

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of October, 2015, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette 6

Absent: Perrow 1

// Council Member Perrow arrived at the meeting at 4:09 p.m.

// City Manager Kimball Payne presented the proposed plan in support of the Academy Theatre Restoration. Mr. Payne stated that at the meeting of August 11, 2015, in response to a request from the leadership of the Academy of Fine Arts, Council directed staff to explore how \$3.5 million might be identified to support the renovation of the Academy Theatre and to report options for further discussion. The following plan has been developed:

Goal: \$3.5 million

Sources: FY 2016 -- \$600,000 Industrial Revitalization Fund (IRF)
 \$600,000 grant match from the Lynchburg Economic Development Authority (LEDA)
 \$1.2 million total
 FY 2017 -- \$0.2 million from undesignated FY 2016 General Fund balance
 \$0.2 million from Lodging Tax (Tourism budget)
 FY 2018 -- \$0.2 million from Lodging Tax (Tourism budget)
 \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
 FY 2019 -- \$0.2 million from Lodging Tax (Tourism budget)
 \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
 FY 2020 -- \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
 Balance, if necessary with Lodging Tax and Downtown money (e.g. if the IRF grant is less than requested)
 TOTAL -- \$3.5 million

Mr. Payne went on to say the alternative funding sources were to increase the Meals Tax and/or Lodging Tax for a period of time to raise the 2.3 to 2.9 million. The original idea was to structure the City's contribution as a loan or as some purchase of equity in the property. Due to the regulations related to the use of historic tax credits, however, this approach cannot be pursued. During Council discussion Council Member Nelson provided a variation to the City Manager's proposal to fund the Academy Theatre Restoration: 500K per year from the Downtown Redevelopment Capital Improvement budget for 3 years; \$200K each year from Lodging Tax in an increased Tourism budget over a period of 4 years; and \$600K paid from the EDA's budget as the local match of the Virginia Department of Housing and Community Development. Increase the Tourism budget to \$1.3 million a year, but leave the lodging and meals tax at their current levels. Adopt the language in the restriction proposed by the City Manager but extend the time period to 50 years rather than 35 years. Council is not in favor of using any funds from the General

Reserve Fund Balance. Several Council Members were in favor of the proposal while Council Member Helgeson and Council Member Perrow would not support the proposal, citing that they appreciate the Academy's passion and vision but they have to look out for the taxpayers, and cannot justify the expenditure at this time. Mayor Gillette called for a vote regarding the proposed amendments to the funding for the Academy stating this is not a final vote. This is a vote to give the City Manager guidance to start drafting the paperwork. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote approved the amendments to the proposal:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette

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Noes: Helgeson, Perrow

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// Deputy City Manager Bonnie Svrcek gave a brief history of the Zoning Ordinance. Lynchburg's current Zoning Ordinance was adopted in 1978. Over the last four decades, parts of the Ordinance have been updated, deleted, and added, but until now there has been no comprehensive assessment or rewrite of the document. The update process began in 2012 when the City performed a Zoning Ordinance Diagnostic, a systematic review and assessment of the Ordinance. The proposed Zoning Ordinance reflects changes to make the Ordinance easier to use, streamlines City process, implements many of the goals of the Comprehensive Plan 2013-2030, addresses new issues and trends and enhances the City's built environment. City Planner Tom Martin introduced Michael Lauer with Planning Works who provided the Zoning Ordinance presentation. Mr. Lauer discussed the proposed Zoning Ordinance Revisions. During the presentation certain questions were posed by Council that will be addressed at the next work session. The following are issues that were posed by Council that will be addressed for further discussion.

- Occupancy
- Accessory Dwellings
- Home Occupations
- Neighborhood Norms
- Chickens
- Residences in B-1
- Bike Parking
- Development/Redevelopment
- Sidewalks
- Recreational Vehicle Parking
- Residential Lighting

After the review and discussion on the proposed changes to the Zoning Ordinance, Council directed staff to advertise the Zoning Ordinance for a public hearing on November 10, 2015. Another Zoning Ordinance work session was scheduled for October 27, 2015.

// There were no items for roll call.

// City Council recessed the meeting at 6:28 p.m.

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

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The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Absent:

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

// Mayor Gillette recognized the Lynchburg Economic Development Authority for receiving a silver medal at the International Economic Development Council's annual conference in Anchorage, Alaska, in recognition of the best communities using the web as an effective marketing tool to promote services and other information to their audiences.

// Mayor Gillette recognized the City of Lynchburg for receiving the 2015 Virginia Municipal League (VML) Green Government Challenge Award on October 6, 2015 at the VML Conference which was held in Richmond, VA.

// Mayor Gillette recognized the Department of Communications and Marketing for receiving the Silver Circle Award from City-County Communications and Marketing Association (3CMA) for the Comprehensive Communications Plan for Lynchburg Alerts.

// Copies of the minutes of the September 22, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// Copies of the minutes of the September 24, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Community Development – General, a public hearing was held regarding City Council Report #6 regarding receiving comments and adopting a Resolution regarding the 2014 (FY 2015) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD). Deputy City Manager Bonnie Svrcek gave a brief 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 Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-079, as presented, approving the submission of the 2014 (FY2015) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S.

Department of Housing and Urban Development (HUD):

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Community Development – Zoning Amendments, a public hearing was held regarding City Council Report #7 regarding the petition of DD&D Trucking, LLC to amend the Future Land Use Map

(FLUM) located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial. City Planner Tom Martin gave a summary of the request. Mr. Martin stated that the Planning Division and Planning Commission recommended denial of the FLUM and the rezoning petition. Mr. Norm Walton with Perkins & Orrison, Inc., representing the petitioner, asked Council for approval of the FLUM and the rezoning petition. Two individuals spoke in support of the request. Four individuals spoke in opposition of the request stating concerns regarding increased traffic, dust, noise and other safety issues in the community. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion on this item Council Member Tweedy and Vice Mayor Johnson were not in favor of approving the FLUM and rezoning petition because of traffic problems and it would be a burden on the community. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-15-080, as presented, approving the Future Land Use Map (FLUM) to change the property located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial:

Ayes: Foster, Helgeson, Nelson, Perrow, Gillette 5

Noes: Johnson, Tweedy 2

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-15-081, as presented, granting the petition of DD&D Trucking, LLC to rezone approximately five and four hundred twenty-three thousandths (5.423) acres at 5205 Pleasant Valley Road from R-2, Low-Medium Density, Single-Family Residential District and B-3C, Community Business District Conditional to B-5, General Business:

Ayes: Foster, Helgeson, Nelson, Perrow, Gillette 5

Noes: Johnson, Tweedy 2

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Blue Ridge Towers, Inc. for a Conditional Use Permit (CUP) at 315 Beverly Hills Circle to install a one hundred thirty (130) foot monopole telecommunications tower with athletic lighting installed on the tower at fifty (50) feet in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition, explaining that both the Planning Division and Planning Commission are recommending approval of the CUP. Mr. Anthony Smith with Blue Ridge Towers, Inc., representing the petitioner, asked Council for approval of the CUP. 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-15-082, as presented, granting the Conditional Use Permit at 315 Beverly Hills Circle to install a one hundred thirty (130) foot monopole telecommunications tower with athletic lighting installed on the tower at fifty (50) feet in an R-1, Low Density, Single-Family Residential District:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Lynchburg 104 Venture, LLC for a Conditional Use Permit (CUP) at

3809 Wards Road to allow fill in the 100 Year Flood Plain in a B-5, General Business District. City Planner Tom Martin gave a brief summary regarding the request, explaining that both the Planning Division and Planning Commission are recommending approval of the CUP. Mr. Mark Ayles with Hughes Associates Architects & Engineers, representing the petitioner, asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow stated that he would not be voting for this item due to concerns about regulations in the flood plain. On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-083, as presented, granting the Conditional Use Permit at 3809 Wards Road to allow fill in the 100 Year Flood Plain in a B-5, General Business District:

Ayes: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette

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Noes: Perrow

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// In the matter of Community Development – General, a public hearing was held regarding City Council Report #10 regarding the petition of the City of Lynchburg to adopt the Atlanta Avenue Corridor Study as part of the City's Comprehensive Plan 2013-2030. The Atlanta Avenue Corridor Study recommends traffic calming measures, a multi-use trail and pedestrian crossings to be installed on Atlanta Avenue. The plan also recommends the installation of a “mini urban roundabout” at the intersection of Atlanta Avenue & Badcock Place. City Planner Tom Martin gave 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 Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-084, as presented, to adopt the Atlanta Avenue Corridor Study as part of the City's Comprehensive Plan 2013-2030:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Public Works – General, a public hearing was held regarding City Council Report #11 regarding a request to grant a License Agreement to Shentel Communications, LLC to place approximately 2,500 feet of aerial fiber optic cable in City-owned right-of-way along Enterprise Drive and Dillard Drive. City Manager Kimball Payne gave a brief summary of the request to grant a License Agreement to Shentel Communications, LLC. 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 Foster, Council by the following recorded vote adopted Resolution #R-15-085, as presented, to grant a License Agreement to Shentel Communications, LLC to place approximately 2,500 feet of aerial fiber optic cable in City-owned right-of-way along Enterprise Drive and Dillard Drive:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Public Works – General, a public hearing was held regarding City Council Report #12 regarding a request to enter a lease agreement with Creating Opportunities through Partnership and Education (COPE) International-USA to rent a portion of City property at 300 Rutherford Street for the

purpose of establishing a training program for commercial indoor farming. City Manager Kimball Payne gave a summary of the request. Mr. Joseph Pallone, President of COPE International outlined the purpose of this request and asked Council for approval to enter into a lease agreement. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-086, as presented, to enter a lease agreement with Creating Opportunities through Partnership and Education (COPE) International-USA to rent a portion of City property at 300 Rutherford Street for the purpose of establishing a training program for commercial indoor farming:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// Ms. Margie Callahan, Board President for the Lynchburg Symphony Orchestra, spoke before Council providing information on the 32 years the Lynchburg Symphony Orchestra has been performing in the City of Lynchburg.

// In the matter of Police – General, City Council Report #14 was considered. 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-15-087, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$15,750 with resources of \$10,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$4,217, and \$1,033 transferred from the FY 2016 General Fund Police Department budget to provide funds for speed enforcement activities:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Police – General, City Council Report #15 was considered. 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-15-088, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,449.46 with resources of \$18,224.73 from the Bulletproof Vest Partnership 2015 Grant Program and \$18,224.73 transferred from the FY 2016 General Fund Police Department (\$17,064.73) and Sheriff's Office (\$1,160) budgets to purchase 48 replacement bulletproof vests for law enforcement officers:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Police – General, City Council Report #16 was considered. 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-15-089, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,964 with resources from the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement software, flashlights and holsters, targets, desktop computer, and a laptop computer:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// In the matter of Police – General, City Council Report #17 was considered. 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-15-090, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,541 with resources of \$45,027 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$19,760, and \$2,754 transferred from the FY 2016 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

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Noes:

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// The meeting was adjourned at 9:42 P.M.

Clerk of Council