

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of March, 2009, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: 0

// Mayor Foster presented Judith Johnson, Regional Coordinator for the Brain Injury Association of Virginia, a Proclamation declaring March 2009 "Brain Injury Awareness Month."

// Copies of the minutes of the February 24 (2 meetings), 2009 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, Perrow, Foster 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #2 outlining the petition of Mt. Carmel Baptist Church for a conditional use permit to allow the construction of a twenty-five space parking lot addition within an R-3, Medium Density, Two-Family Residential District, at 807 and 811 Norwood Street. City Planner Tom Martin provided a brief summary regarding the petition. Mr. James May, representing the petitioner, outlined the request and asked for approval. Approximately twenty individuals stood 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 Johnson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-09-009, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #3 outlining the petition of Lynchburg College for a conditional use permit to amend the existing master plan within an R-2, Low-Medium Density, Single Family Residential District, to allow the construction of a softball batting cage at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven students at 408 Lakewood Street. City Planner Tom Martin provided a brief summary regarding the petition. Mr. John Lewis, Lynchburg College Associate Vice President, 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 Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-09-010, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Community Planning – Historic Districts, a public hearing was held regarding City Council Report #4 regarding the petition of Virginia University of Lynchburg to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164,

2168, 2202, 2204, and 2251 Garfield Avenue as a local Historic District overlay zone to be known as the Virginia University of Lynchburg (VUL) Historic District. Vice Mayor Dodson stated that he would abstain from participating in the public hearing since he has been a member of the Virginia University of Lynchburg Board of Trustees for many years. Vice Mayor Dodson left the Council Chamber. Historic Preservation Commission Secretary Annette Chenault provided a brief summary regarding the petition. Dr. Ralph Reavis, President, Virginia University of Lynchburg, outlined the request and asked for approval. Two individuals also 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. In response to Council questioning, Dr. Reavis stated that the University is requesting that the non contributing structures also be included in the request, and that being designated as a local historic district would give the University a little more prestige and exposure and ensure that future overseers of the University would have to adhere to the historic guidelines. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-09-011, as presented, approving the petition of Virginia University of Lynchburg to designate certain properties on Garfield Avenue between the Norfolk Southern Railway and Price Street, known as 2044, 2057, 2164, 2168, 2202, 2204, and 2251 Garfield Avenue as a local Historic District overlay zone to be known as the Virginia University of Lynchburg (VUL) Historic District:

Ayes: Garrett, Gillette, Helgeson, Johnson, Perrow, Foster

6

Noes:

0

Absent: Dodson

1

// Vice Mayor Dodson returned to the Council Chamber.

// In the matter of City Code, a public hearing was held regarding City Council Report #5 regarding adopting an Ordinance to amend Section 35.1-31 of the City Code relating to the establishment of two family dwellings which share a party wall. City Planner Tom Martin stated that in December 2008 the Planning Commission initiated an amendment to Section 35.1-31, Medium Density Residential District, R-3, Two (2) Family of the Zoning Ordinance, which currently allows duplexes as a matter of right in an R-3 District, but does not allow the sale of individual units due to setback requirements. Mr. Martin explained that the result is a zoning district which promotes rental units and that the proposed amendment would allow a duplex to be subdivided into individual units for sale which would promote homeownership opportunities. There was no one else present who wished to speak to this item, and the public hearing was closed. Council discussion focused on how "common" areas (sidewalks, driveways, utilities, etc.) would be handled and whether current duplex structures which share a common wall could be subdivided under current Building Code requirements. In response to questioning, City Attorney Walter Erwin stated that matters relating to "common" areas could be addressed through a deed restriction. Some Council Members questioned if the ordinance should only apply to new duplex structures and stated that this item should be scheduled for further discussion at a work session. Council Member Johnson stated that he was comfortable with the ordinance and did not see any need for delay. City Attorney Erwin stated that if

this item is delayed to a future work session, he would ask the Building Official to attend the work session to explain the requirements of the building code as it applies to duplex structures. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote deferred this matter to a later work session:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6

Noes: Johnson 1

// In the matter of Finance – Bonds/Schools - General, a public hearing was held regarding the issuance of not to exceed \$8,250,000 principal amount of General Obligation School Bonds to be sold to the Virginia Public School Authority for public school improvement projects. 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 Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-09-012, as presented, authorizing the issuance of an amount not to exceed \$8,250,000 principal amount of General Obligation School Bonds to be sold to the Virginia Public School Authority for public school improvement projects:

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

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-013, as presented, amending the FY 2009 School Capital Projects Fund Budget and appropriating \$16,000 for costs associated with the issuance of General Obligation School Bonds:

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

Noes: 0

// In the matter of Budget, Mr. John Romano, President of the New Towne Home Owners Association, expressed concern regarding the implementation and management by the City Manager of the City's FY 2009 Operating Budget. Mr. Romano asked that City Council review, discuss and implement improvements to the FY 2010 budget process so that the process will be open, honest and available to the public as well as provide a mechanism for citizens to be able to access updated information related to the budget throughout the budget year so that all citizens may participate.

// In the matter of Community Planning - General, City Council Report #8 regarding a request from Catherine & Van Phillips and Jon & Marika Paris for an exception to the City's Subdivision Ordinance requirements for 2453 L Street was considered. City Planner Tom Martin stated that the City's Subdivision Ordinance requires each lot in a subdivision to have frontage on an improved public street or a private street that existed prior to September 12, 1989, and that the petitioners are requesting to subdivide one existing lot which currently does not have frontage on an improved public street or existing private street into two lots. Mr. Martin explained that the Zoning Ordinance only allows the construction of one single-family dwelling on the existing lot without the need of any street improvements and that staff is recommending denial of the request. At the request of Council, Catherine Phillips, one of the petitioners, stated that the property currently adjoins a graveled road that is maintained by the City and that the

exception is being requested due to the cost that would be incurred in order to extend "L" Street to City standards. In response to Council Member Gillette's question, Ms. Phillips stated that there are no plans to further subdivide the lots and that the petitioners would be agreeable to including a notation on the final subdivision plat that would state that any further subdivision of the property would require "L" Street to be extended to City standards. In response to questioning, City Attorney Walter Erwin stated that approval of this request would not set a precedent in that each property is unique and that City Council would need to base zoning decisions on each individual property. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote agreed to allow an exception to the City's Subdivision Ordinance requirements for 2453 L Street with the understanding that a notation would be included on the final subdivision plat that would state that any further subdivision of the property would require "L" Street to be extended to City standards:

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

7

Noes:

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// In the matter of Juvenile Services - General, City Council Report #9 regarding amending the FY 2009 Comprehensive Services Act (CSA) Fund budget and appropriating \$898,500, with \$652,674 reimbursement, to fund a projected deficit in the CSA fund in FY 2009 was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. Council Member Helgeson, Chair of the Finance Committee, stated that the item came before the Finance Committee and made a motion to approve the request. No second was needed, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-014, as presented, amending the FY 2009 Comprehensive Services Act (CSA) Fund budget and appropriating \$898,500, with \$652,674 reimbursement, to fund a projected deficit in the CSA fund in FY 2009:

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

7

Noes:

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// The meeting was adjourned at 9:05 P.M.

Clerk of Council