

November 8, 2016

355

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of November, 2016, 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

// City Manager Bonnie Svrcek welcomed new Deputy City Manager Charles Hartgrove.

// Mayor Foster recognized Director of Financial Services Donna Witt and staff for receiving the Distinguished Budget Presentation Award for the Fiscal Year beginning July 1, 2016, from the Government Finance Officers Association.

// Gary Christie with the Region 2000 Local Government Council and Ben Bowman with the Workforce Development Board presented the Annual Report on the activities of the Local Government Council/Workforce Development Board for FY 2016.

// Josh Baker, General Manager for the Greater Lynchburg Transit Company (GLTC) provided the Annual Report on operations for FY 2016, which included an update on the following categories.

- GLTC Revenue Sources – total Revenue decreased 3%.
- GLTC Operating Summary – finished out the year with a small surplus, and did not utilize any funds from the Reserve Account.
- GLTC Ridership – remains the 10th largest system in Virginia.
- GLTC Looking Ahead – ongoing construction of the new Operations & Maintenance Facility, anticipated opening February 2017.

Mr. Baker also mentioned ten GLTC major accomplishments which includes his appointment as General Manager selected to serve on the Transit Capital Revenue Advisory Board for the General Assembly.

// City Attorney Walter Erwin provided a presentation on changes in Legislation regarding Proffers. Mr. Erwin stated that the General Assembly made amendments to proffer statutes. First he addressed Proffers in General. “Proffers are the voluntary concessions a developer offers to a locality as part of a conditional rezoning in order to address the impact of a given development. The courts have held that a locality can turn down a rezoning request if the applicant fails to address the health, safety and welfare issues associated with the development. In 1979 the General Assembly authorized the use of proffers to give developers a means by which they could address these issues, and since that time the majority of rezoning petitions have included the use of proffers”. He went on to say that a developer can offer proffers to deal with both the onsite and offsite impacts of a residential development. The “Cash Proffers” for residential developments are the most controversial type of proffer. Mr. Erwin explained what changes were made in the 2016 Amendments. After discussion and suggestions on the Proffers, Mr. Erwin asked what role Council wants to play as we go forward.

- The usual process for zoning amendments is for staff to make recommendations to the Planning Commission,
- The Planning Commission then initiates the amendments and makes a recommendation,
- The proposed amendments then come to City Council for consideration.

Mr. Erwin asked if Council is comfortable with this approach, or if Council wants staff to come back to Council with the suggested amendments for discussion and let Council initiate the amendments? Council agreed to follow its standard procedures. A motion was made by Council Member Helgeson, seconded by Council Member Nelson to follow the process already in place; take the amendments to the Planning Commission with their recommendation of proposed amendments, then present to City Council for consideration:

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

Noes: 0

// City Manager Bonnie Svrcek provided input for the 2017 Legislative Agenda. Ms. Svrcek stated it is time to review and update City Council's Legislative Agenda in preparation for the 2017 session of the Virginia General Assembly. After discussion and suggested revisions on the proposed 2017 Legislative Agenda the following motion was made. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-125, as amended, adopting the 2017 Legislative Agenda:

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

Noes: 0

// During roll call Council Member Wilder mentioned a recent shooting on Old Forest Road and wanted to commend the Police Department and the local pastors for going out to the area to console the neighbors in the area, and to see how our Police department, pastors and members from Parks and Recreation are working together to better our community.

// Council Member Nelson again welcomed our new Deputy City Manager Charles Hartgrove.

// Council Member Helgeson mentioned it was Election Day, that he likes the new stickers, and thanked the city employees at the polls because there are a lot of people out today voting.

// Vice Mayor Tweedy mentioned how she enjoyed the recent joint meeting with Council and School Board, and also attended a meeting at E. C. Glass High School with the guest speaker Principal Kafele, who spoke to students, teachers and parents.

// Mayor Foster mentioned unsightly trash on Rivermont Avenue and also wanted to thank the City staff for the wonderful job that they do. She also announced the City Council Retreat would be held on November 10, 2016 in City Hall on the Second Floor Training Room from 8:30 a.m. until 4:00 p.m.

// City Council recessed the meeting at 5:43 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

Vice Mayor Tweedy gave the Invocation, Cub Scout Pack 29 led the Pledge of Allegiance.

// Mayor Foster presented a Certificate of Recognition for Nurse Practitioner Week - November 9-15, 2016.

// Mayor Foster introduced two Mayor's Youth Council students: Tmerik Cobbs, Junior at Heritage High School and Imani West, Junior at Heritage High School.

// In the matter of Fire - General, Resolution #R-16-123 to amend the FY 2017 Fleet Operating Budget and appropriate \$440,000 with resources from Fleet Fund Balance (\$440,000) to purchase a new Public Safety Mobile Command vehicle, laid over from the October 25, 2016 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Nelson, 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 - Zoning Amendments, a public hearing was held regarding City Council Report #7 outlining the petition of Carriage Square Ltd., to rezone approximately sixteen and one hundred ninety-five thousandths (16.195) acres located at 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) by amending previously approved proffers to allow two hundred sixteen (216) apartment units in lieu of the previously approved one hundred ninety-two (192) apartment units and to allow the addition of lighting to walking trails in the area designated for passive recreation uses. City Planner Tom Martin gave an overview of the rezoning petition. He also stated that the Planning Commission recommended approval. Mr. Trent Warner of Hurt & Proffitt, representing the petitioner, asked Council to approve rezoning of the property located at 240 Beverly Hills Circle. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson had concerns with the proffers and stated he would not be supporting this rezoning. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-16-126, as presented, granting the petition:

Ayes: Dolan, Helgeson, 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 #8 outlining the petition of Jackson III LLC to rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244 Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the use of an existing building as twenty-nine (29) apartments and the construction of an additional parking area. City Planner Tom Martin outlined the request to rezone the property located at 2244 Rivermont Avenue. Mr. Russell Nixon of Nixon Land Surveying, LLC, representing the petitioner, asked Council to approve the rezoning petition. One individual spoke in favor of the rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow made a disclosure statement to acknowledge that he was once President of the Virginia School of the Arts, in that capacity the building was sold to a third party, but he did not think it is the same party. He has no financial interest or personal conflict in the Virginia School of the Arts and would love to see this building restored. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-16-127, as presented, granting the petition of Jackson III LLC to rezone approximately one and five hundred seventeen thousandths (1.517) acres located at 2244

Rivermont Avenue from R-3, Medium Density Residential District to B-4C, Urban Commercial District (Conditional) to allow the use of an existing building as twenty-nine (29) apartments and the construction of an additional parking area:

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

Noes: 0

// In the matter of Economic Development – General, a public hearing was held on City Council Report #9 regarding Boundary Amendments to Virginia Enterprise Zones #2 and #46. Director of Economic Development Marjette Upshur gave an overview of the boundary amendments. 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 Wilder, Council by the following recorded vote adopted Resolution #R-16-128, as presented, granting the Boundary Amendments to Virginia Enterprise Zones #2 and #46:

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

Noes: 0

// In the matter of Bonds/Public Works – Water, a public hearing was held on City Council Report #10 regarding Section 15.2-2204.A of the Code of Virginia for the issuance of \$1,705,275 of Stormwater Revenue Utility Bonds and adopting a Resolution authorizing the issuance of not to exceed \$1,900,000 Stormwater Revenue Utility Bonds. Director of Utilities Tim Mitchell gave an overview of the Stormwater Revenue Utility Bonds. 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 Resolution #R-16-129, as presented, granting the Code of Virginia for the issuance of \$1,705,275 of Stormwater Revenue Utility Bonds and authorizing the issuance of not to exceed \$1,900,000 Stormwater Revenue Utility Bonds

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

Noes: 0

// In the matter of Community Development – Zoning, a public hearing was held on City Council Report #11 regarding the Zoning Ordinance Amendments. City Planner Tom Martin provided information on the Zoning Ordinance Amendments. There was no one else present who wished to speak to this item, and the public hearing was closed. After discussion from Council with many questions and suggestions to the Zoning Ordinance Amendments and not having enough time to study such amendments, Council made a motion to bring this item back to a work session in the very near future. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote decided to postpone indefinitely this item:

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

Noes: 0

// In the matter of Public Works – General, City Council Report #12 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted

November 8, 2016

359

Resolution #R-16-130, as presented, to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for FY 2018:

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

7

Noes:

0

// On motion of Vice Mayor Tweedy, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the City Attorney and Clerk of Council performance evaluations pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

7

Noes:

0

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

// Council Member Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Wilder, and Council by the following recorded vote adopted the motion:

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

7

Noes:

0

// The meeting was adjourned at 9:30 P.M.

Clerk of Council