

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of July, 2008, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Garrett gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6

Absent: Gillette 1

// Mayor Joan Foster presented a Proclamation proclaiming September 2008 as "ARTS LYNCHBURG MONTH" to Meredith DeAvila from the Academy of Music.

// Copies of the minutes of the June 24 (two meetings), 2008 meetings, having been previously furnished Council, reading was dispensed with. Council Member Perrow stated that he would like to abstain from voting on the June 24 minutes since he was not a member of City Council and did not attend the meetings. On motion of Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette 1

Abstention: Perrow 1

// Copies of the minutes of the July 1, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6

Noes: 0

Absent: Gillette 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #3 outlining the petition of Phillip Jamerson for a Conditional Use Permit to allow the implementation of a Consolidated Sign Plan for 5 way-finding signs at 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive within the Wyndhurst Traditional Neighborhood Development. City Planner Tom Martin provided a brief summary regarding the request. Mr. Phillip Jamerson outlined the request and asked for approval. Mr. Jamerson informed that the purpose of the signs is to help people locate businesses in the Wyndhurst development. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Martin stated that the design guidelines for signage in the Wyndhurst Traditional Neighborhood Development are much more restrictive than the City's current Sign Ordinance. Mr. Martin went on to say that if requested by the Wyndhurst Property Owners Association, staff would be willing to revisit those guidelines. On motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-08-093, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Helgeson, Johnson, 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 #4 outlining the petition of Liberty University to rezone 1.29 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 2300 Carroll Avenue, and to rezone 2.33 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 701 Dearing Street. Vice Mayor Bert Dodson stated that since his company provides all of the pest control services for Liberty University, he will abstain from the discussion and voting on the petition. City Planner Tom Martin provided a brief summary regarding the request. Mr. Norm Walton, representing the petitioner, outlined the request and asked for approval. Mr. Walton informed that this rezoning request will satisfy a proffer from a previous rezoning for the Crossroads Colonnade Shopping Center. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow stated that in general he is a little uncomfortable with continually rezoning industrial land, but that in this instance he understands that the rezoning request fulfills a prior commitment of Liberty University and that it is supported by the Comprehensive Plan and Office of Economic Development. Council Member Perrow did note that City Council needs to be mindful regarding the amount of industrial land that is being rezoned. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-094, as presented, approving the rezoning of 1.29 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 2300 Carroll Avenue:

Ayes: Garrett, Helgeson, Johnson, Perrow, Foster	5
Noes:	0
Absent: Gillette	1
Abstention: Dodson	1

On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-095, as presented, approving the rezoning of 2.33 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 701 Dearing Street:

Ayes: Garrett, Helgeson, Johnson, Perrow, Foster	5
Noes:	0
Absent: Gillette	1
Abstention: Dodson	1

// In the matter of City Council, Mr. W. J. Norris was not present to speak to City Council.

// In the matter of Police - General, City Council Report # 6 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-096, as presented, supporting the submittal of a grant application to the Edward Byrne Memorial Justice Assistance (JAG) Program FY 2008 Local Solicitation for \$15,919 to implement a multi-faceted recruitment campaign:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-097, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating \$50,000, fully reimbursable, to repair the burn building at the Central Virginia Regional Fire Training Center:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of Fire - General, City Council Report #8 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-098, as presented, amending FY 2009 City/Federal/State Aid Fund budget and appropriating \$30,000, fully reimbursable, to purchase equipment for the Fire Department's Hazardous Materials Response Team:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of Fire - General, City Council Report #9 was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-08-099, as presented, amending Chapter 19 of the City Code to reflect changes in the State Fire Code:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of Community Development - Inspections, City Council Report #10 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-08-100, as presented, amending Section 11-2 of the City Code relating to the enforcement of the 2006 edition of the Virginia Uniform Statewide Property Maintenance Code:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of Community Development - General, City Council Report #11 was considered. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-08-101, as presented, supporting the application to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for an allocation of \$1,000,000 to fund the Grace Street Retaining Wall Improvement Project:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of City Council, City Manager Kimball Payne stated that staff is seeking guidance regarding City Council's Fall 2008 Retreat. Mr. Payne explained that once City Council has set the goals for the retreat, other issues to determine would include:

- The schedule for the retreat; one-day, two-day, three-day? The number and length of sessions. Will the retreat include evening sessions and an overnight stay?
- The location. Out of town or in town? Some possible locations include The Stonewall Jackson Hotel in Staunton, Eagle Eyrie, Sweet Briar College Conference Center, Lynchburg College, the Peaks of Otter Lodge, Bluffwalk Centre, and the Human Services Building.
- Is a non-staff facilitator desired?
- What sort of staff presence is desirable?

Council Members discussed the issues and reached consensus on the following:

- Two day retreat
- Stonewall Jackson Hotel in Staunton
- Non-staff facilitator
- Staff to be limited

City Manager Kimball Payne offered a possible schedule for a two day retreat:

Day 1

- Start late morning
- 1 hour session before lunch
- Lunch
- 3-4 hour afternoon session (1 or 2 topics)
- Dinner
- 2-3 hour evening session (1 or 2 topics)

Day 2

- Breakfast
- 3-4 hour morning session (1 or 2 topics)
- Lunch
- Afternoon session, ending at either 3:00 p.m. or 4:00 p.m.

Council Members reviewed the possible topics for discussion at the retreat, i.e., Council's Rules of Procedure for its meetings, economic development, housing, public safety, public education, Intergovernmental synergies, environment, sustainability, CDBG/HOME Programs Design, Review, revision of Council's Vision Statement, the Community Dialogue on Race and Racism, results of the Citizens Survey, teambuilding, SWOT (Strengths, Weaknesses, Opportunities, Threats), the identification of specific goals to accomplish in the next year, preliminary Budget priorities, and a review of the 2007 Council retreat and a report on follow-up. Some Council Members suggested that some of the topics might be better

discussed at a work session rather than at the retreat. Mayor Foster suggested that staff poll City Council members to determine the top five priority items for retreat discussion and the top five priority items for discussion at future work sessions. Mr. Payne stated that he would schedule this item for the August 12 work session for City Council to select the two days for the retreat and to discuss the results of the poll and select the topics for discussion at the retreat.

// Council Member Perrow read the following statement: "My mother is one of the candidates for a position on the Museum Advisory Board. Because of my mother's candidacy, I wish to avoid any appearance of bias or impropriety, and with the consent of the other members of Council, I will abstain from discussing or voting on the appointments to the Museum Advisory Board.

// On motion of Council Member Johnson, seconded by Vice Mayor Dodson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Museum Advisory Board and various committees that require Council membership, to conduct the performance evaluations of the City Attorney and Clerk of Council, and discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating in the community pursuant to Section 2.2-3711(A) (1) and (5), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// Council Member Perrow left the meeting at 10:02 p.m. prior to the discussion regarding the appointments to the Museum Advisory Board and the performance evaluations of the City Attorney and Clerk of Council.

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

// Council Member 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 Mayor Foster, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster	5
Noes:	0
Absent: Gillette, Perrow	2

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Council Member Turner Perrow to fill an unexpired term on the Lynchburg Community Action Board ending December 31, 2010:

Ayes: Dodson, Garrett, Helgeson, Johnson, , Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Council Member Turner Perrow to serve on the Code Enforcement Task Force for an indefinite term:

Ayes: Dodson, Garrett, Helgeson, Johnson, , Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Dr. John Arnold, Melanie Christian, Lisa Cresson, Laura Crumbley and Florence Perrow to serve on the Museum Advisory Board for terms to expire June 30, 2011:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Robert Craighill, Michael Doucette, Mrs. Langhorne McCarthy, Marie Waller and Sandra Whitehead to serve on the Museum Advisory Board for terms to expire June 30, 2010:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Mary Morris Booth, Jane Bowden, Lucille Dean, Laura Munson and Ray Stokes to serve on the Museum Advisory Board for terms to expire June 30, 2009:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette, Perrow 2

// The meeting was recessed at 10:50 P.M. to August 12, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council