// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of June, 2010, at 1:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Helgeson 1

// Council Member Helgeson arrive at 1:05.

// In the matter of Rock Castle Creek Rezoning City Manager Kimball Payne stated the purpose of the work session is to answer Council questions. Mr. Payne went on to say that this was not a public hearing but a work session and Council could allow anyone to speak regarding this item. Mr. Payne stated that the public hearing was left open to see if additional proffers would be received which was a requirement, at this time no additional proffers have been received.

City Planner Tom Martin made a brief presentation restating the purpose of the petition. Mr. Martin also gave background information on the proffers that had been submitted by the developer, stating that there were no additional proffers submitted. Mr. Martin also explained the terminology of the following: (1) RC (Conservation District), basically a conservation district which is a zoning category which is a regulatory district that dictates the types of uses that can be placed on the property; (2) Resource Conservation which is similar to Conservation District but is very different. Resource conservation is a future land use map designation which is a visual guide that is used in conjunction with the goals and objectives of the Comprehensive Plan for decision making; and, (3) Conservation Easement that is an encumbrance placed on the property that goes with the title of the property that transfers and is also legally enforceable.

During Council discussion, Council Member Perrow asked that Mr. Gary Case, representing the petitioner, explain the conservation easement that had been recently sent to Council. Mr. Case explained that legally the 23.11 acres would be a conservation easement on top of the property that is already zoned RC. It is the property along the creek area. Eighteen (18) acres is on the zoning petition and the other four (4) is an additional piece of property that one of the petitioner's own. Mr. Case read a list of items that would be prohibited by the easement, (1) no commercial development, (2) no telecommunication towers, (3) no harvesting of trees, (4) no livestock, farming or related activities, (5) no private recreation facilities, (6) grantor to retain the right to access utilities and discharge storm drainage, and (7) grantor will allow grantee access to the property for mitigation of streams.

Council Member Nelson explained about the harvesting of the trees on the property stating that it was more of a commercial term that embodies a large scale removal of trees so that if harvesting is prohibited it does not mean you cannot cut down other things that is less than a commercial harvesting stating that he was concerned about the destruction of forests which would be adverse to the interest of Sandusky that does not rise to the level of a harvesting. Council Member Nelson went on to say that he had taken language from other conservation easements designed to protect forests and put them together to see if the owners could insert that into the document. Mr. Case stated that the petitioner's were agreeable to place this in the current easement that is now being discussed. Council Member Johnson explained that he felt that this easement and the additional language on harvesting of trees would ensure a better deal for the citizens if they would accept this easement.

Mayor Foster asked Mr. Jim Whitaker to come and speak about this issue. Mr. Whitaker expressed some of the concerns the citizens had with the petitioner's conservation easement document which are: (1) the easement should be held by a non-partisan non-profit organization that would not have future interest in the development of the property, (2) the accuracy of the boundaries described in the document, (3) a title exam requirement wording does not exist, (4) what happens if the RC zoning language changes in the future, future modification possibilities, (5) does not address future subdivision of the property, (6) the easement does not mention public recreation facilities, (7) no mention of a Riparian Buffer (protect water quality), (8) no language pertaining to grading, blasting, filling, or mining, (9) no wording prohibiting accumulation of trash, (10) no language for Right of Inspection included, (11) no enforcement wording in the document, (12) no prohibition of public roads and bridges in the area, (13) who will be responsible for clearing the steams of debris, (14) possible successors to the city, (15) item (g) under additional restrictions should grant access to property for the mitigation of the stream(s) not just one stream, and (16) additional changes included after review the same deed.

After further discussion from Council, City Manager Kimball Payne asked Council if there were a majority of Council that would like to proceed with the discussion to get this resolved. Council Member Perrow moved to deny the petition, seconded by Council Member Gillette. Council Member Nelson stated that the quality, the detail of the easement is what makes the proposal work or not work and wanted to leave the whole area better off than it is. Council Member Nelson further stated that he believes the added language to the proffer answered most of the objections raised by the citizens so most of the objections go away.

Council Member Helgeson questioned the motion on the table because there is a public hearing open this evening on this matter and wanted to know if this motion is in order. City Attorney Walter Erwin stated that the only reason the public hearing was left open is because if the developer offered any additional proffers you have to give citizens an opportunity to comment on those new proffers at a public hearing. If there are no new proffers then Council could vote on this item.

After additional discussion Council Members' Johnson, Nelson, Helgeson, Vice Mayor Dodson and Mayor Foster stated their support to continue discussion of this petition. Council Member Gillette stated he would support the motion because he felt the conservation easement did not achieves the function of environmental protection but has the potential to and Council by the following recorded vote defeated the motion and will continue with the discussion on this matter:

Ayes: Gillette, Perrow 2

Noes: Dodson, Helgeson, Johnson, Nelson, Foster 5

Council Member Perrow stated that he felt it was very important to get all the right information into the conservation easement and added if these items were cleared up it would offer the best protection Sandusky neighborhood would have and his position is absolutely to protect the integrity of the neighborhood. Council Member Gillette stated his agreement with Council Member Perrow. Council went on to discuss the concerns submitted by the Sandusky neighborhood and identified the items listed that still needed further discussion and also identified changes that needed to be made to the easement and asked the petitioner for his approval. Council Member Perrow asked if the developer would be willing to incorporate this into a proffer. City Attorney Walter Erwin stated he had worked up some language that could be added to proffer #E, "rezoning this property is contingent upon the petitioner granting the city a conservation easement on the 18.888 acres. Such conservation easement must be in a form that is acceptable to and approved by the City Attorney and the City Manager. No permits will be issued for the development of the 25.04 acres until the conservation easement has been executed and recorded in the land records of the office of the Clerk of the Circuit Court." The developer said they would accept that and that it was like 23 acres, 18 plus Ms. Jamerson's property. Mr. Case said that the developer agreed with Council.

// In the matter of the Request to Revise the Central Virginia United Soccer Agreement. Council Member Nelson informed that he would abstain from this item because he was involved in the soccer club, and assisted in the negotiation and writing of the agreement and was involved in the initiative to bring this to the Council before he was on Council. City Manager Kimball Payne gave a brief overview of the request stating the main points of the agreement. Mr. Payne further stated that two fields had been built which are in Campbell County and the Central Virginia United Soccer Club, Inc. (CVU) would like to amend this agreement by (1) reduce the fields from 6 to 4, two of which would be artificial turf and (2) the beginning date for the 15-year period for the forgiveness or repayment be reset to July 1, 2012 which gives them 10 more years on this agreement.

Council Member Helgeson asked had the payments been coming back annually. Mr. Payne stated that the agreement doesn't call for a payment; there is a balloon at the end of the 15 years that has to be repaid. Council Member Perrow stated that he liked the idea of the turf fields and that he is supportive of dropping the number of fields to four if they are synthetic fields. Council Member Perrow also stated that there had not been any significant growth in the program towards the soccer complex. Council Member Perrow went on to say that he would support increasing the payback window to ten (10) years.

Council Member Johnson stated he would support the extension of this contract and would like to hear about the specific need for the sports complex. Council Member Johnson felt like there was no need for a complex at this time due to the many fields already available. Mayor Foster stated that she would like to see a multi-sports complex being discussed with the Board whereby not just soccer but other sports could use this complex. Council Member Helgeson stated that making changes to the agreement is a bad precedent and the City needs to stay with the current contract and has not heard a compelling reason as to why there should be changes or amendments. Council Member Gillette stated that he would be willing to amend some but not others and that one turf field could be more valuable as seven (7) grass fields. Council Member Gillette stated that he was comfortable with Council Member Perrow's suggestion to adjust the number of fields and give a little bit of leeway on the payback period.

Council Member Perrow made the following motion "that the agreement be amended to include two (2) natural turf fields and two (2) synthetic turf fields and extending the term of payment to twenty (20) years." The motion was seconded by Council Member Gillette. Council Member Helgeson stated that he was not going to support the motion because the City had already had a contract that everybody agreed to and after eight (8) years felt there should have been more progress made and believes it would be setting a bad precedent. After further discussion Council by the following recorded vote passed the motion:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: Helgeson, 1

Abstention: Nelson 1

// In the matter of the Midtown Connector Engineer Project Manager J. P. Morris gave a brief overview of the project stating that one of the biggest components that needed to be worked on before advertising for construction and work on during the construction and road work is external utility locations. Mr. Morris reported on the following process to date on the Midtown Connector:

Engineering

June 2008 – Eng. & R/W work commences

- Significant updates to base mapping
- Substantial design elements completed
- Staffing – Seven consulting firms
- 15 to 25 individuals
- June 2010 – plans 97% complete

Right of Way

- 101 parcels evaluated / addressed
- 4 Residential relocations completed
- 5 Business / nonprofit relocations completed
- 11 Demolitions completed
- Staffing – Four consulting firms
- Up to 10 individuals

External Utilities

- AEP
- Verizon
- nTelos
- Comcast
- Zayo Bandwidth

// City Council recessed the meeting at 3:57 p.m.

// City Council reconvened the meeting at 5:00 p.m.

The following Members were present:

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

Absent: 0

// Acting Director of Community Development and Deputy City Manager Bonnie Svrcek made a brief presentation regarding the Community Development Block Grant (CDBG) and HOME 2010-2011 Allocation and Adoption. Ms. Svrcek stated that a public hearing was held on June 8 for the funding recommendations as proposed by the Council-appointed Community Development Advisory Committee (CDAC). Ms. Svrcek stated that City Council received a letter from the Housing Authority noting errors in its original request for funding that was discovered following the May 11 CDAC meeting. Ms. Svrcek explained the changes requested by the Housing Authority leaves a negative balance in the CDAC recommended CDBG non-public service allocation of $11,332.00. Ms. Svrcek stated to resolve this issue, staff suggests that Council consider reducing Spot Blight by this amount and it would be balanced. Ms. Svrcek informed that Council Member Gillette serves as the chair of CDAC and Council Member Helgeson serves as the vice chair.

Council Member Gillette stated that the CDAC is a citizen-based group that maintains membership across the affected districts and also has a large number and is a diverse group of citizens who come together to evaluate box-loads full of applications and to make recommendations that come to Council.

Council Member Perrow called to Council's attention a letter written by Shanda Rowe who is the vice chairman of the Lynchburg Redevelopment and Housing Authority (LRHA), pointing out that one of the items listed comes from the February 24, 2009 Work Session says "It is proposed that the annual priority for the use of the CDBG funds should be as follows (1) city administrative costs, (2) LRHA Spot Blight and Rental Rehab programs, (3) payments on the Sections 108 HUD Loan if necessary, and (4) other items produced by Council. Mr. Perrow pointed out that on the allocation zero dollars appropriated to the LRHA Rental Rehab efforts. They received $100,000 last year and they requested $75,000 this year and they received zero. Council Member Perrow stated that the Housing Authority works with Federal Funds and the staff knows the process inside and out and are absolute professionals. Council Member Perrow also stated that he believes there is too much effort by some of these smaller awards, the administrative costs the City has to spend does not cover the actual value of the award, and that the following awards should not be used by Federal funds and should be lined through: Interfaith Outreach $5,000, United Way's Small Beginnings $10,722.55, the YWCA Town Center $4,000.00, Virginia University of Lynchburg $14,319.55. Council Member Perrow moved that Council approve the allocations as recommended by City staff which made the adjustment for the Housing Authority numbers and withdraw funding for the items just mentioned and seconded by Council Member Helgeson. During Council discussion Vice Mayor Dodson stated he could not vote for the motion, Council Member Johnson stated that the LRHA could get additional monies if they applied for it and would not vote for the motion.

Council Member Helgeson stated that CDAC recommended the Spot Blight program instead of the Rental Rehab program, Council Member Helgeson went on to say when you give money for one thing then you have to take away from another and you have to decide where the money is coming from and some of these small awards the City has been dinged because these small awards still have the administration, monitoring and oversight as you do for the larger awards. Council Member Gillette gave a brief overview of some of the things that CDAC considers when handing out these awards and that some of the organizations were sitting on old money, unspent, and other organizations had a proven track record and that some of the smaller awards were probably handed out because they had proven track records and Council Member Gillette was uncomfortable with removing four more organizations and would not support the motion. Council Member Nelson stated that work needs to begin to rework the system and make it more effective and efficient. After further discussion and by the following recorded vote Council defeated the motion:

Ayes: Perrow 1

Noes: Dodson, Gillette, Helgeson, Johnson, Nelson, Foster 6

Council Member Gillette made the following motion to accept the CDAC recommendations as they came to Council with the amendments provided in the gray boxes where delivery and acquisitions of $107,787.00 is reduced to $96,455.00 that puts $80,000 into Spot Blight, seconded by Vice Mayor Dodson. Council Member Helgeson stated that he could not support this motion because he would like to see Council not reduce the LRHA but to move the funding up and not down. After further discussion Council by the following recorded vote passed the motion:

Ayes: Dodson, Gillette, Johnson, Nelson, Foster 5

Noes: Helgeson, Perrow 2

// City Manager Kimball Payne stated that the General Assembly made some changes to the Virginia Retirement System (VRS) which created a separate class of employees at the State and local levels and created what is called a Plan 2 for those employees hired after July 1, 2010. Plan 2 employees will have different standards for retirement in terms of years of service and the combination of age and the years of service that will count towards retirement benefits. Public Safety employees were excluded from some of those changes with respect to the years of service. Mr. Payne explained that there was a proposal put in that gave localities the option of addressing the 5% employee share of the VRS contribution. In the 80's many localities picked up the 5% employee share in lieu of raises for employees and ultimately the state law was changed to provide that that employee share would be paid by the employers. Mr. Payne went on to say that Legislation adopted by the General Assembly this year changed that and gave localities the option of charging some or all of that 5% to the employees and every locality has to make a choice. After the legislation was approved by the General Assembly the governor changed the legislation so that that 5% only applies to the Plan 2 employee, not to the existing employees who were hired prior to July 1, 2010. The VRS has asked localities to indicate what choice the City of Lynchburg will be making. If we choose to go with the legislation and have the employees pay the 5% there is no need for any action on the part of City Council. If Council wishes to pay the 5% or any portion of the 5%, then Council would need to adopt a resolution to indicate that and provide it to VRS by July 1.

Finance Committee chair Council Member Helgeson stated that this issued was discussed in the Finance Committee and further stated that he was glad to see this change. Staff is now recommending that the employee pick up their 5%. Council Member Helgeson further stated that this is a tool that can help keep the current employees and also allows the City to help treat the current employees the best way possible and made a motion to follow staff recommendation to where the employee would pay their 5% employee share, seconded by Council Member Perrow.

During further discussion Vice Mayor Dodson expressed concerns about how this would affect the public safety employees and the disparity in pay and that he would oppose this recommendation. Council Member Johnson stated he could not vote for this because the City is going to hurt its least able members of the city's workforce and that it adds an extra burden to new employees. Council Member Nelson asked what impact would this have on the budget. Council Member Gillette asked why the City couldn't give the employee a 5% salary increase and let the employee pay the 5% VRS contribution which would keep the total package value the same for new employees. Council Member Perrow wanted to know if there was a way that the City could opt out of VRS in the future and further stated that the City would be more fiscally responsible by making this change now and if it does not work it can be changed in the future.

Council Member Helgeson restated his motion and by the following recorded vote passed the motion:

Ayes: Gillette, Helgeson, Nelson, Perrow	4
Noes: Dodson, Johnson, Foster	3

// During Roll Call Council Member Helgeson stated that this item was under our School leadership but looking at the Virginia Department of Education where they look at the graduation, it looks like this last time there were 867 students that were starting 9th Grade four (4) years ago and just recently, 2010 we had 536 actually graduated and completed. That is a 61.8% on time graduation record and Council should address it somehow. Council Member Gillette stated that at the very bottom of Surry Place there is a storm drain and the pipe from that storm drain empties in a hill down in the woods, the pipe does not run all the way to the stream it seems to run halfway down the hill thereby creating a rut of erosion leading into the stream bed and could eat away the backyard of some of the neighbors. Council Member Perrow stated he was driving through Tyreeanna and there is a significant amount of land that has pretty good development potential and as a City are not doing anything to encourage that and would like Physical Development Committee (PDC) to possibly take a look at extending the sewer out to the Tyreeanna area.

// City Council recessed the meeting at 7:10 p.m.

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

The following Members were present:

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

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

// Lisa Dibble Chair of the Greater Lynchburg Transit Company (GLTC) and Mike Carroll President of GLTC presented Vice Mayor Dodson with a Proclamation for his outstanding service to the GLTC Board.

// City Council presented to Vice Mayor Dodson a print of Monument Terrance along with a key to the City. Communications and Marketing presented to Vice Mayor Dodson a video during his time on City Council. Vice Mayor Dodson thank everyone for his time on City Council and presented each council member with a small token of his appreciated to have served with his fellow council members.

// Copies of the minutes of the June 8, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the June 11, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Fire - General, Resolution #R-10-069 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $97,974 with resources of $91,443 for a regional fire department training initiative, laid over from the June 8, 2010 meeting, was again presented and read, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #10 to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire a fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as tax map no. 003-34-016, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Gillette,

Council by the following recorded vote adopted Resolution #R-10-074 approving a fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-34-016, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Kemper Street in the City of Lynchburg, designated as tax map no. 026-29-012, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-075 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Kemper Street, designated as tax map no. 026-29-012, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire a temporary construction easement on a parcel of land fronting on Kemper street in the City of Lynchburg, designated as tax map no. 026-14-017, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-076 to acquire a temporary construction easement on a parcel of land fronting on Kemper Street, designated as tax map no. 026-14-017, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way, a temporary construction easements and permanent drainage easements on a parcel of land fronting on Kemper Street and Park Avenue in the City of Lynchburg, designated as tax map no. 010-57-001, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-077 to acquire a fee simple right-of-way, a temporary construction easements and permanent drainage easements on a parcel of land fronting on Kemper Street and Park Avenue, designated as tax map no. 010-57-001, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Park Avenue in the City of Lynchburg, designated as tax map no. 011-21-001, for the construction of the mid-town connector from the Lynchburg U.S. Route

29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-078 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Park Avenue, designated as tax map no. 011-21-001, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as tax map no. 003-36-011, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-079 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-36-011, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as tax map no. 003-36-010, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-080 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-36-010, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as Tax map no. 003-36-006, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-081 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-36-006, as presented:

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

Noes: 0

// In the matter of Community Planning – Zoning Amendments, a continuation of the public hearing was held regarding City Council Report #11 (if new proffers are received) regarding the petition of Gary Case to amend the Future Land Use Map from Resource Conservation to Office use and to rezone 25.04 acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) to allow the construction of office buildings and other uses permitted in a B-1, Limited Business District at 101 Peggy Bowen Drive and 126 Nationwide Drive. There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-10-082, as presented, amending the Future Land Use Map:

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

Noes: 0

On motion of Vice Mayor Dodson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-10-083, as presented, rezoning 25.04 acres from R-C, Resource Conservation District to B-1C, at 101 Peggy Bowen Drive and 126 Nationwide Drive:

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

Noes: 0

// Michael Bowers was not present at this meeting.

// In the matter of Library - General, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the Lynchburg Public Library Five-Year Plan and Technology Plan:

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

Noes: 0

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning the cases of <u>Samuel McConville v. Joel B.Currin and Scott Bradner</u> and <u>Mary Beard Peterson v. Michael Eagle, et als.;</u> to consider appointments to Council-appointed Boards and Commissions, i.e., Central Virginia Community College, School Board, Dr. Martin Luther King, Jr./ Lynchburg Community Council, Planning Commission, Transit Company Board (GLTC), Lynchburg Parking Authority, Lynchburg Regional Airport Commission and Regional Tourism Board; and to conduct performance evaluations of the City Manager, City Attorney and Interim Clerk of Council, respectively, pursuant to Section 2.2-3711(A.)(7) and (1), respectively, of the <u>Code of Virginia</u>, 1950, as amended:

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

Noes: 0

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

// Council Member Helgeson left during the closed meeting.

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

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

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Robert C. Mason, to serve on the Central Virginia Community College Board for a term to expire June 30, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote re-appointed Mary Ann Barker and Albert L. Billingsly to serve on the Lynchburg School Board for terms to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Jettie Marie Waller to serve on the Lynchburg School Board for a term to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Ramona Battle to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Michael D. Moore to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council to fill an unexpired term ending June 30, 2011:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Dr. James E. Coleman, Jr. to serve on the Planning Commission to fill an unexpired term ending December 31, 2011:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Lee Beaumont to serve on the Transit Company Board to fill an unexpired term ending October 31, 2012:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Perry Ahmed and Phyllistine Mosley to serve on the Regional Tourism Board for terms to expire June 30, 2013:

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

// The meeting was adjourned at 11:32 P.M.

Interim Clerk of Council