// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of August, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Helgeson 1

// Mayor Foster introduced the Interim Superintendent of Lynchburg Schools Dr. Larry A. Massie and the Chief Financial Officer of Schools Mr. Anthony E. Beckles to City Council.

// Planning Commission Chair Laura Hamilton provided a brief overview regarding the 8th Annual Report on the activities of the Planning Commission including the implementation of the City's Comprehensive Plan 2002-2020 for the fiscal year ending June 30, 2011. Ms. Hamilton explained that this report is also intended to supplement the plan by suggesting priorities as City Departments determine Capital Improvement Project (CIP) requests for existing and planned projects and that while approval of the Annual Report will encourage its use in the CIP and Budget development process, the report does not mandate new funds or projects. Council Member Perrow asked several questions regarding the 1978 Zoning Ordinance. Mayor Foster asked Council for approval and Council unanimously approved the 8th Annual Report.

// City Planner Tom Martin stated that on February 9, 2010, Council initiated amendments to the Zoning Ordinance related to institutions. Mr. Martin further stated that over the past seventeen months, the Planning Commission and City staff have worked with a group of stakeholders to draft ordinance revisions that would facilitate the development of the City's institutions without the need for obtaining a Conditional Use Permit (CUP), as is currently required. In developing the ordinance revisions, the creation of Institutional Overlay Districts, an Institutional Zoning District, removal of the CUP requirement and maintaining the existing CUP requirement were considered. Mr. Martin went on to say after review of other development review processes and ordinances, the Planning Commission directed staff to draft an Institutional Zoning District that would address common themes that resulted from early discussions with stakeholders:

1. Improvements that do not cause off-site impacts should be allowed by right.
2. Primary concern should be related to expansions or incremental growth that results in off-site impacts.
3. A definition of what a substantial impact requiring a more in depth review should be developed.
4. There should be flexibility in requirements for master plans. Planning beyond two years at best is speculative for institutions.
5. An ongoing dialogue between Institutions and the City should be developed.

During Council discussion, Council Member Perrow had a concern with Section 2 regarding the IN-1 and IN-2 of the Institutional Zoning Ordinance and suggested that this section be sent back to staff to continue with revisions. City Manager Payne gave a tentative schedule for the Public Hearing on Institutional Zoning Ordinance.

// Financial Services Director Donna Witt gave a report of the finances of the Greater Lynchburg Transit Company (GLTC). Ms. Witt stated that at the June 14, 2011 City Council meeting, staff reported that it would perform a full review of the FY 2011 operating budget. GLTC General Manager Michael Carroll provided information regarding the revised GLTC FY 12 operating budget. Mr. Carroll stated in order to stay within available funding, the GLTC Board has directed staff to revise its FY 12 budget and to take several steps to bring it into balance:

- Reduce travel, training, marketing and other services: $39,324 savings
- Service reductions (including associated support service): $549,234

The service reductions include a combination of the following:

- Elimination of Weekday Route 8/11 Tripper (extra bus in the morning and afternoons to provide 30 minute service instead of 60 minute service).
- Elimination of routes 9 and 10. Route 9 will be reduced to a morning and afternoon tripper service; Route 10 will be eliminated entirely. Route 10 provides service between the Plaza and Downtown. The Plaza and Downtown will continue to be served by Routes 1A, 1B, 3C and 3D.
- Elimination of Sunday service.
- Elimination of Night Service (Weeknights and Saturdays); all service would end at 7:00 P.M. instead of 10:00 P.M.
- Elimination of Routes 6 and 7 on Saturdays, and a one hour later start for Saturday service from 6:00 A.M. to 7:00 A.M.

Mr. Carroll went on to say that the Board chose these options because they affect the fewest customers (based upon boarding counts) and are the most expensive services that GLTC provides. Mr. Carroll further stated that the Board considered fare increases, but decided not to implement increases at this time.

// Information Technology Director Mike Goetz gave a summary on a request from nTelos to expand their cable television franchise area to allow them to provide cable television services to areas in the City beyond the Cornerstone neighborhood. Mr. Goetz stated that Council needs to be aware of this interest by nTelos as it is prepared to enter into negotiation regarding an expanded franchise which would be brought to Council for consideration at a later date. Mr. Goetz went on to say that any provisions in an nTelos franchise that were less restrictive than Comcast's franchise would have to be granted to Comcast as well.

// Vice Mayor Johnson left the meeting during Midtown Connector Phase I report.

// Engineering Project Manager J. P. Morris gave a summary on the Midtown Connector Phase I. Mr. Morris further stated the report summarized the work that has been accomplished by City Staff and the consultant since June 2008.

// During roll call Council Member Cary had a concern with a water main break at Morrison Drive and Arrow Street. Council Member Cary asked the City Manager to look into this concern.

// 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, Gillette, Nelson, Perrow, Foster 5

Absent: Helgeson, Johnson 2

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

// Mayor Foster received a contribution from Lynchburg Rotary Club for the new playground at Riverside Park. Mayor Foster thanked the Lynchburg Rotary Club as the newest partner for Riverside Park.

// Mayor Foster presented a Certificate of Recognition to employee Lynn M. Fox with Parks and Recreation for being honored by the Lynchburg College Belle Boone Bead Center on Aging with the 2011 Outstanding Contribution to Positive Aging Award given annually to a Region 2000 professional who has promoted positive aging in the community and makes an outstanding contribution to positive aging in this region.

// Copies of the minutes of the July 12, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// In the matter of Police – General, Resolution #R-11-080 to amend the FY2012 General Fund budget and appropriate $141,200 with resources from the FY 2011 Fund Balance to fund the implementation of an Additional Duties Bonus Program in the Lynchburg Police Department, laid over from the July 12, 2011 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, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// In the matter of Economic Development – General, Resolution #R-11-088 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $100,000, with resources from the Commonwealth of Virginia's Governor's Opportunity Fund to provide Delta Star, Inc. with an incentive to expand its operation in Lynchburg, laid over from the July 12, 2011 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, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Absent: Helgeson, Johnson 2

// In the matter of Central Virginia Community Services, City Council Report # 10 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-11-091, as presented, approving the Central Virginia Community Services FY 2012 Performance Contract:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5
Noes: 0
Absent: Helgeson, Johnson 2

// In the matter of Parks & Recreation – General, City Council Report # 11 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-11-092, as presented, in support of the final grant application for a Virginia Department of Conservation and Recreation, Recreational Trails Grant to rehabilitate and extend the Creekside Trail:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5
Noes: 0
Absent: Helgeson, Johnson 2

// In the matter of Fire – General, City Council Report #12 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-11-093, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $23,000, fully reimbursable, to provide training and equipment for the Fire Department's Hazardous Materials team:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5
Noes: 0
Absent: Helgeson, Johnson 2

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of GJJ of Lynchburg, LLC for a Conditional Use Permit (CUP) to allow fill in the one hundred (100)-year flood plain at 4010 Wards Road to facilitate future development of the property. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the zoning request. Warner Engineering Representative Trent Warner outlined the request and asked for Council approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow expressed concern that he did not like the flood plan. On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-094, as presented, granting the Conditional Use Permit:

Ayes: Cary, Gillette, Nelson, Foster 4
Noes: Perrow 1
Absent: Helgeson, Johnson 2

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 14 outlining the petition of Wyndhurst Counseling Center to amend the Future Land Use Map (FLUM) from Low Density Residential to Office and to rezone approximately one and one-half (1.5) acres from R-1, Low Density Residential District to B-1, Limited Business District (Conditional) at 1001 Oakmont Circle to allow the use of the property for office uses. City Planner Tom Martin gave a summary of the request. Mr. Chuck Rodgers and Mr. Norm Walton, presenting the petition, stated the purpose of this petition is to allow the use of the existing building as a counseling office or other uses allowed in a B-1, Limited Business District. This counseling center provides services to both children and adults, including marriage counseling. The center's goal is to provide people with better stability in their homes. Several individuals spoke in opposition citing concerns with property values and an increase in traffic hazards. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Cary asked that Council table this item until Council Member Helgeson could be present since this request is in his ward. Council Member Cary made a motion, seconded by Council Member Gillette, to table this item until the September 27, 2011 Council meeting. After Council discussion, regarding tabling this item, Council Member Cary withdrew his motion and Council Member Perrow made a motion to approve the Future Land Use Map (FLUM) which died for lack of a second. Mayor Foster asked for a motion to deny this request, on motion made by Council Member Gillette, seconded by Council Member Nelson to deny amending the Future Land Use Map (FLUM) from Low Density Residential to Office and to rezone approximately one and one-half (1.5) acres from R-1, Low Density Residential District to B-1, Limited Business District (Conditional) at 1001 Oakmont Circle to allow the use of the property for office uses. Council by the following recorded vote denied the request:

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|---|---|---|
| Ayes: | Cary, Gillette, Nelson, Foster | 4 |
| Noes: | Perrow | 1 |
| Absent: | Helgeson, Johnson | 2 |

// In the matter of City Council, Rev. James E. Coleman, Jr. , representing the Multicultural Rib and Yam Riverfront Festival Steering Committee, spoke before Council regarding proclaiming Saturday, August 27, 2011 as Cultural Diversity and The Renaissance of Virginia University of Lynchburg Day in the Hill City. Rev. Coleman further requested that members of Council and other relevant city personnel be present to make presentations and share the support of our City government regarding issues of cultural diversity and empowering our communities through education.

// This item was withdrawn from the agenda at the request of Ms. Barbara Petit.

// In the matter of Registrar, City Council Report #17 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-11-095, as presented, amending the FY 2012 General Fund budget and appropriating $13,929 with resources from the General Fund Reserve for Contingencies to provide supplemental funding to the Electoral Board/Registrar Office for estimated costs for the August 23, 2011, Republican Primary:

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| Ayes: | Cary, Gillette, Nelson, Perrow, Foster | 5 |
| Noes: | | 0 |
| Absent: | Helgeson, Johnson | 2 |

// In the matter of City Council, City Council Report # 18 was withdrawn from the agenda.

// On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to conduct performance evaluations of the City Manager, City Attorney and Clerk of Council, respectively, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended:

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| Ayes: Cary, Gillette, Nelson, Perrow, Foster | 5 |
| Noes: | 0 |
| Absent: Helgeson, Johnson | 2 |

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

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

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| Ayes: Cary, Gillette, Nelson, Perrow, Foster | 5 |
| Noes: | 0 |
| Absent: Helgeson, Johnson | 2 |

// The meeting was adjourned at 10:07 P.M.

Clerk of Council