// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 2013, at 2:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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|---|---|
| Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette | 7 |
| Absent: | 0 |

// Director of Financial Services Donna Witt gave an overview of the FY 2013 Third Quarter Budget Adjustments. Ms. Witt stated that an annual review of operating revenues and expenditures of the City's various funds are done to determine if adjustments are needed prior to the end of the fiscal year. Most of the items are offset by revenues so a large amount will not be coming from Reserve for Contingency. Ms. Witt went on to say that a public hearing is scheduled for the 7:30 p.m. meeting and at that time action will be required from Council.

// City Manager Kimball Payne gave an overview of the Capital Improvement Plan (CIP). During Council discussion of the CIP several items were asked to be discussed at future meetings.

// Communications and Marketing Director JoAnn Martin stated that the Citizen Engagement Report was provided for informational purposes.

// City Manager Kimball Payne discussed the FY 2014 Budget List. Council reviewed "The List" and based on the discussion the City Manager advised he would present a revised balanced budget at the April 23, 2013 Council meeting.

// During roll call Council Member Cary stated at the intersection of Williams Road and Trents Ferry Road a stop sign is down, and needs to be repaired. Secondly, he asked Dr. Brabrand to provide a report to justify the School funding request for 11 truancy officers, one in each elementary school.

// Council Member Helgeson asked several questions: 1) about the equipment resources of the items that were being sold from the Life Saving Crew; 2) why are institutions paying a higher water fee than homeowners? City Manager Kim Payne responded that rates are based on meter size, so the cost to institutions would be higher because of the greater demand on the system; 3) regarding the national average for citizens on food stamps versus the Lynchburg ratio.

// Mayor Gillette stated a question that came up regarding the role of the Mayor on the two standing Committees (Finance and Physical Development). It was the consensus of Council that the Mayor would continue to serve as a non-voting member on the Committees even in the event of a tie or deadlock vote at the Committee level.

// The Comprehensive Plan and Zoning Ordinance update was presented to City Council and the Planning Commission during a joint meeting. City Planner Tom Martin gave background on the Zoning Ordinance and Comprehensive Plan documents, which have previously been discussed as needing updates. He then introduced Mr. Michael Lauer and Dr. Michael Chandler, consultants from Planning Works, who presented key areas that have been identified in the Comprehensive Plan that need attention, the approach for updating that document, and a schedule for amending the Comprehensive Plan and Zoning Ordinance. The next steps in the Comprehensive Plan update are:

- Outline substantive amendments (April)
- Review with Planning Commission and Public (May)
- Draft amendments (May/June)
- Joint workshop (July)

The consultants will explore questions that Council and the Planning Commission raised on the Comprehensive Plan and Zoning Ordinance.

// City Council recessed the meeting at 5:45 p.m.

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

The following Members were present:

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

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

// Mayor Gillette recognized Mayor's Youth Council President Blake Papet.

// Mayor Gillette and Council Member Helgeson presented Certificates of Recognition to Lynchburg Christian Academy State High School Wrestling Champions.

// Copies of the minutes of the March 12, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the March 19, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Economic Development – General, Resolution #R-12-037 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $5,000, with resources from the Virginia Commission for the Arts FY 2013 Local Government Challenge Grant to provide funding for exhibitions, demonstrations, concerts, amenities and like activities as specified in the Arts & Culture District ordinance, laid over from the March 26, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Fire – General, Resolution #R-12-038 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating $36,000, with resources from the Virginia Office of Emergency Medical

Services – Rescue Squad Assistance Fund grant to purchase one replacement Quick Response Vehicle for the Fire Department, laid over from the March 26, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of Comeback Inn, LLC, to rezone approximately one and seventy-two hundredths (1.72) acres at 3320 Candlers Mountain Road from I-3, Heavy Industrial District to B-5, General Business District; to allow the existing hotel to become a conforming use. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the petition. Representative Norm Walton with Perkins & Orrison, Inc., spoke to this item and asked for Council approval of the petition. One individual spoke in support of the petition. 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 #0-13-040, as presented, granting the petition of Comeback Inn, LLC, to rezone approximately one and seventy-two hundredths (1.72) acres at 3320 Candlers Mountain Road from I-3, Heavy Industrial District to B-5, General Business District:

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

Noes: 0

// In the matter of Community Development – Zoning Amendments, a public hearing was held on City Council Report #10 regarding the petition of GDG Lynchburg Hotel, LLC to amend the Future Land Use Map (FLUM) from Employment 2 to High Density Residential, rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres from I-2, Light Industrial District to B-3, Community Business District (Conditional), and grant a Conditional Use Permit (CUP) to allow the existing hotel to become a conforming use and to allow the construction of one hundred fifty-six (156) apartment units within three (3), four (4)-story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candlers Mountain Road. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the FLUM, rezoning and CUP petitions. Representative Jason Vickers-Smith with WVS Companies, LLC, outlined the request and asked for approval. 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 Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-13-041, as presented, to amend the Future Land Use Map from Employment 2 to High Density Residential:

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

Noes: 0

On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-13-042, as presented, to rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres from I-2, Light Industrial District to B-3, Community Business District (Conditional):

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

On motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-13-043, as presented, granting the Conditional Use Permit to allow the construction of one hundred fifty-six (156) apartment units within three (3), four (4)-story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candlers Mountain Road:

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

// In the matter of Community Development – Zoning Amendments, a public hearing was held on City Council Report #11 regarding the petition of GoBo, Inc. (Bojangles) to amend the Future Land Use Map (FLUM) from Medium Density Residential to Community Commercial and to rezone approximately one and three hundred fifty four thousandths (1.354) acres from R-2, Low-Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District to B-3C Community Business District (Conditional) to allow the construction of a restaurant at 1001 and 1003 Dandridge Drive and 1000 and 1002 Ardmore Drive. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the FLUM and the rezoning petition. The Petitioner, Phil Lynch, GoBo, Inc. (Bojangles) outlined the request and asked for approval. Six individuals spoke in support of the petition. Eight individuals spoke in opposition of the petition with concerns about declining property value, increased traffic, bright lighting and increased noise. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several Council Members were opposed to the petition due to traffic concerns and the need to protect the neighborhood. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-13-044, as presented, amending the Future Land Use Map from Medium Density Residential to Community Commercial:

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

On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-13-045, as presented, to rezone approximately one and three hundred fifty four thousandths (1.354) acres from R-2, Low-Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District to B-3C Community Business District (Conditional) to allow the construction of a restaurant at 1001 and 1003 Dandridge Drive and 1000 and 1002 Ardmore Drive:

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

Noes: Foster, Gillette *2*

// In the matter of Budget, a public hearing was held on City Council Report #12 regarding amending the FY 2013 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments. Director of Financial Services Donna Witt gave a summary 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 Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-046, as presented, amending the FY 2013 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments:

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

Noes: 0

// In the matter of Airport – General, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-047, as presented, appropriating $80,000 to the Airport Operating Fund with resources from a transfer of $64,000 from state entitlement funds in the Airport Grant/Capital Fund and $16,000 from excess Airport Operating Fund revenues to fund the Air Traffic Control Tower agreement through the end of FY 2013:

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

Noes: 0

// The meeting was adjourned at 10:05 P.M.

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Clerk of Council