

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of February, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Cary, Foster, Johnson, Nelson, Gillette 5

Absent: Helgeson, Perrow 2

// Mayor Gillette announced that Council Member Perrow gave advanced notice that he would not be attending the Council meeting.

// City Manager Kimball Payne stated the purpose of the Local Sesquicentennial Committee. In May 2008 City Council established a Local Sesquicentennial Committee and Mr. Greg Starbuck was appointed the liaison. Mr. Payne further stated that Mr. Starbuck was now ready to pass the liaison role to Mr. Kevin Shroyer. Mr. Starbuck stated he had been the liaison since 2008 and over the last several years was able to obtain two grants from Richmond. One grant paid for the Civil War Trails Marker at E.C. Glass and the most recent grant helped fund the Civil War Exhibit at the Legacy Museum. Mr. Starbuck introduced Mr. Kevin Shroyer who made a few remarks.

Mayor Gillette called for a motion to designate Mr. Kevin Shroyer to serve as the liaison between the Lynchburg Sesquicentennial Committee and the Virginia Sesquicentennial of the American Civil War Commission. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-014, as presented, designating Mr. Kevin Shroyer to serve as the liaison between the Lynchburg Sesquicentennial Committee and the Virginia Sesquicentennial of the American Civil War Commission:

Ayes: Cary, Foster, Johnson, Nelson, Gillette 5

Noes: 0

Absent: Helgeson, Perrow 2

// Council Member Helgeson arrived at 4:10 P.M.

// Mr. Jim Talian, Water Quality Manager, provided an update on the Rivermont Avenue CSO construction projects. Mr. Talian explained the project on Rivermont Avenue between Jones Street and Cabell Street is nearing completion. The delay in the project is attributed to issues regarding pipes, unforeseen ground conditions, general problems expected with underground work and the need to accommodate traffic. Mr. Talian went on to say that the project is scheduled to be completed around March 9th with the exception of paving, which will be done in mid-April. The upper Rivermont Avenue project between Hawes Street and the western intersection with Bedford Avenue is on schedule for completion in late July 2013.

// Mr. Keith Wright, Neighborhood Program Manager, provided an overview on the Community Code Compliance Team (CCCT) Report. In 2012 the CCCT coordinated six meetings, four of which were walk-throughs conducted in neighborhoods at the request of residents (Fairview Avenue Neighborhood, Hydro/VES Road Neighborhood, Richland Hills Neighborhood and Tinbridge Hill Neighborhood). As a result of the walk-throughs thirty-five (35) code compliance issues were addressed. The main categories addressed according to volume were illegal dumping and overgrown property. Mr. Wright stated that the

walk-throughs were designed as an educational component to provide a useful forum for addressing neighborhood concerns in a variety of ways. The Team is seeking new connections with the City's neighborhoods to promote, protect and improve the health, safety and welfare of the citizens and the environment. Mr. Wright further stated this is accomplished by providing equitable, expeditious and effective code compliance while establishing a working partnership with the City's neighborhoods. Mr. Wright showed a brief video highlighting some of the CCCT's work.

// During roll call Vice Mayor Johnson encouraged citizens to attend activities sponsored by City Schools and the City for Black History month.

// On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e. Redevelopment & Housing Authority and Transit Company; for discussion and consideration of the acquisition of real property for a public purpose, the Heritage High School Project, because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and the renewal of the Tourism Agreement with the Lynchburg Regional Chamber of Commerce, pursuant to Section 2.2-3711(A) (1), (3), and (7) respectively, of the Code of Virginia, 1950, as amended:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette	6
Noes:	0
Absent: Perrow	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 Council Member Cary, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette	6
Noes:	0
Absent: Perrow	1

// In the matter of Appointments, and on nomination of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Kevin Cheung, to serve on the Redevelopment & Housing Authority Board to fill an unexpired term ending September 30, 2015:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Laretta Spencer to serve on the Redevelopment & Housing Authority Board for a term to expire September 30, 2016:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Margaret Whitaker to serve on the Transit Board for a term to expire October 31, 2015:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette 6

Noes: 0

Absent: Perrow 1

// City Council recessed the meeting at 5:25 p.m.

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

The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

Council Member Foster gave the Invocation, followed by the Pledge of Allegiance led by Cub Scout Pack 180.

// Copies of the minutes of the January 22, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the January 29, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Police – Emergency Services, Resolution #R-13-012 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$30,952 with resources of \$15,476 from the Virginia

Department of Emergency Management 2012 Local Emergency Management Performance Grant and \$15,476 for in-kind services provided by the existing Emergency Management Coordinator's position for a part-time Emergency Management Deputy Coordinator position, laid over from the January 22, 2013 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Courts – General, City Council Report #9 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-015, as presented, amending the FY 2013 City/Federal/State Aid Fund and appropriating \$5,631, fully reimbursable, to preserve three Marriage Register books with records dated 1853 to 1909 at the Lynchburg Circuit Court Clerk's Office:

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

Noes: 0

// In the matter of Fire – General, City Council Report #10 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-016, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$161,406, fully reimbursable, for Staffing for Adequate Fire and Emergency Response (SAFER) grant to hire nine (9) full-time firefighters for the Fire Department:

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

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of the Lynchburg Church of God Trustees at 512 Breezewood Drive for a Conditional Use Permit (CUP) to allow the construction of a building and parking addition in an R-3, Medium Density, Two-Family Residential District. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the CUP. Mr. Tommy Brooks, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-13-017, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Community Planning – Zoning Amendments, a public hearing was held on City Council Report #12 regarding amending the Future Land Use Map (FLUM) from Medium Density Residential to Community Commercial and outlining the petition to rezone from R-1, Low Density Single-Family Residential District to B-5, General Business District approximately four hundred twelve thousandths (0.412) of an acre to facilitate the marketing of the property for sale at 2400 Lakeside Drive. City Planner

Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the FLUM and rezoning petitions. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-13-018, as presented, granting the petition to amend the Future Land Use Map:

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

Noes: 0

// On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-13-019 as presented, granting the petition to rezone from R-1, Low Density Single-Family Residential District to B-5, General Business District approximately four hundred twelve thousandths (0.412) of an acre to facilitate the marketing of the property for sale at 2400 Lakeside Drive:

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

Noes: 0

// In the matter of Community Planning, a public hearing was held regarding City Council Report #13 regarding the consideration of amending Section 35.1-11.8, Terms beginning with "G" through "K", "Group Home" of the Zoning Ordinance to replace the terms "retarded or mentally handicapped, mentally ill and mentally retarded" with the terms "mental illness, intellectual disability or developmental disabilities". Engineering/Planning Project Coordinator Anne Nygaard gave a summary of the Zoning Ordinance stating that in April 2012, the General Assembly adopted legislation to eliminate the term "mental retardation" and similar terms from the State Code and to replace such language with the term "intellectual disabilities" and other similar terms. In December 2012, Council initiated amendments to the Zoning Ordinance to make those replacements and to maintain Lynchburg's Zoning Ordinance's consistency with the State Code. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #O-13-020, as presented, amending Section 35.1-11.8, Terms beginning with "G" through "K", "Group Home" of the Zoning Ordinance to replace the terms "retarded or mentally handicapped, mentally ill and mentally retarded" with the terms "mental illness, intellectual disability or developmental disabilities" :

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

Noes: 0

// In the matter of Community Development – General, a public hearing was held on City Council Report #14 regarding the consideration of selling approximately four hundred twelve thousandths (0.412) of an acre at 2400 Lakeside Drive to Lakeside Crossing Lynchburg, LLC, to allow for retail development. Director of Economic Development Marjette Upshur gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced

and laid over to a later meeting for final action Resolution #R-13-021, as presented, regarding selling approximately four hundred twelve thousandths (0.412) of an acre at 2400 Lakeside Drive to Lakeside Crossing Lynchburg, LLC, to allow for retail development:

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

7

Noes:

0

// In the matter of Community Development – CDBG, a public hearing was held on City Council Report #15 regarding receiving public input regarding the reallocation of the Community Development Block Grant (CDBG) Program Year 2010-2011 funds in the amount of \$100,000 for the Spot Blight Low Interest Loan Program; funds in the amount of \$45,462.78 for the Property Demolition Project; and FY 2013 (Program year 2012-2013) funds in the amount of \$100,000 for the Fifth Street Community Development Corporation (CDC) Phase III project be reallocated to FY 2013 (CDBG Program Year 2012-2013) Fifth Street Phase II Project. Grants Manager Melva Walker gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-13-022, as presented, regarding the reallocation of the Community Development Block Grant funds for the Fifth Street Phase II Project:

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

7

Noes:

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// In the matter of Registrar, City Council Report #16 was considered. Mr. John Falcone, Electoral Board Member, spoke regarding the supplemental funding request and addressed two other issues:

- 1) The Electoral Board and the Registrar recommend that the polling place from Ward 4, Precinct 1 which is presently located at the Elks Lodge be relocated to Cornerstone Community Church on Old Graves Mill Road.
- 2) Funding needs in the Registrar's Office: part-time staff, temporary staff for larger elections, electronic pollbook laptop replacement, office furniture and storage cabinets, election day communications and voting system replacement.

It was the consensus of Council to hold a public hearing regarding the relocation of polling Precinct 1 in Ward 4 at the next Council meeting.

On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-023, as presented, amending the FY 2013 City/Federal/State Aid budget and appropriating \$24,327, with resources of \$7,600 from the State Board of Election and \$16,727 from the General Fund Reserve for Contingencies to replace 53 electronic pollbook laptop computers and carrying cases:

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

7

Noes:

0

// In the matter of Schools – General, City Council Report #17 was considered. Council Member Nelson stated that his wife is a School Division employee but that fact would not impair his unbiased judgment in consideration of this issue. On motion of Council Member Nelson, seconded by Council Member Foster,

Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-024, as presented, amending the FY 2013 General Fund Budget and appropriating \$993,862 with the following Committed Fund Balance Reserves hereby authorized: \$300,000 for school health insurance; \$372,862 for school textbooks and \$321,000 for Special Education Disproportional reserve:

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

Noes: 0

// In the matter of Parks & Recreation – General, City Council Report #18 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-13-025, as presented, authorizing the City Manager, Deputy City Manager and the City Attorney to execute documents and take other appropriate action to secure state historic tax credits for the renovation of the Miller Center Building at 301 Grove Street:

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

Noes: 0

// In the matter of City Code, City Council Report #19 was considered. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-13-026, as presented, amending the City Code relating to the designation of the City's Rental Property Inspection Districts:

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

Noes: 0

// The meeting was adjourned at 8:54 P.M.