

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of April, 2012, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Gillette, Johnson 2

// Vice Mayor Johnson and Council Member Gillette arrived at 4:11 p.m.

// City Manager Kimball Payne gave an overview of the FY 2013 Budget and stated a draft budget Resolution would be presented to Council at the May 8th Council meeting. Mr. Payne stated the following items of concern in the budget:

- State Budget
- Virginia Retirement System and Benefits
- School Debt Service for Heritage High School

After Council discussion Council Member Perrow made a motion to approve a \$4.00 stormwater fee and to set the current real property tax rate at \$1.02 per \$100 assessed value, seconded by Council Member Cary and after further discussion Council by the following recorded vote defeated the motion:

Ayes: Cary, Helgeson, Perrow 3

Noes: Gillette, Johnson, Nelson, Foster 4

// During roll call Council Member Cary stated that he had two items 1) still receiving calls from his constituents that refuse collectors are still picking up citizens garbage with an out-of-date decal for all zip codes in the City. City Manager Payne stated that Dave Owen, Director of Public Works, is working on a proposal about ways to handle this situation. 2) Commented on the safety and liability of the Lynchburg city school bus system. The radio system is being replaced but even the new radio system will not be able to connect with the radio system and the emergency system at the E911 center.

// Council Member Helgeson had one item of concern referencing the case about a year ago with the homeowners in Cornerstone not being given proper notification of occupancy permits that have been issued.

// Vice Mayor Johnson stated that in the Tinbridge Hill area, Mr. Austin reported to him that there has been excessive speeding in the area and if someone could check to see what the speed limit is in that area. Mr. Payne asked for clarification of the streets, which are Federal Street and Hollins Mill Road.

// Mayor Foster wanted to call everyone's attention to a copy she received of the year-end review of Amazement Square and stated what a wonderful investment it is for the downtown area.

// City Council recessed the meeting at 7:13 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: 0

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 3 outlining the petition of Oaklink, LLC, to rezone approximately thirty-eight and eight hundred and eighty-nine thousandths (38.889) acres from R-2, Low-Medium Density, Single-Family Residential District to R-3C, Medium Density, Two-Family Residential District (Conditional) to allow the construction of up to seventy-eight (78) semi-detached and detached units at 207 Preserve Drive. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the rezoning petition. Mr. Bryant Hare, Representative for Oaklink, LLC gave a summary of the request asking approval for the rezoning petition. One individual spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-12-033, as presented, to rezone approximately thirty-eight and eight hundred and eighty-nine thousandths (38.889) acres to allow the construction of up to seventy-eight (78) semi-detached and detached units at 207 Preserve Drive:

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

Noes: 0

// In the matter of Airport – General, a public hearing was held regarding City Council Report #4 regarding the selling of City/Airport property to Banker Steel, Inc. Airport Director Mark Courtney gave an overview of the request. 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 Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-034, as presented regarding the selling of City/Airport property to Banker Steel, Inc.:

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

Noes: 0

// In the matter of Public Works – Monument Terrace, a public hearing was held regarding City Council Report #5 regarding the leasing of approximately 1,500 square feet of space on the first floor of the Monument Terrace Building, located at 900 Church Street, for an initial period of three (3) years, with two (2) three-year renewals, to the Lynch's Landing Foundation. City Manager Kimball Payne gave a summary of the request to acquire this land for the Lynch's Landing Foundation. 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 Resolution #R-12-035, as presented, regarding the leasing of approximately 1,500 square feet of space on the first floor of the Monument Terrace Building, located at 900 Church Street, to the Lynch's Landing Foundation:

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

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #6 regarding the vacation of Right-of-Way between Lakeside Drive and Whitehall Road. City Manager Kimball Payne gave a summary of the request regarding the vacation of Right-of-Way between Lakeside

Drive and Whitehall Road. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this matter came before the PDC on March 13th and PDC recommended approval of the vacation of Right-of-Way between Lakeside Drive and Whitehall Road. This motion does not require a second, Council by the following recorded vote adopted Ordinance #O-12-036, as presented, vacating the Right-of-Way between Lakeside Drive and Whitehall Road:

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

Noes: 0

// In the matter of Police - General, City Council Report # 7 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-12-037, as presented, approving the submittal of an application for the 2012 Edward Byrne Memorial Justice Assistance Grant, in the amount of \$43,266 for the Police Department:

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

Noes: 0

// In the matter of Transit, City Council Report #8 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-038, as presented, amending the FY 2012 General Fund budget and appropriating \$506,496, with resources from the unassigned General Fund Balance, to satisfy the Account Payable related to the operation of the Greater Lynchburg Transit Company (GLTC) operations and to preclude the renewal of a line of credit to fund GLTC operations:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// In the matter of Animals, City Council Report # 9 was considered. City Attorney Walter Erwin gave a report on roosters and chickens in the City. During Council discussion there were concerns about the nuisance ordinance, banning roosters from the City and should roosters be grandfathered in. Mr. Erwin stated that he would draft an Ordinance of possible regulations of roosters in the City and present to Council an Ordinance for consideration.

// The meeting was adjourned at 9:21 P.M.

Clerk of Council