// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of July, 2009, 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, Perrow, Foster 6

Absent: Johnson 1

// Senator Steve Newman presented to the family of Terrell Reid a Senate Resolution adopted unanimously by both the Virginia House of Delegates and Virginia Senate celebrating the life and accomplishments of Terrell Reid.

// Mayor Foster recognized the four seniors who will be leaving the Mayor's Youth Council, i.e., Jennifer Knight, E. C. Glass High School, Brian Jones, E. C. Glass High School, Lindsay Shaughnessy, New Covenant Schools, and Stuart Carrington, Virginia Episcopal School.

// Copies of the minutes of the June 19, 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Johnson 1

// Copies of the minutes of the June 23 (two meetings), 2009 meetings, having been previously furnished Council, reading was dispensed with. Mayor Foster announced that there were some corrections to the June 23 work session minutes. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as corrected:

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

Noes: 0

Absent: Johnson 1

// In the matter of Community Planning – Historic Preservation, City Council Report #3 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-064, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $10,000, fully reimbursable, to provide a Preservation Virginia training workshop for the Historic Preservation Commission and staff:

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

Noes: 0

Absent: Johnson 1

// In the matter of Police - General, City Council Report #4 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-065, as presented, amending the FY 2010 Fleet

Fund budget and appropriating $251,447, with resources from Fleet Services' surplus auction, to purchase ten replacement police vehicles:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6
Noes: 0
Absent: Johnson 1

// In the matter of Community Planning - CDBG, a public hearing was held regarding City Council Report #5 regarding the 2009/2010 Community Development Block Grant (CDBG) and HOME Programs allocations. Community Development Director Charlene Montford provided a brief summary regarding the CDBG and HOME Programs. Three (3) individuals spoke in support of the following projects: Miriam's House Special Needs Housing, New Land Samaritan Inns, Inc./The Gateway, and Rusty Lifetime Homes/Victoria Ridge. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to questioning, Ms. Montford stated that the deadline for submittal of the allocations to the Department of Housing and Development is August 16. Mayor Foster announced that a work session regarding the 2009/2010 Community Development Block Grant (CDBG) and HOME Programs is scheduled for August 11.

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #6 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted properties at 517 and 521 Winston Ridge Road under Section 36-19.5 of the Code of Virginia. LRHA Manager of Community Development Connie Snavely provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-09-066, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted properties at 517 and 521 Winston Ridge Road under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6
Noes: 0
Absent: Johnson 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Griffin Pipe Products, Inc. for a Conditional Use Permit (CUP) to allow fill within the limits of the 100-year floodplain for a building and manufacturing expansion at 10 Adams Street. City Planner Tom Martin provided a brief summary regarding the petition, stating that the Planning Commission recommended approval of the CUP. Mr. Bob Ingram, Director of Manufacturing for Griffin Pipe, outlined the request and asked for approval. Mr. Ingram stated that Griffin Pipe has worked to cleanup the debris on the river bank, that a river cleanup of the debris that has fallen from their property over the years into the river is a very complicated process, but that they are committed to removing the pipe and debris and would like to request that the CUP be adopted as presented and not include a condition that would mandate the cleanup. Joe Seiffert, Stuart Brust, and Laura-Gray Street, President of the Greater Lynchburg Environmental Network, all spoke in support of the CUP with a condition being added to require Griffin Pipe to clean up the pipe and debris that has fallen from their property into the James River within the next ten to twelve months. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette applauded Griffin Pipe's expansion but stated that removal of the pipe and debris is a very legitimate concern and made a motion, seconded by Council Member Helgeson, to approve the petition of Griffin Pipe Products, Inc. for a conditional use permit to allow fill within the limits of the 100-year floodplain for a building and manufacturing expansion at 10 Adams Street with an added condition that the City will not issue a certificate of occupancy until Griffin Pipe has removed the debris from the James River. City Attorney Walter Erwin stated that he did not believe that the City could place that condition on the CUP because if a building is constructed according to the Statewide Building Code, then the Building Official has to issue the certificate of occupancy. Council Member Gillette withdrew his motion; Council Member Helgeson withdrew his second. Council Member Gillette made a motion, seconded by Council Member Helgeson, to approve the petition of Griffin Pipe Products, Inc. for a conditional use permit to allow fill within the limits of the 100-year floodplain for a building and manufacturing expansion at 10 Adams Street with an added condition that the debris in the James River be cleaned up by Griffin Pipe within twelve months. City Manager Kimball Payne stated that there is only a short period of time that work can be done in the river and that twelve months is too short of a timeframe to accomplish the cleanup. Council Member Gillette agreed to extend the time to twenty-four months; Council Member Helgeson also agreed to the extended timeframe. Several Council Members noted that the City has invested a large amount of money into Downtown revitalization efforts and that it is reasonable to request that Griffin Pipe be required to clean up the pipe and debris that has fallen from their property into the James River within a specific timeframe. Vice Mayor Dodson expressed a concern that corporate officials may decide not to proceed with this $35 million project if a condition to require the cleanup is placed on the CUP. Council Member Perrow offered an amendment to the motion, seconded by Council Member Garrett, to approve the petition of Griffin Pipe Products, Inc. for a conditional use permit to allow fill within the limits of the 100-year floodplain for a building and manufacturing expansion at 10 Adams Street as presented. Council Member Garrett suggested that the City may want to request a letter from Griffin Pipe regarding the cleanup, and made a substitute motion to approve the petition on the condition that a letter is received from Griffin Pipe stating that they would remove the debris from the James River. City Manager Payne also urged City Council to support the CUP without any extra conditions, in that he agreed with Mr. Ingram that a river cleanup was very complicated and said he did not want to be in the position later of having to shut down a major factory because the pipe was not removed on time. In response to Council questioning, Mr. Ingram stated that he is committed to trying to remove the pipe and debris from the river within the twenty four month timeframe, and a majority of Council Members indicated that they trusted that Mr. Ingram was acting in good faith. Council Member Garrett withdrew his substitute motion. Following further discussion, Council by the following recorded vote approved the amended motion and adopted Resolution #R-09-067, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Perrow, Foster	4
Noes: Gillette, Helgeson	2
Absent: Johnson	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Allen Ward for a conditional use permit to allow the use of an existing residence at 2144 Rivermont Avenue as a bed and breakfast with up to five guest rooms and associated parking in an R-3, Medium Density Two-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Allen Ward outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-09-068, as presented, granting the Conditional Use Permit:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of Community Planning - Zoning Amendments, City Council Report #9 outlining the petition of Thomas Bell to rezone 2.04 acres at 224 Lake Crest Lane from an R-2, Low-Medium Density Single-Family Residential District, to a B-5C, General Business District (Conditional), to allow the use of an existing building and property for a contractor’s office and shop with associated parking was presented. Mayor Foster announced that City staff has received a request that Thomas Bell would like to withdraw his rezoning petition. City Council by consensus approved the withdrawal of the rezoning petition.

// In the matter of Police – General/Sheriff, a public hearing was held to receive public comment regarding a grant application for A. Byrne Justice Assistance Grant (JAG) funding in the amount of $57,361. Police Department staff 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 Helgeson, seconded by Council Member Garrett, Council by the following recorded vote approved the submittal of a grant application for A. Byrne Justice Assistance Grant (JAG) funding in the amount of $57,361 to support IT projects:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of Finance - Bonds, a public hearing was held regarding the issuance of not to exceed 48,300,000 principal amount New General Obligation Public Improvement Bonds for FY 2010 Capital Projects. City Manager Kimball Payne 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 Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-09-069, as presented, authorizing the issuance of not to exceed $69,300,000 principal amount of General Obligation Public Improvement and Refunding Bonds to finance the costs of various public improvement projects:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:		0
Absent:	Johnson	1

On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-070, as presented, to amend the FY 2010 General, Water, Sewer and Airport Funds' Operating Budgets for funding of $188,991, $110,170, $58,438 and $1,659, respectively, for expenses associated with the issuance of the FY 2010 General Obligation Public Improvement Bonds:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of City Code, City Council Report #12 regarding amending the City Code relating to the recovery of expenses incurred when responding to driving under the influence (DUI) and other traffic related offenses was considered. City Attorney Walter Erwin stated that Section 15.2–1716 of the Code of Virginia authorized localities to provide by ordinance that a person convicted of certain traffic related offenses, such as driving under the influence, reckless driving, hit and run, and driving without a license, would be liable for restitution to the locality for costs related to emergency response to the incident. Mr. Erwin explained that due to the way the statute was written, it was problematic to implement although City Council did adopt Section 25-169 in the City Code to utilize the authority granted in the State Code, it has never been utilized. Mr. Erwin went on to say that effective July 1, 2009, Section 15.2– 1716 was amended to make it easier for a locality to receive restitution from an individual convicted of the traffic offenses and in order to take advantage of the amended statute, the City Code will need to be amended. Several Council Members questioned requiring the additional expense for reckless driving offenses when such reckless driving did not involve an accident. Although some Council Members were willing to approve the ordinance as submitted, other Council Members suggested that they would like additional time to review the request before making a final decision. City Council, by consensus, agreed to schedule this item for further discussion at the August work session.

// In the matter of Budget, City Council Report #13 regarding appropriating funds to restore the 3% salary reduction to all City employees was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-071, as presented, amending the FY 2010 General Fund, Juvenile Detention Fund, Water Fund, Sewer Fund, Airport Fund and Fleet Fund budgets and appropriating funds to restore the 3% salary reduction to all City employees:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// The meeting was adjourned at 10:09 P.M.

Clerk of Council