// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 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, Foster 6
Absent: Seiffert 1

// Mayor Foster and Vice Mayor Dodson presented a Proclamation to Miss Lynchburg 2008 Sarah Lee Fitzpatrick, proclaiming June 10, 2008. as "Sarah Lee Fitzpatrick Day" in Lynchburg and wished her well in the upcoming Miss Virginia pageant.

// City Council recognized the 2008 Hill Climbers recipients, i.e., Erica Boykin, D'Mon Hancock, Lale Lee Fleshman, Christine Glenn, Charley Gorman, Gayle Huiner, Derrick Jordan, Kaitlyn Lawhorne, Aundre Lowe, Heather Morris, Da'Juan Pannell, Shannon Ray, LeTisha Rogers, Marissa Rose, Tre Rose, Donald Somers, Hattiebell Spigener, and Elijah Vassal.

// Copies of the minutes of the May 27 (two meetings), 2008 meetings, having been previously furnished Council, reading was dispensed with. Mayor Foster stated that City Council has been provided with a revision to page 130 of the May 27 minutes. On motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as revised:

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

// Copies of the minutes of the May 31, 2008 meeting having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Schools - General, City Council Report #3 was considered. On motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-08-080, as presented, amending the FY 2008 General and Schools Operating Fund budgets to rescind a $250,000 appropriation to the Schools Operating Fund budget in the FY 2008 Third Quarter Adjustments, and designating the amount in the General Fund budget for the Schools Health Care Reserve:

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

// In the matter of Fire - General, City Council Report #4 was considered. On motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-081, as presented, amending the FY 2008

City/Federal/State Aid Fund budget and appropriating $15,000, fully reimbursable, to purchase equipment for the Fire Department Heavy Technical Rescue (HTR) Team:

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #5 outlining the petition of Shantae Younger to rezone 0.77 of an acre from I-2, Light Industrial District, to B-3C, Community Business District (Conditional), to allow the use of an existing building and parking area for a church at 3760 Candlers Mountain Road. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Martin stated that both Economic Development and the Industrial Development Authority had no objection to the proposed rezoning, noting that the properties were not of interest for industrial use since there were no other industrially zoned properties within the vicinity of the site. Rev. Shantae Younger outlined the request and asked for approval. One individual spoke in support of the petition. There were also a large number of individuals who stood in support of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-082, as presented, granting the rezoning petition:

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

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #6 outlining the petition of Liberty University, Inc., to amend the Future Land Use Map from Low Density Residential use to Institutional use, rezone approximately 138.84 acres at 3778, 3786, 3802 and 4000 Candlers Mountain Road from B-3C, Community Business District (Conditional), to B-3C, Community Business District (Conditional), for a conditional use permit to amend the existing master plan for an increase of up to 15,000 students and construction of campus facilities, and for a conditional use permit to allow a consolidated sign plan for Liberty University. Vice Mayor Bert Dodson stated that since his company provides all of the pest control services for Liberty University, he will abstain from discussion and voting on the petition. Vice Mayor Dodson left the Council Chamber and only returned to the Chamber when the votes were taken on the petition. City Planner Tom Martin provided a brief summary regarding the petition, noting that the Planning Division and Planning Commission are recommending approval of the petition. Mr. Martin stated that Liberty University has worked closely with City staff and the Planning Commission in preparing the Master Plan. Mr. Martin went on to say that the site plan was revised several times during the process and that the site plan with the most recent revisions as requested by the Planning Commission, dated May 15, 2008, and received in the Planning Department on May 23, 2008, was forwarded to City Council in the agenda packets. Mr. Martin explained that the revisions include the removal of three buildings and a proposed “Mountain Coaster” from the plan, and that

Condition 2 of the Resolution approving the Conditional Use Permit to allow the expansion of the University will need to be revised to reflect the May 15 and May 23 dates rather than the April 3 and April 4 dates. Mr. Martin also noted that a traffic study, submitted early in the process that outlined needed vehicular, pedestrian and bicycle improvements, was reviewed by the City's Transportation Engineer and the Virginia Department of Transportation and that the recommendations of the traffic study are suggested as conditions of approval for the Conditional Use Permit. Mr. Martin stated that the project was reviewed by the Police and Fire Departments and that their concerns have been addressed, and that Liberty University continues to work with the Greater Lynchburg Transit Company to provide mass transit service to the campus and to the surrounding areas. Mr. Norm Walton, of Perkins & Orrison, representing the petitioner, outlined the request and asked for approval. Mr. Jerry Falwell, Jr., also provided information regarding the proposed project and commented that the entire process has gone extremely well. Mr. John Poole, Vice President, Finance & Administration, Central Virginia Community College (CVCC), stated that although the College is not opposed to the master plan or the construction of the tunnels, it is very concerned regarding the additional traffic that the tunnels will generate on Harvard Street and the safety of their students which will be adversely affected by the additional traffic. Mr. Poole requested that the College be included in the discussions regarding any realignment of entrances, traffic lights or other traffic solutions that would impact Harvard Street. Mr. Poole noted that Harvard Street is owned by the State Board of Colleges and was constructed to provide access to the College campus. There was no one else present who wished to speak to this item, and the public hearing was closed. City Manager Kimball Payne stated that staff has been working for some time with Liberty University on ways to alleviate the traffic concerns on Wards Road from vehicles leaving the University campus and that one of the solutions included construction of a tunnel. Mr. Payne stated that it was an oversight that CVCC was not included in those discussions but that they will be included in all future deliberations. Council Member Gillette stated that the four issues he had have been cleared up, i.e., (1) clarification regarding the correct dates of the site plan, (2) that Police and Fire were involved in the process and that their comments have been addressed, (3) that the City will be able to tax the portions of University property that will be used to generate a source of revenue, and (4) that the environmental requirements in Condition #11 on the Resolution to approve the Conditional Use Permit are mandated by State and Federal regulations. Council Member Gillette questioned if Condition #11 should be either revised or deleted completely. Council Member Garrett commented that the University might want to consider three other partnerships, i.e., CVCC, Lynchburg United Soccer, and the merchants along Wards Road. Council Member Garrett also suggested that some thought be given to some type of "flyover" on Wards Road to allow students to safely access the shopping centers. Council Members Helgeson and Johnson commented that the Physical Development Committee is supportive of the tunnels to help with the traffic concerns on Wards Road. Mayor Foster stated that she is also concerned regarding the safety of the students that have to cross Wards Road to access the shopping centers. Following discussion, and on motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted

Ordinance #0-08-083, as presented, approving the petition of Liberty University to amend the Future Land Use Map for property located at 3778, 3786, 3794, 3802 and 4000 Candlers Mountain Road from Low Density Residential to Institutional:

Ayes: Garrett, Gillette, Helgeson, Johnson, Foster 5
Noes: 0
Absent: Seiffert 1
Abstention: Dodson 1

On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-08-084, as presented, approving the petition of Liberty University to rezone approximately 133.84 acres at 3778, 3786, 3794, 3802 and 4000 Candlers Mountain Road from B-3C, Community Commercial Business District (Conditional) to B-3C, Community Commercial Business District (Conditional):

Ayes: Garrett, Gillette, Helgeson, Johnson, Foster 5
Noes: 0
Absent: Seiffert 1
Abstention: Dodson 1

On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-085, as revised to change the site plan dates in condition #2 from April 3, 2008, and April 4, 2008, to May 15, 2008, and May 23, 2008, respectively, and to delete condition #11, and granting the Conditional Use Permit to allow an increase of up to 5,000 students for a total of 15,000 residential and commuting students and to amend the existing Master Plan for the construction of Liberty University campus facilities:

Ayes: Garrett, Gillette, Helgeson, Johnson, Foster 5
Noes: 0
Absent: Seiffert 1
Abstention: Dodson 1

On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-086, as presented, granting a Conditional Use Permit to allow a Consolidated Sign Plan for Liberty University:

Ayes: Garrett, Gillette, Helgeson, Johnson, Foster 5
Noes: 0
Absent: Seiffert 1
Abstention: Dodson 1

// In the matter of Public Works - Sewer, a public hearing was held regarding City Council Report #7 regarding amending the FY 2008 Sewer Operating and Capital Projects budgets and appropriating $3,000,000 to the Sewer Capital Project Fund for additional capital projects. Director of Utilities Tim Mitchell 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 Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-087, as presented, amending the FY 2008 Sewer Operating and Capital Projects budgets and appropriating $3,000,000 to the Sewer Capital Project Fund for additional capital projects:

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

// In the matter of City Code/Taxicabs, City Council Report #8 regarding amending the City Code relating to the charging of a fuel cost surcharge by the City's Taxicabs was considered. City Manager Kimball Payne stated that as directed by Council at the May 27 work session, a proposed amendment has been drafted to the City Code authorizing a $1.00 surcharge on each taxicab fare to offset the high cost of fuel. Mr. Payne explained that the proposed amendment provides no provision for automatic repeal. Several Council Members questioned whether the City should still be setting the rates charged by taxicabs and asked the City Manager to schedule this item for discussion at a Fall work session. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-088, as presented, amending the City Code and authorizing a $1.00 surcharge on each taxicab fare to offset the high cost of fuel:

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

// In the matter of Courts - General, City Council Report #9 regarding a request from Circuit Court Clerk Larry Palmer to provide $8,361 to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. City Manager Kimball Payne stated that the funding for this temporary position will be taken from the City Manager Contingency Fund rather than from the General Fund Reserve for Contingencies and that the Resolution will be revised to reflect this action. On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-08-089, as revised, to authorize the use of $8,361 from the City Manager Contingency Fund to fill an existing position in the Clerk of Court's Criminal Division during the State's mandatory hiring freeze and to hire a temporary wage position to assist the office:

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

// In the matter of Fire – General/Lynchburg Life Saving Crew, City Council Report #10 regarding the distribution of $33,899 in 4-for-Life funding was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-090, as presented, amending the FY 2008 City/Federal/State Aid Fund budget and appropriating $33,889, fully reimbursable, to be split between the City of Lynchburg Fire and EMS Department ($22,593), to assist with the purchase of necessary EMS-related equipment and supplies or to provide EMS within the Department and the Lynchburg Lifesaving Crew ($11,296) to assist with general operations:

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

// On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Youth Services Citizens Board, City Employees Appeal Board, Zoning Appeals Board, Dr. Martin Luther King, Jr./Lynchburg Community Council, Industrial Development Authority Board and Historic Preservation Commission pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

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

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

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

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Barry K. Armstrong and Diane S. Swain to serve on the Youth Services Citizens Board for terms to expire June 30, 2010:

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

On nomination of Council Member Johnson, Council by the following recorded vote re-appointed Frances B. Carter to serve on the Youth Services Citizens Board for a term to expire June 30, 2010:

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

On nomination of Council Member Johnson, Council by the following recorded vote re-appointed Judith C. Johnson to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2011:

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

On nomination of Council Member Johnson, Council by the following recorded vote appointed Jessica R. Wade to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2011:

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

On nomination of Council Member Johnson, Council by the following recorded vote re-appointed Susan G. Ackley and Gary F. Allen to serve on the Industrial Development Authority for terms to expire June 30, 2012:

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

On nomination of Council Member Johnson, Council by the following recorded vote re-appointed Frances B. Calhoun to serve on the Historic Preservation Commission for a term to expire June 30, 2011:

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

// City Council agreed to start the June 24 work session at 11:30 a.m. due to the number of items scheduled for the work session.

// The meeting was recessed at 9:45 P.M. to June 24, at 11:30 A.M., to conduct a work session regarding several items.