// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of December, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Absent:	0

// Mr. John Aldridge with Brown Edwards & Company, the City's external auditor, presented a brief overview regarding the City's Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 30, 2010. Mr. Aldridge stated that the deadline for filing the audit with the State was November 30th. He further stated that government auditing standards were followed and that because the City receives federal money, what is known as a "single audit" also had to be done, making the process more stringent than a regular audit. Mr. Aldridge reported that the City had received an unqualified opinion, which was the highest standard for an audit. Mr. Aldridge further stated that the City Schools' Audit Report was included for Council review. Mr. Aldridge advised that the School's report included a material weakness for the past year regarding the recordation of grant funds and a number of audit adjustments.

// Leslie King, Assistant to the City Manager, gave a brief summary of the Town & Gown Initiative stating that guidance is needed from Council regarding the goals, structure and staff support to continue this initiative. Ms. King further stated that on Friday, November 12, Lynchburg City Council hosted an informal *Town & Gown* breakfast meeting with the presidents or their representatives from Central Virginia Community College, Virginia University of Lynchburg, Lynchburg College, Liberty University, Randolph College and Sweet Briar. The purpose of the meeting was to begin a conversation about building stronger relationships between the institutions and the City. During the meeting, each institution enthusiastically welcomed the idea of a town and gown initiative and agreed to continue meeting on a quarterly basis, rotating meetings among the different campuses. The consensus of Council is that this initiative should remain informal and there should be very limited staff time and resources used. Council felt a liaison should reach out to the colleges and universities to keep communication open and report back to Council.

// City Manager Kimball Payne gave a presentation on Public Safety Compensation stating that the City should try to be true to its compensation philosophy which focuses primarily on "performance" and "market". His presentation included an overview of City employee compensation and turnover, highlighting public safety statistics, and reviewed past actions regarding pay. Mr. Payne presented three proposals to address issues specific to the Police Department: (1) pay adjustments of 3% effective January 1, 2011, (2) a bonus program for police officers in the first five years of employment, and (3) third party assistance to further examine issues related to pay, staffing and other concerns. Mr. Payne explained each proposal in details, including possible costs and the impact of similar actions if taken for the other public safety departments. Mr. Payne asked for Council's direction with respect to all or part of the proposals. Council asked questions about the proposals and discussed the possible ramifications on the upcoming FY 2012 Budget if action was taken without identifying an ongoing source of funding for pay adjustments. After Council discussion, Council Member Nelson made a motion to implement the bonus program for officers in the first five years of employment and to endorse the city manager's proposal with regards to third party assistance. The motion was seconded by Council Member Perrow and passed by the following recorded vote:

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

Noes: 0

Council Member Nelson made a motion that a one-time bonus, payable in January, be authorized for the police, fire and emergency services departments with resources from carry forward funds. Furthermore, his motion included a statement of commitment of Council's intent to deal with the pay issue in a comprehensive way as part of the FY 2012 Budget deliberations. The motion was seconded by Council Member Helgeson. Council Member Perrow made a substitute motion to defer action until the end of the night's meeting as it was time to move to Council's regular evening agenda. The motion was seconded by Vice Mayor Johnson and approved by Council by the following recorded vote:

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

Noes: Cary 1

// After the conclusion of its other public business, City Council continued the discussion of deferred item #3, regarding public safety compensation.

// Council Member Gillette asked the Police Chief and Fire Chief if the proposal offered earlier by Council Member Nelson was how they wanted to spend their carry forward monies, and each replied yes. Council Member Perrow asked that the motion be clarified. City Manager Payne stated that motion would be for Council "to authorize payment from existing carryover funds in the police department and fire department for a one-time Public Safety bonus of 2.5% on January 1st which included the Police, Fire and Emergency Services Departments, with the intent to address the matter of a more substantial sustainable compensation adjustment during the budget process for Fiscal Year 2012." Council Member Nelson made that motion, seconded by Council Member Gillette, and Council, by the following recorded vote passed the motion:

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

Noes: 0

// City Council recessed the meeting at 7:43 p.m.

// City Council reconvened the meeting at 7:45 p.m.

The following Members were present:

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

Absent: 0

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

// Mayor Foster, Vice Mayor Johnson and Council Member Helgeson presented a Certificate of Recognition to Liberty University Coach Brant Tolsma, and Liberty University athlete Sam Chelanga for being the 2010 NCAA Division I Cross Country Men's Individual Champion.

// Mayor Foster, Vice Mayor Johnson and Council Member Helgeson presented a Proclamation – "Day of Purity".

// Council Member Cary left the meeting during the Consent Agenda.

// Copies of the minutes of the November 23, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of City Council, City Council Report #6 was considered. On motion of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote received a list of candidates interested in serving on the Central Virginia Community Services Board:

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

// Council Member Cary returned to the meeting during Item #7.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Heritage Baptist Church for a conditional use permit to allow the implementation of a comprehensive modified sign plan in an R-3, Medium Density Two-Family Residential District and an R-4, Medium-High Density Multi-Family Residential District at 219 Breezewood Drive. City Planner Tom Martin made a brief presentation of the request stating that the Planning Commission approved this request at its October 27 meeting. Mr. Jim Vernon, a member of the Church stated that he was available to answer questions. 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 Cary, Council by the following recorded vote adopted Resolution #R-10-143, as presented, granting the Conditional Use Permit:

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

// Council Member Gillette was not present during the vote for Item #7.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Peakland Baptist Church for a Conditional Use Permit (CUP) to allow the construction of a 63-space parking area in an R-1, Low Density Single-Family Residential District at 4006 and 4018 Peakland Place. Mayor Foster stated that she was excusing herself because she was a member of the Church and did not want the appearance of a conflict and turned the meeting over to Vice Mayor Johnson. City Planner Tom Martin gave a brief overview of the request and stated that the Planning Commission reviewed the CUP at its November 10 meeting and gave its approval with the conditions outlined in the resolution. Mr. Charles F. Hurt, an engineer for the Church asked Council for their approval 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 Council Member Helgeson, seconded by Council Member

Nelson, Council by the following recorded vote adopted Resolution #R-10-144, as presented, granting the Conditional Use Permit:

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

Noes: 0

Abstention: Foster 1

// After the vote Vice Mayor Johnson turned the meeting back to Mayor Foster.

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #9 regarding the petition of LTD Properties, Inc. to amend the Future Land Use Map (FLUM) from a Medium Density Residential use to a Neighborhood Commercial use to allow the development of office and light retail uses at 750, 752, 756 and 760 Leesville Road. City Planner Tom Martin gave a brief summary of the request stating that the Planning Commission did approve both the FLUM and the rezoning request at its November 10 meeting. Mr. Norm Walton with Perkins & Orrison and Mr. Robb Egel with LTD Properties, Inc. gave brief presentations of the request and asked for Council approval. Two individuals spoke in favor of the petition. There was one individual representing the Wexford Townhome Association who spoke in opposition citing the following reasons: (1) Leesville Road is not a high traffic area, (2) there needs to be a demonstrated need for the proposed development, (3) the proposal appears to be a piecemeal rezoning that leads to urban blight, (4) scale of the development, and (5) environmental concerns such as water runoff. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several issues were identified, i.e. changing the FLUM before understanding how Leesville Road is going to work, developing Leesville Road on a septic tank system and traffic issues. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #O-10-145, as presented, amending the Future Land Use Map:

Ayes: Cary, Helgeson, Nelson, Perrow 4

Noes: Gillette, Johnson, Foster 3

Council Member Perrow stated that maybe the petitioner would like to come back and have a prepared response at a later date about the sewer service with this petition. Council Member Perrow asked the petitioner if he would like to postpone this decision until a later date and the petitioner responded affirmatively and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote postponed this item indefinitely:

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

Noes: 0

// Mayor Foster and Vice Mayor Johnson presented a Certificate of Recognition to Lynchburg College Coach Chris Yeager and also recognized Lynchburg College 2010 Men's Soccer Team.

// In the matter of Economic Development – General, City Council Report # 10 was considered. Council Member Gillette stated that he would refrain from voting on this item due to a conflict of interest regarding Centra Health. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-10-146, as presented, approving the issuance of not to exceed $30,000,000 bonds through the Economic Development Authority of Lynchburg, Virginia (EDA), for Centra Health:

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

// In the matter of Recreation – General, City Council Report # 11 was considered. Parks and Recreation Director Kay Frazier gave a brief overview of the request and stated that this is just a draft agreement and that there are still other issues to be worked out, i.e., (1) fine tune the language to make sure its defined as a charitable donation, (2) clearly define that a portion of the property will be non-residential to conform with requirements from the Virginia Department of Environmental Quality, and (3) the City does not want to be in a position that we would be obligated to operate the greenhouse or the urban farm in the event that Lynchburg Grows would abandon the property. During Council discussion concern was expressed that if Lynchburg Grows ceases to exist as a viable organization, the terms of the lease would have the property remain in a conservation easement and removes the possibility of a land use for the City. Council Member Cary made a motion to table this item until the language was clarified, seconded by Council Member Helgeson. After further discussion it was stated that Lynchburg Grows had bought and owned the property, not the City, and Council Member Cary then withdrew his motion to table, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-147, as presented, authorizing the City Manager to continue to negotiate and execute a Deed of Conservation Easement between the City of Lynchburg and Lynchburg Grows:

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

// In the matter of Community Development – General, City Council Report # 12 was considered. Mr. Eddie Claiborne, President of the Fifth Street Development Corporation made a brief presentation to Council. Several Council Members expressed concerns about planting birch trees in the Roundabout and causing a view obstruction for motorists. City Manager Kimball Payne stated that if Council had concerns about endorsing the Plan, it couldn't be changed after Council adopted the resolution. Mr. Payne suggested putting a period after the word streets in the last line of the resolution indicating that Council was merely endorsing the fund raising efforts. On motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-10-148, as amended, endorsing the fund raising efforts for landscaping improvements to the Fifth Street Roundabout:

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

// In the matter of City Code/Economic Development – General, City Council Report #13 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-10-149, as presented, amending the City Code relating to the machinery and tools tax incentive for businesses located in the City's Enterprise Zones:

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

Noes: 0

// In the matter of City Code/Public Works - General, City Council Report #14 was considered. On motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-10-150, as presented, amending the City Code relating to the cost for disposal of personal property placed in the public right of way:

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

Noes: 0

// In the matter of City Manager, City Council Report # 15 was considered. On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-10-151, as presented, to support the election of Bonnie Svrcek, Deputy City Manager, to the position of President-Elect of the International City/County Management Association (ICMA):

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

Noes: 0

// During Roll Call Council Member Cary stated he was intrigued by a newspaper article concerning the City School Board and City Administration about consolidation and further highlights the fact that the School Board sees no benefit from a consolidation with the City's Financial Services. Council Member Cary also passed on a letter to City staff to follow up on a citizen complaint about Comcast Cable and their negative experiences. Council Member Perrow commented on a letter from Congressman Bob Goodlatte commending the City for receiving the Digital Cities Award. Council Member Perrow also stated that he received a letter from Mr. Richard Ashworth about an appeal, and asked city staff to contact Mr. Ashworth. City Manager Payne responded stating that Mr. Ashworth had missed the deadline for an appeal. Council Member Helgeson stated that he serves with the City/School Consolidation Task Force and that he is extremely frustrated with the way things are going with the consolidation.

// 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 (1) appointments to Council-appointed Boards and Commissions, i.e., Youth Services Citizens Board, City Employees Appeal Board, Community Development Advisory Committee, Planning Commission, Community Services Board, Lynchburg Community Action Board, Lynchburg Regional Airport Commission and Region 2000 Greenways Alliance; (2) discussion of the Clerk of Council position; (3) to discuss the disposition of public property, specifically, the Carter Glass Building, because public discussion would adversely affect the bargaining position or negotiating strategy of the City; and (4) for consultation and briefings about a specific legal matter, the provisions of the contract with the City's Legislative Liaison, pursuant to Section 2.2-3711(A.)(1), (3) and (7) of the Code of Virginia, 1950, as amended:

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 Council Member Gillette, 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 Appointments, and on nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Susan Landergan, to serve on the Youth Services Citizens Board to fill an unexpired term ending June 30, 2012:

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

// On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Juan A. DeLeon to serve on the City Employees Appeals Board to fill an unexpired term ending June 30, 2012:

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

// On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Richard D. Barnes and Theodore B. Hannon to serve on the Planning Commission for terms to expire December 31, 2013:

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

// On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed William F. Schneider to serve on the Community Services Board for a term to expire December 31, 2013:

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

// On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Council Member Michael A. Gillette, Council Member Ceasor T.

Johnson, Council Member J. Randolph Nelson and Council Member Turner Perrow to serve on the Lynchburg Community Action Board for terms to expire December 31, 2013:

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

Noes: 0

// On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Charles S. Nowlin, Jr. and Jones H. Stanley to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2013:

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

Noes: 0

// On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Steve Arnold to serve on the Region 2000 Greenways Alliance for a term to expire December 31, 2012:

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

Noes: 0

// The meeting was adjourned at 11:04 P.M.

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Interim Clerk of Council