

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of November, 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

// City Manager Kimball Payne gave a brief summary regarding the proposal for a Visitors' Center at the New Office Building of the Lynchburg Regional Chamber of Commerce stating that the Chamber has acquired the building at 312 Border Street and intends to renovate the building as a replacement for its offices on Memorial Avenue. Representatives from the Chamber and the tourism program provided information regarding the concept of how the space would be laid out and asked for Council support. After Council discussion, Council gave its unanimous support to continue to explore the provisions of a new tourism program contract with the Lynchburg Regional Chamber of Commerce that would include a new visitors' center at its new office building.

// City Manager Kimball Payne gave a summary of the proposed 2013 Legislative Agenda outlined the position statement changes, deletions and newly-created positions. During Council discussion Council added the following language under Eminent Domain, "We support legislative efforts to clarify the implications of the amendment and to preserve local authority's ability to exercise domain for legitimate public purposes." Council asked City Manager Payne to check to see if the Mental Health/Mental Retardation Services statement was still valid or if it could be deleted.

// Water Resources Director Tim Mitchell briefed Council on staff's work to update the CSO Long Range Control Plan. During Mr. Mitchell's presentation he stated that (i) \$233M has been spent to date, (ii) 26 miles of interceptors have been replaced, (iii) 36 of 59 priority projects have been completed, designed, or under construction, and (iv) about 189 acres of rooftop area has been disconnected (about 70%).

// During Roll Call Council Member Cary requested that staff report back at a later date and give some idea of how the new 460 interchange may affect the ability to develop the Tyreeanna area. Mr. Cary also asked when the road work on lower Rivermont Avenue would be completed.

Council Member Foster gave an update on the "Live Healthy Lynchburg" initiative. Secondly, Council Member Foster stated that there is now a children's book called "Lynchburg Legs" about the "Live Healthy Lynchburg" initiative and all the elementary children in our area will receive a free copy of this book for National Education Week.

Council Member Helgeson mentioned that over the years we have heard about the bow hunters who are allowed to hunt deer because they are a nuisance in the City. Mr. Helgeson asked that with the deer there are also a number of other nuisance species and asked if the city could expand its list and add other species and to report back to Council on the options.

// City Council recessed the meeting at 6:14 p.m.

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

The following Members were present:

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

Absent: Johnson 1

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

// Mayor Gillette congratulated Library Director Lynn Dodge for her being awarded the Elizabeth ("Libby")

M. Lewis Award presented by the Virginia Public Library Directors Association.

// Copies of the minutes of the October 19, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Johnson 1

// Copies of the minutes of the October 23, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Johnson 1

// Copies of the minutes of the October 30, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of American Legion Post #16 for a conditional use permit at 1301 Greenview Drive to allow a modified sign which would include a "digital reader board" in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin gave a brief summary of the request stating that the Planning Commission recommended approval. Mr. Trent Warner of Warner Engineering outlined the request for Council and asked Council for its 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 Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-127, as presented, granting the Conditional Use Permit:

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

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #9 regarding the petition of the City of Lynchburg to rename Bobbitt Place to Brenleigh Court. City Planner Tom Martin gave a brief summary of the request. The Physical Development Committee (PDC) was unable to review the application because a quorum was not present. 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 Helgeson, Council by the following recorded vote adopted Resolution #R-12-128 renaming Bobbitt Place to Brenleigh Court, as presented:

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

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #10 regarding a request to grant a License Agreement to Spring Hill Cemetery to place a private electrical line and water line in City owned right-of-way on Rives Street. This item was pulled from the Agenda.

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #11 regarding a request of the Lynchburg Office of Economic Development to vacate any public interest in excess right of way in two parcels of land located between Lakeside Drive and Whitehall Road, at 3901 Old Forest Road. City Attorney Walter Erwin gave a brief summary of the request. The Physical Development Committee (PDC) was unable to review the application because a quorum was not present. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #O-12-129, as presented, vacating any public interest in excess right of way in two parcels of land located between Lakeside Drive and Whitehall Road, at 3901 Old Forest Road:

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

// In the matter of City Attorney, City Council Report #12 was considered. On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-12-130, as presented, to join the Virginia Association of Counties Group Self Insurance Risk Pool:

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

// In the matter of City Attorney, City Council Report #13 was considered. On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-12-131, as presented, approving the City's participation in the July 1, 2009 Law Enforcement Mutual Aid Agreement:

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

// In the matter of Library – General, City Council Report #14 was considered. Deputy City Manager Bonnie Svrcek gave a brief presentation. Mr. John Moorman of Dominion Library Associates, LLC prepared a “Public Libraries Opportunities Analysis” and presented an overview of the results of the analysis as well as his recommendation to further explore the more detailed possibilities regarding the creation of a regional library system. On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote approved the further exploration of creating a Regional Library System:

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

// On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the disposition of a City owned lot located at the intersection of Lakeside Drive and Whitehall Road 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).(3) of the Code of Virginia, 1950, as amended:

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

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

// Council Member Cary 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 Perrow, and Council by the following recorded vote adopted the motion:

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

// The meeting was adjourned at 8:53 P.M.