// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of October, 2012, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: Perrow 1

// Angela P. Graham with the Gamma Iota Omega chapter of Alpha Kappa Alpha Sorority, Incorporated, gave a brief presentation regarding a program the sorority has for middle school aged girls called "Emerging Young Leaders" which consists of girls who attend Dunbar, Linkhorne Middle and Campbell Middle schools.

// Dana Wright and Mayor's Youth Council members Blake Papet and Matthew Godsoe gave a brief presentation regarding the "Lighten-Up Lynchburg" walk and invited City Council, City staff and the residents of Lynchburg to join them on October 27 at Peaks View Park to participate in this walk.

// Copies of the minutes of the September 25, 2012 meeting, having been previously furnished Council, reading was dispensed with. Council Member Helgeson asked that since he had not been at this meeting he wanted to pull this item and vote on it separately from the other consent agenda items. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Johnson, Nelson 3

Noes: 0

Abstention: Foster, Helgeson, Gillette 3

Absent: Perrow 1

// In the matter of Police – E911, Resolution #R-12-111 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $1,000, to assist in promoting the Department of Emergency Services Ready Lynchburg Build-a-Kit initiative, laid over from the September 25, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Perrow 1

// In the matter of Police – General, Resolution #R-12-112 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $9,704, with resources of $6,316 from the Department of Motor Vehicles Highway Safety Grant, to provide selective speed related enforcement activities, attend related training, and purchase equipment, laid over from the September 25, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Perrow 1

// In the matter of Police – General, Resolution #R-12-113 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $44,850 with resources of $29,900 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 September 25, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-12-114 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $52,575, with resources of $33,520 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 September 25, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Parks and Recreation – General, Resolution #R-12-115 amending the FY 2013 City Capital Projects Fund budget and appropriating $50,000, to assist with the remediation of the former Allen Morrison property, laid over from the September 25, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Schools, Resolution #R-12-117 amending the FY 2013 Schools Capital Fund Budget and appropriating $3,480,000, from the General Fund Heritage High School Committed Fund Balance, for the design of Heritage High School, laid over from the September 25, 2012 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Public Works – General, City Council Report #8 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-118, as presented, 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:

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

Noes: 0

Absent: Perrow 1

// In the matter of Community Planning – Historic Review, a public hearing was held regarding City Council Report #9 regarding the petition of Anne Spencer Memorial Foundation, Inc. for the property located at 1314 Buchanan Street, to be included in the Pierce Street Renaissance Local Historic District. Kevin Henry, Planner II, gave a brief summary of this request. Shaun Spencer Hester, representing the Anne Spencer Memorial Foundation, outlined this request 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 Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #O-12-119, as presented, approving the request:

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

Noes: 0

Absent: Perrow 1

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #10 regarding the petition of JBO, LLC to vacate a portion of Cornerstone Street and Hunterdale Drive, which extends around the perimeter of the existing intersection approximately fifteen (15) feet in width adjoining all private property. Kevin Henry, Planner II, gave a brief summary of the request. Mr. Norm Walton of Perkins & Orrison made a brief presentation outlining the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Gillette stated that this item came before the Physical Development Committee (PDC) which recommended approval and since it comes from the PDC it does not need a second and Council by the following recorded vote adopted Ordinance #O-12-120, as presented, granting the petition:

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

Noes: 0

Absent: Perrow 1

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 regarding the petition of JBO, LLC to vacate a portion of the right-of-way of the cul-de-sac of Rotunda Street, which extends around the perimeter of the existing cul-de-sac approximately fifteen (15) feet in width adjoining all private property. Kevin Henry, Planner II, gave a brief summary of the request. Mr. Norm Walton of Perkins & Orrison made a brief presentation outlining the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Gillette stated that this item came before the Physical Development Committee (PDC) which recommended approval and since it comes from the PDC it does not need a second and Council by the following recorded vote adopted Ordinance #O-12-121, as presented, granting the petition:

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

Noes: 0

Absent: Perrow 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of Young Men's Christian Association of Central Virginia for a conditional use permit to allow a modified sign at 801 Wyndhurst Drive. City Planner Tom Martin gave a summary of the request. Ms. Susan Landergan of the YMCA of Central Virginia outlined the request stating that the proposed sign will identify this facility as a place that offers a high quality of life and gives civic identity to the Wyndhurst community. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council deliberations Council Member Helgeson asked that staff look into amending the Sign Ordinance so that individuals who might want to make slight modifications can do so by right rather than come before Council. On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-122, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of LU Plaza Holdings, LLC for a conditional use permit to allow modified signs at 2323 Memorial Avenue in a B-3, Community Business District. City Planner Tom Martin gave a brief overview stating that the Planning Commission reviewed this on August 22nd and recommended approval of the petition with the conditions outlined in the resolution. Mr. Chris Doyle of CBRE, leasing agent for the Plaza, gave an overview of the petition and asked Council for 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-12-123, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 14 outlining the petition of Mark Hartless to rezone approximately three and ninty-nine hundredths (3.99) acres from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District (Conditional) to allow the construction of fifty (50) townhome style apartments at 428 & 512 Breezewood Drive. City Planner Tom Martin gave a brief summary of the request stating that City Council held a public hearing on August 14, 2012 at which time Council amended the Future Land Use Map (FLUM) but delayed action on the rezoning petition because of the potential impacts related to the development which were (1) traffic conditions on Breezewood Drive, (2) future construction of Interchange to serve the Graves Mill and McConville Road area, and (3) the overall development density. Since the August 14 meeting the petitioner has submitted a proffer stating that the development would not exceed 50 units. The Planning Commission conducted a public hearing on July 11, 2012 and subsequent work session on August 11, and recommended approval of the rezoning petition.

Mr. Norm Walton, representing the owner, gave a brief summary of the request. Two citizens spoke in favor of the petition and two citizens spoke in opposition. Those expressing opposition were concerned about traffic on Breezewood Drive and the potential obstruction of long-term hopes of building a new Lynchburg Expressway interchange. There was no one else present who wished to speak to this item, and the public hearing was closed.

During Council deliberations Council Member Foster expressed strong concerns about traffic conditions on Breezewood Drive. Council Member Helgeson stated that he could not support the petition because of the 50 units proposed when the future land use plan only recommended 48 units for property of this size. Council Member Nelson expressed his concerns about the economic development implications of approving a project that conflicts with the long-term interchange plans but felt it would be "intellectually dishonest" to oppose it after he supported the earlier future land use plan revision. Council Member Cary stated that a new interchange would cost in excess of $20 million which the city does not have now and is not likely to get in the near future. Vice Mayor Johnson stated that holding a piece of property at bay for some future item to drop out of sky is unrealistic in the economic times we're in now.

During Council discussion the petitioner voluntarily offered to amend the current proffer and offer the following: "The current site plan depicts 50 units for the 3.99 acres being rezoned. We hereby proffer that this development will not exceed 48 units." City Attorney Walter Erwin stated that this is a proper amendment and Council could accept it if they so choose and vote on the petition. On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-12-124, as amended, granting the petition:

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

// In the matter of Towing, City Council Report #15 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote approved the Towing and Vehicle Recovery Services Contract to Bee Line Transport, Inc.:

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

// The meeting was adjourned at 9:38 P.M.

Clerk of Council