// A special meeting of the Council of the City of Lynchburg, recessed from July 8, was held on the 12th day of August, 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 several items. The following Members were present:

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

Absent: 0

// City Manager Kimball Payne stated that the recently released Draft Statewide Rail Plan includes as a desirable project the TransDominion Express (TDX) with the Washington, D.C. to Lynchburg leg as the first phase. Mr. Payne explained that the plan does not address, however, how such a service would be governed and the sources of funding for either the capital or operating subsidy expenses, but that it is anticipated that the Department of Rail and Public Transit (DRPT) will release more information on possible funding strategies prior to the Commonwealth Transportation Board's September meeting. Mr. Payne went on to say that in the meantime there is an opportunity to provide public comment on the Draft Statewide Rail Plan until August 25, and that City Council may want to provide input on the plan, especially the funding for TDX. Mr. Payne explained that there is a concern that the State will look to localities (primarily cities) along the rail corridor to partially finance expanded passenger service, and a recent action call from Virginia First Cities (VFC) suggests that its member cities send letters as comment on the Draft Statewide Rail Plan to include the following main points: 1) support expanded intercity passenger rail service, 2) intercity rail should be funded by the State, just as the State funds interstate roads, 3) requiring localities to pay a share of operating costs would be a new unfunded mandate and could undermine efforts to extend service, and 4) mass transit funds are insufficient and should not be used for passenger rail operating costs. Mr. Rex Hammond, Lynchburg Regional Chamber of Commerce, who has been a leader in efforts to promote the TDX, along with Lynchburg's Legislative Liaison Linda McMinimy also addressed City Council regarding this matter. Council Members discussed and reached consensus that a letter be forwarded to the Virginia Department of Rail and Public Transportation offering the City's comments regarding the Draft Statewide Rail Plan. Council asked that the letter include support for the several projects that are important to our region, i.e., improvements to the Norfolk Southern Crescent and Heartland Corridors, the TransDominion Express, including the Washington, D.C. to Lynchburg leg as the first phase, and the other phases that would connect Lynchburg to Roanoke (and as far south as Bristol) and Richmond. Council also asked that the letter request that the City be included in conversations regarding the governance and funding of TDX operations, and that the following principles should be considered in any discussion regarding how to close the gap between operating costs and passenger fare revenues: 1) Enhanced intercity passenger rail service provides broad economic and transportation benefits to the Commonwealth, similar to improved highways, and should be funded in a manner similar to the funding of primary roads and interstates; 2) Looking to localities to fund intercity passenger rail operations could have a disparate impact on those jurisdictions, primarily cities and towns, having stations, and that asking them to bear a disproportionate share of the cost of providing a service with broad statewide benefits would be inappropriate; 3) Without a funding mechanism such as the gasoline tax utilized by some Virginia Railway Express (VRE) participating localities, jurisdictions that are already fiscally stressed would have a hard time taking funds from other important services to finance intercity passenger rail; and 4) Mass transit funds, a very important source of funding for urban transit systems, should not be redirected to passenger rail. City Manager Payne stated that he would prepare a letter for Mayor Foster's signature as directed by City Council.

// Planning Commission Chair Laura Hamilton provided a brief overview regarding the Annual Report on the activities of the Planning Commission for the fiscal year ending June 30, 2008, including the implementation of the City's Comprehensive Plan 2002-2020.

// Environmental Planner Erin Hawkins provided a brief report regarding sustainability initiatives from the Natural Resources Advisory Committee (NRAC). Ms. Hawkins stated that the Natural Systems chapter of the Comprehensive Plan 2002-2020 states that the City of Lynchburg should meet "the needs of the present without compromising the ability of future generations to meet their needs". Ms. Hawkins explained that City staff recognizes that to become a sustainable city we must look at implementing practices that will result in many benefits to the community, i.e., financial savings in reduced utility and fuel costs to the local government, households and businesses; improved local air quality, contributing to the general health and well being of the community; economic development in locally produced energy products and services that keep money circulating in the local economy. Ms. Hawkins noted that currently there are practices being implemented within the City that are considered sustainable practices, i.e., hybrid vehicles have been added in Fleet Services and the GLTC fleet; landfill equipment is being converted to biodiesel; evaluating energy usage within city buildings; and encouraging recycling within city operations in addition to the city wide recycling program. Ms. Hawkins went on to say that the Natural Resources Advisory Committee has evaluated two programs that would demonstrate the City's continuing commitment to become more sustainable and that those programs are the U.S. Mayor's Climate Protection Agreement (USMCPA) and the International Council for Local Environmental Initiatives (ICLEI) – Local Governments for Sustainability. Ms. Hawkins explained that each program encourages a community to evaluate its demand on resources, set goals on how it could reduce its dependence on those resources and to create an implementation plan to achieve those goals and monitor progress, and that the only difference between the programs deals with how a community should go about creating such a plan. Ms. Hawkins noted that the USMCPA sets specific sustainability goal targets for the community and would not offer any form of assistance in developing an implementation plan or meeting those goals, while the ICLEI program would offer the City more flexibility in developing an implementation plan and setting sustainability goal targets and would also provide needed software technology that would assist city staff in evaluating demand on resources. Ms. Hawkins explained that this difference was a deciding factor in the Natural Resources Advisory Committee's recommendation that the City join the ICLEI – Local Governments for Sustainability program. Ms. Hawkins also noted that the Planning Commission recommended that the City join ICLEI.

// Deputy City Manager Bonnie Svrcek stated that since February 2008, City staff has been working on a "Sustainable City" initiative with the following Statement of Purpose: "To change our way of thinking and acting. To provide a framework by which the principles of sustainability are utilized in developing policy and in our day to day practices." Ms. Svrcek explained that the group committed to meeting every Monday at noon to create a "Sustainable City" work plan and that one of the first tasks, with additional input from the City's Leadership Team, was to describe elements of sustainability, i.e., housing, citizen engagement, fiscal responsibility, economic development, healthy and active living, safe community, infrastructure, smart growth, transportation, natural and environmental resources, education/healthy schools, cultural enrichment and social capital. Ms. Svrcek went on to say that staff is seeking Council's adoption of a resolution supporting the Sustainable City initiative, and that following the adoption of the Statement of Purpose, Vision, Definitions, Guiding Principles and elements for the Sustainable City initiative, staff will continue to develop the Vision, Operating Principles, Goals and Objectives for each of the sustainability elements. Council Member Johnson stated that he would like to make a motion that Council formally endorse the City staff sustainable initiative, and authorize the Mayor to appoint a member of Council to serve as a Council liaison to the sustainability effort, and that the duties of the liaison will be to serve as a formal point of communication between staff and Council on sustainable issues, to work continually with staff to advance sustainable issues consistent with the Council's priorities, and to report periodically to Council on how its decisions impact the sustainability efforts. The motion was seconded by Vice Mayor Dodson. Some Council Members expressed support for the statement of purpose, vision, and guiding principles of the Sustainable City initiative, recognizing that it is something that the City is already doing in some areas, and that it will be good for the future of the City. Other Council Members, while supportive of the initiative, also urged caution regarding the implementation of the short and long term objectives outlined in the Progress Report, especially regarding the land use matters. Council Members Helgeson and Garrett expressed concern regarding certain components of the Sustainable City initiative, especially some of the short and long term objectives contained in the Sustainable City Progress Report and the impact some of those objectives would have on individual property rights and on local developers by putting in place another "filter" that they would have to adhere to regarding zoning and conditional use permit petitions. City Manager Payne stated that staff is not asking City Council to adopt the Progress Report and that the report is just an example of what will be included in future reports to City Council on the 13 elements identified in the Sustainable City initiative. Mr. Payne also noted that land use issues would still need to be decided by City Council. Some Council Members commented that having a Council liaison on the Sustainable City initiative would allow for Council to be kept better informed regarding the progress of the Sustainable City initiative and to allow Council Members to express concerns and/or ideas to the liaison who, in turn, could relay that information to City staff. In response to Council questioning, City Manager Payne stated that one responsibility of staff will be to give City Council progress reports on each of the 13 elements and that if Council has any concerns regarding the direction that any of these elements are going, then Council will need to let those concerns be known since it is City Council that will ultimately have to provide the policy to guide how this City operates. Following discussion, the vote was called on the motion, and Council by the following vote adopted Resolution #R-08-102, as amended, adopting the Statement of Purpose, Vision, Definitions, Guiding Principles and elements for the Sustainable City initiative, and authorizing the Mayor to appoint a member of Council to serve as a Council liaison to the staff's sustainability effort:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster 5

Noes: Garrett, Helgeson 2

// Parks and Recreation Director Kay Frazier stated that the purpose of today's presentation is to provide City Council with information regarding the process and progress of master planning Riverside Park, and to seek comments from Council Members regarding the draft master plan. Prior to the presentation, Council Member Perrow read the following statement: "Riverside Park and the Virginia School of the Arts share a common boundary line and parking lot. In addition to serving on City Council, I also serve as member of the Board of Directors of the Virginia School of the Arts (VSA). However, I do not receive a financial interest or benefit from my service on the Board and do not have a conflict of interest in this matter. Even though I am serving as both a member of City Council and as a member of VSA's Board of Directors, I am able to participate in this matter fairly, objectively and in the public interest." Ms. Frazier along with Jane Jacobs, Project Manager for John Milner Associates, Inc., provided a brief overview regarding the Draft Riverside Park Master Plan, stating that the purpose of the plan is to form a clear mission for the park, develop concepts to actualize that mission, and direct and prioritize revitalization of the park well into the future. Ms. Frazier noted that the need for a Master Plan is recognized in both the Comprehensive Plan and in the 1998 Recreation Master Plan. Ms. Jacobs stated that specific projects include replacing an outdated playground and creating new amenities such as a "sprayground" and community amphitheatre, and that the projects would be carried out over the next 10 to 15 years. Ms. Frazier explained that there is $510,000 currently available in awarded SAFETEA-LU grant funding, and that staff will incorporate the Master Plan recommendations into the Department's 10 year capital plan. Ms. Frazier also noted that Park managers are also working with several community groups, including the Junior League and Kiwanis Club, who plan to contribute funds to Park projects, such as the Sprayground. Council Members provided comments regarding a safety concern with the parking area behind the Virginia School of the Arts, Treasure Island Road remaining open to Police and Fire for emergency access to the river, the pool area and the Dr. Walter Johnson Tennis Courts.

// Financial Director Donna Witt provided a brief summary regarding the FY 2008 Carry Forward funding requests and explained that a public hearing regarding this matter is scheduled for the 7:30 p.m. meeting.

// Council Member Helgeson suggested that discussion regarding the Greater Lynchburg Transit Company Memorandum of Understanding (MOU) be postponed to the September 23 Finance Committee meeting since the report states that it requires prior review by the Finance Committee. City Manager Kimball Payne explained that the report is in error and that this item had not been intended to go before the Finance Committee. In response to Council questioning, City Manager Payne stated that staff would prefer that this item be handled at this meeting since it addresses an audit finding and staff would like to show the auditors that the finding has been addressed before they complete our audit this year. Council agreed to move forward with this item. Council Member s discussed at length several areas of concern that Council Member Garrett had with the MOU and following discussion, City Manager Payne agreed to amend the MOU to include the following language: 1) Add a sentence that states that nothing in the MOU shall subvert or change the normal process regarding the approval of funding for GLTC which would include the annual budget process and any budget adjustments that have to be approved by City Council, and 2) that "as approved by Council" shall be added to the end of the second bullet under Operating Deficit/Surplus on page 2 of the MOU. Following discussion, Council Member Gillette made a motion, seconded by Council Member Garrett, to authorize the City Manager to sign a Memorandum of Understanding as amended to incorporate the City Manager's proposed changes and recognizing that the City Manager may choose to handle this audit finding in a different way if it turns out that the MOU is not necessary but that the City Manager will bring that back to Council for discussion. Council Member Helgeson stated that he would like to discuss at a future work session or receive a report showing the reason for the GLTC deficit for the three years mentioned in the Council report. The vote was called on the motion and Council by the following recorded vote adopted Resolution #R-08-103, as amended, to authorize the City Manager to sign a Memorandum of Understanding as amended to incorporate the City Manager's proposed changes and recognizing that the City Manager may choose to handle this audit finding in a different way if it turns out that the MOU is not necessary but that the City Manager will bring that back to Council for discussion:

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

Noes: 0

// City Manager Kimball Payne stated that the 2008 Appropriation Act requires a $50 million reduction in state aid to local governments in both FY 2009 and FY 2010, and that during the FY 2009 Budget deliberations, Council set up a Reserve for FY 2009 Local Aid to the Commonwealth in the amount of $800,000. Mr. Payne explained that the City's share of the reductions is $485,892, and that localities have been given three methods to make the reductions, i.e., 1) make the reductions out of one or more of the programs in the list provided by the Department of Planning and Budget; 2) make a reimbursement payment directly to the Commonwealth for all the reductions; or 3) choose a combination of program reductions and a reimbursement payment for the balance. Mr. Payne went on to say that the election of which option the City chooses must be submitted to the Department of Planning and Budget by August 30, and outlined several reasons that staff is recommending making a reimbursement payment directly to the Commonwealth for the City's reductions. Mr. Payne explained that the FY 2009 reimbursement amount must be paid to the Commonwealth prior to January 9, 2009. Council Members discussed and agreed to the option recommended by staff, and on motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-104, as presented, appropriating $485,892 to make a reimbursement payment to the Commonwealth of Virginia:

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

Noes: 0

Council Members then discussed the Resolution to Provide Local Aid to Localities, and following discussion asked staff to make the following changes to the Resolution: 1) delete the last "Be It Further Resolution" paragraph, 2) add a paragraph that recognizes that the reductions in state funding to the City of Lynchburg total nearly $1 million over the biennium and are significant in the areas of public safety and services to children, and 3) add a paragraph that states that because it is untenable to reduce funding for essential public safety and children's services, the City of Lynchburg has chosen to reimburse the state for the reductions in state funding, standing the relationship between the state and its localities on its head. Council Member Helgeson stated that he did not like the VML language and would not be voting in support of the Resolution. On motion of Council Member Johnson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-105, as amended to incorporate the above mentioned changes, to support the recording of the intergovernmental revenue reduction from the Commonwealth as Local Aid to the Commonwealth Contra Revenue:

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

Noes: Helgeson 1

// City Manager Kimball Payne stated that with the recent reorganization of the two Council working committees, that it would be a good time to review the guidelines to ensure that both committees are meeting Council's needs and expectations. Mr. Payne explained that at the July Finance Committee (FC) meeting, a brief discussion was held regarding the purpose of the committee and its operating guidelines and based on the discussion, the guidelines were revised for City Council's consideration and adoption. Mr. Payne also explained that the Physical Development Committee (PDC) reviewed its guidelines during its earlier meeting and may also have some recommended changes for Council to consider. Mr. Payne did note that there are two technical changes on page 2 of the PDC guidelines, i.e., the "Office of the Director of Public Works" needs to be changed to "City Engineer" in two places. Council Members discussed the following proposed changes to the FC and PDC guidelines:

Finance Committee Guidelines – Include the Annual Financial Trend Indicator Report as an item to be reviewed first by the Finance Committee.

Physical Development Committee Guidelines – In addition to the technical changes mentioned by City Manager Payne, under III. 5., add "including periodic infrastructure reports" at the end of the sentence, and under IV., at the end of the paragraph change "he is available" to "as soon as possible."

Council Member Johnson made a motion, seconded by Council Member Gillette, to adopt the Revised Finance Committee and Physical Development Committee guidelines as amended to include the changes discussed by Council. Council Member Gillette offered a friendly amendment to the motion to also include "Proposed amendments to Fiscal Management policies" and "The structure and timing of proposed bond sales" as items to be reviewed first by the Finance Committee. Council Member Johnson accepted the friendly amendment. The vote was called, and Council by the following recorded vote adopted Revised Finance Committee and Physical Development Committee guidelines as amended to include the above mentioned changes:

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

Noes: 0

// City Council discussed and finalized the structure of its Fall 2008 Retreat. Council agreed on September 8, 10:00 a.m. – 9:00 a.m., and September 9, 9:00 a.m. – 3:00 p.m. and asked that staff try to secure the facilities at Sweet Briar College for the two day retreat. Council also agreed that the following items be included for discussion during the two day retreat: Council Rules of Procedure, results of the Citizens Survey, follow up regarding the 2007 Retreat, a morning session on Economic Development, a session to identify items for future work session discussion, and Goal Setting,

// During roll call, Council Member Johnson stated that he would like to again participate in the Leadership Program and would like to use travel funds set aside in Council's budget to attend the National League of Cities (NLC) Conference in November. Council Member Johnson also encouraged other Council Members to attend. Mayor Foster mentioned that some of the members of the Mayor's Youth Council are also interested in attending the Youth Program at the NLC conference. Council Member Perrow stated that at the Physical Development Committee meeting there was a discussion regarding Council receiving an update on the recycling program, including a detailed analysis of the pros and cons of curbside recycling. Vice Mayor Dodson stated that he would like to invite Dr. Houck back to a future work session to discuss his earlier request for funding for the Johnson Health Center. In response to Vice Mayor Dodson's question, City Manager Kimball Payne stated that if the Skatepark is closed, then according to the Memorandum of Understanding between the City and Amazement Square, the Skatepark would revert to the City. City Manager Payne inquired regarding the use of an outside facilitator at the upcoming Council retreat, and following discussion it was agreed that a facilitator would only be needed during the goals setting portion of the agenda.

// The meeting was recessed at 6:10 p.m. to September 8, 10:00 a.m., for City Council's Annual Retreat.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of August, 2008, 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

// Copies of the minutes of the July 8, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Perrow, 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 Fire - General, Resolution #R-08-097 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $50,000, fully reimbursable, to repair the burn building at the Central Virginia Regional Fire Training Center, laid over from the July 8, 2008 meeting, was again presented and read, and on motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Fire - General, Resolution #R-08-098 amending FY 2009 City/Federal/State Aid Fund budget and appropriating $30,000, fully reimbursable, to purchase equipment for the Fire Department's Hazardous Materials Response Team, laid over from the July 8, 2008 meeting, was again presented and read, and on motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police - General, City Council Report #4 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-106, as presented, approving the reclassification of an Administrative Services Associate I (ASA 1) part-time position to an ASA I full-time position in the Lynchburg Police Department:

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

// In the matter of Police - General, City Council Report #5 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-107, as presented, supporting the submittal of a grant application to the Edward Byrne Memorial Justice Assistance Grant Program FY2008 Local Solicitation for $15,919 to purchase nineteen X-26 Tasers and cartridges:

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

// In the matter of Police – E911, City Council Report #6 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-108, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $51,947, with $41,559 reimbursement, to replace Emergency Communications Center equipment:

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

Noes: 0

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-109, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $81,000, with $38,500 reimbursement, to purchase two LifePak 12 monitors/defibrillators, two AutoPulse devices, and one Masimo Carboxyhemoglobin monitor:

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

Noes: 0

// In the matter of Fire - General, City Council Report #8 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-110, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $80,050, with $64,040 reimbursement, to purchase firefighter rehabilitation equipment:

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

Noes: 0

// In the matter of Commonwealth Attorney, Mayor Foster announced that City Council Report #9 regarding amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $60,250, with $45,187 reimbursement, to fund mental health and support services for the Lynchburg Youth Community Court Program has been removed from the agenda.

// In the matter of Airport - General, City Council Report #10 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-111, as presented, amending the FY 2009 Airport Capital Projects Fund budget and appropriating $190,000, with $152,000 reimbursement, for the Hangar 7 – Ramp Rehabilitation project:

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

Noes: 0

// In the matter of Courts – General, City Council Report #11 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-112, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $80,000, with $60,000 reimbursement, for the provision of screening, assessment, supervision, treatment and intervention services for the mentally ill who come in contact with the criminal justice system:

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

Noes: 0

// In the matter of Public Works - Water, City Council Report #12 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-113, as presented, amending the FY 2009 Sewer Capital Projects Fund budget and appropriating $1,500,000, fully reimbursable, for Combined Sewer Overflow (CSO) abatement projects:

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

Noes: 0

// In the matter of Public Works - Water, City Council Report #13 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-114, as presented, amending the FY 2009 Sewer Capital Projects Fund budget and appropriating $287,000, fully reimbursable, for Combined Sewer Overflow (CSO) projects, and authorizing the City Manager to execute the grant documents:

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

Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #14 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 304 Walnut Street under Section 36-19.5 of the Code of Virginia. LRHA Development Assistant Connie Snavely provided a brief summary regarding the request. Ms. Snavely stated that following notification in November 2006 regarding the exterior deficiencies, the out of town owner, Barbara Linthicum, did complete some of the deficiencies during January 2007 through May 2007, but that since that time, no additional work has been observed to correct all of the remaining deficiencies. Ms. Snavely went on to say that following notification regarding tonight’s public hearing, the owner did contact the Housing Authority and stated that she had thought that all of the exterior deficiencies had been corrected. Ms. Snavely stated that Ms. Linthicum has been provided with a list of the remaining deficiencies and has stated that she is making arrangements to have the remaining exterior deficiencies corrected and plans to have all of the work completed within 6 to 9 months. Ms. Barbara Linthicum, owner of the property, stated that she plans to complete all of the exterior deficiencies within 6 to 9 months if not earlier. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson stated that since the property owner has made a good faith effort to correct the deficiencies and has indicated that she plans to have all of the work completed within 6 to 9 months, that he would like to give the property owner some additional time to complete the deficiencies, and made a motion to postpone action on the Housing Authority’s petition for a period of 9 months in order to give the property owner an opportunity to complete the repairs. Council Member

Gillette stated that he would second the motion to open the discussion. In response to Vice Mayor Dodson's questioning, Ms. Snavely stated that once City Council has given approval for the Housing Authority to pursue acquisition of blighted property, if there is evidence that a property owner is making improvements to the property, then from past experience the Commissioners have asked that the staff monitor the situation and suspend the acquisition process. Council Member Gillette stated that he could support Council Member Johnson's proposal to allow the property owner up to 9 months if the property owner were to submit a written schedule to the Housing Authority defining the work to be done and showing a timeframe for completion of the remaining deficiencies and with the understanding that the Housing Authority could come back to City Council at anytime during the 9 months if no progress is being made to correct the remaining deficiencies. Council Member Perrow stated that he prepared a substitute motion that he would like for Council Member Johnson to consider, i.e., that we support the resolution as written with an amendment that we postpone the acquisition of the property for 60 days pending compliance with the owner's plan of correction and that the plan of correction would be monitored by the Housing Authority. City Manager Payne questioned the technical wording of the substitute motion and especially Council's authority once the matter is turned over to the Housing Authority. Council Member Helgeson suggested that action be postponed for 60 days and that if no work is being done on the property, then the Housing Authority can ask that it be added to the agenda. In response to questioning, City Attorney Erwin stated that the public hearing has been closed and that Council could postpone action on this item indefinitely and rely on City staff and the Housing Authority to notify Council within 60 days if progress is not being made on correcting the deficiencies. Mr. Erwin went on to say that at that time Council would then need to vote to bring the matter back for action. Council Members discussed the various options and following discussion, Council Member Garrett offered a substitute motion, seconded by Council Member Helgeson, to postpone the matter indefinitely and to ask the Housing Authority to notify Council of the need to reschedule the matter if there is no progress being made on the property within any 60 day period moving forward. The vote was called on the substitute motion, and Council by the following recorded vote approved the substitute motion:

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #15 outlining the petition of William and Darlene Brown to rezone 1.37 acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend existing proffers to permit the use of the property for equipment sales, rental, service, upholstery and other retail/office uses. City Planner Tom Martin provided a brief summary regarding the petition. One of the petitioners, Darlene Brown, 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 Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-08-115, as presented, granting the petition:

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #16 outlining the petition of Areva NP, Inc. for a Future Land Use Map Amendment from Low Density Residential to Office use and to rezone 4.84 acres from R-3, Medium Density, Two-Family Residential District, to B-1, Limited Business District at 111, 112 and 114 Kings Drive to allow the construction of a parking area. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Gary Case, representing the petitioner, 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 Garrett, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-116, as presented, amending the Future Land Use Map for property located at 111, 112 and 114 Kings Drive from Low Density Residential to Office Use:

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

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-117, as presented, rezoning 4.84 acres from R-3, Medium Density, Two-Family Residential District, to B-1, Limited Business District, at 111, 112 and 114 Kings Drive to allow the construction of a parking area:

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

Noes: 0

// In the matter of FY2009 Budget, a public hearing was held regarding City Council Report #17 regarding amending the FY 2009 Budget and appropriating funds to reflect the carry forward of FY 2008 appropriations that were unexpended as of June 30, 2008 in the General, Technology, City Capital Projects, City Federal State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Sewer, Water, and Solid Waste Funds, and amending the FY2008 Budget and appropriating funds in the General Fund and Comprehensive Services Act Fund. 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 Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Ordinance #O-08-118, as presented, amending the FY 2009 Budget and appropriating funds to reflect the carry forward of FY 2008 appropriations that were unexpended as of June 30, 2008 in the General, Technology, City Capital Projects, City Federal State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Sewer, Water, and Solid Waste Funds, and amending the FY2008 Budget and appropriating funds in the General Fund and Comprehensive Services Act Fund:

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

Noes: 0

// In the matter of GLTC, Mr. William Norris asked that City Council do something regarding the dangerous situation that now exists at the privately-owned Plaza transit bus hub. Mr. Norris suggested speed bumps to slow the traffic to allow time for the bus riders to safely cross the roadway when changing the buses.

// In the matter of Central Virginia Community Services, City Council Report #19 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-119, as presented, approving the Central Virginia Community Services FY 2009 Performance Contract:

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

Noes: 0

// In the matter of Central Virginia Community Services, City Council Report #20 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-120, as presented, approving the issuance of additional debt by the Central Virginia Community Services Board for the purpose of acquiring the Altavista Group Home:

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

Noes: 0

// In the matter of Human Resources - General, City Council Report #21 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-08-121, as presented, to formally reaffirm that the City of Lynchburg "picks-up" the 5% employee contribution to Virginia Retirement System (VRS):

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

Noes: 0

// In the matter of Finance - General, City Council Report #22 regarding a part-time position for the Pilot Truancy Prevention Program was considered. Deputy City Manager Bonnie Svrcek stated that staff has identified funding via the Comprehensive Services Act funds to fund the part-time Prevention Specialist, and that City Council is being asked to approve the part-time position for the program. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-122, as amended, to approve a part-time Prevention Specialist with funding from the local share of Comprehensive Services Act funds for the Pilot Truancy Prevention Program:

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

Noes: 0

// The meeting was recessed at 8:47 P.M. to September 8, at 10:00 A.M., for City Council's annual retreat to be held at Sweet Briar College.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 23, 2008** AGENDA ITEM NO.: 2

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Request for Third and Final Extension of Conditional Use Permit (CUP) for Bountiful Blessings Church, Langhorne Road, Memorial Avenue and Rose Lane**

RECOMMENDATION: Approval of a resolution to accept the third and final extension of the CUP for a twelve-month period.

SUMMARY: Apostle I. L. Ward, Sr., Pastor of Bountiful Blessings Church, is requesting a third and final extension of the Conditional Use Permit (CUP) granted by the City Council on February 13, 2007. The CUP was granted to allow the construction of a one hundred seventy-four (174) seat sanctuary, associated parking and the use of an existing structure as a “ministry” house in an R-3, Two-Family Residential District at 2805, 2811, 2815 Langhorne Road, 2100, 2106, 2108 Memorial Avenue and 2107 Rose Lane.

The City Manager has approved two, six-month extensions of the CUP with the petitioner’s understanding that the future sanctuary addition may need to shift away from Langhorne Road to allow for a possible right-of-way acquisition in support of the Midtown revitalization efforts.

The Technical Review Committee (TRC) had no concerns with granting the third and final extension of the CUP for a twelve-month period as provided by the City Code (excerpt attached).

PRIOR ACTION(S):

February 12, 2008: City Manager approved the second six-month extension of the CUP.

July 9, 2007: City Manager approved the first six-month extension of the CUP.

February 13, 2007: City Council approved the CUP.

January 24, 2007: Planning Division recommended approval of the CUP.
Planning Commission recommended approval (7-0) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the Site Plan dated February 9, 2005, revised January 17, 2007 and received by the Department of Community Development on January 16, 2007.
2. Any exterior lighting shall be glare shielded and non directional to prevent direct illumination across the property line.
3. The buildings shall meet all building code requirements as determined by the Inspections Division.
4. All interior lot lines shall be vacated prior to occupancy of the building.
5. In order to accommodate future roadway improvements as part of the Midtown Connector Project, the proposed church shall be located in a manner to provide the right-of-way necessary to construct improvements.
6. The site shall include at least fifty-eight (58) parking spaces, including two (2) handicapped accessible spaces.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):
- Resolution
- Resolution #R-07-018
- Vicinity Map
- Letter from Apostle I. L. Ward, Sr., dated July 22, 2008
- Excerpt from the City Code

REVIEWED BY: lkp

A RESOLUTION APPROVING THE THIRD AND FINAL EXTENSION OF THE CONDITIONAL USE PERMIT TO BOUNTIFUL BLESSINGS CHURCH TO ALLOW THE CONSTRUCTION OF A ONE HUNDRED SEVENTY FOUR (174) SEAT SANCTUARY WITH ASSOCIATED PARKING AND TO ALLOW THE USE OF AN EXISTING STRUCTURE AS A “MINISTRY” HOUSE IN AN R-3, TWO-FAMILY RESIDENTIAL DISTRICT ON THE PROPERTIES LOCATED 2805, 2811, 2815 LANGHORNE ROAD; 2100, 2106, 2108 MEMORIAL AVENUE; AND 2107 ROSE LANE.

WHEREAS, on January 24, 2007, the Planning Commission of the City of Lynchburg recommended approval of a request for a Conditional Use Permit submitted by the petitioner, Bountiful Blessings Church, for use of the properties at 2805, 2811, 2815 Langhorne Road; 2100, 2106, 2108 Memorial Avenue; and 2107 Rose Lane to construct a one hundred seventy four (174) seat sanctuary, associated parking and the use of an existing structure as a “ministry” house in an R-3, Two-Family Residential District; and

WHEREAS, on February 13, 2007, the City Council of the City of Lynchburg approved the request for said conditional use permit; and

WHEREAS, on July 9, 2007, the City Manager of the City of Lynchburg approved the first six-month extension of the said conditional use permit; and

WHEREAS, on February 12, 2008, the City Manager of the City of Lynchburg approved the second six-month extension of the said conditional use permit; and

WHEREAS, the City Manager of the City of Lynchburg approved two, six-month extensions of the said conditional use permit with the petitioner’s understanding that the future sanctuary addition may need to shift away from Langhorne Road to allow for a possible right-of-way acquisition in support of the Midtown revitalization efforts; and

WHEREAS, Bountiful Blessings Church, is requesting a third and final extension of the said Conditional Use Permit from the City Council of the City of Lynchburg in accordance with §35.1-15 of the Lynchburg City Charter.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG the third and final twelve-month extension of the conditional use permit to Bountiful Blessings Church is hereby, approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the Site Plan dated February 9, 2005, revised January 17, 2007 and received by the Department of Community Development on January 16, 2007.

2. Any exterior lighting shall be glare shielded and non directional to prevent direct illumination across the property line.

3. The buildings shall meet all building code requirements as determined by the Inspections Division.

4. All interior lot lines shall be vacated prior to occupancy of the building.

5. In order to accommodate future roadway improvements as part of the Midtown Connector Project, the proposed church shall be located in a manner to provide the right-of-way necessary to construct improvements.

6. The site shall include at least fifty-eight (58) parking spaces, including two (2) handicapped accessible spaces.

Adopted:

Certified: __________________________
Clerk of Council

109L

RESOLUTION: #R-07-018

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO BOUNTIFUL BLESSINGS CHURCH TO ALLOW THE CONSTRUCTION OF A ONE HUNDRED SEVENTY FOUR (174) SEAT SANCTUARY WITH ASSOCIATED PARKING AND TO ALLOW THE USE OF AN EXISTING STRUCTURE AS A "MINISTRY" HOUSE IN AN R-3, TWO-FAMILY RESIDENTIAL DISTRICT ON THE PROPERTIES LOCATED 2805, 2811, 2815 LANGHORNE ROAD; 2100, 2106, 2108 MEMORIAL AVENUE; AND 2107 ROSE LANE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Bountiful Blessings Church for a Conditional Use Permit for use of the properties at 2805, 2811, 2815 Langhorne Road; 2100, 2106, 2108 Memorial Avenue; and 2107 Rose Lane to construct a one hundred seventy four (174) seat sanctuary, associated parking and the use of an existing structure as a "ministry" house in an R-3, Two-Family Residential District be, and the same is hereby, approved subject to the following conditions:

(1) The property shall be developed in substantial compliance with the Site Plan dated February 9, 2005, revised January 17, 2007 and received by the Department of Community Development on January 17, 2007.

(2) Any exterior lighting shall be glare shielded and non directional to prevent direct illumination across the property line.

(3) The buildings shall meet all building code requirements as determined by the Inspections Division.

(4) All interior lot lines shall be vacated prior to occupancy of the building.

(5) In order to accommodate future roadway improvements as part of the Midtown Connector Project, the proposed church shall be located in a manner to provide the right-of-way necessary to construct improvements.

(6) The site shall include at least fifty-eight (58) parking spaces, including two (2) handicapped accessible spaces.

Adopted: February 13, 2007

Certified: Clerk of Council

021L

cc: T. Martin

Bountiful Blessings
WORLD VISION MINISTRIES

2805 Langhorne Road
Lynchburg, VA 24501
(434) 845-3034 Office
(434) 237-9171 Fax
Pastor I. L. Ward, Sr., B.S., M.Ad.
Evangelist Barbara Ward, Co-Pastor

July 22, 2008

Mr. L. Kimball Payne, III
Lynchburg City Manager
900 Church Street
Lynchburg, VA 24504

Re: Request for third extension

Dear Mr. Payne:

This is to respectfully request a third and final twelve (12) month extension per your letter to me dated February 12, 2008.

I spoke with Mr. Tom Wilson, Engineering Project Manager, and he said the "second city drawing" is the drawing that we can make plans for our new sanctuary. Also, the city will probably be making "financial offers" to land owners involved by November of this year; therefore, it would be prudent to wait then to have our architect to do a final drawing of our project.

Mr. Payne, please let me know when this matter will come before City Council so, that we can have a representative from our church at the Council meeting!

Remember, ☺

Sincerely yours,

I. L. Ward, Sr.
Apostle I.L. Ward, Sr.
Pastor

cc: Mr. Tom Martin, City Planner

RECEIVED
JUL 24 2008

Excerpt from the Lynchburg City Code

Sec. 35.1-15. Conditional use permits issued by city council.

(i) Time limitations on the validity of a conditional use permit.

(1) If a building permit for construction authorized by a conditional use permit granted under these regulations shall not have been applied for within six (6) months of the granting of such conditional use permit, the conditional use permit so granted shall become void, unless the following appeal procedures are applied for and secured. Prior to the aforestated six (6) month expiration, a six (6) month extension may be applied for through the city manager's office.

(2) Two (2) such six month extensions may be obtained. A third and final twelve (12) month extension may be requested from city council prior to the expiration of the second six (6) month administrative extension.

BOUNTIFUL BLESSINGS CHURCH
2805, 2811, 2815 Langhorne Road,
2100, 2106, 2108 Memorial Avenue,
2107 Rose Lane
Map # 003-32-002/07, 09
Conditional Use Permit Request
Petitioner: Bountiful Blessings Church

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

N

Subject Property

200 ft Radius

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 23, 2008**		AGENDA ITEM NO.: 3
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **CONDITIONAL USE PERMIT (CUP) – Planned Unit Development, Grand Oaks at Boonsboro, 2016, 2020 and 2028 Mimosa Drive**

RECOMMENDATION: Place the CUP petition on a future City Council agenda for action.

SUMMARY: At its January 8, 2008 meeting the City Council conducted a public hearing concerning the petition of Systematic Concepts, LLC petition for a conditional use permit to allow a Planned Unit Development (PUD) that would include the construction of seven (7) single-family detached homes and twenty-four (24) single-family attached homes. After discussion the City Council postponed action indefinitely on the petition, to allow the developers an opportunity to address environmental concerns and density issues.

The petitioner has submitted a revised site plan proposing the construction of eight (8) single-family detached homes and eighteen (18) single-family attached homes. The revised plan also provides for a reduced environmental impact by eliminating one (1) road and homes that were proposed on the steepest part of the site.

PRIOR ACTION(S):

January 8, 2008: City Council conducted a public hearing and postponed action indefinitely on the petition.

December 12, 2007: Planning Commission recommended approval (7-0) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the site plan dated November 2, 2007, revised November 30, 2007 and received by the Department of Community Development on December 5, 2007.
2. The homes will be developed in substantial compliance with the photos and architectural renderings for the four (4) residential homes received by the Department of Community Development on November 5, 2007. Exterior building materials for the homes will include a combination of brick, vinyl and stone.
3. Any exterior lighting will be glare-shielded and non-directional to prevent direct illumination across the property line.
4. The existing cemetery and the large oak trees in this area will be preserved and incorporated into the design of the development.
5. The petitioner will field locate the existing maple and the two (2) existing pine trees at the front of the development; significant efforts will be made to preserve these trees in the design phase of the development.
6. The City's Transportation Engineer will conduct a left-turn survey for the proposed development. If the survey warrants the installation of a turn lane for the project, the feature will be designed and installed at the owner's expense.

November 14, 2007: The Planning Division recommended approval of the conditional use permit.

Planning Commission deferred the project to a December 12th work session to allow the applicant time to identify and address concerns that were voiced during the public hearing.

November 8, 2007: The Design Review Board determined that the proposed PUD plan met the objectives of the *Zoning Ordinance*. These objectives include:

a. Aesthetic and architectural relationships with the surrounding communities;
b. Conclusions regarding on-site amenities and improvements;
c. On-site arrangement of improvements and structures;

FISCAL IMPACT: N/A

CONTACTS: Charlene Montford/ 455-3902; Tom Martin/ 455-3909

ATTACHMENT(S):
January 8, 2008 City Council minutes
Site Plan received December 5, 2007
Site Plan received September 17, 2008

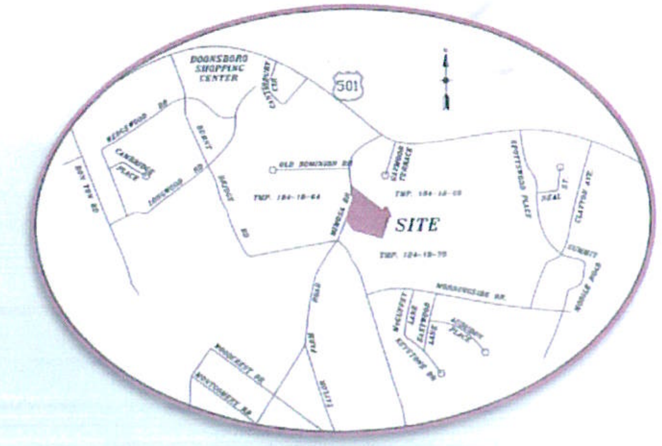
REVIEWED BY: lkp

Council Meeting Minutes – January 8, 2008 – Grand Oaks at Boonsboro

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #4 outlining the petition of Systematic Concepts, LLC for a Conditional Use Permit for a Planned Unit Development to allow for the construction of a combination of 31 single-family attached and single-family detached homes at 2016, 2020 and 2028 Mimosa Drive. City Planner Tom Martin provided a brief summary regarding the petition, explaining that both the Planning Division and Planning Commission are recommending approval of the Conditional Use Permit. Mr. Tom Guffey, Guffey, Warner & Associates, representing the petitioner, outlined the request and asked for approval. Mr. Guffey explained that the developers have submitted a revised conceptual layout to address comments and concerns presented at the November 28 Planning Commission meeting. Mr. Guffey went on to say that the existing cemetery will be cleaned up and made a focal point of the development. An adjoining property owner spoke in support of the petition stating that she prefers this development with smaller homes over a development by right with larger homes. Fourteen individuals spoke and a petition was presented in opposition to the proposed development citing concerns regarding traffic, pedestrian safety, that the development would not be in character with the existing neighborhood, stormwater runoff onto adjoining properties with potential damage to adjacent streams/valleys, damage to the adjacent watershed, previous commitment to existing property owners regarding maintaining the residential status of properties in the area, overdevelopment of the property, too high density for the amount of land, and the negative impact on adjoining property values. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members discussed the proposed development and offered the following comments and concerns, i.e., environmental impact needs more study, the R-1 zoning commitment made to citizens should be preserved, development does not fit and will change the character of the neighborhood, too high density, traffic, pedestrian safety, overdevelopment of the property, impact to enrollment on adjacent elementary school, and stormwater runoff onto adjoining properties with potential damage to adjacent streams/valleys, damage to the adjacent watershed. Council Member Helgeson did note that this is not a request to change the zoning of the property, that it is a development allowed by right with a conditional use permit, that it is a professional development, that the existing cemetery will be cleaned up and maintained, and that all of the structures will be single family homes. Council Member Garrett offered a suggestion that the developers consider donating a portion of the property to resource conservation and revising the site plan to reduce the number of buildings to no more than twenty homes. Other Council Members voiced support for Council Member Garrett's suggestion and when questioned, the developers' representative stated that they would like an opportunity to work on the environmental concerns and density of the site and asked that City Council table this matter. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded agreed to postpone action indefinitely regarding the petition of Systematic Concepts, LLC for a Conditional Use Permit for a Planned Unit Development to allow for the construction of a combination of 31 single-family attached and single-family detached homes at 2016, 2020 and 2028 Mimosa Drive:

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

Grand Oaks at Boonsboro



THE DEVELOPMENT OF GRAND OAKS AT BOONSBORO

1. THIS PROPERTY CONTAINS 8.9 ACRES AND IS IDENTIFIED AS TMP 184-18-070, 184-18-064, & 184-18-069.
2. THIS PROPERTY IS ZONED R1 AND A CONDITIONAL USE PERMIT IS REQUESTED TO DEVELOP 7 UNITS OF SINGLE FAMILY DETACHED AND 24 UNITS OF SINGLE FAMILY ATTACHED HOMES.
3. SINGLE FAMILY DETACHED HOMES WILL BE BUILT ALONG MIMOSA DRIVE TO STAY IN CHARACTER WITH THE EXISTING NEIGHBORHOOD.
4. ALL UNITS WILL INCORPORATE AN ATTACHED ONE OR TWO CAR GARAGE.
5. STREETS AND ALLEYS WILL BE CONSTRUCTED TO CITY OF LYNCHBURG STANDARDS.
6. ALL UNITS WILL BE SERVED BY PUBLIC WATER AND SEWER.
7. STREET LIGHTING WILL BE PROVIDED AND WILL BE SHIELDED, NON-GLARE IN TYPE.
8. A PROPERTY OWNER'S ASSOCIATION WILL BE CREATED TO MAINTAIN ALL COMMON AREAS AND PRIVATE ROADS.
9. REFUSE COLLECTION WILL BE PROVIDED TO INDIVIDUALS BY A PRIVATE COLLECTION PROVIDER.
10. BASED ON A GRAPHIC DETERMINATION THIS PROPERTY FALLS WITHIN ZONE C OF THE FEMA FLOOD INSURANCE RATE MAP PANEL NUMBER 5100930005 B, DATED SEPTEMBER 1, 1978.
11. DENSITY = 4 UNITS PER ACRE

SINGLE FAMILY DETACHED =	1.68 AC OR	18.87 %
SINGLE FAMILY ATTACHED =	3.17 AC. OR	35.64%
COMMON AREAS =	3.94 AC. OR	44.27%
CONVEYED AREA =	.105 AC. OR	1.22%

12. AMENITIES
    1. LANDSCAPED COURTYARD WITH SITTING AREAS
    2. GAZEBOS AND ARBORS
    3. NETWORK OF SIDEWALKS FOR WALKING
    4. NATURE WALKING TRAILS
    5. ACCESS TO PUBLIC TRANSPORTATION WITHIN WALKING DISTANCE
    6. HOME OWNER'S ASSOCIATION TO PROVIDE LAWN CARE MAINTENANCE, SNOW REMOVAL FOR PRIVATE ROADS AND COMMON AREAS AND MAINTENANCE OF LANDSCAPED AREAS.

CONTACT INFORMATION

SYSTEMATIC CONCEPTS LLC.
P.O. BOX 10773
LYNCHBURG VIRGINIA 24506

PROJECT NARRATIVE

THIS PROPERTY IS LOCATED ON THE EAST SIDE OF MIMOSA DRIVE APPROXIMATELY 1000' SOUTH OF BOONSBORO ROAD. THE SITE CONSISTS OF 3 PARCELS OF LAND WHICH WILL BE COMBINED FOR A TOTAL OF 8.9 ACRES. THE SITE IS VACANT WITH THE EXCEPTION OF AN ABANDONED BRICK BUILDING, WHICH WAS, AT ONE TIME, A RADIO STATION. THIS BUILDING WOULD BE DEMOLISHED IN CONJUNCTION WITH PROPOSED IMPROVEMENTS. THE SITE IS SERVED BY PUBLIC WATER AND SEWER. A CONDITIONAL USE PERMIT HAS BEEN APPLIED FOR WHICH WOULD ALLOW FOR A PLANNED UNIT DEVELOPMENT. THIS DEVELOPMENT WOULD INCLUDE 7 SINGLE FAMILY DETACHED AND 24 SINGLE FAMILY ATTACHED UNITS. THE ROAD FRONTAGE ALONG MIMOSA DRIVE WOULD BE DEVELOPED WITH SINGLE FAMILY DETACHED IN AN EFFORT TO COMPLY WITH THE TYPE OF CONSTRUCTION THAT PRESENTLY EXIST. THE AREA BEHIND THESE STRUCTURES WOULD BE A MIXTURE OF SINGLE FAMILY DETACHED AND SINGLE FAMILY ATTACHED (PATIO HOMES). THESE HOMES WOULD MARKET TO THE UPPER-MIDDLE INCOME BRACKET. A HOMEOWNER'S ASSOCIATION WOULD BE CREATED THAT WOULD PROVIDE LAWN AND LANDSCAPE CARE, SNOW REMOVAL AND MAINTENANCE FOR COMMON AREAS AND PRIVATE ROADS. STORMWATER MANAGEMENT MAINTENANCE WILL ALSO BE PROVIDED BY THE HOME OWNER'S ASSOCIATION. REFUSE COLLECTION WOULD BE PROVIDED AT EACH HOME, BY A PRIVATE COLLECTION PROVIDER. BUFFERING WILL BE PROVIDED TO PRESERVE THE PRIVACY OF THE EXISTING HOME OWNERS. PUBLIC TRANSPORTATION IS WITHIN CLOSE PROXIMITY TO THE PROJECT AND THE SITE IS LOCATED CONVENIENTLY TO RETAIL AND MEDICAL FACILITIES.

PARKING SUMMARY

PARKING REQUIRED = 32 x 2.5 = 80 SPACES

PARKING PROVIDED =	ONE CAR GARAGES =	27 SPACES
	TWO CAR GARAGES =	8 SPACES
	DRIVEWAYS =	31 SPACES
	ON-STREET =	21 SPACES
	ALLEYS =	12 SPACES

STORMWATER NARRATIVE

STORMWATER WILL BE ADDRESSED THROUGH A LOW-IMPACT DESIGN STRATEGY TO ADDRESS BOTH WATER QUALITY AND DETENTION. THIS WILL BE ACHIEVED BY THE USE OF ISOLATED RAIN GARDENS AND GRASS LINED SWALES. THE DISCHARGE FROM THE RAIN GARDENS WILL BE ROUTED TO AN ADEQUATE CHANNEL, SUFFICIENT TO HANDLE THE STORMWATER FROM THIS FACILITY. THE DESIGN OF THESE MEASURES WILL BE COORDINATED WITH THE CITY OF LYNCHBURG'S ENVIRONMENTAL PLANNER AND FINAL PLANS WILL BE SUBMITTED FOR REVIEW AND APPROVAL.

IF THIS DRAWING IS A REDUCTION GRAPHIC SCALE MUST BE USED

50' 0 50'

NOTE:

HOMES ARE EITHER ONE OR ONE AND ONE HALF STORY HOMES, ALL WITH MAIN FLOOR MASTER BEDROOMS.

RECEIVED

DEC 0 5 2007

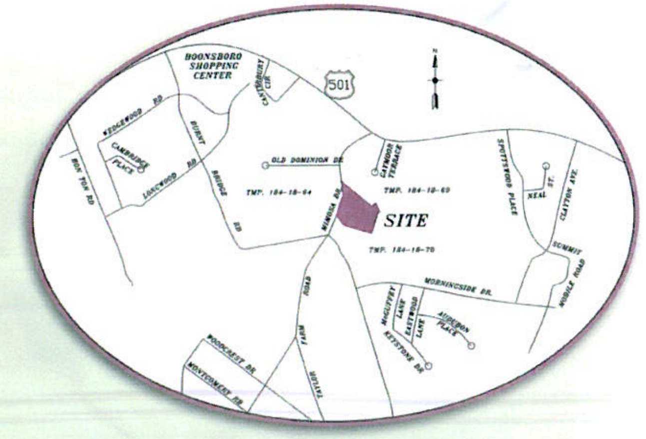
COMMUNITY DEVELOPMENT

NO.	REVISION	BY	DATE
2	ADDRESS CITY COMMENTS	GLM	11-30-07
1	ADDRESS TRC COMMENTS	GLM	11-2-07

GUFFEY WARNER & ASSOCIATES
ENGINEERS & SURVEYORS
21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-239-6000
FAX: 434-239-6001

DRAWN BY:	GLM
REVIEWED BY:	TJW
PROJECT No.	07069.00
FILE NAME:	C-1.DWG
SCALE:	GRAPHIC
PROJECT:	GRAND OAKS AT BOONSBORO, LYNCHBURG, VIRGINIA
TITLE:	CONCEPTUAL LAYOUT
DATE:	REV. 11-30-07 10-8-07
DRAWING No:	C-1
SHEET NUMBER:	1 OF 1

Grand Oaks at Boonsboro



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7. STREET LIGHTING WILL BE PROVIDED AND WILL BE SHIELDED, NON-GLARE IN TYPE.
8. A PROPERTY OWNER'S ASSOCIATION WILL BE CREATED TO MAINTAIN ALL COMMON AREAS AND PRIVATE ROADS.
9. REFUSE COLLECTION WILL BE PROVIDED TO INDIVIDUALS BY A PRIVATE COLLECTION PROVIDER.
10. BASED ON A GRAPHIC DETERMINATION THIS PROPERTY FALLS WITHIN ZONE C OF THE FEMA FLOOD INSURANCE RATE MAP PANEL NUMBER 5100930005 B, DATED SEPTEMBER 1, 1978.
11. DENSITY = 2.92 UNITS PER ACRE

SINGLE FAMILY DETACHED =	1.81 AC OR 20.34 %
SINGLE FAMILY ATTACHED =	2.57 AC. OR 28.87%
COMMON AREAS =	4.41 AC. OR 49.55%
CONSERVATION AREA=	0.89 AC. (PORTION OF COMMON AREA)
CONVEYED AREA =	0.11 AC. OR 1.24%

12. AMENITIES
    1. LANDSCAPED COURTYARD WITH SITTING AREAS
    2. GAZEBOS AND ARBORS
    3. NETWORK OF SIDEWALKS FOR WALKING
    4. NATURE WALKING TRAILS
    5. ACCESS TO PUBLIC TRANSPORTATION WITHIN WALKING DISTANCE
    6. HOME OWNER'S ASSOCIATION TO PROVIDE LAWN CARE MAINTENANCE, SNOW REMOVAL FOR PRIVATE ROADS AND COMMON AREAS AND MAINTENANCE OF LANDSCAPED AREAS.

CONTACT INFORMATION

SYSTEMATIC CONCEPTS LLC.
P.O. BOX 10773
LYNCHBURG VIRGINIA 24506

STORMWATER NARRATIVE

STORMWATER WILL BE ADDRESSED THROUGH A LOW-IMPACT DESIGN STRATEGY TO ADDRESS BOTH WATER QUALITY AND DETENTION. THIS WILL BE ACHIEVED BY THE USE OF ISOLATED RAIN GARDENS AND GRASS LINED SWALES. THE DISCHARGE FROM THE RAIN GARDENS WILL BE ROUTED TO AN ADEQUATE CHANNEL, SUFFICIENT TO HANDLE THE STORMWATER FROM THIS FACILITY. THE DESIGN OF THESE MEASURES WILL BE COORDINATED WITH THE CITY OF LYNCHBURG'S ENVIRONMENTAL PLANNER AND FINAL PLANS WILL BE SUBMITTED FOR REVIEW AND APPROVAL.

PROJECT NARRATIVE

THIS PROPERTY IS LOCATED ON THE EAST SIDE OF MIMOSA DRIVE APPROXIMATELY 1000' SOUTH OF BOONSBORO ROAD. THE SITE CONSISTS OF 3 PARCELS OF LAND WHICH WILL BE COMBINED FOR A TOTAL OF 8.9 ACRES. THE SITE IS VACANT WITH THE EXCEPTION OF AN ABANDONED BRICK BUILDING, WHICH WAS, AT ONE TIME, A RADIO STATION. THIS BUILDING WOULD BE DEMOLISHED IN CONJUNCTION WITH PROPOSED IMPROVEMENTS. THE SITE IS SERVED BY PUBLIC WATER AND SEWER. A CONDITIONAL USE PERMIT HAS BEEN APPLIED FOR WHICH WOULD ALLOW FOR A PLANNED UNIT DEVELOPMENT. THIS DEVELOPMENT WOULD INCLUDE 8 SINGLE FAMILY DETACHED AND 18 SINGLE FAMILY ATTACHED UNITS. THE ROAD FRONTAGE ALONG MIMOSA DRIVE WOULD BE DEVELOPED WITH SINGLE FAMILY DETACHED IN AN EFFORT TO COMPLY WITH THE TYPE OF CONSTRUCTION THAT PRESENTLY EXIST. THE AREA BEHIND THESE STRUCTURES WOULD BE A MIXTURE OF SINGLE FAMILY DETACHED AND SINGLE FAMILY ATTACHED (PATIO HOMES). THESE HOMES WOULD MARKET TO THE UPPER-MIDDLE INCOME BRACKET. A HOMEOWNER'S ASSOCIATION WOULD BE CREATED THAT WOULD PROVIDE LAWN AND LANDSCAPE CARE, SNOW REMOVAL AND MAINTENANCE FOR COMMON AREAS AND PRIVATE ROADS. STORMWATER MANAGEMENT MAINTENANCE WILL ALSO BE PROVIDED BY THE HOME OWNER'S ASSOCIATION. REFUSE COLLECTION WOULD BE PROVIDED AT EACH HOME, BY A PRIVATE COLLECTION PROVIDER. BUFFERING WILL BE PROVIDED TO PRESERVE THE PRIVACY OF THE EXISTING HOME OWNERS. PUBLIC TRANSPORTATION IS WITHIN CLOSE PROXIMITY TO THE PROJECT AND THE SITE IS LOCATED CONVENIENTLY TO RETAIL AND MEDICAL FACILITIES.

PARKING SUMMARY

PARKING REQUIRED = 26 x 2.5 = 65 SPACES

PARKING PROVIDED =	ONE CAR GARAGES =	22 SPACES
	TWO CAR GARAGES =	8 SPACES
	DRIVEWAYS =	26 SPACES
	ON-STREET =	20 SPACES
	ALLEYS =	8 SPACES

NOTE:

HOMES ARE EITHER ONE OR ONE AND ONE HALF STORY HOMES, ALL WITH MAIN FLOOR MASTER BEDROOMS.

IF THIS DRAWING IS A REDUCTION GRAPHIC SCALE MUST BE USED

50' 0 50'

NO.	REVISION	BY	DATE
3	REDUCED THE NUMBER OF DWELLINGS	GLM	9-17-08
2	ADDRESS CITY COUNCIL COMMENTS	GLM	1-25-08
1	ADDRESS TRC COMMENTS	GLM	11-2-07

RECEIVED
SEP 17 2008
COMMUNITY DEVELOPMENT

GUFFEY WARNER & ASSOCIATES
ENGINEERS & SURVEYORS
21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-239-6000
FAX: 434-239-6001

DRAWN BY:	GLM
REVIEWED BY:	TJW
PROJECT No.	07069.00
FILE NAME:	C-1.DWG
SCALE:	GRAPHIC
PROJECT:	GRAND OAKS AT BOONSBORO, LYNCHBURG, VIRGINIA
TITLE:	CONCEPTUAL LAYOUT
DATE:	REV. 9-17-08; 10-8-07
DRAWING No:	C-1
SHEET NUMBER:	1 OF 1

FILE: K:\07069.00 MIMOSA ACRES\CONCEPT FOLDER\C1.dwg

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 23, 2008**		AGENDA ITEM NO.: 4
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Resolution, Virginia Land Conservation Fund**

RECOMMENDATION:
Adopt a resolution in support of an application made by Lynchburg Grows for a Virginia Land Conservation Fund grant.

SUMMARY:
Lynchburg Grows, a 501(c) (3) non-profit agency, is requesting funding through the Virginia Land Conservation Foundation. This funding would be used to retire the remaining debt for their purchase of the H.R. Schenkel property. The application requires placing a conservation easement on the property which will be held by the City. A conservation easement ensures that the property will remain as open space for park or farm in perpetuity.

Lynchburg Grows operates an urban farm on the 6.5 acre property, located adjacent to City Stadium, consisting of nine glass greenhouses totaling over 70,000 sq. ft. of growing space. The mission of Lynchburg Grows is to assist alternatively challenged persons enjoy the healthy benefits of gardening, implement workforce development programs, while providing a valuable and diversified food source for the community.

The Department of Parks and Recreation works in partnership with Lynchburg Grows to provide environmental and recreation programs and has a mutual interest in development of the urban farm, remediation of the Allen Morrison property and development of City Stadium Park. Parks and Recreation recommends support of the grant application. Conserving the Lynchburg Grows' property as open space is beneficial to the neighborhood and supports efforts to plan for future improvements to City Stadium and development of the Allen Morrison property into a City park.

This grant will not require funding from the City.

PRIOR ACTION(S):
None

FISCAL IMPACT:
None

CONTACT(S):
Kay Frazier, 455-5868

ATTACHMENT(S):
Resolution

REVIEWED BY: lkp

RESOLUTION

WHEREAS Lynchburg Grows, a 501(c) (3) non-profit agency, has a mission of helping all alternatively challenged persons enjoy the healthy benefits of gardening while providing a valuable and diversified food source for the community, and

WHEREAS Lynchburg Grows has already had a positive impact on the community through the development of an urban farm on a 6.5 acre greenhouse property located in the heart of the City, consisting of nine glass greenhouses totaling over 70,000 sq. ft. of growing space, and

WHEREAS the property provides an opportunity to implement workforce development and job training programs targeted for disabled and disadvantaged individuals and will also provide educational opportunities for all citizens through classes on composting, care and maintenance of plants, lawns, and trees, and

WHEREAS as a highly visible agricultural parcel in a dense urban environment, the urban farm plays a unique role in the community, providing its neighbors with food, educational and cultural events, open space and a connection to the land and also serves to demonstrate the economic viability of small farm operations and the potential of small, regional farms to feed the community, and

WHEREAS the urban farm lies in between the 27.75 acre City Stadium property and 15.31 acre former Allen-Morrison property both owned and operated by the City of Lynchburg, and

WHEREAS Lynchburg Grows is seeking community support for the acquisition and permanent conservation of the urban farm and applying for matching funds from the Virginia Land Conservation Foundation,

NOW, THEREFORE, BE IT RESOLVED THAT the Lynchburg City Council applauds the work and goals of Lynchburg Grows and hereby expresses its enthusiastic support for the continued development and preservation of the urban farm,

AND BE IT FURTHER RESOLVED, the City of Lynchburg agrees to serve as holder of a conservation easement on the urban farm to preclude any incompatible development in perpetuity.

Adopted:

Certified: ______________________________
Clerk of Council

110L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 23, 2008** AGENDA ITEM NO.: **5**

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Resolution Endorsing the Highway-Rail Grade Crossing Safety Grant Request for Rail Crossing Number 468343C N209.2 at Forest Brook Road.**

RECOMMENDATION: Approve a resolution endorsing the Highway-Rail Grade Crossing Safety Grant Request for Rail Crossing Number 468343C N209.2 at Forest Brook Road.

SUMMARY: This Highway-Rail Grade Crossing Program (H-RGCP) is part of the Highway Safety Program (HSP) administered by the Virginia Department of Transportation (VDOT) to improve highway safety throughout the Commonwealth. The purpose of the H-RGCP is to reduce the risk and number of crashes between vehicles and trains. The program provides 100% funding (90% Federal, 10% State) for improvements such as gates and/or flashing lights, surface improvements, crossing illumination, and other general site improvements.

The crossing at Forest Brook, just north of the concrete plant, was considered in this grant request due to the increased traffic from the proposed Wal-Mart. Current traffic volumes are approximately 3,600 vehicles per day. The Wal-Mart traffic study shows future traffic (2010) to be almost double at 6,800.

The current rail crossing has low speeds (10 mph) and a low usage rate of 1 train per day or two (2) trips. However, this crossing has significantly limited sight distance to the west due to the topography of a hill that can block an entire train from view (see photos). There are no crossing gates or lights at this crossing and the current signage includes crossbucks at the track, advanced warning signs (W10-1 and W10-13) and advanced pavement markings. Also, the sunken track is difficult to see on the east side and hard to recognize in the road making this rail crossing almost disappear to some drivers who may not recognize the signs. A review of crash data yielded no direct crashes as a result of a train colliding with a vehicle at this crossing. It was observed from field observations that most people don't look both ways over the tracks and many do not slow down to go over the tracks.

Even though there were no direct crashes, the probability of a crash occurring will increase as the traffic on Forest Brook Road increases due to the new Wal-Mart Supercenter. The City is interested in developing a solution that will minimize the potential of a crash. Norfolk Southern (both locally and regionally) has been contacted and is in favor of improving conditions at this crossing as well. If we are approved for the grant, VDOT will assess what improvement is best for this crossing and will make a recommendation to the City. Flashing lights (with no gates), for example, cost approximately $220,000 to install.

PRIOR ACTION(S): Finance Committee, September 23, 2008.

FISCAL IMPACT: Increase in maintenance costs ranging from approximately $1,500 to $3,000 per year. The arrangement the Commonwealth has with railroad companies is that the locality pays half of the maintenance costs and the railroad pays the other half. We are currently paying half the maintenance costs for several crossings in the City.

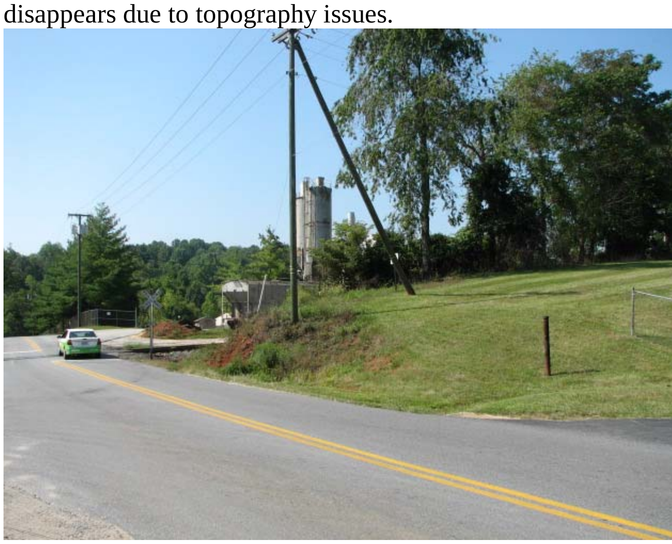
CONTACT(S): Gerry Harter, 455-3935; Lee Newland; Charlene Montford

ATTACHMENT(S): Photos; Resolution of Support

REVIEWED BY: lkp

Looking south showing hill obstruction to the west (right of crossing). Note rail crossing almost disappears due to topography issues.

Looking east at sunken rail tracks that also blocks sight distance of train. This photo was taken at stop bar at driver's height.



Another view showing hill to west blocking entire view of train.

Looking north towards the tracks showing hill to west (left).

Advanced warning signs coming from south. Note vertical curvature of road that obscures crossing.

View of sunken rail tracks to the east.

RESOLUTION OF SUPPORT FOR A HIGHWAY-RAIL GRADE CROSSING SAFETY GRANT REQUEST FOR RAIL CROSSING NUMBER 468343C N209.2 AT FOREST BROOK ROAD

WHEREAS, the Highway-Rail Grade Crossing Safety Grant (H-RGCP), administered by the Virginia Department of Transportation (VDOT), establishes federal grants to reduce the risk and number of crashes between vehicles and trains;

WHEREAS, the Virginia Department of Transportation has established policy and procedures to administer the H-RGCP program;

WHEREAS, it is desirable that City Council formally express the City's support for this proposed H-RGCP project grant through the Virginia Department of Transportation and recognizes that additional maintenance responsibilities may occur from this new project;

NOW THEREFORE BE IT RESOLVED, that the City Council of Lynchburg, Virginia requests the Virginia Department of Transportation to accept this Council Resolution as indicative of their support and intent for the City to participate in the H-RGCP Program for Rail Crossing Number 468343C N209.2 at Forest Brook Road.

Adopted:

Certified: ______________________________
Clerk of Council

111L