

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of April, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Helgeson, Johnson, Perrow, Foster 5

Absent: Gillette, Nelson 2

// Council Member Gillette arrived at 4:03 p.m.

// Council Member Nelson arrived at 4:04 p.m.

// Council Member Perrow introduced Caleb Tomlin, Wayne Lee and Luis Durani, representatives of the local chapter of National American Young Generation in Nuclear (NA-YGN). Mr. Durani explained that NA-YGN is a national organization of enthusiastic young professionals with careers in nuclear industry. The local chapter of NA-YGN focuses on four ideas: 1) Nuclear Energy Advocacy, 2) Social Retention of Members, 3) Community Outreach and 4) Professional and Character Development. Mr. Tomlin explained that the chapter organizes local events and activities that reach out to the community, support local education institutions and provide professional development opportunities. Mr. Tomlin went on to say that the chapter also wants to work with community outreach events and in City schools as part of the STEM (Science, Technology, Engineering and Math) effort.

// Jan Barker, Area Leader with the Virginia Cooperative Extension gave a presentation on the activities of the Virginia Extension in Lynchburg and the region. Ms. Barker provided the annual report for 2010 and the first quarter report for 2011.

// Director of Tourism for the Lynchburg Regional Convention and Visitors Bureau (CVB) Beckie Nix gave a presentation on the activities and accomplishments of the Lynchburg Regional Convention and Visitors Bureau in 2010. Ms. Nix also provided previews of the annual report that is due in May.

// City Manager Kimball Payne and City Planner Tom Martin gave a presentation on the 2010 Census Redistricting Data. Mr. Payne stated the Census Data has been received which include growth trends and population by Ward. Mr. Martin explained the "Redistricting Tool" has been created to aid in the redistricting process.

// City Manager Kimball Payne stated that Council has reviewed the entire Proposed FY 2012 Budget and also conducted a public hearing. Mr. Payne stated staff had compiled "The List" for Council's discussion. During discussion, Council Members considered various items on "The List" and contemplated employee compensation. Council Member Gillette made a motion, seconded by Vice Mayor Johnson, to propose accepting staff recommended adjustments as well as funding the Sheriff's request for temporary staff, Rebuilding Together, Lynchburg Community Action Group (LynCAG), and a Debt Service Reserve for Heritage High School. Council Member Perrow made a friendly amendment, seconded by Council Member Helgeson, advising he was in agreement with staff recommended adjustments, funding the Sheriff's request, and a Debt Service Reserve for Heritage High School, but would like further discussion on Rebuilding Together, LynCAG, Lynchburg Neighborhood Development Foundation (LNDF) and to eliminate the Legislation Liaison. After further discussion both motions were withdrawn. Council directed City Manager Kimball Payne to draft a revised plan to include those items which appear to have the support of a majority of Council.

// During Roll Call Council Member Cary stated he had three items 1) 3847 Boonsboro Road (grass is high, trash in the front yard) high traffic area needs to be cleaned up; 2) thanked City Staff on an excellent job presenting Phase II of the 5th Street Water Line Project; and 3) a letter dated March 25 from Katherine R. Hudson, President of Lynchburg Education Association which was sent home with virtually all Lynchburg school students. He received numerous calls from parents very upset regarding the content of the letter. The parents' central concern of the letter is how the School Administration and Lynchburg Education Association would use students as "pawns" in their quest for more funding. Council Member Cary would like to know what steps the School Board would be taking to investigate how this event occurred and to ensure that this does not happen again. Council Member Gillette responded to Council Member Cary regarding the letter from the Lynchburg Education Association that the content of the letter was irrelevant but what is relevant is a breach of professional boundaries from teachers to use the students in this way to deliver their message.

// City Council recessed the meeting at 7:20 p.m.

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

The following Members were present:

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

7

Absent:

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

// Mayor Foster introduced a member of the Mayor's Youth Council Kristofer Spinner.

// Mayor Foster and Vice Mayor Johnson presented the Russian Delegation each with a certificate of citizenship from the City of Lynchburg.

// Mayor Foster and Vice Mayor Johnson presented to Dr. Julian Seigle and Dr. Allison Jablonski a proclamation to Lynchburg College for "Undergraduate Research Week".

// Mayor Foster and Vice Mayor Johnson presented to Emergency Communications a proclamation for National Public Safety Telecommunications Week (NPSTW) and thanked them for the fine work that they do.

// Copies of the minutes of the March 15, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

7

Noes:

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// Copies of the minutes of the March 22, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

7

Noes:

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// Copies of the minutes of the March 29, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 5, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Development – General, Resolution #R-11-029 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$81,168, fully reimbursable, to provide 10 units of tenant-based rental assistance and associated supportive services, laid over from the March 22, 2011 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of JBO, LLC for a Conditional Use Permit (CUP) to amend the previously approved Cornerstone Traditional Neighborhood Development (TND) Design, Landscaping & Screening and Architectural Guidelines for 100, 101, 200, 201, 209, 210, 215 and 216 Cornerstone Street, 302, 320, 402, 420 Capstone Drive and 303 and 419 Rotunda Street. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the CUP petition. Mr. Martin stated that the developer of the Cornerstone Development stated several changes which would make the development even better while allowing it to be more suited to the current market conditions and demands. Mr. Jeffrey Allen and Mr. Marcus Borel representing the petitioner gave an outline of the request and asked for Council approval. One individual spoke in opposition stating he represented the Windsor Hills Neighborhood Association. The neighbors were asked their opinion on the proposed amendment and the overwhelming response was that if the amendment is approved there should be a restriction on the multi family to be specified as condominiums as opposed to apartments. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion, Council Member Gillette and Council Member Helgeson had concerns on the original agreement commitment to neighbors when it approved Cornerstone, undermined the fundamental concept of the project, more mixed use of the property, neighbors would like to see more commercial use than apartment buildings, the commercial use provides tax revenue to the City not apartment buildings. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-11-032, as presented, granting the Conditional Use Permit:

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

Noes: Gillette, Helgeson 2

// In the matter of Community Development - General, City Council Report # 13 was considered. Council Member Helgeson felt that the use of this tool was too heavy handed. On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-033, as presented, adopting a Resolution initiating amendment to the Zoning Ordinance regarding Inspection Warrants:

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

Noes: Helgeson 1

// On motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning the case of Mary Beard Peterson v. Michael Eagle, et als., pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended, because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City:

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

Noes: 0

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

// Council Member Helgeson 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: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Noes: 0

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