 712 12th Street from I-2, Light Industrial District to B-4(C), Urban Commercial District (Conditional) to allow the use of the existing building as apartments:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #11 regarding the consideration of amending Section 35.2-67, Sidewalks and Pedestrian Connectivity to provide alternatives to when sidewalks are required as part of any development subject to site plan review. City Planner Tom Martin provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-17-098, as presented, amending Section 35.2-67, Sidewalks and Pedestrian Connectivity to provide alternatives to when sidewalks are required as part of any development subject to site plan review :

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

Noes: 0

// In the matter of City Council, Gavin Braithwaite provided a video regarding the skatepark to Council.

// In the matter of City Council, Jeff Gray was not present to speak to Council regarding the skatepark.

// In the matter of City Council, Robert Blevins and Jackie Asbury were not present but Ben Ravely spoke before Council regarding the skatepark.

// In the matter of City Council, Katie Basten spoke before Council regarding the skatepark.

// In the matter of City Council, City Council Report #16 was considered. This item was introduced at the October 10, 2017 Council meeting, Council agreed to move forward with this item, to authorize the sale of surplus City property located at 405 Cabell Street. Council discussed this item at length and after the discussion, Council Member Helgeson stated he was not in support of the sale of this property. On motion of Council Member Perrow, seconded by Mayor Foster, Council by the following recorded vote adopted Resolution #R-17-099, as presented, for the proposed sale of surplus City property located at 405 Cabell Street

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

Noes: Helgeson 1

// In the matter of City Council, City Council Report #17 (2018 Legislative Agenda) was not discussed. This item will be presented at the November 28, 2017 Council meeting. Council by consensus postponed the 2018 Legislative Agenda until the next Council meeting on November 28, 2017. Council by the following recorded vote passed this motion to postpone the 2018 Legislative Agenda to November 28, 2017:

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

Noes: 0

// The meeting was adjourned at 9:52 P.M.

Clerk of Council