// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of November, 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

// Linda McMinimy, Legislative Liaison for the City of Lynchburg, gave a brief presentation regarding the meeting that she, Mayor Joan Foster, and City Manager Kimball Payne had with the area legislators, Senator Steve Newman and Delegate Scott Garrett to present the City's Legislative Agenda. Ms. McMinimy stated that it had been a good discussion and that the Agenda was well received. Ms. McMinimy went on to say that she attends many meetings on the City's behalf and has been covering several of Governor McDonnell's commission meetings. She gave City Council a briefing on the recommendations that the commissions were making that would possibly affect Lynchburg. Ms. McMinimy also gave a brief summary on the State's budget outlook and General Assembly redistricting.

// City Manager Kimball Payne and Human Resources Director, Margaret Schmitt, gave a brief overview on the City's four civic engagement budget meetings and shared their impressions of the meetings. Ms. Schmitt stated that 30 people attended the Linkhorne Middle School meeting, 26 attended the meeting at Heritage High School, 28 people at Bedford Hills Elementary School, and 26 at R. S. Payne Elementary School for a total attendance of 110. Ms. Schmitt further stated that these meetings were open to all citizens and that a few individuals had attended multiple meetings. Ms. Schmitt stated that the exercise showed that the trend was for groups to maintain their highest priorities even when they had less resource. Ms. Schmitt went on to say that the consistent themes throughout the groups were excellent public schools, safe community and a well-maintained infrastructure.

// During Roll Call Council Member Cary thanked the City staff for the bollards that had been installed at Polk and 5th Streets. Council Member Cary also referenced a column in the News and Advance written by Charlie Pryor concerning regional economic development. Council Member Cary praised the article and stated that he believed that the City should not think that just because we have good education, a safe community and well maintained infrastructure, that economic development is going to follow. Council Member Cary stated that it might, but he would much rather be proactive in the regional economic development effort. Council Member Helgeson had several items, (1) Regarding the zoning laws concerning R-1 development and wanted to have discussion in the future about the subject and easing the regulations so the developers do not have to push for greater density to make it palatable; (2) concerning City Council meeting schedule, he suggested that Council could have one meeting out of the month at 5:00 p.m. and come back at 7:30 p.m. and the other meeting start at 5:00 p.m. and go straight through to the end rather than having a break in between the work session and the regular meeting. Council Member Helgeson went on to say that maybe one of the closed session items could be moved to the end of the work session; and (3) he stated that Council received a report from the Schools regarding the number of personnel that the City is paying 100% for. It took a long time to receive the report and that he was now formally asking for the upcoming budget year an update of the report. Vice Mayor Johnson wanted to acknowledge that Kyle Thornhill, a civic leader in our community, had passed away in the past week. He also acknowledged and congratulated the new Director of Community Development Kent White.

// After roll call Council Member Perrow made a motion to adjust the agenda to move closed session item No. 12, from the regular meeting agenda to follow after the work session agenda, seconded by Council Member Helgeson, and Council passed the motion by the following recorded vote:

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

// City Council recessed the meeting at 6:29 p.m.

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

The following Members were present:

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

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

// Copies of the minutes of the November 9, 2010 meeting, having been previously furnished Council, reading was dispensed with, and Council Member Perrow moved the consent agenda, seconded by Vice Mayor Johnson. Council Member Helgeson called for a correction to the minutes, stating that on page 282 of the minutes, he had been incorrectly attributed to saying that according to Roberts Rules of Order, neither the person making a motion nor the person seconding the motion could speak against the motion. Council Member Helgeson stated that what he had actually said was that only the person making the motion cannot speak against it and that is what I stated and that's Robert's Rules of Order. Council Member Helgeson asked that the minutes be corrected to reflect this.

Mayor Foster stated that the minutes would be corrected to read that only the person who made the motion could not speak against the said motion. Council Member Perrow stated that he would accept that as a friendly amendment. Council Member Gillette stated that since he was absent from that meeting on November 9, he would like to abstain from voting on the minutes. Council by the following recorded vote approved the minutes as amended:

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

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #4 regarding a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 234 Stoneridge Street under Section 36-19.5 of the Code of Virginia.

Mr. Robert Vincent, Manager of Community Development with Lynchburg Redevelopment and Housing Authority gave a summary of the request stating that during the acquisition phase of the process the Authority was notified in April, 2010 that the property had been conveyed to new owners. Mr. Vincent stated that the Authority at that time put a hold on the acquisition process and afforded the new owner the same options and timeframe as granted to the previous owner to complete the repairs and address violations. The new owner responded on May 24, 2010 stating that there was a subcontractor hired and that they planned to repair the building and correct the violations. Mr. Vincent further stated that from May 24, 2010 to the present, the property has been monitored on a weekly basis and no work or corrections to the violations had been observed nor has the new owner contacted the Authority. 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 Resolution #R-10-135, as presented:

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

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #5 regarding the adoption of a Resolution to approve a lease agreement between the City of Lynchburg and John and Evangeline Anderson for city-owned property located at 3813 Old Forest Road. Steve Lawson, Real Estate/Property Manager for the City gave a brief summary of the request. Mr. John Anderson, Owner of Anderson Country Market stated he liked the building and is looking forward to a good relationship with the City and asked for Council's approval of the lease. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Physical Development Committee (PDC) Chair stated that this item came before the PDC recommending that the City move forward with the lease. This motion required no second, and Council by the following recorded vote adopted Resolution #R-10-136, approving the lease agreement:

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

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #6 regarding receiving public input regarding the reallocation of Community Development Block Grant (CDBG) Funds; and approve the request from the Lynchburg Redevelopment and Housing Authority to reprogram funds from CDBG Program Years 2005-2006 and 2007-2008 for the Property Repair and Maintenance Program. Grants Manager Melva Walker gave a brief 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 Nelson stated that in the past he has served as legal counsel pro bono for the Lynchburg Redevelopment and Housing Authority and would abstain from voting on this item. On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-10-137, as presented:

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

// In the matter of Economic Development – General, a public hearing was held regarding City Council Report #7 regarding a proposal to amend the boundaries of Enterprise Zones #2 and #46. Brian Gleason, the City's Economic Development Coordinator, gave a summary of the request stating that property owners have all been notified individually by letter and that an Enterprise Zone designation does not impact on land use regulations or value of the land. 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 Perrow, Council by the following recorded vote adopted Resolution #R-10-138, as presented:

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

// In the matter of City Code, City Council Report #8 was considered. Acting Building Official Doug Saunders gave a brief summary of the request. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-10-139, as presented, amending the City Code relating to the repair of existing buildings:

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

// In the matter of City Code, City Council Report #9 was considered. City Attorney Walter Erwin gave a brief summary of the request. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-10-140, as presented, amending the City Code relating to relocation of equipment that private companies have installed in the City's rights-of-way:

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

// In the matter of Finance – General, City Council Report # 10 was considered. Director of Financial Services Donna Witt gave a brief summary of the request. Council Member Helgeson Finance Committee (FC) Chair stated that this item came before the Committee and the Committee recommended approval of the financial management policies. A second was not required, and Council by the following recorded vote adopted Resolution #R-10-141, as presented, to reaffirm the City's Financial Management Policies:

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

// In the matter of Airport – General, City Council Report # 11 was considered. City Manager Kimball Payne gave a brief summary of the request. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-10-142, as presented, regarding Delta Airlines Service to Lynchburg Regional Airport:

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

// On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Lynchburg Community Action Board and various committees that require Council membership, and for discussion and consideration of candidates for the position of the Clerk of Council, pursuant to Section 2.2-3711(A.)(1) 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 Cary, 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 Vice Mayor Johnson, Council by the following recorded vote re-appointed J. Randolph Nelson, to serve on the Lynchburg Community Action Board for a term to expire December 31, 2010:

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

Noes: 0

// On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Hunsdon Cary, III to serve on the Audit Committee to fill an unexpired term ending October 30, 2013:

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

Noes: 0

// The meeting was adjourned at 8:28 P.M.

Interim Clerk of Council