

// A special meeting of the Council of the City of Lynchburg, recessed from February 26, was held on the 11th day of March, 2008, at 1:00 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding the FY2009 Budget. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// City Manager Kimball Payne presented an overview regarding the FY 2009 Proposed Budget.

// Human Resources Director Margaret Schmitt provided an overview regarding the City's Workforce, followed by an overview regarding FY2009 General Fund Revenues by Financial Services Director Donna Witt.

// City Council discussed the scheduling of future budget work sessions and agreed to meet on March 18, 1:00 p.m., March 25, 1:00 p.m., April 8, 1:00 p.m., and April 15, 1:00 p.m. City Manager Kimball Payne also noted that the FY2009 Budget public hearing is scheduled for April 1 at 7:00 p.m. in the Council Chamber.

// The meeting was adjourned at 3:52 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of March, 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 led by Cub Scout Troop #180. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// At the request of Council Member Johnson, City Council held a moment of silence in remembrance of the Council Members killed in the Missouri tragedy.

// Mayor Foster read a proclamation proclaiming March 11, 2008, as "Josh McDougal Day" in recognition of his many accomplishments, including being the first member of the Liberty University Men's Track and Field Team to win the 2007 NCAA Division I Cross Country Championship.

// Copies of the minutes of the February 26 (three meetings), 2008 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Central VA Mental Health, City Council received the list of candidates interested in serving on the Central Virginia Community Services Board.

// In the matter of Finance - General, City Council Report #3 was considered. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-022, as presented, authorizing the Department of Financial Services Billings and Collections Division to destroy paid tickets for real estate and personal property taxes for FY 2001 in accordance with the requirements of the Library of Virginia records retention guidelines:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Schools - General, City Council Report #4 was considered. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-023, as presented, approving the \$7,500,000 Literary Fund Loan Application to finance the construction of the new Sandusky Middle School and adopting Resolution #R-08-024, as presented, authorizing reimbursement from bond proceeds for capital expenditures in accordance with Treasury Regulation Section 1.150.2:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Schools – Board of Trustees, a public hearing was held to seek interested candidates to fill a vacancy in District III on the Lynchburg School Board and to receive the views and/or nominations of the citizens of Lynchburg concerning the appointment of a District III representative. Mayor Foster read

the names of two individuals who reside in District III who are interested in filling the vacancy on the

School Board: Jenifer Fleury and LaVerne Reid. Mr. Jim Weigand asked that City Council appoint an individual who understands the duties and responsibilities of being a School Board member as outlined in the Virginia State Code as well as understanding a locality's ability to fund the local school system. There was no one else present who wished to speak to this item. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote agreed to continue the public hearing until March 25 to allow more time for individuals to submit their name for the District III vacancy on the Lynchburg School Board:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of City Council, a public hearing was held to receive public input on whether or not the City should convey its interest in the reversionary clause that was included in the February 8, 1995, deed conveying the former Garland-Rhodes Building to the Virginia School of the Arts (VSA). City Manager Kimball Payne provided a brief summary regarding the request. Page Carrington, Past Board President, Virginia School of the Arts, 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. In response to questioning, Ms. Carrington explained that the reversionary clause is detrimental to the School's attempts to finance improvements to the building by borrowing against the property. Mr. Payne also noted that the deed does convey the retaining walls, including future responsibility for maintenance of the walls, to VSA. On motion of Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-025, as presented, authorizing the execution of a deed and such other documents as may be necessary to remove the reversionary clause that was included in the February 8, 1995, deed conveying the former Garland-Rhodes School Building to the Virginia School of the Arts:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of Community Planning - Zoning Amendments, Mayor Foster announced that the petition of David Ahrens to amend the Future Land Use Map from Office to Medium Density Residential and for a conditional use permit to allow the construction of 6 townhouses (for sale) with associated parking in a B-1, Limited Business District, at 4873 Fort Avenue and 1103 Tolleys Lane has been withdrawn.

// In the matter of Community Planning – Historic Districts, a public hearing was held regarding City Council Report #8 regarding the petition of Filiaggi Restoration, LLC and the City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel's Hill Historic District. Historic Preservation Commission Secretary Annette Chenault along with Real Estate Manager Steve Lawson provided a brief summary regarding the request. Larry Filiaggi and Mike Bedsworth spoke in

support of the request. Mr. Richard Telling, an adjoining property owner, expressed concern regarding the

City's future plans to expand the historic district to include his property on Victoria Avenue. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Ms. Chenault explained that it would be the neighborhood and not City staff that would need to initiate a petition for historic district designation of Victoria Avenue. City Manager Kimball Payne went on to say that although staff has no intention of bringing a petition forward for historic designation of Victoria Avenue, they cannot predict what the neighborhood will do. Council Member Helgeson questioned if it would be more difficult to develop the vacant property if it is located in a historic district. Community Development Director Charlene Montford stated that the purpose of the historic district designation is not to limit choice but to preserve the character of the historic neighborhood. Following discussion, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-08-026, as presented, designating all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel's Hill Historic District:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of Community Planning/City Code, a public hearing was held regarding City Council Report #9 regarding amending Section 35.1-44.1, Historic Districts, of the Zoning Ordinance concerning the composition of the Historic Preservation Commission (HPC). Historic Preservation Commission Secretary Annette Chenault explained that the City is petitioning to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following: (1) "At least one (1) member of the HPC shall be an architect or an architectural historian..." (2) "At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service..." (3) "The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so." Ms. Chenault went on to say that the Planning Commission and Historic Preservation Commission recommend approval of Proposed Amendments (1) and (2), but recommends denial of Amendment (3) because:

- The petition for Amendment (3) "The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so" does not agree with the Comprehensive Plan's Goals, Objectives & Strategies, which ensures that regulations and review procedures are effective in achieving Plan goals and objectives. (5.12) It

does not meet the CLG Program's requirements for at least two (2) members to have professional training or experience. (CLG Program Requirements, page 13, II.B.2)

- Although the CLG Program regulations permit less than the required minimum number of professional HPC members if the local government can demonstrate it has made a reasonable effort to fill those positions, the Virginia CLG Program permits the appointment of qualified individuals from outside the community. When adequate review of any proposed action would normally involve a professional discipline not represented on the HPC, the HPC must seek appropriate professional advice before rendering its decision.
- With only one (1) HPC member meeting the professional qualifications, there is the greater likelihood for this member to have the need to abstain from participating, requiring the HPC to seek outside professional advice.
- Proposed Amendment (3) does not fulfill the CLG Program requirements for HPC Composition, and this amendment could put Lynchburg's CLG status in jeopardy.

There was no one else present who wished to speak to this item, and the public hearing was closed. In response to questioning, City Attorney Walter Erwin explained that the wording in Proposed Amendment (3) was taken directly from the Virginia Certified Local Government Program Requirements. Mr. Erwin went on to say that since the State guidelines already allow local governments this option, it is not necessary for it to be included in the City Code. Council Members discussed whether or not Amendment (3) was needed in the City Code and determined that since the option was allowed via State guidelines, then it was not necessary for it to be included in the City Code. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-08-027, as revised by including only Proposed Amendments (1) and (2), and amending Section 35.1-44.1, Historic Districts of the Zoning Ordinance concerning the composition of the Historic Preservation Commission:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #10 regarding adoption of a Resolution to approve the exchange of real estate owned by the City of Lynchburg at 2617 Lakeside Drive for real estate owned by WCI, L.C. at 2625 Lakeside Drive along with various sanitary sewer and temporary construction easements. Real Estate Manager Steve Lawson provided a brief summary regarding 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 Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-028, as presented, approving the exchange of real estate owned by the City of Lynchburg at 2617 Lakeside Drive for real estate owned by WCI, L.C. at 2625 Lakeside Drive along with various sanitary sewer and temporary construction easements:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of Public Works - Refuse, a public hearing was held regarding City Council Report #11 regarding adoption of the Regional Solid Waste Management Plan. Public Works Director Dave Owen along with Region 2000 Regional Service Authority Director Clark Gibson provided a brief summary regarding the request. One individual requested more enforcement of contractors who do not provide adequate dumpsters to control on-site debris. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-029, as presented, adopting the Regional Solid Waste Management Plan:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #12 regarding the issuance of \$15,000,000 General Obligation Public Improvement Bond Anticipation Notes (BANS). Financial Services Director Donna Witt provided a brief summary regarding 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 Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-030, as presented, authorizing the issuance of \$15,000,000 General Obligation Public Improvement Bond Anticipation Notes and authorizing the City Manager to execute appropriate documents to establish a \$15,000,000 Line of Credit:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-031, as presented, amending the FY 2008 General Fund's Adopted Budget and appropriating \$34,250 from the General Fund Reserve for Contingencies for fifty percent (50%) of the issuance costs:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #13 was considered. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-032, as presented, amending the FY 2008 City Capital Project Funds and appropriating \$185,000 to install a traffic signal at the intersection of Paulette Circle and Enterprise Drive:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Finance - Bonds, City Council Report #14 was considered. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-08-033, as presented, authorizing the reallocation of General Obligation Public

Improvement Bond Anticipation Notes in the amount of up to \$500,000 from Sewer Capital Projects to Water Capital Projects:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of Finance - Bonds, City Council Report #15 regarding the issuance of not to exceed \$10,000,000 principal amount of General Obligation Public Improvement Refunding Bonds, Series 2008 was considered. Director of Financial Services Donna Witt provided a brief summary regarding the request. On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-034, as presented, authorizing the issuance of not to exceed \$10,000,000 principal amount of General Obligation Public Improvement Refunding Bonds, Series 2008:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-035, as presented, amending the FY 2008 General, Water, Sewer and Solid Waste Management Funds' Adopted Budgets and appropriating \$24,250, \$6,790, \$11,155 and \$6,305, respectively, with resources from the refunding bond proceeds for \$48,500 of estimated issuance costs:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-036, as presented, amending the FY 2008 Solid Waste Management Fund's Adopted Budget by \$292,000 to redeem its entire principal portion of the City's outstanding General Obligation Public Improvement Refunding Bonds, 1998B Series:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// Council Member Gillette stated that one of the Committees being considered in the closed meeting is the Central Virginia Community Services Board and since he has a contract with that organization, he plans to excuse himself from participating in the discussion and voting on the appointment to this Board.

// On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Board of Zoning Appeals, School Board (District III), Board of Building Code Appeals, Community Development Advisory Committee, Community Services Board, Transit Company Board, and Parking Authority pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// Council Member Gillette excused himself from the closed meeting during the discussion regarding the appointment of an individual to fill a vacancy on the Central Virginia Community Services Board.

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

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Seiffert, Council by the following recorded vote appointed Beatrice E. Barbour to serve on the Community Development Advisory Committee for a term to expire December 31, 2008:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

On nomination of Council Member Seiffert, Council by the following recorded vote appointed James H. Mundy to serve on the Transit Company Board to fill an unexpired term ending October 31, 2008:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// City Council briefly discussed an appropriate process for reviewing the qualifications of volunteers and making appointments to the School Board and asked that this matter be placed on the March 25 work session agenda for discussion.

// The meeting was recessed at 9:23 P.M. to March 18, at 1:00 P.M., to conduct a work session regarding the FY2009 Budget.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 25, 2008**

AGENDA ITEM NO.: **5**

CONSENT: **X**

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Appointment to the Community Services Board**

RECOMMENDATION:

Receive list of candidates interested in serving on the Central Virginia Community Services Board.

SUMMARY:

Section 37.2-501 of the Virginia State Code states that prior to making any appointment to a community services board, the local government must disclose and make available to the public the names of those persons being considered for an appointment. Also, the local government must make any information on the candidates available to the public if such information is available to the local government.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Patricia W. Kost 455-3982

ATTACHMENT(S):

➤ List of candidates

REVIEWED BY: lkp

INDIVIDUALS BEING CONSIDERED FOR
APPOINTMENT TO THE
COMMUNITY SERVICES BOARD

Currently serving on Board

Alice L. Edwards (resigned)

Volunteers

Barry K. Armstrong

Alex Bell

Clyde T. Clark, Jr.

Selena G. Davis

Rob Jarvis

Kathy W. Lewis

LaVerne E. Reid

Michael L. Silgen

Shae Skelly

Diane S. Swain

041P

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 25, 2008**

AGENDA ITEM NO.: **6**

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Law Enforcement Terrorism Prevention Program Personal Protective Equipment Phase II Grant**

RECOMMENDATION:

Approve an appropriation of \$5,000 for the Law Enforcement Terrorism Prevention Program Personal Protective Equipment Phase II Grant, FY 2008.

SUMMARY:

Appropriation of \$5,000 to purchase personal protective equipment that will allow members of our Tactical Response Team to operate in chemical environments.

PRIOR ACTION(S):

January 31, 2008 - Submitted the Law Enforcement Terrorism Prevention Program Personal Protective Equipment Phase II Grant application.

March 3, 2008 - The police department was awarded the grant.

FISCAL IMPACT:

Appropriate \$5,000 of federal pass through funding for the purchase of personal protective equipment. No matching funds required.

CONTACT(S):

Acting Chief Parks H. Snead, III 455-6045
Captain H. Wayne Duff, Jr. 455-6052

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

Resolution

BE IT RESOLVED THAT the FY 2008 General Fund's adopted budget is amended and \$5,000 is appropriated with resources from proceeds received from the Law Enforcement Terrorism Prevention Program Personal Protective Equipment Phase II Grant, FY 2008, for the purchase of personal protective equipment in the Lynchburg Police Department.

Introduced:

Adopted:

Certified:

Clerk of Council

037L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 25, 2008**

AGENDA ITEM NO.: **7**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Continuation of the Public Hearing Regarding Appointment to a Vacancy that Exists in District III on the Lynchburg School Board

RECOMMENDATION:

Continuation of the public hearing to receive input from citizens regarding appointment of an individual to fill a vacancy that exists in District III on the Lynchburg School Board.

SUMMARY:

The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. The March 11 public hearing was continued in order to allow more time for public input.

PRIOR ACTION(S):

March 11, 2008: City Council Public Hearing

FISCAL IMPACT:

None

CONTACT(S):

Pat Kost 455-3982

ATTACHMENT(S):

None

REVIEWED BY: lkp

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 25 2008**

AGENDA ITEM NO.: **8**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Midtown Connector Phase I**
City Project No. T0003

RECOMMENDATION: Approval of the attached resolution which approves the location and design of the proposed project as presented at the Public Hearing and authorize the City staff to submit these documents to the Virginia Department of Transportation for approval.

SUMMARY:

A public hearing has been held on this project for the final design and location and responses to those comments are included in this package. The Location and Design drawings are complete and staff is ready to submit a package to VDOT for approval. We anticipate beginning acquiring ROW needed for this project in July and advertise for construction the spring of 2009. The project estimate is \$16,678,190.00 which includes \$13,033,131.00 for construction, \$1,121,350.00 for engineering, and \$2,348,900.00 for right-of-way and easement acquisitions. This project is funded totally by VDOT Urban Allocations, FHWA and a two percent match by the City.

PRIOR ACTION(S):

March 25, 1986 - Request to VDOT for Crosstown Connector Programming

December 12, 1989 - Dedication of street right-of-way on Park Avenue (postponed to later date)

January 9, 1990 - Dedication of street right-of-way on Park Avenue

March 12, 1996 - Reprogramming of Crosstown Connector

September 13, 2005 - Update on the Crosstown Connector Project

July 11, 2006 - Work Session, update on "Midtown Connector"

August 8, 2006 - Revised programming resolution with VDOT for Midtown Connector

February 13, 2007 - Dedication of street right-of-way for Midtown Connector, Phase Ia and Ic

FISCAL IMPACT:

SOURCE	APPROPRIATION	SPENT TO DATE	BALANCE
Midtown Connector Phase I	\$16,678,190.00	\$174,809.00	\$16,503,381.00

CONTACT(S):

Tom Wilson, PE 455-4454

Lee Newland, PE 455-3947

ATTACHMENT(S): Response to Public Hearing Comments- Letter from VDOT; Resolution

REVIEWED BY: lkp

RESOLUTION:

LOCATION AND DESIGN
PUBLIC HEARING APPROVAL RESOLUTION

WHEREAS, a Location and Design Public Hearing was conducted on February 13, 2008, in the City of Lynchburg by representatives of VDOT and the city after due and proper notice for the purpose of considering the proposed location and design of Midtown Connector Phase I, Project U000-118- V09, P-101, RW-201, R-202, C-501, UPC 8759 in the City of Lynchburg, at which hearing drawings and other pertinent information were made available for public inspection in accordance with state requirements; and

WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and

WHEREAS, the Council had previously requested the Virginia Department of Transportation to program this project; and

WHEREAS, the Council considered all such matters; now

THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg hereby approves the location and design of the proposed project as presented at the Public Hearing; and

BE IT FURTHER RESOLVED, that the City of Lynchburg will acquire all rights of way necessary for this project and certify same to the Department at the appropriate time.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, on behalf of the City of Lynchburg, all necessary railroad and utility agreements required in conjunction with acquiring such rights of way.

Adopted:

Certified:

Clerk of Council

038L



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION
P. O. BOX 11649
LYNCHBURG, VIRGINIA 24506
VDOT.Virginia.gov

March 10, 2008

City of Lynchburg
Attn: Mr. Kimball Payne, City Manager
900 Church
Lynchburg, VA 24504

Reference: Design Public Hearing – U000-118-V09,P101,R201,R202,C501
Midtown Connector
City of Lynchburg

Dear Mr. Payne:

A Location and Design Public Hearing for the above captioned project was held on February 13, 2008 at the E. C. Glass High School in City of Lynchburg. The times were from 4:00 PM to 7:00 PM. The "open forum" format was used to present the project and solicit comments.

The Midtown Connector, Phase I, is a corridor on existing sections of Kemper Street, Park Avenue and Langhorne Road. The proposed new roadway would connect on the east end at the interchange of U.S. Business 29 and Kemper Street and terminate on the west end at Memorial Avenue and Langhorne Road. The proposed three-lane context sensitive roadway safety improvement would have one lane in each direction with a center area that could be traversed by emergency vehicles. This area would be either cobbled or equipped with a contrasting pavement color to discourage regular use as a travel lane.

Seventy-three registered individuals attended the Public Hearing. VDOT officials were on hand to discuss the project, review the plans and answer questions.

In conjunction with the Hearing eight written comment sheets and one email were received. Half of the public hearing comments supported the project as presented, three supported the project with modifications.

One of the suggested modifications was to increase the roundabout to a two lane facility, based on concerns about capacity for future growth. The current design of the roundabout has taken into account the possibility of significant growth from potential redevelopment of the Midtown area. Our traffic modeling efforts have shown that the single lane roundabout will be adequate.

WE KEEP VIRGINIA MOVING

Other suggested modifications involved additional bike lanes and replacing two bridges over an abandoned rail line with large culverts to allow for future extension of a trail system. The current design includes bike lanes on Park Avenue and VDOT is evaluating how best to connect the bike lanes to the existing Kemper Street Station Trail. The decision regarding the culverts for future extension of the trail system must be made by the City of Lynchburg, and has been referred to them for consideration.

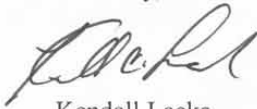
The one email that was received suggested incorporating one way streets in the project to increase traffic capacity. The proposed concept extends well beyond the project limits. Only one of the roadway segments recommended for one way travel is part of this project, and constructing this project as designed would not prevent this proposal from being adopted by the City. This email has been forwarded to the City for its review and response to the citizen. However, the city has expressed that it would like a single corridor into and out of the midtown area, and the use of one way streets would not achieve that goal.

The one comment in opposition to the project was regarding the impact to parking at the Church near the intersection of Park Avenue and Langhorne Road. City of Lynchburg and VDOT staff have met with leaders of the Church in order to provide the best design possible and minimize impacts.

I am forwarding herewith the enclosed assembly from the Public Hearing for your review and information. Please advise if you have questions.

Once we receive the resolution from the City I will forward the package to the Central Office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'K. Lacks', written in a cursive style.

Kendall Lacks
Project Manager

Design Public Hearing
Midtown Connector
City of Lynchburg
February 13, 2008

E. C. Glass High School
Lynchburg, Virginia

Design Public Hearing Comment Sheets
U000-118-V09,P101,R201,R202,C501
Midtown Connector
UPC 8759
February 13, 2008

Name	Meet Needs	Right of Way Impact	Access	Additional Information	Support	Modifications	How Notified	Questions Answered
Wayne Harris	Yes – but could be improved	Yes – but area is changing	Yes	Make a 2 lane Roundabout	Yes with mods	Traffic circle – turn lane at Park & Kemper	Paper	Yes – Thanks!!
Lynn Dodge	Yes	Yes	Yes	Excited about redevelopment this will bring to the area	Yes		Paper	Very thorough
Judy Marshall	No – taking away parking	No	No – be fair	Allow areas for the church to grow	No		Mail	
Andrew Reeder	Yes – Improves pedestrian and Bike traffic	Yes	Yes	Box culverts for underground crossing at Park & Fort. Sidewalks from Kemper Trail to Miller Park	Yes		Other	Yes
Jini Bitzer	Would like sidewalks and curbs to extend to Stuart St.	Yes	?		Yes with mods	Curb and gutters on Stuart St.	TV	Yes
Margaret Newland	Yes	Yes	Yes		Yes		Paper	Yes

James Douglass	Bike lane from Kemper trail to Miller Park	Yes	Yes	Box culverts to accommodate bikeway extensions at Fort & Park	Yes with mods	Bike lanes and box culverts	Other	Yes
Georgia Megginson	Yes	Yes	Wants to see how much her property will be affected in a real way – not drawings	Would like more information	Yes		Paper	Most

Email received

Alvin Koes – would like to know if one way streets could be considered around EC Glass to cut down on costs but increase traffic capacity.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: March 25, 2008		AGENDA ITEM NO.: 9
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> Private Street Namings Request –“Regents Parkway” and “Research Lab Road” in the Liberty University Campus, off Candler’s Mountain Road		

RECOMMENDATION: Approval of resolution to approve the private street namings request.

SUMMARY: Liberty University is requesting to name two (2) existing private streets “Regents Parkway” and “Research Lab Road.” The private streets provide for interior traffic circulation in the Liberty University (LU) campus.

Part of the existing private street to be named “Regents Parkway” is located on Norfolk Southern Railway property. LU has signed a licensed agreement with Norfolk Southern Railway for this street to remain on the Railway property. This licensed agreement provides that LU will be responsible for maintaining, and is liable for, the street.

PRIOR ACTION(S):

February 27, 2008: Planning Division recommended approval
Planning Commission recommended approval (5-0, 2 Absent-Sale and Hannon)

FISCAL IMPACT: N/A

CONTACT(S):

Charlene Montford / 455-3902
Tom Martin /455-3909
Annette Chenault /455-3894

ATTACHMENT(S):

- Resolution
- PC Report
- PC Minutes
- Vicinity Map
- Map Entitled “Road Name Request Liberty University,” by Perkins & Orrison, dated February 5, 2008

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION APPROVING THE REQUEST TO NAME TWO (2) PRIVATE STREETS
"REGENTS PARKWAY" AND "RESEARCH LAB ROAD."

BE IT RESOVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name "Regents Parkway " be, and hereby is, approved for the private street extending approximately five thousand seven hundred forty (5,740) feet in a northerly and easterly direction from Liberty University's driveway entrance off Wards Road in the Main Campus through Campus North to Candler's Mountain Road.

BE IT FURTHER RESOLVED THAT the name "Research Lab Road" be, and hereby is, approved for the private street extending approximately five hundred ninety-five (595) feet in an easterly direction from Regents Parkway to an existing driveway within Campus North.

Adopted:

Certified:

Clerk of Council

039L

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: February 27, 2008
**RE: Private Street Namings Request—"Regents Parkway" and "Research Lab Road"
in the Liberty University Campus off Candler's Mountain Road**

I. PETITIONER

Liberty University, c/o Terry Lanham, 1971 University Boulevard, Lynchburg, VA 24502-2269
Representative: Maggie Cossman, P.E., Perkins & Orrison, Inc., Agent for Liberty University,
20436 Lynchburg Highway, Unit I, Lynchburg, VA 24502

II. LOCATION

The private streets extend across several tracts of land owned by Liberty University in the southern part of the city. The property at 1971 University Boulevard contains one hundred forty-seven (147) acres. The property at 1005 Ericsson Drive contains seventeen (17) acres. The property at 100 Mountain View Road contains fifty-four (54) acres, and 3701 Candler's Mountain Road contains thirty-four (34) acres.

III. PURPOSE

The purpose of the request is to name two (2) existing private streets in the Liberty University (LU) campus "Regents Parkway" and "Research Lab Road."

IV. SUMMARY

- Request complies with City Code Section 35.105 requirements that "...all streets dedicated or private...may be assigned a name provided that a name assignment has been requested by the property owner on said street, and provided further that the Planning Commission deems the petitioned street of sufficient significance to warrant naming."
- Request complies with City Code Section 35.111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

The Planning Division recommends approval of the private street namings request.

V. FINDINGS OF FACT

1. **Background.** Maggie Cossman, P.E., Perkins & Orrison, is requesting to name two (2) existing private streets within the Liberty University campus. The street to be named “Regents Parkway” is twenty-four (24) feet in width and extends approximately five thousand seven hundred forty (5,740) feet in a northerly and easterly direction from Liberty University’s driveway entrance off Wards Road in the Main Campus through Campus North to Candler’s Mountain Road. Although this private street is shown to intersect with Ericsson Drive, Ericsson Drive in this location is a dedicated, but not yet built, right-of-way. The attached map entitled “Road Name Request Liberty University,” by Perkins-Orrison, shows the limits of construction.

The street to be named “Research Lab Road” is twenty-four (24) feet in width and extends approximately five hundred ninety-five (595) feet in an easterly direction from Regents Parkway to an existing driveway within Campus North.

2. **Zoning.** The Main Campus at 1971 University Boulevard is zoned B-5, General Business District. The properties at 1005 Ericsson Drive and 100 Mountain View Road are zoned B-5 Conditional. The property at 3701 Candler’s Mountain Road is zoned I-2, Light Industrial District. The properties have several conditional use permits for dormitories, classrooms, a visitor center, new access points, parking and a recreation facility.
3. **Waivers.** No waivers will be needed for the private street namings request.
4. **Proposed Use of Property.** The private street to be named “Regents Parkway” is a second means of access between Liberty’s Main Campus and Campus North. The private street to be named “Research Lab Road” is a connection from Regents Parkway to a road that leads to Ericsson Drive and University Boulevard on the south side of the Campus. Both streets provide for interior traffic circulation without using Candler’s Mountain Road or University Boulevard.
5. **Technical Review Committee.** Technical Review Committee (TRC) Members Gerry Harter and Greg Wormser, Emergency Communications Administrator Morris Younger and Lynchburg Post Office Customer Services Manager Jeffrey Lee reviewed the proposed private street namings request on February 4, 2008. Mr. Younger requested that the apostrophe be removed in the name “Regent’s.” With this change, there were no concerns with the proposed names, and they do not conflict with any existing street names.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the proceeding findings of fact, the Planning Commission recommends to City Council approval of the private street namings of “Regents Parkway” and “Research Lab Road” in the Liberty University Campus, off Candler’s Mountain Road.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annette M. Chenault, Planner II
Ms. Maggie Cossman, Perkins-Orrison, Representative

VII. ATTACHMENTS

- a. Vicinity Zoning Map
- b. Map Showing 'Road Name Request Liberty University,' by Perkins & Orrison, dated February 5, 2008
- c. Vicinity Zoning Map

MINUTES FROM THE FEBRUARY 27, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. A request to name two (2) existing private streets in the Liberty University (LU) campus "Regents Parkway" and "Research Lab Road."

Mr. Martin did not have any comments for the commissioners. Ms. Maggie Cossman with Perkins & Orrison came forward as the representative for the project. She explained that these are both private roads on Liberty University and Norfolk Southern Railroad property. Liberty has a lease agreement with the railroad that allows them to be on this property and Liberty will be responsible for the maintenance of these roads.

Chair Hamilton asked Mr. Martin if there are any conflicts with these names. He indicated that there are none.

Commissioner Oglesby made the following motion, which was seconded by Commissioner Worthington, and it passed by the following vote:

"That the Planning Commission recommends to City Council approval of the private street namings of "Regents Parkway" and "Research Lab Road" in the Liberty University Campus, off Candler's Mountain Road."

AYES:	Barnes, Hamilton, Oglesby, Swienton and Worthington	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon and Sale	2

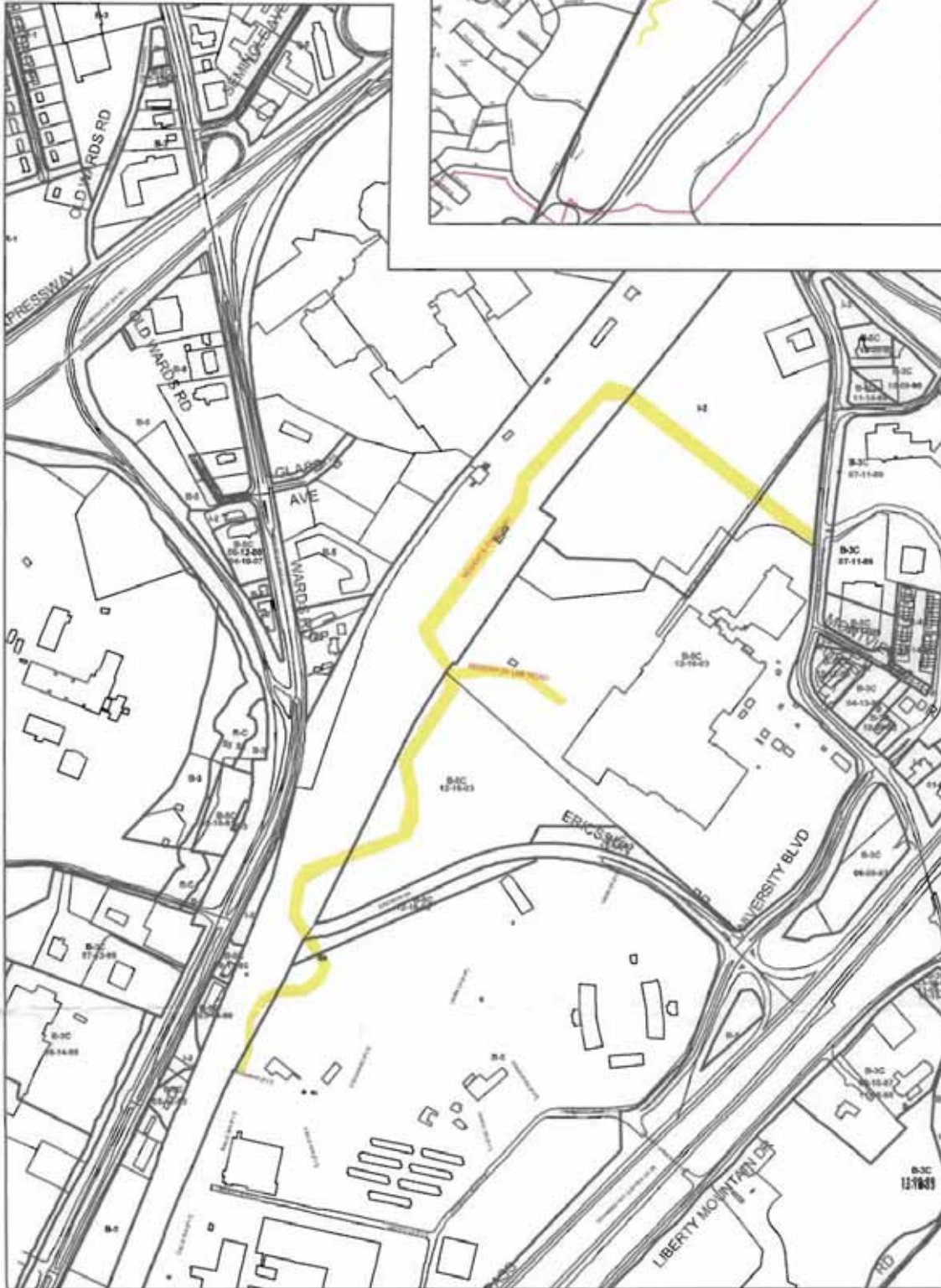
REGENTS PARKWAY
RESEARCH LAB ROAD
STREET NAMING REQUEST

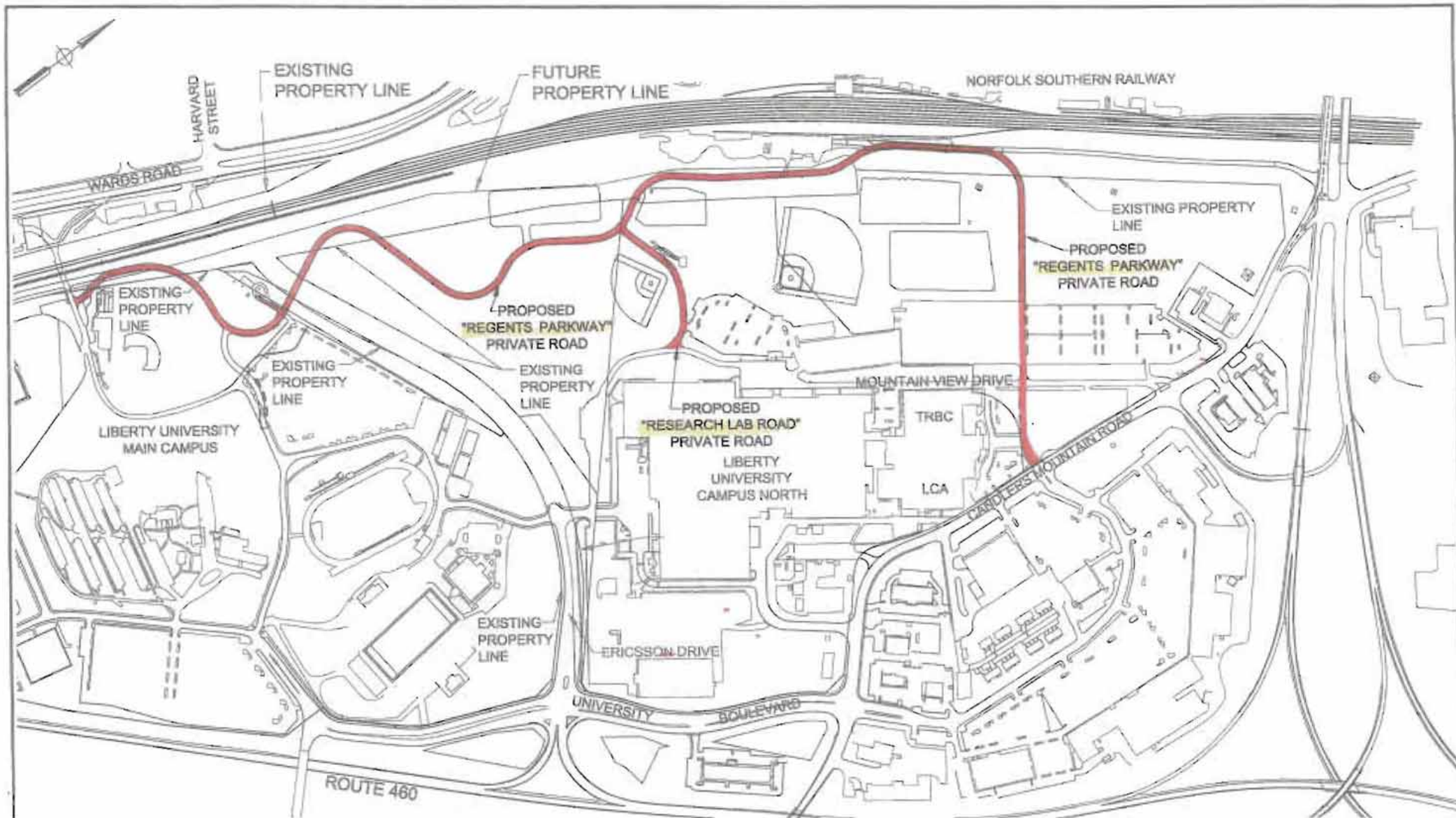


MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



Proposed Street





PO BOX 1807 17 W. NELSON STREET, LYNCHBURG, VIRGINIA 24502
PHONE: 540-454-0201 FAX: 540-454-0206
EMAIL: PNO@PERKINS-ORRISON.COM

ROAD NAME REQUEST LIBERTY UNIVERSITY

CITY OF LYNCHBURG, VIRGINIA

02/05/06 N.T.S.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 25, 2008**

AGENDA ITEM NO.: **10**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lynchburg MSA Communications Interoperability Project Memorandum of Understanding**

RECOMMENDATION:

Adopt an ordinance pursuant to 15.2 – 1300 Code of Virginia to allow the City Manager to sign a Memorandum of Understanding on behalf of the City of Lynchburg to participate in the Lynchburg Metropolitan Statistical Area (MSA) Communications Interoperability Project.

SUMMARY:

The City of Lynchburg was awarded a Department of Justice COPS Grant for Communications Interoperability. This project, known as COMLINC, will allow (22) jurisdictions in the Lynchburg Metropolitan Area to have public safety communications interoperability. Furthermore, this system will integrate with the Roanoke Metropolitan Area to provide communications interoperability in a much larger geographical area. The project is in the negotiation phase with the vendor. In order to implement this project in the different jurisdictions, it will be necessary to have a Memorandum of Understanding with each participating jurisdiction. Pursuant to Section § 15.2 – 1300 of the Code of Virginia local governments can enter into this type of joint agreement and provides that the participating political subdivisions shall approve such agreement before the agreement may enter into force. Localities shall approve such agreements by ordinance.

PRIOR ACTION(S):

None

BUDGET IMPACT:

None, there is no local match requirement.

CONTACT(S):

Major Parks H. Snead, Acting Chief of Police
Captain H. Wayne Duff, Jr.

455-6045
455-6052

ATTACHMENT(S): Ordinance

REVIEWED BY: lkp

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the City is hereby authorized to participate in the Communications Interoperability Project with other jurisdictions in the Lynchburg Metropolitan Service Area and the City Manager is hereby authorized to sign to sign a Memorandum of Understanding and any other documents that may be necessary for the City's participation in the Interoperability Project.

Adopted:

Certified:

Clerk of Council

040I