// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of January, 2011, at 5:00 P.M. in the Parks and Recreation Auditorium at 301 Grove Street, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Johnson, Nelson, Perrow, Foster 6

Absent: Helgeson 1

// Council Member Helgeson arrived at 5:15 during the tour of the Miller Center.

// Director of Parks and Recreation Kay Frazier gave a brief outline of the Miller Center before the tour. Ms. Frazier reported on the progress of the project to date and on the plans for renovation. During the tour Ms. Frazier pointed out the Miller Center currently houses a neighborhood center, program classrooms, auditorium, a customer service desk for all programs and services, the main office space for Parks and Recreation, and offices for Virginia Cooperative Extension. Representatives, Michael Ashe and Kevin Kattwinkel with Hankins & Anderson (H&A) Architects & Engineers gave an overview of the Miller Center stating the existing building is in fair to good condition with no structural problems noted. The layout of the building is generally conducive for its continued use as a Recreation Center, and its historical significance warrants its reuse. The total cost to the City after the tax credits would be approximately $5,735,000.

// Utilities Engineer James Talian gave a brief outline of the Low Pressure Sanitary Sewer System (LPSS) Policy Proposal. Mr. Talian went over the guiding principles for the LPSS. During Council discussion it was stated that the Physical Development Committee discussed the use of LPSS in new residential development. Council Member Gillette stated that in order to approve the policy we need to stipulate that a low pressure system will only be allowed when the 50-year economic analysis projection indicates that there is a cost savings and Council Member Helgeson questioned the discount rate. It was the consensus of Council that this matter be brought back at the next Council meeting for further discussion and approval.

// Communications and Marketing Director JoAnn Martin gave a report regarding the possibility of conducting a 2011 Citizens Survey. Ms. Martin stated that following the November 2010 presentation regarding the outcome of the citizen engagement sessions on the budget, City Council expressed some interest in conducting another Citizen Survey as a more statistically valid way of determining citizen opinion. Ms. Martin further stated since 2004, the City has worked with the ICMA-endorsed National Research Center (NRC) to conduct a citizen survey every two years with the last survey being conducted in 2008. The cost to conduct another Citizen Survey, including demographic and geographic crosstabs as well as the inclusion of one open-ended question is $13,400. Ms. Martin went on to say should Council wish to proceed with a 2011 Citizens Survey, the cost could be funded from existing marketing funds in the Department of Communications and Marketing's budget. During discussion Council agreed that surveys are helpful and should be done but also that the results of the surveys should be followed through to let citizens know that they are listened to and their opinions are valued but also due to the budget constraints and asking all departments to cut their budgets, this would not be a good time to have this survey done and Council by the following recorded vote decided not to conduct the 2011 Citizen Survey:

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

Noes: 0

// There were no items for Roll Call.

// City Council recessed the meeting at 6:47 p.m.

// City Council reconvened the meeting in Council Chamber of City Hall at 7:30 p.m.

The following Members were present:

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

Absent: 0

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

// Copies of the minutes of the December 14, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 6 outlining the petition of Robert Crocker to rezone 3.21 acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow the use of the existing buildings as a hotel/motel and the use of the property as a restaurant / banquet facility at 2134 Old Forest Road. City Planner Tom Martin gave a brief summary of the request and stated that the Planning Commission conducted a public hearing on December 8, 2010, and recommended approval of the rezoning. Mr. Martin stated that due to an error in advertising the required legal notice the petition submitted to amend the Future Land Use Map (FLUM) cannot be acted upon at this time and should not have been acted upon by the Planning Commission. Mr. Martin further stated that the petition to rezone the property could be acted upon tonight if deemed appropriate by Council. Mr. Robert Crocker, petitioner, gave a brief presentation of the rezoning request. There was one individual who spoke in opposition citing the following reasons: (1) effects of the zoning change in the future, (2) the restaurant needs to be visible, (3) signage, (4) traffic concerns and (5) not appropriate for the area. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion the following concerns were mentioned: (1) the lighting on the sign, (2) zoning changes creates a lot of extra crowding in the neighborhood, (3) long-term use of the property by different owners, and (4) deviating from the usual procedure which is to amend the FLUM first and then act on the zoning petition. Council Member Helgeson made a motion to table this item indefinitely until the FLUM amendment can be advertised and the petitioner can come up with other proffers, seconded by Council Member Nelson, Council by the following recorded vote tabled this item indefinitely:

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

Noes: 0

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #7 regarding the petition of George C. Walker, Jr. to amend the *Future Land Use Map* (FLUM) from a Resource Conservation use to a Neighborhood Commercial use and to rezone 1.29 acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow the use of the existing buildings for light retail uses in addition to those uses permitted in a B-1, Limited Business District and B-2, Local Neighborhood Business District at 2050 Langhorne Road. City Planner Tom Martin gave a brief overview of the request stating that the Planning Commission held a public hearing on December 8, 2010 and recommended approval of the FLUM and rezoning amendments. Mr. Buster Walker, petitioner, gave an outline of the request and asked for Council 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 Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-11-001, as presented, amending the Future Land Use Map from a Resource Conservation use to a Neighborhood Commercial use:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #O-11-002, as presented, rezoning 1.29 acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow the use of the existing buildings for light retail uses in addition to those uses permitted in a B-1, Limited Business District and B-2, Local Neighborhood Business District at 2050 Langhorne Road:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// Mr. Carlos Hutcherson, who had petitioned to speak before Council was not present at the meeting.

// In the matter of City Code/Economic Development - General, City Council Report #9 was considered. Director of Economic Development Marjette Upshur gave a brief summary of the request stating that since the inception of the Technology Zone no company has applied for any of the incentives offered. Council Member Perrow made a motion to adopt the Technology Zone Ordinance, seconded by Council Member Helgeson. During Council discussion, Council Member Cary stated that there was an error in the new language under Section 36-151 "for the fiscal year beginning July 1, 1984, and ending June 30, 2012" Council Member Cary stated that the date should be "from July 1, 2011 and ending July 30, 2012" and offered this date change as a friendly amendment, Council by the following recorded vote adopted Ordinance #0-11-003, as amended, designating the entire City of Lynchburg as a Technology Zone:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Public Works – General, City Council Report # 10 was considered. Utilities Engineer Scott Parkins gave a brief summary of the change order request. Council Member Perrow, Physical Development Committee (PDC) Chair stated that this change order request came before PDC which recommended approval. Council Member Perrow made a motion to approve the request which required no second, Council by the following recorded vote approved, as presented, a change order exceeding the current contract value of $196,750 to $255,550 for Change Order #1, for costs relating to adding existing paint removal at Leesville Road Tank:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider the Clerk of Council position and for consultation with legal counsel and briefings by staff members concerning the case of Mary Beard Peterson v. Michael Eagle, et als., pursuant to Section 2.2-3711(A.)(1) and (7) of the Code of Virginia, 1950, as amended because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// 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 Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Appointment, and on nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Valeria P. Chambers, as Clerk of Council:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// The meeting was adjourned at 9:00 P.M.

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Interim Clerk of Council