

COUNCIL MEMBER NELSON WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of March 26, 2019

4:00 P.M. – Work Session

1. Review of Proposed FY 2020 Budget for Component Units
 - Lynchburg City Schools
 - The Greater Lynchburg Transit Company (GLTC)
2. Review of Proposed FY 2020 – FY 2024 Capital Improvement Program
3. Roll Call
4. Consideration of a closed meeting for the discussion and consideration of prospective candidates for the position of Clerk of Council; for the discussion and consideration of the sale of three City-owned parcels of land located at 99, 103, and 106 Breezewood Drive because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and for consultation with legal counsel and briefings by staff members pertaining to probable litigation concerning the Link Road shooting incident that occurred on February 18, 2018; pursuant to Section 2.2-3711(A)(1),(3) and (7) of the Code of Virginia."

7:30 P.M.

City Council Agenda Items

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 three 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 PRESENTATIONS: Public presentations 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 3 minutes; or group spokesperson up to 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**

Recognitions:

- ❖ Sheriff Re-Accreditation

C O N S E N T A G E N D A

- #5. Consideration of approving the minutes of the March 12, 2019 meeting.

P U B L I C C O M M E N T

- #6. Hear from a citizen regarding a concern (Madeline Cotton).
- #7. Hear from a citizen regarding a concern (Thomas Wood).

G E N E R A L B U S I N E S S

- #8. Consideration of adopting an Ordinance creating Section 7-42 to restrict the conditions under which dogs can be tethered and Section 7-43 restricting conditions under which dogs can be left outside in extreme weather conditions.
#O-19-_____
- #9. Consideration of adopting a Resolution requesting the Commonwealth Transportation Board (CTB) provide funding from the Virginia Department of Transportation's (VDOT) Economic Development Access Program for a new road to give access to a proposed new industrial facility off of Carroll Avenue.
#R-19-_____
- #10. Consideration of adopting a Resolution to retract support of the Atlanta Avenue Trail project.
#R-19-_____



February 4, 2019

Mrs. Bonnie Svrcek
City Manager
900 Church Street
Lynchburg, Virginia 24504

Dear Mrs. Svrcek:

I recently had the opportunity to watch the City Council meeting held on January 22, 2019. LCS totally supports City Council's unanimous approval of your recommendation for Phase I Implementation of the Citywide Salary Study. Adjusting 240 city employees to the minimum market salaries including benefits and subsequently making adjustments that impact 736 of the 1200 city employees will aid the City in ensuring that Lynchburg citizens receive the best programs and services from high quality staff members.

LCS shares your philosophy regarding the need to conduct market analyses and make market salary adjustments that would support recruiting and retaining high quality LCS staff as well. Given that both City and Schools understand that in order for our city to thrive we must have a talented workforce serving our residents and children, LCS requests approval of the following recommendations:

Recommendation #1 (Primary Need)

LCS requests for the third consecutive year, **level funding in the amount of \$42,028,498 for the 2019-20 school year**. Over the past 6 months, we worked diligently with our school board, administrative team and staff to develop a comprehensive budget proposal that would support our strategic plan goals. Specifically we were able to:

- a. Develop a plan to provide the mandatory local funding match for non-SOQ funded positions. Recall that the Governor **originally** proposed a 3% salary increase for SOQ funded positions. In order to accept State funding, LCS would have to allocate a 3% salary increase for non-SOQ funded positions. We are pleased that the Governor, our City Council members and you recognize that we need to offer comparable compensation as a means to recruit and retain high quality staff. Just as our citizens deserve to be served



by an outstanding city workforce, our children deserve the same. **We cannot provide the mandatory 3% matching funds for non-SOQ funded positions if City Council cuts our budget by over \$2.1 million dollars (5%).**

- b. Reinstatement pay schedules for all LCS employees. Similar to the Lynchburg Police Department which we highly support, LCS has experienced difficulties in recruiting and retaining staff for targeted positions. The newly created pay schedules allow us to be more competitive and retain our high quality staff by adding a zero step for no experience, eliminating repeating steps, moving employees to their comparable experience step, and alternating pay raises every other year. Just as you recognized that some city employees were underpaid and proposed measures to correct this, LCS has taken small steps to do something similar without the benefit of a salary reserve. **We cannot provide funding needed to reinstate pay schedules if City Council cuts our budget by over \$2.1 million dollars (5%).**
- c. Reorganize the division by eliminating some positions and changing some of our personnel practices. The result from these changes created a one-time savings which could be used to support, in part, the first year of our salary and benefits proposal. **No savings will be realized much less available for salaries if City Council cuts our budget by over \$2.1 million dollars (5%).**
- d. Reinvest in LCS by reallocating fund balance and available resources to fund existing maintenance and future CIP projects. These projects include but are not limited to \$400,000 for R.S. Payne roof replacement, \$500,000 towards the Heritage Elementary roof replacement, \$200,000 to repair the air conditioning unit in Dunbar, \$175,000 to replace three boilers at Linkhorne Middle, and \$150,000 to rebuild two chillers at Linkhorne Middle. **By funding CIP projects with fund balance and existing LCS funds, we've helped the City reduce its CIP allocation needs.**

Recommendation #2 (Primary Need)

Recall that when LCS and City leadership teams met with the General Assembly Delegates on December 17, 2018, it was shared that the Governor's proposal which would increase the salary raise for SOQ funded positions from 3% to 5% had little to no chance of being supported. I shared my concern at that time with all present at the meeting that while LCS has worked diligently to find funds to support a 3% raise for non-SOQ funded positions, we did not have the resources to cover the additional 2%. Recent news coverage suggests that the Governor's proposal to fund a 5% increase for SOQ funded positions has garnered more support including support from Senator Newman. This would require that LCS contribute additional matching funds in the amount of \$822,675 and \$212,744 to cover the cost of salaries and VRS/FICA, respectively. Therefore, LCS requests that City Council approve and appropriate **\$1,035,419** to fund the additional 2% needed for non-SOQ funded positions.

Recommendation #3

LCS requests that City Council approve and appropriate **\$644,061** to add to their existing salary reserve for Phase I Implementation of the Citywide Salary Study for LCS employees included in the study. Although LCS employees were included in the study and **117 out 208** LCS employees included in the study are below the minimum market salary, there were no funds set aside in the City's salary reserve for these LCS employees.

Again, LCS is pleased that City Council unanimously supported your proposal to adjust the salaries of those city employees whose job responsibilities are similar to LCS secretaries, custodians, account clerks, office managers, maintenance workers, and others identified in your salary study. We humbly request that City Council also appropriate funds to adjust the salaries of the remaining LCS employees identified in the salary study who current salaries do not meet the minimum. Given that we received a copy of the study on January 22, 2019, the same day that City Council voted to approve Phase I Implementation, we are requesting that any Phase I adjustments for LCS employees be made effective July 1, 2019.



Summary

In summary, LCS is requesting the following:

- | | |
|---|--------------|
| • Level funding (includes 3% raise for non-SOQ funded positions) | \$42,028,498 |
| • Funding to support the additional 2% raise for non-SOQ funded positions | \$ 1,035,419 |
| • Phase I Implementation salary reserve set-aside | \$ 644,061 |

TOTAL	\$43,707,978
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During a time when the Governor and other state officials are showing their support for educators by proposing and allocating funds for 5% salary increases, LCS believes that a 5% reduction in our operating budget which amounts to **\$2,101,425** would be detrimental to our educational program and our city overall. Given your work to champion market salary adjustments for city employees and City Council's unanimous support of your recommendations and plan to address these inequities, LCS is confident that both you and the Council will see value in supporting our requests for level funding which supports the 3% raise for non-SOQ funded positions, additional funding which supports the Governor's proposal to add 2% to the previous 3% raise, and market salary adjustments for LCS employees.

Please don't hesitate to contact me should you have any questions.

Sincerely,

Crystal M. Edwards, Ed.D
 Superintendent

cc: Members, Lynchburg City School Board
 Anthony E. Beckles, Sr. Chief Financial Officer
 Ben Copeland, Deputy Superintendent
 Marie Gee, Director of Personnel

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of March, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,

Sterling A. Wilder, Beau Wright, Treney Tweedy

7

Absent:

0

// In the matter of Finance – Budget, Council Report #1 was considered to introduce the Proposed FY 2020 Operating Budget and FY 2020-2024 Capital Improvement Plan and to begin Council review of the proposal. City Manager Bonnie Svrcek presented an opening Budget Message overview regarding the FY 2020 Proposed Operating Budget. A preview of the new Balancing Act budget software was also demonstrated via video. This tool allows for greater citizen engagement and education in relation to the City’s annual budget. Ms. Svrcek noted that City departments and Component Units (Schools and GLTC) were asked to submit budgets with an approximate 5% reduction from the FY 2019 Adopted Budget. She also mentioned that the proposed budget maintains current services with no tax rate increase for services in the General Fund, however an increase in trash decals/bag fees is proposed for the first time in over 25 years.

// Deputy City Manager Reid Wodicka presented an overview of the FY 2020-2024 Capital Improvement Plan (CIP). Mr. Wodicka stated that one major goal of the FY 2020 CIP is to be certain the City is properly maintaining buildings, property and facilities.

// City Manager Bonnie Svrcek provided an overview of the Airport Fund and Water Resources Funds (includes Water, Sewer and Stormwater). Ms. Svrcek also noted that outstanding issues for Council’s consideration within the FY 2020 Budget include: funding for City schools, refuse collection, affordable housing, continued investment in capital assets, Census 2020 Complete Count, reducing poverty and increasing median household income, and implementation of the Salary Study.

// Councilmembers Helgeson, Nelson, Perrow, and Mayor Tweedy made brief comments concerning the City Manager’s introduction of the FY 2020 Operating Budget and the FY 2020-2024 CIP. City Manager Svrcek stated that any items of special interest brought by Council will be added to “the list” for review by staff and Council as the budget is balanced.

Items for “The List” include:

- Deputy Clerk position in the City Manager’s Budget

- Further discussion on salaries in the City Attorney's budget
- Deputy positions in the Sheriff's office
- Hourly staff positions in the Sheriff's Office
- Police Officer positions in LPD Budget
- Two-Way Traffic in the CIP
- Staffing in the Information Technology Budget
- Staffing, website management and public information in the Communications and Marketing Budget
- Collaboration and positions with the Virginia Cooperative Extension Service
- Elizabeth's Early Learning Center taxes
- Poverty reduction funding
- 2% proposed general wage increase

// City Manager Bonnie Svrcek and Deputy City Manager Reid Wodicka presented the departmental budgets.

// Sheriff Donald T. Sloan spoke regarding the need to have additional officers included in the FY 2020 Budget.

// Chief Financial Officer Donna Witt presented the FY 2020 External Service Providers portion of the Budget.

// In the matter of Roll Call, Council Report #2 was considered. Councilmember Wright congratulated the Lynchburg City Schools on the Read Across America initiative.

Councilmember Wilder participated in the Men of March event held at Dearington Elementary School. Also, there will be a Ward II Entrepreneurial Summit on April 6, 2019 at 10A.M. at Diamond Hill Baptist Church with assistance from Economic Development. Councilmember Helgeson asked about action on the road issue related to College Lake and Lakeside Drive.

Deputy City Manager Reid Wodicka advised that the logistics for this repair have been challenging with right-of-way issues. Vice Mayor Dolan was a judge for the local spelling bee sponsored by the News and Advance. Mayor Tweedy participated in Black History Month events at Paul Lawrence Dunbar Middle School for Innovation and William Marvin Bass Elementary School. In addition, Mayor Tweedy mentioned the Love Where You Live event coming on April 13, 2019 as well as the Community Care Collaborative to be held 8am-3pm at the Salvation

Army, City-Wide cleanup (10am-2pm) and Clean Your Block party based at neighborhood centers (10am-2pm) all on April 13, 2019.

// In the matter of holding a closed meeting, Council Report #3 was considered. On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of prospective candidates for the position of Clerk of Council pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

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

Noes: 0

// Council Member Helgeson made the following motion:

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

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

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

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

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

Noes: 0

// The meeting was re-opened to the public and recessed until 7:30pm

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy 7

Absent: 0

Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance led by Cub

Scout Pack #7 from First Presbyterian Church.

// Mayor Tweedy presented a Proclamation in recognition of Red Cross Month to Ms. Michelle McCormick, Executive Director of the Blue Ridge Chapter American Red Cross.

// Copies of the minutes of the February 26, 2019 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes [Council Report #4], along with [Council Report #5] Consideration of adopting Resolution #R-19-015 to appropriate \$163,204 to the FY 2019 City-Federal-State Aid Budget for the Temporary Assistance for Needy Families (TANF) Community Wealth Building (CWB) Grant, and [Council Report #6] Consideration of adopting Resolution #R-19-016 to amend the FY 2019 City Capital Fund budget and appropriate \$1,000,000 with resources from the Virginia Department of Transportation (VDOT) State of Good Repair Grant to pave sections of Wards Road and Fort Avenue, as presented:

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

Noes: 0

// In the matter of Public Comment, Council Report #7 was considered. Mr. Ronald Shavers spoke before Council regarding bullying in the City Schools.

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #8 outlining the petition of Jamerson Real Estate Inc. to rezone approximately eighty-two thousandths (0.082) of an acre at 1221 Lockwood Drive from R-1, Low Density Residential District to R-3, Medium Density Residential District to allow the construction of a duplex. City Planner Tom Martin provided a brief presentation on this item. Mr. Martin noted that the planning commission approved the action and recommended approval. There were no speakers in favor or opposition to this matter and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-19-017, as presented, granting the petition:

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

Noes: 0

// In the matter of Polling Locations, a public hearing was held concerning City Council Report #9 to amend and reenact Section 14-32 of the Lynchburg City Code to change the location of the voting place for the First Precinct of the First Ward from Moose Lodge, located at 2307 Lakeside

Drive to Heritage Baptist Church, located at 219 Breezewood Drive. Ms. Christine Gibbons, Director of Elections and General Registrar for the City of Lynchburg provided a brief summary and PowerPoint presentation related to this request. There were no speakers in favor or opposition to this matter and the public hearing was closed. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote adopted Ordinance #O-19-018:

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

Noes: 0

// In the matter of Polling Locations, a public hearing was held regarding City Council Report #10 to amend and reenact Section 14-35 of the Lynchburg City Code to change the location of the voting place for the First Precinct of the Fourth Ward from Cornerstone Community Church, located at 525 Old Graves Mill Road to Crosspoint Community Church, located at 7619 Timberlake Road. Ms. Christine Gibbons, Director of Elections and General Registrar for the City of Lynchburg provided a brief summary and PowerPoint presentation related to this request. There were no speakers in favor or opposition to this matter and the public hearing was closed. Councilmember Perrow voiced concerns about the proposed location. Vice Chair of the Electoral Board, Mr. David Neumeyer addressed questions from Council. City Attorney Walter Erwin noted the time frame for providing notice of changes in polling places could hinder searching for a new polling location. Council requested that the Lynchburg Police Department be available to assist with possible traffic congestion during elections. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #O-19-019 to amend and reenact section 14-35 of the Code of the City of Lynchburg, 1981, the amended section relating to the designation of a voting place for the First Precinct of the Fourth Ward through the November Election of 2019.

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

Noes: 0

// The meeting was adjourned at 8:25 P.M.

Acting Clerk of Council

Campbell, Alicia

From: Madeline Cotton <madelinecottoncosmomswcas@gmail.com>
Sent: Friday, March 08, 2019 4:06 PM
To: Campbell, Alicia; cotton_madeline@yahoo.com
Subject: Fwd: Request to be be added to the City Council meeting agenda

Attention to all,

There was also a loss of government to properly that was in my possession.

Sent from my iPhone

Begin forwarded message:

From: Madeline Cotton <madelinecottoncosmomswcas@gmail.com>
Date: March 8, 2019 at 3:19:33 PM EST
To: alicia.campbell@lynchburgva.gov
Subject: Request to be be added to the City Council meeting agenda

Dear General Manager's Office and Lynchburg City Council Members,

I am writing to request permission to communicate with you at the next City Council meeting Regarding the loss of most of my property, inheritance, and possessions since I am moved back home from college.

Thank you for your attention. I look forward to communicating with you regarding this matter.

Sincerely,
Madeline Cotton Cosmo., MSW, CAS, MQMHP A-C
1923 Cherry St.
Duplex A
Lynchburg, Virginia 24504
(434)665-9897
madelinecottoncosmomswcas@gmail.com

Sent from my iPhone

032A

Thomas Wood – (434) 847-6523

- Citizens 75 years or older, lock property tax rates.

033A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: March 26, 2019

AGENDA ITEM #: 8

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Ordinance Regarding Conditions Under Which Dogs can be Tethered and Restricting Conditions Under Which Dogs can be left outside under Extreme Weather Conditions

KEY ELEMENTS:

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

RECOMMENDATION: Adopt an ordinance creating Section 7-42 to restrict the conditions under which dogs can be tethered and Section 7-43 restricting conditions under which dogs can be left outside in extreme weather conditions.

SUMMARY: On January 22, 2019 Council asked staff to meet with anti-tethering stakeholders and bring an ordinance to Council for consideration at a future meeting. The Chief Animal Warden, Police Chief and others have met with key stakeholders and have agreed on the attached proposed additions to the existing ordinance.

Advocate groups have come together to promote more humane regulations for the daily living conditions of dogs. The proposed new ordinances will restrict the conditions under which dogs can be tethered and the conditions under which dogs can be left outside during extreme weather conditions.

It is important to note that enforcement of these ordinances will be on a complaint basis due to limited Animal Control staff availability. In addition, the Police Department and Communications and Marketing staff will work with stakeholders on a robust education program to raise citizen awareness regarding the creation of these two new ordinance sections.

PRIOR ACTION(S): None

FISCAL IMPACT: Cost of printing and mailing educational materials, as well as local media advertisements is estimated to be \$2,000.
Increased costs in the Commonwealth Attorney's office related to prosecution of violations of the ordinance additions.

CONTACT(S): Ryan Zuidema, Chief of Police, 434-455-6045
Ryan Ball, Chief Animal Warden, 434-455-6105

ATTACHMENT(S): Ordinance creating Sections 7-42 and Section 7-43

REVIEWED BY: bms

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO TWO NEW SECTIONS NUMBERED 7-42 AND 7-43, RELATING TO THE TETHERING OF DOGS WITHIN THE CITY AND LEAVING A DOG OUTSIDE DURING EXTREME WEATHER CONDITIONS.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Sections 7-42 and 7-43 as follows:

Sec. 7-42.Tethering restrictions.

(a) Definition—For the purposes of this section, "tethering" means the use of a rope, chain, or the like, by which an animal is fastened to a fixed object so as to limit its range of movement. Tethering includes the use of a "run-line" in which a wire, or the like, is placed above ground, is tied off between two fixed points, and a lead is suspended from the run-line to the collar or the harness of a dog which allows the dog to run from point to point.

(b) It shall be unlawful for any person to knowingly allow, condone, or participate in the tethering of a dog under any of the following conditions:

(1) Between 9:00 p.m. and 6:00 a.m.

(2) If the dog is sick or injured.

(3) If the dog is "in heat."

(4) If the dog is under the age of four (4) months.

(5) if the dog is tethered in a manner that is reasonably likely to cause the dog's injury, strangulation or entanglement on fences, trees, or other physical obstacles.

(c) The city's animal warden, deputy animal wardens, and police officers shall enforce this ordinance.

(d) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. Any person who subsequently violates the provisions of this section for the same animal shall be guilty of a Class 2 misdemeanor and the dog may be seized pursuant to Section 3.2-6569 of Code of Virginia as an animal that has been cruelly treated and the court may order the dog forfeited to the city to be disposed of by the city pursuant to subsection D of Section 3.2-6546 of the Code of Virginia.

Sec. 7-43. Leaving a dog outside during extreme weather conditions.

(a) *Definition*--For the purposes of this section, "outside" shall mean any unattended dog that is outside subject to the weather and elements, which includes, but not limited to, a dog in a securely fenced-in yard, a dog in a kennel or a dog tethered or tied out. A dog will be considered "outside" regardless of access to an outdoor dog house or similar structure unless the kennel is heated and/or air conditioned.

(b) It shall be unlawful for any person to leave any dog outside and unattended for a period of one-half hour or longer, during such a period when either:

- (1) The temperature is below thirty-two (32) degrees Fahrenheit; or
- (2) The temperature is above ninety-five (95) degrees Fahrenheit.

Should any of the above defined weather conditions be met then the dog must be brought indoors. Indoors for the purposes of this ordinance shall be defined as any area of the residence which is temperature controlled including a garage or basement as long as the conditioned space is considered adequate according to the above temperature thresholds.

If a dog is left outside when the temperature is between thirty-two (32) degrees and forty (40) degrees the dog must have access to a dog house or other type of shelter that has straw or like bedding of sufficient warmth for the conditions on the floor of such dog house or shelter.

(c) The city's animal warden, deputy animal wardens, and police officers shall enforce this ordinance.

(d) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. Any person who subsequently violates the provisions of this section for the same animal shall be guilty of a Class 2 misdemeanor and the dog may be seized pursuant to Section 3.2-6569 of Code of Virginia as an animal that has been cruelly treated and the court may order the dog forfeited to the city to be disposed of by the city pursuant to subsection D of Section 3.2-6546 of the Code of Virginia.

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

Adopted:

Certified:

Acting Clerk of Council

034A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 26, 2019**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Resolution of Support for Lynchburg Ready Mix Economic Development Access Program Road Fund Application

KEY ELEMENTS:

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

RECOMMENDATION: Consider and approve a resolution requesting the Commonwealth Transportation Board (CTB) provide funding from the Virginia Department of Transportation's (VDOT) Economic Development Access Program for a new road to give access to a proposed new industrial facility off of Carroll Avenue.

SUMMARY: Lynchburg Ready Mix representatives approached City staff to inquire about participation in constructing an access road to undeveloped land off of Carroll Avenue. Staff recognized that this would meet the requirements of VDOT's Economic Development Access Program. Staff has been working with Lynchburg Ready Mix to secure the required documents for a formal resolution of support to be included in the package for the CTB Meeting later in the spring.

The proposed location is properly zoned I-2.

PRIOR ACTION(S): March 12, 2019 Physical Development Committee

FISCAL IMPACT: There is no direct City cost for supporting this application. Should the project be funded, the City will incur the future cost of maintenance of the new City street, which will be offset by additional lane mileage payments from VDOT.

CONTACT(S): Lee Newland, City Engineer, 455-3947
Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

- Resolution
- Map of Area
- Concept of Proposed Development
- Letter of Request

REVIEWED BY: raw

RESOLUTION

WHEREAS, the Lynchburg City Council desires to assist in the development of property for the purpose of economic development located off Carroll Avenue in the City of Lynchburg; and

WHEREAS, Lynchburg Ready Mix Concrete Company, Inc. has purchased property within the City of Lynchburg and will soon enter into a firm contract to expand its facilities on that property for the purpose of producing and supplying concrete; and

WHEREAS, this new facility is expected to involve new private capital investment in land, building and equipment of approximately \$4.6M and is expected to employ 40 persons at this facility; and

WHEREAS, operations are expected to begin at this new facility on or about June 30, 2021; and

WHEREAS, the subject property has no access to a public street and will require the construction of a new roadway to connect with Carroll Avenue; and

WHEREAS, the City of Lynchburg hereby guarantees that the necessary environmental analysis, mitigation and fee simple right of way and utility relocations or adjustments for this improvement, if necessary, will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the City of Lynchburg acknowledges that no land disturbance activities may occur within the limits of the proposed access project prior to any construction activity on this project as a condition of the use of Economic Development, Airport and Rail Access Fund; and

WHEREAS, the City of Lynchburg hereby guarantees that all ineligible project costs and all costs not justified by the eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide an adequate road to this property; and,

BE IT FURTHER RESOLVED THAT: The City Manager is hereby authorized to execute any and all documents necessary to secure the funding sought through the Economic Development Access Program up to, but not exceeding \$500,000 state funds; and,

BE IT FURTHER RESOLVED THAT: The City of Lynchburg City Council hereby acknowledges that the new roadway so constructed will be added to and become part of the road system of the City of Lynchburg pursuant to Section 33.2-1509, paragraph C., of the *Code of Virginia*.

Adopted:

Certified:

Acting Clerk of Council

035A



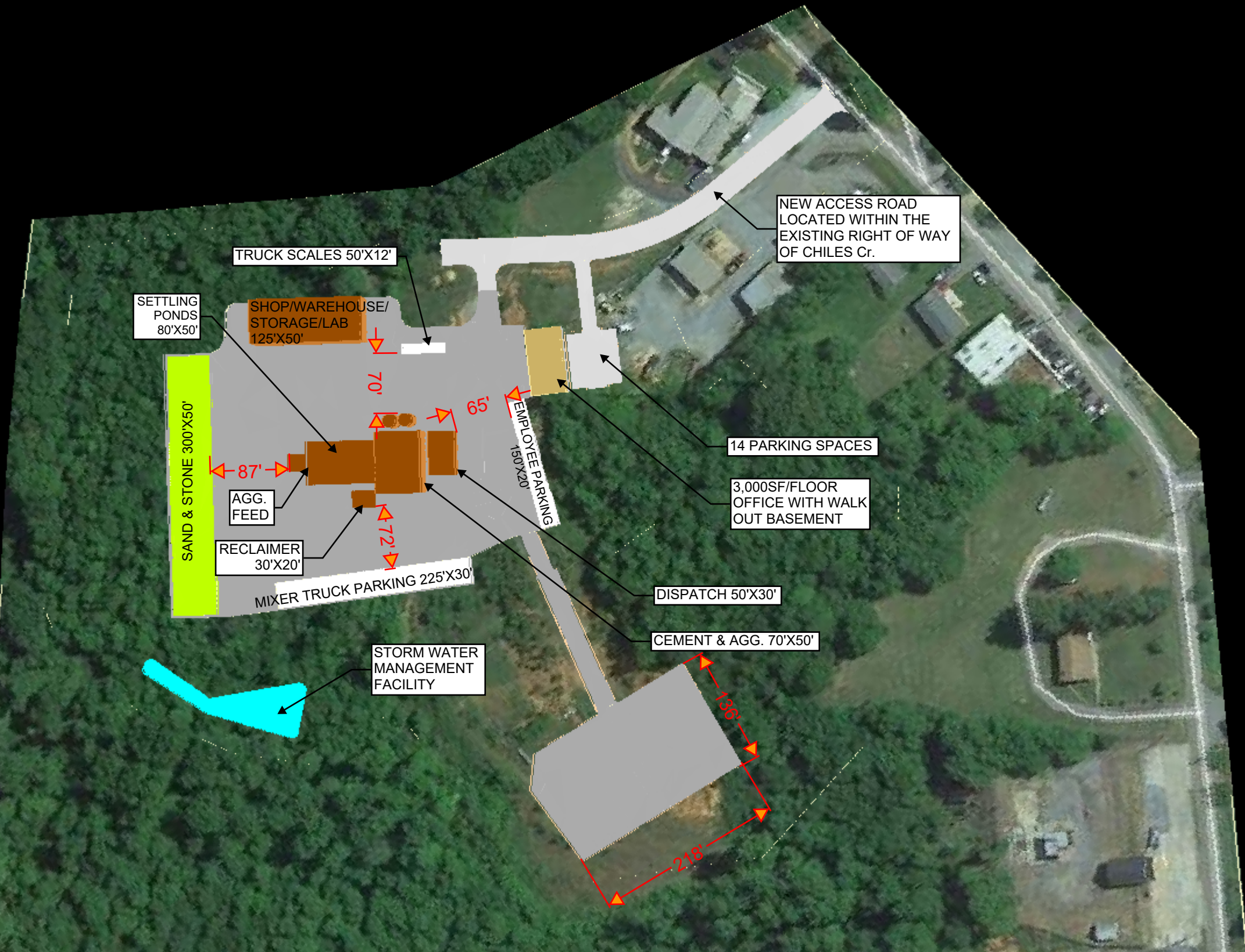
LRM Area



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.

0 200 400
1 inch = 200 feet 1:2,400

PRINTED ON
March 1, 2019



SETTLING
PONDS
80'X50'

SHOP/WAREHOUSE/
STORAGE/LAB
125'X50'

AGG.
FEED

RECLAIMER
30'X20'

SAND & STONE 300'X50'

MIXER TRUCK PARKING 225'X30'

STORM WATER
MANAGEMENT
FACILITY

TRUCK SCALES 50'X12'

EMPLOYEE PARKING
150'X20'

14 PARKING SPACES

3,000SF/FLOOR
OFFICE WITH WALK
OUT BASEMENT

DISPATCH 50'X30'

CEMENT & AGG. 70'X50'

NEW ACCESS ROAD
LOCATED WITHIN THE
EXISTING RIGHT OF WAY
OF CHILES Cr.



HALSEY RD., P.O. BOX 10066
LYNCBURG, VA 24506-0066
434-846-6563
FAX: 434-846-3437



"Helping Central Virginia Grow Since 1947"



805 RAILROAD AVENUE
BEDFORD, VA 24523
540-586-8380
FAX: 540-846-3437

January 4, 2019

City of Lynchburg
Mr. Lee Newland – City Engineer
900 Church St. 3rd Floor
Lynchburg, VA 24504

Mr. Newland,

I am writing to request Economic Development Access funds for the construction and partial completion of Chiles Circle.

Lynchburg Ready Mix Concrete Co., Inc. is preparing to lease land in the City of Lynchburg at 1002, 1003, & 1008 Advantage Ct. with the intent to relocate our current operation at 100 Halsey Rd. and construct a new concrete plant at Advantage Ct. Our target date to start sitework for this project is June 2019 and we hope to begin operation of the new concrete production facility in June of 2021. Enclosed with this letter are the capital investments planned for this new operation.

Lynchburg Ready Mix has been in business since 1947 and we currently operate one concrete plant in the City of Lynchburg as well as plants in Amherst, Appomattox, and Bedford. All four concrete plants produce and deliver ready mix concrete for residential, commercial, local municipal, and VDOT projects. When we relocate our Lynchburg plant, we will retain 37 current jobs and forecast adding 2-3 new jobs per year over the next 3-5 years.

In order to develop these properties, a road will need to be constructed off of Carroll Ave. to give access to the property. The current paper street, Chiles Cir., which is between 3001 and 2941 Carroll Ave, will need to be developed to give the necessary access to accommodate our traffic needs. The cost summary included allows for constructing approximately 500 feet of Chiles Cir. to gain access off of Carroll Ave. The development of this portion of Chiles Cir. is estimated at approximately \$400,000.

OTHER PLANT LOCATIONS:

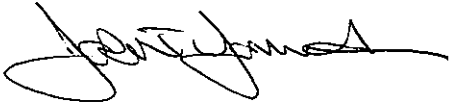
AMHERST, VA
434-946-5562

APPOMATTOX, VA
434-352-2829

On an average business day, Lynchburg Ready Mix will have approximately 35 employee vehicles accessing this road. In addition to this, we will have approximately 23 of our commercial trucks entering and exiting this road throughout the business day and several other outside vendors making daily deliveries with commercial trucks.

I look forward to hearing back from you and continuing the application process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason T. Landes', with a stylized, flowing script.

Jason T. Landes

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 26, 2019**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Atlanta Avenue Trail Transportation Alternatives Program (TAP) Grant Retraction

KEY ELEMENTS:

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

RECOMMENDATION: Consider and approve a resolution to retract support of the Atlanta Avenue Trail project.

SUMMARY: City Council approved a resolution of support in October 2017 to apply for funding under the Virginia Department of Transportation's (VDOT) Transportation Alternative Program (TAP) for the Atlanta Avenue Trail project design and right-of-way acquisition. Applications were submitted and the City was awarded new funding for the Atlanta Avenue Trail project.

In November 2018, we received information regarding the Fixing America's Surface Transportation Act rescission from VDOT. In this notification we were apprised that any projects started must be under construction by September 30, 2022, whether or not any additional TAP funding was awarded in future years. This represents a significant change from previous years. In the past, we have been able to use grant funding from this program first for design and right-of-way acquisition, and then a subsequent grant from the same program for construction.

For the Atlanta Avenue Trail project, the City's original grant award for design and right-of-way was for \$123,853 for FY2019 and \$226,147 for FY2020. Local construction funding is not proposed in the FY 2020 - 2024 Capital Improvement Program (CIP) because we were relying on future TAP funds to construct this project. As initial cost analysis was completed, construction was estimated to be \$850,000. This is the result of the use of retaining walls, drainage structures, and curb and gutter, in addition to the multi-use trail.

Due to the constraints listed above, we will not be able to begin construction of this project before September 30, 2022. As such, if City Council does not retract the grant for the Atlanta Avenue project, the City would be required to reimburse the Commonwealth for funds already expended on this project.

Should City Council desire to complete this project in the future, funds for this project will need to be applied for through future grant opportunities or City CIP funding cycles.

PRIOR ACTION(S): City Council October 10, 2017
Physical Development Committee September 26, 2017

FISCAL IMPACT: The planned 20% match of \$70,000 is not needed.

CONTACT(S): Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION

WHEREAS, the Lynchburg City Council passed a resolution of support on October 10, 2017 for TAP Grant funding to design and acquire right of way for the Atlanta Avenue Shared Use Trail; and

WHEREAS, the City of Lynchburg has been awarded funding for such project in FY 2019 and FY2020; and

WHEREAS, this new facility is expected to be under construction by September 30, 2022 according to new information in the FAST Act Rescission documentation; and

WHEREAS, the City of Lynchburg acknowledges that due to design constraints, right of way constraints and time constraints this project will not be able to meet the new time deadlines for the construction of this project.

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby retracts its support and requests that the funding to provide this improvement along Atlanta Avenue be rescinded and used for other TAP projects.

Adopted:

Certified:

Acting Clerk of Council

036A