// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of December, 2012, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: Johnson 1

// Mr. Norman Yoder with Brown Edwards, LLC, the City's external auditor, presented a brief overview of the City's Comprehensive Annual Financial Report (CAFR) and related reports for fiscal year ending June 30, 2012. Mr. Yoder's presentation highlighted that the audit did not contain any significant deficiencies or material weaknesses and it was a "clean" audit. He also mentioned that there have been significant improvements to the Lynchburg City Schools internal controls.

// Vice Mayor Johnson arrived at 4:23 P.M.

// Ms. Anna Bentson, Lynch's Landing Executive Director, provided an overview of Lynch's Landing Annual Report regarding the organization's goals and accomplishments. Ms. Bentson stated that Lynch's Landing continues to support the national Main Street Program strategies of striving to preserve downtown as the heart of the community, to save historic buildings, to strengthen the commercial core, and to promote a sense of community life in Lynchburg. The organization's 2013 work plan is centered on five strategies:

- Sustaining a Healthy Non-Profit Organization
- Marketing Downtown as an Arts & Entertainment District
- Creating a Successful Environment for Businesses and Events
- Ensuring Safe, Attractive and Inviting Public Spaces
- Serving as a Source of Information and Communication for and about Downtown

Ms. Bentson also shared copies of the Lynch's Landing Annual Report with the members of City Council and introduced the members of the organization's board of directors who were in attendance.

// Council Member Perrow left the meeting at 4:29 P.M.

// City Planner Tom Martin presented the Zoning Ordinance Amendments relating to Institutional Districts IN-1 and IN-2. Mr. Martin explained that the Zoning Ordinance amendments were drafted to address common themes that resulted from early discussion with stakeholders. They were:

- Improvements that do not cause off-site impacts should be allowed by right.
- Primary concern should be related to expansions or incremental growth that results in off-site impacts.
- A definition of what a substantial impact requiring a more in-depth review should be developed.
- There should be flexibility in requirements for master plans. Planning beyond two (2) years is speculative for institutions at best.
- An ongoing dialogue between Institutions and the City should be developed.

Mr. Martin also provided an overview of the substantive changes resulting from the work with Liberty University addressing Council's concerns from the original IN-2 District zoning ordinance draft. A comparison chart was presented detailing the difference between IN-1 and IN-2 districts. It was the consensus of Council to send the item back to the Planning Commission for review and to encourage continued input from stakeholders.

// Deputy City Manager Bonnie Svrcek distributed copies of the Sustainable City Progress Survey to City Council. Ms. Svrcek stated that the Sustainable City Committee presented the assessed progress made in each of the Sustainable City elements during FY 2012 at the Council's retreat. Council had requested some type of rubric be created to assess current progress and the direction headed for each element. The survey is in response to this request. Council was asked to complete the survey either online or on paper by December 21, 2012 and the results would be reported on January 8, 2013.

// During Roll Call Council Member Cary stated that the fence on Wards Road was a good addition to the area. He also requested the percentage of organizations exempt from paying property tax based on the legislative category. Greg Daniels, City Assessor, is to provide a list to Council of all tax exempt property by designation of category. This will be sent to Council by way of memo.

// Council Member Foster stated that Linkhorne Elementary School has applied for a $50,000 grant from Clorox for the community playground. Council Member Foster asked that each Council Member cast a vote and recruit others to vote for the school as well as to receive the grant.

// Vice Mayor Johnson recognized Brookville High School for winning the State Championship in Football and mentioned that Heritage High School also came in 2nd in the State Championships. Also recognized were Liberty Christian Academy - Division I State Champions and Virginia Episcopal School - Division III State Champions.

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Social Services Advisory Board, Community Development Advisory Committee, Planning Commission, Lynchburg Business Development Centre, Horizon Behavioral Health, Lynchburg Regional Airport Commission, Towing Advisory Board, Region 2000 Greenways Alliance and Design Review Board; to appoint Deputy Clerk of Council; and for discussion and consideration of the disposition of a City owned lot located at the intersection of 5th and Polk Streets because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(1) & (3), respectively, Code of Virginia (1950), as amended:

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

// Council Member Perrow returned to the meeting during the closed session.

// The meeting was re-opened to the public.

// Council Member Foster 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 Nelson, and Council by the following recorded vote adopted the motion:

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

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed Michael Bedsworth, Mary S. Culpepper, Jeffrey S. Helgeson, Ceasor T. Johnson, Vicky Paige and Jeffery W. Schneider to serve another term on the Community Development Advisory Committee for terms to expire December 31, 2013:

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

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote appointed Valerie Duncan to serve a term on the Community Development Advisory Committee for a term to expire December 31, 2013:

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

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed Kevin D. Hooper to serve another term on the Planning Commission for a term to expire December 31, 2015:

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

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote appointed Karen Kennedy to serve on the Planning Commission for a term to expire December 31, 2015:

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

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed Clyde T. Clark, Sr. to serve another term on the Horizon Behavioral Health Board for a term to expire December 31, 2015:

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

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed Donald A. Brown to serve another term on the Lynchburg Regional Airport Commission for a term to expire December 31, 2015:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote appointed Robert Day to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2015:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed William Aldrich to serve another term on the Towing Advisory Board for a term to expire December 31, 2015:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed Steve Arnold to serve another term on the Region 2000 Greenways Alliance for a term to expire December 31, 2014:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote re-appointed Thomas L. Fitzgerald to serve another term on the Design Review Board for a term to expire December 31, 2015:

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

Noes: 0

// City Council recessed the meeting at 6:30 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 Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette recognized Lynchburg as a Digital City for the ninth consecutive year and congratulated Mike Goetz, Director of Information Technology, for his leadership in helping Lynchburg remain a “Digital City”.

// Mayor Gillette congratulated the Budget Division of the Department of Financial Services for receiving the Distinguished Budget Award from the Government Finance Officers Association (GFOA) and thanked Donna Witt and the Budget staff for meeting the highest principles of governmental budgeting.

// Mayor Gillette presented certificates of recognition for the Live Healthy Lynchburg initiative to Council Member Joan Foster.

// Mayor Gillette recognized City Manager Kimball Payne for receiving the Margaret Burnette Award from Lynch's Landing.

// Copies of the minutes of the November 27, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, 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 Community Planning – General, a public hearing was held regarding City Council Report #7 regarding the consideration of amending Section 35.1-38, General Business District (B-5), Section 35.1-26.13, Billboards, Section 35.1-40, Light Industrial Districts (I-2) and Section 35.1-41, Heavy Industrial Districts (I-3) of the Zoning Ordinance to allow Commercial Electronic Variable Message Signs (Digital Billboards) on properties zoned I-2, Light Industrial District, I-3, Heavy Industrial District and to allow existing billboards in B-5, General Business Districts to be converted to digital billboards upon approval of a conditional use permit. City Planner Tom Martin gave a brief summary of the request. There were two speakers who spoke in favor of this item. One speaker, Chip Dix with Lamar Advertising suggested additional clarifying amendments including allowing digital billboards in I-2 and I-3 industrial districts as a matter of right instead of requiring a Conditional Use Permit. Council accepted the amendment. There was no one else present who wished to speak to this item and the public hearing was closed. During Council discussion, Council Member Nelson stated he would only support the item if it was limited to the limited access highways: 460/29 by-pass, northwest 501 by-pass and Lynchburg expressway. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #O-12-138, as amended, to allow Commercial Electronic Variable Message Signs (Digital Billboards):

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

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #8 regarding a request to vacate right-of-way and create a separate parcel of approximately four hundred twelve thousandths (0.412) of an acre between Lakeside Drive and Whitehall Road. City Planner Tom Martin 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. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-12-139, as presented, to vacate right-of-way between Lakeside Drive and Whitehall Road:

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

A motion was made by Council Member Perrow, seconded by Council Member Cary, to consider rezoning the parcel of land between Lakeside Drive and Whitehall Road and send back to the Planning

Commission to start the rezoning process:

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

Noes: 0

// Mr. Joe Eskridge spoke before Council regarding a budget request for Lynchburg Area Center for Independent Living (LACIL).

// In the matter of City Council, City Council Report #10 was considered. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote received a list of candidates interested in serving on the Horizon Behavioral Health Board:

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

Noes: 0

On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote approved the appointment of Clyde T. Clark, Sr. to serve another term on the Horizon Behavioral Health Board:

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

Noes: 0

// In the matter of Courts – General, City Council Report #11 was considered. Council Member Nelson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-140, as presented, amending the FY 2013 General Fund budget and appropriating $40,755, with resources from the State Compensation Board, Technology Trust Fund fees, to support Information Technology needs in the Office of the Circuit Court Clerk:

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

Noes: 0

// In the matter of Public Work – General, City Council Report #12 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before PDC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-12-141, as presented, to approve a Change Order up to the amount of $344,404.34 to complete the Northwest Expressway Drainage Project:

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

Noes: 0

// In the matter of City Attorney – Risk Management, City Council Report #13 was considered. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-142, as presented, amending Section 1.7 of the City's Self-Insurance Plan Document to provide liability coverage for individuals hired by the City through temporary employment agencies:

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

Noes: 0

// In the matter of Fire – General, City Council Report #14 was considered. Council Member Nelson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-143, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $140,144, to fund a Paramedic training project for the Fire Department:

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

Noes: 0

// In the matter of Finance – Bonds, City Council Report #15 was considered. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-144, as presented, authorizing the reimbursement for Debt Financing of Capital Improvement Project Expenditures:

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

Noes: 0

// In the matter of Finance – Bonds, City Council Report #16 was considered. Council Member Nelson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-145, as presented, amending the FY 2013 General Fund Budget and appropriating $42,000 with resources from the General Fund Reserve for Contingencies for issuance costs related to the FY 2013 General Obligation Public Improvement Bank Qualified Refunding Bond to refinance the Capital Lease for the J. W. Ould Building:

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

Noes: 0

On motion of Council Member Nelson, Chair of the Finance Committee (FC) who stated that this matter came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-12-146, as presented, authorizing the issuance of not to exceed $4,200,000 for General Obligation Refunding Bond, Series 2012, for the purpose of refunding on a current basis the Lynchburg Redevelopment and Housing Authority Lease Revenue Bond:

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

Noes: 0

// In the matter of Community Planning – General, City Council Report #17 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-12-147, as presented, initiating an Amendment to Section 35.1-11.8 of the Zoning Ordinance to replace the terms “retarded or mentally handicapped” and “mentally ill, mentally retarded” with the terms “mental illness, intellectual disability or developmental disabilities”:

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

Noes: 0

// The meeting was adjourned at 9:03 P.M.

Clerk of Council