

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of October, 2012, at 5:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Cary, Foster, Helgeson, Nelson, Gillette 5

Absent: Johnson, Perrow 2

// Mayor Gillette recognized the Lynchburg Rotary Club Open World Delegation of Russian Educators who visited area schools and colleges. Mr. Nate McClure, Lynchburg Rotary Club representative, stated it was the 11th year that the Rotary Club has hosted the Russian delegation.

// Mayor Gillette stated that the Tourism Program Third Quarter Report had been pulled. The report is attached and any questions regarding the report could be forwarded to the Tourism Program and a briefing of the report could be scheduled for a future Council meeting.

// Council Members Johnson and Perrow arrived at 5:17 p.m.

// City Attorney Walter Erwin provided City Council with a briefing on the ballot question regarding amending the Constitution of Virginia concerning eminent domain. City Council requested that the briefing be added to the City's website for the purpose of public education.

// During Roll Call Council Member Perrow mentioned that he received questions about the painting of the fire hydrants throughout the City and explained the new colors denoted the water pressure of the fire hydrants.

// Council Member Foster recognized the Greater Lynchburg Community Trust for their 40th anniversary of service and dedication in the Central Virginia area.

// Mayor Gillette recognized Belvac Company on their 50th year anniversary in the community.

// On motion of Council Member Nelson, seconded by Council Member Cary, 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, Board of Building Code Appeals, Dr. Martin Luther King, Jr./Lynchburg Community Council, Redevelopment and Housing Authority, Lynchburg Business Development Centre, Transit Company Board and the Lynchburg Parking Authority; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

Noes: 0

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

// Vice Mayor Johnson 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 Foster, Council by the following recorded vote re-appointed Dorothy S. Holmes, to serve another term on the Social Services Advisory Board for a term to expire September 30, 2016:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Harriet B. Jefferson, Stephen E. Klimas and Wistar M. Withers to serve on the Social Services Advisory Board for terms to expire September 30, 2016:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Jennipher B. Lucado and Walter G. Miles to serve another term on the Board of Building Code Appeals for terms to expire September 30, 2016:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed R. Schaefer Oglesby to serve on the Board of Building Code Appeals for a term to expire September 30, 2016:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Michael D. Moore to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council, due to a clerical error, for a new term to expire June 30, 2014:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed William J. Sydnor, II, to serve another term on the Redevelopment & Housing Authority for a term to expire September 30, 2016:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Dorothy Garland to serve on the Redevelopment & Housing Authority Board for a term to expire September 30, 2016:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Mark H. Davis, Kaleb Matson and John M. Stone to serve a term on the Lynchburg Business Development Centre Board for terms to expire September 30, 2015:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Edward Koepenick to serve another term on the Lynchburg Parking Authority for a term to expire October 30, 2017:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Ivajean M. Jaeger, Thorne McCraw and Jackie Wilkes to serve on the Lynchburg Parking Authority for terms to expire October 30, 2017:

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

Noes: 0

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Gabathuler Urs to serve on the Lynchburg Parking Authority to fill an unexpired term ending October 30, 2014:

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 Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the October 9, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Helgeson, 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 Public Works – General, Resolution #R-12-118 amending the FY 2013

City/Federal/State Aid Fund budget and the City Capital Projects Fund budget to transfer a \$376,796 Safe

Routes to School Grant from the City/Federal/State Aid Fund to the City Capital Projects Fund, laid over from the October 9, 2012 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Helgeson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #7 regarding approving the FY 2012 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant (CDBG) and HOME Program.

Grant Manager Melva Walker provided a summary of the FY 2012 Consolidated Annual Performance and Evaluation Report. 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 Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-125, as presented, approving the FY 2012 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant (CDBG) and HOME Program:

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

Noes: 0

// In the matter of Public Works – Monument Terrace, a public hearing was held regarding City Council Report #8 regarding the leasing of approximately 1,650 square feet of space located on the first floor of the Monument Terrace Building, located at 901 Church Street to CASA (Court Appointed Special Advocate). City Manager Kimball Payne gave a summary of the request. One individual spoke asking approval to lease space to CASA in the Monument Terrace building.

There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-126, as presented approving the leasing of approximately 1,650 square feet of space located on the first floor of the Monument Terrace Building, located at 901 Church Street to CASA:

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

Noes: 0

// In the matter of Library - General, City Council Report #9 was considered. Lynn Dodge, Director of Libraries and Museums, presented the proposed amendment to the City Code to Repeal the Lynchburg Library Annual Nonresident Fee. During Council discussion, several Council members voiced their concerns about the loss of revenue should the fee be repealed. City Manager Kimball Payne and Deputy City Manager Bonnie Svrcek stated that the repeal of the nonresident fee could be the first step in pursuing regionalism of Library Services with the surrounding counties. Council Member Perrow made a motion, seconded by Council Member Nelson to postpone this item indefinitely. Vice Mayor Johnson stated he would be supporting the repeal of the Nonresident Fee in the spirit of regionalization.

As suggested the motion was corrected with a second by Council Member Nelson, to table this item until November and to bring it back as part of a larger discussion on the regional library initiative. Council by the following recorded vote agreed to bring this item back to Council in November:

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

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Noes: Johnson

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// The meeting was adjourned at 8:18 P.M.

Clerk of Council