// A regular meeting of the Council of the City of Lynchburg was held on the 9th 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, Helgeson, Johnson, Nelson, Perrow, Foster 6
Absent: Gillette 1

// City Manager Kimball Payne gave a brief report on the Route 29 Bypass around Charlottesville stating that this has been under discussion for at least two decades. Some of the reasons for the delay around Charlottesville included local resistance, environmental concerns, costs and questions of utility. In an effort to make progress on improving traffic movement through the Route 29 Corridor, the Virginia Department of Transportation (VDOT) has undertaken a number of corridor studies, the most recent one was completed in December of 2009. During the study process a broad array of stakeholders, including many from this region, participated and offered ideas. Mr. Payne further stated that the proposed resolution before Council is similar to a resolution adopted by the Lynchburg Regional Chamber of Commerce Board of Directors which calls for the inclusion of the recommendations that were removed from the corridor study last December and urges action to address the ongoing problems on Route 29. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-131, as presented:

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

// In the matter of Parks and Recreation - City Stadium, City Council Report authoring the City Manager to sign a proposed change order in excess of 25% of the original contract amount –Allen Morrison Office Building, after getting consensus from Council to add this item to the Agenda, was considered. Principal Engineer DeeDee Connor gave an update on this project stating that in an effort to stabilize and remediate a portion of the Allen Morrison site, staff is requesting authorization to proceed with a change order with the current contractor to perform the necessary soil sampling, removal of the concrete slabs, removal of an existing failing retaining wall, raising inlets and manholes on site, rough grading the entire site, and temporary seeding this winter, followed by permanent seeding this spring. Council Member Perrow, Physical Development Committee (PDC) Chair, made a motion authorizing the City Manager to sign the proposed change order. This motion required no second, and Council by the following recorded vote approved the motion:

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

// During Roll Call Council Member Cary asked about the Town and Gown Initiative that is underway stating that he is supportive of this issue and believes Council needed to take care of process. Council Member Cary further stated that the Rules of Procedure state that ad hoc committee’s require action by

Council and he believes this would qualify as one of those committees. Council Member Cary asked if he should make a motion to put it on the Agenda or if Council wanted to discuss it now. Mayor Foster stated that she would like to discuss this issue now and that she did not see it as an ad hoc committee. Council agreed to discuss the matter.

Council Member Nelson stated that the Town and Gown Initiative has been discussed between some of the Council Members since the early part of this year and that the item had been mentioned at the Council retreat and had seemed to garner a good degree of consensus that it was a good idea. Council Member Nelson further stated that before Council tries to deal with the issues as a whole it would be wise to do some fact finding and ask Administrative leaders of the colleges and universities their opinion about the Town and Gown Initiative.

After some discussion, Council Member Cary stated that he was in favor of the Town and Gown Initiative and made a motion that Council endorse the Town and Gown Initiative with the understanding that Council will have an opportunity to talk about goals and objectives at some future date, seconded by Vice Mayor Johnson and after further discussion the motion passed by the following recorded vote:

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

// City Council recessed the meeting at 5:48 p.m.

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

The following Members were present:

Present: Cary, Helgeson, Johnson, Nelson, Perrow, Foster	6
Absent: Gillette,	1

// Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Johnson presented a proclamation for Nurse Practitioner Week.

// Mayor Foster recognized Mayor's Youth Council Member Thacher Jennings

// Mayor Foster recognized law students from Liberty University.

// Copies of the minutes of the October 26 (two meetings), 2010 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Police – General, Resolution #R-10-129 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating $35,820, with resources of $29,850 from the Department of Motor Vehicles Highway Safety Program, to send crash team members to accident reconstruction training and to purchase equipment, laid over from the October 26, 2010 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-10-130 amending the FY 2011 City/Federal State Aid Fund budget and appropriating $50,565, with resources of $42,137 from the Department of Motor Vehicles Highway Safety Grant, to provide selective DUI and Occupant Restraint enforcement activities, attend related training, and purchase equipment, laid over from the October 26, 2010 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #6 regarding the petition of Jeffrey Widmeyer to amend the Future Land Use Map from a Low Density Residential use to an Office use and to rezone 1.38 acres from R-1, Low Density Single Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building and construction of a parking area for a doctor's office or other uses permitted within a B-1 District at 7626 Timberlake Road. City Planner Tom Martin gave a brief summary of the request. Mr. Norm Walton with Perkins and Orrison, Inc., representing the petitioner, outlined the request and asked for Council approval. Dr. Jeffrey Widmeyer, the petitioner, stated his purposes for the use of the property and asked Council for their 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 Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-10-132, as presented, amending the Future Land Use Map from a Low Density Residential use to an Office use at 7626 Timberlake Road:

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

Council Member Cary made a motion to approve the rezoning, seconded by Council Member Nelson. After further discussion Council by the following recorded vote adopted Ordinance #0-10-133, as presented, rezoning 1.38 acres from R-1, Low Density Single Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building and construction of a parking area for a doctor's office or other uses permitted within a B-1 District at 7626 Timberlake Road:

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 7 outlining the petition of Jamerson Real Estate, Inc. to rezone 11.47 acres from R-1, Low Density Single Family Residential District to R-2, Low-Medium Density Single Family Residential District to allow the development of twenty-one lots as single family homes or other uses permitted within an R-2 District at 116, 130, 134 Seven Oaks Drive and 104 Parkview Drive. City Planner Tom Martin gave a brief summary of the request. The petitioner, Mr. Bill Jamerson, President of Jamerson Real Estate, and Mr. Doyle Allen, Hurt & Proffitt, outlined the request and asked for Council approval. There were four citizens to speak in opposition stating that they were concerned about (1) stormwater runoff, (2) environmental problems, (3) lot frontage being too small, and (4) the proposed homes being too close together. There was no one else present who wished to speak to this item, and the public hearing was closed. Vice Mayor Johnson stated that he would like Council to postpone this item because Council Member Gillette was not at the meeting and would not be able to voice an opinion and vote on this issue. After some discussion it was the consensus of Council to continue with this item. Several Council Members stated that they could not see any compelling reasons to change the zoning classification from R-1 to R-2 and also had traffic concerns. Mayor Foster stated that the City is running out of land to develop and she would also like to see the character of the neighborhood retained. After further discussion, Council Member Perrow made a motion to approve the rezoning, seconded by Council Member Helgeson. Council had a discussion regarding “Roberts Rules of Order” stating that Roberts Rules preferred a positive motion over a negative motion and that although a motion can be made and seconded; neither party can speak negatively on the item. Furthermore, the Council members making and seconding the motion do not have to vote in favor of that motion and Council by the following recorded vote denied the petition:

Ayes: Johnson	1
Noes: Cary, Helgeson, Nelson, Perrow, Foster	5
Absent: Gillette	1

// In the matter of City Code/Economic Development, City Council Report #8 was considered. City Manager Kimball Payne gave a brief summary of the request stating that the James River Council for the Arts and Humanities held a contest to select a name for Lynchburg’s Arts and Cultural District. Mr. Payne went on to say from the winning entry the James River Council for the Arts and Humanities asked that the arts and cultural district be officially named the “James River Arts and Cultural District.” On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-10-134, as presented, amending the City Code relating to the City’s Arts and Cultural District and naming it the “James River Arts and Cultural District”:

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

// The meeting was adjourned at 9:07 P.M.

Interim Clerk of Council