

April 9, 2019

REVISED AGENDA ITEM #: 4

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 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 S. Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy

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Absent:

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// In the matter of Clerk of Council, Mayor Tweedy requested that the Council Agenda be amended to include a resolution to appoint the new Clerk of Council. On motion of Councilmember Wright, seconded by Councilmember Wilder, Council by the following recorded vote amended the Council Agenda to add a resolution to appoint the Clerk of Council as presented:

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

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Noes:

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// Mayor Tweedy read the proposed resolution to appoint Ms. Robin Craig as the Clerk of Council, and congratulated her on the pending appointment. Ms. Craig addressed Council and thanked the Councilmembers for considering her as the Clerk of Council. Mayor Tweedy thanked Assistant City Manager John H. Hughes, IV for his time as the Interim Clerk of Council.

// In the matter of Appointment of a new Clerk of Council, the amended agenda item was considered. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-19-023, as presented, to appoint Robin Craig as Clerk of Council for the City of Lynchburg, Virginia, effective May 1, 2019 and authorized the Mayor on behalf of City Council to sign a Letter of Employment with her.

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

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Noes:

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// In the matter of Finance – Budget, City Manager Bonnie Svrcek provided remarks concerning follow up to questions that Council requested in previous meetings. Council was provided the questions and answers via printed copy prior to the session and Ms. Svrcek reviewed this information for Council. In addition, an update to the specific items Council added to “The List” was provided to Councilmembers.

// In the matter of Finance – Budget, City Council Report #1 was considered to review the Proposed FY 2020- FY 2024 General Fund Capital Improvement Program (CIP). Deputy City

Manager, Dr. Reid Wodicka provided an overview of this plan including details on how the CIP is a reflection of the community and a tool for taking care of Lynchburg's community assets. Highlights of Dr. Wodicka's CIP presentation detailed the proposed multi-year financial plan, a review of large priority projects and an overview of planned projects, while maintaining existing assets and preserving the financial integrity of the City. The Financial Plan for the FY 2020-2024 CIP is projected to cost approximately \$306 million for all funds with \$219 million in the General Fund. In FY 2020 only, the cost is proposed to be \$83 million in all funds and \$62 million in the General Fund. Councilmember Helgeson interjected that the proposed budget is "assuming the tax increase." Dr. Wodicka responded that the budget is assuming a "non-equalized tax rate," to which Councilmember Helgeson replied "which is a tax increase." Dr. Wodicka continued with the CIP overview explaining proposed FY 2020 General Fund funding sources including Pay-As-You-Go, Line of Credit, State Grants, State Revenue Sharing, State of Good Repair, Federal Grants and Highway Maintenance funding. Councilmember Helgeson noted that the proposed budget is based on assuming Council will approve a "tax increase" and suggested considering revenues prior to using the proposed budget numbers. Dr. Wodicka acknowledged that if Council chose to not support the proposed budget items, staff would restructure the CIP. An overview of major projects including construction of a new Headquarters for the Police Department (LPD) and the Lakeside Drive Bridge and Dam project were provided by Dr. Wodicka. Councilmember Helgeson asked if the LPD plan was complicated due to "ancillary activities in this building." Dr. Wodicka advised that the building was itself a complicated undertaking and agreed that it must be secure and safe. Councilmember Wright spoke regarding the LPD Headquarters project noting that he was "agnostic" concerning the point Councilmember Helgeson made on the activities within the LPD building. Councilmember Wright stated that he thought the project should move along as "expeditiously as possible." Deputy City Manager Wodicka imparted that the project does include a parking deck which adds to the complexity of the venture. Councilmember Perrow commented that the proposed projects are like puzzle pieces in that change to one affects all others. Dr. Wodicka commenced review of each project under the CIP on the summary pages of the FY 2020 budget book. LPD Chief Ryan Zuidema was called to the podium by Councilmember Helgeson during review of the LPD building project proposed budget. Councilmember Helgeson questioned if the building was going to be "just for police for the most part" with reference to design and use of the building.

Chief Zuidema replied that his vision would be a balancing act of security for staff with a component unit that is segregated to use for community needs. Councilmember Wilder asked if the Council would have a separate meeting to go over the design of a new LPD building. City Manager Bonnie Svrcek advised that this project is in a very preliminary stage of development and this would be reviewed in a later meeting. Vice Mayor Dolan commented that many police buildings also have community rooms included for citizen use. Dr. Wodicka continued to review the proposed CIP project budgets. Concerning the Lakeside Drive Bridge and Dam projects, Councilmember Helgeson asked if Lynchburg College [University of Lynchburg] was contributing any funds toward this repair. Dr. Wodicka replied that the City was currently in negotiations with the University on this matter. Councilmember Perrow asked if Federal Highway funds were available for this project. Dr. Wodicka noted that no Federal Highway funds have been awarded, but the City would apply for the revenue sharing component from the State. Councilmember Perrow suggested designing for two bridges, to which Dr. Wodicka replied the City could explore that option. On the matter of the Florida Avenue sidewalk project, Councilmember Helgeson requested this item be placed on “The List” for review due to the large amount of local money proposed to fund this effort. Councilmember Wilder commented that there are many pedestrian residents in this area who would benefit from a sidewalk. Councilmember Wilder stated that he will encourage City residents to attend the City Council meeting and voice their support of this project. Mayor Tweedy also noted that the residents who walk in this area would benefit from a sidewalk. Councilmember Perrow added the 5th Street Phase IV project to “The List.” Councilmember Nelson questioned the funding of various bridge projects in the City through the possibility of revenue sharing. City Manager Bonnie Svrcek reminded Council that the Secretary of Transportation, Shannon Valentine and our Commonwealth Transportation Board member Bert Dodson will be in the City on Thursday to host a cleanup and will attend a Public Meeting by VDOT focused on Smart Scale funding. Councilmember Helgeson asked that the Vassar Street roundabout be removed from the project list due to cost of \$6.1million and also inquired about phase two of the Florida Avenue sidewalk project on page 45 of the CIP at a cost of \$5.6 million in year 2024 and beyond. City Engineer Lee Newland responded to this question and stated that phase two of the project is related to construction of sidewalk under a railroad trestle. Councilmember Perrow commented that if roundabout construction becomes more expensive than stoplights, the City should return to using

more stoplights. City Manager Bonnie Svrcek stated that staff will continue to use the most efficient and cost-effective methods for moving traffic. City Planner Tom Martin advised that the total project cost for the 5th street roundabout and related streetscapes was around \$2.5million.

Councilmember Nelson asked to place FY 2022 Internet Park planning on “The List.”

Councilmember Helgeson asked to put the Main Street renewal project on “The List.”

Councilmember Nelson asked Parks and Recreation Director Jenny Jones about the request to add lighting in Peaks View Park on certain fields. Ms. Jones stated that due to the increased use of the fields and correction of drainage issues, Parks and Recreation will be allowing groups to utilize the fields. Councilmember Wright asked to add Creekside damage repairs for the next couple fiscal years to “The List.” On College Lake lakebed improvement, Dr. Wodicka advised that due to the City’s responsibility for the dam, resulting silt in College Lake is the City’s responsibility. Councilmember Helgeson stated that dredging the lake should be the University’s responsibility. Councilmember Perrow noted that the bridge and dam projects related to College Lake and Lakeside Drive have a significant impact on the CIP. Councilmember Perrow further commented that although he is not in favor of this project, he does not find fault in how City staff have worked to craft an appropriate solution to this problem. Director of Public Works, Gaynelle Hart relayed that there was about \$16,000 remaining in the reserve for snow, streets and bridges budget for FY 2019 on questions from Councilmember Perrow.

// In the matter of Roll Call, Council Report #2 was considered. Councilmember Wilder attended the Heritage High School Ring Ceremony, and the Ward II Entrepreneurial Summit at Diamond Hill Baptist Church on Saturday April 6, 2019. Councilmember Wilder thanked the Office of Economic Development for their assistance with this project. Mayor Tweedy reiterated appreciation for the work put into the Entrepreneurial Summit, and mentioned that the World of Opportunity event held at Liberty University earlier during the day was an amazing occasion. Mayor Tweedy also noted that the coming weekend will be full of activities such as Love Lynchburg and the Community Care Collaborative at the Salvation Army. Councilmember Wright mentioned that the Hill City Pride Festival will also be held on Saturday at the City Stadium from 12pm-5pm.

// City Council recessed the meeting at 5:43 P.M.

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

The following Members were present:

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

Absent: 0

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

// Mayor Tweedy presented a Proclamation to US Census Bureau staff Josué Figueroa and Daryn Warner in regard to the kickoff of Census 2020 work in the City of Lynchburg designating April 9, 2020 as Census Awareness Day. Mr. Figueroa reemphasized the importance of accurately counting persons living in each locality.

// In the matter of the Consent Agenda, Council Reports #3, #4 and #5 were considered. Copies of the minutes of the March 19, 2019, March 26, 2019 (with requested corrections) and April 2, 2019, having been previously furnished Council, reading was dispensed with. Council Member Helgeson requested that the corrected Minutes of March 26, 2019 be removed from the Consent Agenda, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes of March 19, 2019 and April 2, 2019 as presented:

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

Noes: 0

// In the matter of Public Comment, Ms. Madeline Cotton spoke before Council regarding disposal and theft of personal items from her previous residence and from a storage facility. Staff was not advised to complete any actions associated with this matter.

// In the matter of Assessments, a public hearing was held regarding City Council Report #7 concerning the proposed real property tax increase. City Manager Bonnie Svrcek provided a brief summary of this information. Ms. Svrcek noted that the FY 2020 Proposed Budget proposes no change to the real property tax rate and that each penny on the tax rate equals approximately \$562,364.00 in revenue. An adjustment in the real property tax rate to create the same amount of revenue as in FY 2019 would require a reduction from \$1.11 to \$1.05 per \$100 of assessed value (equalizing the tax rate). This action, per Ms. Svrcek is not recommended in the FY 2020 budget, would require an adjustment of approximately \$3,374.184 to estimate revenues and/or expenses in the FY 2020 budget. Ms. Svrcek noted that if City Council wished to consider an increase in the real property tax rate, another public hearing must be advertised 30 days prior to the date of said public hearing. Staff recommends this public hearing, if warranted, be held on Tuesday May 14, 2019 at 7:30PM. There were three residents who spoke in

opposition of the proposed tax rate, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council considered the question of setting the real property tax rate to \$1.05. Discussion on this motion ensued between Councilmembers. Councilmember Perrow supported the motion and stated that he desires residents pay the same tax rate on real property as they paid in FY 2019. Councilmember Perrow voiced concerns about funding necessary services, however equalizing the tax rate should be a consideration given the rising cost of living. Councilmember Nelson spoke to the need to provide competitive salary and wages to first responders, school personnel, and other staff which would prevent reducing the tax rate at this time. Councilmember Wilder asked if the City and residents are comfortable with the current assessment. City Assessor Jeff Bandy responded that 467 administrative reviews have been filed. Councilmember Helgeson observed that the City has increased the funding to schools over many years, with a decline in the student population over that period. Councilmember Helgeson stated that we should not have to take more from citizens to fund ongoing operation of the City long-term and referenced that citizens consistently indicate taxes are too high in the City. Councilmember Wright posited that the needs of our community are great and require funding though the projected revenue forecasted with the increased real property assessments. Vice Mayor Dolan echoed Councilmember Wright's comments and supported investment in people and in the City. Councilmember Nelson asked Mr. Bandy about negative impacts of construction in relation to assessments. Mr. Bandy replied that if financial information shows a loss in revenue, the Assessor's Office considers that. Councilmember Nelson stated that buyers are looking at the value of property in Lynchburg and the effort to increase overall value in the City has been effective. Councilmember Wright disagreed with determining the tax rate until the budget was more closely balanced and reviewed. Councilmember Helgeson noted that he wanted to force the hand of Council by bringing this motion forward so that members can live within the current increase. Mayor Tweedy noted that she will not be supporting this motion for similar reasons as other members voiced in opposition and wants to invest appropriately in City resources and staff, especially public safety. Council by the following recorded vote rejected the motion to lower the real property tax rate to \$1.05 per \$100 of assessed value:

Ayes: Helgeson, Perrow

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Noes: Dolan, Nelson, Wilder, Wright, Tweedy

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// Councilmember Perrow moved to prohibit Council from increasing the real property tax rate beyond the current rate of \$1.11 per \$100 of assessed value in the FY 2020 proposed budget. This motion was seconded by Councilmember Nelson. Councilmember responded that this would answer the question from City Manager Svrcek on whether to hold a public hearing on this matter. Councilmember Nelson spoke to keeping funding within the City Manager's proposed budget. Councilmember Helgeson questioned what is necessary to raise other tax rates. City Attorney Walter Erwin stated that there are various requirements to proposing tax increases; however the only item on Council's agenda now is the proposed real property tax rate. Councilmember Perrow acknowledged that lowering the tax rate could be possible later during the budget balancing. By the following recorded vote, City Council prohibited Council from raising the real property tax rate above \$1.11 per \$100 of assessed value for FY 2020:

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

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Noes: Wright

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// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #8 outlining the petition of the Surgery Center of Lynchburg to rezone approximately five and one hundredth (5.01) acres at 2401 Atherholt Road from B-1C, Limited Business District (Conditional) to B-1, Limited Business District to remove the existing proffers to allow future building and parking lot expansions. City Planner Tom Martin provided a brief overview of this petition. Andy Klepac with Hurt and Proffit gave a presentation in favor of the petition. There were no additional speakers and the Public Hearing was closed. On motion of Council Member Wright, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-19-024, as presented, granting the petition of the Surgery Center of Lynchburg to rezone approximately five and one hundredth (5.01) acres at 2401 Atherholt Road from B-1C, Limited Business District (Conditional) to B-1, Limited Business District to remove the existing proffers to allow future building and parking lot expansions:

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

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Noes:

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// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of Willoughby Properties II, LLC. to

rezone approximately one hundred and ninety-six thousandths (0.196) of an acre at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the conversion of the existing dwelling into apartments. City Planner Tom Martin provided an overview of this matter. Ms. Anna Chytla, owner of Willoughby Properties, provided a brief presentation on this petition. There were no speakers present to speak in favor or opposition, therefore the Public Hearing was closed. Councilmember Helgeson noted that other properties were zoned as B-1 and this proposal would allow B-4 zoning for the property in question. Mr. Martin noted the specifics of zoning ordinances related to this petition and allowable residents within the proposed apartment complex and supported within the City's Future Land Use Map and Downtown revitalization plans. Mr. Martin also stated that any rezoning should be considered on a case by case by case basis. Councilmember Perrow noted that he has a personal interest in other properties on in the area of Court Street and this is a very interesting location in the City. Councilmember Perrow stated he is supporting this ordinance for protection of the neighborhood and the feel of that area. Councilmember Nelson also has property on Court Street, but not directly related to this property. Councilmember Helgeson asked questions about parking, to which Mr. Martin acknowledged the availability of leased parking spaces and public parking in the area. Vice Mayor Dolan gave her support of the ordinance. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-19-025, as presented, granting the petition of Willoughby Properties II, LLC. to rezone approximately one hundred and ninety-six thousandths (0.196) of an acre at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the conversion of the existing dwelling into apartments.

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

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Noes:

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// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #10 outlining the petition of LYNVET, LLC for a conditional use permit at 802 Wiggington Road to allow the expansion of a veterinarian office in a B-3, Community Business District. City Planner Tom Martin provided a brief overview of this matter. Jaimie White with White Engineering and Design rose to give a presentation in support of this petition as a representative of the business owners. Dr. Les Mulligan spoke in favor of the petition. There was

no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-19-026, as presented, granting the Conditional Use Permit to LYNVET, LLC for a conditional use permit at 802 Wiggington Road to allow the expansion of a veterinarian office in a B-3, Community Business District:

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

Noes: 0

// In the matter of Finance – Budget, a Public Hearing was held concerning City Council Report #11 regarding the consideration of introducing a Resolution Amending the Fiscal Year 2019 Budget and Appropriating Supplemental Funds and Rescinding Appropriations for the City of Lynchburg for the Twelve Month Period Beginning July 1, 2018 and ending June 30, 2019. Chief Financial Officer Donna Witt provided an overview of this proposal. There was no one to speak on this item and the Public Hearing was closed. Councilmember Helgeson asked about expenses associated with cameras at the Community Market. Parking Director, Dave Malewitz responded that a risk assessment was done and Parks and Recreation would incur the cost of cameras. Councilmember Helgeson asked about use of funds from the reserve for contingencies in Ms. Witt's report. Ms. Witt explained that most of the funding was related to the flood, and then Water Resources provided funding from the Stormwater fund. An explanation of Temporary Detention Orders (TDO) and support to the Lynchburg Police Department was provided by Sheriff Major Thomas Carter of the Lynchburg Sheriff's Office in response to questions on TDOs from Councilmember Helgeson. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-19-027, as presented, amending the Fiscal Year 2019 Budget and Appropriating Supplemental Funds and Rescinding Appropriations for the City of Lynchburg for the Twelve Month Period Beginning July 1, 2018 and ending June 30, 2019.

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

Noes: 0

// In the matter of the Downtown Lynchburg Association, City Council Report #12 was considered regarding the 2018 activities of the Downtown Lynchburg Association (DLA). Ms. Ashley Kirshner provided a detailed annual report and a copy rests with City Council members

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and the Acting Clerk of Council, and will be placed into the record. Councilmember Perrow congratulated DLA and commented on the new signs downtown as well as the overall positive outlook for downtown. Mayor Tweedy also congratulated and thanked Ms. Kirshner for the work of DLA.

// In the matter of Public Works, Council Report #13 was considered regarding approval of new procedures and a flat fee for landlord eviction set outs. Director of Public Works Gaynelle Hart provided an overview of this matter. Councilmember Helgeson asked about the feasibility of covering costs for the containers. Ms. Hart noted that the containers would be used for various projects per needs of the City. On motion of Council Member Perrow, in support of Alternative #2 presented with adjustments to the fees, specifically the knuckle boom \$400, 30 cubic yard roll off \$450, and the 40 cubic yard roll off being \$450. The motion was seconded by Council Member Wright, and Council by the following recorded vote approved procedures and a flat fee for landlord eviction set outs as amended for two containers under Alternative #2:

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

Noes: 0

// Councilmember Perrow asked that the screen in Council Chamber be repaired before budget balancing.

The meeting was adjourned at 8:49 P.M.

Acting Clerk of Council