// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of September, 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, Tweedy, Wilder, Foster 6

Absent: Perrow 1

// City Manager Bonnie Svrcek provided information regarding the Rosedale Performance Agreement. Ms. Svrcek stated Golden Mile, LLC has requested the City assist with funding transportation improvements to Graves Mill Road, as well as the entrance and the internal "spine" road for the Rosedale development. Following the August 9, 2016 Finance Committee, staff was directed to negotiate further with Golden Mile, LLC to reach agreement that is more in alignment with City Council's criteria of September 29, 2014. Council's original conditions to consider road improvements were:

1) a time limit on the return period of 10 years;

2) connectivity to Breezewood Drive; and

3) participation by the City of no more than 50% of the cost for road improvements.

Ms. Svrcek went on to say that Golden Mile, LLC's representative met to discuss a compromise. A compromise was made on the term of the reimbursement from the 10 years identified by City Council and the 20 years proposed by Golden Mile, LLC. The compromise reimbursement period is proposed to be 15 years. City Manager Bonnie Svrcek and Golden Mile, LLC's representative also discussed the possibility of supporting a Smart Scale application to Virginia Department of Transportation [VDOT] for only the Graves Mill Road improvements. The City staff does not support such an application as the improvements, including those to Graves Mill Road, are not identified on any transportation improvement priority list. On September 2, 2016 Golden Mile, LLC offered two alternate proposals:

1) Proposes no City support for a Smart Scale request from VDOT.
2) Participation by the City of 100% of all road improvement costs according to State Code Tax Increment Financing Definition, including Graves Mill Road improvements and internal "spine" road improvements.

Ms. Svrcek went on to say that the two major points of disagreement between staff's recommendation and Golden Mile, LLC's September 2, 2016 Proposal #2 are:

1) Level of participation by the City in reimbursement for improvements to Graves Mill Road, entrance, and "spine" road within the Rosedale complex. City staff recommends no more than 50% of only the cost of physical road construction activities. Golden Mile, LLC proposes 100% of all costs as identified in the State Code Tax Increment Financing definition for capital costs; and, proposes no City support for a Smart Scale request from VDOT.
2) Connectivity to Breezewood Drive: City requirement for Golden Mile, LLC to acquire dedicated right-of-way through the "Skinner Tract" for future connection to Breezewood Drive. Golden Mile, LLC has only provided a non-binding agreement with the owners of the "Skinner Tract" for an easement for a road or roadway up to 100 feet wide from the Rosedale property to Breezewood Drive.

Vice Mayor Tweedy provided a summary of the discussion that was held at the Physical Development Meeting on September 12, 2016 regarding Golden Mile, LLC performance agreement. After Vice Mayor Tweedy's summary, she made a motion, seconded by Council Member Wilder to offer three options on the Golden Mile, LLC performance agreement:

1) adopt the summary of elements listed
2) ask staff to go back and negotiate the performance agreement
3) bring back the performance agreement to the October 11, 2016 Council Meeting

Council Member Helgeson made a substitute motion on the following options:

1) A time limit on the return period of 10 years
2) Connectivity to Breezewood Drive
3) Participation by the City of no more than 50% of the cost of road improvements

This motion died for a lack of a second. Mayor Foster called for a vote on the original motion made by Vice Mayor Tweedy and seconded by Council Member Wilder, and Council by the following recorded voted on the three options for Golden Mile, LLC:

Ayes: Dolan, Nelson, Tweedy, Wilder, Foster	5
Noes: Helgeson	1
Absent: Perrow	1

// During roll call Council Member Nelson thanked Lynch's Landing, all the downtown resources, sponsors and city staff for the wonderful Get!Downtown event on September 9, 2016.

// Council Member Wilder thanked sponsors and city staff for the wonderful Get!Downtown event and also thanked the universities, colleges and families for attending this event. He thanked Parks and Recreation for all the summer activities that they held. He also mentioned that he wanted to thank the city department directors for the time they spent in educating him and Council Member Dolan about the city departments.

// Mayor Foster thanked Parks and Recreation for all they do for the community and the booklet that was sent out to all the families in the City.

// City Council recessed the meeting at 4:58 p.m. in Council Chamber and proceeded to tour of the Lynchburg Circuit Court Renovations.

// Clerk of Court Eugene Wingfield provided a tour for City Council. Mr. Wingfield gave background information on the Lynchburg Circuit Court which began renovations of the main level of the courthouse to include, lobby, hallways, Courtrooms A and B during 2015. Prior to this renovation only minimal work and repairs had been done to these areas since the courthouse was built in 1957. The renovations have been completed and the Judges of this Court along with Mr. Wingfield showed the transformation to City Council. Mr. Wingfield went on to say that some of the renovations that have been completed included addressing lighting and sound issues in courtrooms, updating and repairing furniture, replacing worn carpet and new paint. A major portion of the renovations was the addition of technology in the courtrooms that will enable the presentation of video and any other format of evidence to be presented before the court and captured as an exhibit.

// City Council recessed from the Lynchburg Circuit Court tour at 5:30 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster 6

Absent: Perrow 1

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

// Copies of the minutes of the August 9, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

Absent: Perrow 1

// In the matter of Commonwealth Attorney, Resolution #R-16-099 to amend the FY 2017 City/Federal/State Aid Fund budget to appropriate $133,078 with resources from the FY 2017 Victim Witness Grant Program to meet the direct victim assistance service needs in the community, laid over from the August 9, 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, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Perrow 1

// In the matter of Commonwealth – General, Resolution #R-16-100 to amend the FY 2017 General Fund budget and appropriate $52,545 with resources from the General Fund Reserve for Contingencies to support the purchase of a new prosecution case management system, laid over from the August 9, 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, Tweedy, Wilder, Foster 6

Noes: 0

Absent: Perrow 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 7 outlining the petition of Kristie Napier to rezone approximately nine hundred and seventy five thousandths (0.975) of an acre at 630, 634 and 636 Leesville Road from R-3, Medium Density Residential District, to B-1C, Limited Business District (Conditional), to allow the reuse of an existing building as a business. Planner II Anne Nygaard provided a summary of the rezoning petition. Ms. Nygaard stated the Planning Commission recommended approval of the rezoning petition. Mr. Trent Warner with Hurt & Proffitt was present to represent the petitioner. He explained that the owner inherited this property and is trying to sell it. It is difficult to sell due to its residential zoning. The owner has had some interest in the purchase of the property for commercial uses that would fit with a B-1 zoning district. Mr. Warner reiterated that the second entrance to the site will be closed and a sidewalk and landscaping will be added to bring it up to the requirements of the current Zoning Ordinance. 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 Vice Mayor Tweedy, Council by the following recorded vote adopted Ordinance #0-16-102, as presented, granting the petition:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 8 outlining the petition of Westminster Canterbury of Lynchburg to rezone approximately twenty and fifteen hundredths (20.15) acres at 501 VES Road from R-1, Low Density Residential District and R-4, High Density Residential District to Institutional 1 District to allow the continued use and expansion of the property for Housing Services. Before the discussion on this item the following statements were made by Mayor Foster and Council Member Nelson: "My mother is currently a resident of Westminster Canterbury; however, I do not have a conflict of interest because neither my mother nor I will experience a reasonably foreseeable benefit or detriment as a result of City Council's action on Westminster Canterbury's rezoning petition. Even though my mother is a resident of Westminster Canterbury I am able to participate in the discussion of, and to vote on Westminster Canterbury's rezoning petition fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on this matter." Council Member Nelson made the following statement. "My father is currently a resident of Westminster Canterbury; however, I do not have a conflict of interest because neither my father nor I will experience a reasonably foreseeable benefit or detriment as a result of City Council's action on Westminster Canterbury's rezoning petition. Even though my father is a resident of Westminster Canterbury I am able to participate in the discussion of, and to vote on Westminster Canterbury's rezoning petition fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on this matter." City Planner Tom Martin provided a summary of the rezoning petition. Mr. Martin stated that the Planning Commission recommended approval of the rezoning petition. Mr. Sean Huyett, the petitioner for Westminster Canterbury asked Council for approval of the rezoning petition. Two individuals spoke in favor of the rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-16-103, as presented, granting the petition:

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

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of James River Day School for a Conditional Use Permit (CUP) at 5039

Boonsboro Road and 110 Bon Ton Circle to allow the construction of a two-story addition for educational purposes, the construction of a basketball court, playgrounds and the use of an existing structure for storage in an R-1, Low Density Residential District. City Planner Tom Martin provided a summary of the request for the CUP for James River Day School. The Planning Commission also recommended approval of the CUP petition. Mr. Scott Beasley with Hurt & Proffitt was present to represent the petitioner. Mr. Beasley explained the purpose of the petition is to allow the construction of a six thousand two hundred (6,200) square foot, two (2) story building addition at the southeast corner of the existing school, the construction of recreation and playground areas and to allow the use of the existing structure at 100 Bon Ton Circle as storage. He explained that the petition is to request a 6,200 square foot, two-story building addition, with the modification and addition of some playground areas and the use of 110 Bon Ton Circle as a storage area. 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 Nelson, Council by the following recorded vote adopted Resolution #R-16-104, as amended, (Condition #2. There will be no more than a 7.5% increase in enrollment) granting the Conditional Use Permit:

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

// In the matter of Airport – General, a public hearing was held regarding City Council Report #10 authorizing the City Manager to execute a utility easement and right-of-way agreement with Appalachian Power Company. There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote adopted Resolution #R-16-105, as presented, authorizing the City Manager to execute a utility easement and right-of-way agreement with Appalachian Power Company:

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

// In the matter of City Council, City Council Report #11 was considered. City Planner Tom Martin provided background information on the 5th Street Community Development Corporation (CDC) which is undertaking fundraising efforts to place a statue of the late M. W. “Teedy” Thornhill, Jr., in the 5th Street Roundabout. Rev. C. W. Dunning spoke on behalf of CDC asking Council for their support. The concept of a statue honoring Mr. Thornhill has been presented to and given approval by the Thornhill family. Rev. Dunning stated that Mr. Thornhill was elected as the City’s first African American Mayor in 1990. Mr. Thornhill was a businessman, a civil rights leader, was active in the Lynchburg Chapter of the National Association for the Advancement of Colored People (NAACP) and a past president of the Lynchburg Voters League. Mr. Thornhill passed away on Saturday, July 2, 2016. The 5th Street CDC started discussing honoring a person with a statue in the 5th Street Roundabout in January 2016. Criteria for selection included: 1. African American. 2. Ties to 5th Street. 3. Worked towards bettering the lives (civil rights) of everyone. After developing an extensive list of candidates, the 5th Street CDC decided to work towards honoring Mr. M. W. Thornhill, Jr., at its April 2016 Business meeting. Rev. Dunning introduced Mr. Ken Faraoni, a nationally recognized sculptor, who has been chosen to render the nine foot tall bronze image of Mr. Thornhill. Mr. Faraoni has received recognition for work locally through his repair to the "Listening Post" (Doughboy) at the base of Monument Terrace and his rendering of the "Water Bearer" on the City's Lower Bluffwalk. Once completed, the statue of Mr. Thornhill would be displayed in accordance with the provisions of the City of Lynchburg, Guidelines for Acquisition and Display of Art in Public Spaces located within the James River Arts & Cultural District (Public Art Policy) as established July 1, 2014. Under this policy, the City Manager may allow the display of public art within public rights-of-way and on City-owned property after the execution of a Memorandum of Understanding (MOU) by the entity desiring to display the public art and the City of Lynchburg.

// In the matter of City Council, Mr. Joseph Pallone, representing Creating Opportunities through Partnership and Education (COPE) International – USA provided Council with an update of the COPE International-USA located at 300 Rutherford Street in Lynchburg, VA, to enable Veterans and others to own and operate a viable commercial business by growing produce for which there is a significant current and projected market demand, year-round, using a tested and proven, innovative, remarkable, profitable system for indoor food production. Mr. Pallone stated the program objective is to focus on Veterans starting their own business; food production is the business. The program is open to non-Veterans. The program is to provide the capability to enable Veterans to own and run a long-term sustainable, successful, indoor farming business.

// In the matter of City Code, City Council Report #13 was considered. On motion of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote adopted Ordinance #0-15-106, as presented, to amend several sections of the City Code dealing with the Vacation of Streets and Alleys:

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

// In the matter of Police – General, City Council Report #14 was considered. On motion of Council Member Nelson, seconded by Council Member Dolan, Council by the following recorded vote authorized the Chief of Police to sign a Mutual Aid Agreement (MOU) between the Lynchburg Police Department (LPD) and Longwood University Police Department:

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

// The meeting was adjourned at 8:52 P.M.

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Clerk of Council