// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of October, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

// City Planner Tom Martin introduced the two representatives from PlanningWorks; Michael Lauer and Michael Chandler. The purpose of this joint meeting with Council and Planning Commission is to summarize the Planning Commission's recommendations for revisions to the City's zoning ordinance. The presentation outlined proposed substantive changes that include new provisions or refinements to existing provisions. In addition to the changes, the revised zoning ordinance will be reorganized, illustrated and clarified as described in the 2012 Zoning Diagnostic Report. During the discussion several items were discussed at this joint meeting, including: Resource Conservation (RC); R-4/R-5 District Issues; B-1/B-2 Districts, B4-B6 Districts, Compatible Transition, Land Use Transitions, Measuring Height for Transitions, Setback between Intensive Uses and R-1, R-2, or R-3 (Single Family and Duplex) Districts, Household Size Definition, Accessory Dwellings, Household instead of Family, Proposed Accessory Dwelling Requirements, Detached Accessory Dwelling, and Temporary Family. Under each item there were proposed changes and discussion. Council and Planning Commission members stated that they would need another joint meeting to further discuss the proposed changes. The next joint meeting will be held on November 11, 2014, in the 2nd Floor Training Room with a time to be announced.

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the City Manager's performance, and for discussion and consideration of the disposition of publicly owned real property to a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the City, 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) and (5) respectively, of the Code of Virginia (1950), as amended:

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

Noes: 0

// 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 Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

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

// City Council recessed the meeting at 7:00 p.m.

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

The following Members were present:

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

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

// Council Member Tweedy presented to the City of Lynchburg the 2014 VML Green Government Challenge award that the City received from Virginia Municipal League.

// Copies of the minutes of the September 23, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the September 29, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Police – General, Resolution #R-14-114 to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating $11,827 with resources of $7,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of $3,750, and $577 transferred from the FY 2015 General Fund Police Department budget to provide funds for speed enforcement activities, laid over from the September 23, 2014 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-14-115 to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating $33,733 with resources of $16,866 from the Bulletproof Vest Partnership 2014 Grant Program and $16,867 transferred from the FY 2015 General Fund Police Department ($15,636) and Sheriff's Office ($1,231) budgets to purchase 43 replacement bulletproof vests for law enforcement officers, laid over from the September 23, 2014 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General, Resolution #R-14-116 to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating $40,951 with resources from the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase forensic computer software and hardware, map boards for field supervisor vehicles, an evidence refrigerator, impact munitions, a high capacity printer, and tasers, laid over from the September 23, 2014 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police – General, Resolution #R-14-117 to amend the FY 2015 City/Federal/State Aid Fund budget and appropriating $51,509 with resources of $32,809 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of $16,405, and $2,295 transferred from the FY 2015 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment, laid over from the September 23, 2014 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of City Council, City Council Report #9 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted as presented, the Physical Development Committee Guidelines:

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

Noes: 0

// In the matter of Towing, City Council Report #10 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-118, as presented, to approve an extension of the City's Towing and Vehicle Recovery contract with Bee Line Transport, Inc. through October 31, 2015:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of Heritage United Methodist Church Trustees for a Conditional Use Permit (CUP) at 582 Leesville Road to allow a modified sign consisting of an approximately twenty-eight and one-half (28.5) square foot sign with a digital reader board in an R-3, Medium Density, Two-Family Residential District. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the CUP petition. The representative for the petitioner, Trent Warner of Warner White Engineering Partners also asked for approval of the CUP. 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 Nelson, Council by the following recorded vote adopted Resolution #R-14-119, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of Liberty University for a Conditional Use Permit at 1971 University Boulevard and 751 Mountain View Road to allow fill within the 100-year floodplain. City Planner Tom Martin provided a summary of the request. The Planning Commission recommended approval of the CUP. The representative for the petitioner, Russ Orrison, with Perkins & Orrison asked Council for approval of the CUP. 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 Nelson, Council by the following recorded vote adopted Resolution #R-14-120, as presented, granting the Conditional Use Permit:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #13 on the petition of Mr. Robert Crocker to vacate a portion of right-of-way known as Range Street adjoining 2134 Old Forest Road, which is approximately sixty-seven thousandths (.067) of an acre. In particular, the portion of right-of-way starts approximately eighty-five (85) feet from the intersection of Old Forest Road and Range Street, is approximately sixteen (16) feet in width and extends for a length of approximately one hundred eighty-eight (188) feet.

Mayor Gillette stated that Items #13 and #14 were closely related and the two items could be discussed together but would be voted on separately.

City Planner Tom Martin gave background information on the property for Items #13 and #14. The first request was regarding vacating a portion of right-of-way known as Range Street. The petitioner, Robert Crocker, asked Council for approval. Two individuals spoke in opposition of the request stating that the street was narrow, increased traffic on the street and the street backed up into a residential neighborhood. 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 Vice Mayor Johnson, Council by the following recorded vote denied the Ordinance to vacate a portion of right-of- way on Range Street:

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

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 14 outlining the petition of Robert Crocker to rezone approximately three and two hundred forty-three thousandths (3.243) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers to allow the construction of a parking area, an increase in the number of seats in the existing restaurant to fifty (50) and to increase the number of seats in the banquet facility to one hundred and one (101) at 2134 Old Forest Road. City Planner Tom Martin stated he had no additional information to add since Item #13 and #14 were previously discussed. Mr. Martin did state that proffers are voluntary conditions that developers and property owners enter into with local governments on land use applications. The Planning Commission recommended approving the expansion, though members expressed concerns that the petition was not in compliance with some City requirements. The petitioner, Robert Crocker, asked Council for approval on the rezoning of the property. Mr. Crocker stated that he needed the rezoning because he has outgrown his business and he would like to expand his business. One individual spoke in favor of the petition, saying that approving this petition would not increase traffic and would have more seating in the restaurant. Two individuals spoke in opposition to the petition because Range Street is a narrow street, increased traffic and too close to the surrounding neighborhood. Mr. Crocker had a rebuttal to clarify concerns from the neighbors. There was no one else present who wished to speak to this item, and the public hearing was closed.

After the discussion a motion was made by Council Member Helgeson, seconded by Council Member Perrow, to deny the rezoning petition. After further discussion, Council Member Tweedy made a substitute motion to postpone this item until all the information on the proffers could be done, seconded by Vice Mayor Johnson. Several Council Members stated that proffers and zoning requirements had been violated, the limited land was in too close proximity to the surrounding neighborhood and the business has outgrown its location. On motion of Council Member Tweedy, seconded by Vice Mayor Johnson, Council by the following recorded vote postponed this item until the proffers and zoning requirements are complete:

Ayes: Foster, Johnson, Nelson, Perrow, Tweedy 5

Noes: Helgeson, Gillette 2

// In the matter of Budget, a public hearing was held regarding City Council Report #15 amending the FY 2015 General, City/Federal/State Aid, Asset Forfeiture, Technology, Fleet, Water and Sewer Operating Budgets, as well as the City Capital and School Capital Fund Budgets to reflect the carry forward of appropriations for ongoing activities not expended in FY 2014, and to appropriate funds for necessary expenditures since the FY 2015 budget was adopted. Director of Financial Services Donna Witt reviewed the First Quarter Adjustments in the FY 2015 Adopted Budget and the FY 2015 First Quarter Adjustment Details. 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-14-121, as presented, amending the FY 2015 General, City/Federal/State Aid, Asset Forfeiture, Technology, Fleet, Water and Sewer Operating Budgets, as well as the City Capital and School Capital Fund Budgets to reflect the carry forward of appropriations for ongoing activities not expended in FY 2014, and to appropriate funds for necessary expenditures since the FY 2015 budget was adopted:

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

Noes: 0

// In the matter of Library – General, City Council Report #16 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-122, as presented, for the addition at the Lynchburg Main Library to be named the "Lynn Dodge Story Time Room":

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

Noes: 0

// The meeting was adjourned at 9:55 P.M.

Clerk of Council