// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of October, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Wilder gave the Invocation, and the Pledge of Allegiance was led by Cub Scout Pack 180, Den 2. The following Members were present:

Present:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:		0

// Mayor Foster welcomed the Sister City of Lynchburg Plus/Sister City of Glauchau, Germany Firefighters to Lynchburg. The Glauchau, Germany Volunteer Firefighters were:

Uwe Clemens - Chief of Volunteer Fire Department

Jochen Glös - Club Chairman of Volunteer Fire Department

Robby Puttin – Machinist Member of the Board

Marcus Steinhart – City Head of Department of Civil Services/School/Youth

Uwe Clemens presented a letter to Mayor Foster from the Lord Mayor P. Dressler (Glauchau, Germany) and presented gifts to Council Members.

// Mayor Foster recognized the City of Lynchburg for achieving the Silver Award status from Virginia Municipal League (VML) "Go Green Award."

// Mayor Foster recognized the Department of Community Development (Kent White, Director and Staff) for being named the 2016 Organization of the Year by the Virginia Association of Zoning Officials.

// Mayor Foster recognized that the Virginia Department of Emergency Management has awarded the City of Lynchburg over $150,000 in grants.

// Mayor Foster recognized Dr. Rachel Gagan with Live Healthy Lynchburg and "Let's Move"! which was held in Washington, D.C. with First Lady Michelle Obama. Two students from Perrymont Elementary School attended with Mayor Foster.

// Mayor Foster recognized Morgan Gafford, a Sophomore at E.C. Glass with the Mayor's Youth Council.

// Copies of the minutes of the September 27, 2016 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow abstained because he was not present at the September 27, 2016 Council meeting. On motion of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster	6
Noes:		0
Abstain:	Perrow	1

// In the matter of Commonwealth Attorney, Resolution #R-16-108 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $448,770 with resources from the FY 2017 Office on Violence Against Women (OVW) Improving Criminal Justice Response Program to meet the needs of the community regarding criminal justice responses and victim services, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Public Works – General, Resolution #R-16-110 to amend the FY 2017 City Capital Project Fund budget and appropriate $168,244 with resources from a Virginia Department of Transportation (VDOT) Transportation Alternatives Program grant to install sidewalk in the Dearington neighborhood, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – General, Resolution #R-16-111 to amend the FY 2017 City Capital Project Fund budget and appropriate $510,000 with resources from a Highway Safety Improvement Program grant to install pedestrian and signal improvements along Rivermont Avenue from Bedford Avenue to Link Road, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General, Resolution #R-16-112 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $21,000 with resources of $14,000 from the Department of Motor Vehicles Highway Safety Grant, and an in-kind service and equipment match of $5,929 and $1,071 transferred from the FY 2017 General Fund Police Department budget to provide funds for speed enforcement activities, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General/Sheriff/Commonwealth Attorney, Resolution #R-16-113 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $43,797 with resources from the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General, Resolution #R-16-114 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $49,459.20 with resources of $24,729.60 from the Bulletproof Vest Partnership 2016 Grant Program and $24,729.60 transferred from the FY 2017 General Fund Police

Department ($20,865.60) and Sheriff's Office ($3,864) budgets to purchase 64 replacement bulletproof vests for law enforcement officers, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General, Resolution #R-16-115 to amend the FY 2017 City/Federal/State Aid Fund budget and appropriate $63,942 with resources of $42,628 from the Department of Motor Vehicles Highway Safety Grant, and an in-kind service and equipment match of $18,537 and $2,777 transferred from the FY 2017 General Fund Police Department budget to provide selective Driving Under the Influence (DUI) and occupant restraint enforcement activities, attend related training and purchase equipment, laid over from the September 27, 2016 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #9 regarding the petition of Piedmont Real Estate Holdings LLC, Piedmont Land Holdings Co. LLC, and Piedmont Land Development Co. LLC to vacate a portion of Mill Ridge Rd., which is approximately sixty (60) feet wide and extends approximately six hundred eighty-four (684) feet. The portion proposed for vacation is located at the end of a developed and active street, including the cul-de-sac, and contains approximately one and seventy-nine thousandths (1.079) acres. City Planner Tom Martin gave an overview of the street vacation. Mr. Walton, representing the petitioner gave a presentation and asked Council to approve the street vacation. 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 Ordinance #0-16-116, as presented, regarding the petition of Piedmont Real Estate Holdings LLC, Piedmont Land Holdings Co. LLC, and Piedmont Land Development Co. LLC to vacate a portion of Mill Ridge Rd., which is approximately sixty (60) feet wide and extends approximately six hundred eighty-four (684) feet.

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 #10 outlining the petition of Maddox & Son Construction, Inc. to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential and to rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of a two hundred and forty-six (246)-unit apartment complex with an accessory commercial space, associated offices, clubhouse, recreational amenities, and parking areas. Planner II Anne Nygaard gave an overview of the FLUM and the rezoning petition. Ms. Nygaard stated that the Planning Commission recommended denial of the FLUM amendment and approval of the rezoning petition. Mr. Andy Maddox with Maddox & Son Construction and Mr. Warner Trent with Hurt & Proffitt asked Council to approve the FLUM and the rezoning petition because they felt that the development is at a good location, noting access to the Lynchburg Expressway and the site is a good location for this development. Three individuals spoke in favor of the rezoning petition asking Council to consider rezoning this petition. There were several individuals that spoke in opposition of the rezoning petition which included concerns about the increase of traffic in the area and changes to the character of the neighborhood. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members expressed concerns that the development is better suited for R-2 low –medium density residential than R-4 high-density residential district conditional, with increased traffic and emergency vehicles. On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-16-117, as amended, amending the Future Land Use Map (FLUM) of the City's Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Foster 5

Noes: Perrow, Wilder 2

Council Member Perrow and Council Member Wilder voiced theirs concerns regarding the Proffers, knowing that the Proffers are in place and will protect the neighborhood as much as possible. On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-16-118, as amended, to rezone approximately twelve and seventy-five hundredths (12.75) acres at 1125 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of a two hundred and forty-six (246)-unit apartment complex with an accessory commercial space, associated offices, clubhouse, recreational amenities, and parking areas:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Foster 5

Noes: Perrow, Wilder 2

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #11 regarding the selling of city owned property located at 712 5th Street (Tax Parcel 02423002) consisting of one hundred ninety-eight thousandths (0.198) of an acre. City Planner Tom Martin gave an overview of the request. Mr. William R. Parr, the petitioner asked Council to support the selling of City owned property located at 712 5th Street in the amount of $16,000 to him. One individual spoke in support of the selling of City owned property located at 712 5th Street. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Nelson disclosed the following statement. "I do not represent Mr. Parr in this project, but in the past represented him in other projects. I know nothing about this project. 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 and the vote on this item". On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-119, as presented, regarding the selling of city owned property located at 712 5th Street (Tax Parcel 02423002) consisting of one hundred ninety-eight thousandths (0.198) of an acre in the amount of $16,000:

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

// In the matter of Budget, a public hearing was held regarding City Council Report #12 regarding amending the FY 2017 Operating and Capital Budgets and appropriating funds to reflect the FY 2017 First Quarter Adjustments. Director of Financial Services Donna Witt provided an overview of the FY 2017 First Quarter Adjustments. 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 introduced and laid over to a later meeting for final action Resolution #R-16-120, as presented, amending the FY 2017 Operating and Capital Budgets and appropriating funds to reflect the FY 2017 First Quarter Adjustments:

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

// In the matter of City Council, Dr. Monroe Baldwin spoke before Council regarding the name of the Cross-Town Connector.

// In the matter of City Council Report #14 was considered. City Manager Bonnie Svrcek provided a summary of the Performance Agreement with Golden Mile, LLC regarding the capital costs of road improvement associated with the development of Rosedale on Graves Mill Road. City Council asked the City Manager to engage in further negotiations with the developer to discuss reimbursement percentage and a cap on reimbursement. Ms. Svrcek recommended the City reimburse the capital costs at 100% of the developer's total cost estimate or a cap at $5,879,794. The developer requested a cap of 8 million dollars, yet they were unable to justify such a cap, which caused a bit of disagreement. An agreement was reached as the developer agreed to a 75% - developer, 25%-City split of revenues up to the first three million dollars of reimbursement and a 55%-developer, 45%-City split of revenues up to the proposed cap of $5,879,794 or fifteen years; whichever comes first. After the presentation from the City Manager Bonnie Svrcek, Council Member Nelson made a motion to approve the Performance Agreement with Golden Mile, LLC. Council Member Perrow, seconded the motion stating several changes to the Agreement. Section #8; add language regarding Breezewood Drive, Section 4.6; term of this Agreement at 15 years or full expenditures and possibly have a performance bond associated with this project. Several Council Members made suggestions regarding the Performance Agreement, which will be incorporated into the final amendments to the Performance Agreement.

- Council Member Nelson – would like the cap to meet the developers' initial request of eight million dollars due to unknown increased costs, which is impossible to predict.

- Council Member Perrow wants to ensure that the City is only paying for the road. He believes the City can fund a road over fifteen years based solely on new revenue based on this development.
- Council Member Helgeson disagreed with the new agreement, stating it is drastically different than initially proposed two years ago. He went on to say, it is not the City taxpayers problem to pay for poor financial planning projections and this is $5.8 million you cannot cut from our heavy tax burden on our citizens.
- Several Council Members agreed to stay the course by supporting the proposed performance plan with amendments to generate revenues for the City, free up traffic, and access to Graves Mill Road.

On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-16-121, as amended, authorizing the City Manager to sign a Performance Agreement with Golden Mile, LLC regarding the reimbursement of capital costs for road improvements associated with the development of Rosedale on Graves Mill Road:

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

Noes: Helgeson 1

// The meeting was adjourned at 11:30 P.M.

Clerk of Council