

September 8, 2020

Physical Development Committee – CANCELED

## A G E N D A

City Council Meeting of September 8, 2020  
Council Chamber  
City Hall, 900 Church Street, Lynchburg, VA 24504

### 3:00 P.M. Closed Session

#1. Consideration of a closed meeting for the purpose of interviewing a candidate for the position of Clerk of Council, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

### 4:00 P.M. Work Session

#2. Receive annual training on the Freedom of Information Act (FOIA)

#3. Receive an update on the Lynchburg Plan

#4. Receive an update on the revenue collections received in several key City revenue sources and a report on utility disconnects

#5. Roll Call

### 7:30 P.M. City Council Agenda Items

## COUNCILMEMBER TWEEDY WILL GIVE THE INVOCATION

#### GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

Each speaker shall clearly state his or her name and locality of residence.

The City Council agenda is divided into four sections.

CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.

PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.

#### Procedure:

- Staff will make a presentation.
- For zoning petitions, the applicant or his or her representative shall have ten (10) minutes to make a presentation.
- Comments will then be solicited from those in favor.
- Comments will then be solicited from those in opposition.

During the public hearing, there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received, for zoning petitions, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5)-minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal, the public hearing will be closed and the matter referred to Council for deliberation.

PUBLIC COMMENT: Public comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to three (3) minutes; or group spokesperson up to five (5) minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.

GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.

City Council may make exceptions to these rules at its discretion. Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.

CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED. WHEN APPEARING BEFORE CITY COUNCIL, CITIZENS MAY NOT ENGAGE IN BEHAVIOR THAT INTIMIDATES OR INSULTS OTHERS, ENGAGE IN DISRUPTIVE BEHAVIOR, USE PROFANITY OR VULGAR LANGUAGE, PROMOTE PRIVATE BUSINESS VENTURES OR CAMPAIGN FOR PUBLIC OFFICE.

\* PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL

CONSENT AGENDA

- #6. Consideration of adopting minutes from the August 11, 2020 Meeting
- #7. Consideration of adopting minutes from the August 19, 2020 Meeting
- \*#8. Consideration of adopting resolution #R-20-066 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$59,586 with resources of \$29,793 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$29,793 from the FY 2021 General Fund Fire Department budget to purchase (4) Lucas 3 chest compression devices for the Fire Department.
- \*#9. Consideration of adopting resolution #R-20-067 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$360,431 with resources of \$250,000 from the 2020 US Department of Justice, Office of Community Oriented Policing Services (COPS) Hiring Program, and the 30.6389% required local cash match of \$110,431.

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PUBLIC HEARING

- #10. Consideration of adopting an ordinance approving the petition of Fleetwood Drive Properties, LLC to vacate an undeveloped portion of the Fleetwood Drive right-of-way located off of Fleetwood Drive.  
#O-20-\_\_\_
- #11. Consideration of a resolution granting a Conditional Use Permit to Jay Gurddev, LLC at 1902 Old Forest Road to allow the construction of a twelve (12) unit apartment building with associated parking in a B-3, Community Business District.  
#R-20-\_\_\_
- #12. Consideration of adopting a resolution granting Cellco Partnership, d/b/a Verizon Wireless, a nonexclusive interim license to install and operate 4G small cell facilities in the public rights of way throughout the City.  
#R-20-\_\_\_

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GENERAL BUSINESS

- #13a. Consideration of introducing a resolution amending the FY 2020 Operating Budget appropriating funds to reflect the FY 2020 Fourth Quarter Adjustments as listed in Attachment A.  
#R-20-\_\_\_
- b. Consideration of introducing a resolution amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 First Quarter Adjustments as listed in Attachment B.  
#R-20-\_\_\_
- c. Consideration of adopting a resolution that FY 2021 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council.  
#R-20-\_\_\_
- #14. Consideration of adopting an ordinance to amend and reenact sections 7-1, 7-7, 7-49, 7-50, 7-52, 7-55, 7-56, 7-57, 7-58, 7-98, and 7-113 of Chapter 7 of the Code of the City of Lynchburg, 1981, the amended sections relating to the issuance of dog licenses and the city's animal control ordinances.  
#O-20-\_\_\_

- \*#15. Consideration of adopting resolution #R-20-063 amending the Fiscal Year 2021 Budget for the twelve month period beginning July 1, 2020 and ending June 30, 2021 and appropriating supplemental funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the City of Lynchburg to cover expenditures related to the City's coronavirus (COVID-19) response beginning March 1, 2020 and ending December 30, 2020.
  
- #16. Consideration of a closed meeting to discuss the appointment of an Interim City Manager and to discuss the appointments typically held by the position of the City Manager to the following Boards and Commissions (GLTC, PDC, TPC, BRJA, LRBA, Airport), pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **2**

CONSENT:  
ACTION:

REGULAR:  
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Freedom of Information Act – City Council Training**

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Receive this presentation as City Council's required training on the Freedom of Information Act (FOIA).

SUMMARY: City Council is required to receive training on the Commonwealth of Virginia's Freedom of Information Act (FOIA). State Code allows for local government attorneys to conduct this training for public bodies. As such, the City Attorney will conduct a training session on the Freedom of Information Act, which will serve as your required FOIA training.

PRIOR ACTION: N/A

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, City Attorney – 455-3973

ATTACHMENT(S): None

REVIEWED BY: raw

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# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **3**

CONSENT:  
ACTION:

REGULAR:  
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: *The Lynchburg Plan – Update 1, FY 2020 End of Year***

KEY ELEMENTS:

☐ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

**RECOMMENDATION:** Receive an update on the status of Fiscal Year 2020 initiatives in The Lynchburg Plan

**SUMMARY:** Beginning in August 2018, and over the course of eighteen months, City Council and the City's Leadership Team engaged in an organizational strategic planning process that ultimately led to City Council's endorsement of *The Lynchburg Plan* on January 28, 2020.

*The Lynchburg Plan* serves to clearly communicate the actions that the City will undertake to make continual progress in three priority areas:

1. The City's Growing and Redeveloping Economy
2. Exceptional Neighborhoods and Strong Families
3. A Resilient, Agile, and Innovative Organization

Each of the priorities has a number of associated goals and operational initiatives. Operational initiatives are each assigned to a fiscal year and to a key owner, typically one of the four inter-departmental Collaboratives. Additionally, each goal has a number of long-term metrics that are intended to track progress over time.

When City Council endorsed the framework found within *The Lynchburg Plan*, City staff promised to provide semi-annual updates on the progress of various initiatives. This serves as the first update and will detail the activities undertaken during Fiscal Year 2020 and provide a brief overview of the initiatives planned for Fiscal Year 2021.

**PRIOR ACTION:** August 28, 2018: City Council retreat, initial discussions of Council priorities  
November 1, 2018: City Council retreat, formalized priorities  
September 24, 2019: City Council retreat, reviewed draft of *The Lynchburg Plan*  
November 7, 2019: City Council retreat; reviewed final draft of *The Lynchburg Plan*  
January 28, 2020: City Council endorsed the framework found in *The Lynchburg Plan*

**FISCAL IMPACT:** Various initiatives found within *The Lynchburg Plan* have fiscal impacts; however, there are no direct fiscal impacts related to this update.

**CONTACT(S):** Reid Wodicka, Deputy City Manager – 455-3990

**ATTACHMENT(S):**

Powerpoint

*The Lynchburg Plan – Update 1 FY 2020 End of Year*

*The Lynchburg Plan – Fiscal Year 2021 Initiative Plan*

**REVIEWED BY:** raw

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# **The Lynchburg Plan End of FY 2020 Status Updates**

City Council Work Session  
August 11, 2020



# Purpose and Outline

- Purpose: Provide a status update for the progress made on The Lynchburg Plan initiatives during Fiscal Year 2020.
- Outline:
  - Background
  - Overall plan status and statistics
  - Selected Initiative Updates
  - FY 2021 Initiative Plan
  - Path forward



# The Concept

- The City needed a guiding vision for how our operations are connected to what our community will be
  - Ensure City departments are working towards a common vision
  - Help articulate to everyone in the organization and in our community where we are putting our resources (time, money, and effort)
- First iteration of The Lynchburg Plan has been largely about building a framework for how we want to strategically manage the organization's initiatives
  - Focus on what is important and design collaborative projects around our community goals
- Collaboration among and between departments is key
  - Reduce organizational silos by driving practical projects from an interdisciplinary perspective.





# The Lynchburg Plan Goals

|                                                            |                                                                                                                                                                                                                                                         |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The City's Growing<br/>and Redeveloping<br/>Economy</p> | <ol style="list-style-type: none"><li>1. Expanding &amp; Coordinating Workforce</li><li>2. Investing in Infrastructure and Connectivity</li><li>3. Developing and Growing Partnerships</li></ol>                                                        |
| <p>Exceptional<br/>Neighborhoods,<br/>Strong Families</p>  | <ol style="list-style-type: none"><li>4. Assessing and Understanding Neighborhood Strengths and Challenges</li><li>5. Creating &amp; Reimagining Beautiful Neighborhoods</li><li>6. Creating a Culture of Exceptional Public Service Delivery</li></ol> |



# The Lynchburg Plan Goals

|                                                                |                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>A Resilient, Agile,<br/>and Innovative<br/>Organization</p> | <p>7. A Competitive and Innovative Employer</p> <p>8. Intentional Long-Term Viability</p>                                                                                                                                                                              |
| <p>The City's<br/>Impactful Public<br/>Schools</p>             | <p>Task Force!</p> <p>A. Enrollment Trends and Demographics</p> <p>B. Operations, Facilities, and Consolidation</p> <p>C. Leading Practices in Urban Education</p> <p>D. Programming and Collaboration Opportunities</p> <p>E. Talent Management</p> <p>F. Finance</p> |





# The Lynchburg Plan Initiatives

- Each goal has a series of initiatives that are listed by Fiscal Year between FY 2020 and FY 2024
- Each initiative is assigned to one or more of our Collaboratives
- An Example:
  - Goal 4: Assessing and Understanding Neighborhood Strengths and Challenges

| Initiative                                                                              | Time Frame | Key Owner         |
|-----------------------------------------------------------------------------------------|------------|-------------------|
| Implement a plan that complements the goals envisioned in the Downtown 2040 Master Plan | FY 2020    | Livable Lynchburg |

- City staff promised to provide a semi-annual update to City Council on the status of initiatives





# Status Definition

- On Schedule
  - Project is progressing in the timeline that was assumed; not necessarily complete
- Started, Behind Schedule
  - Project has some initial progress, but we aren't executing on it in the time frame that we had hoped; project will continue into the coming fiscal year
- Deferred to Subsequent Year
  - Project has not been started and there was a conscious decision to postpone it to a following year due to workload, re-evaluation of priorities, etc.

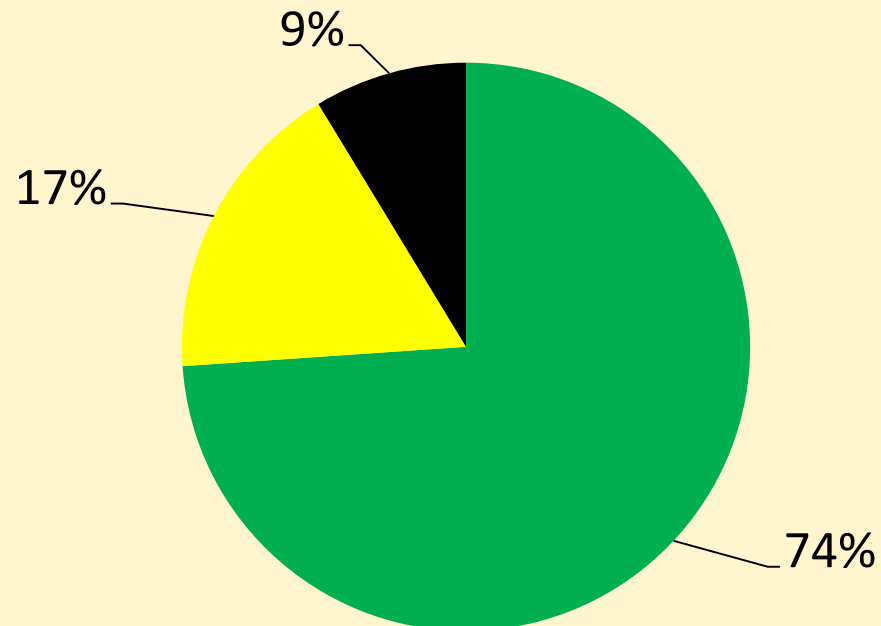


# FY 2020 Initiative Statistics

- Total number of initiatives: 23

- On Schedule: 17
- Started, Behind Schedule: 4
- Deferred to Subsequent Year: 2

■ On Schedule    ■ Started, Behind Schedule    ■ Deferred to Subsequent Year





# Some Good News and Lots of Progress

- A Few Examples of Progress
  - 1.2 Inventory of Workforce Development Programs
  - 2.2 CIP Prioritization Process
  - 3.1 Partner Work Plan Agreements
  - 4.2 Affordable Housing Goals
  - 5.1 Center for Urban Design
  - 6.1 Performance Measures
  - 6.3 Bulk and Brush Collection
  - 8.3 General Fund Balance Policy



# More Work to Do

- 4 Initiatives have been started, but are a bit behind our planned schedule:
  - 5.2 Coordinate resources to apply for lead abatement grant in August 2020
  - 6.2 Create a review team to log and evaluate trends in community complaints and create a strategy to address highest trending concerns
  - 7.2 Identify best practices and conduct an evaluation of needed improvement for how the City can be a veteran friendly employer
  - 8.2 Explore a fraud hotline to allow citizens and staff a safe space to report potential concerns



# Deferred to Subsequent Year

- Two projects have been deferred
  - 3.3 Document and develop a set of partnership opportunities with the City of Lynchburg Disaster Recovery Group in preparation for future disasters
  - 8.1 Review the Government Finance Officer's Association policies for long-range planning and identify the City's weaknesses



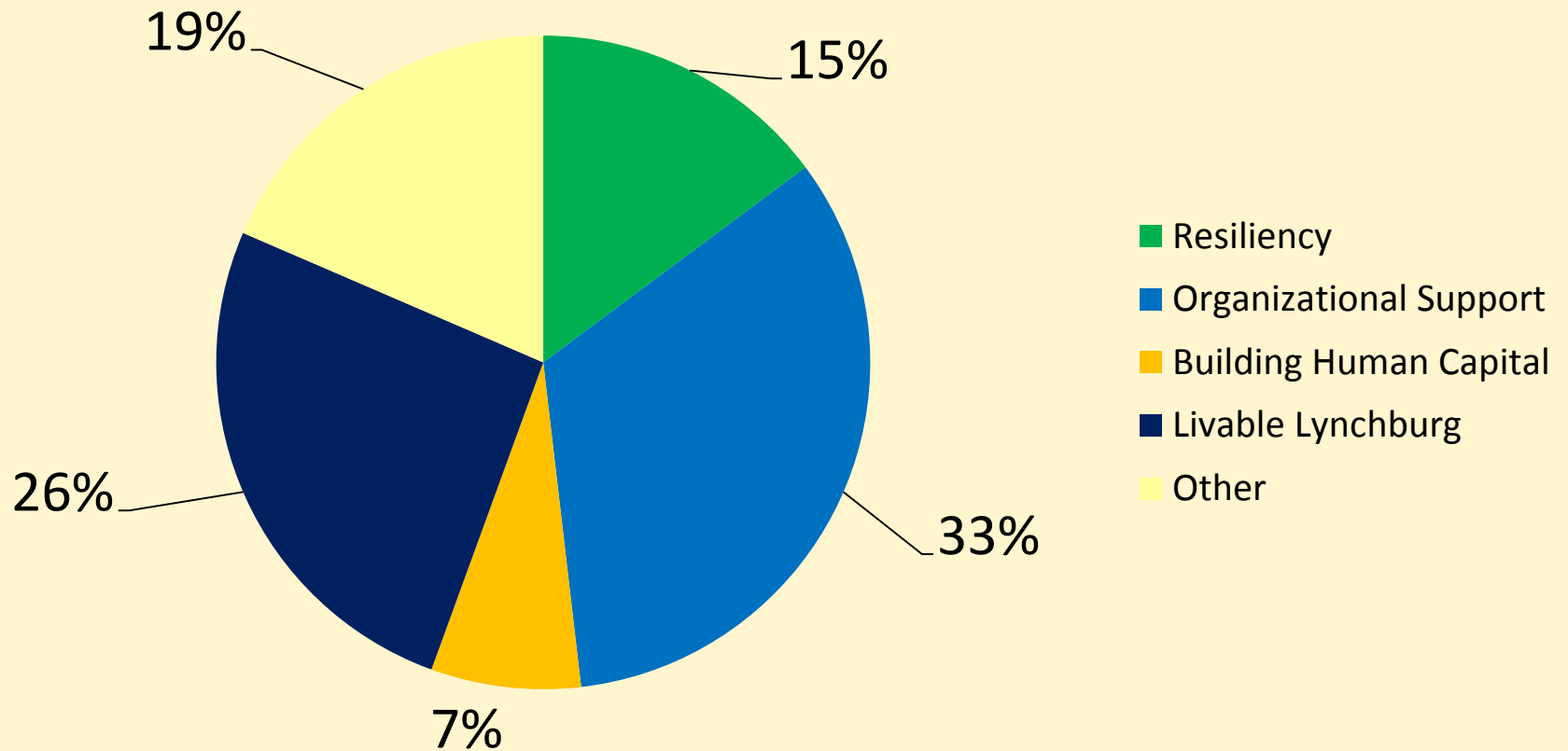
# FY 2021 Initiatives

- FY 2021 Initiatives
  - 27 initiatives originally planned
  - Deferred 8
  - Added 3, and accelerated 1
  - Now have 23 different initiatives planned for next year, plus two deferred from last year
    - Several have been revised from the original document (in Council packet)
- Several initiatives have been added or revised to address COVID-19 concerns and issues of Diversity, Equity, and Inclusion (DEI)
  - DEI was largely not addressed in the original plan



# FY 2021 Initiatives

**FY 2021 - Collaborative Initiative Assignments**





# Path Forward

- In addition to the plan initiatives, there are a few tasks that are needed to fulfill The Lynchburg Plan's goals
  - Build a dashboard tracking community outcomes metrics
  - Develop a plan to create the second iteration of The Lynchburg Plan





# Thank you

- Questions or comments?



# The Lynchburg Plan

FISCAL YEARS 2020 - 2024

*A work plan focused on City Council's Goals & Priorities*

Update 1 - FY 2020 End of Year

Update Period

FY 2020

Final

The Lynchburg Plan - Semiannual Status Update

| ID                                                            | Objective                                                                                                                                                                                                                                                                                                                | Key Owner                                             | Overall Status | Status Update                                                                                                                                                                                                                                                                                                                            | Project Continuance                                                                              | Completion Timeframe                  |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|---------------------------------------|
| <b>Priority 1: The City's Growing and Developing Economy</b>  |                                                                                                                                                                                                                                                                                                                          |                                                       |                |                                                                                                                                                                                                                                                                                                                                          |                                                                                                  |                                       |
| <i>Goal 1: Expanding and Coordinating Workforce</i>           |                                                                                                                                                                                                                                                                                                                          |                                                       |                |                                                                                                                                                                                                                                                                                                                                          |                                                                                                  |                                       |
| 1.1                                                           | Research and produce a white paper identifying leading practices in community workforce development; identify areas of strengths and weaknesses in our existing workforce functions; develop a plan to streamline and clarify responsibilities and to align goals with employer                                          | Building Human Capital + Economic Development         | On Schedule    | This project is in final development.                                                                                                                                                                                                                                                                                                    | This project will continue into early FY 2021                                                    | August 2020                           |
| 1.2                                                           | Develop an inventory and gap analysis of current workforce development programs initiatives and practitioners available in the City/Region. (Navigrid); track participants/graduates of current programs and Virginia Initiative for Education and Work (VIEW)                                                           | Building Human Capital + Economic Development         | On Schedule    | Navigrid has been completed and the data for the VIEW program has been collected                                                                                                                                                                                                                                                         | n/a                                                                                              | April 2020                            |
| <i>Goal 2: Investing in Infrastructure &amp; Connectivity</i> |                                                                                                                                                                                                                                                                                                                          |                                                       |                |                                                                                                                                                                                                                                                                                                                                          |                                                                                                  |                                       |
| 2.1                                                           | Implement a plan that complements the goals envisioned in the Downtown 2040 Master Plan                                                                                                                                                                                                                                  | Livable Lynchburg; Resiliency; Building Human Capital | On Schedule    | City staff has distilled many of the short term goals in the Downtown 2040 Master Plan into actionable projects. Additionally, they have been mapped within the five year CIP with future projects forthcoming in future CIP documents; this effort will continue as we align master plans with future implementation plans.             | Components of this project will continue indefinitely, but major work has been complete.         | June 2020 (major components complete) |
| 2.2                                                           | Develop and update capital improvement prioritization practices to include City-administered projects using a triple bottom line methodology including social, environmental and financial impacts while considering the geographic locations of future growth areas in the City and emergency management considerations | Livable Lynchburg; Resiliency                         | On Schedule    | There is presently a team working to create the described prioritization process and should be complete in the first quarter of FY 2021; this will integrate with another FY 2021 goal                                                                                                                                                   | This project will continue into early FY 2021, and future iterations will continue indefinitely. | October 2020                          |
| 2.3                                                           | Develop a comprehensive evaluation of consistent problem areas during storm events, particularly considering increasing storm intensities and flooding potential                                                                                                                                                         | Resiliency and Livable Lynchburg                      | On Schedule    | Staff has identified several critical problem areas and are continuing to identify vulnerabilities. This connected with the Hazard Mitigation Plan with the Central Virginia Planning District Commission, which will identify potential solutions to be enacted in the future. This plan will be brought to City Council once complete. | This project will continue into FY 2021.                                                         | October 2020                          |

The Lynchburg Plan - Semiannual Status Update

| ID                                                 | Objective                                                                                                                                                                                                                       | Key Owner                                   | Overall Status              | Status Update                                                                                                                                                                                                                                                                                                            | Project Continuance                                                                                                      | Completion Timeframe |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------|
| <i>Goal 3: Developing and Growing Partnerships</i> |                                                                                                                                                                                                                                 |                                             |                             |                                                                                                                                                                                                                                                                                                                          |                                                                                                                          |                      |
| 3.1                                                | Create annual and multi-year work plan agreements with partner agencies, such as the Lynchburg Regional Business Alliance, Small Business Development Center, Business Development Center, Downtown Lynchburg Association, etc. | City Manager's Office; Economic Development | On Schedule                 | City staff has created a several cooperative work plans with various partner agencies (specifically LRBA, SBDC, and DLA); COVID has impacted the progress on these plans, and they will be reviewed annually                                                                                                             | This is an ongoing process that will be reviewed each year and expanded to further partner agencies in subsequent years. | n/a                  |
| 3.2                                                | Create an annual list of opportunities for public-private partnerships through "blue sky" evaluation and design of EDA and City-owned properties                                                                                | Center for Urban Design                     | On Schedule                 | City staff has identified two major blue sky projects to be complete in the coming fiscal year on both City-owned and private property to determine how they might be used for economic development purposes through public-private partnerships; a longer-term schedule will be constructed in the coming year          | This will continue in future years.                                                                                      | May 2020             |
| 3.3                                                | Document and develop a set of partnership opportunities with the City of Lynchburg Disaster Recovery Group in preparation for future disasters                                                                                  | Resiliency; Human Capital                   | Deferred to Subsequent Year | Several meetings of the City of Lynchburg Disaster Recovery Group have been canceled due to COVID-19; we will be moving forward with this next year and continuing in future years.                                                                                                                                      | This will be an ongoing process for the Lynchburg Disaster Recovery Group                                                | Ongoing              |
| 3.4                                                | Continually advocate the City's position to the existing coalition to expand air service to the northern United States                                                                                                          | Livable Lynchburg                           | On Schedule                 | This is an ongoing project. COVID-19 has had significant impacts on the airline industry, reducing the LYH commercial traffic significantly. Primary attention has been shifted to ensuring resiliency and recovery of our existing schedule. Future (expanded) route schedule meetings are scheduled for December 2020. | This will be an ongoing endeavor of the City and the Airport.                                                            | Ongoing              |

The Lynchburg Plan - Semiannual Status Update

| ID                                                                               | Objective                                                                                                                                                                                                 | Key Owner                                | Overall Status           | Status Update                                                                                                                                                                                                                                                                                               | Project Continuance                                                                                                                              | Completion Timeframe |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Priority 2: Exceptional Neighborhoods, Strong Families</b>                    |                                                                                                                                                                                                           |                                          |                          |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                  |                      |
| <i>Goal 4: Assessing and Understanding Neighborhood Strengths and Challenges</i> |                                                                                                                                                                                                           |                                          |                          |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                  |                      |
| 4.1                                                                              | Create a partnership with the Virginia Department of Health to research and support the implementation of the Virginia Family and Fatherhood Initiative and the Delayed Responsible Child Bearing program | Collaborative for Building Human Capital | On Schedule              | Initial research has been conducted and a needs assessment scope of work is being designed.                                                                                                                                                                                                                 | This will continue into Fiscal Year 2021                                                                                                         | Ongoing              |
| 4.2                                                                              | Define goals to expand affordable housing options; create an action to address concerns                                                                                                                   | Livable Lynchburg; Housing Collaborative | On Schedule              | The Housing Collaborative is in the process of expanding its membership and will be defining goals once new members are in place. This will be an ongoing project for several years.                                                                                                                        | The Housing Collaborative will continue this process into FY 2021 and beyond.                                                                    | Ongoing              |
| <i>Goal 5: Creating and Reimagining Beautiful Neighborhoods</i>                  |                                                                                                                                                                                                           |                                          |                          |                                                                                                                                                                                                                                                                                                             |                                                                                                                                                  |                      |
| 5.1                                                                              | Establish the Lynchburg Center for Urban Design – a multi-disciplinary and agile design framework utilizing existing resources and expertise; develop first year work plan                                | Livable Lynchburg                        | On Schedule              | This program has been established, has created operating guidelines, and has a number of design projects underway. The first projects are nearing completion and second year of projects are scheduled.                                                                                                     | The program has been created and design projects are underway; continued revision of the program and projects will be necessary into the future. | December 2019        |
| 5.2                                                                              | Coordinate resources to apply for lead abatement grant in August 2020                                                                                                                                     | Livable Lynchburg                        | Started, Behind Schedule | The lead hazard exploratory group is working with the United State EPA and HUD on an outreach strategy to mitigate hazards in local housing and demolition effort. The outreach efforts have been delayed due to the COVID-19 pandemic and we will continue exploring the lead grant application in FY 2021 | Further exploration will continue in FY 2021 depending on resources available.                                                                   | Summer 2021          |

The Lynchburg Plan - Semiannual Status Update

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                         |             |                                                                                                                                                                                                         |                                                                                |                                                                                                                                     |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 5.3 | Create and update neighborhood master plans for all neighborhoods utilizing structured feedback from neighborhood residents while considering: 1. Neighborhood identity and history 2. Findings from Center for Urban Analysis neighborhood assessments 3. Missing public services (such as sidewalk, sewer, etc.) 4. Access to vital private services (medical care, grocery stores, etc.) 5. Realistic availability of public transportation 6. Preservation of viewsheds and tree canopy 7. Access to acceptable publicly available open space (either City or communityorganization-owned) 8. Potential infill and redevelopment opportunities | Center for Urban Design | On Schedule | We have adopted a neighborhood plan guidebook as we have been working towards the Dearington and Tyreeanna Master Plans and will continue to evaluate and revise our standard process as we learn more. | Major work will resume on these projects once community meetings are possible. | Assuming the ability to gather feedback from the community, we tentatively plan for these projects to be complete in December 2020. |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|

The Lynchburg Plan - Semiannual Status Update

| ID                                                                       | Objective                                                                                                                          | Key Owner              | Overall Status           | Status Update                                                                                                                                                                                                                 | Project Continuance                                                                                                                                 | Completion Timeframe        |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <i>Goal 6: Creating a Culture of Exceptional Public Service Delivery</i> |                                                                                                                                    |                        |                          |                                                                                                                                                                                                                               |                                                                                                                                                     |                             |
| 6.1                                                                      | Incorporate leading practices in performance measurement into the FY 2021 Operating Budget                                         | Organizational Support | On Schedule              | The FY 2021 Budget Document includes revised performance measures that more accurately reflect the goals outlined in The Lynchbrg Plan.                                                                                       | n/a                                                                                                                                                 | March 2020                  |
| 6.2                                                                      | Create a review team to log and evaluate trends in community complaints and create a strategy to address highest trending concerns | Organizational Support | Started, Behind Schedule | We have created a tracking system and have reviewed the core complaints. Staff will be creating an action plan for appropriate departments as trends are announced.                                                           | This will be an ongoing process identifying opportunities for improvement                                                                           | n/a                         |
| 6.3                                                                      | Implement a plan to improve brush and bulk refuse collection                                                                       | Livable Lynchburg      | On Schedule              | Through several meetings over many months, City Council has approved an implementation plan for improvements to brush and bulk collection as other refuse collection issues. Final implementation will begin in October 2020. | Communications regarding the plan and implementation of the program will begin in FY 2021; communications will be ongoing throughout the next year. | May 2020 (Council approval) |
| 6.4                                                                      | Evaluate the findings of the Citizens Survey to identify trends and make an action plan to address concerns                        | All Collaboratives     | On Schedule              | The Citizens Survey was presented to City Council during Fiscal Year 2020. The primary concern was brush and bulk collection; see above initiative                                                                            | Future survey will be completed on a biennial basis.                                                                                                | n/a                         |

The Lynchburg Plan - Semiannual Status Update

| ID                                                                 | Objective                                                                                                                                                                         | Key Owner              | Overall Status              | Status Update                                                                                                                                                                                                                                                  | Project Continuance                                                                        | Completion Timeframe |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------|
| <b>Priority 3: A Resilient, Agile, and Innovative Organization</b> |                                                                                                                                                                                   |                        |                             |                                                                                                                                                                                                                                                                |                                                                                            |                      |
| <i>Goal 7: A Competitive and Innovative Employer</i>               |                                                                                                                                                                                   |                        |                             |                                                                                                                                                                                                                                                                |                                                                                            |                      |
| 7.1                                                                | Develop a supervisor training program to improve communication between supervisors and employees, reinforcing a supportive culture, effective feedback and relationship building. | Training Cooperative   | On Schedule                 | An initial program was created in mid FY 2020 with both online and in-person courses. Several in-person courses were canceled, but several online courses are available. Further encouragement is needed.                                                      | Further outreach to supervisors will continue in FY 2021, but the program has been created | January 2020         |
| 7.2                                                                | Identify best practices and conduct an evaluation of needed improvement for how the City can be a veteran friendly employer                                                       | Human Resource; Fleet  | Started, Behind Schedule    | Presently researching various resources. We have registered with Virginia Values Veterans (V3) and have also reached out to Hire Heros and other organizations that help with training with being more veteran friendly. Still in research and learning phase. | Additional reasearch and program development will be required during FY 2021               | December 2020        |
| <i>Goal 8: Intentional Long-Term Viability</i>                     |                                                                                                                                                                                   |                        |                             |                                                                                                                                                                                                                                                                |                                                                                            |                      |
| 8.1                                                                | Review the Government Finance Officer's Association policies for long-range planning and identify the City's weaknesses                                                           | Organizational Support | Deferred to Subsequent Year | Due to the need to create an additional budget during spring 2020 due to the COVID-19 pandemic, this initiative has been delayed until a subsequent year.                                                                                                      | This project has been delayed until a subsequent year.                                     | FY 2021              |
| 8.2                                                                | Explore a fraud hotline to allow citizens and staff a safe space to report potential concerns                                                                                     | Organizational Support | Started, Behind Schedule    | We have begun research on this topic and will continue to evaluate options in the coming year.                                                                                                                                                                 | This project will continue into FY 2021.                                                   | March 2021           |
| 8.3                                                                | Evaluate the General Fund Balance Policy to determine if additional funds are needed to set aside and create a multi-year implementation plan                                     | Organizational Support | On Schedule                 | City Council adopted a revised fund balance policy on December 10, 2019                                                                                                                                                                                        | n/a                                                                                        | December 2019        |



The Lynchburg Plan - Fiscal Year 2021 Initiatives  
Updated: August 11, 2020

## Deferred from FY 2020

| ID  | Description                                                                                                                                    | Key Owner | Notes                                                                                                                                                                               |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.3 | Document and develop a set of partnership opportunities with the City of Lynchburg Disaster Recovery Group in preparation for future disasters | R         | Several meetings of the City of Lynchburg Disaster Recovery Group have been canceled due to COVID-19; we will be moving forward with this next year and continuing in future years. |
| 8.1 | Review the Government Finance Officer's Association policies for long-range planning and identify the City's weaknesses                        | OS        | This project was deferred to to additional workload from COVID-19; this will connect with initiative 8.5 in the future                                                              |

## Accelerated from Later Plan Years (some wording and scope changes are highlighted)

| ID  | Description                                                                                                                                                                                                                                          | Key Owner     | Notes                                                                                                    |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------|
| 5.7 | Develop a neighborhood <del>coordinator</del> <u>caretaker</u> program for working collaboratively with the City to address public asset blights such as trash in right-of-ways, damaged or impassable sidewalks, derelict City-owned property, etc. | LL, R, Police | Originally planned for FY 2024; TANF funds are available beginning in FY 2021; pilot to begin in FY 2021 |

## Added to FY 2021 (not originally in The Lynchburg Plan)

| ID | Description                                                                                                                                     | Key Owner | Notes |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------|
|    | Create a task force to evaluate what has worked and what hasn't with respect to changes in work patterns during COVID-19                        | OS        |       |
|    | Develop training to ensure the health and safety of employees in a new workplace landscape resulting from the COVID-19-related OSHA regulations | OS        |       |
|    | Begin Planning for the next Lynchburg Plan iteration                                                                                            | CMO       |       |

## FY 2021 Initiatives (some wording and scope changes are highlighted)

| ID   | Descriptions                                                                                                                                                                                                                                       | Key Owner | Notes                                                                |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------------------------------------------------------------|
| 1.4  | Conduct an evaluation of best practices and how effectively City government can facilitate achieving workforce <b>development and diversity, equity, and inclusion</b> goals in its own employment practices                                       | HR        | This should be driven by the new HR Director                         |
| 2.5  | Invest in a City-specific long-range vehicular traffic plan, taking into account regional traffic pressures                                                                                                                                        | CUD       | Presently in planning phases                                         |
| 2.7  | Coordinate the National Flood Insurance Program Community Rating System with the Regional Hazard Mitigation Planning Effort to evaluate the potential to lower flood insurance premiums in the City                                                | R         | Underway                                                             |
| 2.8  | Create a multi-decade utility infrastructure asset management program and establish a financial plan to make it feasible                                                                                                                           | LL & R    | Underway                                                             |
| 2.9  | Evaluate the opportunity for the deployment of 5G broadband internet access throughout the City                                                                                                                                                    | IT        |                                                                      |
| 2.10 | Develop a coherent strategy to invest in forward thinking technology throughout the City                                                                                                                                                           | LL & R    | "SmartCity"                                                          |
| 3.5  | Develop a relationship with Centra and the Partnership for Healthy Communities to develop proactive preventative health programs. Utilize Live Healthy Lynchburg in an advisory capacity regarding health policy and programs when there is a need | BHC       |                                                                      |
| 3.7  | Create an online business licensing portal with wrap around services to streamline processes                                                                                                                                                       | LL & OS   | COMPLETE!                                                            |
| 3.8  | Explore capacity/interest in provide CO-STARTER graduate access to vacant properties at reduced rates for new businesses                                                                                                                           | ED&T      |                                                                      |
| 4.4  | Conduct a Parks and Recreation needs assessment to evaluate existing programs, facilities, parks and services to improve quality of life                                                                                                           | BHC       |                                                                      |
| 4.6  | Create neighborhood statistical areas to guide the use of publicly available and City-generated data, calibrated to community members' knowledge of neighborhood identity and boundaries                                                           | LL        | Designations complete; will integrate with Center for Urban Analysis |
| 5.4  | Conduct a review of the Future Land Use Map as a component of the Comprehensive Plan review to protect neighborhoods                                                                                                                               | LL        |                                                                      |

|     |                                                                                                                                                                                                                                                   |                                          |                                                                                     |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------|
| 6.5 | Conduct an assessment of the public safety departments' staffing levels to determine if and what level of right-sizing is necessary                                                                                                               | OS, Police, Fire, and Emergency Services | Staffing analyses are done; need to build multi-year/long-term implementation plans |
| 7.3 | <del>Conduct a research project to</del> Identify and implement leading practice associated with recruiting and retaining high-quality employees <b><u>and advance the diversity, equity, and inclusion goals of the City.</u></b>                | OS                                       |                                                                                     |
| 7.4 | Restructure the City's performance management system <b><u>rating criteria and weight allocation</u></b> , incentivizing high performing employees and improving or removing low performers; <b><u>identify necessary training objectives</u></b> | OS                                       |                                                                                     |
| 8.4 | Create a capital projects rating system and review team to guide funding decisions and review ongoing appropriations                                                                                                                              | OS                                       | Underway as a FY 2020 project expanded                                              |
| 8.6 | Evaluate the City's workers compensating claims experience and create a strategy to reduce exposure; focus on departments with the highest safety risk                                                                                            | OS                                       |                                                                                     |
| 8.7 | Evaluate alternative payment options (kiosks, prepayment, etc.)                                                                                                                                                                                   | OS                                       |                                                                                     |
| 8.9 | Conduct an evaluation <b><u>of</u></b> participation of small, women, or minority-owned businesses in City contracts                                                                                                                              | OS                                       |                                                                                     |

## Deferred to FY 2022

| ID  | Description                                                                                                                                                                                                                                                   | Key Owner      | Notes                               |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------|
| 1.3 | Develop a defined City Internship program for high school and college students and VIEW participants                                                                                                                                                          | BHC            | Defer to FY 2022                    |
| 2.6 | Develop a strategy to identify capital projects contained in various master plans and create a strategy for implementation                                                                                                                                    | CUD            | Defer to FY 2022                    |
| 4.5 | Create a community dialogue on the state of the family                                                                                                                                                                                                        | BHC            | Potentially a pilot in FY 2021      |
| 4.7 | Create a clearinghouse to track investment in neighborhoods by government, non-profits, and other partners. Create a heat map and track why, how, by whom, investments are made; evaluate success as appropriate <b><u>to determine where gaps exist.</u></b> | LL             | Need to develop NSA structure first |
| 6.6 | Integrate the findings of the Center for Urban Analysis by developing baseline service delivery outcomes expectations                                                                                                                                         | Urban Analysis | Defer to FY 2022                    |

|     |                                                                                                                                                                                                                                           |     |                                                     |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------------|
| 8.5 | Create a formal and comprehensive long-term financial plan                                                                                                                                                                                | OS  |                                                     |
| 8.8 | Conduct an annual procurement audit on a rotating schedule of service to determine if outsourcing of present internal operations, or insourcing of presently contracted service would result in cost savings and operational improvements | OS  | May be dependent on perspective of new City Manager |
| 3.6 | Create a plan to promote support throughout the community for student work-based learning experience as envisioned by the Profile of a Virginia Graduate                                                                                  | BHC | Defer to FY 2022                                    |

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **4**

CONSENT:  
ACTION:

REGULAR:  
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: FY 2020 and FY 2021 Revenue Update**

KEY ELEMENTS:

\_\_\_ Economic Development **X** Excellent Government \_\_\_ Natural and Built Environment \_\_\_ Safe Community \_\_\_ Vibrant Community

RECOMMENDATION: Receive an update on the revenue collections received in several key City revenue sources and an update on utility disconnects.

SUMMARY: Several key Adopted FY 2020 revenue sources were revised to reflect the anticipated economic impacts due to the COVID-19 pandemic; revenue collections are updated through June 30, 2020 including 45 day accrual through August 15, 2020.

Additionally, several key Adopted FY 2021 revenue sources were reduced to reflect the anticipated economic impacts due to the COVID-19 pandemic; revenue collections are updated through August 31, 2020.

This report is updated to include utility accounts subject to disconnect.

PRIOR ACTION(S): April 14, 2020: Rebalancing the Adopted FY 2020 General Fund Budget Due to Economic Impact of COVID-19, City Council

April 28, 2020: Rebalancing the Proposed FY 2021 General Fund Budget Due to Economic Impact of COVID-19, City Council

FISCAL IMPACT: As noted.

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S): COVID-19 FY 2020 Revised and FY 2021 Adopted Revenue General Fund Operating Budget Monthly Update

REVIEWED BY: raw



COVID-19 FY 2020 Revised Revenue  
COVID-19 FY 2021 Adopted Revenue  
General Fund Operating Budget  
Monthly Update  
and  
Utility Disconnects

City Council  
September 8, 2020



# COVID-19 FY 2020 Revised Revenue Monthly Update

|                                                                        | Revised<br>FY 2020   | Actual<br>Collections<br>FY 2020 | Variance to<br>Revised Budget<br>FY 2020 |
|------------------------------------------------------------------------|----------------------|----------------------------------|------------------------------------------|
| <b>Net Real Property</b>                                               | <b>\$60,338,212</b>  | <b>\$60,650,828</b>              | <b>\$312,616</b>                         |
| <i>Real Property</i>                                                   | <i>\$62,125,204</i>  |                                  |                                          |
| <i>Allowance for Uncollectible Real Property</i>                       | <i>(\$1,786,992)</i> |                                  |                                          |
| <i>% Allowance for Uncollectible Real Property</i>                     | <i>3.0%</i>          |                                  |                                          |
| <b>Net Personal Property - local portion <sup>1</sup></b>              | <b>\$18,051,339</b>  | <b>\$20,028,232</b>              | <b>\$1,976,893</b>                       |
| <i>Personal Property - local portion</i>                               | <i>\$18,625,000</i>  |                                  |                                          |
| <i>Allowance for Personal Property - local portion</i>                 | <i>(\$573,661)</i>   |                                  |                                          |
| <i>% Allowance for Uncollectible Personal Property - local portion</i> | <i>3.1%</i>          |                                  |                                          |
| <b>Net Business License Tax</b>                                        | <b>\$7,988,490</b>   | <b>\$9,248,010</b>               | <b>\$1,259,520</b>                       |
| <i>Business License Tax</i>                                            | <i>\$8,876,651</i>   |                                  |                                          |
| <i>Allowance for Uncollectible Business License</i>                    | <i>(\$888,161)</i>   |                                  |                                          |
| <i>% Allowance for Uncollectible Business License</i>                  | <i>10.0%</i>         |                                  |                                          |
| <b>Motor Vehicle Licenses</b>                                          | <b>\$1,259,385</b>   | <b>\$1,647,832</b>               | <b>\$388,447</b>                         |

<sup>1</sup> Net of \$1,911,884 collected for FY 2021 prepaid second installment of Personal Property tax.

Note: Actual collections revised as of June 30, 2020 including 45 day accrual through August 15, 2020.



# COVID-19 FY 2020 Revised Revenue

## Monthly Update *(continued)*

|                                |              | Revised<br>FY 2020  | Actual<br>Collections<br>FY 2020 | Variance to<br>Revised Budget<br>FY 2020 |
|--------------------------------|--------------|---------------------|----------------------------------|------------------------------------------|
| <b>Local Sales and Use Tax</b> |              | <b>\$15,567,411</b> | <b>\$16,553,430</b>              | <b>\$986,019</b>                         |
|                                | <i>March</i> | 1,386,161           | 1,295,372                        | (90,789)                                 |
|                                | <i>April</i> | 966,446             | 1,266,401                        | 299,955                                  |
|                                | <i>May</i>   | 1,050,243           | 1,327,343                        | 277,100                                  |
|                                | <i>June</i>  | 998,310             | 1,485,941                        | 487,631                                  |
| <b>Meals Tax</b>               |              | <b>\$13,253,905</b> | <b>\$13,708,338</b>              | <b>\$454,433</b>                         |
|                                | <i>March</i> | 1,140,782           | 935,569                          | (205,213)                                |
|                                | <i>April</i> | 541,194             | 802,509                          | 261,315                                  |
|                                | <i>May</i>   | 559,001             | 883,043                          | 324,042                                  |
|                                | <i>June</i>  | 937,637             | 1,013,966                        | 76,329                                   |
| <b>Lodging Tax</b>             |              | <b>\$2,107,532</b>  | <b>\$2,346,356</b>               | <b>\$238,824</b>                         |
|                                | <i>March</i> | 120,725             | 170,886                          | 50,161                                   |
|                                | <i>April</i> | 11,361              | 60,603                           | 49,242                                   |
|                                | <i>May</i>   | 16,061              | 97,386                           | 81,325                                   |
|                                | <i>June</i>  | 67,797              | 125,893                          | 58,096                                   |
| <b>Amusement Tax</b>           |              | <b>\$626,614</b>    | <b>\$624,430</b>                 | <b>(\$2,184)</b>                         |
|                                | <i>March</i> | 40,975              | 32,690                           | (8,285)                                  |
|                                | <i>April</i> | 0                   | 1,332                            | 1,332                                    |
|                                | <i>May</i>   | 0                   | 979                              | 979                                      |
|                                | <i>June</i>  | 0                   | 5,772                            | 5,772                                    |

Note: Actual collections revised as of June 30, 2020 including 45 day accrual through August 15, 2020.





# COVID-19 FY 2021 Adopted Revenue Monthly Update

## Local Sales and Use Tax

|                                                                            | Adopted<br>FY 2021  | Actual<br>Collections<br>FY 2021 | Variance to<br>Adopted<br>Budget<br>FY 2021 |
|----------------------------------------------------------------------------|---------------------|----------------------------------|---------------------------------------------|
| <b>Local Sales and Use Tax</b>                                             | <b>\$15,454,579</b> | <b>\$1,478,505</b>               | <b>(\$13,976,074)</b>                       |
| <i>(Sales and Use Tax for July due by September 15th) July * Not Final</i> | 1,119,330           | 1,478,505                        | 359,175                                     |
| <i>(Sales and Use Tax for August due by October 15th) August</i>           | 1,025,719           | 0                                | (1,025,719)                                 |
| <i>(Sales and Use Tax for September due by November 15th) September</i>    | 1,252,153           | 0                                | (1,252,153)                                 |
| <i>(Sales and Use Tax for October due by December 15th) October</i>        | 1,251,875           | 0                                | (1,251,875)                                 |
| <i>(Sales and Use Tax for November due by January 15th) November</i>       | 1,361,561           | 0                                | (1,361,561)                                 |
| <i>(Sales and Use Tax for December due by February 15th) December</i>      | 1,585,420           | 0                                | (1,585,420)                                 |
| <i>(Sales and Use Tax for January due by March 15th) January</i>           | 1,160,079           | 0                                | (1,160,079)                                 |
| <i>(Sales and Use Tax for February due by April 15th) February</i>         | 1,196,836           | 0                                | (1,196,836)                                 |
| <i>(Sales and Use Tax for March due by May 15th) March</i>                 | 1,432,681           | 0                                | (1,432,681)                                 |
| <i>(Sales and Use Tax for April due by June 15th) April</i>                | 1,331,840           | 0                                | (1,331,840)                                 |
| <i>(Sales and Use Tax for May due by July 15th) May</i>                    | 1,447,319           | 0                                | (1,447,319)                                 |
| <i>(Sales and Use Tax for June due by August 15th) June</i>                | 1,289,766           | 0                                | (1,289,766)                                 |

Note: Actual collections revised as of August 31, 2020.



# COVID-19 FY 2021 Adopted Revenue Monthly Update *(continued)*

## Meals Tax

|                                                         | Adopted<br>FY 2021  | Actual<br>Collections<br>FY 2021 | Variance to<br>Adopted<br>Budget<br>FY 2021 |
|---------------------------------------------------------|---------------------|----------------------------------|---------------------------------------------|
| <b>Meals Tax</b>                                        | <b>\$14,932,599</b> | <b>\$1,090,332</b>               | <b>(\$13,842,267)</b>                       |
| July                                                    | 970,231             | 1,090,332                        | 120,101                                     |
| (Meals Tax for August due by September 20th) August     | 1,081,853           | 0                                | (1,081,853)                                 |
| (Meals Tax for September due by October 20th) September | 1,161,186           | 0                                | (1,161,186)                                 |
| (Meals Tax for October due by November 20th) October    | 1,357,034           | 0                                | (1,357,034)                                 |
| (Meals Tax for November due by December 20th) November  | 1,230,200           | 0                                | (1,230,200)                                 |
| (Meals Tax for December due by January 20th) December   | 1,286,319           | 0                                | (1,286,319)                                 |
| (Meals Tax for January due by February 20th) January    | 1,181,440           | 0                                | (1,181,440)                                 |
| (Meals Tax for February due by March 20th) February     | 1,237,691           | 0                                | (1,237,691)                                 |
| (Meals Tax for March due by April 20th) March           | 1,425,976           | 0                                | (1,425,976)                                 |
| (Meals Tax for April due by May 20th) April             | 1,352,984           | 0                                | (1,352,984)                                 |
| (Meals Tax for May due by June 20th) May                | 1,397,503           | 0                                | (1,397,503)                                 |
| (Meals Tax for June due by July 20th) June              | 1,250,182           | 0                                | (1,250,182)                                 |

Note: Actual collections revised as of August 31, 2020.



# COVID-19 FY 2021 Adopted Revenue Monthly Update *(continued)*

## Lodging Tax

|                                                           | Adopted<br>FY 2021 | Actual<br>Collections<br>FY 2021 | Variance to<br>Adopted<br>Budget<br>FY 2021 |
|-----------------------------------------------------------|--------------------|----------------------------------|---------------------------------------------|
| <b>Lodging Tax</b>                                        | <b>\$2,725,636</b> | <b>\$155,637</b>                 | <b>(\$2,569,999)</b>                        |
| July                                                      | 147,156            | 155,637                          | 8,481                                       |
| (Lodging Tax for August due by September 20th) August     | 177,753            | 0                                | (177,753)                                   |
| (Lodging Tax for September due by October 20th) September | 208,246            | 0                                | (208,246)                                   |
| (Lodging Tax for October due by November 20th) October    | 314,431            | 0                                | (314,431)                                   |
| (Lodging Tax for November due by December 20th) November  | 218,220            | 0                                | (218,220)                                   |
| (Lodging Tax for December due by January 20th) December   | 156,330            | 0                                | (156,330)                                   |
| (Lodging Tax for January due by February 20th) January    | 211,325            | 0                                | (211,325)                                   |
| (Lodging Tax for February due by March 20th) February     | 208,445            | 0                                | (208,445)                                   |
| (Lodging Tax for March due by April 20th) March           | 279,608            | 0                                | (279,608)                                   |
| (Lodging Tax for April due by May 20th) April             | 233,875            | 0                                | (233,875)                                   |
| (Lodging Tax for May due by June 20th) May                | 300,480            | 0                                | (300,480)                                   |
| (Lodging Tax for June due by July 20th) June              | 269,767            | 0                                | (269,767)                                   |

Note: Actual collections revised as of August 31, 2020.



# COVID-19 FY 2021 Adopted Revenue Monthly Update *(continued)*

## Amusement Tax

|                                                                    | Adopted<br>FY 2021 | Actual<br>Collections<br>FY 2021 | Variance to<br>Adopted<br>Budget<br>FY 2021 |
|--------------------------------------------------------------------|--------------------|----------------------------------|---------------------------------------------|
| <b>Amusement Tax</b>                                               | <b>\$795,190</b>   | <b>\$13,970</b>                  | <b>(\$781,220)</b>                          |
| <i>July</i>                                                        | <i>34,581</i>      | <i>13,970</i>                    | <i>(20,611)</i>                             |
| <i>(Amusement Tax for August due by September 20th) August</i>     | <i>28,321</i>      | <i>0</i>                         | <i>(28,321)</i>                             |
| <i>(Amusement Tax for September due by October 20th) September</i> | <i>28,994</i>      | <i>0</i>                         | <i>(28,994)</i>                             |
| <i>(Amusement Tax for October due by November 20th) October</i>    | <i>73,504</i>      | <i>0</i>                         | <i>(73,504)</i>                             |
| <i>(Amusement Tax for November due by December 20th) November</i>  | <i>80,858</i>      | <i>0</i>                         | <i>(80,858)</i>                             |
| <i>(Amusement Tax for December due by January 20th) December</i>   | <i>81,843</i>      | <i>0</i>                         | <i>(81,843)</i>                             |
| <i>(Amusement Tax for January due by February 20th) January</i>    | <i>88,585</i>      | <i>0</i>                         | <i>(88,585)</i>                             |
| <i>(Amusement Tax for February due by March 20th) February</i>     | <i>62,931</i>      | <i>0</i>                         | <i>(62,931)</i>                             |
| <i>(Amusement Tax for March due by April 20th) March</i>           | <i>86,769</i>      | <i>0</i>                         | <i>(86,769)</i>                             |
| <i>(Amusement Tax for April due by May 20th) April</i>             | <i>92,490</i>      | <i>0</i>                         | <i>(92,490)</i>                             |
| <i>(Amusement Tax for May due by June 20th) May</i>                | <i>63,944</i>      | <i>0</i>                         | <i>(63,944)</i>                             |
| <i>(Amusement Tax for June due by July 20th) June</i>              | <i>72,370</i>      | <i>0</i>                         | <i>(72,370)</i>                             |

Note: Actual collections revised as of August 31, 2020.



# Utility Accounts Subject to Disconnect

- Total Number of Accounts Past Due - 1,085 (\$208,132) across the Water, Sewer, and Stormwater funds
- Total Number of Accounts Past Due Balance \$100.00 or Greater 594 (\$178,233)
  - Residential Accounts 549
  - Non-Residential 45
- Pledge Information
  - Received pledges from Interfaith for 11 accounts



# Community Support

- \$75,000 Community First-Rent and Utilities Assistance (Miriam's House)
  - \$170,000 Emergency Housing and Utility Assistance (Lynchburg Community Action Group)
  - \$40,000 Safe at Home Emergency Assistance (Interfaith Outreach)
- \$285,000 Total CDBG-COVID Funds**
- \$200,000 Total CARES Funds**



# Questions, Comments, Observations

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of August, 2020, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson,

Treney Tweedy, Sterling A. Wilder, Chris Faraldi

7

Absent:

0

// In the matter of the Police Department, Agenda Item #1, Police Chief Ryan Zuidema gave a presentation outlining a department-wide workload assessment study first initiated in the summer of 2019 and completed in the summer of 2020. This study, which was conducted in-house by the Intelligence Unit, serves to inform Council of the department's staffing requirements needed in order to meet organizational goals and has no monetary request at this time. Chief Zuidema detailed the staffing needs for each division within the department: Field Operations Bureau; Field Support Division; Criminal Investigations Division; Special Investigations Division; Professional Standards Division; Staff Support Division; Administrative Support Division; Finance/Information Technology Divisions; and Office of the Chief of Police. Overall, twenty-six sworn positions and sixteen and a half professional staff are needed to fulfill the staffing requirements. Chief Zuidema explained that he and staff are looking at ways to creatively address these needs, as well as, progress incrementally over multiple years introducing about 5 officers and 3 professionals each year until staffing needs are met.

Councilmember Wilder inquired whether the report addressed the pay gap. Chief Zuidema explained that this assessment did not cover any pay information, however, they did look at the surrounding counties and the City of Lynchburg is comparable. Councilmember Wilder also wanted to know if the police department has plans to hire a consulting firm to address the challenges that were brought up during the community Listening Session, and the current national issues that we are facing. Chief Zuidema said that the immediate goal is to compile all of the information gathered from the sessions and present that to the community. He advised that hiring a consulting firm would cost money.



Councilmember Faraldi commented that one of the big takeaways during the Listening Sessions was that the same officers patrol the same neighborhoods to help build relationships between the department and the community members. He asked for clarification on how additional staffing help the police department deliver on this imperative request? Chief Zuidema explained that the additional staffing will help with retention and help provide consistent coverage. Councilmember Faraldi continued that a second recurring theme that emerged from the Listening Sessions was a desire to be treated human first. He noted that our officers are going to call to call and the mental drain associated with this workload is immense. How does additional staffing help our officers provide professional service? Chief Zuidema replied that having more officers will help spread the workload evenly so officers aren't running from call to call every single shift. Councilmember Faraldi continued stating that to properly address these staffing needs will take financial commitment from Council, and he looks forward to working with Councilmembers to get the money that the police department may need.

Councilmember Helgeson referenced the densely populated areas on the outskirts of Lynchburg that were recently erected, and the police department, with the same amount of officers, is expected to cover the area. He is glad that the police department put together a plan and suggested that there be an influx of positions filled first so that officers can begin to see a light at the end of the tunnel. Councilmember Helgeson further explained that he wants to look in the budget because by his calculations, there is five million dollars freed up because schools aren't meeting in-person. Money is tight because of lost revenues, but budgeting is about priorities. The sooner we can get as many sworn officers in the pipeline, the sooner the department will begin to see the light at the end of the tunnel and might help with the retention issues.

Councilmember Tweedy wanted to know of the potential dollar amount of the five sworn officers. Chief Zuidema explained that salary and benefits for one officer is about \$60,000, but also the purchase of needed equipment should be considered. His goal would be to come back during budget time with a hard number. Councilmember Tweedy wanted to know what the background of the professional staff would be. Was police experience necessary? Chief Zuidema explained that some are administrative/clerical roles that would need no police background. Some are for intelligence roles where

experience would be great. Some would need I.T. or finance background but typically the majority would not need any law enforcement background.

Councilmember Nelson noted that we are losing officers due to wage and stress. As the City heads into a new budget season, he asked Chief Zuidema where his emphasis will lie; continuing with increasing the compensation or increasing the staffing numbers? He cautioned that in this COVID-19 era, there might not be the means to do both. Chief Zuidema explained that he would like to see the police departments numbers increase because that would address the burnout and workload. He reiterated that the City of Lynchburg will have to continue to stay competitive with compensation. Initially, he would like to increase staffing then work to make our pay competitive.

Councilmember Tweedy asked when the education, economic development, and social services decrease what does that do for the crime rate. Chief Zuidema responded that traditionally, when services drop, the crime rate goes up.

Vice Mayor Wright asked how we define quality of public engagement. He asked if Chief Zuidema could describe the standard profile of the officers who are currently on patrol and are likely going to be responding to calls. He would like to understand the pressures the officers are under and what citizens can expect. Chief Zuidema explained that the average officer has 3.2 or 3.3 years of service in the police department. He stated that we're inexperienced; we are a very young police department. Additionally, Vice Mayor Wright wanted to know what the figure was for the turn over cost. Chief Zuidema said that the total cost to train an officer is \$113,000 over an 18-month period. Vice Mayor Wright wanted to know if a strategic plan will be created from the information collected from the Listening Sessions. Chief Zuidema confirmed that a plan will be forthcoming.

// In the matter of Communication and Public Engagement, Agenda Item #2, Ms. JoAnn Martin, Director of Communications and Public Engagement, gave Council an update on the refuse communications plan. Earlier this year, the decision was made to change the trash collection system which includes brush and bulk pick-up. Council had previously asked for staff to come back and brief them on the communications plan for citizens. A brief video created by Broadcast Services featuring the public works department was

shown. The communication objective is to inform customers of changes to the trash, brush, and bulk system, to educate staff so that they have the correct information for citizens, to gain compliance from our customers, and to measure success of our communications. Our target audience is of course our residents, business owners, property owners, and also city staff. Communications will be heavy this month and will include an insert with the water bills for the month of August. Communications will be ongoing in order to obtain compliance and continuity. Ms. Martin indicated the importance of continuing and ongoing communication and using an array of strategies to reach all audiences. Budget is between \$32,000 and \$34,000. The money was already in the public works budget, it was left from the decal system, so we are not asking for any additional funding. The communication timeline will begin this month and continue throughout the year. In evaluating success, we will look at increased revenues from trash services fees, increased customer compliance with trash, brush and bulk setouts and reduction in code violations, and increased citizen satisfaction (comparison in the National Citizen Survey results). Ms. Martin continued the presentation by reviewing a number of potential social media posts aimed to educate the public. Council also received a door hanger that every citizen will receive in the month of September, outlining the trash guidelines and the guidelines for bulk and brush schedule. Also, citizens will receive a decal of their schedule that will be placed on the trash can for reference. Communications and Public Engagement also puts out a newspaper advertisement during any holiday to announce the holiday schedule, and an advert with this schedule will be placed in the paper.

Councilmember Wilder thanked staff for their intense communications plan and for listening to the community on the things that they wanted.

Councilmember Helgeson asked to pause the new refuse plan, citing the public health crisis and the subsequent financial strain on the citizenry. He recommended that the plan be put off until the first of the year. He cited the thousand citizens who would have had their water shutoff had it not been for the state moratorium, and adding the \$10 fee right now isn't appropriate. Councilmember Helgeson continued that he knows it was voted on and passed, but wanted to throw it out there to see if his fellow councilmembers would agree. Mayor Dolan clarified that citizens would no longer have to buy the annual \$110 decal fee, which equates to about \$9.17 a month. Ms. Hart, Director of Public Works, explained that

citizens have expressed a desire to have the cost budgeted monthly instead of paying the upfront cost. Councilmember Helgeson explained that the people who are not paying for the trash and were not using even the smaller can are the ones hurting. Mayor Dolan pointed out that those citizens are still using the City's recycling facilities. Councilmember Nelson stated that as a corollary to Councilmember Helgeson's response, are any of the materials that are to be distributed time sensitive? Could they not be delayed until the first of the year? Ms. Martin stated that everything has the October 1, 2020 date, as the start date previously directed by Council. Also, the revenue projections are based on the October 1, 2020 start date. Councilmember Nelson inquired about incremental savings and wanted to know whether the city has paid for advertising, or were they able to utilize public service, no-cost advertisements? Ms. Martin explained that a lot of things have been at no-cost, but they also paid for advertisement because staff wanted to make sure as many people as possible were reached. Councilmember Nelson also wanted to explore different means of written advertisement and not utilize door hangers because it might cost too much for a person to walk up to the door. Ms. Martin indicated that the \$34,000 was not manpower hours but more for developing and cost of materials and paying for advertising, not for paying salaries.

Councilmember Tweedy thanked staff for putting together what she hoped would be a successful communications plan and said that she is looking forward to having a clean, beautiful city.

// In the matter of Budget, Agenda Item #3, Ms. Donna Witt updated Council on the revenue collections received in several key City revenue sources, as well as, a report on utility disconnects. These numbers reflect revenue numbers through June 30, 2020. Net Real Property Tax, Net Personal Property Tax, Net Business License Tax, and Motor Vehicle Licenses Tax came in well above the revenue projections. Ms. Witt noted that this is really encouraging because this indicates that citizens were able to pay their annual taxes. Local Sales Tax was surprisingly good for June; we are up 16.3% since June 2019 and we are about \$480,973 above our revised revenue numbers. This is very positive news; however, this could be partially due to revenues coming in strong headed into the pandemic. Ms. Witt also noted that these numbers could be influenced by the Wayfair Act. Meals Tax is down 20% from FY 2019; however, we are \$70,213 above our revised revenue projections. We anticipated June being a strong month, due to restaurants opening back up and offering curbside pickup. Lodging Tax is down 40% compared to 2019

and down about 16.5% for the year although the collections for June are better than anticipated by \$58,096. Amusement Tax is down 22% for the year. We did collect \$5,772 and the projection was \$0, so that is showing that some things are starting to reopen. Between Sales Tax, Meals Tax, Lodging Tax, and Amusement Tax, revenues are up about \$1.6 million from the revised projections, and helps us end the FY 2020 stronger than where we thought we'd be.

Vice Mayor Wright wanted to know what we are ultimately down according to the original adopted budget. Staff will come back with that number.

In the matter of utility accounts, Ms. Witt explained that there are about 1,036 past due accounts which comes to about \$183,097 across Water, Sewer, and Stormwater Funds. The majority of these accounts are residential. The total number of past due balances \$100 or greater is 534 accounts. Ms. Witt went on to discuss the CDBG-COVID Funds that were made available to Miriam's House, Lynchburg Community Action Group, and Interfaith Outreach totaling \$285,000. Staff are communicating with these groups to discuss a second distribution of COVID funding to determine if they would be able to use additional funds before the end of the year. Regarding the future of utility disconnects, at this time there is no plan to start disconnecting service. Initially, staff thought these would begin in September, but due to the rising number of local COVID-19 the disconnects have been halted. There also might be action taken by the Virginia Department of Health to prevent cut-offs.

Councilmember Wilder wanted to know, as far as delinquent customers go, how are we communicating the relief? Ms. Witt explained that a letter went out with the water bill that listed the organizations that could provide them with help. Working with communications and may send out another notice reminding citizens of those organizations.

Councilmember Helgeson asked for clarification on why we weren't doing shutoffs in September. Ms. Witt said we are waiting for clarification from the state. Councilmember Helgeson cautioned about there not being an incentive to pay. Councilmember Faraldi wanted to know what gave her insight about the proposed legislation for the August Emergency General Assembly Session. Tim Mitchell, Director of Water Resources, that the Virginia Poverty Law Center is formulating the legislation. Councilmember

Faraldi posed the question that if that legislation doesn't happen, and there are no penalties for disconnects, then what will happen? Ms. Witt confirmed that if this was the case, we would then start the disconnects in October. The months of August and September will then be used for communicating the process and then start the disconnects in October. Vice Mayor Wright wanted to clarify that they would start the disconnects unless Council takes some other action.

// Agenda Item #4, City Council considered the appointment of Douglas P. Stanley to the position of City Manager. Councilmember Helgeson, seconded by Councilmember Tweedy, made the motion to approve the resolution, as presented. The motion passed by the following vote:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

Mr. Stanley was present at the meeting and thanked the City Council for the opportunity to serve the city of Lynchburg as the next City Manager.

// In the matter of Roll Call, Agenda Item #5, Councilmember Faraldi thanked staff for the successful Lynchburg Police Listening Sessions. Councilmember Wilder thanked the Police Department for listening to the community's voices and making an effort to strengthen the bond between the police department and the community. He also thanked staff for a job well done with the renovations at the Riverside Park Overlook. Councilmember Tweedy thanked Continuum of Care staff for helping the City of Lynchburg achieve Functional Zero for homeless veterans. Councilmember Nelson welcomed the new City Manager, and also thanked City Manager Bonnie Svrcek for her service to the City of Lynchburg. He also wanted to talk about how facemasks will help us get back to normal quicker. Councilmember Helgeson stated that out of 82,000 Lynchburg citizens, only about 600 had COVID-19. He is happy that the vast majority of citizens don't get the virus and that the vast majority that do, recover. Vice Mayor Wright urged citizens to mask up and wash their hands. He also thanked Downtown Lynchburg Association for the work they're doing to help downtown businesses recover from the pandemic and from the downtown construction. He welcomed President Morrison-Shetlar who is the first female president of University of Lynchburg who started her tenure a few weeks ago. Mayor Dolan also wanted to caution citizens to not take the

pandemic lightly and to please wear masks and listen to the health professionals. Mayor Dolan also welcomed Mr. Stanley.

// City Council recessed the meeting at 6:30 P.M.

// City Council reconvened the meeting at 7:30 p.m. The following Members were present:

|                                                                                              |   |
|----------------------------------------------------------------------------------------------|---|
| Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Sterling A. Wilder, |   |
| Treney Tweedy, Chris Faraldi                                                                 | 7 |

|         |   |
|---------|---|
| Absent: | 0 |
|---------|---|

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of recognitions, Mr. Dwayne Tuggle, Chair of the Central Virginia Planning District Commission, presented City Manager Bonnie Svrcek with a Resolution of Appreciation of her time served from years 2016 - 2020 with the commission.

// In the matter of recognitions, City Council recognized City Manager Bonnie Svrcek for her over 21 Years of Service to the City of Lynchburg. Mayor Dolan stated that Ms. Svrcek was appointed as City Manager in 2016 and she is grateful for her service and presented her with a key to the City of Lynchburg.

// In the matter of Consent Agenda, Councilmember Faraldi asked that Agenda Items #6 – 8 be voted on separately as he was not a sworn official during those meetings. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, the following vote to approve Agenda Items # 9 - 15 was recorded:

|                                                                |   |
|----------------------------------------------------------------|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
|----------------------------------------------------------------|---|

|       |   |
|-------|---|
| Noes: | 0 |
|-------|---|

Consent Agenda Items #6 – 8 were considered for approval. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, the following vote was recorded:

|                                                       |   |
|-------------------------------------------------------|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder | 6 |
|-------------------------------------------------------|---|

Noes: 0

Abstention: Faraldi 1

// In the matter of Community Development, Agenda Item #16, a public hearing was held outlining the petition of Across the Bridge, LLC. The petition is to rezone approximately four hundred thirteen thousandths (.413) acres located at 421 Rivermont Avenue, 412 Blackford Street and 610 Rodes Street from R-4, High Density Residential District to B-4, Urban Commercial District to allow the redevelopment of the property into fifteen (15) apartment units. Mr. Tom Martin provided Council with a summary of the agenda item.

Mr. Casey Servis, a representative of Architecture Design Office who are the architects for the project, spoke in favor citing the density of 15 units versus the 9 units that would be allowed by the current zoning is critical to the financial feasibility of the project. He also wanted to clarify that the partial approval of the Historic Preservation Committee has no bearing on the feasibility of this project.

Ms. Katie Webb Cyphert who resides in the 1000 block of Rivermont Avenue spoke in opposition to the petition citing the parking variance which only covers six off-street parking spaces. Ms. Cyphert cautioned that having residents park on-street would be incredibly dangerous.

Mr. Servis rebutted citing traffic studies that are being done by city staff in this particular area and the applicant is working toward acquiring more off-street parking spaces.

The public hearing was closed and Councilmembers were given the opportunity to comment.

Councilmember Nelson noted that he will be abstaining from voting because he represents the applicant.

Councilmember Helgeson maintained that he did not see the point in changing the zoning from the highest residential to a business zone in order to obtain fifty percent more residential. He does not think he has heard a compelling reason to rezone.



Councilmember Wilder noted that he would not be voting in favor of this ordinance because he has met with several Daniel's Hill residents and they have raised concerns about the dangerous traffic flow.

Vice Mayor Wright wanted clarification that the police and fire departments did not have any concerns with the proposal. Mr. Martin confirmed that they did not. Vice Mayor Wright wanted clarification on the traffic study being done and wanted to confirm that staff recommended approval of this rezoning even though the traffic study is ongoing. Mr. Martin confirmed that the traffic engineer did not think that the 15 units would create an additional impact on Rivermont Avenue.

Councilmember Faraldi wanted to know of the other instances that we've used B4 in this manner to get the extra living space. Typically B4 is used to breathe new life into old buildings. The b4 district was designed to do that. We need more flexibility for these old historic buildings.

Councilmember Tweedy noted that she will be supporting this ordinance because the developer is already working to acquire new parking spaces, staff is looking into traffic concerns, and the flexibility is needed in this area. Councilmember made a motion, seconded by Vice Mayor Wright, to approve this ordinance. Vice Mayor Wright seconded the motion but said that he would like for the City to follow through on recommendations that may come from the traffic study, but thinks it's important to revitalize this area.

Councilmember Helgeson clarified that this ordinance is only to make 15 units, and that it's already zoned to include 9 apartments, so the ordinance does not have and bearing on revitalizing. Councilmember Helgeson also stated that this is in Councilmember Wilder's Ward II and in deference with him he will be voting against this rezoning.

Mayor Dolan will not support this ordinance out of concern for the safety of the people who would have to park on the street.

Councilmember Faraldi asked Mr. Erwin, City Attorney, for clarification on voting, specifically wanting to know that if vote results in a tie, does the motion fail. The motion does not pass and it takes an affirmative vote to grant rezoning. He will be supporting this ordinance given there are no concerns with

the police, fire, Planning Commission. He did say that he agrees with Councilmember Helgeson that the rezoning's do need to be revisited. Council took the following recorded vote:

|                               |   |
|-------------------------------|---|
| Ayes: Wright, Tweedy, Faraldi | 3 |
| Noes: Dolan, Helgeson, Wilder | 3 |
| Abstention: Nelson            | 1 |

There needs to be an affirmative vote in order to pass a rezoning ordinance, and as such, the motion failed.

// In the matter of Community Development, Agenda Item #17 a public hearing was held regarding the approval of the Conditional Use Permit petition to allow the construction of a one hundred fifty-four (154) foot monopole to be used for telecommunications at 1501 Fenwick Drive. Mr. Tom Martin provided a brief summary of the request. Milestone Tower Limited Partnership IV, d/b/a Milestone Communications is petitioning for a CUP at 1501 Fenwick Drive to allow the construction of a one hundred fifty-four foot (154) monopole tower in an R-1, Low Density Residential District. Verizon Wireless needs a new location to serve the residential areas to the north, the nearby educational institutions, and the commercial area to the east. The existing towers are overloaded and need more data capacity. Adding another tower will add that necessary data capacity and help to offload the existing towers. The primary impact from the proposed telecommunications tower will be visual. The petitioner has submitted photo simulations of the tower from various locations within the area. Although the proposed tower will be visible from some residential areas, the tower will have trees on all sides of it and would potentially blend in with the existing infrastructure including telephone poles and electric poles. The City's Telecommunications Ordinance has not been revised since the late 1990's and is no longer compliant with Federal or State Law. The City is in the process of updating the Telecommunications Ordinance and the new Ordinance will actually relax regulations on telecommunication providers as required by Federal and State regulatory agencies.

Ms. J. Lori H. Schweller of Williams Mullen, the firm representing the applicant, was in attendance and made a presentation.

There were no one who spoke in favor or in opposition, either in person or via phone or email messages, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright commented that a constituent who owns property on Fenwick Drive wrote in saying he has a concern about the set-back of the pole from the nearest house. Vice Mayor Wright asked if staff could remind Council of the set-back rules. Mr. Martin explained that the telecommunication zoning ordinance right now requires twice the height of the tower. In this instance, that would be 358 feet. State and federal law dictates that we cannot require set-backs in excess of what we require for other similar structures i.e. light poles, church steeples, etc. This exceeds what is required now and far exceeds what state and federal law requires. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Tweedy, stating that this appears to be an obvious tradeoff citing the increased bandwidth for this part of the City as a huge gain.

Councilmember Helgeson echoed Vice Mayor Wright's sentiments that the aesthetics are unpleasing. He asked Ms. Schweller to confirm that this painted monopole will be designed to blend into the surroundings as best as possible. Ms. Schweller was able to confirm that the pole will be shielded as best as it can.

Councilmember Nelson asked if Milestone had any data on the negative impact these towers have on the real estate that's immediately located around them, in terms of whether they affect market value. Ms. Schweller confirmed that her research indicates that not only do telecommunication towers not have a negative impact, they have a positive impact on property values. Councilmember Nelson was grateful to hear this news citing his support of this project was contingent upon the impact it would have on citizens.

Council, by the following recorded vote, adopted the Resolution #R-20-061, as presented, granting the Conditional Use Permit:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Public Works, Agenda Item #18, a public hearing was held in order to grant a lease to Milestone Communication to operate a telecommunications monopole at 1501 Fenwick Drive. Ms. Gaynelle Hart, Director of Public Works, provided a brief summary of the request. Milestone communications has requested to lease a portion City owned property at 1501 Fenwick Drive for the construction, operation, and maintenance of a telecommunications monopole under the terms of the franchise agreement between the City and Milestone. Ms. Hart explained that this lease is a standard lease and has been reviewed and approved by the City Attorney's Office.

There were no one who spoke in favor or in opposition, either in person or via phone or email messages, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson asked for clarification from staff that the terms have been adjusted from previous contracts to account for inflation. Ms. Hart & Mr. Erwin explained that they have not but there is language in the lease that includes a percentage of the revenues collected by Milestone.

Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Faraldi. Council, by the following recorded vote, adopted the Resolution #R-20-062, as presented, granting the lease:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Budget, Agenda Item #19, a public hearing was held in order to adopt a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$7,168,841 with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19). Also, to adopt an ordinance to provide for the payment of a monetary bonus to the employees of the City of Lynchburg, Virginia for exemplary service during the pandemic and appropriate \$2,141,327 from the General Fund for such payment. Ms. Donna Witt provided a brief summary of the request.

There were no one who spoke in favor or in opposition, either in person or via phone or email messages, so the public hearing was closed and the matter rested with Council.

Councilmember Nelson asked for clarification on the parameters of prorating as it is stated in the Continuity of Operations, "Utilizing public safety payroll reimbursement as allowed by the CARES Act provide a one-time compensation award for all employees (\$1,700) prorated based on scheduled hours." Ms. Witt stated that all full-time employees, regardless of their salary, will receive the \$1,700 payment while part-time employees will receive a prorated sum based on their hours.

Vice Mayor Wright asked for more explanation on the provisions of how CARES Act funds are spent. The CARES Act allows you to replace funds for public safety pay that would otherwise be spent from the operating budget. This in turn frees up funding from the operating budget to be able to pay employees a bonus. Ms. Witt reiterated that this use of funds have been cleared by our auditors. Vice Mayor Wright posed the question, "Why is this the best way to spend the money?" Ms. Witt explained that with the second round of funding, staff looked at things that weren't able to be funded in the first round, such as Sunday service for the transit company, and reached out to non-profit organizations that can address community relief. Vice Mayor Wright voiced his main concern with this proposal is that Lynchburg City Schools employees, who are also municipal employees, are not receiving the same bonus. Ms. Witt explained that the Chief Financial Officer has stated they have reserved their CARES funding in the event they would have to furlough employees, but they did not have a bonus on the table. Vice Mayor Wright stressed that he would like to support this item, but feels he cannot due to the fact that all municipal employees are not represented.

Councilmember Faraldi asked if these funds, or a version of funds, could be used to fund a medic unit that the City of Lynchburg needs. Ms. Witt explained that she would like to hold off for a few months to see how revenues are coming in because the medic unit would need to be funded through ongoing revenues.

Councilmember Helgeson stated that the bonus should be given to those that have worked during the pandemic, and not to all employees for the appearance of equitability. He continued that he would like

to use the funds to help public safety employees get the equipment and staffing needed, but recognizes that the funds can only be spent on COVID-19 related expenses.

Councilmember Helgeson made the motion to approve the resolution as is, with the understanding that staff can come back and make amendments as needed, if there needs to be any big changes. Councilmember Nelson seconded the motion.

Councilmember Wilder wanted to know how businesses were able to access these funds. Ms. Upshur stated that there are about 1,100 businesses that staff are doing a massive communication outreach asking them to apply for these funds.

Council, by the following recorded vote, adopted the Resolution #R-20-063, as presented:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Wright 1

Councilmember Nelson made the motion to approve the ordinance, seconded by Councilmember Faraldi. Council, by the following recorded vote, adopted the Ordinance, #O-20-019:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Wright 1

// In the matter of Economic Development, Agenda Item #20, Council considered a resolution authorizing the issuance of up to \$200,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Centra Health, Inc. was considered. Ms. Marjette Upshur, Director of Economic Development & Tourism provided a brief summary of the request. Centra requested the EDA to issue its revenue bonds in an aggregate principal amount not to exceed \$200,000,000, in one or more series. These funds will be used to: (a) finance (i) the acquisition, construction, developing and equipping of a new, six-story Women's Center at Lynchburg General for use in obstetrics and pediatric services, which also includes connectivity and bridge improvements to link the new Women's Center with the existing facilities of Lynchburg General, (ii) the construction of surface parking with approximately 350

spaces and a parking deck with approximately 400 spaces for Lynchburg General and related connectivity improvements, (iii) the acquisition, construction, developing and equipping of expansion of and improvement to the emergency department at Lynchburg General, (iv) the renovation and improvement of existing facilities and shell space within the existing Lynchburg General footprint, (v) sitework and other improvements on the Campus related to the foregoing, and (vi) construction of routine capital improvements at Lynchburg General and (b) Pay certain expenses incurred in connection with the issuance of these bonds.

The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds. Although the bonds will be issued by the EDA, regulations require Lynchburg City Council to adopt a resolution supporting the transaction. The EDA in accordance with federal and state law serves as a conduit of these bonds and assumes no financial responsibility or cost. The issuance of these bonds also places no financial obligation on the city. Ms. Upshur stated that Centra Health is a valued anchor for the City of Lynchburg.

Councilmember Helgeson disclosed that his wife is employed by Centra Health which makes him a member of a group for spouses of Centra Health employees which has more than three members. He is able to participate in this matter fairly, objectively, and in the public interest.

Councilmember Nelson made the motion citing that high quality medical care is an extremely large component for attracting businesses and amenities to an urban area. Vice Mayor Wright seconded the motion. Council, by the following recorded vote, adopted the Resolution, #R-20-064, as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Emergency Services, Agenda Item #21, Council considered adopting a resolution approving the First Amendment to the 2011 Emergency Communications Regional Cooperative Agreement, allowing Campbell County to join the Regional Radio System. Ms. Melissa Foster, Director of Emergency Services, provided a brief summary of the request. The Central Virginia Radio

Communications Board (Radio Board) was formed in May of 1996 by an agreement between Amherst County, Bedford County, the then named City of Bedford (now the Town of Bedford), the City of Lynchburg, and the Virginia's Region 2000 Local Government Council, now named the Central Virginia Planning District Commission, to jointly operate a regional communications system. Campbell County has requested to join the Regional Radio System and negotiations have been ongoing for approximately one year. On Tuesday, June 16, 2020, the Campbell County Board of Supervisors approved the attached amendment to the 2011 Emergency Communications Regional Cooperation Agreement and formally requested to join the Regional Radio System. The Radio Board gave unanimous support for this request on July 10, 2020 during their monthly meeting. The Amendment provides for incorporating Campbell County as an equal voting member of the Regional Radio Board and fully incorporating their new communications equipment into the Regional Radio System. The addition of Campbell County to the Radio Board will mean that there are 5 voting members in the future. Campbell County will pay a one-time buy-in fee of \$1,620,883 to join the Radio Board. The County will be responsible for paying for all of the equipment necessary to integrate into the system, though Campbell also will realize some savings by integrating into the regional system sharing equipment and capacity. Campbell County's radios will also become interoperable with Lynchburg's, Amherst's and Bedford's, for improved communications between public safety agencies. Once the necessary work is completed at the tower sites and the additional equipment is installed, the Radio Board will begin maintaining all of Campbell County's radios and equipment just as it does for current Radio Board member agencies. Each of the current member jurisdictions and the Planning District Commission must give their approval for Campbell County to join the system.

Vice Mayor Wright asked if there was any reason the City of Lynchburg would not allow Campbell County to join. Ms. Foster commented that in her opinion, there would be no reason not to do this as it will provide regional connectivity.

Vice Mayor Wright made the motion to approve the resolution. Councilmember Nelson seconded the motion stating that this makes sense in every practical and legal way. Council, by the following recorded vote, adopted the Resolution, #R-20-065:



Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Fire Department, Agenda Item #22, consideration of introducing a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$59,586 with resources of \$29,793 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$29,793 from the FY 2021 General Fund Fire Department budget to purchase (4) Lucas 3 chest compression devices for the Fire Department. Fire Chief Greg Wormser provided a brief summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. The Fire Department has been awarded RSAF grant funds to purchase four (4) Lucas 3 chest compression devices. The Lucas 3 chest compression devices will replace current in-service devices which have exceeded the manufacturer's recommended useful life. The grant requires a local match. The Fire Department applied for these funds under a Hardship Request, which would have required the locality to pay 20 percent and RSAF would have paid 80 percent. However, the RSAF funds were awarded with a required 50 percent match. One Lucas 3 chest compression device cost \$14,896.50. With a total cost of \$59,586, the required local match is \$29,793. The match will be funded from the FY 2021 General Fund Fire Department budget.

As chair of the Finance Committee, Councilmember Helgeson stated that he was in favor of this resolution, stating the importance of providing the needed equipment to our first responders, and made the motion to approve the resolution. The motion to approve Resolution #R-20-066 passed by the following vote:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Police Department, Agenda Item #23, Council considered adopting a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$360,431 with resources of

\$250,000 from the 2020 US Department of Justice, Office of Community Oriented Policing Services (COPS) Hiring Program, and the 30.6389% required local cash match of \$110,431. Police Chief Ryan Zuidema provided a brief summary of the request. The Lynchburg Police Department (LPD) is eligible for \$250,000 from the US Department of Justice COPS Hiring Program 36-month grant. This grant requires a 30.6386% local match totaling \$110,431. The total grant cost over three years will be \$360,431. The City must assume a progressively larger share of the cost of the award with local funds over the three-year period as part of the local cash match requirement. The breakdown of the \$110,431 local match is as follows: year one: 25% (\$27,608), year two: 33% (\$36,442) and year three: 42% (\$46,381). This grant covers a 36-month period and requires that the two officers hired using the grant funds continue employment for a minimum of 12 months after the grant period ends. This grant pays for the salaries and benefits of these officers. The LPD will use this funding to hire two officers, which will increase our allocated sworn staffing from 174 to 176. The focus of this grant is violent crime. We requested seven officers to create a full time Special Investigations Response Team (SIRT); however, we were awarded two officers, and are not able to create that team with the addition of only two positions. The stipulations of the grant still will require these new positions to focus on violent crime, so we will assign these two officers to the LPD's Investigations Bureau. The first detective will focus on investigating violent crimes. This detective will work closely with other units inside the department to develop leads, conduct interviews with victims and witnesses, and ultimately arrest violent offenders. The second detective will focus on intelligence monitoring and violent crime data review. We will also use this position to focus on unsolved cases involving violent crime. Both detectives will work closely with our state and federal partners when needed as well as during high profile and interstate cases to make arrests and keep our community safe.

As chair of the Finance Committee, Councilmember Helgeson stated that he was in favor of this resolution stating that he is glad that some of the staffing needs will be addressed with this grant. He made the motion to approve Resolution #R-20-067, which passed by the following vote:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Committees, Agenda Item #24, Council reviewed and approved the guidelines for the operation of City Council's Physical Development Committee (PDC). Ms. Gaynelle Hart provided staff with a brief summary of the request. The PDC reviews the guidelines every two years to ensure the committee is organized for a high degree of effectiveness and efficiency. City staff recommends a few minor changes.

As chair of the Physical Development Committee, Councilmember Tweedy stated she was in favor of made the motion to approve the guidelines. Council, by the recorded vote approved the request:

|                                                                |   |
|----------------------------------------------------------------|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
|----------------------------------------------------------------|---|

|       |   |
|-------|---|
| Noes: | 0 |
|-------|---|

// On motion of Councilmember Helgeson, seconded by Council Member Wilder, Council, by the following recorded vote elected to hold a closed meeting to discuss the appointment of a Clerk of Council, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended:

|                                                                |   |
|----------------------------------------------------------------|---|
| Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
|----------------------------------------------------------------|---|

|       |   |
|-------|---|
| Noes: | 0 |
|-------|---|

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

// Vice Mayor Wright 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 Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

|       |                                                          |   |
|-------|----------------------------------------------------------|---|
| Ayes: | Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
|-------|----------------------------------------------------------|---|

|       |  |   |
|-------|--|---|
| Noes: |  | 0 |
|-------|--|---|

// The meeting was adjourned at 10:30 p.m.

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Interim Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 19th day of August, 2020, at 5:30 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson,

Sterling A. Wilder, Treney Tweedy, Chris Faraldi 7

Absent: 0

// According to the rules and procedures recently updated by Council, in order to hold a special meeting, Council must first vote on the validity of the said meeting. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council elected to hold a closed meeting for discussion and consideration of the appointment and performance of City Manager. The following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

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

// Councilmember Nelson 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 Councilmember Helgeson, and Council, by the following recorded vote, adopted the motion:

|       |                                                          |   |
|-------|----------------------------------------------------------|---|
| Ayes: | Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi | 7 |
|-------|----------------------------------------------------------|---|

|       |  |   |
|-------|--|---|
| Noes: |  | 0 |
|-------|--|---|

// The meeting was adjourned at 6:50 p.m.

---

Interim Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **10**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Right-of-Way Vacation - Portion of Fleetwood Drive**

**KEY ELEMENTS:**

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

**RECOMMENDATION:** Hold a public hearing and adopt an ordinance approving the right-of-way vacation of a portion of Fleetwood Drive.

**SUMMARY:** Fleetwood Drive Properties, LLC (Chris Kiger) is petitioning to vacate a portion of the Fleetwood Drive right-of-way for a single-household residential subdivision. The total area of the proposed vacation is approximately twenty-seven hundredths (0.27) of an acre.

The area to be vacated includes a paved residential driveway. The vacation would not impact vehicle or pedestrian access along Fleetwood Drive.

**PRIOR ACTION(S):** August 11, 2020: The Physical Development Committee (PDC) recommended approval of the right-of-way vacation.

June 30, 2020: The Technical Review Committee (TRC) reviewed the petition.

**FISCAL IMPACT:** Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to range from \$2,011 to \$5,782.

**CONTACT(S):** Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900  
Kent White, Community Development Director – 455-3900

**ATTACHMENT(S):**

- Ordinance
- Application
- Plat
- Title Work

**REVIEWED BY:** raw

100A

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OFF WAY KNOWN AS FLEETWOOD DRIVE.

WHEREAS, Fleetwood Drive Properties, LLC, is petitioning to vacate a portion of right-of-way known as Fleetwood Drive; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

COMMENCING AT A 1/2 INCH REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF FLEETWOOD DRIVE, SAID POINT BEING COMMON TO PROPERTY OF DEBRA KAY FARISH; THENCE ALONG SOUTHERLY LINE OF FLEETWOOD DRIVE THE FOLLOWING COURSES, SOUTH 75 DEGREES 46 MINUTES 31 SECONDS EAST 55.43 FEET TO A MAGNETIC NAIL FOUND, ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 11 MINUTES 56 SECONDS A RADIUS OF 50.00 FEET A LENGTH OF 2.79 FEET A CHORD OF 2.79 FEET AND A CHORD BEARING OF SOUTH 74 DEGREES 10 MINUTES 34 SECONDS EAST TO THE TRUE POINT OF BEGINNING; THENCE ALONG A NEW RIGHT OF WAY LINE SOUTH 72 DEGREES 34 MINUTES 36 SECONDS EAST 139.57 FEET TO A 1/2 INCH REBAR FOUND; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 139 DEGREES 34 MINUTES 00 SECONDS, A RADIUS OF 15 FEET A LENGTH OF 36.54 FEET A CHORD OF 28.15 FEET AND A CHORD BEARING OF SOUTH 36 DEGREES 00 MINUTES 13 SECONDS WEST TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 33 DEGREES 46 MINUTES 47 SECONDS EAST 153.46 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 56 DEGREES 13 MINUTES 13 SECONDS WEST 50.00 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 33 DEGREES 46 MINUTES 47 SECONDS WEST 240.64 FEET TO A MAGNETIC NAIL FOUND; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 38 DEGREES 47 MINUTES 49 SECONDS A RADIUS OF 50.00 FEET A LENGTH OF 33.86 FEET A CHORD OF 33.21 FEET AND A CHORD BEARING OF SOUTH 53 DEGREES 10 MINUTES 41 SECONDS EAST TO A THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.2698 ACRES (11752.77 SQUARE FEET).

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg, and the City Manager is hereby authorized to sign any documents that may be needed to complete the vacation of the right-of-way.

Adopted:

Certified: \_\_\_\_\_

Interim Clerk of Council



APPLICATION FOR THE VACATION OF  
Undeveloped & Unnamed Public Right of Way  
LOCATED

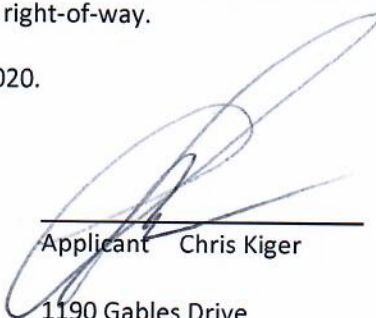
On Southerly Side of Fleetwood Drive Approximately 899.4 Feet East of Turtle Creek Road

The undersigned applicant, Fleetwood Drive Properties, LLC, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain unnamed right-of-way described as follows:

COMMENCING AT A 1/2 INCH REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF FLEETWOOD DRIVE, SAID POINT BEING COMMON TO PROPERTY OF DEBRA KAY FARISH; THENCE ALONG SOUTHERLY LINE OF FLEETWOOD DRIVE THE FOLLOWING COURSES, SOUTH 75 DEGREES 46 MINUTES 31 SECONDS EAST 55.43 FEET TO A MAGNETIC NAIL FOUND, ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 03 DEGREES 11 MINUTES 56 SECONDS A RADIUS OF 50.00 FEET A LENGTH OF 2.79 FEET A CHORD OF 2.79 FEET AND A CHORD BEARING OF SOUTH 74 DEGREES 10 MINUTES 34 SECONDS EAST TO THE TRUE POINT OF BEGINNING; THENCE ALONG A NEW RIGHT OF WAY LINE SOUTH 72 DEGREES 34 MINUTES 36 SECONDS EAST 139.57 FEET TO A 1/2 INCH REBAR FOUND; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 139 DEGREES 34 MINUTES 00 SECONDS, A RADIUS OF 15 FEET A LENGTH OF 36.54 FEET A CHORD OF 28.15 FEET AND A CHORD BEARING OF SOUTH 36 DEGREES 00 MINUTES 13 SECONDS WEST TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 33 DEGREES 46 MINUTES 47 SECONDS EAST 153.46 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 56 DEGREES 13 MINUTES 13 SECONDS WEST 50.00 FEET TO A 1/2 INCH REBAR FOUND; THENCE NORTH 33 DEGREES 46 MINUTES 47 SECONDS WEST 240.64 FEET TO A MAGNETIC NAIL FOUND; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 38 DEGREES 47 MINUTES 49 SECONDS A RADIUS OF 50.00 FEET A LENGTH OF 33.86 FEET A CHORD OF 33.21 FEET AND A CHORD BEARING OF SOUTH 53 DEGREES 10 MINUTES 41 SECONDS EAST TO A THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.2698 ACRES (11752.77 SQUARE FEET).

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on September 8, 2020, conclusion of which hearing to consider whether or not to vacate the above described portion of undeveloped and unnamed right-of-way.

Given under my hand this 8th day of June, 2020.

  
Applicant Chris Kiger

1190 Gables Drive  
Forest, VA 24551  
Address

434-841-3000  
Phone Number

WE, THE ADJOINING PROPERTY OWNER(S) ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY:

DRAWING SHOWING  
UNDEVELOPED & UNNAMED PUBLIC RIGHT OF WAY TO BE VACATED  
ON SOUTHERLY SIDE OF FLEETWOOD DRIVE  
APPROXIMATELY 899.4 FEET EAST OF TURTLE CREEK ROAD  
LYNCHBURG, VIRGINIA

THIS DRAWING HAS BEEN PREPARED FROM RECORD DATA. SEE PLAT TITLED "PLAT SHOWING RESURVEY FOR PROPERTY OF FLEETWOOD DRIVE PROPERTIES, LLC" AND DATED "6/1/2020". SAID PLAT IS RECORDED IN INSTRUMENT 200003585.

THIS DRAWING WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

THIS DRAWING WAS PREPARED AS PART OF CITY OF LYNCHBURG RIGHT OF WAY VACATION APPLICATION PROCESS AND IS NOT INTENDED FOR ANY OTHER PURPOSE.

THIS DRAWING WAS COMPLETED AT THE REQUEST OF FLEETWOOD DRIVE PROPERTIES, LLC.

VA. STATE PLANE COORDINATE  
SOUTH ZONE-U.S. SURVEY FOOT  
NAD\_83(2011)(EPOCH: 210.0000)  
2/25/2020

TM #22909008  
FLEETWOOD DRIVE  
PROPERTIES, LLC  
INSTR #200000888  
0.6672 ACRES

N:3666732.76  
E:11279171.80  
IPF

N:3666704.96  
E:11279130.24  
IPF

EXISTING RIGHT OF WAY PROPOSED FOR VACATION  
0.2698 ACRES - 11752.77 SQ FT  
SEE DB 617 PG 131 & PC 1 PG 341 FOR ORIGINAL  
RIGHT OF WAY DEDICATION.  
THIS AREA WILL BE ABSORBED BY PROPOSED  
FLEETWOOD SUBDIVISION WHICH IS UNDER REVIEW  
BY CITY AT THIS TIME.

FLEETWOOD DRIVE R/W DATA  
SEE DB 214 PG 441(C.C.)  
FOR CONVEYANCE TO CAMPBELL COUNTY  
FOR R/W  
(30' WIDE STRIP)

THIS CURRENT SURVEY CALLS FOR  
VARIABLE WIDTH R/W ALONG  
FLEETWOOD DRIVE AS RECORDS FOR  
PROPERTIES ON THE NORTH SIDE OF  
ROAD DO NOT APPEAR TO HOLD TO A  
30' WIDE STRIP.  
VARIOUS RECORD PLATS FOR THIS  
AREA INDICATE SEVERAL DIFFERENT  
R/W WIDTHS.

TM #23602001  
FLEETWOOD DRIVE  
PROPERTIES, LLC  
INSTR #200000888  
PC 1 SLIDE 341  
11.9590 ACRES

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|--------|------------|--------------|---------------|-------------|
| C1    | 50.00  | 2.79       | 2.79         | S74°10'34"E   | 3°11'56"    |
| C2    | 15.00  | 36.54      | 28.15        | S36°00'13"W   | 139°34'00"  |
| C3    | 50.00  | 33.86      | 33.21        | N53°10'41"W   | 38°47'49"   |

TM #22909003  
DEBRA KAY FARISH  
DB 839 PG 445  
DB 262 PG 462(C.C.)

LEGEND  
○ IPF IRON PIN FOUND  
○ MNF MAGNETIC NAIL FOUND



**PIEDMONT**  
SURVEYORS  
PLLC

3831 OLD FOREST ROAD - SUITE 6  
LYNCHBURG, VA 24501  
434-426-9510  
WWW.PIEDMONTSURVEYORS.COM

|                         |
|-------------------------|
| PROJECT NO. 2020-1123   |
| DRAWING NO. 2020-1123-2 |
| DATE 6/8/2020           |
| SCALE 1" = 40'          |
| SHEET 1 OF 1            |



July 23, 2020

City Planning and Community Development  
900 Church Street  
Lynchburg, VA 24504

RE: FLEETWOOD DRIVE RIGHT-OF-WAY

To Whom It May Concern:

This firm represents Fleetwood Drive Properties, LLC. I have been asked to investigate the title to a right-of-way previously dedicated to the City of Lynchburg, in order to determine ownership of the currently platted right-of-way area, and so as to insure future care and upkeep of the land. Said right-of-way is located off of Fleetwood Drive and shown on the attached application.

Whereas, the above-mentioned right-of-way was created by a subdivision plat entitled, "SUBDIVISION SHOWING LOT 2, PART OF J. L. REYNOLDS ESTATE BEING PART OF LOT 6, BLACK ROCK FARM LYNCHBURG – VIRGINIA...", made by Maurice Overstreet, C.L.S., dated May 20, 1982, and of record in the Clerk's Office of the Circuit Court for the City of Lynchburg in Deed Book 617 at Page 133 and in Plat Cabinet 1 at Page 341.

Whereas, the original owner, Nona B. Reynolds, did not reserve fee in the streets.

Whereas, the right-of-way was located in the City of Lynchburg at the time of dedication and is still located in the City of Lynchburg.

Whereas, Virginia is a common-law state.

Whereas the portion of the right-of-way, which the abutting property owner wishes to vacate, only leads to the property of said property owner and has never been open to the public.

Therefore, it is my opinion that the title to the unimproved portion of the right-of-way, which the abutting property owner wishes to vacate, is currently vested in the abutting property owner, Fleetwood Drive Properties, LLC, who will be responsible to provide for maintenance and up-keep of that unimproved area in the future.

Please contact our office should you have any questions or concerns.

Sincerely,

  
Sam M. Patel, Esq.

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **11**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Conditional Use Permit (CUP) – 1902 Old Forest Road – Apartments**

**KEY ELEMENTS:**

\_\_\_ Economic Development \_\_\_ Excellent Government **X** Natural and Built Environment \_\_\_ Safe Community **X** Vibrant Community

**RECOMMENDATION:** Denial of the CUP petition to allow the construction of a twelve (12) unit apartment building and associated parking at 1902 Old Forest Road.

**SUMMARY:** Jay Gurvdev, LLC is petitioning for a CUP at 1902 Old Forest Road to allow the construction of a twelve (12) unit apartment building and associated parking in a B-3, Community Business District.

When originally submitted, this petition requested sixteen (16) dwelling units. The Planning Commission vote on the petition resulted in a tie, which according to the group's bylaws, means the motion failed. Therefore, the petition has a recommendation for "denial."

After the Planning Commission meeting, the petitioner revised the concept plan to show a maximum of twelve (12) units, instead of the sixteen (16) units originally proposed. The petitioner voluntarily reduced the number of units to alleviate concerns over the density and amount of proposed parking, which were discussed at the Planning Commission meeting.

**PRIOR ACTION(S):**

July 8, 2020:

The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended denial (3-3, with one absent; Johnson) of the CUP petition.

**FISCAL IMPACT:**

N/A

**CONTACT(S):**

Rachel Frischeisen, Planner II – 455-3900

Kent White, Community Development Director – 455-3900

**ATTACHMENT(S):**

- Resolution
- Planning Commission Minutes – July 22, 2020
- Planning Commission Packet – July 22, 2020
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Floor Plans
  - Building Rendering
  - Property Photograph
  - Speaker Signup Sheet

**REVIEWED BY:** raw

101A

## RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JAY GURVDEV,LLC TO ALLOW THE CONSTRUCTION OF A TWELVE (12) UNIT APARTMENT BUILDING AND ASSOCIATED PARKING IN A B-3, COMMUNITY BUSINESS DISTRICT LOCATED AT 1902 OLD FOREST ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Jay Gurvdev, LLC to allow the construction of a twelve (12) unit apartment building at 1902 Old Forest Road in a B-3, Community Business District is hereby approved subject to the following conditions:

1. The site shall be developed in substantial compliance with the conceptual site plan.
2. There shall be a maximum of twelve (12) dwelling units within the apartment building.

Adopted:

Certified: \_\_\_\_\_

Interim Clerk of Council

**MINUTES OF THE JULY 22, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):**

**Petition of Jay Gurvdev, LLC for a Conditional Use Permit at 1902 Old Forest Road to allow the construction of a sixteen (16) unit apartment building with associated parking in a B-3, Community Business District.**

Ms. Rachel Frischeisen, Planner II, provided the following summary to the Commission. The property at 1902 Old Forest Road is zoned B-3 Community Business District and is just under half an acre. The City's Future Land Use Map (FLUM) recommends Low Density Residential use for the property. Low Density Residential areas are dominated by single-family detached housing at densities of up to four (4) dwelling units per acre, with some public and institutional uses as appropriate. The petitioner has requested a Conditional Use Permit for sixteen (16) apartments. This proposed use is more intense than the use recommended by the FLUM, however the apartment use is closer to the recommendation for residential, rather than the commercial uses that would be allowed by B-3. Planning staff did have some initial concerns about the density given the traffic issues at the two nearby intersections at Hill Street and Moormans Road, however, in talking with the City Engineer, this is on his radar as a high crash area and the City has done a preliminary study to determine options for improving the traffic issues. In summary, this property has been zoned B-3, Community Business District since 1978 and recommended for Low Density Residential on the FLUM since 2002, yet the site has never developed. Aerial photography dating back to 1955 shows little to no change on the property. Approval of the petition would facilitate the improvement of a vacant parcel into a productive one and promote development along the Old Forest Road corridor. The apartment use may generate less traffic and impact than a typical B-3 commercial use, and the City is working towards improving the traffic issues at the two (2) adjacent intersections. The City's Technical Review Committee (TRC) reviewed the petition on June 9, 2020 and there were no major comments or concerns. Planning staff recommends approval of the petition with the condition as stated in the report.

Chair Rogers asked who was present to speak on behalf of the petition.

Mr. Jamey White of White Engineering & Design, Inc., addressed the Commission. The owners have owned this property for a few years. They also own the property across the street, which is a convenience store. The owners have done things to improve the area. It used to be a café that was in disrepair for a while but they have brought it up and made it into a high use community store. This property will be used for apartments, which is a good use given the proximity to the University of Lynchburg. It is within walking or biking distance to campus. The apartments are also in close proximity to the hospital and may attract residents who work there. It is within a short drive. All of the standard things that need to be done in a site plan will be done. Public water and sewer are available. Stormwater management will be handled with underground detention on the site. There is not much room on the site for anything other than the building and parking lot. After the TRC meeting, a virtual meeting was held with planning and engineering staff, in which the options for improving the intersections at Hill Street and Moormans Road were examined. People have started using the residential street as a cut through, especially since it was designated as a cut through when there were issues with the dam below College Lake. The City is looking at intersection improvements in the next four (4) to five (5) years. After the meeting with City staff, the layout was modified to accommodate what staff felt was the best option as far as intersection improvements. Originally the entrance to the apartments was directly across from Moormans Road, but with the recommendation from City staff and to accommodate the future intersection improvements, the entrance was moved further to the right on the property.

Chair Rogers asked if there was anyone present who wished to speak in favor of the petition.

Mr. Kinsukumar Patel, owner of 1902 and 1905 Old Forest Road, addressed the Commission. He has been working on the property for two (2) years. He wants it to be helpful to the community and centered

around the neighborhood. Because of this he wants to put in an apartment complex that will be useful to people employed by Centra and to students. The apartments will offer a nice place to live that is in close proximity to the University.

Chair Rogers asked if there was anyone present who wished to speak in opposition of the petition.

Mr. Stephen Driskill, of 2135 Old Forest Road, addressed the Commission. Old Forest Road is, in addition to being a corridor, a neighborhood of one (1) and two (2) family homes. It stretches almost from King's Island restaurant to the University of Lynchburg. Inserting a sixteen (16) unit apartment building will change the character of the neighborhood. The City should respect the neighborhood. Other residential neighborhoods get respect and they would like the same. This petition should be denied.

Chair Rogers invited Mr. White to rebut the opposition.

Mr. White stated that the property is currently zoned B-3. A business could be developed there that could really take away from the residential feel of the area. A residential use fits better than a by-right commercial building that could potentially have a greater impact and traffic. It is understood that more single-family residences would be desirable but the property is not zoned R-1 and the property is not being rezoned in this petition. This petition proposes a use of the property that is more along the lines of the residential uses already seen in the area.

Chair Rogers closed the public hearing.

Chair Rogers stated that it is a by-right B-3 area.

Commissioner Marion stated that she is curious about the intersection improvements.

Ms. Frischeisen responded that the City conducted a preliminary study and is not at liberty to say what exactly the intersection improvement will be. The reason for that study is to figure out what the options are, figure out the "ballpark" cost, and then slowly work towards those should funding come available through VDOT revenue sharing or something like that.

Mr. White added that he was surprised to see the amount of traffic still coming down Moormans Road while visiting the property, though he knew that it was previously used as a cut through. He remains open to whatever City staff recommends in terms of the traffic and that is why they shifted the layout the way that they did after their discussion. The shift should accommodate future improvements.

Commissioner Marion asked if that is why the driveway is located between Moormans Road and Hill Street.

Mr. White responded that is correct. Originally the driveway was located directly across from Moormans Road but it was shifted at the request and recommendation of City staff based off of what they believe the future intersection improvements will consist of.

Commissioner Marion stated that this is a good use for the space. There's not much area left in the City to build residential. This property is right in the center of the City and is not far from plaza. This use takes the property from a B district use to an R district use, though this petition is not a rezoning. Surrounding this property is residential use, so an apartment building will probably be a good fit.

Commissioner Lowe asked if the apartments will be targeted primarily as student apartments for the University of Lynchburg.



Mr. White responded that the apartments will not be solely marketed to students or set up solely for student style living. The location of the building though seems like it would be ideal for the University of Lynchburg students. The apartments will be for rent for anyone. That could include nurses who work at the hospital or anyone who finds the location to be a good fit. It is anticipated that the proximity to campus and the bus stop in front of the property might generate a lot of student residents.

Commissioner Lowe asked if the units will be two (2) bedroom apartments.

Mr. White and Mr. Patel responded that the units will be mixed. There are two (2) bedroom and single-family units.

Commissioner Lowe stated that sixteen (16) apartments with two (2) bedrooms each have the potential for thirty-two (32) cars. Based on previous meetings the Commission has taken the stance of "let parking sort itself out" but his concern is where the twelve (12) extra cars go. If the apartments are rented out to thirty-two (32) students and each student has a car, there will not be enough parking. There is no street parking and no parking in the surrounding area.

Mr. White responded that the petition follows the City's parking requirements for this style of development. The parking guidelines state that one space per unit is required. A two (2) bedroom apartment unit doesn't mean that there will be two (2) residents. Even if the apartment units were one (1) bedroom there might be more than one (1) car. This petition uses the best information available from the City requirements. There is also a bus stop out front and is located in close proximity to the University of Lynchburg campus, which may mean that some residents don't have a car.

Commissioner Lowe stated that "Murphy's law" dictates that the close proximity to campus and the two (2) bedroom units make it an ideal situation for students who don't want to pay on campus boarding fees. It is likely that multiple people with multiple cars will rent out the units and will not have enough places to park. That is a concern. He then asked how big the apartments will be.

Mr. White responded that the units are about one thousand (1,000) square feet each. There will be four (4) units on every level and the building will be four (4) stories. The building will meet the height requirements and will not stick out because of the embankment behind it. The building will blend with the embankment.

Commissioner Lowe stated that he is still concerned about the parking. College kids who are trying to save money are likely to rent an apartment with their friends and then they will be scrambling for a place to park. He does not want people trying to park on the side of Old Forest Road.

Chair Rogers asked if there is a plan to lease a parking space with each leased apartment.

Mr. White responded that he has worked in a bunch of developments that have identified specific parking spaces for specific units but the details for this development have not been worked out yet. They are looking at ways to accommodate additional parking. There are twenty (20) parking spaces now but they might be able to reconfigure the space to fit additional parking. There is not a whole lot of room, especially since some of it has been designated to accommodate future intersection improvements. It is understood that each unit needs at least one (1) parking space and it is likely that each unit will have an assigned parking space with some excess. Again though, that stage of design has not been reached yet.

Chair Rogers stated that it is a good question. Hill Street doesn't have on-street parking. Old Forest Road has on-street parking but only on the other side of the bridge.

Commissioner Lowe stated that the other side of the bridge is designed for on-street parking. This location is not.

Chair Rogers asked what the apartment building will look like from the front. Generally, the concern when something new comes to a neighborhood is how it will fit and that includes the design.

Mr. Patel responded that the building will have a modern look and will have balconies. There will be four (4) apartments on each floor and there will be four (4) floors. Each apartment will have key access, there will be security cameras installed, and there will be a light outside the doors.

Commissioner Marion asked if the balconies for the apartments in the back will look out on the embankment.

Mr. Patel responded that for those units the balconies can be placed on the sides of the building instead of in the back. They will still get good air flow.

Commissioner Perault stated that the Commission has previously taken the stance that "parking works itself out" but there really is no additional parking beyond the apartment parking. The bigger issue though is the discrepancy between the current zoning, the proposed petition, and the FLUM. They do not line up at all. There have been cases where exceptions have been made to the FLUM but in this case the FLUM and the zoning are completely off. Regardless of the outcome of this petition, that needs to be reviewed. The current zoning and the proposed use do not fit what the FLUM is suggesting. He agrees with Mr. Driskill that an apartment building will change the character of the area. He understands that there are two (2) businesses around it but to have this location be zoned B-3 is not in character with the FLUM.

Ms. Frischeisen responded that is something that planning staff considered when making their recommendation. The zoning and the FLUM are opposite. This petition falls somewhere in the middle. Mr. White mentioned earlier that a B-3 development would have a big impact on the area as well. If something is developed by-right that could mean a restaurant with a drive-thru, a gas station, or something similar. That could have an even greater impact on the neighborhood and the Commission would have no say in that case because it would be by-right and is already zoned that way.

Commission Perault stated that parts of the City are often flagged to be revisited in terms of zoning or the FLUM and this property, regardless of the result of the petition, should be one of those.

Commissioner Bowden stated that this is not a good location to add more traffic. He then asked for clarification. As he understood it, the City engineers did a preliminary study on the intersection to figure out possible improvements. Those will fall into whatever the priority is for the City.

Ms. Frischeisen responded that is correct. The City engineers have done a preliminary study to figure out options for this intersection.

Commissioner Bowden asked if their decision will be put on a list of other projects and priorities of the City as far as traffic.

Ms. Frischeisen responded that a decision as to what the best option is will have to be made and then worked into the City's Capital Improvements Plan.

Commissioner Bowden stated that he has traveled that area a lot and the traffic situation is not good. There are a lot of crashes there and an apartment building will add traffic. If crashes occur there during the morning or afternoon rush hour it will be a disaster. That is his biggest concern. He appreciates the "lesser evil" standpoint in terms of apartments versus a business, but can't wrap his head around this petition. He would like more information about traffic and what the City's recommendations for improvements will be.

Commissioner Marion stated that the City requires one parking space per unit and this petition has exceeded that. It is also on a bus line with a stop across the street. It seems to her, the City is trying to urge people to use alternate modes of transportation like buses, bikes, and walking. That has been her understanding of why the City requirement is only one space per unit, even when it is known that often more than one person lives in one apartment unit. She asked if that was an accurate interpretation and noted that the whole City should not be paved and made into parking lots.

Ms. Frischeisen responded that the standard is set intentionally low. There is a spectrum of what different cities require. Some require more while others require none. It depends on the area. Lynchburg's requirement is set intentionally low so that the market can determine it. People are not forced to put in parking that they feel they do not need. Also, the Comprehensive Plan does talk about alternative transportation like bikes, pedestrians, and bus lines.

Chair Rogers stated that it doesn't feel like it is enough parking. In other areas, an apartment complex such as this may be elevated to create parking underneath in addition to in the front and back. That sort of design drives rent up though and the City is not in a place for people to pay that rent. In Wyndhurst the design is to build closer to the road and to put parking behind the buildings. He asked if that design will be done in other areas of the City and why it wasn't encouraged for this petition.

Ms. Frischeisen responded it is best practice for a walkable area to have the building closer to the street and the parking in the back because that creates a more enjoyable walking experience. It is not required though. Places like Wyndhurst and Cornerstone are a little different because they are Traditional Neighborhood Developments (TND) and are supposed to be centered around walking and mixed-use. Because those are such a substantial project it is important to get them right and may need more deliberation. That can't be required in this case. It might have been ideal but was not considered. The site is also tight in terms of size and layout so anything else might not have worked and may not have produced more parking anyway.

Commissioner Lowe asked if there is a sidewalk along Old Forest Road.

Chair Rogers responded that there is not but there is one on the other side. It seems like a lot of walking traffic would be going toward Lakeside Drive.

Commissioner Lowe stated that he thought there was supposed to be a sidewalk there. He then asked if one was installed, would it be a sidewalk to nowhere and how would it link up to go across the bridge. It is not the petitioner's responsibility to put sidewalk in across the bridge but in terms of connectivity and access to multiple modes of transport it should be discussed.

Ms. Frischeisen responded that there is not a sidewalk there right now.

Mr. White and Mr. Patel agreed that there is no sidewalk on this property.

Ms. Frischeisen stated that this would be considered new development which requires a sidewalk. The sidewalk was dropped off of the original concept plan.

Mr. White agreed that there was originally sidewalk on the concept plan. It was dropped off after the meeting with City staff because they will require additional right-of-way for future improvements.

Ms. Frischeisen stated that if the whole intersection is going to be redesigned, pedestrian access will be considered in that design.

Commissioner Marion stated that there is no reason to require installation of a sidewalk if it is going to be torn up in the next few years.

Mr. White stated that if the petition is approved, the site plan design will still need to be reviewed and will be subject to the City's requirements. The concept plan will not determine the final decision on sidewalk installation. Further discussion will be had with the City and the engineers.

Commissioner Lowe stated that there is sidewalk across from the intersection at Hill Street all the way up to Lakeside Drive. He questioned whether sidewalk should be required at the proposed new apartment complex and understands the petitioner cannot be forced to install sidewalk to connect with Hill Street.

Mr. White agreed that there is sidewalk across from Hill Street up towards Lakeside Drive but there is no sidewalk across from this property, at the property to the right of this, or at this property.

Chair Rogers stated that when an intersection is redone, sidewalk is probably included in the design. When the intersection at this location is improved in the future, it is likely there will be more connectivity. He likes that this petition is close to a bus stop and a park. It is a nice area and this is a hard piece of land to use. This strip has been zoned B-3 for a while but that does not match up with the FLUM. This discrepancy should be examined. It is unlikely that a single-family home will be built here due to the surrounding properties and the traffic. An apartment building will be a good use of the land.

Commissioner Lowe stated that he is "hard pressed" to vote to approve this petition. A four (4) story apartment complex does not fit in this location or with the neighborhood. He is concerned about traffic at the intersection and the parking situation is also an ongoing concern. He does not like saying "no" to the petition because he does not know what may be developed by-right in the future. It probably won't be a gas station because of the hard rock. Again though, an apartment complex will not fit in with the character of the neighborhood or the FLUM. Several houses have gone up in the area that were nicely constructed and fit in with the rest of the neighborhood. Right now, this is something he cannot support.

Ms. Frischeisen stated that there is an institutional use next door, the Marine Corps League, and a convenience store directly across the road. Both of those are not single-family residential uses. This is a node of higher density residential and institutional uses. Just because the FLUM depicts this area as low density residential does not mean that there is single-family use all around. The grade is different as well, which provides a buffer of sorts so that this property is not directly up against the homes in the area.

Commissioner Marion made the following motion, seconded by Commissioner Bowden, and denied by the following vote:

**"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Jay Gurvdev, LLC for a Conditional Use Permit at 1902 Old Forest Road to allow the construction of a sixteen (16) unit apartment building and associated parking subject to the following condition:**

**The site will be developed in substantial compliance with the conceptual site plan."**

|              |                           |   |
|--------------|---------------------------|---|
| AYES:        | Light, Marion, and Rogers | 3 |
| NOES:        | Bowden, Lowe, and Perault | 3 |
| ABSTENTIONS: |                           | 0 |
| ABSENT:      | Johnson                   | 1 |

# **The Department of Community Development**

**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** July 22, 2020  
**Re:** Conditional Use Permit (CUP) – 1902 Old Forest Road – Apartments

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## **I. PETITIONER**

**Property Owner:** Jay Gurudev, LLC, 477 Oakley Avenue, Lynchburg, Virginia 24501  
**Representative:** Jamey White, P.E., White Engineering & Design Inc., 21 Timberoak Court, Lynchburg, Virginia 24502

## **II. LOCATION**

The subject property consists of approximately forty-five hundredths (0.45) of an acre located at 1902 Old Forest Road.

## **III. PURPOSE**

The purpose of the petition is to allow the construction of sixteen (16) apartments and associated parking.

## **IV. SUMMARY**

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends a "Low Density Residential" use for the property.
- The property has never been developed into any discernible commercial or residential use.
- Apartments are permitted in a B-3, Community Business District upon approval of a Conditional Use Permit by City Council.

**The Planning Division recommends approval of the CUP petition.**

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## **V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a "Low Density Residential" use for the property.

Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the Future Land Use Map. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas. (*p. 72*)

2. **Zoning.** The subject property was annexed into the City in 1958 from Campbell County. The existing B-3, Community Business was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On September 8, 1992, City Council approved the petition of Patsy P. Heald to rezone 3201 Hill Street from B-3, Community Business District and R-2, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a retail garden center.
  - On June 9, 1998, City Council approved the Conditional Use Permit petition of Prayer of Faith Temple to allow the construction of a new sanctuary at 3100 Hill Street.
  - On August 12, 2014, City Council approved the Conditional Use Permit petition of Prayer of Faith Temple to allow a childcare facility at 3100 Hill Street.
5. **Site Description.** The subject property is located at 1902 Old Forest Road and contains approximately forty-five hundredths (0.45) of an acre. The property is currently undeveloped; some grading has taken place but the site remains partially wooded. The property is surrounded by a commercial use (convenience store) to the south across Old Forest Road, an institutional use (Lynchburg Marine Corps League) to the west, a commercial use (healing center) to the north, and a residential home to the east.
6. **Proposed Use of Property.** If the CUP petition is approved, a sixteen (16) unit apartment building and associated parking would be constructed on the property. The apartments are expected to have two (2) bedrooms each.
7. **Traffic, Parking and Public Transit.** The vicinity of Hill Street, Old Forest Road, and Moormans Road has been identified as a high crash area. The City's Engineering Division has conducted a study to find potential solutions for this area. The space on the concept plan shown as "Future Right-of-Way" has been left vacant for possible intersection improvements, should funding become available.
- Twenty (20) parking spaces are shown on the concept plan, which exceeds the minimum standard of one (1) space per unit required by the City's Zoning Ordinance.
- Public Transit is available to the site, with a stop located directly in front of the property. The stop is served by route 8.
8. **Stormwater Management.** Stormwater management will be handled through an underground detention system. Stormwater quality will be handled through the purchase of offsite nutrient credits.
9. **Emergency Services:** The City Fire Marshal provided comments related to the need for fireflow calculations prior to construction. The City Police Department had no comments of concern related to the CUP petition.
10. **Impact.** This property has been zoned B-3, Community Business District since 1978 and recommended for Low Density Residential on the *Future Land Use Map (FLUM)* since 2002, yet the site has never developed. Aerial photography dating back to 1955 shows little to no change on the property.
- Although the proposed use does not align with the density recommended by the *FLUM*, apartments would fit more closely with the recommendation for Low Density Residential than if the property were to develop into a by-right B-3 commercial use. Approval of the petition would facilitate the improvement of a vacant parcel into a productive one and promote infill development along the Old Forest Road corridor. The apartment use would likely generate less traffic and impact than a typical B-3 commercial use, and the City is working towards improving the traffic issues at the two adjacent intersections. The proposed apartments should have little to no negative impact on the surrounding area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on June 9, 2020. Comments have or will be addressed prior to final site plan approval.

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## **VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Jay Gurvdev, LLC for a Conditional Use Permit at 1902 Old Forest Road to allow the construction of a sixteen (16) unit apartment building and associated parking subject to the following condition:**

**The site will be developed in substantial compliance with the conceptual site plan.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager  
Mr. Reid Wodicka, Deputy City Manager  
Mr. Walter C. Erwin, City Attorney  
Mr. Kent L. White, Director of Community Development  
Mr. J. Lee Newland, City Engineer  
Ms. Cynthia Kozerow, Lynchburg Police Department  
Battalion Chief Thomas Goode, Fire Marshal  
Mr. Doug Saunders, Building Official  
Mr. Kevin Henry, Zoning Administrator  
Mr. Jamey White, P.E., Representative  
Mr. Jay Gurvdev, Owner

## **VII. ATTACHMENTS**

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Property Photographs**

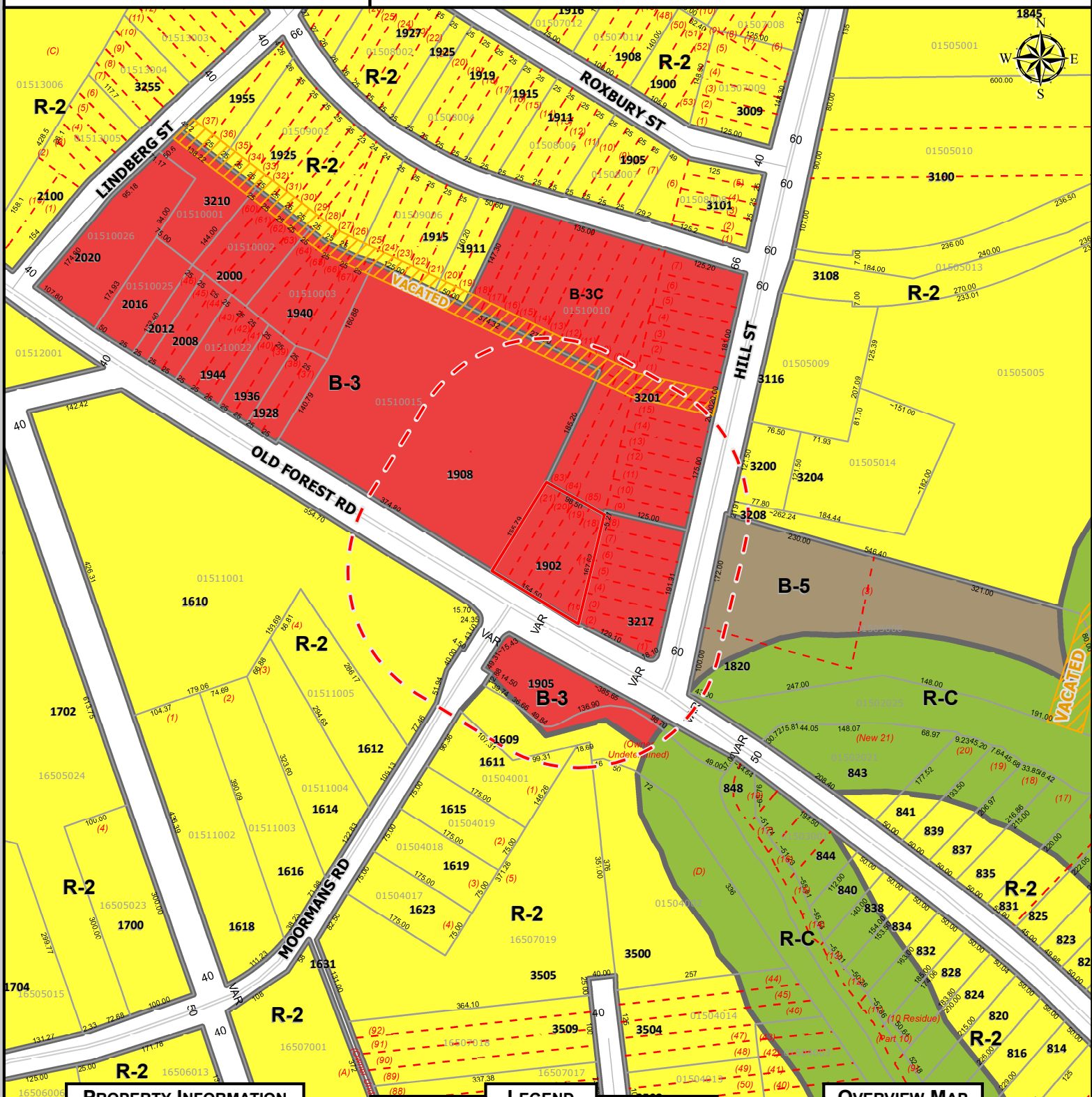


# Zoning-TRC Map

TRC

# 1902 OLD FOREST ROAD

JAY GURVDEV LLC



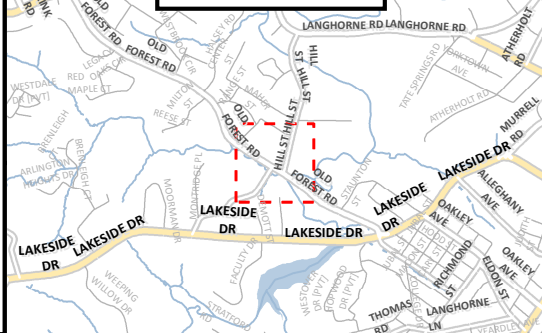
## PROPERTY INFORMATION

**PARCEL ID**      **ADDRESS**  
 01510027      1902 OLD FOREST RD

## LEGEND

- Subject Property
- 215' Buffer
- B-1
- B-3
- B-4
- B-5
- R-C
- I-1
- I-2
- I-3
- IN-1
- IN-2
- R-1
- R-2
- R-3
- R-4

## OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/16/2020

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.



**1902 Old Forest Road**

| Parcel ID | Address            | Owner                          |
|-----------|--------------------|--------------------------------|
| 01502025  | 515 MONTICELLO AVE | CITY OF LYNCHBURG              |
| 01504001  | 1611 MOORMANS RD   | BARBOUR, STACEY D              |
| 01504002  | 3500 JOEL ST       | BARBOUR, STACEY D              |
| 01504016  | 1905 OLD FOREST RD | JAY GURVDEV LLC                |
| 01505005  | 3208 HILL ST       | BORI, VICTOR D                 |
| 01505006  | 1820 OLD FOREST RD | JAMES RIVER ACQUISITIONS LLC   |
| 01505008  | 3200 HILL ST       | BORI, VICTOR D                 |
| 01510010  | 3201 HILL ST       | ROTH, ULRIKE F                 |
| 01510012  | 3217 HILL ST       | DAKOUR, OUMAYA S               |
| 01510015  | 1908 OLD FOREST RD | LYNCHBURG AREA DETACHMENT #759 |
| 01510027  | 1902 OLD FOREST RD | JAY GURVDEV LLC                |
| 01511001  | 1610 MOORMANS RD   | STANSBURY, HILLARY K           |
| 16507019  | 3505 JOEL ST       | BARBOUR, STACEY D              |



## PROPERTY INFORMATION

PARCEL ID

ADDRESS

01510027 1902 OLD FOREST RD

## LEGEND

- |                            |                       |
|----------------------------|-----------------------|
| Local Historic District    | Employment 1          |
| Traditional Residential    | Employment 2          |
| Low Density Residential    | Downtown              |
| Medium Density Residential | Institution           |
| High Density Residential   | Public Use            |
| Neighborhood Commercial    | Public Parks          |
| Community Commercial       | Resource Conservation |
|                            | Mixed Use             |

MAP SCALE: 1" to 200' DATE PRINTED: 6/16/2020

## OVERVIEW MAP



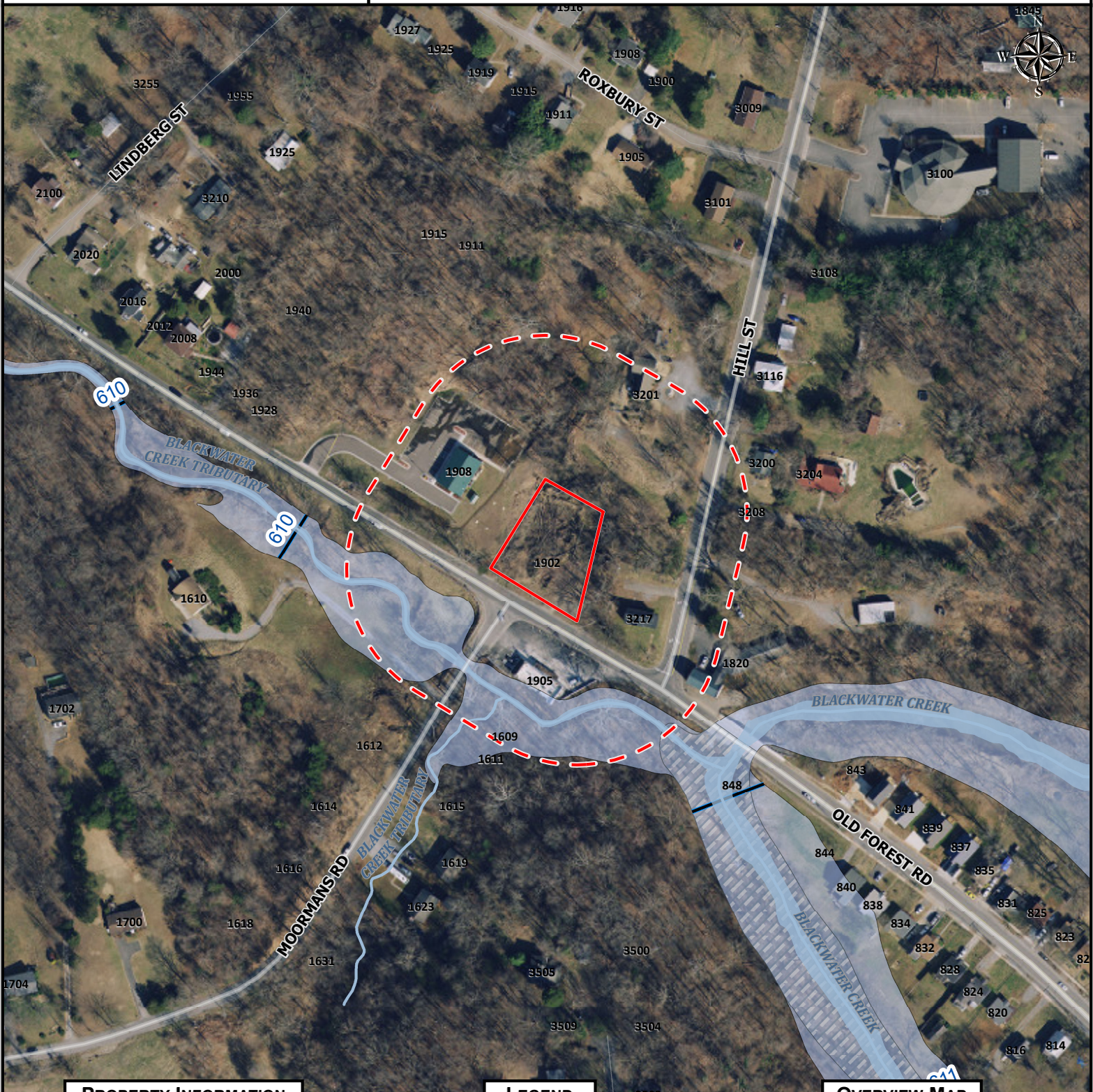


# Watershed Map

TRC

# 1902 OLD FOREST ROAD

JAY GURVDEV LLC



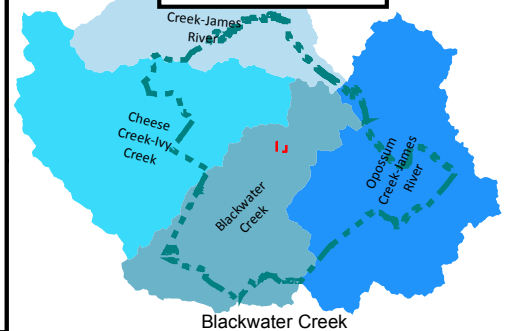
## PROPERTY INFORMATION

| PARCEL ID | ADDRESS            |
|-----------|--------------------|
| 01510027  | 1902 OLD FOREST RD |

## LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

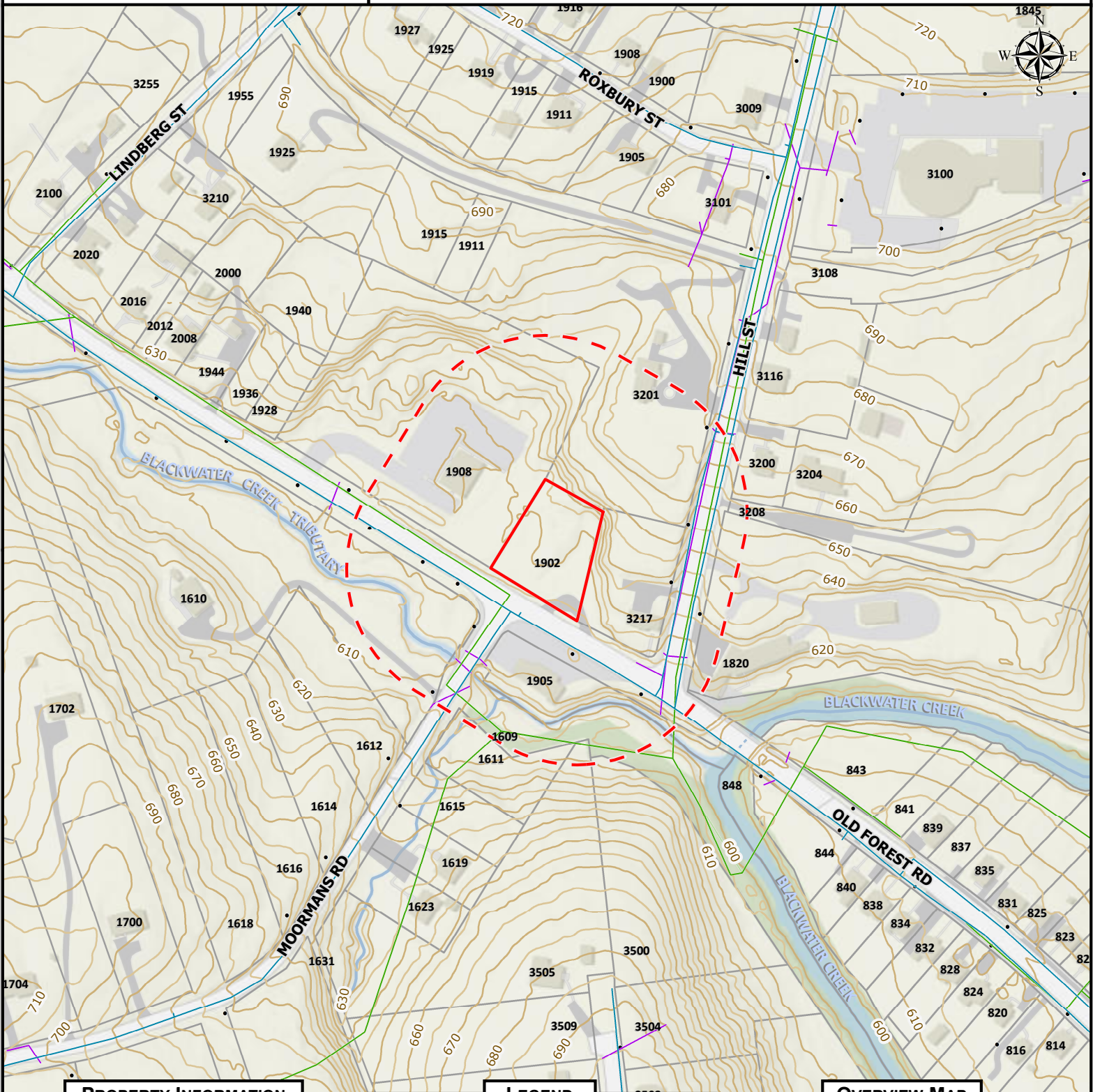
## OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/16/2020

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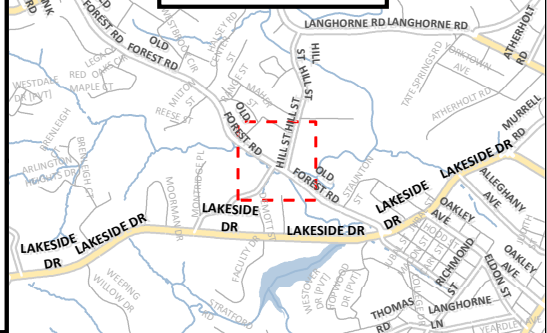
PROPERTY INFORMATION

| PARCEL ID | ADDRESS            |
|-----------|--------------------|
| 01510027  | 1902 OLD FOREST RD |

LEGEND

|                       | Active                      | Proposed                   | Abandoned               |
|-----------------------|-----------------------------|----------------------------|-------------------------|
| Utilities             | Water (solid blue)          | Sanitary (dashed blue)     | Storm (dashed purple)   |
| Structure             | 100' (solid brown)          | 50' (dashed brown)         | 20' (dotted brown)      |
| Roadway               | 10' (solid grey)            | 5' (dashed grey)           | 1' (dotted grey)        |
| Planimetrics          | Parking (solid grey)        | Sidewalk (dashed grey)     | Driveway (dotted grey)  |
| Towers & Trans. Lines | Elec. Trans. (solid yellow) | Trans. Tower (solid black) | Comm. Tower (solid red) |
|                       | Other (solid black)         | Pole (solid black)         | Cemetery (solid black)  |

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/16/2020



THE PAREL IS 0.453 ACRES WHICH IS CURRENTLY ZONED AS B-3 COMMUNITY BUSINESS.  
THE OWNER IS PROPOSING TO BUILD A 12 UNIT APARTMENT BUILDING.

THE OWNER IS REQUESTING A CONDITIONAL USE PERMIT TO ALLOW FOR A MULTI-FAMILY DEVELOPMENT WITHIN B-3 ZONING.

THE PROJECT WILL BE SERVED BY PUBLIC WATER AND SEWER.

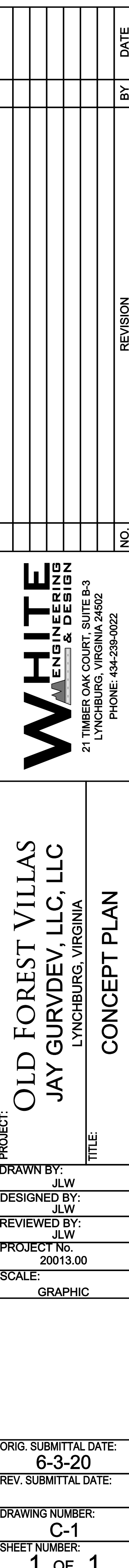
DISCHARGE CONDITION = EXISTING STORMWATER CONVEYANCE SYSTEM  
TARGET COMPLIANCE METHOD = UNDERGROUND DETENTION/ADEQUATE CHANNEL  
BMP CLEARINGHOUSE PRACTICE = OFF-SITE CREDIT PURCHASE

RESIDENTIAL  
12 APARTMENTS  
1.0 PARKING SPACES PER UNIT  
12 SPACES REQUIRED FOR APARTMENT

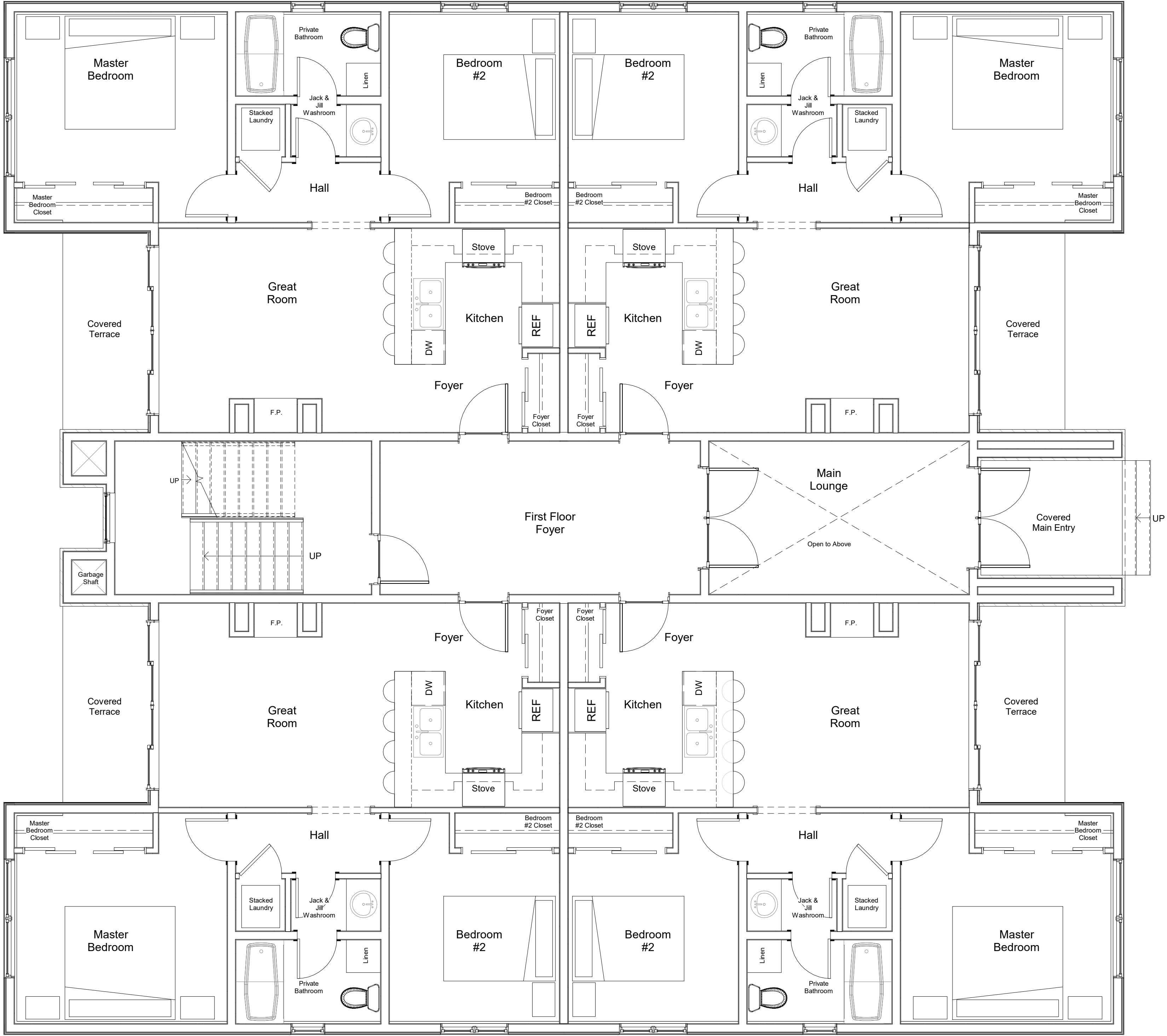
20 SPACES PROVIDED  
H/C SPACES REQUIRED = 1 SPACES TOTAL  
VAN SPACES REQUIRED = 1 VAN SPACE  
H/C SPACES PROVIDED = 1 VAN SPACE

\* PUBLIC BUS STOP IS LOCATED ALONG THE FRONTAGE OF THIS PROPERTY.

ZONING: B-3  
FRONT YARD = 0 FEET  
SIDE YARD = 0 FEET  
REAR YARD = 0 FEET



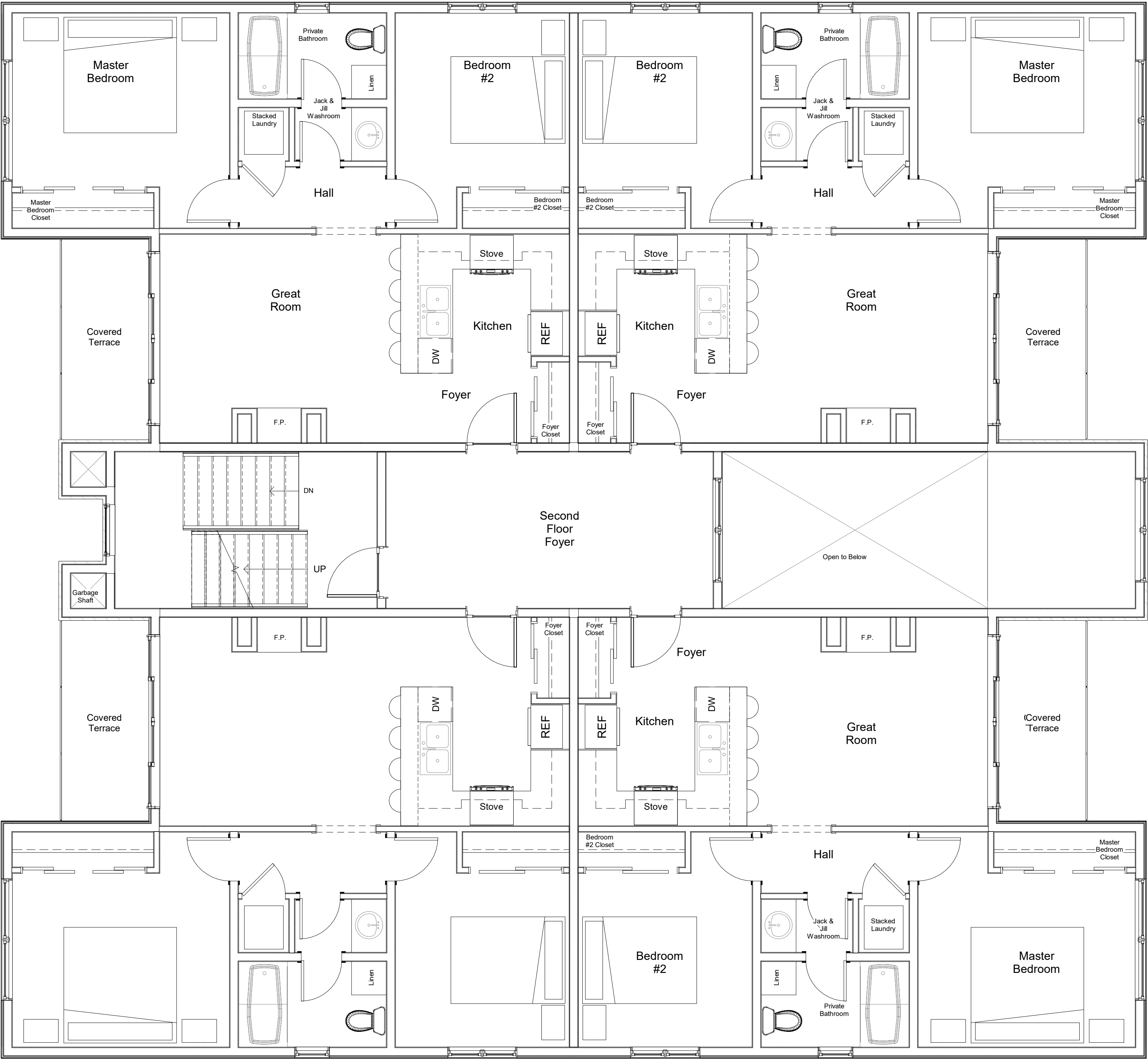




First Floor Plan

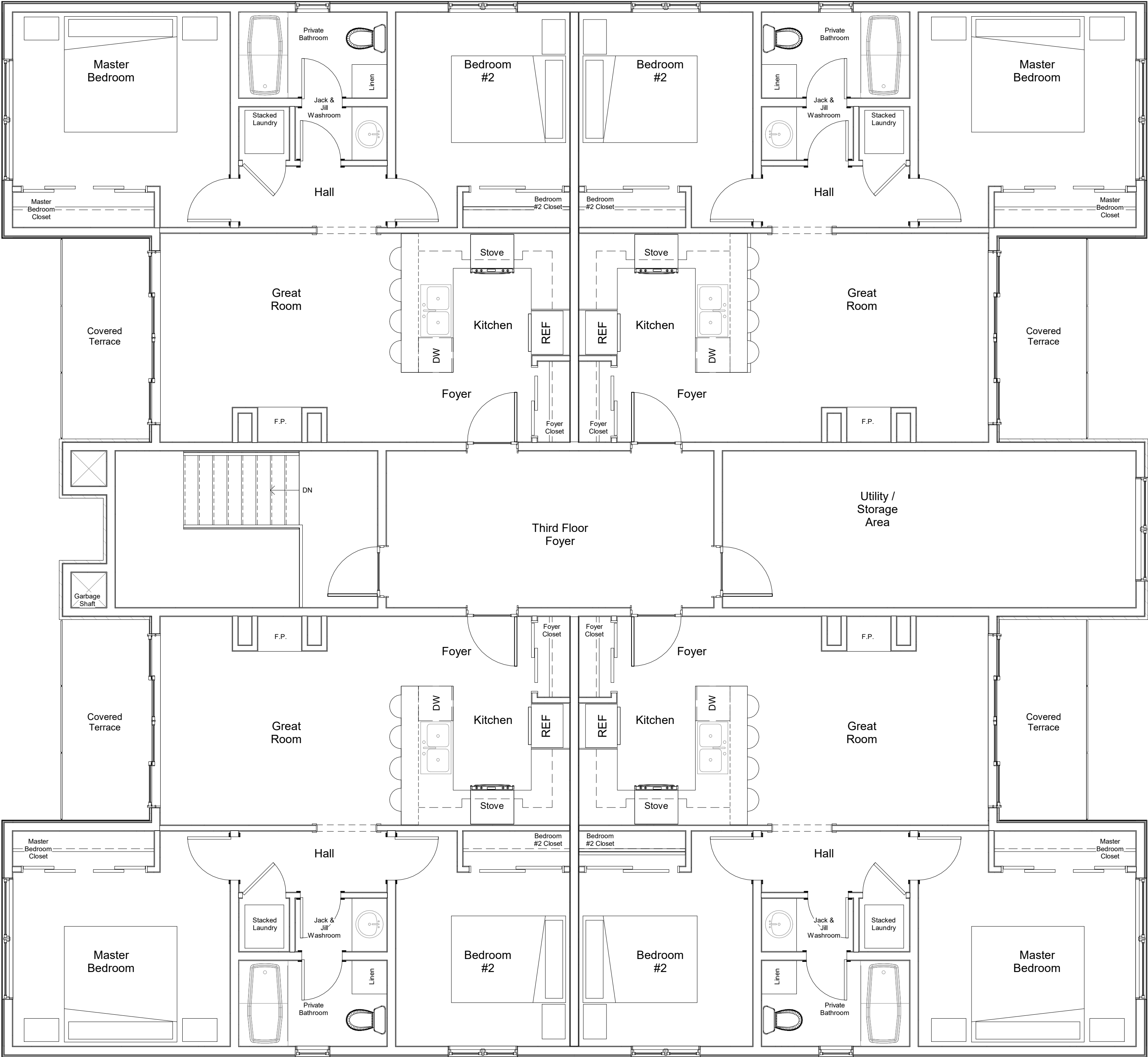
Coceptual Design





Second Floor Plan

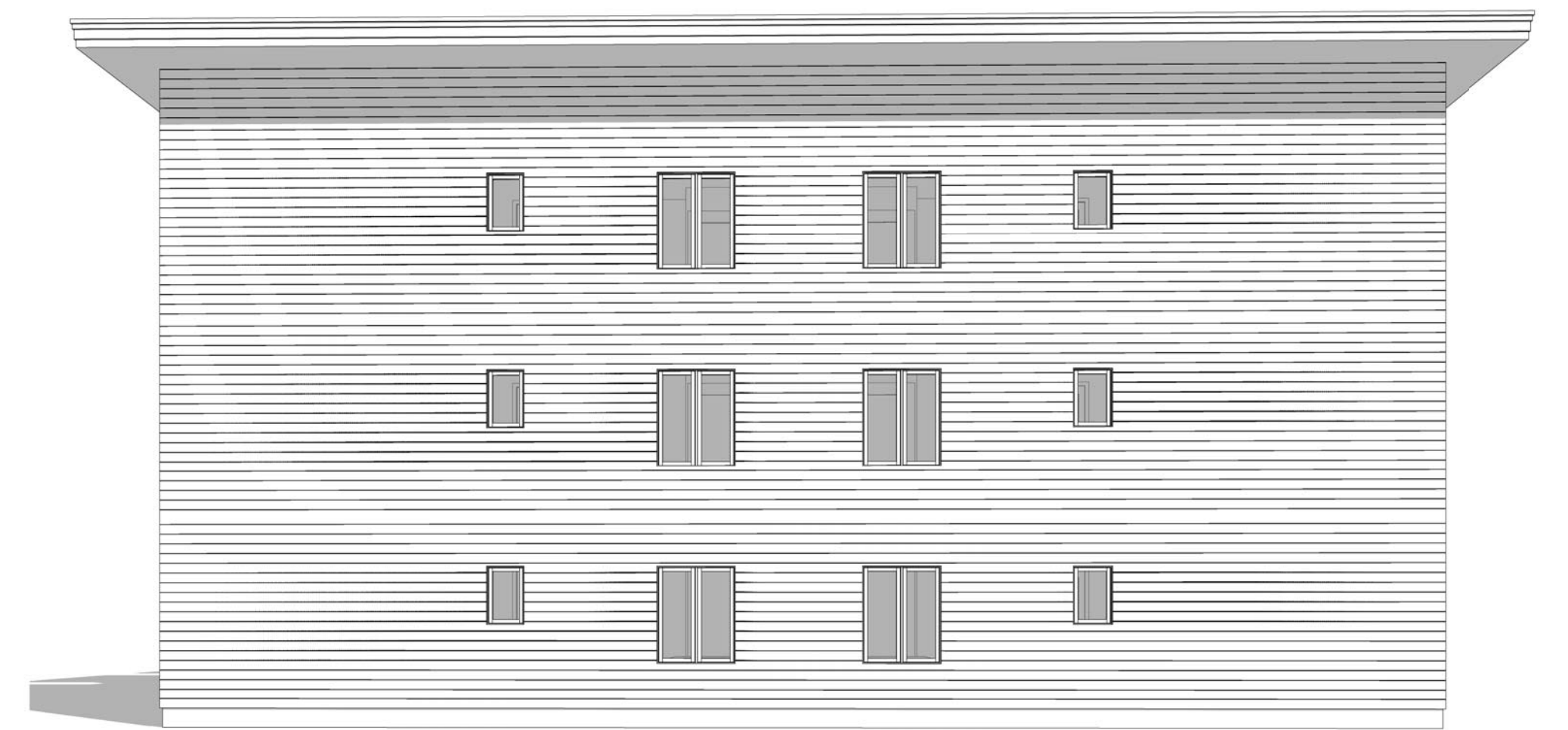




Third Floor Plan

Coceptual Design









01/25/2017

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**Old Forest Villas CUP**  
**1902 Old Forest Road**  
**July 22, 2020**

**PLEASE PRINT CLEARLY**

[illegible]

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **12**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

**ITEM TITLE: Cellco Partnership Interim License Agreement**

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

**RECOMMENDATION:** Hold a public hearing and adopt a resolution granting Cellco Partnership, d/b/a Verizon Wireless, a nonexclusive interim license agreement to install and operate 4G small cell facilities in the public rights of way throughout the City.

**SUMMARY:** Cellco Partnership, d/b/a Verizon Wireless, has requested that the City grant it a nonexclusive interim license to install and operate 4G small cell facilities in the public rights of way throughout the City. Verizon Wireless has submitted plans to install and operate five 4G small cell facilities within the City that will add wireless network capacity to serve Lynchburg's residents and businesses. In addition to the five 4G small cell facilities that are currently underway, Verizon Wireless will be installing and operating additional 4G small cell facilities in the future. The 4G small cell facilities will be installed and operated in accordance with the provisions of the City's micro-wireless and small cell facilities ordinance as set forth in Sections 35-28 through 35-28.6 of the Lynchburg City Code.

**PRIOR ACTION(S):** June 27, 2017: City Council adopted an ordinance regulating the placement of micro-wireless and small cell facilities in the public rights of way.

**FISCAL IMPACT:** Verizon Wireless will pay the City processing fees to cover the City's costs in processing the applications to install 4G small cell facilities.

**CONTACT(S):** Walter C. Erwin, City Attorney's Office, 455-3973;  
Lee Newland, City Engineer, 455-3947.

**ATTACHMENT(S):**

A resolution granting Verizon Wireless, a nonexclusive interim license to install and operate 4G small cell facilities in the public rights of way throughout the City.

**REVIEWED BY:** raw

## RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive interim license agreement with Cellco Partnership, d/b/a Verizon Wireless, to install and operate 4G small cell facilities in the public rights of way throughout the City subject to the provisions of the City's micro-wireless and small cell facilities ordinance as set forth in Sections 35-28 through 35-28.6 of the Lynchburg City Code.

Adopted:

Certified:

\_\_\_\_\_  
Interim Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **13**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: FY 2020 Fourth Quarter and FY 2021 First Quarter Adjustments**

KEY ELEMENTS:

\_\_\_ Economic Development **X** Excellent Government \_\_\_ Natural and Built Environment \_\_\_ Safe Community \_\_\_ Vibrant Community

RECOMMENDATION: Adopt a resolution amending the FY 2020 Operating Budget appropriating funds to reflect the FY 2020 Fourth Quarter Adjustments as listed in Attachment A.

Adopt a resolution amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 First Quarter Adjustments as listed in Attachment B.

Adopt a resolution that FY 2021 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council.

SUMMARY: The Children's Services Act Fund is amended to reflect the FY 2020 Fourth Quarter Adjustments.

The General, City/Federal/State Aid, Forfeited Assets, Technology, Fleet as well as the City Capital Projects and Schools Capital Projects Fund are amended to reflect the FY 2021 First Quarter Adjustments.

Additional Poverty Initiative funds were not adopted in FY 2021. However, with the approval to carry forward the remaining balance Council will need to approve the resolution for the funds to only be spent with the majority vote of City Council.

PRIOR ACTION(S): May 28, 2019: Adoption of the FY 2020 Operating and Capital Budgets  
September 24, 2019: First Quarter Adjustments  
April 14, 2020: Third Quarter Adjustments  
June 23, 2020: Adoption of the FY 2021 Operating and Capital Budgets

FISCAL IMPACT: As noted on Attachments A and B.

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S):

Resolutions

Attachment A: FY 2020 Fourth Quarter Adjustments – Summary and Detail

Attachment B: FY 2021 First Quarter Adjustments – Summary and Detail

REVIEWED BY: raw

RESOLUTION: BE IT RESOLVED That the FY 2020 Adopted Budget is amended and funds are appropriated to reflect the Fourth Quarter Adjustments in the Children's Services Act Fund as reflected in Attachment A.

And, BE IT RESOLVED that the funds shall be used as identified in Attachment A.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Interim Clerk of Council

RESOLUTION: BE IT RESOLVED That the FY 2021 Adopted Budget is amended and funds are appropriated or rescinded to reflect the First Quarter Adjustments in the General, City/Federal/State Aid, Forfeited Assets, Technology, Fleet as well as the City Capital Projects and Schools Capital Projects Fund as reflected in Attachment B.

And, BE IT RESOLVED that the funds shall be used as identified in Attachment B.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Interim Clerk of Council

RESOLUTION: BE IT RESOLVED that FY 2021 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council.

Adopted:

Certified:

\_\_\_\_\_  
Interim Clerk of Council

**FY 2020 Fourth Quarter Adjustment  
SUMMARY BY FUND**

|                                    | <b>Expenditures</b> | <b>Additional<br/>Revenues</b> | <b>Use of Unassigned Fund<br/>Balance</b> | <b>Transfer or<br/>Use of<br/>Committed/<br/>Assigned<br/>Fund Balance</b> |
|------------------------------------|---------------------|--------------------------------|-------------------------------------------|----------------------------------------------------------------------------|
| CHILDREN'S SERVICES ACT (CSA) FUND | 662,000             | 480,877                        | 181,123                                   | -                                                                          |
| <b>TOTALS</b>                      | <b>\$662,000</b>    | <b>\$480,877</b>               | <b>\$181,123</b>                          | <b>\$0</b>                                                                 |



| Department/Division                | Amount  | Source of Funding   |                                |                                                    | Purpose                                                                                                                                                                                                              |
|------------------------------------|---------|---------------------|--------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    |         | Additional Revenues | Use of Unassigned Fund Balance | Transfer or Use of Committed/Assigned Fund Balance |                                                                                                                                                                                                                      |
| CHILDREN'S SERVICES ACT (CSA) FUND |         |                     |                                |                                                    |                                                                                                                                                                                                                      |
| Human Services                     | 662,000 | 480,877             | 181,123                        |                                                    | To appropriate additional State funds and use of fund balance due to foster care children increasing by 24 percent in 2020. Funds will cover enhanced maintenance for foster care children and educational expenses. |
| CSA FUND Total                     |         |                     | \$ 662,000                     |                                                    |                                                                                                                                                                                                                      |

**FY 2021 First Quarter Adjustment  
SUMMARY BY FUND**

|                               | <b>Expenditures</b> | <b>Additional<br/>Revenues</b> | <b>Use of Unassigned Fund<br/>Balance</b> | <b>Transfer or<br/>Use of<br/>Committed/<br/>Assigned<br/>Fund Balance</b> |
|-------------------------------|---------------------|--------------------------------|-------------------------------------------|----------------------------------------------------------------------------|
| GENERAL FUND                  | 474,428             | 82,118                         | 308,739                                   | 83,571                                                                     |
| CITY/FEDERAL/STATE AID FUND   | 71,543              | 71,543                         | -                                         | -                                                                          |
| FORFEITED ASSETS FUND         | 23,298              | -                              | -                                         | 23,298                                                                     |
| TECHNOLOGY FUND               | 273,571             | 33,571                         | -                                         | 240,000                                                                    |
| CITY CAPITAL PROJECTS FUND    | (978,812)           | (978,812)                      | -                                         | -                                                                          |
| SCHOOLS CAPITAL PROJECTS FUND | 10,560              | 10,560                         | -                                         | -                                                                          |
| FLEET SERVICES FUND           | 249,000             | -                              | 249,000                                   | -                                                                          |
| <b>TOTALS</b>                 | <b>\$123,588</b>    | <b>(\$781,020)</b>             | <b>\$557,739</b>                          | <b>\$346,869</b>                                                           |

## FY 2021 First Quarter Adjustment Details

## ATTACHMENT B

| Department/Division                | Amount  | Source of Funding   |                                |                                                    | Purpose                                                                                                                                                                                                                                                                                                  |
|------------------------------------|---------|---------------------|--------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    |         | Additional Revenues | Use of Unassigned Fund Balance | Transfer or Use of Committed/Assigned Fund Balance |                                                                                                                                                                                                                                                                                                          |
| GENERAL FUND                       |         |                     |                                |                                                    |                                                                                                                                                                                                                                                                                                          |
| Council/Manager Offices            | 7,534   |                     | 7,534                          |                                                    | Appropriate remaining funds for City-wide training.                                                                                                                                                                                                                                                      |
| Human Resources - Non-Departmental | 34,933  |                     | 34,933                         |                                                    | Appropriate remaining funds for recruitment and recruitment events.                                                                                                                                                                                                                                      |
| Human Resources - Non-Departmental | 6,860   |                     | 6,860                          |                                                    | Appropriate donated funds for the International Festival.                                                                                                                                                                                                                                                |
| Library                            | 5,688   | 5,688               |                                |                                                    | Appropriate additional State Aid from the Library of Virginia.                                                                                                                                                                                                                                           |
| Library                            | 17,305  |                     | 17,305                         |                                                    | Appropriate remaining State Aid from the Library of Virginia received but not spent due to COVID-19 in FY 2020. The Library of Virginia is allowing unspent State Aid funding to carry forward with the understanding funds will be spent in their entirety, along with FY 2021 funds, by June 30, 2021. |
| Parks and Recreation               | 4,855   |                     | 4,855                          |                                                    | Appropriate remaining funds to purchase new furniture and kitchen equipment for Jefferson Park and Diamond Hill neighborhood centers following their renovation with CDBG funds; not completed due to the spending freeze for COVID-19.                                                                  |
| Parks and Recreation               | 3,900   |                     | 3,900                          |                                                    | Appropriate remaining funds to cover increased demands for portable toilets in our parks.                                                                                                                                                                                                                |
| Police                             | 60,782  |                     | 60,782                         |                                                    | Appropriate funds to replace two police vehicles including equipment cost.                                                                                                                                                                                                                               |
| Police - Range                     | 728     |                     | 728                            |                                                    | Appropriate remaining funds and revenues received over adopted budget to be used for firing range purposes in FY 2021.                                                                                                                                                                                   |
| Poverty Initiative                 | 122,763 |                     | 122,763                        |                                                    | Appropriate remaining FY 2020 Poverty Initiative Funds.                                                                                                                                                                                                                                                  |
| Public Works                       | 50,000  |                     |                                | 50,000                                             | Appropriate committed reserve funds for Concord Turnpike Landfill Maintenance to replace the scales at the Convenience Center.                                                                                                                                                                           |
| Registrar                          | 76,430  | 76,430              |                                |                                                    | Appropriate Coronavirus Aid, Relief, and Economic Security (CARES) Act funds received granted specifically to prevent, prepare for, and respond to coronavirus, domestically or internationally, for the 2020 federal election cycle.                                                                    |

| Department/Division                                                                   | Amount | Source of Funding   |                                |                                                    | Purpose                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------|--------|---------------------|--------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                       |        | Additional Revenues | Use of Unassigned Fund Balance | Transfer or Use of Committed/Assigned Fund Balance |                                                                                                                                                                                                    |
| TRANSFERS                                                                             |        |                     |                                |                                                    |                                                                                                                                                                                                    |
| Transfer to City/Federal/State Aid Fund from General Fund Operating Budget            | 49,079 |                     | 49,079                         |                                                    | Transfer from General Fund to City/Federal State Aid Fund to appropriate the amount collected from a percentage of Amusement Tax in the Arts and Cultural District that relates to the Arts Grant. |
| Transfer to Technology Fund from Information Technology General Fund Operating Budget | 33,571 |                     |                                | 33,571                                             | Transfer from General Fund to Technology Fund of non-personnel unexpended funds to the Technology Fund per June 2000 Council approved Information Technology Policy.                               |

**GENERAL FUND**

|                                                                            |                   |
|----------------------------------------------------------------------------|-------------------|
| Additional Revenues                                                        | \$ 82,118         |
| Amount Funded with Use of FY 2019 Unassigned Year End Fund Balance         | 308,739           |
| Amount Funded with a Transfer of Use of Committed or Assigned Fund Balance | 83,571            |
| <b>GENERAL FUND Appropriation Total</b>                                    | <b>\$ 474,428</b> |

| Department/Division                          | Amount | Source of Funding   |                                |                                                    | Purpose                                                                                                                                                                                                                           |
|----------------------------------------------|--------|---------------------|--------------------------------|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              |        | Additional Revenues | Use of Unassigned Fund Balance | Transfer or Use of Committed/Assigned Fund Balance |                                                                                                                                                                                                                                   |
| CITY/FEDERAL/STATE AID FUND                  |        |                     |                                |                                                    |                                                                                                                                                                                                                                   |
| Community Corrections and Pre-Trial Services | 2,400  | 2,400               |                                |                                                    | True-up the Community Corrections and Pre-Trial Services FY 2021 funding.                                                                                                                                                         |
| Community Development                        | 12,022 | 12,022              |                                |                                                    | Appropriate agreement between the Virginia Department of Health (VDH) and the City for the Walkability Project grant.                                                                                                             |
| Economic Development                         | 49,079 | 49,079              |                                |                                                    | Transfer to City/Federal State Aid Fund from General Fund Operating Fund to appropriate the amount collected from a percentage of Amusement Tax in the Arts and Cultural District that relates to the Arts Grant true up FY 2020. |
| Fire                                         | 149    | 149                 |                                |                                                    | True-up the EMS 4-for-Life FY 2021 funding allocation.                                                                                                                                                                            |
| Fire                                         | 7,893  | 7,893               |                                |                                                    | True-up the Fire Program Grant funding FY 2021 funding allocation.                                                                                                                                                                |

|                                   |           |
|-----------------------------------|-----------|
| CITY/FEDERAL/STATE AID FUND Total | \$ 71,543 |
|-----------------------------------|-----------|

**FORFEITED ASSETS FUND**

|                                |        |  |  |        |                                                 |
|--------------------------------|--------|--|--|--------|-------------------------------------------------|
| Commonwealth's Attorney Office | 20,034 |  |  | 20,034 | Appropriate Asset Forfeiture revenues received. |
| Police Department              | 3,264  |  |  | 3,264  | Appropriate Asset Forfeiture revenues received. |

|                             |           |
|-----------------------------|-----------|
| FORFEITED ASSETS FUND Total | \$ 23,298 |
|-----------------------------|-----------|

**TECHNOLOGY FUND**

|                        |         |        |  |         |                                                                                                                                                                             |
|------------------------|---------|--------|--|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Information Technology | 140,000 |        |  | 140,000 | Appropriate funds to support further implementation of Cherwell modules (IT service management system).                                                                     |
| Information Technology | 100,000 |        |  | 100,000 | Appropriate funds for Personal Property System PCI/RBS upgrade.                                                                                                             |
| Information Technology | 33,571  | 33,571 |  |         | <i>Transfer from General Fund to Technology Fund</i> of non-personnel unexpended funds to the Technology Fund per June 2000 Council approved Information Technology Policy. |

|                       |            |
|-----------------------|------------|
| TECHNOLOGY FUND Total | \$ 273,571 |
|-----------------------|------------|

| Department/Division              | Amount      | Source of Funding   |                                |                                                    | Purpose                                                                                                                                              |
|----------------------------------|-------------|---------------------|--------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                  |             | Additional Revenues | Use of Unassigned Fund Balance | Transfer or Use of Committed/Assigned Fund Balance |                                                                                                                                                      |
| CITY CAPITAL PROJECTS FUND       |             |                     |                                |                                                    |                                                                                                                                                      |
| Parks and Recreation             | 2,700       | 2,700               |                                |                                                    | Appropriate a donation to assist in building a new disc-golf course at Heritage Park.                                                                |
| Public Works - Engineering       | 485,000     | 485,000             |                                |                                                    | Appropriate SMARTSCALE funding for the Rivermont Avenue at Bedford Avenue Intersection Improvements project; funds received sooner than anticipated. |
| Public Works - Engineering       | 84,272      | 84,272              |                                |                                                    | Appropriate additional Federal funds awarded by VDOT for the Kemper Street Pedestrian Improvements project.                                          |
| Public Works - Engineering       | (1,521,156) | (1,521,156)         |                                |                                                    | Rescind unused appropriations for the Liberty University Intramural Road, Phase III project.                                                         |
| Public Works - Engineering       | (29,628)    | (29,628)            |                                |                                                    | Rescind unused Federal appropriations for the Adaptive Signal Control-Rivermont Avenue project.                                                      |
| CITY CAPITAL PROJECTS FUND Total |             |                     | \$ (978,812)                   |                                                    |                                                                                                                                                      |

**SCHOOLS CAPITAL PROJECTS FUND**

|                                            |        |                  |  |  |                                                                                                              |
|--------------------------------------------|--------|------------------|--|--|--------------------------------------------------------------------------------------------------------------|
| Schools                                    | 10,560 | 10,560           |  |  | Appropriate funds received from the Rooftop Lease agreement for a cell tower on top of Dunbar Middle School. |
| <b>SCHOOLS CAPITAL PROJECTS FUND Total</b> |        | <b>\$ 10,560</b> |  |  |                                                                                                              |

**FLEET SERVICES FUND**

|                                  |         |                   |         |  |                                                                                                                                    |
|----------------------------------|---------|-------------------|---------|--|------------------------------------------------------------------------------------------------------------------------------------|
| Fleet Services                   | 23,000  |                   | 23,000  |  | Appropriate funds for repairs required to bring fuel site into compliance with new EPA standards.                                  |
| Fleet Services                   | 210,000 |                   | 210,000 |  | Appropriate funds to replace a tandem axle dump truck that was on the FY 2020 replacement list.                                    |
| Fleet Services                   | 16,000  |                   | 16,000  |  | Appropriate funds to replace expired computers and purchase tablets required to work with new fleet management information system. |
| <b>FLEET SERVICES FUND Total</b> |         | <b>\$ 249,000</b> |         |  |                                                                                                                                    |

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **14**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Issuance of Lifetime Dog Licenses and Amend Animal Control Ordinances**

KEY ELEMENTS:

\_\_\_Economic Development **X**Excellent Government \_\_\_Natural and Built Environment \_\_\_Safe Community \_\_\_Vibrant Community

**RECOMMENDATION:** Adopt an ordinance to amend and reenact sections 7-1, 7-7, 7-49, 7-50, 7-52, 7-55, 7-56, 7-57, 7-58, 7-98, and 7-113 of Chapter 7 of the Code of the City of Lynchburg, 1981, the amended sections relating to the issuance of dog licenses and the city's animal control ordinances.

**SUMMARY:** State Code now allows the issuance of a lifetime dog license. For a proposed fee of \$15, an owner of a dog that is at least four months old or older, who resides in city limits, and keeps the dog's rabies vaccination current, may apply to the city and receive a lifetime dog license. The license will automatically become void if the dog's rabies vaccination is not current and/or the owner of the dog no longer resides within city limits. Issuance of a lifetime dog license will be less burdensome for the pet owner and is projected to have minimal impact on the \$8,000 adopted for Animal License Fees revenue.

In addition to providing for a lifetime dog license, the ordinance also amends several sections of the City's animal control ordinances so the City's ordinances will be consistent with changes to the State Code and City policies.

**PRIOR ACTION(S):** None

**FISCAL IMPACT:** Minimal impact is anticipated to the FY 2021 Adopted budget for Animal License Fees

**CONTACT(S):** Donna S. Witt, Chief Financial Officer, 455-3968

**ATTACHMENT(S):**  
Ordinance

**REVIEWED BY:** raw

104A



AN ORDINANCE TO AMEND AND REENACT SECTIONS 7-1, 7-7, 7-49, 7-50, 7-52, 7-55, 7-56, 7-57, 7-58, 7-98, AND 7-113 OF CHAPTER 7 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO THE ISSUANCE OF DOG LICENSES AND THE CITY'S ANIMAL CONTROL ORDINANCES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 7-1, 7-7, 7-49, 7-50, 7-52, 7-55, 7-56, 7-57, 7-58, 7-98, and 7-113 of Chapter 7 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 7-1. Animal warden.**

The ~~city council~~ city manager shall, upon nomination of the chief of police, appoint a special policeman to be known as the animal warden for the city, and deputy animal wardens whose terms of office shall be at the pleasure of the chief of police, and it shall be the special duty of the animal warden and deputy animal wardens, subject to the supervision and control of the chief of police, to enforce this chapter and the statutes of the ~~commonwealth~~ Commonwealth of Virginia relating to animals, particularly the provisions with respect to dogs contained in ~~Chapter 27.4, Title 3.1, Chapter 65, Title 3.2, Code of Virginia-~~ 1950, as amended. To enable them to discharge their duties, the animal warden and deputy animal wardens shall have the power, perform the duties, and be subject to the penalties that are by law prescribed. When in uniform or upon displaying a badge or other credentials of office, the animal warden and the deputy animal wardens shall have the power to issue a summons or obtain a misdemeanor or felony warrant as necessary, ~~providing~~ provided that the execution of such warrant shall be carried out by any law enforcement officer as defined in Section 9.1-101 of the ~~state code~~ Code of Virginia, 1950, as amended, to or upon any person found in the act of violating any animal protection and control laws of the ~~commonwealth~~ Commonwealth of Virginia or any animal protection and control ordinances of the city.

**Sec. 7-7. Cruelty to animals.**

- (a) Any person who (i) overrides, overdrives, overloads, ill-treats, or abandons any animal, whether belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or (iii) deprives any animal of necessary sustenance, food, drink, ~~or~~ shelter, or emergency veterinary treatment; or (iv) sores any equine for any purpose or administers drugs or medications to alter or mask such sores for the purpose of sale, show, or exhibition of any kind unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (v) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act

of cruelty to any animal; or (vii) carries or causes to be carried in or upon any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner so as to produce torture or unnecessary suffering; or (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a class 1 misdemeanor. Prosecution ~~for~~ of violations ~~of this subsection hereunder~~ shall commence within five years ~~after of the~~ commission of the offense. ~~except violations regarding~~ Prosecution of this subsection regarding agricultural animals, ~~as defined in Section 3.2-5900 of the Code of Virginia,~~ shall commence within one year ~~after of the~~ commission of the offense.

- (b) Any person who abandons any dog, cat, or other companion animal on public property, including the right-of-way of any public highway, right-of-way, property adjacent to such highway or right-of-way, or on the property of another without the written consent of the owner thereof or his agent shall be guilty of a misdemeanor punishable by a fine of not less than \$250.00 ~~or nor~~ more than \$2,500.00, ~~either or both.~~
- ~~(c) Nothing in this section shall be construed to prohibit the dehorning of cattle.~~
- ~~(d) For the purposes of this section the word animal shall be construed to include birds and fowl.~~
- ~~(e) (c) It is unlawful for any person to kill a domestic~~ Any person who kills a dog or cat for the purpose of obtaining the hide, fur, or pelt of the dog or cat. ~~A violation of this subsection shall be~~ guilty of a class 1 misdemeanor.
- ~~(f) (d)~~ This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under the Code of Virginia or the City Code, or to farming activities.
- ~~(g) In addition to the penalties provided in this section, the court may, in its discretion, require any person convicted of violating paragraph (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such program or counseling upon the person convicted.~~
- ~~(h) (e)~~ For the purposes of this section, the word person shall ~~be held to~~ include firms and corporations as well as individuals.
- ~~(i) (f)~~ Any person convicted of violating paragraphs (a), (b), or (d) of this section may be prohibited by the court from possession or ownership of companion animals.
- ~~(j) (g)~~ In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of ~~subsection~~ paragraph (a) of this section to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

#### **Sec. 7-49. Amount of tax.**

The following license ~~tax~~ taxes shall be the only license ~~tax~~ taxes on dogs in the city:

- (a) Fertile females, one year old or older, ~~....~~ \$10.00  
~~Females less than one year old and infertile or spayed females .....5.00~~

Infertile or spayed females.....\$5.00

Females less than one year old.....\$5.00

Fertile males, one year old or older,....\$10.00

~~Males less than one year old and infertile or neutered males .....5.00~~

Infertile or neutered males.....\$5.00

Males less than one year old.....\$5.00

Any person who applies for a license tag for a neutered, spayed, or infertile dog shall present, at the time of application, certification from a licensed veterinarian attesting to the neutering, spaying, or infertility of the dog. If such certification is not so presented, the dog shall be ~~taxed the fee levied on fertile dogs~~ presumed fertile.

(b) Kennel for 20 dogs or less,....\$25.00

(c) Kennel for 21 dogs or more,....\$35.00

(d) Lifetime Dog License.....\$15.00

Any dog owner, whose dog is at least four months old or older, who resides within the corporate limits of the city and keeps such dog's rabies vaccination current in accordance with this chapter, may apply to the city for and receive therefrom a lifetime dog license. Any such license issued by the city shall automatically become void in the event 1) such dog's rabies vaccination are not current and/or 2) the owner of such dog no longer resides within the corporate limits of the city with such dog.

~~(d)~~(e) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or is trained and serves as a hearing dog for a deaf or hearing impaired person.

~~(e)~~(f) All revenues collected by the city collector from the sale of license tags shall be deposited in the city's general fund. pursuant to this section shall be deposited with the city, and appropriated for one or more of the uses described under Section 3.2-6534 of the Code of Virginia, 1950, as amended.

#### **Sec. 7-50. When tax payable.**

With the exception of a license tax associated with a lifetime dog license, The the license tax on dogs required by this division shall be due and payable as follows:

(a) On or before January 1 and not later than January 31 of each year, the owner of any dog four months old or older shall pay the license tax prescribed by this division.

- (b) If a dog shall become four months of age or come into the possession of any person between January 1 and November 1 of any year, the license tax for the current calendar year shall be paid forthwith by the owner.
- (c) If a dog shall become four months of age or come into the possession of any person between October 31 and December 31 of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner, and such license shall protect such dog from the date of purchase.
- (d) No license tax shall be due upon a dog that is brought into the city after January 1 of a year on which similar license taxes or fees have been paid to a county, city or town by the current owner and of which the current owner of such dog was previously a resident.

The tax required to be paid for a lifetime dog license shall be due and payable to the city at the time an application for such license is submitted for processing.

#### **Sec. 7-52. Issuance of receipt; delivery of tag.**

Upon receipt of any application for a dog license, the required tax, and the certificate of vaccination for the dog to be licensed, the city collector shall issue a license receipt for the amount, on which he shall record the name and address of the owner or custodian, the date of the payment, the year period of time for which issued, and the serial number of the tag, and deliver the license tag.

#### **Sec. 7-55. Composition.**

A dog license shall consist of a license receipt and a highly visible tag. The tag shall be stamped or otherwise permanently marked to show the sex of the dog, the ~~calendar year~~ year period of time for which issued, and bear a serial number.

#### **Sec. 7-56. Term.**

With the exception of lifetime dog licenses, All all dog licenses issued under this division shall run for the calendar year, beginning with January 1 of each year and ending with December 31 of the same year. Subject to the appropriate vaccination and residency requirements of this chapter, a properly issued lifetime dog license shall be valid for the life of the dog subject to the license.

#### **Sec. 7-57. Dog not wearing tag considered unlicensed; burden of proof.**

Any dog not wearing a collar bearing a valid license tag ~~of the proper calendar year~~ shall prima facie be deemed to be unlicensed, ~~and in~~ In any proceedings instituted under this division, the burden of proof ~~of the fact that such dog has been~~ is validly licensed or is otherwise not required to bear a tag at the time not subject to licensure shall be on the owner or custodian of the dog.

**Sec. 7-58. Duplicate license tag.**

If a dog license tag shall become lost, destroyed, or stolen, the owner or custodian shall at once apply to the city collector for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the city collector that the original license tag has been lost, destroyed, or stolen, he shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The city collector shall endorse the number of such duplicate license tag and the date issued on the face of the original license receipt. The fee for such duplicate license tag shall be \$1.00, which shall be reported in the gross dog license collections.

**Sec. 7-98. Area-wide quarantine—~~When imposed~~.**

Where there is sufficient reason to believe that a rabid animal is at large, the city council ~~shall have the power, pursuant to Section 29-213.21 of the Code of Virginia (1950), as amended, to~~ may pass an emergency ordinance requiring owners of all animals within the city to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby.

**Sec. 7-113. Failure of pet shop operator or dealer to provide adequate care, etc.**

It shall be unlawful for persons who operate a pet shop or act as a dealer as defined in this article to fail to provide adequate care for animals in their possession or custody as provided for in this article. Dogs and cats must be exercised outside the primary cage at least once daily. Such animals shall be subject to immediate seizure and impoundment; and upon conviction of the person, the animals may be sold or humanely euthanized as provided by Section ~~3.1-796.96~~ 3.2-6563 of the Code of Virginia, 1950, as amended. Such failure shall also constitute grounds for revocation of the pet shop permit. Any funds that result from such sale shall be used first to pay the cost of the city for the impoundment and disposition of the animals, and any funds remaining shall be paid to the owner, if known. In the event that the owner is not found, the remaining funds shall remain with the city.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

\_\_\_\_\_  
Interim Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 8, 2020**

AGENDA ITEM #: **15**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Second Reading: Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Funding**

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

**RECOMMENDATION:** Conduct a second reading and adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$7,168,841 with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19).

**SUMMARY:** On August 11, 2020, City Council conducted a public hearing to receive feedback on the distribution of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020. Because this resolution did not receive a unanimous vote in favor (6-1), this item is required to be brought forth as a General Business agenda item.

**PRIOR ACTION(S):** May 26, 2020: Council Meeting informing Council of the CARES Act funds.  
June 23, 2020: Council Meeting appropriating the first distribution of the CARES Act funds.  
August 11, 2020: City Council held a public hearing and approved

**FISCAL IMPACT:** \$7,168,841 to address public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19)

**CONTACT(S):** Donna Witt, Chief Financial Officer, 455-3968  
Long Term Recovery Team (Kent White-Director of Community Development;  
Jeff Bandy-City Assessor; Marjette Upshur-Director of Economic Development and  
Tourism; Mitch Nuckles, Commissioner of Revenue; Victoria Glasgow-Planner,  
Department of Community Development; Terry Hutchens, Director of Information  
Technology)

**ATTACHMENT(S):** August 11, 2020 Agenda Item Summary  
Resolution  
ESF 14: Long Term Recovery Funding Recommendations: CARES Act

**REVIEWED BY:** raw

RESOLUTION:

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$7,168,841 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Interim Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 11, 2020**

AGENDA ITEM #:

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 Funding**

KEY ELEMENTS:

☒ Economic Development ☒ Excellent Government ☐ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Following a public hearing,

1. Adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$7,168,841 with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19); and,
2. Adopt an ordinance to provide for the payment of a monetary bonus to the employees of the City of Lynchburg, Virginia for exemplary service during the pandemic and appropriate \$2,141,327 from the General Fund for such payment.

SUMMARY: The Commonwealth of Virginia has received approximately \$3.1 billion as its share of the Coronavirus Relief Fund (CRF). The City has received a second allocation, based on population, in the amount of \$7,168,841.

These funds have the same requirements as the first distribution and may be used for qualifying expenses of state and local governments. The CARES Act provides that payments from the CRF only may be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019;
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

The City Manager tasked the Long-Term Recovery Team (Emergency Support Function 14 [ESF 14]) to manage requests for use of these funds from departments. These requests were categorized into three priorities:

1. Public Health and Safety – consists of appropriate cleaning, personal protective equipment (PPE), and items to allow for required social distancing;
2. Continuity of Operations – consists primarily of a one-time compensation award for all employees based on scheduled hours, technology related items, and community outreach;
3. Business and Community Support – consisting of additional grants to businesses impacted by COVID-19 requirements, community support grants through partner agencies and Greater Lynchburg Transit Company (GLTC) Sunday transportation offset.

PRIOR ACTION(S): May 26, 2020, Council Meeting informing Council of the CARES Act funds.  
June 23, 2020 Council Meeting appropriating the first distribution of the CARES Act funds.

FISCAL IMPACT: \$7,168,841 to address public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19)



CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968  
Long Term Recovery Team (Kent White-Director of Community Development;  
Jeff Bandy-City Assessor; Marjette Upshur-Director of Economic Development and  
Tourism; Mitch Nuckles, Commissioner of Revenue; Victoria Glasgow-Planner,  
Department of Community Development; Terry Hutchens, Director of Information  
Technology)

ATTACHMENT(S): Resolution  
COVID-19 Funding – City of Lynchburg  
ESF 14: Long Term Recovery Funding Recommendations: CARES Act  
Ordinance

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$7,168,841 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

## Emergency Support Function-14 Long Term Recovery Funding Recommendations: CARES<sup>1</sup> Act - Round 2

|                                                                                                                                                                                                                                                                                                |                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b><u>Public Health and Safety</u></b>                                                                                                                                                                                                                                                         | <b>\$1,895,893</b> |
| <ul style="list-style-type: none"> <li>• <b>Disinfection and Sanitation</b> – additional deep clean “misters”; prior cleaning costs; dishwashers for fire stations; portable toilets for job sites</li> </ul>                                                                                  | <b>\$145,996</b>   |
| <ul style="list-style-type: none"> <li>• <b>Personal Protective Equipment</b> – reusable masks, temperature screeners; conditioned supply storage</li> </ul>                                                                                                                                   | <b>\$125,145</b>   |
| <ul style="list-style-type: none"> <li>• <b>Facility Retrofits</b> – additional emergency communication console; physical distancing retrofits for public buildings; additional touchless fixtures; security and access upfits</li> </ul>                                                      | <b>\$1,624,752</b> |
| <b><u>Continuity of Operations</u></b>                                                                                                                                                                                                                                                         | <b>\$2,802,948</b> |
| <ul style="list-style-type: none"> <li>• <b>Technology/Alternative Service Delivery</b> – laptops/tablets; kiosks; touchless parking deck technology; virtual museum technology; City employment services; library “drop box” return; IT support associated with increased mobility</li> </ul> | <b>\$621,621</b>   |
| <ul style="list-style-type: none"> <li>• <b>Emergency Response</b> – utilizing public safety payroll reimbursement as allowed by the CARES Act provide a one-time compensation award for all employees (\$1,700) prorated based on scheduled hours; Public Safety overtime</li> </ul>          | <b>\$2,141,327</b> |
| <ul style="list-style-type: none"> <li>• <b>Community Outreach</b> – COVID outreach requirements; additional portable message boards</li> </ul>                                                                                                                                                | <b>\$40,000</b>    |
| <b><u>Business and Community Support</u></b>                                                                                                                                                                                                                                                   | <b>\$2,470,000</b> |
| <ul style="list-style-type: none"> <li>• <b>Business Support</b>– additional grants to businesses impacted by COVID-19 requirements;</li> </ul>                                                                                                                                                | <b>\$2,000,000</b> |
| <ul style="list-style-type: none"> <li>• <b>Community Support</b> - grants through partner agencies for additional utility/housing assistance; GLTC Sunday transportation offset</li> </ul>                                                                                                    | <b>\$470,000</b>   |

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<sup>1</sup> Coronavirus Aid, Relief, and Economic Security