AGENDA ITEM #:1

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of May, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 7

Absent: 0

//In the matter of Public Works regarding the consideration of approving of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes at the 501 Off Ramp, Timberlake Road and Logan's Lane: Mayor Tweedy remarked that these items went to the Physical Development Committee (PDC) on April 9, 2019. Mr. Lee Newland commented that this area is along U.S. Route 460 in the approximate location of the new exit ramp on Logan's Lane to Timberlake Road. Councilmember Perrow noted that this is an adjustment to the boundary of the areas where driveway entrances or street entrances are allowed to be connected to the expressway. The change on Timberlake Road and Logan's Lane pulls it tighter to the asphalt as opposed to having a big swath of right-of-way that was unavailable for either public or private development. Councilmember Perrow indicated that PDC recommended approval of a letter of support and made that as a motion on behalf of the committee. Councilmember Helgeson asked for clarification about the abandoned areas mentioned in the report (7001 Timberlake Road and the abandoned Route 501 ramp) being able to be developed. Mr. Newland said the residue of 7001 Timberlake Road is approximately 1.8 acres. The right-of-way that can be added to it if we get the limited access changed will be approximately 1.18 acres. Councilmember Helgeson asked Mr. Newland if it was absolutely necessary that the City purchased this property and Mr. Newland said it was necessary. The ramp is where the building on that property was previously located. The motion passed by the following vote:

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

Noes: 0

//In the matter of Public Works - consideration of a letter of support to VDOT concerning proposed limited access control changes for Liberty University access ramps from U.S. Route 460 to Liberty Mountain Drive: Councilmember Perrow remarked this area consists of a roundabout and two tear shaped ramps to the expressway. This line of demarcation hugs the pavement line pretty closely and stipulates where entrances can be located. Councilmember Perrow indicated that PDC recommended approval of a letter of support and made that as a motion on behalf of the committee. The motion passed by the following vote:

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

//In the matter of City Code regarding consideration of amendments to the City Code related to taxicabs: Mr. John Hughes reminded Council of the timeline of this item to this point. On June 26, 2018 Council received public comment from Dr. John Salmon on code revision. On December 11, 2019, Council received an information presentation on proposed changes to the taxicab code. On January 8, 2019, Council conducted a public hearing. Staff also conducted several meetings with the taxicab company stakeholders. The City Attorney met with the Police Department and there have also been meetings with Dr. John Salmon. Mr. Hughes commented that the City Attorney has worked diligently to provide the proposed revisions before them today. It is staff's recommendation that Council amend the language of the current taxicab ordinance to better accommodate implementation of the MoveUp application and to update outdated code verbiage.

Councilmember Perrow mentioned an email they received from Ms. Kimberly Dyke-Horsley. Councilmember Perrow asked for clarification from Mr. Walter Erwin that the code section had been changed so there could be a taximeter or a handheld device. Mr. Erwin indicated he has not seen the email Councilmember Perrow is referring to but they met with the taxicab operators and they asked staff to change the language in the ordinances before Council today. The taxicab drivers would like to stick with the requirement that a taxicab has to have a taximeter. Councilmember Perrow asked how that relates to private cars for hire. Mr. Erwin indicated Uber and Lyft and other such services do not have to have taximeters; they operate through handheld devices. Mr. Erwin indicated the City Code currently sets forth the taxicab rates and that rate is measured by a taximeter. Mr. Erwin explained that the City Code currently requires that each taxicab has to be equipped with a taximeter. The ordinance before them today (Section 37-105) would say that taxicabs could have a taximeter or an alternative method for setting the rate. The taxicab operators would like the alternative method to be stricken but keep in the language that says you can calculate the rates by either the taximeter or an electronic device.

Councilmember Wright asked Mr. Erwin if this language is adopted, could it be substantiated in a court that a rideshare driver is in fact a taxicab. Mr. Erwin explained that the amendments the General Assembly adopted make it pretty clear that Uber and Lyft are off limits. The City has no control over them. A taxicab driver must apply to the Department of Motor Vehicles (DMV) and meet all its requirements. Then the state code allows localities to regulate taxicabs. The City of Lynchburg requires taxicab operators to register with the Police Department. Uber and Lyft drivers do not have a certificate from DMV.

Councilmember Helgeson asked Mr. Erwin for clarification on the language in Section 37-28 that says "taxicabs operated within the City shall be vehicles that are designed to transport no more than six passengers, excluding the driver." Mr. Erwin stated that language comes from DMV's language. He acknowledged there is a typo that was caught yesterday and the word "six" should not have been stricken through; it should be underlined.

Councilmember Helgeson noted that the language in 37-44 puts the burden of proof on the taxicab operator if he or she refuses to give a ride to someone. The operator can be charged with a misdemeanor and lose their license. The wording puts the burden of proof on the operator to prove he or she is innocent. Mr. Erwin commented that it is the way it is currently set up. Ig someone complains to the City that an operator would not pick them up, the operator has to explain to the City why they refused. This issue was discussed and the taxicab operators did not express any concern with this language. Mr. Erwin indicated that the City might want to repeal that language and get out of the business of investigating complaints. Mr. Erwin thinks the language was originally put in the ordinance to deal with any possible discrimination issues. Councilmember Helgeson would suggest they strike Section 37-44.

Councilmember Nelson commented that he appreciates Councilmember Helgeson's comments. However, the language allows the driver to justify why he or she did not pick up the passenger. He or she just has to articulate the reasons; it does not say they have to prove those reasons. The driver will not be sanctioned unless it is found that the reasons have been fabricated. In answer to a question from Vice Mayor Dolan, Mr. Erwin said this is not an unusual type of provision.

Councilmember Perrow asked Dr. Salmon if it would be detrimental to the work he and others are trying to do if the language regarding handheld devices is stricken from the ordinance.

Councilmember Perrow wants to be sure they are keeping it open to everyone and not blocking anyone. Dr. Salmon explained that rideshare drivers and taxicab drivers are separated by law. Dr. Salmon would like to see Council open the law so that rideshare drivers could become official taxicab drivers. That really scares the taxicab drivers. In his opinion, he thinks they are afraid it will cut into their business. There are a couple of reasons why there will not be hundreds of taxicab drivers. They would have to adhere to whatever qualifications that are set by Council as well as those of the state. The one thing a rideshare driver would not have to have though is a taximeter in order to become a taxicab operator, if Council would add the language that a taxicab driver may use a handheld device to set the rate instead of just a taximeter.

Dr. Salmon indicated he is meeting to build a transportation network with businesses downtown. The business would be able to use the app to subsidize a ride. If Council does not make the adjustments, he cannot put taxis on that system. He is trying to include them in a growing world. Councilmember Perrow feels it is knocking down barriers to get into the business and opening up opportunities. In effect it is deregulating certain segments of this ordinance. Councilmember Perrow also likes that they are striking Section 37-47 which made it illegal for a taxicab to cruise for employment and made it illegal for a person to hail a ride.

Councilmember Wilder asked Mr. Hughes if he feels the concerns of the taxicab drivers have been addressed. Prior to this, there may have been some feeling on their part that they were left out of the conversation. Mr. Hughes thinks the work is still being done at this point; staff wanted to bring this item to them today for Council's discussion. Mr. Erwin reiterated that the taxicab drivers' main issue is with Council removing the provision that a cab must have a taximeter. If Council wants to expand the use of technology, they can eliminate the requirement that a taxicab has to have a taximeter. Councilmember Helgeson would suggest that Council gives its input and allow staff to meet with the taxicab drivers again before making its decision. Mr. Erwin indicated they were not expecting Council to adopt an ordinance today. They wanted to get Council's input on which direction they would like to go and there are typos in the ordinance that staff will fix before it is brought back to Council for approval.

Councilmember Wright noted there is an increased risk for competition if this new language is included. Dr. Salmon said he will build a transportation network regardless of what Council passes because it is needed. The question is whether or not taxicabs are included in that transportation network. Dr. Salmon would like to see them included because they are an important component of the network. Mayor Tweedy asked for clarification that they can still connect on Dr. Salmon's system with a taximeter. Dr. Salmon said they could do so; he just does not want to see a taxicab driver's only option to be that they must have a taximeter. If a rideshare driver would like to use an electronic device and apply for DMV's taxicab certificate and get the proper insurance, he or she could participate in the transportation network as a taxicab driver as well.

Dr. Salmon mentioned that the rideshare rates are set by Uber or Lyft. He would like to see Council remove the language that it sets the taxicab rates so a taxicab driver can charge more for a late night fare, for instance. He would like to see the taxicab drivers be able to maintain their business but move into the future of technology.

Mayor Tweedy called Ms. Dyke-Horsley up to speak. She indicated she is glad Medicaid is expanding. The Department of Medical Assistance Services (DMAS) offers the option for anyone who qualifies through its agency to be a volunteer driver. There are also six different companies one can drive to assist Medicaid recipients. The taxicab drivers are not concerned with competition; they are concerned with service. They are not interested in rate fluctuation because it does not fit the bill of consistency. She feels as a customer that she is very safe when a car is covered by commercial insurance.

As far as Ms. Dyke-Horsley is aware, none of the local cab companies is interested in participating in the MoveUp app. She thinks there should be a little more time given to changing the current ordinance.

Councilmember Helgeson asked Ms. Dyke-Horsley if there had been any discussion about Section 37-44, which makes it a misdemeanor for a taxicab driver to refuse to pick up a passenger unless he can articulate his or her reasons for doing so. Ms. Dyke-Horsley indicated she likes the language because it makes the driver accountable for why they were not willing to pick up someone.

Councilmember Wilder asked for clarification that none of the taxicab companies would like to participate in the MoveUp app. Ms. Dyke-Horsley said it is her understanding that Allied, Grey Top, Hill City and Yellow Cab all do not wish to participate at this time. Councilmember Wilder is not sure that is the best decision for Council to make but he also does not want to push anything on the cab companies. Councilmember Wright indicated this would not preclude the app from moving forward but the taxicabs cannot participate without this change to the ordinance.

Councilmember Perrow asked Ms. Dyke-Horsley if she is a driver as well as a passenger. She indicated she has been a driver in the past. Councilmember Perrow asked if the meters are set so the rates cannot be changed. Ms. Dyke-Horsley said that is correct and indicated there are different zones with different rates. The customer wants the rate to be set. Councilmember Perrow asked her if a taxicab company is able to negotiate a contract with an employer such as KDC to provide rides to its employees at a contracted rate. Ms. Dyke-Horsley was not sure how an arrangement like that would be negotiated. Councilmember Perrow said it seems that adding the ability to use a handheld device would open up the ability to have independent or negotiated contracts. If one has to run a taximeter with regulated rates, he is not sure how that would work for a taxicab company. Dr. Salmon assured Council that these types of negotiated contracts are exactly what he is trying to accomplish with his application. The app also allows someone to use electronic funds transfers. Ms. Dyke-Horsley said there are alternate forms of payment that can be used when paying for a taxi ride. The cab driver can also negotiate a rate with a person, for instance, giving five rides a week, but it is still run through the meter.

Councilmember Wilder thought they should focus on the taxicab language and not focus on the app at this time. Councilmember Helgeson agreed with that as well. Councilmember Helgeson would also like them to consider removing Section 37-44 because it puts the burden of proof on the taxicab driver to prove his or her innocence. Mr. Erwin suggested they could remove the language about it being a misdemeanor and leave in the language that the taxicab's certificate to operate could be revoked.

Councilmember Nelson asked Mr. Erwin if a taxicab company wants to rent out a certain number of vehicles in its fleet and enter into a negotiated contract, if they would be able to do so. Mr. Erwin was not sure if that would be possible because City Council sets the rate. He did not feel a taxicab would fall under the City Code that deals with vehicles for hire (such as a rental car or a limousine) because those types of activities are not regulated by the City. In answer to a question from Councilmember Perrow, Mr. Erwin was not sure if DMV would allow a taxicab to also be used as a vehicle for hire and not use its taximeter.

Dr. Salmon indicated that he will not be able to begin to work on issues with commercial insurance for rideshare drivers unless the ordinance is change. He cannot help the taxicab drivers that have voiced that their insurance is too high if they do not participate in the application. He can help any drivers who have expressed that they would like his help and would like to participate in the application and indicated he is certainly fine if a driver chooses not to participate. Sometimes legislation can send a message and he thinks this will send a message that we are working together and taking control of this situation.

Councilmember Perrow asked Mr. Erwin if two versions of the ordinance (one requiring a taximeter and one without) could be drafted for its May 28th meeting. The drafts will also correct the clerical errors and address Councilmember Helgeson's concern with Section 37-44.

Ms. Dyke-Horsley wished to point out that the taxicab companies keep a phone log of each call and the location where a passenger was picked up and other details. The Lynchburg Police Department has often contacted the cab companies to inquire about those details during various investigations over the years.

Councilmember Helgeson indicated it sounds like they will be creating three "lanes." There is the current Uber or Lyft driver, there is the current taxicab driver. This app would be adding a third "lane", which is extra competition because this is creating a taxicab driver that could do rides a little or a lot.

Mayor Tweedy is not sure where she is not clear one way or the other. She would like the two different options brought back on the 28th for their consideration. There are affordability issues with both "lanes" currently. She thought the third "lane" was opening up the possibility for people that wanted to be a volunteer driver or charge lesser rates than either Uber or Lyft or a taxicab but still have some accountability and the opportunity for people to know they are available. This creates another affordability option which is why it came out of the Poverty to Progress conversation. She does not think anyone wants to hurt business or limit capitalism.

Councilmember Helgeson commented that he has brought up the City not setting the taxicab rates and letting the cab companies set their own prices. Mayor Tweedy remarked that the taxicab companies want the rates to be set by Council. Mr. Erwin indicated that he has been dealing with the taxicab ordinance during his 39 years with the City. The one thing that has always been said by the taxicab companies is that they want the City to set the rates. They do not want unregulated rates because that will lead to price wars. Mr. Erwin clarified for Councilmember Helgeson that the last time Council voted on taxicab rates was in 2008.

The item will be brought back to Council's May 28, 2019 meeting.

//In the matter of Parking, Loading Zone Ordinance Amendments for the Central Business District: Mr. Dave Malewitz commented they amended the language to allow vehicles to occupy a designated parking space for the purpose of loading or unloading if a designated loading zone is not available, as long as the vehicle complies with the posted time limits.

Councilmember Perrow noted that PDC brought this forward as a motion from PDC. Council chose to table it so it could come back at a later date. At this point, he feels that negates the motion from PDC and this item should be considered a standalone item.

Councilmember Nelson indicated that staff sent this language for his review and he made some edits, which were incorporated into what is before them today. He is satisfied the wording addresses his concerns.

Councilmember Wright made a motion to approve the ordinance with the amendments presented today. The motion was seconded by Councilmember Wilder.

Councilmember Helgeson appreciates the change but he thinks the overall element is changing the ability and the way that people load and unload their merchandise and the way they have parked for years. This change is making it more palatable for the streets to change from one-way to two-way traffic. He thinks they will be losing parking spaces and making changes in spite of lots of construction. He does not think now is the time to do it and there will have to be heavy handed enforcement. It will make it not as friendly as it once was downtown.

Councilmember Nelson thinks that if the pilot program shows that changes can and should be made, then it could facilitate two-way traffic. However, we have current problems with loading and unloading that are not acceptable even to one-way traffic. Those problems are complained about all the time. We need to correct the challenges with loading and unloading downtown in any system of travel. Once the pilot program is completed and we look at the metrics, he would like an affirmative, concentrated process of assessment in which Council actively participates. He does not want to see it rubber stamped because there are only a handful of complaints and it seems to be acceptable.

Councilmember Perrow asked staff how we will determine if this pilot program is successful. Dr. Reid Wodicka indicated they will track the number of complaints and the number of parking tickets that are issued. Hard enforcement will probably start June 1 and go through September. Ms. Svrcek indicated they will also be conducting downtown stakeholder outreach efforts to determine the effectiveness of the approach. Councilmember Perrow is trying to figure out some physical parameters they could use to measure whether or not this is successful. For instance, where are the cars parking that are displaced by the designated loading zones? Dr. Wodicka said he did not have an answer regarding parking but they can work on that in the next couple of weeks. Councilmember Perrow would like some suggestions from Engineering and Parking as far as ways Council can quantify the success of the pilot program. Councilmember Perrow also pointed out that if this pilot program is not successful and the City cannot proceed with two-way traffic, we need to be sure we can roll back to the current ordinance. He does like the increased enforcement. He is prepared to support this through the pilot program but he really wants some good data coming back to them.

Councilmember Wilder noted it is important that we keep the stakeholders invested in this process and appreciated Ms. Svrcek mentioning they would be receiving feedback from them.

Councilmember Helgeson said it will be hard to quantify how a business is affected by the most desirable parking spaces being taken up for loading zone parking. Dr. Wodicka said the qualitative component is very important and they can reevaluate things based on what a business owner says during the pilot program. The spaces can be moved around in order to figure out their best location. Councilmember Helgeson said it is difficult to quantify someone who will not come back downtown because he got a parking ticket.

Councilmember Wilder pointed out some of the loading zones are on time limits and revert back to normal parking spaces at other times. People will need to pay attention and read the signs.

The motion passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Wilder, Wright, Tweedy	6
Noes:	Helgeson	0

//In the matter of Roll Call, Councilmember Nelson had no items.

Councilmember Perrow had no items.

Councilmember Helgeson commented it was a fabulous Police Week. There was a great service this morning and he would like to thank the officers. It is sad to see two more officers in Virginia that were killed in the line of duty. Councilmember Helgeson also wished to thank Liberty University and Vice President Pence for coming to commencement. It was a great time and a great thing for our City. He appreciated Public Works cleaning up around the area of the campus and thanked Gaynelle Hart for getting the area looking good. Councilmember Helgeson also brought up an email he received from Rick Read. Mr. Read was unable to get a developer to come to the City because of our sidewalk ordinance. Councilmember Helgeson thinks there is some disparity between when the City makes a developer pay for a sidewalk and when it might cost share with the developer. He would like to consider looking at the sidewalk ordinance and possibly make it more equitable to everyone.

Councilmember Wright also congratulated the Police Department on a terrific event this morning and the LCA choir and the bagpipe players for their contributions.

Councilmember Wilder thanked the Police Department and mentioned the wreath laying ceremony. There are additional events this week where they can show their support for the police. Last week he attended the 27th annual classroom innovation grants award program by the school system. He thinks it always great to see what the local school system is doing and how businesses are supporting the school system with grants.

Vice Mayor Dolan did not have any items.

Mayor Tweedy mentioned that the Fire Recruit Academy graduation that was scheduled to be at Heritage High School on May 28 at 6:00 p.m. has been moved to the Virginian Hotel. Staff is working on having some boxed dinners available for Council as it will be a long evening.

There was a great meeting last night regarding the Tyreeanna/Pleasant Valley plan at Pleasant Valley Baptist Church yesterday. She thanked staff for leading the meeting. Citizens that attended were very responsive and had a lot of thoughts and ideas.

She thanked Police Chief Zuidema for the wonderful program this morning.

She mentioned that with regard to sidewalks, she thought they were supporting legislation that would allow a business that had to put a sidewalk to “nowhere” be allowed to appropriate that money to put sidewalk in an area of the City that needs it. It is good legislation to continue to ask the State about because we are not the only locality that deals with this issue. It is important for residents to understand they can contact their state representatives about this possibility.

Mayor Tweedy was able to participate in the Young Professionals of Central Virginia at a lunch gathering recently at the Lynchburg Business Alliance.

//The meeting was adjourned at 5:42.

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

The following Members were present:

AGENDA ITEM #:1

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

Absent: 0

Vice Mayor Dolan gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Tweedy called Ms. Francoise Watts forward to introduce Mr. Anthony Fonnesu from Randolph College. He is an intern who will be visiting our Sister City Rueil-Malmaison. Ms. Watts commented that the Sister City Association is very dear to her heart because it is a way to build bridges across cultures. The Association needs the help and support of the City. Mr. Fonnesu expressed his appreciation for the opportunity to intern with Schneider Electric in France. He will also be organizing a Latin American Day for November 2019, as well as a tennis tournament with French tennis players here in Lynchburg. Mayor Tweedy thanked him for traveling on behalf of Randolph College and the Sister City Association. Councilmember Perrow mentioned he was able to travel to Rueil-Malmaison about 15 years ago with the Virginia School of the Arts. The delegation from Rueil-Malmaison was tremendous and treated them so well. He would love to find a way to reciprocate and to strengthen our bond with the Sister City. Ms. Watts mentioned that an invitation has been extended to the Mayor to attend a festival in October.

// Copies of the minutes of the April 16 and April 23, 2019 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote approved the minutes:

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

Noes: 0

// In the matter of Public Comment, Mayor Tweedy indicated that staff was able to resolve the citizen's issue and she will not be speaking tonight.

// In the matter of Schools, a public hearing was held regarding City Council Report #9 to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2018, in School Board Districts 1, 2 and 3. Mayor Tweedy read into the record the names of the current School Board members whose terms will expire on June 30th: District 1, Mrs. Susan D. Morrison, who is willing to serve again; District 2, Ms. Charleta F. Mason, willing to serve again; and District 3, Dr. Michael Nilles, willing to serve again. Mayor Foster then read into the record the name of volunteers who have applied to-date to serve on the School Board:

District 1	District 2	District 3
Ms. Cameron C. Howe	Mr. Gary E. Harvey	No current volunteers
Mr. Michael Staton	Mr. Jeffrey W. Horsley	
Andrew E. Taylor	Mr. Rory P. Lee-Washington	
Roy P. Lee-Washington	Ms. Consuela M. Mosley	
	Mr. Joseph D. Tucker	
	Ms. Bethany L. White	
	Ms. Christina M. Wilson	

The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board: Ms. Cameron C. Howe, Ms. Susan D. Morrison (current Board Member in District 1), Ms. Charleta F. Mason (current Board Member in District 2), Dr. Michael Nilles (current Board Member in District 3), Mr. Gary E. Harvey, Ms. Nakesha R. Moore, Ms. Consuela M. Mosley, Ms. Bethany L. White and Ms. Christina M. Wilson. Mr. Joseph Tucker was not able to attend the meeting tonight. He sent an email to Council expressing his interest in serving on the board. Two people mentioned that they had forgotten to state their addresses for the record; Mayor Tweedy said they have their applications with their addresses on them. There was no one else present who wished to speak to this item.

Councilmember Perrow mentioned that State Code requires that the names of any candidates need to be read into the record. Mayor Tweedy fulfilled that by reading the names previously. He thanked the candidates that were present to speak and mentioned that it is not necessary for candidates to attend the public hearing and it is no reflection on a candidate if he or she were not able to attend tonight's meeting. It is a significant sacrifice that current members and volunteers are willing to make and he wanted to thank those that attended and spoke. A motion was made by Councilmember Perrow, seconded by Councilmember Nelson to close the nominations and the public hearing for school board candidates. Councilmember Nelson noted that Council is scheduled to go into closed session to discuss this tonight.

Councilmember Helgeson made a friendly amendment to Councilmember Perrow's motion to keep the school board appointments open until the second meeting in May. Historically, we have always keep the nominations open to the second meeting to allow more time to receive names of volunteers. Councilmember Perrow was not opposed to that amendment as long as we can start the process. Councilmember Nelson was concerned about delaying the process. Council has a number of items on its agenda to consider before June and the window of opportunity is very slight. Mayor Tweedy agreed with Councilmember Nelson because usually the public hearing is kept open because they do not have such a robust slate of candidates. Councilmember Perrow pointed out that the second (Councilmember Nelson) was not willing to accept Councilmember Helgeson's amendment and asked Mr. Erwin for his advice. Mr. Erwin said that a motion, once it is made and seconded, belongs to the body. Two members cannot amend it by a friendly amendment unless the majority of the body consents. Therefore, the original motion is on the floor for a vote.

The motion passed by the following vote:

Ayes:	Dolan, Nelson, Tweedy, Wilder, Foster	5
Noes:	Helgeson, Perrow	2

Mayor Tweedy thanked the candidates who came tonight to speak in front of Council. She knows that is not easy to speak before and to be on camera and she appreciates them stepping up and being willing to serve.

// In the matter of Community Development, a public hearing was held regarding City Council Report #10 to receive public input and adopt the Proposed Fiscal Year (FY) 2020 Community Development Block Grant (CDBG) and HOME Programs.

Grants Manager Melva Walker provided a summary of the request of the U.S. Department of Housing and Urban Development (HUD) funds for the CDBG and HOME Programs. At the time of the Community Development Advisory Committee (CDAC)'s meeting on March 20, 2019, the final entitlement allocations for FY2020 had not been received from HUD. City staff received the final entitlement amounts and the committee's recommendations have been revised based on the guidance of CDAC. The CDBG program was reduced by $401. The HOME program was reduced by $45,908. City staff had to make a revision to CDAC's recommendation for the Main Street renewal project. The scope of work planned for the project was determined to be ineligible by HUD staff. The recommended funds for this project were reduced from available reprogrammed funds in FY2020. These funds have been approved by HUD to cover the construction shortfall cost in the FY2019 Diamond Hill and Jefferson Park Neighborhood Centers renovations. At the conclusion of the public hearing, City Council will consider the public comments made tonight, along with the CDAC recommendations. City staff has not received any verbal or written public comments prior to this meeting. The following individuals spoke regarding the Community Development Block Grant (CDBG) and HOME Programs.

Ms. Denise Crews of Lynchburg Community Action Group (LYNCAG) spoke on behalf of Reverend William Coleman and the Board of Trustees. She thanked CDAC and City staff for their hard work and their recommendation to City Council for continued support for CBDG and HOME funding for FY2020.

Ms. Dawn Fagan, Executive Director of the Lynchburg Redevelopment and Housing Authority (LRHA), thanked the CDAC) and City Council for the opportunity to receive CDBG funding which allows them to continue providing the programs they administer to the citizens of Lynchburg. LRHA submitted three applications this year. They partner with the Central Virginia Continuum of Care to provide Coordinated Homeless Intake and Access (CHIA). They applied for assistance for the Affordable Housing Resource Center, as well as the Vacant Housing Revitalization and Rehabilitation Program.

Mr. Jeff Smith, Executive Director for Rush Lifetime Homes came forward to speak. He commented that since 2010 the HOME program has leveraged over $17 million for Rush Lifetime Homes. He is sure that number is double if you take all their partners and collaborative organizations together that do housing work. Affordable housing is not so much about the housing as it is about the stability of families. He would also like to talk to them about the process of who receives HOME and CDBG funding. This is not a denigration of the CDAC. It is difficult job to read each application. The real process he is concerned about is that years ago the City determined it wanted a housing collaborative. Three members of the Lynchburg Regional Housing Collaborative are speaking tonight. The process for CDBG and HOME is competitive. They cannot collaborate and partner and compete at the same time because it does not work. We need to figure that process out; he thanked them for their work and their support for their organizations.

There was no one else present who wished to speak to this item, and the public hearing was closed.

Mayor Tweedy deferred to Councilmember Nelson, Chair of the CDAC Committee, and Councilmember Wright, who also serves on the CDAC. Councilmember Nelson commented that there was a great deal of collegiality among all the stakeholders and after a lengthy discussion, the committee did reach a consensus on its recommendations. He would recommend that Council accept the recommendations of the CDAC and made that as a motion. The motion was seconded by Councilmember Wright. Councilmember Nelson noted that there is conflict between the competitiveness to advocate for one's stakeholder group and the inherent collegiality and collaboration that exists between the organizations. He wondered if staff had any thoughts moving forward. That does not affect their decision tonight but he thinks they should be mindful of Mr. Smith's concern.

Councilmember Wilder thanked Ms. Walker and her staff for doing an excellent job every year. These funds are so needed for our community as they help our citizens have a better sense of self-worth and prosperity because they are able to own homes and they get the support they need.

The motion passed by the following vote:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #11 outlining the petition of The Rebkee Company to rezone approximately ninety-three (0.93) acres located at 1503 Grace Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property as fifty (50) apartment units. City Planner Tom Martin provided a brief presentation on this item. Mr. Martin noted that the planning commission recommended to City Council approval of the petition. Mr. Justin Fournier with Balzer & Associates also gave a brief presentation on behalf of the petitioner. Ms. Mary White-Smallshaw, the Vice President of the Diamond Hill Historical Foundation spoke and expressed the organization's support of this petition. There were no other speakers in favor or opposition to this matter and the public hearing was closed. Mr. Martin wished to point out that there are some parking spaces that have encroached into the City's right-of-way for years. The petitioner has submitted a vacation of right-of-way request that should come before them next month.

Councilmember Helgeson asked Mr. Martin why the zoning request is for B-4 and not for a residential zoning. Mr. Martin indicated that the minimum lot size and area requirements per unit made it unfeasible to develop these apartments in a B-1 zoning. The lot size also precludes it from being developed as R-3 or R-4. Mr. Martin explained that in the recent rewrite of the Zoning Ordinance, the B-4 district was changed from a Downtown Riverfront district to an

Urban Commercial district. The change was done so that B-4 could be applied to these large historic buildings on smaller lots to facilitate their redevelopment. It is a zone that works easily for these difficult sites. Councilmember Helgeson asked if it could be used a business in the future. Mr. Martin said it could be and the petitioner did not submit proffers to restrict it to residential uses. He has no reason to believe that the petitioner is looking to develop it as commercial. Councilmember Wilder made a motion to approve the petition, which was seconded by Councilmember Perrow. Councilmember Wilder believes the petitioner is continuing to work with the Diamond Hill neighborhood regarding its concerns, which mainly have to do with parking. The neighbors are happy to see the property being developed as it is currently an eyesore in the neighborhood. They would like to see a traffic study of Grace Street at some point in the future, as it has a bad curve and traffic travels very fast through there.

Councilmember Nelson noted that Mr. Martin had alluded to other properties that have been approved for B-4 zoning on Rivermont Avenue. That zoning allows for residential uses and commercial uses on the ground floor. Mr. Martin indicated they are the Jones Memorial Library and the former Virginia School of the Arts. Councilmember Nelson feels this is a very creative approach to this building because it could bring some retail commercial ventures into that main thoroughfare. It is a gateway to Lynchburg and the image this building currently projects is not very positive. He thinks they should support this building being revitalized and becoming an asset rather than a liability in any way they can. We often seek to find a zoning that makes a project financially affordable and he thinks the B-4 zoning does exactly that.

Councilmember Perrow sees B-4 as an urban catchall, urban “funkiness” if it does not quite fit, and we see a lot of that in our urban commercial centers. Underlying, we have a nonconforming B-1 use; by changing it to B-4, it becomes a by-right use that gets it away from a conditional use permit. He thinks that is a good thing. He is glad the petitioner has figured out a way to make it work and he is looking forward to a successful project.

Mayor Tweedy asked if this developer is also developing on Cabell Street. Mr. Fournier indicated yes. She asked what the rates will be and Mr. Fournier said they will be market rate. Mayor Tweedy wanted to get a sense of how many apartments this developer would be doing overall but Mr. Fournier indicated the Cabell Street project is not his. Mayor Tweedy indicated she would like to be informed as to the market ranges of the 1503 Grace Street apartments at some point. Councilmember Wilder commented that he had asked the developer who had indicated that there will be some one-bedroom units that might be a little more affordable. Mayor Tweedy indicated there have been people expressing concerns about gentrification in current neighborhoods and the blend and mix. We do not currently have anything on the books policy wise to inquire with developers about the affordable housing issue. As we just heard, we are at a deficit. In answer to a question from Mayor Tweedy, Mr. Martin said there will be a petition coming to them for an additional 50 apartment units on Kemper Street. Mayor Tweedy thinks that as a Council they need to talk about whether they price people out of a community. She would like to have conversation brought back from staff on how we look at some of the policies with so many apartments going into neighborhoods. We have to meet and address the affordable housing issue at some point.

Council by the following recorded vote adopted Ordinance #0-19-026, as presented, granting the petition:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #12 outlining the petition of First Church of Jesus for a conditional use permit at 219 Jackson Street to allow the construction of a fellowship hall and bring the existing church into conformity in an R-3, Medium Density Residential District. City Planner Tom Martin provided a brief presentation on this item. Mr. Martin noted that the planning commission recommended to City Council approval of the petition. Mr. Patrick Proffitt of Hurt & Proffitt also gave a brief presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Nelson mentioned he had recently represented the church in the acquisition of some of the property involved. His involvement does not rise to the level of a conflict of interest and he believes he can be unbiased in this matter. In answer to a question from Councilmember Wilder, Mr. Martin indicated the church is not increasing its seating, so there is no change in the required parking. Councilmember Wilder is glad to see this church expanding its service. We need as many positive programs for our community as possible and this church has been a long standing staple for such programs, particularly for children, for decades. Councilmember Wright agreed with those comments and said he is excited for the project.

Councilmember Helgeson asked if the church is exempt from putting in a sidewalk because of the size of the addition. Mr. Martin indicated that Jackson Street already has sidewalk. Since Jackson Street has the most traffic, that frontage is used and the church is well below the threshold requirement for building a new sidewalk. On motion of Council Member Wilder, seconded by Council Member Wright, Council by the following recorded vote adopted Ordinance #R-19-031, as presented, granting the petition:

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

// In the matter of Community Development – Zoning Amendments, a public hearing was held regarding City Council Report Item #13 outlining the request of Long Meadows, Inc., to amend the previously approved development proposal and joint development agreement for property located at 3104 and 3035 Fulton Street and 2600 Rainbow Circle, conveyed from the City of Lynchburg to Long Meadows, Inc. City Planner Tom Martin provided a brief presentation on this item. Ms. Amy Seipp of Accupoint Surveying also provided a brief presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Perrow indicated that PDC reviewed this item in March. Councilmember Perrow requested to see all the history behind this item and it was reviewed again this morning. The information presented in their packet is full and complete. PDC was able to see how this request relates to the original intent of Council. Council sold these lots at a reduced value with a promise of increased revenue over time and a development. Councilmember Perrow was concerned about the reduction in the number of lots. The original assessed value of the development was supposed to be $7 million; it will now be $8 million that will yield $88,000 in additional tax revenue annually. In his opinion, the development agreement as it stands now is consistent with the development agreement that Council proposed in 2008. The City would participate in extending a waterline and improving the road and participate 50/50 in the development of sidewalk. The developer is also proposing a connector street at no cost to the City that will connect to Forest Hills Circle. That will make two connections to Old Forest Road as opposed to one connection. After the review of all this information, the PDC recommended approval and Councilmember Perrow made that motion on behalf of PDC.

Councilmember Nelson mentioned he represented Long Meadows, Inc., decades ago in a development in another part of the City. His involvement does not rise to the level of a conflict of interest and he believes he can be unbiased in this matter. Also, his father owns some property downstream from this property and it sustained several hundred thousand dollars in damage from another development in this watershed. His general orientation would be opposed to any further development in the watershed but based on these plans and what he knows to be the nature of this property, if it were to be approved, it would address the issues. Councilmember Nelson said he can be objective about this petition.

Councilmember Wilder indicated that PDC has properly vetted this project. He is thankful to see some individual residential units coming to this area instead of people going outside of our area for new homes.

Councilmember Helgeson commented that he was the only councilmember that voted against the original agreement. The reason he voted against it was that they said they needed to sell this property at a reduced rate so the developer could build right away. Ten years later it is finally getting done. When you have to hurry up and do something, you usually do not have a good result. In his opinion, they are still hurrying up to give preferential treatment because the agreement says “expedited review.” Mr. Martin said it may say that but he thinks City staff makes the same level of effort on every review project. Councilmember Helgeson pointed out that the cost of the waterline and road will cost more now than ten years ago. Mr. Lee Newland, the City Engineer, indicated that some of the costs have had to be adjusted because of increased constructions costs.

Councilmember Perrow said this is the reason he scrutinized this very carefully. The City is getting a 14 percent increase in revenue. He would consider it the same that came to Council in 2008/2009 except that the property is already sold. We made the commitment and he would like to see them get the revenue. Councilmember Helgeson asked if they have to do the same things they agreed to in 2008 and Councilmember Perrow said they have been modified slightly but substantially it is the same agreement. He acknowledged Councilmember Helgeson’s point that if they were looking at a brand new agreement today, he thinks they would be looking at different terms.

Councilmember Wilder agreed with Councilmember Helgeson’s point but he thinks they need to see how the City can thrive and grow. He thinks it is up to them to facilitate the development of new housing so that people do not locate elsewhere. He is happy to see a new development and some more taxes coming into the City.

Mayor Tweedy mentioned that she and some others went to the local realtor association breakfast recently. There was an economist there to speak and he said Lynchburg would be a very desirable destination to move to if we had more single-family homes in the $100,000 to $200,000 range. The motion to pass Resolution #R-19-033 passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Wilder, Wright, Tweedy	6
Noes:	Helgeson	1

// In the matter of Community Development – Street Vacation, a public hearing was held outlining the petition of Long Meadows, Inc., to vacate a portion of right-of-way known as Rainbow Circle, located off Fulton Street. The area proposed for vacation is vacant/unimproved, and contains five-hundred and four thousandths (0.504) of an acre. Planner Victoria Glasgow gave a brief presentation on this item. Ms. Amy Seipp of Accupoint Surveying also provided a brief presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Nelson mentioned he represented Long Meadows, Inc., decades ago in a development in another part of the City. His involvement does not rise to the level of a conflict of interest and he believes he can be unbiased in this matter.

Councilmember Perrow indicated this item came before PDC and it is obviously tied to the prior item. He congratulated Ms. Glasgow on her six month anniversary with the City and her well done second proposal to Council. On behalf of the PDC, Councilmember Perrow moved to accept #O-19-027. Councilmember Helgeson asked staff if they had received consent to this street vacation from the adjoining property owners. Ms. Glasgow indicated there was one adjoining property, Ms. Georgia Stern, that needed to consent to the street vacation and her signature is on the application. The motion passed by the following vote:

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

// In the matter of Public Works, a public hearing was held outlining the request to grant a Licensee Agreement to Shentel Communications, LLC to install fiber optic cable and conduit in City-owned public right-of-way throughout the City and to maintain and operate installations under the license agreement. City Engineer Lee Newland gave a brief presentation on this item.

There was no one to present a presentation on behalf of the petitioner. There were no other speakers in favor or opposition to this matter and the public hearing was closed.

Councilmember Perrow made a motion on behalf of the PDC, which reviewed the item on April 9, 2019, to adopt #R-19-032. The motion passed by the following vote:

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

// In the matter of Zoning Amendments – Short Term Rentals, a public hearing was conducted regarding the following proposed amendments: Public hearing to consider amending Zoning Ordinance Section 35.2-113 Definitions by adding "Short Term Rental" defined as the accessory, primary or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended to be occupied for a period of fewer than thirty (30) days, adding Section 35.2-71.16 Short Term Rental which would set development standards for short term rentals by requiring an annual registration and fee of $150, set a penalty of $500 for failure to register a short term rental, limit the number of occupants in a short term rental to no more than four (4) unrelated individuals, require one (1) additional parking space per short term rental in all districts except the B-4, Urban Commercial District, require short term rentals to comply with requirements of the Uniform Statewide Building Code, require properties used as short term rental within the R-C, Conservation District, R-1, Low Density Residential District and R-2, Low-Medium Density Residential District to be owner occupied and retain the appearance of a single-house hold residence, provide that three (3) violations within a two-year period relating to the use of a property for short term rental shall result in the city revoking approval for a property to be used as a short term rental and to amend the authorized uses of Section 35.2-40, Conservation District (R-C), Section 35.2-41, Low Density Residential Districts (R-1), Section 35.2-42, Low-Medium Density Residential Districts (R-2), Section 35.2-43, Medium Density Residential Districts (R-3), Section 35.2-44, High Density Residential Districts (R-4), Section 35.2-45, Limited Business Districts (B-1), Section 35-2-46, Community Business Districts (B-3), Section 35.2-47, Urban Commercial Districts (B-4), Section 35.2-48, General Business Districts, Section 35.2-50, Institutional District 2 (IN-2) and Appendix A: Table of Authorized Land Uses to allow Short Term Rentals as a use permitted by right.

Community Development Director Kent White gave a presentation summarizing the results of several meetings conducted by the Planning Commission, as well as staff's extensive research on the subject of short term rentals. Mayor Tweedy asked for anyone who wished to make a presentation or speak in favor of the ordinance amendments. No one came forward. Mayor Tweedy asked for anyone who wished to speak in opposition. Mr. Chris Feraldi of the Lynchburg Regional Business Alliance came forward to speak. He explained that the alliance would prefer not to say they are opposed to the ordinance amendments. It would like to continue the conversation and craft policies that are really well thought out and bring both those in favor and those trying to protect their neighborhoods to the table. He mentioned Senate Bill 416 from the 2016 session established that localities should have some form of registry for short term rentals. That legislation does not list certain policy proposals that the City is considering and the City may be overstepping the bounds that the General Assembly put forward. Mr. Feraldi mentioned there may be unintended consequences if these amendments are adopted. He gave an example of a company that does corporate short term rentals. Most of them are at around 30 days and each one would have to be registered. It would greatly hinder this person's business model. He presented letter to Council from the Government Relations Committee, which thoroughly reviewed and discussed the proposal.

Mr. Jason Phelps spoke in opposition to the amendments. Mr. Phelps does not think the $150 registration fee is reasonable. He disagrees with staff's projections for expected revenues because there was a spike in short term rentals due to graduations, as well as the fact that not everyone will comply with the registration requirement. In addition, state code exempts realtors and realtors' clients from being required to register. He also thinks there may be some data privacy issues with the City giving information to a third party host compliance service. He is also not sure it is legal for the City to use registration fees for anything other than establishing and maintaining its registry. Using a third party agency to monitor the short term rentals may not fall under that interpretation. Mr. Phelps agrees with Mr. Feraldi that Council should step back and get more input from all stakeholders.

Mr. Pat O'Hara spoke in opposition to the amendments in particular the $150 registration fee. He and other hosts are concerned with providing a quality service and it is self regulated by reviews. Short term rentals promote tourism and bring money to the City from people patronizing the local businesses and restaurants. Mr. O'Hara feels he and his wife pay enough taxes to the City and paying more taxes in the form of a registration fee is unsettling to them.

This ordinance may seek to protect single-family neighborhoods but will also target single-family households that are trying to support themselves.

Mr. Mike Hagan came forward to speak. He feels the registration fee is unreasonable because people that have short term rentals have improved their properties and added to the City's tax base. He would encourage them to work toward higher property values and not a short term, largely unenforceable fee. They host a lot of traveling nurses and he wonders if they would still accept their assignments if they had to pay more for their lodging or travel from further away because a hotel was too expensive.

Mr. Karl Miller came forward to speak. He thinks it is a myth that short term rentals that are not owner occupied somehow destabilize a neighborhood. In his opinion, that is unfounded because the properties have been renovated and are well maintained. People are likely to have more problems with long term rentals than short term rentals. There is nothing in this proposed ordinance that would address the minute number of complaints the City received last year. He thinks this legislation may be based on fear, which usually brings bad legislation. He would also encourage them to do further study before making a decision.

Ms. April Tucker came forward to speak. She presented a petition to Council signed by 35 of the 42 neighbors in her R-1 neighborhood. She does not think the proposal recommended by the Planning Commission adequately addresses the rights of existing homeowners. Her concerns center on property value degradation, invasion of privacy, quality of life issues, unfair advantage in tax treatment and loss of revenue from business income and safety, including the inability to be able to monitor potential registered criminals, neighborhood targeting for criminal activity, lack of background checks and validation on short term renters, traffic incidents, damage to personal property and safety of children. She and the people that signed the petition would like Council to prohibit any short term rentals in R-1 and R-2 neighborhoods. She would like them to consider the needs of current citizens above tourists.

Mr. Steven Dudley came forward to speak. He mentioned that Airbnb does do background checks, as well as removes hosts from the platform and puts them on probation for bad reviews.

There was no one else that wished to speak in opposition to the ordinance amendments and Mayor Tweedy closed the public hearing.

Councilmember Perrow commented that he did not know his neighbor Mr. Hagen did short term rental. During the tornado last year, Mr. Hagen's house was heavily damaged and there was a short term renter staying there. Immediately, a neighbor of Mr. Hagen offered to put up the short term renter in his home. Councilmember Perrow would agree that the short term rental market is a community and it is about hospitality. He has no problem with someone renting out a single house or an owner occupied house. In fact, he has no problem with someone renting out their entire house and getting out of town during graduation. He has used Airbnb once and it worked out well. As a side note, he is not sure how many types of trips a person would take where there are three or less unrelated people occupying a unit. He and four friend went to play golf and he thinks those sorts of things should be allowed. What he is concerned about is the influx of business into our neighborhoods. He does not know where that threshold is and he is trying to get his around it. He is probably going to err on the side of deregulation and liberty on this but he needs to understand it a little bit more. He would like staff to find out when the last time City Council considered a conditional use permit for a bed and breakfast. He would suspect most of the bed and breakfasts in the City are now operating as Airbnb so they might want to consider deregulating those as well. Councilmember Perrow would suggest they schedule this issue for a work session.

Councilmember Helgeson said that is a good idea. He mentioned that there was a house that the City used to receive a lot of complaints about the grass not being mowed and it was at 216 Norwood Street. There are no longer any complaints on this house. It was assessed in 2017 for $22,000. It is now assessed at $227,000. A house just sold down the street and he would have loved for the same owner to be able to do what she did there as she did at 216 Norwood Street and we would be better as a City. (Mr. Helgeson mentioned the name Ms. Corbett.) He realizes there are some complaints such as in Bethel Park but he wonders how we can unleash this and get more of this. We will have more money and we will have a thriving City. He knows there are a lot of things to discuss but let’s keep at the front of our minds how can we use this to make Lynchburg a better place to live, work and play?

Councilmember Nelson said he has some broad thoughts and some specific thoughts. He appreciates the Planning Commission and staff’s hard work listening to a lot of people and trying to get this right. He has some fundamental principles he tries to adhere to in every decision. One is that this country is built on individual rights and one of those is to use property without undue government regulation or restriction. If it is going to restrict a right, the government needs to have a very articulated justification for the denial of that right because it is for the general public good, some compelling state interest. If we do have a law that restricts or imposes a burden or gives a benefit, that burden or benefit should be equally enjoyed by everyone and we should not discriminate between who gets and who does not get it. When he looks at this ordinance, he sees a couple of things that run counter to those principles. The Planning Commission was not unanimous on whether or not a short term rental should be owner occupied and what that means. If we look at our own Zoning Ordinance, the definition of an owner is "any person with fee simple title." A person is defined as "a natural person or a corporation or a company or an association or a partnership." How does an owner that is a corporation occupy a residence? This definition leaves it up to interpretation and that definition bothers him. In his opinion, that is an enforcement problem. They may need a different definition of owner for the short term rentals even if it may have a different meaning as generally defined in the City Code.

The other issue that was not unanimously agreed upon by the Planning Commission was the number of unrelated persons that could occupy a short term rental. Everywhere else in the Zoning Ordinance, we say no more than three unrelated individuals may occupy a unit. If we are going to say it can be up to four unrelated individuals in a short term rental, he would like to have, as an attorney and lawmaker, a reasonable articulation as to the differentiation. It cannot be arbitrary or this ordinance may be subject to future litigation.

Councilmember Nelson feels Mr. Feraldi on behalf of the Alliance has articulated some points that have a lot of merit. He is not sure how much of consideration that was given by the Planning Commission and he would like to evaluate some of those points. In addition, the hotel/motel industry was not really in this conversation and they have some rules that apply to them as far as collecting lodging tax that the short term rentals do not have to abide by. That is not equal protection, in his opinion. Collection of taxes is not the same as verification. There are instances where we rely on self reporting with regard to rental receipts. We rely on business equipment disclosures for valuations and that is self reporting. He does not think it is a good argument that a person might not want to report and wants to go under the radar. We impose speed limits and not every person abides by them nor can we enforce them every time. You can have a law to promote a public purpose without having someone vehemently ensuring that it is enforced.

In addition, this ordinance does not have the exception for the infrequent occurrence such as someone renting out their home for a special event like they have for bake sales and yard sales.

When it does not happen that often and is incidental, he thinks the ordinance needs to allow for those special events. Our citizens should not have to comply with a registration fee if they only rent out their home a few days a year. He wanted to make some comments because he does not it appear that they are just “kicking this can down the road.” There are real legitimate reasons to look at it more carefully at a work session.

Councilmember Wright acknowledged this is a complicated issue and one we are not going to resolve tonight. It merits more conversation among themselves and in the community. He thanked the people that came to speak tonight.

Councilmember Wilder thanked staff for their work and indicated he would like more time to study this personally.

Vice Mayor Dolan appreciated Councilmember Nelson’s comments and it changed what she was originally going to say. She does not think they are informed enough to make any decision. She appreciated Councilmember Helgeson’s comments but she is getting calls from neighborhoods where restorations are not needed and she sympathizes with Ms. Tucker’s comments about her neighborhood. Vice Mayor Dolan got calls all weekend from neighbors about a home in her neighborhood where the owners have moved out. It was rented out this weekend as a short term rental and she received complaints about six to eight cars being parked at the house. There are areas in the City where we need to consider whether we are doing right by all parties.

Mayor Tweedy has concerns for all the reasons that have been stated tonight as well as emails she has received and conversations she has had over the past few months. In other cities that are tourist destinations entire blocks have become short term rentals. She does not think that bodes well for neighborhoods. One does not want to inhibit entrepreneurs and those that need to supplement their income but what is the maximum number there should be in a neighborhood. It is a complicated issue and she is for delaying the conversation. She wants people to understand there are legitimate concerns from people that do not want to see a residential neighborhood turned into a commercial area. She pointed out that if someone can buy an inexpensive home and flip it for a commercial use, then you essentially have neighborhoods that are inequitable. If we do not create a balance, then you have the less affluent areas that become short term rentals all over the neighborhoods. The character of the neighborhood would change as well.

After some discussion and consulting with various Councilmembers' schedule, Ms. Svrcek suggested placing it on the August 13, 2019 calendar. That is the next time that all Councilmembers will be present.

Councilmember Helgeson asked for clarification from Mr. Martin that B-4 zoning is exempt from parking requirements. He is asking that because they just approved 50 apartment units for B-4 zoning and those could all be turned into short term rentals. Mr. Martin said B-4 zoning is exempt from parking requirements and those 50 units could very well be turned into short term rentals.

Councilmember Wright agreed there is no rush to make a decision on these changes, however, there are people operating their businesses and they need clarity. Councilmember Perrow noted that whatever they enact, they will have to grandfather in the short term rentals for a period of maybe a year because people may have bookings out that far in advance.

// In the matter of City Code, consideration of amending Section 35-2.1 of the City Code so it will apply to buildings that were constructed after September 13, 1977: This item is coming before them at the request of a property owner in Wyndhurst. A survey showed that a few inches of the building were encroaching in the City's right-of-way. This issue has to be resolved before the sale to take place. State code allows a locality to adopt an ordinance that allows encroachments as long as it does not obstruct the public's right to use the right-of-way or constitute a safety hazard. City Council adopted such an ordinance in 1977; this one would allow it to apply to buildings constructed after 1977.

Councilmember Nelson noted that if the date the building was constructed is no longer an issue it becomes subjective as to whether or not the building is creating any issues. He is wondering who will make that determination. Mr. Erwin said that would be the responsibility of the Public Works department. Mr. Erwin said this usually comes about through a contact to him from a realtor or an attorney. He would have Public Works verify that there is no problem with the encroachment and Mr. Erwin would send a letter back to the person citing the state code section and letting them know that the City has no issue with the encroachment. Councilmember Nelson wondered if the letter can be recorded so there is no issue with the title in the future. Mr. Erwin said there has never been an issue and no one has ever recorded the letter because frankly, Council could repeal this ordinance at any time and all encroachments would be invalid. He is not sure we would want anyone to record something in the land records that gives the impression that this is okay forever. Councilmember Nelson acknowledged he understood Mr. Erwin's explanation.

Councilmember Perrow said this item was addressed by the PDC. This is a bit of housekeeping and cleanup and Mr. Erwin explained it very well. Councilmember Perrow made a motion on behalf of the PDC to accept #O-19-044. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18A was considered to adopt the FY2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $194,643,036 for this budget. Councilmember Wright, seconded by Councilmember Nelson, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-035, as presented, adopting the FY 2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $194,643,036 for this budget.

Councilmember Helgeson commented that a minority of Councilmembers suggested we live within our means and not raise taxes. The majority of Councilmembers said they wanted to see where we could cut so that we did not have to raise the entire amount of taxes. But in the last several weeks, all the money got spent. He suggested they not raise the taxes on our citizens. Some people would say it is fine to raise taxes because we have such great need but this budget grew by eight percent from last year. He does not think we needed the entire $3.4 million in additional taxes on top of that to spend. The number one priority of government is to make citizens safe. If this budget made sure that there is something for all, maybe people would say that is fine. This budget raised taxes but did nothing to help recruit and keep our firefighters, police and emergency medical personnel. This budget chose, instead of focusing on real critical issues, to spend $10 million sidewalk, $4 million on a streetscape beautification project, $1.6 million more than required from last year to the school system with a declining enrollment of 2.3 percent. It took $300,000 to change the traffic flow downtown and gave $1.3 million more to all our City employees rather than focusing on where the salary study said there are needs. All the reserves from last year were spent and the reserves from this year as well. There are still 2.7 miles of our trails that will be closed until the year 2023. This was a reassessment year and if we were going to do anything for public safety, this was the year we could have done it. We will not have that next year nor will we have the revenue from LCS Communications. He thinks they need to rein in spending so that we do not have people leaving the City. He hopes in the future they will look at building reserves, not taxing our citizens more and cutting spending. He is very disappointed in this budget. He fears for the safety of our citizens because our public safety employees are leaving and it is hard to recruit.

Councilmember Wilder appreciates this budget because it gives them a livable community. He is not saying spend all the money and he realizes they need to balance things. He is not saying spend it all but he wants to have great schools and a great downtown. If we had all said no to that, our downtown would be dead. The things they have spent money on make it more attractive for people to want to come to this community and want to live here. He is so thankful that we have said yes to things and we have grown and we have different problems now because of the growth we have in our community.

Councilmember Perrow is concerned that our City is living in the now and now thinking about where we need to be in the future. The growth in downtown and the population is fantastic but we have a daily risk of people not wanting to live in our City because of our tax rates. He like the amenities but not everyone has the same value proposition. He said we are in a rate rising environment with a significant debt load. At the time when our debt service starts increasing at a rate that is greater than our growth and revenues, we are going to have a problem. We can earn lower rates through a AAA bond rating, which we are very close to achieving. He was disappointed when we decided to fund the bare minimum in our fund balance. When our line of credit hits a certain amount, it will be converted to permanent debt for 20 years. The better interest rate we have the better off we are going to be.

Councilmember Wright will support this budget because it is a balanced budget and a common sense budget and we did not have to adjust our tax rates to do it. He thinks the budget priorities say we care our present and our future as well. It bolsters schools, improves our economy and strengthens our neighborhoods. It is not a perfect budget and if they had all year to discuss it page by page, they might be able to make more thoughtful decisions but that is just not the reality. He thinks it is a really strong budget that is really good for our City.

He noted that there has been a lot of conversation about public safety and how we are prioritizing other needs over public safety. He would suggest that the members of Council who feel that way to propose a plan. You (looking at Councilmember Helgeson) are using it as a political chip and suggesting that others on Council do not care about public safety just as much as you do. He would like Councilmember Helgeson to tell them what he wants and they have a conversation Councilmember Wright would welcome. He thinks they need to stop playing political gamesmanship on this issue.

Councilmember Helgeson said he had suggested not spending the additional $1.6 million on schools and to use half of that to hire seven more police officers and add a medic unit. In addition, instead of $1.3 million wage increase that goes to everyone, he suggested that they focus on those that are actually doing the work such as police, fire and the trash collectors. Councilmember Helgeson said it was not just political gamesmanship or rhetoric. He has been saying it all along and he has reiterated it now. He also did not say that Councilmember Wright did not care about public safety. He voiced that we needed to prioritize and made it clear how we could pay for the public safety items.

Councilmember Nelson agreed that Councilmember Helgeson did very specifically offer solutions. He is disappointed we spent our fund reserve above the ten percent self imposed limitation. However, since it is so miniscule in the whole budget, he is going to support this resolution.

Vice Mayor Dolan said she is supporting the budget because she thinks it is the right thing for our City.

Councilmember Helgeson asked for clarification from Ms. Donna Witt because he thought it had been proposed to keep the fund balance at 10.4 percent. Then 0.2 percent was used and now the line item in the budget says 10 percent. Ms. Witt said the decision was made by Council to use the first 0.2 percent to help balance the revenue adjustments and the staff adjustments and then the sheriff’s two positions and the TDO money and the temporary hours. Ms. Svrcek said when all was said and done, Council agreed as a majority to use the entire 0.4 percent above the 10 percent policy to balance all of the items that it wanted to fund in the budget leaving roughly $30,000 over the 10 percent.

Mayor Tweedy said she will be supporting this budget. She thinks that it is abhorrent that Councilmembers and folks pick and choose arguments and political points when it is advantageous or suitable to them. She believes that when we talk about the AAA bond rating, it is always very convenient that we talk about the ten percent and the balance that we need to maintain. However, we never talk about the fact that the bond agencies also said we need to increase the wealth in our community, meaning our median income. She wants people to understand that when we talk about this information, all Councilmembers sit in on the same meetings and are given the same information. But we tend to pick and choose only points to our constituents and/or our points to be made. She likes to bring forth all the information and people can judge for themselves. She thinks when we pick and choose information brought to them by the bond agency, she thinks it is misinformation to the community and it is really undermining to the community. When you don't give it all, she thinks it gives a misrepresentation and misinformation that maybe we are not all sitting in the same information sessions. To increase our bond rating, it is not one point over another; it is a combination of different things they told us we need to do.

She thinks they limit the conversation when we do not ask all our residents and she is going to jokingly say "what have you done for me lately?" She has to ask our community to take a look around our entire City and expand the conversation beyond just downtown. Let's expand the conversation beyond just a sidewalk approved in this budget. Let's all look at our own neighborhoods because she thinks we are owe a conversation to the entire community to look at the infrastructure investments that are being made throughout the City. We are investing in certain areas but we also have a Fort Hill and a Midtown and areas in our urban core that have to ask where are the investments being made? We have potholes and crumbling sidewalks all over this City. She thinks they have to ask each ward and each at-large member "what are you doing for us?" because she lives in a neighborhood that does not have City sewage. Previous Councils wrote checks to areas that were annexed and said we are not going to cash them. We are not going to give lights, sewage or sidewalks to you but everyone pays the same taxes. She thinks we have a lot of inequity across this City. Instead of working out a plan for these communities, we have said we are not going to do it.

She wants people to know that she supports public safety but when we mention people leaving, we do not mention that eleven were let go because of bad behavior. She thinks we need to go through a very factual conversation based on all the data that is released to the public and not just make politically suitable arguments because it sounds good and we have a limited audience who may not want to hear but one or two people are saying. She thinks people need to ask bigger and broader questions of the people that represent you.

She noted that during the housing crisis of 2008 and 2009, Lynchburg was growing. She is studying it and the economists and reports say it. We grew and people do not necessarily understand why. She would like to think it is because we did not sacrifice always saying and/or not investing at crucial times when we needed to invest for the future of Lynchburg.

She challenges people to put better plans together, to put better arguments together and to put it in a way that benefits the people we represent. She does not think that is anyone up here that would not agree to agree when all is reasonable and rational. But when you misinform and misalign the information and/or outright give incorrect information, which she has heard in numerous arguments, she thinks you undermine the public's intelligence to realize the type of community they themselves even want to live in. So when we narrow the budget down to a sidewalk here, education there, in the future we need educated citizens that contribute to the economy and buy homes. In the future, we may need sidewalks in other communities but we've always said no. When something is said no to in this community, it can also be said no to in others. It is easy to say no when we are not giving all the community. She wants an informed community and to understand the big picture and she thinks everyone up here knows that when you make public investment, private investment follows. She does not see any communities where that is not successful. To say that we are going to narrow the focus here because we only want certain ideologies and certain viewpoints to be the narrative is a very detrimental opinion and thought to this City. We would not have access if people did not make great decisions 20 years ago that were sometimes about risk and sometimes about change. She would agree the coffers look pretty good because of those decisions.

Councilmember Perrow commented that this is the lowest point he has seen this Council hit. He has never been so disappointed in a group of people sitting up here. We are the most close minded group he has been associated with. The decisions that have been made that have benefited the City so much were decisions made four years ago. The decisions we are making tonight and the decisions made last year may or may not benefit the City. They may be detrimental to the City in the next two to four years. He has never met such a close minded group that is opposed to listening to differing opinions. Each person's opinion up here has been validated by the voters of their respective ward or at large and those opinions need to be respected. To disrespect that is unfathomable and unconscionable and he is very frustrated by it.

Mayor Tweedy shares in his frustration because she is at least doing it from this dais on video as opposed to going on the radio shows tomorrow morning and other things. She is very disappointed that Councilmembers would not talk to people directly rather than to plot, plan and be divisive on public radio. She shares his frustration but also shares this opportunity to say what needs to be said. She represents people all over the community and we all worked to get here. No opinion is any less valued than the other but she does not stand as the mayor to have people talk about Councilmembers, to have people threaten Councilmembers and to have people undermine and talk about the constituents which she represents. You cannot like her opinion or disagree with it but she is going to share it because no constituent has any more value than another.

Councilmember Helgeson says he always brings up facts and his facts are usually accurate. Hopefully, she was not referring to him when she mentioned inaccuracies. He looks at other localities and how we want to increase wealth asks how we do we increase our wealth. A lot of times it is not just taxing more. Bedford and Amherst counties gave raises to their teachers and did not raise taxes and their wealth is growing. He is looking at how they can build wealth over time. His thoughts and plans and votes have always been very direct and very open. He has said the same things since he was elected in 2004. We have to live within our means because that is how we build wealth.

Mayor Tweedy likes to make comparisons of apples to apples and oranges to oranges and comparing Bedford or Amherst County to us is comparing an apple to an orange. Mayor Tweedy suggested each member have one to two minutes of final comments and they take the vote. Councilmember Perrow said that would be out of order. He said if she wants to represent her opinion, she needs to do it in a way that is less divisive and more consensus building. As the mayor, her role is to build consensus and to work on solutions. It is not to do be the voice of whatever she needs it to be. He is asking her to do that and to either step up and be the person that builds consensus and leads Council to develop unity around ideas and to communicate with Council or step down.

She would ask him to be a person that wants to be led by persons other than himself. She would ask when they are working to have consensus and talking that they would be talked to and not talked down to. When we have the opportunity to present a plan, she would like him to present a plan and ask for the consideration of other people to understand where he is going as opposed to being oppositional and sometimes defiant to working with members. She can be a person that is not divisive. She chooses to voice her opinion from her seat rather than going behind any Councilmember and undermining the value of their thought and their opinion on any issue in other public settings. It is not beneficial to anyone to have us divided as we have been over the issue of a sidewalk that was placed in this budget. She does not care who doesn't like what she is saying. She has waited to say anything. She was very silent when all the momentum for the opposition to this budget was being built, planned and plotted. Councilmember Perrow suggested she call the motion to question and she said she had done a couple of times. Councilmember Wilder also called the motion to question. Councilmember Perrow said he had the floor and was not properly recognized. He will yield the floor but asked her to please be mindful of what she says because he believes she is the most divisive member of Council right now and that is very disheartening. She believes she is the person that will step up and let everyone feel as though they are not threatened or not bullied. She believes that member of Council on this dais have used very bullying, demeaning and mean tactics against residents of this community through this budget. She didn't choose that to do that; others chose to do that. She didn't choose to be divisive; others chose to be divisive.

Councilmember Perrow said he resents that she is using the mayor's seat as a bullying pulpit because that is exactly what she is doing. She is disappointing that he is politically campaigning at an opportune moment. Councilmember Perrow said he loves this because it used to be that the term "political" in any context was deemed as derogatory. For the first time last Tuesday, he heard that a political decision was okay. This is not political; it is about decency. This is about respect and he has always been respectful to her. He is offering his opinion and he is doing it to her face. He hopes they can have a respectful dialogue going forward. She is glad they are bringing that forward publicly because there have been very disrespectful arguments prior to tonight in very other public venues. She is glad everyone has agreed to be respectful and is calling for the vote. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18B was considered to adopt the FY2020 Mandated and Contractual External Service Providers Budget and appropriating $7,903,382 for this budget. Councilmember Wilder, seconded by Councilmember Wright, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-036, as presented, adopting the FY2020 Mandated and Contractual External Service

Providers Budget and appropriating $7,903,382 for this budget. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18C was considered to adopt the FY2020 Discretionary External Service Providers Budget and appropriating $29,389 for this budget. Councilmember Wilder, seconded by Vice Mayor Dolan, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-037, as presented, adopting the FY2020 Discretionary External Service Providers Budget and appropriating $29,389 for this budget. Councilmember Perrow made a motion to strike the Elizabeth Early Learning Center from this budget. Ms. Witt noted it has already been moved into the contractual budget and is listed as such in the resolution. Councilmember Perrow withdrew his motion. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18D was considered to adopt the FY2020 School Operating Budget and appropriating $110,491,668 for this budget. Councilmember Nelson noted his wife is a principal for the Lynchburg City Schools system. He has been informed by both the Commonwealth and City attorneys that does not constitute a legal conflict of interest and he can be objective and unbiased in this vote. Councilmember Wilder, seconded by Vice Mayor Dolan, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-038, as presented, adopting the FY2020 School Operating Budget and appropriating $110,492,668 for this budget.

Councilmember Perrow noted that he has watched this budget increase year after year and they are not getting results. He has watched it increase to a level that is not sustainable. They could have made the raise they wanted within the funds they already had.

Councilmember noted this is spending approximately $14,300 per child and the highest number of employees in the school system they have had. When you look at this budget, it is clear that more money for schools was the primary goal. He is saying openly that money went to schools and did not go to our trash collectors or public safety. You can’t have money going to two places. If you are going to say you are for something, let’s actually do it. It is unconscionable to spend this money on schools with fewer students and less results. It is clear they have 180 fewer children, so we should be giving schools $795,000 less. We are giving them that as well as another $862,000. He is saying it should not have gone to schools and should have gone to public safety. If throwing money at it would help, he would have be all for it but he has been on Council since 2004 and seen the scores keep going down. Our poverty rate is one of the highest in the whole state. We can figure out how to tax people less or we can keep on spending hoping that we will get more result.

Councilmember Nelson said the facts are that the school budget for the last ten years has averaged an end of year fund balance of a little over $2 million. That suggests to him that the school system's analysis of its needs and revenues has not been as critical as it should be. He was in support of only supporting level funding as the City Manager had recommended and to require the school system to more critically assess its resources and needs. He cannot explain why the teachers have not been paid more for the last ten years when there has been $2 million left over each year.

Councilmember Wilder is glad that they as a community believe in our school system, our superintendent and our children, our greatest resource. He is thankful for the businesses that believe in them and support them. Of course we need to improve and fine tune areas but we understand our resources are our children and education. People want to move to a community with great schools.

Councilmember Wright agreed that the school system's fund balance over time is concerning. He, as well as other Councilmembers, has had frank conversations with the City's financial team. It is a fair and accurate statement that there was some wiggle room. That is where the school system went to get the three percent match money to match the state's three percent available for salary increases. They needed an additional two percent match from the City in order to get the state's match. This budget does not give them all that they asked for; it gives them about $180,000 less than they requested. Their plan does not include any new hires aside from new hires for a student with needs that the school system could not have anticipated. That is in response to Councilmembers' concerns about declining enrollment. He also asked them to consider a plan that would include school staff that was included in the City's compensation study so their salaries can be brought up to what is appropriate for the market. He appreciates the concerns of other Councilmembers who feel the school system does not need the money but Councilmember Wright feels they do need it. It is important they have the best schools that they possibly can. It is a public trust and it is what we do as a community to support our families and children. Public education is the bedrock of that principle.

Mayor Tweedy agrees with several of the comments made and that is why we are working as City leadership and School Board leadership to create an education task force so that all this discussion can be evaluated. Mayor Tweedy called for the vote and it passed by the following vote:

Ayes:	Dolan, Wilder, Wright, Tweedy	4
Noes:	Helgeson, Nelson, Perrow	3

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18E was considered to adopt the FY2020 Greater Lynchburg Transit Company Budget and appropriating $8,208, 978 for this budget. Councilmember Wilder, seconded by Councilmember Wright, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-039, as presented, adopting the FY2020 School Operating Budget and appropriating $8,208,978 for this budget. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18F was considered to adopt the FY2020 Operating Funds Budgets for other funds and appropriating the sums of each fund. Councilmember Wilder, seconded by Councilmember Wright, made a motion to introduce and lay over to a later meeting for final action Resolution #R-19-040, as presented, adopting the FY2020 Operating Funds Budgets for other funds and appropriating the sums of each fund. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18G was considered to adopt a Resolution amending the FY2020-2024 Capital Improvement Program Budget. Councilmember Wilder, seconded by Councilmember Wright, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-041, as presented, amending the FY2020-2024 Capital Improvement Program.

Councilmember noted that at the beginning of this budget, we heard that there are so many strapped resources and so many needs. It is not so much that he detested that the City taxpayers are building a sidewalk but we first saw number of $1.7 million and now we see a cost of $10 million. We heard that there is $200 million that we cannot do because things are so tight in our Capital Improvement Program. There is that sidewalk project in here, as well as other projects that are beautification projects. He tried to look at the sidewalk project objectively and he really wishes we would focus on real needs and not raising taxes. We need to focus on paying off the debt because we have more debt now than we have ever had. A few years ago it was suggested that they do borrowing based on only paying back interest because times were so tight. It is a headscratcher for him as a financial planner. We have unsustainable debt and hundreds of millions of dollars in debt based on our unfunded pension liability. He mentioned that he voted against the retaining wall project by Miller Park. It is a beautiful wall but he is driving on a road in front of it that needs to be fixed. He would like them to do the maximum good for the most number of people in the City and not a special interest retaining wall. He will not be voting for this because he does not think we prioritized things in the Capital Improvement Program.

Councilmember Wilder said he believes in the management staff and the plan they have put together. He has been on Council for three years and has never seen people talk about a sidewalk so much. After waiting over 20 years though, things are finally starting to happen. We have a process of capital projects that we are currently working on and he appreciates that. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18H was considered to adopt a Resolution adopting the FY2020 Capital Budget and appropriating $60,814,082 for the City Capital Projects Fund, $2,686,000 for the Schools Capital Projects Fund, $3,825,000 for the Airport Capital Projects Funds, $6,200,000 for the Water Capital Projects Fund, $7,960,000 for the Sewer Capital Projects Fund, and $2,750,000 for the Stormwater Capital Projects Fund. Councilmember Wilder, seconded by Councilmember Wright, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-042, as presented and appropriating the above fund amounts.

Councilmember Perrow noted he chose to save his comments until the actual appropriation of the CIP dollars. As a professional engineer, he likes infrastructure and building. He understands that if you do not reinvest in your infrastructure then you lose it over time. He has always supported the CIP but this year he does not support the CIP as a whole and will not support the appropriation of the CIP. The sidewalk is the only example he has seen since he has been on Council that he can truly say is wasteful spending. He offered a plan that would look at the utility of the sidewalk and see what we could get out of it in the long run. A sidewalk has negligible utility and at some point he thinks we can all say that road has to be improved. If it is a connection and corridor, it needs to be improved and when you improve a road, you put in a sidewalk. He thinks that with a little bit more funding, they could have had a road and a sidewalk. The utility we get out of a police station affects the whole City and arguably touches everybody every day. 25 percent of the cost of the police station is the same as one sidewalk. It is half the cost of the 501/221 interchange and half of the proposed elementary school improvements that we did not fund. He thinks we need to look at how we get the most utility out of every dollar we spend. He is not opposed to having a sidewalk but he would like them to fix the problem. If fixing the problem costs them $15 million but we get more value and utility out of the dollars spent, he would be supportive of it. He does not think it is a solution that addresses the problem of connection between Florida Avenue and the downtown area.

Mayor Tweedy commented that she has only been on Council for five years. For everyone that has been on there over five years, we are finally taking the prioritization of infrastructure seriously across our entire City. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18I was considered to adopt a Resolution adopting the FY2020 General Fund Non-Departmental Poverty Initiative that funds may only be spent upon approval by a majority vote of City Council. Councilmember Wilder, seconded by Councilmember Wright, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-043, as presented and appropriating the above fund amounts.

Councilmember Helgeson commented that every study known to man has said that how you get people out of poverty. Do not have kids before you are married, finish high school and work

40 hours a week. You might start at minimum wage but you will work your way up. He used the example of our new Clerk of Council. She demonstrated good work as the Clerk of the Planning Commission and has been honored for that good work with a promotion. There is money in there that has not been spent.

Councilmember Perrow noted that they have been doing this for the past three years. We have approved a total of $150,000 in this reserve and we have spent $24,000. He would like them to make effective use of what they have and not put more money in it. Otherwise, we are wasting that effort. When we use it in an effective, productive manner, he would consider putting more money in it.

Councilmember Wright indicated he is all for making this a more effective pot of money. He understands the original intent. Based on its current usage, something is not working. We should not pull on the City's anti-poverty efforts, but he thinks we should rethink how people can apply for these grants and what the amounts should be. If we are going to set aside money for use on these efforts, then it ought to be used.

Councilmember Wilder noted that we had heard that they had received some additional money from grant sources, which is why some of the funds had not been spent. We need to continue to look at the process and see how we can fine tune the process.

Vice Mayor Dolan thinks one of the issues has been the reorganizational issue and people figuring out where they were in this whole thing. Those of you who are not working on this issue do not realize how much is really being done in the City in terms of eradicating poverty. If you found out what is being done in the groups, you would be more appreciative of what they are doing.

Mayor Tweedy said she would agree with all the comments. She thinks there is an additional opportunity to allow our centers to partner with the committees for application of grants. We have future ideas to put forth with Mr. Hughes and the Bridges to Progress committee to bring to Council. If you would come to a Bridges Getting Ahead graduation you would see people improving their education. It is about working and improving median incomes and career ladder opportunities. She is glad that Council has over the years unanimously decided to attack this issue of poverty. She is glad there is a collaborative effort with partners such as Beacon of Hope to come together on this issue. She called the motion to a vote and it passed by the following vote:

Ayes:	Dolan, Nelson, Wilder, Wright, Tweedy	5
Noes:	Helgeson, Perrow	2

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18J was considered to adopt a Resolution appropriating $50,000 of the FY2020 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2019 through June 30, 2020. Councilmember Wilder, seconded by Vice Mayor Dolan, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-044, as presented and appropriating the above amount. In answer to a question from Councilmember Helgeson, Ms. Witt indicated the $50,000 is used at the City Manager's discretion and it would not have to come to Council for a vote and it is no change to the process. The motion passed by the following vote:

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

// In the matter of FY2020 Budget/CIP/City Code, City Council Report #18K was considered to adopt a Resolution in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, to set the personal property tax relief rate for the fiscal year beginning July 1, 2019 through June 30, 2020 at 44.39%. Councilmember Perrow, seconded by Councilmember Wilder, made a motion to adopt and lay over to a later meeting for final action Resolution #R-19-045, as presented. In answer to a question from Councilmember Helgeson, Ms. Witt said this percentage is based on a formula that the State gives to the Commissioner of the Revenue. The motion passed by the following vote:

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

// On motion of Council Member Wilder, seconded by Council Member Wright, Council by the following recorded vote elected to hold a closed meeting to consider appointments and scheduling for Lynchburg City School Board interviews pursuant to Section 2.2-3711(A.) of the Code of Virginia:

Ayes:	Nelson, Tweedy, Wilder, Wright	4
Noes:	Dolan, Perrow	2
Abstentions:	Helgeson	1

// 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 Councilmember Wilder, and Council by the following recorded vote adopted the motion:

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

// The meeting was adjourned at 12:15 P.M.