

June 23, 2009

027

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of June, 2009, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Perrow 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 June 9 (two meetings), 2009 meetings, having been previously furnished Council, reading was dispensed with. Council Members Garrett and Helgeson stated that they would abstain since they were not present at the June 9 meetings. On motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Abstention: Garrett, Helgeson 2

// In the matter of Police – Emergency Communications, Resolution #R-09-050 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating \$8,480, fully reimbursable, to add two wireless 911 trunk lines needed to handle increased use by the public, laid over from the June 9, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Courts - General, Resolution #R-09-051 amending the FY 2009 General Fund budget and appropriating \$59,470, fully reimbursable, to support information technology needs in the Office of the Circuit Court Clerk, laid over from the June 9, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Recreation - General, Resolution #R-09-052 amending the FY 2009 City/Capital Projects Fund budget and appropriating \$350,000, with \$250,000 reimbursement, for construction of the Clemmons Lake Place, an access road to the Ivy Creek Nature Center, laid over from the June 9, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Planning - General, Resolution #R-09-053 amending the FY 2009 City Capital Projects Fund budget and appropriating \$1,000,000, fully reimbursable, for improvements to the expressway retaining wall at Grace Street, laid over from the June 9, 2009 meeting, was again presented

and read, and on motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Budget FY2009, Resolution #R-09-055 amending the FY 2009 General Fund, Fleet Fund, City Capital Projects Fund, and Solid Waste Management Fund budgets and appropriating funds in these budgets in order to transfer the remaining fund balance from the closure of the Solid Waste Management Fund, laid over from the June 9, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Public Works - Sewer, Resolution #R-09-057 amending the FY 2009 Sewer Capital Projects Fund budget and appropriating \$25,360,000, fully reimbursable, for the construction of Divisions 2 and 6 of the James River Interceptor as well as the Rainleader disconnection Project for Randolph College, laid over from the June 9, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Central VA Mental Health, City Council Report #8 was considered. On motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-09-060, as presented, approving the Central Virginia Community Services FY 2010 Performance Contract:

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

Noes: 0

// In the matter of Community Planning – Zoning Amendments, City Council Report #9 regarding the petition of J.M.U., LLC, to amend the Future Land Use Map from an Office use to a Medium Density Residential use and for a conditional use permit to allow the construction of 75 townhouses with associated parking and amenities in a B-1, Limited Business District, at 1700 Graves Mill Road was considered. City Planner Tom Martin stated that following the June 9 public hearing, City Council delayed a decision regarding the proposed Holly Hills Townhomes project until this meeting. Mr. Martin explained that the petitioner originally proposed the construction of 75 townhomes on 9.56 acres but on June 17 the petitioner submitted a revised plan to allow the construction of 50 townhomes on 4.97 acres. Mr. Martin went on to say that the revised plan provides for:

- The removal of 25 townhomes and the relocation of the remaining units to the end of the private driveway. The revised layout would provide for a density of 10.1 units per acre. The proposed FLUM

amendment to a Medium Density Residential use is characterized by small-lot single-family detached housing, duplexes and townhouses at densities of 13 units per acre.

- The removal of 75 parking spaces. The proposed 50 townhomes would require 125 parking spaces; the revised concept plan includes 126 spaces.
- The removal of a stormwater detention basin, a walking trail and the balance of the driveway. The property on the northern side of the Tomahawk Creek tributary is shown to remain wooded.

In response to questioning, Mr. Martin stated that the Planning Commission recommended denial for the original proposal for 75 townhomes. Several Council Members stated that they would like to receive input from the neighborhood and the Planning Commission regarding the revised proposal for 50 townhomes before making any final decision, while others felt that sending the matter back to the Planning Commission would further delay the project and that they would prefer scheduling a public hearing before City Council at the July meeting to receive input from the neighborhood. Some Council Members commented that delaying the matter would also allow time for Council to receive further information from the City's Traffic Engineer regarding traffic concerns associated with the proposed development. Council also discussed requesting that the developer put a conservation easement on the property on the northern side of the Tomahawk Creek tributary that is shown to remain wooded to ensure no future development of this land. Following discussion, Council Member Helgeson made a motion, seconded by Council Member Garrett, to reopen the public hearing regarding the revised plan and to schedule the public hearing for the July 14 Council meeting, and Council by the following recorded vote defeated the motion:

Ayes: Garrett, Helgeson, Perrow 3

Noes: Dodson, Gillette, Johnson, Foster 4

Vice Mayor Dodson made a motion, seconded by Council Member Johnson, to send the matter back through the Planning Commission process for review and recommendation and to schedule the matter for a public hearing before City Council at its August meeting, and Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Budget/Schools - General, City Council Report #10 regarding amending the FY 2010 General Fund and City Schools Budgets, and transferring \$500,000 from the City Schools allocation to the General Fund Non-Departmental Budget was considered. City Manager Kimball Payne stated that at the earlier work session, it was mentioned that City Council would need to amend the FY 2010 Budget to reduce the City Schools allocation by \$500,000 in order to use those funds to partially fund the replacement of the 3% salary cut. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-09-061, as presented, amending the FY 2010 General Fund and City Schools Budgets, and transferring \$500,000 from the City Schools allocation to the General Fund Non-Departmental Budget:

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

Noes: 0

// In the matter of City Code, City Council Report #11 regarding amending Sections 18.1-1 and 18.1-13 of the City Code relating to the procurement of goods and services was considered. City Manager Kimball Payne stated that one of the first fruits of discussions between City and Schools staff regarding the consolidation of activities is in the area of procurement. Mr. Payne explained that the City and Schools procurement activities will be jointly handled out of the Procurement Office in Financial Services and that the office will be responsible for issuing bid documents and requests for proposals on behalf of City Schools and managing other aspects of the procurement process. Mr. Payne went on to say that in addition, Procurement will be providing training to Schools staff on the State's electronic purchasing program, seeking economies of scale through the bulk purchase of products used by both entities, sharing preferred vendor and annual contract lists with both organizations, and exploring the consolidation of purchasing cards under one vendor for both organizations. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-09-062, as presented, amending Sections 18.1-1 and 18.1-13 of the City Code relating to the procurement of goods and services:

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

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Noes:

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// The meeting was adjourned at 6:00 P.M.

Clerk of Council