

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of October, 2018, at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following

Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,

Sterling A. Wilder, Beau Wright, Treney Tweedy

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Absent:

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// Deputy City Manager Reid Wodicka stated that on January 9, 2018, Council heard a staff presentation on short-term rentals. Following the presentation, Council requested an update on this topic following the Virginia General Assembly's legislative session on short-term rentals. He went on to say staff developed a team to analyze a number of items related to these issues particularly relating to both revenue and zoning issues affected by existing short-term rentals in the City. Staff provided potential options for Council's consideration on how to move forward addressing these issues going forward or not.

Director of Community Development Kent White stated the presentation would provide an update on the short-term rentals and review the options. Short-term rentals continue to be extremely popular for lodging and tourism options. For comparison, since 2011 the market has grown 800% nationwide. Although Airbnb is projected to have the majority of the current short-term rental market share nationally a number of new platforms include HomeAway, Vacation Rentals by Owner (VRBO) and FlipKey are popping up from a result of their success. Lynchburg has realized similar growth as one assessment suggests that the number of short-term rentals in the City has increased by 37% between 2016 and 2017. The chart showed short-term rental represented approximately 10% of Lynchburg's total lodging revenue. Mr. White briefed City Council on the growing short-term rental market in the Lynchburg area and how the City can regulate it. The City currently has no registration or lodging tax requirement for these properties, commonly known as Airbnbs. State Code defines short-term rentals as "the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge" and leaves regulation of these rentals to localities. Other Central Virginia localities – including Bedford County, Blacksburg, Charlottesville and the town of Orange have implemented registration fees or lodging taxes for short-term rentals, which have burgeoned in popularity as a way for homeowners to gain extra income by renting out bedrooms or the entire house to travelers. Mr. White went on to say that short-term rentals are permitted in business zoning by right. However, in residentially zoned districts, the owner must be present during a guest's stay. Occupancy is limited to three unrelated people per unit. Those who want to operate a short-term rental in residential districts when they are not home must receive a conditional use permit from City Council. Mr. White further stated it is difficult for city staff to police these

rentals and complaints require significant staff research. Mr. White stated to keep up with the expanding market; staff recommends short-term rental proprietors pay a \$150 registration fee, which is projected to generate \$36,000 for the City in the first year. He said staff does not recommend implementing a lodging tax at this time because of the staffing resources required to patrol the taxes. He also said it is difficult to identify the exact nightly rates and occupancy rates for short-term rentals. Staff has received a number of complaints from Council members and from members of the community regarding short-term rentals. Staff has been working to create an assessment of potential options to address these concerns in order to provide options to City Council. Three areas of concern identified:

1. Compatibility with the City's Zoning Ordinance, and more generally regarding the effects of short-term rentals in residential neighborhoods (parking, noise, etc.).
2. Fairness in how the City treats these lodging businesses compared to more traditional lodging businesses, such as hotels, motels, and bed and breakfast establishments.
3. The need to ensure, to the best of the City's ability, renter safety in otherwise unregulated facilities.

With the growth of short-term rentals in Lynchburg balancing the growth for opportunities and issues include:

Opportunities

- Popularity/Lodging Options
- Tourism – Showcase City of Lynchburg
- Supplemental Income

Issues

- Fairness to Lodging Business
- Neighborhood Concerns
- Renter Safety

There were 6 complaints in 2017 and up to now 11 complaints received in 2018. Mr. White stated the State Code recap included:

- The General Assembly made no changes in 2018
- “Short term rental” is defined as the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.
- The locality may continue to regulate short-term rentals through the local zoning ordinance.
- May also establish a rental registry and charge a reasonable fee to maintain the registry.
- Can include a \$500/violation civil penalty for an operator who is required to register and prohibit rentals at a specific location for confirmed code violation on 3 occasions.

Mr. White provided Virginia First Cities Comparison that showed 7 of the 13 Virginia First Cities do not currently regulate short-term rentals.

- No Zoning, Registration or Lodging Tax – Danville, Hampton, Martinsville, Newport News, Petersburg, Portsmouth, Richmond.
- Zoning, Registration and Lodging Tax – Charlottesville, Staunton

- Zoning Permit only – Winchester
- Ordinance Under Development – Hopewell, Norfolk, Williamsburg

Mr. White stated the Zoning Ordinance in Lynchburg does not define short-term rental uses so it defaults to the Zoning Administrator for an interpretation.

Current Policy

- Short-term rentals are permitted in business-zoned districts “by right”.
- Occupancy standards for residential zoning apply for short-term rental uses. Occupancy is limited to 3 unrelated people per dwelling unit or, when two or more related people reside there, only one unrelated guest is permitted.
- In residentially zoned districts, the owner must also be present during the guests’ stay.
- Owners that wish to operate short-term rentals with higher occupancy or when they are not present must have a conditional use permit from Council.

Current Challenges

- Community Development staff investigates unpermitted short-term rentals on a complaint basis.
- Occupancy cases are difficult and often take significant time to research, prove and meet notification requirement.
- The various online platforms are making it increasingly difficult to verify short-term rental locations.
- If there is sufficient evidence that short-term rental is operating illegally, staff pursues resolution through the zoning process and, if necessary, the court system which could take 45 to 60 days to bring a case to court.

An August assessment by Host Compliance identified 403 listings in Lynchburg, representing 365 rental units. The August Assessment Data median nightly rate showed a cost of \$75.00. He explained the different options for operating short-term rentals:

Resources Required

- Council has the option to address short-term rentals through various fees and land use requirements.
- The degree of proactive collection, monitoring and enforcement will impact staffing requirements in the areas of:
 - o Registration, fee collection and follow up
 - o Tax billing and collection
 - o Proactive Inspection vs Complaint-Based Inspection
 - o Enforcement

Staff Recommendation

- Direct staff to prepare Zoning ordinance amendments (i.e. by right, similar to current policy)
- Direct staff to prepare an Ordinance adopting a short-term rental registry
 - o \$150 annual registration fee
 - o Hire monitoring service to verify units
 - o \$500 penalty for not registering
 - o Prohibit operators from offering short-term rentals at individual properties that are cited for code violations more than 3 times
- Do not collect lodging tax

Following the presentation, Council responded with the following questions and concerns:

Council Member Wilder thanked Mr. White and his staff for the pro and con options of short-term rentals and the information that was gathered from other Virginia First Cities on short-term rentals. He then asked why staff did not recommend collecting a lodging tax. Mr. White responded that with the technology it is hard to locate where they are, the platforms used, how many nights guest renting, and the rates they are charging. We can bill them, but the verification piece is a little harder to document. Council Member Wilder asked about Bed & Breakfast (B&B). (Mr. White responded from a Zoning standpoint that it would require action from Council to operate a B&B.) Commissioner of Revenue Mitch Nuckles stated that a Bed & Breakfast (B&B) is treated like a legitimate business and they report taxes like a hotel would. Hotel owners are required to report their revenue; Airbnb owners stated they are not running a business just renting out a room or rooms in their homes. In the other localities that are collecting lodging tax, their success rate is 10% to 15% of the units that do remit the taxes and most of them say they are not in business. Council Member Wilder went on to say that it does not seem feasible. Council Member Nelson thanked the Staff for the research and presentation. He asked a question about collections and verification framed as a singular question. Collection is receiving assets from an operator or owner and verification is the investigation or the work done to determine if there is a violation. Council Member Nelson suggested the City pass an ordinance requiring lodging taxes for these rentals on an honor system. He said this would serve as an additional revenue stream without taxing the City's resources. He went on to say that he was concerned about the discrepancy in lodging tax requirement between hotels and short-term rentals. As the Airbnb industry has developed, we have ended up with an unequal treatment of our lodging tax as to those traditional institutions, hotels and motels, who have to pay them and those who want to run under the radar and not pay but are actually generating a profit. Council Member Nelson shared the following comments:

- He is very zealous about the rule of the law and protection, no one is above the law and everyone is subject to the law and must be treated by the law.
- As Airbnb is being developed we have ended up with an uneven treatment of our lodging tax to those institutions that have to pay taxes. Why should the City give away a waiver to an entity or group that should be subject to the same standard? There are rules in making waivers and then not making people comply with the rules.
- We are required to have landlords run their property on an annual basis.
- Expressed concerns with the collections of B&B establishments; add language for inspection for \$150 and include a \$500/violation civil penalty. (Mr. Nuckles responded that the \$500 penalty is the failure to register.) Council Member Nelson stated he was in favor of continuing a robust conversation about including the tax in the ordinance and a more efficient way to enforce it without additional staff time. City Attorney Walter Erwin stated it would be a violation, if you do not remit lodging tax, it is a criminal offense and failure to remit lodging tax is embezzlement. He went on to say the reality is we say all we have to do is adopt a resolution. If you don't hire the staff to enforce these ordinances, you are just putting the ordinance on the book and the City cannot enforce because of a lack of resources. It does not look good for the City to adopt an Ordinance that you will never enforce because you don't have the staff to do enforcement.

Council Member Perrow stated that the chart on Short-Term Rentals – Growth is a concerning rate of growth over time. Yet, it shows no evidence of decreasing. He also disagreed with the idea of levying a tax on private homeowners that are just trying to rent out a room. How can the City go about collecting taxes and being fair? Does not see this declining anytime soon and he would like to hear the staff recommendations on conversations about the lodging tax. The part he is concerned with is that the owner has to be present. He suggested staff look into more details, particularly in R-1 to protect our neighborhoods. Vice Mayor Dolan stated it is essential that we maintain the R-1 requirement that the owner has to be present. She asked why you cannot add the registration fee into the tax. Mr. Erwin responded there is a difference between a fee and a tax. The State Code gives the locality the ability to charge a fee to cover your cost in providing your service. The purpose of a tax is to generate revenue to the locality regardless of the service you provide. Council Member Helgeson opposed a lodging tax for short-term rentals because it would be difficult for city staff to undertake and enforce. He went on to say “how are you going to find them and collect it? I don't know how that's actually going to work in practice”. He stated the lodging tax would be very difficult to understand. Council Member Wright asked whether the other localities in Virginia are ample enough to enforce the lodging tax or if other measures are necessary. Council Member Nelson asked another question as to what would be the threshold regarding registration? Council Member Wilder made one additional statement regarding not forgoing the lodging tax and to reevaluate after a year. He also suggested the City look at the parking component as well. Mayor Tweedy had several questions 1) lodging tax in Bedford, 2) Management Certification Program, 3) rentals in an R-1 area and looking into the registration option from their neighbors to determine a more fair process for people to be heard, those operating under the radar, and those not registered. After additional discussion, Council concurred with staff's recommendation to bring a registration fee proposal for short-term rentals before the Planning Commission for additional inspection. Council also asked staff to research several items, including safety and parking requirements before presenting the recommendation to the Planning Commission. Mr. Wodicka recapped Council concerns which include information on lodging tax, renter safety inspections, parking requirements, management certification component, and a threshold regarding the number of days that might not allow noncompliance.

// City Planner Tom Martin provided a report on the Automobile Sales in B-4 District. Mr. Martin stated at City Council meeting on October 9, 2018, Council discussed the automobile sales in B-4 District. Mr. Martin went on to say Staff is not in support of amending the zoning ordinance. At that meeting, Council tabled discussion on this item to allow limited automobile sales at non-conforming automotive repair shops until they could consult with legal counsel. City Attorney Walter Erwin stated under the current zoning ordinance auto repair business does have the right to have limited sale of automobiles. The auto repair business can sell the automobiles for the customers who authorized repairs and then don't pay. Under the current zoning ordinance, Mr. Hubbard would not be allowed to bring other automobiles onto the property for purpose of selling those unless Council decides to amend the zoning ordinance. Council has two options to rezone the property or amend the zoning ordinance. Council Member Helgeson stated his understanding is that the owner of the auto repair shop has the right to sell the automobile if the customer does not pay for the repairs. I don't see to make any changes and he can do what he wanted to do in the beginning. Council Member Perrow stated he also agreed. Council Member Nelson stated to make it clear to Mr. Hubbard that he has the right to sell the vehicles on which he performed services and was not getting paid if they were authorized services then he can do that anyway. Then if he wants more the owner of the property would need to petition for a change in zoning ordinance on that particular parcel of land. Mayor Tweedy stated it was her understanding that Mr. Hubbard has the right to sell the automobiles when the owner does not pay for the services. Mayor Tweedy asked Mr. Martin to follow up with Mr. Hubbard to ensure he understands that option is already available to him. After the discussion Council agreed not to amend the zoning ordinance.

// Assistant City Manager John Hughes presented information for moving City Council elections from May to November. As you are aware City Council holds local elections in May of even years. In July 2018 a citizen asked Council to consider holding local elections for City Council during the November general election due to low voter turnout in the May 2018 Council elections. Mr. Hughes mentioned Lynchburg holds elections for City Council in the month of May in even numbered years; however, there is growing support nationwide for holding local elections in November. During Public Comment on July 10, 2018, City Council asked staff to research the possibility of moving the election cycle from May to November, concurrent with State or National elections. This issue was raised by a citizen based on low voter turnout during the May 2018 City Council election. Mr. Hughes provided several years of voter turnout records for May and November elections.

- State Code requirements state that the Virginia Code does not allow a locality to switch to a November election during an election year. If Council wishes to change the election dates, the change will have to be completed prior to December 31, 2019.
- If the City switches to November elections, the incumbent Council members will have their terms of office extended by six months, from June 30, 2020 until December 31, 2020.

- In comparison with Virginia First Cities (VFC) half of the Cities hold their election in November and the other half holds election in May. Currently the fourteen members of VFC are split in half concerning this issue with seven localities holding elections in May and seven holding elections in November.
- Other cities not in the VFC group, such as Roanoke, Fredericksburg and Fairfax hold May elections. In contrast the May election has shown a low percentage of registered voters and a low turnout. In November the turnout for registered voters has been higher.
- In 2016, nearly 6,500 voters came out for the May election. In November, that number skyrocketed to more than 35,000. This replicates the trend of previous years, with November turnout vastly outpacing the voters in May. One of the major concerns is the cost of the local elections, which was a cost of \$27,852.

Several points to consider for local elections:

- Local elections may get lost when combined with November State and National elections.
- Voter turnout is significantly lower in Lynchburg's local elections than in general elections.
- Voters like the idea of voting less often.
- Schools are closed during the November election, but not closed when May elections occur. This would address safety concerns at schools, which serve as polling places.
- One reason City Council has decided in the past to keep elections in May is because of the concern local elections would get lost in National and State election coverage in November.
- Further research indicated to avoid safety concerns of holding elections on days when school is in session, the possibility of moving the May election to June could also be considered.

Electoral Board Chair Pat Bower provided information on moving May Elections to November. Ms. Bower stated of course there are pros and cons to every change we make in government. She went on to say that there are several overriding considerations weighing on the side of moving Lynchburg's May election to November. The number of voters who come to the polls in November is almost always higher than in May. In spite of many years that local elections are vitally important and deserve voters' attention just as much as presidential elections, May election turnout continues to be unacceptably low in Lynchburg. Secondly, we are aware of student safety and media coverage. Five of Lynchburg's 18 polling places are in public schools which remain open on local election days. Ms. Bower stated she saw a reduction in local media coverage of this year's at-large elections. Finally, moving our May elections to November would

reduce the City's cost by approximately \$30,000 in even numbered years. When only 6,400 voters of 53,000 registered voters participate in a May election, as happened this spring, it can be said that the City spent almost \$5 for each of those voters. Mr. Hughes stated this presentation from Staff and the Electoral Board intended to serve as background information for discussion and consideration of changing the local election cycle. City Council had the following discussion regarding this item:

Council Member Perrow stated Mr. Bassett brought this issue to Council a couple of months ago and he went on to say back in 2008 he was opposed to moving the May election to November because of the media coverage that Council had received. He stated that being overshadowed by the National and Statewide elections concerned him. In the most recent Council election in May, there was hardly any coverage. There were three forums and the media did not attend any of the forums. If you combine them maybe there will be more coverage in November. I don't like the idea of moving the election to June and closing the schools again and to find other polling places. Council Member Perrow stated he thought it was worthwhile to have this discussion. Council Member Nelson mentioned the discrepancy in voter turnout could be attributed to the nature of the election. He went on to say when there are hot-button issues or contentious races, voters are more likely to head to the polls to elect local representatives. Council Member Nelson cited years where there were candidates running unopposed for ward seats, which tapered public interest in the election. When you look at the nature of those turnouts of ward elections, I don't think they are going to generate a lot of conversation. It has to do with the nature of the election; the candidates were very diverse; the nature of the issues that were discussed was a driving factor for persons showing up at the polls and not showing up at the polls. I don't think the data supports the conclusion that the date makes a difference. It's not the date of election but rather the nature of the candidates, issues, and the degree of which those issues were discussed that would be a driving factor. Council Member Wilder stated "I understand the cost by having both elections in November". His concern is the local issues would be buried in with the national election. I am still in favor of the May election. Council Member Wright stated that the heart of the issue is voter engagement. He also shared concerns about having a more partisan City Council as a byproduct of November elections. He also shared if we move the election to November it would erase any incentive we have to remain independent. Vice Mayor Dolan stated that we need more people voting and to remove barriers to get better turnout. Council Member Helgeson stated that he

thought about changing the election. I will agree in keeping the local election in May. Mayor Tweedy stated she agreed with Council Member Nelson. Voting is real. Some people are fine with their City, and people don't become engaged if they are satisfied with the operations. It is the hot button issues that will make people come out; and my concern is the media. How do we get more voter turnout and get more people engaged? We start trying to get voters out only a couple weeks before the election. I am not in favor for the June election. I would also agree with keeping the local election in May as it is in the minds of our local voters. After the discussion and concerns on this item from City Council, it was agreed by City Council that the local elections for Lynchburg will remain in May.

// City Manager Bonnie Svrcek stated that it is time to review and update City Council's Legislative Agenda in preparation for the 2019 session of the Virginia General Assembly. Ms. Svrcek presented an annotated copy of the adopted 2018 Legislative Agenda with suggestions proposed by staff. She went on to say staff would appreciate receiving Council's input so the draft agenda can be finalized for adoption at Council's meeting on November 1, 2018. Ms. Svrcek also mentioned the Legislative Agendas from the Virginia Municipal League (VML) and the Virginia First Cities Coalition (VFC). The VML Legislative Agenda was adopted at the recent conference in Hampton and the VFC Legislative Agenda is scheduled for adoption at the annual meeting on November 30th in Williamsburg.

Highlights of the 2019 Proposed Legislative Agenda include:

- Adding language regarding a payment-in-lieu of a sidewalk installation with funds banked for sidewalks in higher priority areas of the City.
- Eliminating language regarding infill development because this past year staff was advised that offering a tax incentive would require an amendment to the State Constitution and there was little interest in the Legislature to amend the Constitution.
- Adding language to the Telecommunications statement to include Wireless Infrastructure. During the past three General Assembly sessions, legislation was adopted that limits local governments' authority to regulate the placement of wireless communications infrastructure in the public right of way and on public property. Additional legislation is expected in 2019 that will further limit local authority.
- Adding language supporting the City's request of \$8 million towards stabilizing the College Lake lakebed, creating beneficial wetlands and removing the dam.
- Updates to the Water Quality and Environment section.
- Adding language regarding a dedicated revenue stream for emergency management functions.
- Adding language regarding regulation of tenants' property upon eviction.

Council had the following concerns and questions on the Proposed 2019 General Assembly Legislative Agenda:

Council Member Helgeson mentioned the section adding language regarding regulation of tenants' property upon eviction and he was glad to see that was in the agenda to address this issue. His other concern involved sidewalks, to add language regarding the developers' concerns for installation in certain circumstances. Council Member Perrow responded to Council Member Helgeson's concern regarding the sidewalks. He said this instance came up from the Developers on Dillard Drive. They were required to put in a sidewalk but there was no sidewalk anywhere else on Dillard Drive. The developer suggested possibly putting the sidewalk on Enterprise Drive, but they could not do so by City Code. City Attorney Walter Erwin did say this came forward from the Developers, who said it did not make sense to install the sidewalks where they were required to install sidewalks if they were not needed. Couldn't we put this money in a sidewalk bank so the funds could be used in other areas of the City where it might make more sense if it were purely voluntary? Council Member Helgeson's other concern was the College Lake Dam. Is there any update on the College Lake Dam and the bridge? The Dam is around \$8 million and the bridge is another \$25 million. Ms. Svrcek responded we are very hopeful and will be setting up meetings with our local legislators after the Legislative Agenda is adopted in November. One of the most significant or major concerns includes a request for \$8 million from the State for "the environmental restoration and improvement and dam removal components of the damage to College Lake and College Lake Dam resulting from the August 2, 2018 rain storm." Council Member Nelson mentioned he was looking through the legislative agenda regarding Airbnb and wondered if there was anything in the legislative agenda on this item? Ms. Svrcek responded that under short-term rental, the City opposes short-term rental legislation that limits local government authority to require property owners to register locally and insure accessibility, zoning and life safety protections, and equal taxing of all lodging facilities. He was asking if the General Assembly would have a mindset and a willingness to collect Virginia taxes of any Airbnb operating in Virginia. Council Member Perrow stated his concern about the section on landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's expense, which is a good idea. He further asked if we are allowed to charge them a cost and are we allowed to assess a penalty to that cost? The City Attorney responded that if the landlord evicted a tenant, the tenant has 24 hours to remove the personal property and if the tenant does not remove the personal property, the landlord

must remove the property within 48 hours. If the landlord fails to remove the personal property within 48 hours, the City can remove the property and bill the landlord for the removal costs. The City could possibly amend the section of the City Code to make it a violation if the landlord fails to remove the property. Mayor Tweedy also stated she would like to hear about the language for landlords and potential fees. After the review and discussion of the 2019 Legislative Agenda, Ms. Svrcek stated the adoption of the 2019 Legislative Agenda would be presented to City Council at the November 13, 2018 meeting.

// During roll call Council Member Wilder mentioned attending the "Day at the Point" that was held at Point of Honor. It is so wonderful to have so many great events in our community. He thanked the Staff for doing a great job that day.

// Mayor Tweedy made the following announcements:

- Trash pickup on 4th Street - the trash has not spilled out into the street, but it is very close. Have Public Works look into this issue.
- Mentioned high school students participating in a voting contest sponsored by the League of Women Voters.
- Greater Lynchburg Transit Company (GLTC) Annual Meeting will be held on October 24, 2018 at the Kemper Street Station at 6:00 p.m.
- Council/School Board Retreat will be held on October 30, 2018 at Marie Waller Conference Room, E.C. Glass High School at 4:00 p.m. to 8:00 p.m.
- City Council Budget Retreat will be held on November 1, 2018 at the Greater Lynchburg Transit Company Kemper Street Meeting Room at 8:30 a.m. to 4:00 p.m.
- College Hill Neighborhood Center Ribbon Cutting Ceremony will be held on November 1, 2018 at 5:00 p.m.
- Town and Gown Meeting will be held at Liberty University Welcome Center on November 7, 2018 at 12:00 p.m. to 1:30 p.m.
- Daniels Hill Neighborhood Center Ribbon Cutting Ceremony will be held on November 8, 2018 at 4:00 p.m.

// City Council recessed the meeting at 5:54 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
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Absent:	0
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Council Member Wright gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the October 9, 2018 meeting were previously furnished to Council. Council

Member Perrow asked that the October 9, 2018 minutes be pulled from the consent agenda for revision.

Council by the following recorded vote removed the October 9, 2018 minutes from the Consent Agenda:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
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Noes:	0
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// In the matter of Fire, Resolution #R-18-086, to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$39,954 with resources from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment, laid over from the October 9, 2018 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
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Noes:	0
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// In the matter of Public Works, a public hearing was held regarding City Council Report #8 outlining a request to grant a License Agreement to Tesla Energy Operations, Inc. to place electrical conduit and cable in City-owned right-of-way across College Street in two locations and to maintain and operate installations under license agreements previously approved by City Council. Council Member Nelson made the following statement. "In the past I have served as legal counsel for University of Lynchburg (formerly Lynchburg College) on real estate matters. I felt it would not be a conflict of interest and needed to disclose that statement. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item". Vice Mayor Dolan made the following statement. "I serve as a Trustee for University of Lynchburg (formerly Lynchburg College).

While I do not receive a financial benefit from my services as a Trustee and I do not have a personal interest in the outcome of this agreement, I wish to avoid any appearance of bias or impropriety. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item.” City Engineer Lee Newland provided a summary of the request for Tesla Energy Operations. Mr. Matt Gitt, Senior Project Manager with Tesla Energy Operations spoke in favor of this project to place electrical conduit and cable in City-owned right-of-way across College Street. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that the request was considered by the PDC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-18-087, as presented, to grant a License Agreement to Tesla Energy Operations, Inc. to place electrical conduit and cable in City-owned right-of-way across College Street:

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

Noes: 0

// In the matter of Police, City Council Report #9 was considered to amend the FY 2019 General Fund budget and appropriate \$67,473 with resources from the General Fund Reserve for Contingencies to assist in the purchase of 43 patrol rifles and ammunition. Police Chief Ryan Zuidema provided a summary of the request. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-088 as presented, to assist in the purchase of 43 patrol rifles and ammunition for the Police Department:

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

Noes: 0

// In the matter of Police, City Council Report #10 was considered to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$39,954 with resources from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment. Police Chief Ryan Zuidema provided a summary of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC on September 25, 2018 and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-18-089, as presented, to purchase law enforcement equipment for the Police Department:

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

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Noes:

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// In the matter of Police, City Council Report #11 was considered to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$46,400 with resources of \$23,200 from the Bulletproof Vest Partnership 2018 Grant Program and \$23,200 transferred from the FY 2019 General Fund Police Department (\$19,200) and Sheriff's Office (\$4,000) budgets to purchase 58 replacement bulletproof vests for law enforcement officers. Police Chief Ryan Zuidema provided a summary of the request. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-090, as presented, to purchase 58 replacement bulletproof vests for law enforcement officers:

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

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Noes:

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// In the matter of Public Works, City Council Report #12 was considered to approve a change order up to the amount of \$1,271,875 to complete the Logans Lane Project by adding turn lanes at Leesville Road as a Virginia Department of Transportation (VDOT) Revenue Sharing Project. Lee Newland, City Engineer, provided a summary of the request. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that the request was considered by the PDC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-18-091, as presented, approving a change order up to the amount of \$1,271,875 to complete the Logans Lane Project by adding turn lanes at Leesville Road as a Virginia Department of Transportation (VDOT) Revenue Sharing Project:

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

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Noes:

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// In the matter of Public Works, City Council Report #13 was considered for submitting the proposed Highway Safety Improvement Program (HSIP) Projects to the Virginia Department of Transportation (VDOT). Lee Newland, City Engineer, provided an outline of the request. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that the request was considered by the PDC and made a motion to approve the request. The motion did not require a second, and Council by the following

recorded vote adopted Resolution #R-18-092, as presented, for submitting the proposed Highway Safety Improvement Program (HSIP) Projects to the Virginia Department of Transportation (VDOT):

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

Noes: 0

// In the matter of City Code, City Council Report #14 was considered to amend Section 11-2 of the City Code to reference the latest edition of the Virginia Uniform Statewide Building Code. City Attorney Walter Erwin provided information on the request. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-18-093, as presented, to amend Section 11-2 of the City Code to reference the latest edition of the Virginia Uniform Statewide Building Code:

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

Noes: 0

// On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e. Transit Company Board, Lynchburg Parking Authority, Social Services Advisory Board, Board of Building Code Appeals and Historic Preservation Commission; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy 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 Perrow, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Wright, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Christos Carroll, Mary-Winston Deacon and Margaret Whitaker, to serve on the Transit Company Board of Directors for terms to expire October 30, 2021:

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

Noes: 0

On nomination of Council Member Wright, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Brandon Farmer to serve on the Lynchburg Parking Authority for a term to expire October 30, 2023:

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

Noes: 0

On nomination of Council Member Wright, seconded by Council Member Wilder, Council by the following recorded vote appointed Todd Swindell to serve on the Lynchburg Parking Authority for a term to expire October 30, 2023:

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

Noes: 0

On nomination of Council Member Wright, seconded by Council Member Wilder, Council by the following recorded vote appointed Lenora Noell to serve on the Social Services Advisory Board for a term to expire September 30, 2022:

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

Noes: 0

On nomination of Council Member Wright, seconded by Council Member Wilder, Council by the following recorded vote appointed Bruce Rhodes to serve on the Board of Building Code Appeals for a term to expire September 30, 2022

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

7

Noes:

0

On nomination of Council Member Wright seconded by Council Member Wilder, Council by the following recorded vote appointed Shaun Spencer-Hester to serve on the Historic Preservation Commission for a term to expire June 30, 2021:

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

7

Noes:

0

// The meeting was adjourned at 8:30 P.M.