// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of December, 2007, 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. The following Members were present:

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

Absent: 0

// Mayor Foster recognized Lindsay Shaughnessy, a member of the Mayor's Youth Council.

// Copies of the minutes of the November 27 (two meetings), 2007 meetings, having been previously furnished Council, reading was dispensed with. Mayor Foster stated that she is going to abstain from voting on the minutes since she was unable to attend the November 27 meetings. On motion of Council Member Garrett, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert 6

Noes: 0

Abstention: Foster 1

// 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 Public Works – Street Vacations, a public hearing was held regarding City Council Report #3 regarding vacating 0.183 acre of public right of way and authorizing the execution of a deed to convey the City's interest in said vacated right of way to Wards Road Corridor, LLC, in exchange of 0.033 acre of right of way to construct a hammer head cul-de-sac to the Hilton Garden Inn on Delta Street. City Engineer Lee Newland 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 Helgeson, Council by the following recorded vote adopted Ordinance #O-07-158, as presented, vacating 0.183 acre of public right of way off of Delta Street and adopted Resolution #R-07-159, as presented, authorizing the execution of a deed to convey the City's interest in said vacated right of way to Wards Road Corridor, LLC, in exchange of 0.033 acre of right of way to construct a hammer head cul-de-sac to the Hilton Garden Inn on Delta Street:

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

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #4 outlining the petition of Anderson Mediation Services to rezone 2.3 acres from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) and for a Conditional Use Permit for a Cluster Commercial Development to allow the construction of an office complex at 434 Graves Mill Road. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Trent Warner, Guffey Warner & Associates, representing the petitioner, outlined the request and asked for approval. The petitioner, Mike Anderson, was present and responded to questions regarding the project. 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 Garrett, Council by the following recorded vote adopted Ordinance #0-07-160, as presented, granting the rezoning request:

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

Noes: 0

On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following vote adopted Resolution #R-07-161, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Community Planning - Zoning Amendments, Mayor Foster announced that the public hearing regarding the petition of Wellington Residential, LLC to rezone 4.13 acres from I-2, Light Industrial District to R-3C, Medium Density, Two-Family Residential District and for a Conditional Use Permit to allow the construction of 40 townhouses (for sale) with associated parking and amenities at 3107 Swan Place and 3043 Bonsack Street has been withdrawn.

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #6 regarding adopting Section 35.1-43.2:1, Fifth Street Revitalization Corridor Overlay District (FSC), as part of the Zoning Ordinance which will establish the Fifth Street Revitalization Corridor and rezoning properties located within the boundaries of the Corridor from B-1, Limited Business District, and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density Multi-Family Residential District & B-6, Riverfront District, including the rezoning of certain properties located outside the Fifth Street Revitalization Corridor, namely 412, 414, 415 Harrison Street, 412, 413 Madison Street and 501 Fifth Street. City Planner Tom Martin provided a brief summary regarding the request. Mr. Martin stated that (e) (1) of Section 35.1-43.2:1 should be changed to read…"Residential uses fronting Fifth Street shall require a conditional use permit (CUP) unless they are part of a mixed use development." Frances Calhoun, representing the Garland Hill Neighborhood Association, presented a petition signed by individuals in the Garland Hill Historic District in support of the Fifth Street Revitalization Corridor, but requested that 412 Madison Street, 413 Madison Street, 412 Harrison Street, and 415 Harrison Street be rezoned to R-2 to be consistent with the rest of the Garland Hill Historic District. Dan Murphy, 413 Madison Street, asked that the properties in question in the Garland Hill Historic District be rezoned to R-2. Dabney McCain, President of the Fifth Street CDC, along with Scott Smith, David New, Teresa Jorgenson, representing Lynchburg Neighborhood Development Foundation, Jim Vernon and Tommy Brooks spoke in support of the Fifth Street Revitalization Corridor Overlay District and the proposed rezoning of properties. Irma Seiferth, Executive Director, Lynchburg Covenant Fellowship, asked that 412 Madison Street be rezoned to B-6 or remain B-5, but not be rezoned to R-2. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated that he had some concerns regarding the proposed setback and parking requirements in the B-6 zoning district and stated that he would like to have more time to study the proposal and suggested that this matter be referred to a future work session. Some Council Members commented that the proposal has been discussed at length by the neighborhood group and during several meetings by the Planning Commission and stated that they were comfortable with voting on the request tonight. Council Member Johnson made a motion, seconded by Vice Mayor Dodson, to approve the Fifth Street Revitalization Corridor Overlay District. Council Member Helgeson stated that he would like more time to study the proposal before voting on the matter. Council Members continued to discuss whether or not a work session was needed, and following discussion Vice Mayor Dodson made a motion, seconded by Council Member Johnson, to close the debate, and Council by the following recorded vote defeated the motion:

Ayes: Dodson, Johnson, Foster 3

Noes: Garrett, Gillette, Helgeson, Seiffert 4

Council Member Helgeson continued to express concerns regarding the setback and parking requirements and urged City Council to schedule this matter for discussion at a future work session. Upon completion of the discussion, the question was called on the motion, and Council by the following recorded vote adopted Ordinance #O-07-162, as amended, amending the City Code by adopting Sec. 35.1-43.2:1, Fifth Street Revitalization Corridor Overlay District (FSC), as part of the Zoning Ordinance:

Ayes: Dodson, Garrett, Gillette, Johnson, Seiffert, Foster 6

Noes: Helgeson 1

Council Members discussed at length whether to rezone 412 Madison Street. Council Member Gillette made a motion, seconded by Council Member Johnson, to rezone all properties except 412 Madison Street, and Council by the following recorded vote adopted Ordinance #O-07-163, as amended, rezoning properties located within the boundaries of the Fifth Street Revitalization Corridor, from B-1, Limited Business District, & B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density Multi-Family Residential District & B-6, Riverfront District, including the rezoning of 412, 414, 415 Harrison Street, 413 Madison Street and 501 Fifth Street:

Ayes: Dodson, Garrett, Gillette, Johnson, Seiffert, Foster 6

Noes: Helgeson 1

Council Member Seiffert made a motion, seconded by Council Member Garrett, to rezone 412 Madison Street to B-6. Council Member Johnson made a substitute motion, seconded by Council Member Gillette, that 412 Madison Street remains at its current B-5 zoning. City Attorney Walter Erwin advised that the legal notice advertising tonight's public hearing would not allow the property to be rezoned to B-6, therefore the original motion and second was withdrawn. The vote was called on the substitute motion, and Council by the following recorded vote approved the motion that 412 Madison Street retain its current B-5 zoning:

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 #7 regarding adopting a Resolution approving the City of Lynchburg's Solid Waste Management Plan update. Public Works Director Dave Owen 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 Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-07-164, as presented, approving the City of Lynchburg's Solid Waste Management Plan update:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster	7
Noes:		0

// In the matter of Community Development - General, a public hearing was held to add Greenview Drive as an Urban Project to the Virginia Department of Transportation's (VDOT) Six Year Improvement Program. City Traffic Engineer Gerry Harter explained that the City proposes to widen Greenview Drive from the current two-lane facility to a four-lane facility with curb and gutter, sidewalks, and a raised median with landscaping. Mr. Harter informed that Phase 1 will be a City project and will go from Frederick Drive to Hermitage Drive and that Phase 2 is being requested to be an Urban Project that will go from Hermitage to Leesville Road (including improvements to the intersection of Leesville Road and Greenview Drive), and that the purpose of this public hearing is to request VDOT to add Phase 2 as an Urban Project. Mr. Harter went on to say that the current cost estimate for this project is \$10,500,000--Phase 1 will be \$4,500,000 and fully funded using local funds, and Phase 2 will cost approximately \$6,000,000 and will be a combination of local funds, urban funds, state reconciliation funds, and revenue sharing grant funds. Ms. Lynn Watson, 1409 Greenview Drive, asked that the City move forward with the project. There was no one else present who wished to speak to this item. Mr. Harter explained that since this item had been inadvertently left off the published agenda, that tonight's public hearing would need to be continued to January 8 in order to allow more time for citizens to comment regarding the request. In response to Council questioning, Mr. Harter explained that Phase 2 will be delayed approximately 1 year with an estimated completion date late 2010. Following discussion, City Council agreed to continue this public hearing until January 8 to allow more time for public comment.

// In the matter of City Council, Dina Michel-Wiggins, representing "Producers for Public Access," stated that the producers for public access have all received notices from Comcast that December 31, 2007, will be the last day that they will be able to use the studio facilities downtown to produce their public access programs. Ms. Michel-Wiggins explained that under the current franchise with the City, Comcast is obligated to provide the same services to producers until a new franchise agreement has been reached. In response to Council questioning, City Attorney Walter Erwin stated that the current franchise agreement requires Comcast to provide three channels, i.e., education, government and public access, and that it is his understanding that Comcast will continue to provide the channel but not the support needed to produce the programs. Information Technology Director Mike Goetz informed that the City is very close to a new franchise agreement with Comcast and that he has notified Comcast that they need to continue support of the public access programs until a new contract has been approved.

// In the matter of Parking Authority, City Council Report #9 regarding endorsement of the Strategic Parking Plan was considered. City Manager Kimball Payne stated that Council received a presentation on the Strategic Parking Plan at its last work session and that in deference to the Mayor's absence, action was postponed until tonight's meeting. Mr. Payne explained that Council's endorsement of the report would allow the process of discussing and implementing the plan to proceed. Mr. Payne went on to say that human resources would be needed to determine a process for plan discussion, to establish priorities, to determine the tasks necessary for implementation and related costs, to develop a timeline, and to manage the implementation (procure equipment, work with stakeholders, establish protocols, etc.). Mr. Payne explained that if an individual is added to City staff, the position would be titled "Parking Project Manager" and would be temporary until implementation was completed, but that the position could evolve into a permanent position if necessary for sustained management of parking downtown. Mr. Payne did note that an alternative would be to hire a private parking management consultant to perform the tasks listed above, however, there would still need to be some support from City staff and furthermore, consultant costs for this phase would probably be greater than those for a City staff position and that the preference would be to hire a Parking Project Manager as a City staff position. Melinda Tennis, who owns a business downtown, stated that some downtown property owners are opposed to the City installing parking meters downtown which the Plan recommends. Dennis Howard, Parking Authority Chair, explained that public forums would be held with stakeholders during the implementation of the Plan, including the use of parking meters. Following discussion, and on motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-07-165, as presented, endorsing the Parking Authority's approach to implementation of the Strategic Parking Plan, including authorization of a new position to work with stake holders and manage plan implementation:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster	7
Noes:		0

// In the matter of Community Planning - General, City Council Report #10 regarding the Planning Division's determination that a proposal of JBO, LLC to modify the sketch plan (Cornerstone "Traditional Neighborhood Development Plan" dated April 24, 2006) for the Cornerstone Traditional Neighborhood Development to create and name three new streets and to dedicate Ridgeline Lane as a public street is in keeping with the intent of the conditional use permit adopted by City Council on June 27, 2006, was considered. City Planner Tom Martin provided a brief summary regarding the request and asked that City Council concur with the Planning Division's determination in this regard. Mr. Martin explained that City planning staff, which has already approved the new roads, contends this is a minor change that keeps the project in "substantial compliance" with the terms of the conditional use permit. City Attorney Walter Erwin informed that the Windsor Hills Neighborhood Association has submitted an appeal to the Lynchburg Board of Zoning Appeals (BZA) and that the petition cannot go forward until the pending BZA appeal has been resolved. Mr. Erwin explained that in its appeal, the Windsor Hills Neighborhood Association is seeking to halt the name approval with a ruling that the streets are major changes that must be taken to a public hearing before they can be endorsed. Council Members discussed the request and whether the changes were significant enough to require the developers to go through the formal amendment process. Following discussion, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-07-166, as presented, to reverse the decision of the Planning Division that the proposal of JBO, LLC to modify the sketch plan (Cornerstone "Traditional Neighborhood Development Plan" dated April 24, 2006) for the Cornerstone Traditional Neighborhood Development to create and name three new streets, to be known as Foundation Street, Meridian Street and Ridgeline Lane, and to dedicate Ridgeline Lane as a public street, is in keeping with the intent of the conditional use permit resolution adopted by City Council on June 27, 2007 for Cornerstone, and finds that the proposal to modify the sketch plan to create and name the three new streets in question is not in keeping with the intent of the conditional use permit resolution adopted by City Council on June 27, 2007 for Cornerstone and the proposal to modify the sketch plan is hereby disapproved:

Ayes: Dodson, Garrett, Helgeson, Johnson, Seiffert, Foster 6

Noes: Gillette 1

// In the matter of Community Planning - General, City Council Report #11 was considered. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-07-167, as presented, approving the extension and dedication of an existing public street known as Belle Terre Drive:

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

Noes: 0

// In the matter of Registrar, City Council Report #12 was considered. 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-07-168, as presented, amending the FY 2008 General Fund budget and appropriating $17,860 to cover the local costs of the statewide Democratic and Republican Presidential Primary on February 12, 2008:

Ayes: Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 6

Noes: Dodson 1

// In the matter of Taxes, City Council Report #13 was considered. 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-07-169, as presented, amending the FY 2008 General Fund budget and appropriating $88,530.66 to refund an overpayment by Banker Steel Company LLC of business licenses and business personal property taxes for calendar years 2004, 2005 and 2006:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions 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

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

// Council Member Gillette 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 Johnson, 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 Gillette, Council by the following recorded vote re-appointed Jesse Adams-Doolittle, Council Member Michael Gillette (Chair), Council Member Jeff Helgeson (Vice Chair), Celilia Hull, and Karrie Wilson to serve on the Community Development Advisory Committee for terms to expire December 31, 2008:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Walter M. Fore, Jr., 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 Gillette, Council by the following recorded vote re-appointed Richard D. Barnes to serve on the Planning Commission for a term to expire December 31, 2010:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Marjette Glass, Economic Development Director, to serve on the Lynchburg Business Development Centre Board for an indefinite term:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Traci Blido to serve on the Lynchburg Business Development Centre Board for a term to expire September 30, 2010:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Council Member Scott Garrett, Council Member Michael Gillette, Council Member Ceasor Johnson, and Council Member Joseph Seiffert to serve on the Lynchburg Community Action Board for terms to expire December 31, 2010:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed Tom Gerdy to serve on the Lynchburg Parking Authority for a term to expire October 30, 2012:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Angela Hamilton, Lynch's Landing Executive Director, to serve on the Lynchburg Parking Authority to fill an unexpired term ending October 30, 2010:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote appointed Lyons Davidson to serve on the Lynchburg Parking Authority for a term to expire October 30, 2012:

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

Noes: 0

On nomination of Council Member Gillette, Council by the following recorded vote re-appointed R. David Laurrell, Richard W. Loving and Jones H. Stanley to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2010:

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

Noes: 0

// The meeting was adjourned at 11:12 P.M.

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Clerk of Council