

July 13, 2021

Physical Development Committee Meeting – CANCELED
Finance Committee Meeting - CANCELED

A G E N D A

City Council Meeting of July 13, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

4:00 P.M. WORK SESSION

#1. Council Seating Arrangement

#2. Consideration of adopting a resolution reapproving City Council's Rules of Procedure.

#3. Consideration of a closed meeting to 1) to discuss and consider information provided to the City by a private entity under the provisions of the Public-Private Transportation Act relating to the possible construction of a Police Headquarters Facility, pursuant to Section 2.2-3711(A)(28) and 2.2-3705.6(11) of the Code of Virginia, 1950, as amended; 2) discuss the sale of certain City-owned real property identified as 317 Hancock Street, Lynchburg, Virginia, including, any, if any, improvements thereon, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; and 3) review and/or evaluate the performance of the City's Clerk of Council, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

#4. 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**

RECOGNITIONS

- Pledge of Allegiance led by the Scouts (Pack 180)
- Recognition honoring Mr. Walter Erwin for his 42 years of service to the City of Lynchburg

CONSENT AGENDA

- #5. Consideration of approving the minutes from the March 30, 2021 Council Meeting.
- #6. Consideration of approving the minutes from the April 6, 2021 Council Meeting.
- #7. Consideration of adopting Resolution #R-21-056 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$29,889 to purchase twelve Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department.

PUBLIC HEARING

- #8. Consideration of adopting an ordinance approving the rezoning petition of property located at 1300 Campbell Avenue.
#O-21-__

PUBLIC COMMENTS

- #9. Hear from a citizen regarding a concern. (Mike Sharrett)
- #10. Hear from a citizen regarding a concern. (Andrew Glover)

GENERAL BUSINESS

- #11. Consideration of adopting a resolution approving the naming of a private driveway and new entrance as HumanKind Way.
#R-21-__
- #12. Consideration of introducing a resolution amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$12,000 to provide training for Communications Specialists.
#R-21-__
- #13. Consideration of adopting a resolution terminating the Declaration of a Local Emergency for the COVID-19 Pandemic.
#R-21-__

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2021**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Readopting City Council's Rules of Procedure**

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution approving City Council's Rules of Procedure which contain Council's schedule of regular meetings and work sessions for the upcoming year.

SUMMARY: Section § 15.2-1416 of the Code of Virginia provides that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings is set forth in City Council's Rules of Procedure under Section § 2-1. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows: Second and fourth Tuesday of the month, at 4:00 p.m. There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. As such, the Rules of Procedure should be readopted to confirm Council's schedule of regular meetings and work sessions for the upcoming year.

Additionally, some councilmembers have asked to consider amending the Rules of Procedure regarding Public Comment to allow citizens the opportunity to speak on an item on the agenda. Currently, the deadline for a citizen to submit a request to the Clerk of Council to be placed on the Public Comment portion of the agenda is by noon the Wednesday prior to the meeting date. City Council's agenda packet is not released until the end of the day on the Thursday prior to the meeting date.

City staff offers the following options for City Council's consideration. Any combination or these ideas or other ideas could be included in a final choice by City Council (City Council is not limited to these choices).

Option 1

- Change the deadline to sign up for public comment to Friday before the City Council meeting at noon
- Limit the total amount of time for public comment to fifteen minutes. If the number of citizens would exceed the 15 minute time limit, the presiding officer would have the autonomy to place a shorter limit on citizens or group representatives.
- Change the time limit for all speaker to three minutes

Option 2

- Maintain normal public comment section
- Introduce a second public comment section at the beginning of the General Business section

Option 3

- No change to present procedure

PRIOR ACTION(S): City Council readopted its Rules of Procedure on July 1, 2020, to affirm Council's schedule of regular meetings and work sessions for July 2020 – June 2021.

FISCAL IMPACT: None

CONTACT(S): Matthew C. Freedman, City Attorney, (434) 455-3976
Reid A. Wodicka, Interim City Manager, (434) 455-3990
Alicia L. Finney, Clerk of Council, (434) 455-3990

ATTACHMENT(S): Resolution
City Council's Rules of Procedure, amended July 2020

REVIEWED BY: raw

087A

RESOLUTION:

NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council does hereby readopt Council's Rules of Procedure to affirm its schedule of regular meetings and work sessions for the upcoming year.

This resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008; Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013, July 12, 2016, and July 1, 2020)

Introduction

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. When City Council's rules of procedure do not address a procedural issue, Council may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of Rules of Procedure

- A. To enable the Lynchburg City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

Section 1-2. Basic Principles Underlying Rules of Procedure

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of City Council at one time;

- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are Held

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m.; except, there will be no regular meeting on the fourth Tuesdays during the months of July, August, and December.

The Council may hold additional meetings at other locations and times, or may change the locations and times of regularly scheduled meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as “additional scheduled meetings” and shall be approved by Council during a regularly scheduled meeting.

Section 2-1.1. Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

- A. The Council may hold such special meetings, as it deems necessary, at such times

and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia and Section 2.2-3707(D.) of the Virginia Freedom of Information Act.

B. Special meetings may be called by the Mayor, the City Manager, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Notice of the special meeting shall be provided to each member of the Council by written notice, telephone, or electronic means. The clerk will attempt to give each member of council at least twelve hours notice before the time scheduled for the special meeting; as provided by the Virginia Freedom of Information Act, and that notice shall be “reasonable under the circumstances.” In order to hold a special meeting, a majority of the members of City Council who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve hours advance notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Council, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change

and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting. The Clerk of Council shall preside during the organizational meeting pending the election of the Mayor.

B. The Mayor shall be elected at the organizational meeting for a term of two years.

C. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

D. Following the election of the Vice Mayor, the Council shall:

1. Establish the dates, times and places for regular meetings; and
2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership.
2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion the presiding officer shall call for the vote.
5. The membership shall vote by written ballot and the completed ballots shall immediately be passed to the Deputy Clerk who shall collect the ballots, read them aloud, publicly announce how each member of the Council voted and tally the respective votes.
6. Each member shall cast one vote for any one nominee.

7. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.

8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

Section 3-2. Clerk

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for Council meetings, shall attend all Council meetings, and shall keep an accurate record of the proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;

2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

SECTION 4 – AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Council member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting following the request.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular agenda for consideration.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing on the item.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Wednesday preceding the Council meeting.

Section 4-3. Delivery of Agenda

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the City Attorney the Thursday prior to the Tuesday Council meeting. Delivery by electronic means is the preferable method.

Section 4-4. Public Access to Agenda Materials

The Clerk of Council shall post the agenda documents for all Council meetings on the Internet for public information as promptly as possible. Copies of the agenda will also be available in the Main and Downtown branches of the Public Library and at the Front Information Desk in City Hall for public inspection. Furthermore, paper copies of agenda documents will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session
3. Roll Call
4. Recess
5. 7:30 p.m. Call to Order
6. Invocation & Pledge of Allegiance
7. Special Recognitions by the Mayor or Council (if any)
8. Consent Agenda
9. Public Hearings
10. Public Presentations (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-2. Consent Agenda

A. The consent agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.

2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item.

D. Upon request of any Council member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Citizen Participation

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. **Public Presentations**

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Wednesday prior to the regular meeting date.
2. 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.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.

8. Speakers are not permitted to donate time to other speakers.

9. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.

10. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.

12. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual 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 the Council present and voting.

14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. Persons appearing before the Council will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;

4. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others;
8. Address the Council on issues that do not concern the services, policies or affairs of the city.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.

2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.

3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. 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 the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, 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.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments, Queries of Council Members

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any member, including the presiding officer, may make a motion.
- C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A member may make only one motion at a time.
- E. Except for matters recommended by a Council committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

- A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or

entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of members present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to “lay on the table” is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to “take from the table” is needed to bring the item back before the public body for discussion.

(b) The motion to “postpone” delays debate on an item of business so that it may be considered at a later date. An item of business may be “postponed definitely,” when it is continued to a definite time or date or “postponed indefinitely” if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made. (Amended July 9, 2010)

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
6. Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each member of the Council who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests act or unless excused from voting by the other members of the Council. A member who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An “affirmative vote” by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion, resolution or issue has been rejected. When a motion fails on a tie vote, the “noes” prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in Council chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote

Section 6-11. Decisions on Points of Order

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Council to serve specified terms as may be deemed to be appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council’s two standing committees (Finance and Physical Development). Substitutes or alternates may participate on Council committees only if so authorized by the Mayor. Committee members will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

A. The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Marketing at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS:

August 11, 2009: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate “work session” meetings. The work session will be recognized as a part of Council’s regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Council members regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor’s responsibility to appoint Council members to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate provision providing for the appointment of Council members to serve on the Audit Committee.

July 1, 2020: amended Section 2.2 to eliminate the provision requiring that twelve hours advance notice must be given in order to hold a special meeting.

RESOLUTION:

#R-21-058

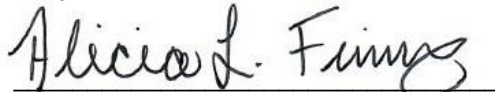
NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council does hereby readopt Council's Rules of Procedure to affirm its schedule of regular meetings and work sessions for the upcoming year, with the following amendment:

Section 5-3. Citizen Participation, B. Public Presentations, paragraph 1: move the deadline for citizen participation from the Wednesday at noon prior to the regular meeting to the Friday at noon prior to the regular meeting.

This resolution shall become effective upon its adoption.

Adopted: July 13, 2021

Certified:


Clerk of Council

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// A special meeting of the Council of the City of Lynchburg was held on the 30th day of March, 2021, 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 Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item #1, Lynchburg City Schools (LCS) Superintendent Dr. Crystal Edwards provided Council with an overview of the LCS FY 2022 Operating Budget and request. Dr. Edwards stated that LCS is asking for level funding of \$39,828,498, the same amount requested the previous year, to support full instruction five days a week, full staff hiring, regular athletic seasons, in-person performing arts programs, in-person professional development, and regular staff/student travel.

Councilmember Tweedy thanked the LCS staff for their commitment to the students and stated that it's imperative for Council to support schools and the families that receive those services.

Councilmember Helgeson stated that he is not in support of funding the schools for the same amount as the previous year due to the fact that there are less students. Even though the request is the same, with declining enrollments the cost per pupil is increasing. He further explained that LCS has received federal and state coronavirus aid and that this is an area that can alleviate financial burden for the local tax payers.

Vice Mayor Wright stated that the school system has shown great leadership and has managed to provide in-person learning in a pandemic all while navigating shifting federal and state guidance. He furthered his support stating public schools are a public trust and until Lynchburg has the best schools in the state he would not consider cutting the schools funding. He commented that he would be open to having a conversation about what makes sense given outstanding priorities to the city and

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the school system and commented that he has some qualms about the budget as it's presented but would not be supportive of any big cuts.

Councilmember Tweedy stated that Council needs to consider the aging infrastructure as it makes its decision on the budget because the buildings are growing old and as city owned assets, they are Council's responsibility. She also stated that now is the time to build new innovative programming.

Councilmember Faraldi asked Dr. Edwards why there hasn't been a decrease in spending since there has been a decline in enrollment coupled with the fact that LCS received CARES funds. Dr. Edwards replied that CARES funding has limitations and it cannot be used to supplement any shortcomings and is not a long-term solution. She further explained equating funding per pupil to healthcare costs, stating that not every student will cost the same based on the need. Councilmember Faraldi asked what the rationale was for using CARES funds for recurring costs over the next few years and wanted to know if the expectation was for the City to have to fill those gaps long-term. Dr. Edwards explained that the budget was built based on needs and that staff took care to offset certain items in the budget where CARES funding could be used. Councilmember Faraldi asked why there was about \$126 million in revenue but only about \$100 million in expenditures and asked for clarification on the discrepancy. Dr. Edwards explained that this is the operating budget and the money in the CARES funding is not City supported so therefore is not included in the revenue request, however, it was included in the presentation where the funds will be used. Councilmember Faraldi asked why the transportation cost remained flat when it has been identified as a major component in getting kids back in schools. Dr. Edwards explained that the transportation vacancies are often unfilled. She stated that staff haven't cut transportation and in fact have done some things to make the job more attractive by adding a VRS component. Councilmember Faraldi indicated that the Remote Academy is a large line item and asked for specifics regarding the program. Dr. Edwards clarified that the program will be funded in CARES funding and is not in the operating budget. There have been some successes with remote learning and some families expressed an interest in its continued availability. She also indicated that this could be a practical avenue in tapping into the homeschool population.

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Councilmember Faraldi asked what the rationale is for targeting homeschool students. Dr. Edwards answered that LCS has some valuable services that homeschool families might not know are available to them. Councilmember Faraldi asked to be walked through the justification on a nearly \$10,000 compensation package for school board members when it was not first presented to Council. Dr. James Coleman, School Board Chair, was in attendance and came forward to answer the question. He asked for clarification on how the figure was calculated to which Councilmember Faraldi responded that his calculations provide a \$2,400 stipend and \$7,000 in healthcare costs. Dr. Coleman replied that there are two sections in the Code of Virginia that permit stipends for school board members with a vote from the school board. He further stated that the Lynchburg City School Board is one of only three school boards in the entire division that is not compensated. He also commented that it is common for school board members in the state of Virginia to be offered some health benefits as well. Councilmember Faraldi asked if any school board member had any discussion with Council regarding this since they are a Council-appointed board. Dr. Coleman said that state code does not provide the need to discuss the allowance with City Council unless it's for the Chair to receive an additional sum. Councilmember Faraldi concluded that he will not be supporting this budget.

Councilmember Tweedy stated that she is in support of the compensation for school board members, citing the amount of time and dedication required to fill this role.

Councilmember Nelson asked Dr. Edwards what morale issues may arise if some part time positions in the school who don't have the opportunity to get health insurance and the persons who are not employees do. Ms. Kim Lukanich replied that any employee who works six hours or more is eligible for health insurance. Councilmember Nelson asked what will happen to the remote learning academy when the funding runs out in 2024? How will it be justified to terminate highly qualified people at that time? Dr. Edwards replied that staff always audit for effectiveness of any program and any decision will be based on student needs, not necessarily first program in, last program out. Councilmember Nelson asked if the TV, Media, and Public Engagement position will be a new position or be a result of consolidating other similar positions. Dr. Edwards responded that this is an additional position because the need to engage and connect with the community outside of the schools' walls is

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extremely important. Councilmember Nelson stated that the Education Task Force was chartered to address a lot of these issues addressed in the proposed budget. It would not be efficient for the schools to do this when the School Board and City Council have already decided this is what the task force should be working on. For example, the remote academy is so novel and should go before the task force to refine since they have the personnel and insights to very successfully assess what will be a very critical component to public education. He'd rather see LCS staff take the programs they have already undertaken and perfect them instead of using their resources to start something else that is on the drawing board.

Vice mayor wright shared the concern about long term fiscal responsibilities of the budgetary decisions being made now. The stipend for costs incurred while serving on the school board but is not a compensation. If we want a diverse school board we have to lower barriers for entry.

Councilmember Tweedy you're building for your customers, build for your demographics.

Mayor Dolan said she also shares the concerns of randy and beau but appreciates everything the schools have done.

// In the matter of Budget, Agenda Item #2, the continuation of review of the Proposed FY 2022 – FY 2026 Capital Improvement Program, Council decided to layover this item until the April 6, 2021 Budget Meeting.

// In the matter of Roll Call, Agenda Item #3, Councilmembers Faraldi and Wilder had no items. Councilmember Tweedy said it's really sad that landlords disrespect the refuse policies and procedures and throw out whatever they want on the curb.

Councilmember Nelson had no items. Councilmember Helgeson asked staff to reconsider the no electric fence rule, put forth by a resident. Vice Mayor Wright had no items. Mayor Dolan made the following announcements:

// The meeting was recessed at 6:25 p.m.

// City Council reconvened the special meeting at 7:00 p.m. The following members were present:

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

Faraldi

7

Absent:

0

// Interim City Manager Dr. Reid Wodicka gave opening remarks for both public hearings. He provided a brief summary of the strategic initiatives outlined in the budget. He also stated that the recommended budget does not include changing the real estate tax rate, but does include a flat rate which would result for many property owners as an increase tax bill. We've also seen a decline in key tax areas such as meals tax, consumer utility tax, communications tax, lodging tax, and others that are problematic as we go along.

// In the matter of Agenda Item #4, a public hearing was held on the Proposed Real Property Tax Increase.

Mr. Wilson Carter stated that the value of his property on Fillmore Street has gone up significantly in the last two reassessment cycles and he is on social security. He owns rental property and stated that he would not be able to handle the tax increase with his income. He asked Council to consider lowering taxes to accommodate seniors with limited income.

Mr. Jehudiyah Naomi who also owns property on Fillmore Street and is a nurse and has seen a decrease in hours since the pandemic and is struggling to pay taxes on her house already without the increase. She suggested Council either leave the tax rate the same or decrease it.

Mr. Robert Morse, a local accountant, has several clients that own property and when they get increases they pass it on to the end user. He talked about the rising increases in taxes and bills in the pandemic already and said that the increase might not be much by itself, but with everything else it's a lot and the rates will be raised.

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Mr. Ben Castle said that there are three reasons that Council should lower the tax rate. First is the economic downturn from Governor Northam. Optics, how does this look to the working man increasing the tax burden on citizens. Third, Council are servants of the people, you must lighten the tax burden on citizens.

Mr. Wendell Walker said that he's concerned about our future as far as property taxes here in the city of Lynchburg. He believes that Lynchburg can live without more new taxes. He stated that he and his wife are retired and live on a fixed income. With healthcare, utilities, food prices rising, they have to live within our means and government should do the same. He commented that he wants to live in the city but may have to relook at that.

Mr. Jack Collins stated that a tax increase would disincentivize new development and push citizens out of town. This tax is antibusiness and prioritizes government over citizens.

Mr. Andrew Glover stated that he moved from Vermont to flee because of high property tax rates. He has a short-term rental property and both of his property's values went up. Instead of seeing an increase in service, he's seen a decrease. School closure, trash delays, and riots are negative key performance indicators.

Mr. John Vassar believes that there is a shortage of housing stock in the city and with a growing population, an increase in real estate taxes will make Lynchburg less desirable.

Ms. Hope McRorie stated that she is concerned that the people aren't convinced that Council is concerned with them. She commented on only getting three minutes to talk to Council and stated that Council works for the citizens, but it seems its flipped around and citizens have to live with the decisions that Council makes for them.

Mr. Steve Troxel stated that his wife owns a business and her income has gone down considerable due to the pandemic but the city's income has gone up. They had to adjust their budget and the city needs to adjust their budget too.

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Everything in the budget looks good and important to somebody or else it wouldn't be in the budget. He stated that he has a lot of things that would look good in his budget but he can't go out and tax somebody to get the money to do it.

Ms. Stephanie Reed wanted to speak on behalf of families and children who are struggling. The city has a high poverty rate before the pandemic. Now there are people that have lost jobs, have a reduced income, or have to stay home with kids for school because of the pandemic. Now is not the time to increase taxes.

Mr. Josiah Wyble asked council to equalize the tax rate because there are a lot of impoverished people in Lynchburg and Charlottesville and surrounding counties have a lower tax rate.

Mr. FJ Jalil asked Council to seek revitalization and not taxation. Incentivize the revitalization of blighted properties and asked Council to not think of people as piggy banks.

Mr. Jared Hesse owns multiple businesses and commercial properties and if his taxes go up, he'll have to raise the rates on his tenants, and commented that it is a bad time to raise taxes in a pandemic with rising costs of healthcare and child care.

Ms. Linda Campbell and her husband are retired and living on a fixed income. The city is stressed economically with not receiving revenue from key sources and we are finally seeing a way out of this with vaccinations. Reconsider raising taxes so the majority of us can make it through the pandemic because in a few months the city will have all the regular taxes flooding back in.

Mr. James Berrigan said we are in the middle of a pandemic and I can't fathom how this is a left or right issue and the City should not consider raising taxes one cent. People who want to go out do and contribute their taxes that way. The cost of living is low, but he is very aware that he can go somewhere else and make more and probably get charged a lot less in taxes. Either people will vote Council out or people will leave.

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Ms. Amber Haskew a local landlord, said that the economic impact is hurting children because of starvation. One of her properties went up 17% and if Council doesn't equalize tax rates then she'll have to charge higher rental rates and that will be taking away from children she's trying to feed. She knows people who are moving because of the tax rate and she pointed out that the tax rate in the city is significantly higher.

Ms. Cheryl DeLeon moved from California in 2014 to escape the high cost of living and loves the community. She substitute teaches and is aware of the socioeconomic depravation of our students and the disparity. She can't afford a price increase to her taxes so she will consider moving from the city.

Ms. Sarah Kalafian and is a housewife living in the city for the past 20 years and has watched taxes increase. She stated that the City needs to reel in how they are spending citizens' money.

Ms. Mary Coran loves the community and the area and is discouraged to hear that Council may not equalize the tax rate. There are cascading effects to the increase in property taxes; she is a renter and she is worried about the rent going up. It won't affect her so much, but there are plenty in the city who it will affect.

Mr. Ryan Fields asked Council if any of them own a business that was affected by the pandemic, or otherwise lost income due to the pandemic. Having a mask mandate, having capacity restrictions, changing business models around, these are all factors that have already been affecting businesses and now tax rates will be going up too.

Mr. Ryan Thomas was a renter in the city for many years and during that time he had a very low income. He is now self-employed and has to fund his own health insurance or matching 401k. He decided he wanted to get into the rental business and bought several houses and uses them as rental property and stated that he charges what is needed in order to make it work and nothing else. Any tax increases will be passed on to his renters and renters are typically in a more vulnerable position. He is also in a vulnerable position because the entertainment business took a dive. Everyone is struggling so he asked Council to reconsider the tax increase.

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Mr. Anthony Difietro is in the real estate business and stated that everyone has budgets that need to be tightened because of the pandemic. He flips houses because he sees the value in turning blighted properties into usable homes, but now there are considerable cost pressures from a business standpoint. Materials have increased due to the pandemic and the city is collecting higher sales taxes on those materials.

Mr. Daniel Peters stated that whatever Council taxes, they'll get less of. Whatever they subsidize, they'll get more of. If Council taxes improvements on homes, they'll get less improvements and they'll get people letting their houses go.

Mr. Sky Riggelman signed up but did not show.

Mr. John McCann asked Council to consider not raising real estate taxes and to think of another way to get the money the city needs.

Ms. Angela Payne Cox is a homeowner and her husband works for the city and also has a second job and she would hate to see taxes raised in the city. She lives on a street with some fellow homeowners but also a lot of rental properties. If the taxes are raised then the landlords will probably not be able to keep up with their property. She stated that she wants to rent her home out and get another home, but she now might not be able to.

Mr. Rick Florezzo and his family recently moved to Lynchburg and commented on it being a wonderful, affordable town to live in and thanked City Council for all of their work.

Ms. Ina King stated that her occupation is buying and selling of real estate and the number one reason buyers don't want to buy in Lynchburg is because of taxes where they're currently at. Equalizing the tax rate is important so the city won't further drive clients out of the city.

There were several written correspondences previously furnished to the Clerk of Council by citizens to read into the record. Mr. Philip Stump asked Council to reject equalizing the tax rate in order to meet revenue shortfalls and fully support the

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schools. Mr. and Mrs. John and Marjorie Murphy asked Council to not raise taxes because the community cannot afford to take another hit in the pandemic. Ms. Erin Rupe said that the increase to taxes is not drastic and will help support the city's growing infrastructure. Mr. Dylan Schumacher asked Council to not equalize the tax rate due to the fact that community benefits of the revenue increase far outweigh the cost to individual taxpayers.

There were several previously recorded voicemails submitted to the Clerk of Council by citizens to be played into the record. Mr. Gary Woodson asked Council to consider a reduction in the tax rate citing the burden to citizens. Mr. Horace Scarlett said the increase on taxes would place an undue burden on his family. Mr. Lawrence Woody said the increase in his assessment places an undue burden on his 83-year-old wife and himself and asked Council to lower the tax rate to \$1.03 or lower. Mr. Marvin Clark asked Council to lower the tax rate because the tax increase places an undue burden on his 85-year-old wife and himself and encouraged Council to lower the rate to \$1.03 or lower. Mr. Wayne Fitzgerald stated the tax increase places an undue burden on his retired family and encouraged Council to lower the rate to \$1.03 or lower. Ms. Linda Collins stating that she was surprised her assessment went up so much and although she realizes the city needs the revenue, she suggested Council lower the tax rate to \$1.03 or lower. Ms. Debra Allen stating that she is a widowed senior citizen on a fixed income and if the tax rate is not lowered to \$1.03 or lower, it will cause an undue burden on herself.

Councilmember Faraldi asked the Clerk of Council, Ms. Alicia Finney, to record the following over 280 names into the record that signed a petition initiated by Councilmember Faraldi to not have their taxes raised:

Name	Physical Address
Nathan McMurray	7121 Meadowbrook Rd
Barbara Kepler	104 Wyndpark Circle
Greg O'Berry	1030 Ardmore Drive
Ann Pleinies	6256 Pawnee Drive

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David Foust	109 Overlink Court
Steven Hill	3476 Ivylink place
Chris Williamson	230 Belvedere St
Benjamin Kahle	137 Acres Ct Lynchburg, VA 24502
Liz Highley	300 Atlanta Ave.
Julia McClurg	3416 Sky View Place
Deborah Fears Keeling	1716 Main Street
Donald A. Peschken	127 Village Park Court, Lynchburg,VA
ALBERT LAVERN BILLINGSLEY	1115 MOREVIEW DR
Donna Cantrell	302 Oakridge Boulevard
Sandy Logan	720 Sanhill Dr
Julie Fields	233 V.E.S. Rd
Pete Parziale	1415 Park Avenue
Robert Morse	3108 Sedgewick Drive, Lynchburg, VA 24503
Charles Gammon	4900 Dodd St. Lynchburg 02
Jason Brown	4812 Old Boonsboro Road
Anne Miller Schlenk	2507 Link Road, Lynchburg VA 24503
Rebecca Mahanes	6005 Modac Place
Pat Stump	132 Yorkshire Cir
Angela Weaver	110 Aaron Place, #201, Lynchburg, VA
Cheryl Camarillo8	1303 Oakwood Court
Shirley A. Huffman	112 Thornfield Drive, Lynchburg, VA 24502
Kim Anita VandeBogart	902 Main Street
Zena King	7108 Meadowbrook Rd. Lynchburg, VA 24502
Robert Weaver	201 Aaron Place
Luke Mannion	6276 Pawnee Dr, 24502
George M Loper	119 Dreaming Creek Dr

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Sandra Travis	205 Alta Ln, Lynchburg
Rose E Hall	220 WAYNE DR
Holly Sweet	3807 Moorman Drive Lynchburg
Kathy Calvert	7125 Richland Drive
Richard Palazzo	1012 Biltmore Avenue, Lynchburg, VA 24502
Blake Edmondson	602 Fleetwood Dr
Michael Christensen	2100 Weeping Willow Drive Apt. I Lynchburg, VA 24515
John and Elizabeth Sargent	1414 Nelson Drive, Lynchburg 24502
Kevin Broad	341 Norfolk Ave
Luke Dykeman	1519 CLUB TER
Peggy Summy	1801 Heritage Circle
Lindsey Morris	1519 club terrace, Lynchburg, va 24503
David Bruce	4621 Locksview Rd.
Timmy Williamson	100 Tradewynd Drive Apt. B
Caleb McAllister	110 Settlement Drive
Brenton	120 Fieldstone Ct
Letitia Lowery	601 midvale street Lynchburg Virginia
Michael Horst	414 Wiggington Road, Lynchburg, VA 24502
Greg Berry	1513 Russell St
Lisa pelletier	341 Norfolk Ave
Steve Troxel	204 Pennsylvania Avenue
Melanie Thompson	4100 Fort Avenue
Sondra Perricone	430 New Britain Dr
MaryJane Murray	219 Ivy Dr Lynchburg
James S Whitaker	6012 MODAC PL Lynchburg VA 24502
Joel Olenik	322 sumpter street
Mike Sharrett	2035 Overbrook Rd
Graeme Neil Leitch	1130 Moreview Dr
David Corry	515 Lady Slipper Ln, Lynchburg, VA 24502
Linda Devereese	417 Cornerstone St
Toby Davies	511 Stafford St

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Allen Edmondson	102 Pilgrim Rd.
Corey Thomas	165 ROCKWELL RD
Tina Cooley	407 Langhorne Lane
Dennis A. Cooley	407 Langhorne Lane
Chad Mooney	2219 Poplar
Thomas Strayhorn	309 Wyndhurst Dr
Ronald Wayne Rhodes	1152 lindsay st lynchburg 24502
Nicholas J Sweet	3807 Moorman DR
Karl Miller	1819 Royal Oak Dr Lynchburg 24503
Courtney Turkekul	104 Lawton Lane, Lynchburg VA 24501
Brenda Cafazza	204 Lookout Dr
Sarah Kalafian	111 Earls Court, Lynchburg, Va 24503
Nicholas Freesland	3020 Cardinal PI Lynchburg, VA 24503
Nikki Perkinson	206 MAPLE HILLS DR
Todd Patterson	134 Bon Ton Rd Lynchburg
Charles W Rodgers	1908 Eastwood Lane / 24503
Shanna Davies	511 Stafford St.
Alexander Stuart	1504 Waverly PI
Claybrooke Dean	345 Norfolk Ave, Lynchburg, VA 24503
Bre Rock	1500 Fort Manor Dr
Russ Rock	1011 N. Grand Ave.
Lauren Rock	1358 McKinney Ave
Sky Pacot	4509 Boonsboro Rd
Caleb D Rock	519 Stafford ST
Sam Rock	1358 McKinney Ave Lynchburg, VA 24502
Melinda L Tennis	1019 Church St
Amy Couch	1813 Laxton Rd
Jeri Rock	519 Stafford Street
Terry Adams	111 Pilgrim Road
Rebekah Carwile	4528 Greenwood Drive
Linda Rock	1011 North Grand Ave

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Nate Rock	1500 Fort Manor Dr
Dan Ebersold	3408 Memorial Ave
Caleb Di Lella	1121 Toledo ave
Olivia Rock	1900 Weeping Willow Dr, APT C
Lisa Pacot	4509 Boonsboro Road
Ken Frederick	2215 Indian Hill Rd.
Gregory S. McCauley	1009 Jeffetson Street Apt. D Lynchburg,VA 24504
Andy Smith	113 Parkview Drive, Lynchburg, VA 24502
Ronald Gillispie	110 Kings Drive
Christy Sattler	108 Chris Lane
Michelle Osborne	515 Bent Oak Ct, Lynchburg, 24502
Linda Chicette	109 Westover Blvd
Robert Pyle	108 Marguerite Dr
Ben Parziale	4333 Montgomery Road Lynchburg VA 24503
Joshua Brandon	2230 mimosa drive Lynchburg va 24503
Cheri Almond	106 North Street, Lynchburg, VA 24502
Emily Foster	1424 Edley Place
Wendy C Jacobs	344 Bell Street
Marina Guenther	1928 Hillsdale Road Lynchburg Virginia 24501
Charles Faulconer	4627 Fieldale Road, Lynchburg, VA 24503
Neil Leitch	3428 Milton Street, Lynchburg, Va 24501
Jonathan McMahon	4409 Goodview Street, Lynchburg, VA 24502
Amber Haskew	203 Fleetwood Dr
John Vassar	107 Emeline Drive
Martin Misjuns	140 Palmer Drive, Lynchburg VA 24502
Betty Gibbs	313 Legacy Oaks Circle
William Worley	7102 Suncrest Dr
RPLind	3025 Cranehill
Daniel Pense	1301 10th street
FJ Jalil	1045 Moreview Drive 24502
Dr. Mary Alford	2 Easton Ave, Lynchburg, VA

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Theresa Palazzo	1012 Biltmore Avenue, Lynchburg, VA 24502
Hilary Leitch	1130 Moreview Dr.
Todd Hibbard	535 Eldon St. Lynchburg, VA 24501
Jeremy Buttil	160 Ivy Creek Lane Unit #202 Lynchburg, VA 24502
William R Jennings Jr.	2304 Heronhill Place, Lynchburg, VA 24503
Braden Murphy	55 Murphy Lane
Patsy R Walker	2432 INDIAN HILL ROAD
Christy G Solomon	1006 Craigmont Drive
Gary N. Garner	310 Robin Dr., Lynchburg, VA. 24502
Veronica Bratton	759 Wyndhurst Dr
Reginald Richards	1716 Lakeside Drive
Matt Lynn	314 BREEZEWOOD DR
Howard M Rice	130 Farley Branch Drive
Andrew Glover	1504 Lockewood Dr
Donald and Carla Sloan	134 FARLEY BRANCH DRIVE
Kenneth Kepler	104 Wyndpark Circle
Malia C. King	1026 New Hampshire Ave
Barbara McCann	114 Valleydale Drive
William Steele	201 Farley branch drive Lynchburg va 24502
Peter Alexander	2228 Falcon Hill Pl
Janet Gibbs	318 Warren Ave Lynchburg Virginia 24501
anne mcveigh	3515 Otterview place
Shelley Scranton	1104 Milford Lane
Mr. Terry Adams	111 PILGRIM RD
Steve Gilliatt	204 Woodway Drive
Brenda Guill	1506 Brookville Lane
Robert Bowden Jr	214 Windham Ct
Autumn Johnson	316 G Killarney Court
Maria Dennis	2004 Pocahontas Street
Wanda S Martin	71 E Lake Dr
Evan Murch	2208 Fairview Avenue

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April McWilliams	1063 Coronado Lane
Brian Landergan	1111 Rhode Island Ave
Philip Germeroth	211 Pearson Dr.
Michelle Jolly	4819 boonsboro Rd Apt B, Rear of house lower level
Carolyn Lee Peerman	103 LOOKOUT DRIVE
Cheryl A Todd	1024 Rivermont Ter
Mary B Swan	104 Adams Drive
Wilson Swan	104 Adams Drive
Don Marsh	611 Rotunda St.
Debra Knowlton	6016 Edgewood Ave.
Susan Stowell	18 Westdale Dr., Lynchburg, VA 24501
SHANNON WHEALTON	524 Hayes Dr
Glenn Babbitt	6200 Pawnee Dr.
Ariel McCullough	1025 Greenway Court
George Miklas	1011 Wood Rd, Lynchburg, VA 24502
Logan Skillman	3500 Weeping Willow Drive, Lynchburg, VA 24501
Herman Murray	219 Ivy Drive Lynchburg, VA 24503
Ryan Thomas	165 Rockwell Rd. Lynchburg, VA
Megan Okimoto	201 Harrison St.
Janet Fletcher	101 Fredonia Avenue, Lynchburg, VA 24504
Cherise Agnew	722 Commerce Street
James	7110 Richland Drive
Kelsey Shade	105 BRIDLEWOOD LN
Karen Olsen	324 Legacy Oaks Circle, Lynchburg, VA 24501
Ryan Fields	233 VES Rd. Lynchburg Va.
Gary Viar	1009 Moreview Drive
Christopher L Guynn	2915 Confederate Avenue
Dallas Davis	102 Salisbury Circle
Melanie Chenault	1002 Enterprise Dr Unit 410
Ann Robbins	7219 Richland Drive
Marjorie Murphy	308 Boston Avenue

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Linda Scoville	1502 Brookville Lane
Josh Davies	201 Bonterra pl 24501
Kevin Eberl	215 Yeardley Ave., Lynchburg, Va. 24501
Kathy Germeroth	211 Pearson Dr. Lynchburg, Va 24502
Tara L Watkins	1331 Dover Pl.
Deborah Johnson	3750 Woodside Ave
Richard A Kidd	1307 Radcliff Ave.
Rebecca Riggins	316 Keywood Dr
Debbie Roth	347 Wild Turkey Rd, Lynchburg, VA 24502
Melanie Dalton	3327 Milton St.
Michael Bradshaw	121 Dreaming Creek Dr
Christy Jo Bradshaw	121 Dreaming Creek Dr
Rev. Bennie Castle	4510 Hilltop Drive Lynchburg VA
Scott Stevens	207 Perrymont Ave
Faith Fretz	2010 Wiggington Road Lynchburg VA 24502
No additional taxes	5328 hickory hill dr lynchburg va
Jennifer Brown	1208 Norvell House Court
Ezekiel Loftin	1121 Harrison St., Lynchburg VA 24504
Gary Takacs	1037 Moreview Dr Lynchburg Va 24502
Joyce Doss	1533 Liggates Rd
Thomas A. Taylor, Jr.	1048 Oakmont Circle Lynchburg, VA 24502
Rex W Metzgar	2612 LINKHORNE DR
ghgoh_97@yahoo.com	407 Cornerstone St
Patrick Templeton	1208 Krise Circle
Hajnal Sandidge	218 WINDSOR RD
Stephanie Berkland	1410 Edley Place
Karen Allen	4527 boonsboro rd
Pamela O Miles	201 BUCKINGHAM DR
Brenda S. Hunt	1920 Royal Oak Drive
Hermann K Ulrich	2103 Woodcrest Drive
SHANNON LANGWORTHY	511 Bent Oak Ct Lynchburg VA 24502

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bill bryant	1611 bedford ave
James Catel	1005 V. E. S. Rd.
Danny Smith	141 Yorkshire Circle
Melody Revell	4107 Fort Ave
Kimberly Moore Ness	4301 Morningside Drive, 24503
Suzanne Chappell	1026 MOREVIEW DR
Bonnie Zaleta	1016 Moreview Dr, Lynchburg 24502
I whole heartedly oppose this tax increase	3410 Plymouth Place
Harry J Hoss Jr	222 Ivy Drive Lynchburg Va
Syed M Ali	301 Reno Drive Lynchburg VA 24502
Allyn Chappell	1026 MOREVIEW DR
Lynn Wayne Seipp	300 Portico Street. Lynchburg, VA 24592
John Ritchey	720 Hayes Dr
Dawn Eberl	215 Yeardley Ave, Lynchburg VA
Stephen Langeland	4725 Oxford St Lynchburg VA 24502
Peggy Grimes	436 Preserve Drive
Marlo Horne	142 White Pine Drive, Lynchburg, VA 24501
Joseph Coley	1219 Craigmont dr
Cindy Gresham	204 Bryant Rd
Steve D Tyree	3056 Forest Hills Circle
Kathy Pribble	101 Willow Bend Dr 24502
Oksana Chernaya	623 Wyndhurst drive unit 206 Lynchburg VA 24502
Dong Danny Li	2321 Woodcrest Dr
Mitchell Downs	106 Easton Ave Lynchburg VA 24503
Ryan	202 Capital Street
William Wells	503 Victoria Avenue
Karen Elizabeth Quigg	525 Savannah Avenue
Susan P Atkins	347 BURR OAK RD
Cheryl A. DeLeon	3871 Boonsboro Rd. Lynchburg, VA 24503
Donna Schwarz	1216 regency woods place
Jonathan McMillan	7123 Peachtree Road, Lynchburg, VA, USA

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sarah reynolds-blanchette	7120 Meadowbrook Rd
Jeff Baird	7125 Meadowbrook Road
John & Mary Myers	1006 Oakmont Cir
Ronald Cooper	203 9th Street apt 7A Lynchburg VA 24504
Jul-aina Hamajad	7126 Meadowbrook Rd Lynchburg, Va 24502
Irina Tanjala	1428 Nelson Dr, Lynchburg, VA, 24502
Rebecca Kintgen	7113 Meadowbrook Rd, Lynchburg VA 24502
Charles Donneberg	7415 Richland Drive Lynchburg Va 24502
Erin R Knobeloch	23 Easton Ave
Brett Strock	1130 Villa rd.
Judy Wade	1222 Shirley Road
Kimberly Rodgers	1908 Eastwood lane
Patterson Wilhelm	4104 Peakland Pl
autumn quinn	1119 heath ave lynchburg va 24502
Tara Nye	403 Cornerstone Street
Chip and Debbie Daniel	207 Creekview Ct Lynchburg 24502
Katherine G Taylor	144 Mill Lane Rd
Judith Gallion	302 Meridian Street Lynchburg VA 24502
PATRISHA ANN FLOOD	105 Sublett Ct
Bryan Sobeck	504 Victoria Ave
Kim Smith	610 Capstone Drive, Lynchburg
Julie Fielda	233 VES Road
Eunice Paulett	1904 Lakeside Drive 24501
Joshua Dugan	1312 Rivermont Ave
Marcia L Schweisthal	1807 Taylor Street
Kristine Scharven	117 Page Street
Mary Coran	1001 Moreview Drive
Stephen Mitchell Baldwin	1030 VES Road
Patricia Powers	204 Whitley Way Lynchburg, VA. 24503
Craig R. Wallwork	503 Washington Street
Tina Watson	1132 Ardmore Drive Lynchburg VA 24501

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Wendy Bryant	203 Perrymont Avenue Lynchburg, VA 24502
Landon "Skye" Riggleman	103 Buckingham Drive, Lynchburg Va 24502
Andrew Connor	7129 peachtree road Lynchburg va 24502
Nate Mahanes	6005 Modac Place
Dalton King	7108 Meadowbrook Rd
Patrick H Gatti	608 Washington Street

He continued by stating that there has been an outcry from citizens that support equalizing the tax rate and that it is incumbent on Councilmembers to support measures that accomplish that. He stated that citizens who have expressed opposition to equalizing the tax rate have cited not wanting to lose access to service. However, there is an increase to the city's Fund Balance Reserve that would seem to align to the amount of the proposed tax increase. This way Council can put forth a budget that puts the tax payer at the forefront.

Councilmember Helgeson made the motion to set the tax rate to \$1.03, not the equalization rate of \$1.033, stating that there are ways to come up with the money like cutting back the Fund Balance Reserve from 12.3% Councilmember Faraldi seconded the motion, stating that it is the right thing to do.

Councilmember Nelson stated that there are sufficient funds in the Fund Balance Reserve that helps bolster the City's standing with bond rating agencies so that we can borrow money for capital improvement projects at a lower rate. He agreed that he does not want to put the burden of taxes on citizens, however, he is hesitant to support this motion because there is still a lot of budget to get through. He continued, stating that he is for lowering the tax rate but doesn't know how much is an appropriate rate and until budget discussions are finished, Council can't responsibly know.

Councilmember Tweedy asked staff to elaborate on what would happen if the city equalized its services equivalent to services citizens receive in the neighboring counties. Dr. Wodicka stated that cities and counties are very different in the services they provide. The City provides fulltime police and fire services, are responsible for the maintenance of its own roads, and have a much more robust parks system. Councilmember Tweedy said she is perplexed on who she will be making this decision for and who she will be ultimately helping. All Council has heard tonight was landlords stating that they will pass

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the increase on to their renters. It's a complex issue, renters want to keep expenditures low, but Council has a duty to look at all of those affected.

Councilmember Wilder asked staff to provide more information at a later date on tax assistance programs, the average increase amount for citizens, how much the departments looked to see where they could decrease in their budgets, and an explanation on the reserves policy.

Vice Mayor Wright stated that property reassessments are a normal process; every two years the state says the City Assessor must reassess property and wanted to be clear that this is not being brought forth by anyone on Council.

Mayor Dolan said she needs more time to evaluate and is not ready to decide tonight.

Councilmember Nelson stated that if Councilmember Helgeson does not want to withdraw his motion then he will call the question; Councilmember Helgeson did not wish to withdraw. With that, the following vote to set the Real Property Tax Rate to \$1.03 per \$100 assessed value was recorded:

Ayes: Helgeson, Faraldi 2

Noes: Dolan, Wright, Nelson, Tweedy, Wilder 5

// In the matter of Budget, Agenda Item #5, a public hearing was held on the Proposed FY 2022 Operating Budget and FY 2022 – 2026 Capital Improvement Program for the City of Lynchburg.

Mr. Ben Blanks stated that he relies solely on the Greater Lynchburg Transit Company as his means of transportation. He also stated that many citizens also rely on the GLTC to get to and from their places of work. As such, he is supportive of the GLTC funding in the budget.

Ms. Belle Evans who previously signed up to speak was not in attendance during the public hearing.

Mr. Andrew Glover, representative of Conservative Parents of Lynchburg, stated he is not in support of funding the Lynchburg City Schools in the budget citing the decrease in school enrollment numbers as a key factor.

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Mr. Rick Loving, President of the Lynchburg Police Foundation, stated that he is in support of funding the police in the form of hiring additional staff, retaining staff by addressing compression issues that were identified in the Korn Ferry pay study, and building the police headquarters.

Mr. Carl Hutcherson, Jr., who did not previously sign up but was in attendance and chose to speak, stated that he is in support of funding the police by hiring 26 additional sworn staff and 16 professional staff.

There were several written correspondences previously furnished to the Clerk of Council by citizens to read into the record. Ms. Dee Tinsley, owner of Dee's Designs, stated that she is in support of the Community Market renovations budget line item. Mr. and Mrs. Dwayne and Jannett Spearman, owners of Spearman Artisanry, stated that they are in support of the Community Market renovations budget line item. Mr. Tom Hayman stated he was in support of the Community Market renovations budget line item. Mr. Aaron Ruehle stated that he is in support funding Lynchburg City Schools. Mr. Steve Lobb stated that he is in support of funding the Lynchburg City Schools.

There were several previously recorded voicemails submitted to the Clerk of Council by citizens to be played into the record. Ms. Mollie Gardner Ledford said that she is in support of funding the Lynchburg City Schools. Ms. Rebekah Melton, member of the Community Policing Advisory Group, stated that she was in support of funding for the police department.

// The meeting adjourned at 9:54 p.m.

Clerk of Council

March 30, 2021

// A special meeting of the Council of the City of Lynchburg was held on the 6th day of April, 2021, 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 Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item #1, Council continued reviewing the budget. Interim City Manager Dr. Reid Wodicka, and Interim Deputy City Manager Mr. Kent White, finished presenting the Proposed FY 2022 – FY 2026 Capital Improvement Program and Enterprise Funds.

Councilmember Faraldi asked staff if the use federal CARES funding could be used for the HVAC equipment in the schools instead of using local tax money. Ms. Witt responded that the schools were working on identifying some equipment where CARES funding could be utilized.

// In the matter of Budget, Agenda Item #2, Council began balancing the budget, but first received a revised report on revenues from Chief Financial Officer Ms. Donna Witt who explained that the Compensation Board is giving all Constitutional Officers a 5% pay increase, however, there is offsetting expenditures associated with the increase. The state also is giving the Department of Human Services staff a 5% increase, also with an associated local match.

The Commissioner of the Revenue and the City Assessor provided the budget staff with updated revenue projections that totaled about \$3.4 million increase to proposed revenue compared to what is reported in the budget book. On the expense side, given the local matches needed for the pay increase to constitutional officers and Human Services' employees, plus the proposal of additional \$200,000 to the fuel increases as the fuel prices go up, the proposed expenses will go up about \$932,000 which leaves a net of about \$2.5 million. This changes things and opens up the options available to Council. Staff propose the following plan: leave the tax rate at \$1.11 since the future economic landscape is unclear; because the state and Human Services employees, surrounding counties, and Lynchburg City Schools employees are receiving a 5% salary increase, staff proposed a 5% increase for all city employees at the

cost of \$3.3 million. The implementation of the Strategic Initiative Budget Priority that addressed the lowest paid employees would not need to be executed, freeing up \$289,000. Staff proposed leaving the fund balance at 11.8% and not growing it to 12.3% and increase the dept service reserve to \$200,000.

Vice Mayor Wright asked when the last time a general wage increase was adopted; staff confirmed a general wage increase was last given on July 1, 2019. He asked what the consequences are if Council doesn't lower the Real Property Tax rate from a \$1.11. Dr. Wodicka commented that if there is a recession in the future, leaving the rate at \$1.11 allows for a stable revenue source. He also explained that increasing the Debt Service Reserve by \$200,000, resulting in \$400,000 total, will help pay the debt service for various CIP projects that are coming up, like the police department. Building that capacity in the Operating Budget to pay the Debt Service Reserve is beneficial and will allow to pay for expenses like furniture, fixtures, and equipment for these CIP projects, like the police department, instead of borrowing the funds. He said that staff recommend adding to this reserve over the next couple of years to avoid potential shocks in the debt service needs.

Councilmember Faraldi stated that he would be in favor of working out some sort of compromise with the additional revenues that allows the 5% wage increase but also gives relief to the tax payer.

Councilmember Wilder stated that he does not feel comfortable approving a 5% wage increase for only a portion of City employees since every employee has worked during the pandemic. He is also not in favor of equalizing the Real Property Tax rate because projects, like the police headquarters, will need to be funded.

Councilmember Nelson stated that in the past, when assessments increased Council lowered the tax rate to accommodate the burden placed on citizens. Then, with the recession in 2008, Council returned the Real Property Tax rate to its amount. He asked staff to clarify what the consequences would be to somewhat equalize the current rate and then raise the rate in the event of a recession. Ms. Witt explained that the way it impacts the organization was each year every department, including public safety and public works, were asked to cut their budgets between 5% and 10%. There was a reduction in services by implementing furlough days, reducing the General Fund to about 60 vacated positions, and enacting a hiring freeze until the rate was able to be put back to \$1.11. Councilmember Nelson posed the

hypothetical question; if additional resources to raise salaries are used, what happens when a recession occurs? Does Council lower employees' salaries? Does Council lay them off? He explained that for the time being, some equalization to the tax rate is a more equitable, just, and an appropriate approach. He also stated that he was inclined to use some of the Debt Reserve Funds to provide the equalization but after talking with Dr. Wodicka, he understands the importance from a bond rating standpoint of maintaining continuity with that amount. Not doing so could potentially compromise building the police department.

Vice Mayor Wright stated that the 5% wage increase would be about employee retention and would essentially be a cost of living raise. He further stated that Sales and Use Tax are holding fairly well which means citizens are spending money where they want.

Councilmember Tweedy commented that she is not in favor of lowering tax rate, stating that she represents citizens across the city, many more than what was in Council Chamber at the March 30, 2021 Public Hearing. She has heard from citizens who appreciate city services and are willing to pay for them.

Dr. Wodicka reviewed the procedures for removing items from The List; staff will ask for a motion for a decision on each one of these items. A motion to remove these items from The List will be that it is funded as presented.

Councilmember Wilder made a motion to remove legal aid from the list, effectively leaving it funded in the budget. Vice mayor wright seconded the motion.

Councilmember Faraldi stated that his predecessor, Mr. Turner Perrow, did not support funding Virginia Legal Aid Society and he does not think it is good practice to give money to an organization that sues the city. Councilmember Helgeson agreed with his sentiments.

Councilmember Nelson stated for the record that Legal Aid did not sue the city; an individual client represented by an attorney sued the city. That client came to that attorney via the Virginia Legal Aid Society. He continued that the importance of legal aid serves all of our citizens who are blind to the road of justice and he supports the funding of the Virginia Legal Aid Society.

With no other discussion from Council, the following vote was recorded:

April 6, 2021

AGENDA ITEM #: 6

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

Councilmember Helgeson made the motion to remove item #6 Public Safety Building Reserve from The List, seconded by Vice Mayor Wright.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

Councilmember Helgeson made the motion to remove item #9 General Fund Reserve for Contingencies from The List stating that he only put this item on The List because he wanted a list of all the dedicated reserves that are budgeted for. Vice Mayor Wright seconded the motion.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

Vice Mayor Wright made the motion to remove item #7 Concord Turnpike Maintenance Reserve from The List, seconded by Councilmember Wilder.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting adjourned at 5:56 p.m.

Clerk of Council

RESOLUTION:

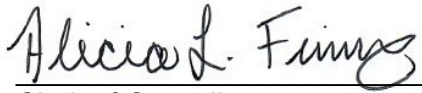
#R-21-056

BE IT RESOLVED that the FY 2021 City/Federal/State Aid Fund budget is amended and \$29,889 is appropriated with resources of \$14,944 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$14,945 from the FY 2021 General Fund Fire Department budget to purchase twelve (12) Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department.

Introduced: June 8, 2021

Adopted: July 13, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2021**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – B-5C, General Business District Conditional to B-4, Urban Commercial – 1300 Campbell Avenue

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the rezoning from B-5C, General Business District (Conditional) to B-4, Urban Commercial to allow the reuse of the existing building as one hundred five (105) apartments.

SUMMARY: Rebkee is petitioning to rezone approximately two and twenty-five hundredths (2.25) acres located at 1300 Campbell Avenue from B-5C, General Business District (Conditional) to B-4, Urban Commercial District. If approved the building constructed in 1919 and located in the Kemper Street Historic District will be redeveloped as one hundred five (105) apartments with associated parking.

PRIOR ACTION(S): June 9, 2021: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval of the rezoning petition (6-0 with 1 member absent, Lowe)

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 455-3900
Kent White, Interim Deputy City Manager/Community Dev. Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – June 9, 2021
- Planning Commission Packet – June 9, 2021
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: klw

090A

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1300 CAMPBELL AVENUE FROM B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL) TO B-4, URBAN COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 1300 Campbell Avenue from B-5C, General Business District (Conditional) to B-4, Urban Commercial District.

The area embraced within the following boundaries:

BEGINNING AT THE INTERSECTION OF 14TH STREET AND CAMPBELL AVENUE;

THENCE N 35°42'17" W A DISTANCE OF 330.00' TO A POINT;

THENCE N 54°17'51" E A DISTANCE OF 280.57' TO A POINT;

THENCE S 40°50'12" E A DISTANCE OF 169.88' TO A POINT;

THENCE S 35°04'12" E A DISTANCE OF 160.81' TO A POINT;

THENCE S 54°17'51" W A DISTANCE OF 293.99' TO A POINT;

WHICH IS THE POINT OF BEGINNING, AND CONTAINING 2.208 ACRES MORE OR LESS.

...is hereby changed from B-5C, General Business District (Conditional) to B-4, Urban Commercial District.

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE JUNE 9, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Rebkee to rezone approximately two and twenty-five hundredths (2.25) acres located at 1300 Campbell Avenue from B-5, General Business District (Conditional) to B-4, Urban Commercial District to allow the reuse of the existing building as one hundred five (105) apartment units with associated parking.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. This petition proposes to rezone two and twenty-five hundredths (2.25) acres from B-5, General Business District (Conditional) to B-4, Urban Commercial District to allow one hundred five (105) apartment units with associated parking. The Future Land Use Map (FLUM) recommends an employment 2 use for the property. However, there are neighborhood commercial, community commercial, medium density residential, and mixed-use land use designations in the area. This property has previously been approved for apartments. The most recent approval was on January 12, 2010, when City Council approved a Conditional Use Permit (CUP) for one hundred seven (107) apartment units. The CUP was allowed to expire and is no longer valid. The existing five (5) story building was constructed in 1919 as a dormitory for employees of a nearby company. Its most recent long-term use was that of Barker-Jennings Corporation. The B-4, Urban Commercial District does not require street parking but the petitioner has indicated one hundred eight (108) vehicular spaces and twenty (20) bicycle parking spaces. The property is also served by Greater Lynchburg Transit Company (GLTC) Route 2 and has bus stops on both sides of Campbell Avenue in front of the property. The City Traffic Engineer did not require a traffic analysis for the property. One issue that staff had with a previous version of the concept plan was the parking spaces in front of the building. They have since been changed to angled parking spaces. The Planning Division recommends approval of the petition.

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

Ms. Amy Seipp, of Accupoint Surveying and Design, addressed the Commission. This is an iconic building and was originally built for residential use. This project will restore the residential use, retain some of the unique building features, and seek to use historic tax credits. There will be one hundred five (105) apartment units and amenities, like a fitness center and pool, to keep people on the property. The location is close to Miller Park and the hospital, which may appeal to medical professionals. This development will enhance the neighborhood since Rebkee does quality work, like on Grace Street, and invests in the City of Lynchburg. She has worked with City staff to enhance the landscaping and ensure safety of parking configurations. The property will also have security cameras and indoor parking for an additional fee. Overall, this is an exciting project.

Chair Rogers asked if there was anyone present or online who wished to speak in favor of the petition. When no one stepped forward, he asked if there was anyone present or online who wished to speak in opposition of the petition. When no one stepped forward again, Chair Rogers closed the public hearing.

Commissioner Light stated that he was ecstatic when he heard about the project. The building has been vacant and needs rejuvenation. He is going to vote in favor of the petition. He asked if the steel addition on the back of the building will remain.

Ms. Seipp responded that some of the addition will be removed but some of it will be rehabilitated. Because the building was used for industrial purposes in the past, it has a substantial structure that can support some inside parking. The addition is the area that will be turned into parking, but again it will be improved.

Commissioner Light stated that a lot of the buildings on Kemper Street that have been rehabilitated seem to have been successful as rental buildings. This building has a good location and is attractive and should be successful as well.

Ms. Seipp shared agreement and noted that the amenities being added and the location of the building will also add to its success.

Commissioner Perault asked how a CUP is allowed to expire.

Mr. Martin responded that CUPs expire after a certain period of time. Prior to the Zoning Ordinance rewrite in 2016, CUPs expired in six (6) months but applicants could request a few six (6) month extensions for a total of two (2) years. In the revised Ordinance, it was changed to two (2) years. A CUP is different from a rezoning in that it expires if not put into place. A CUP can be put into place through approval of a site plan or building permits, which are considered affirmative government actions. None of that was done.

Commissioner Perault stated that this is a great project but parking issues need to be discussed. He asked how many people and cars are expected.

Ms. Seipp responded that one hundred five (105) units are proposed and they will be a mix of types of units. It should not be dissimilar to other multifamily buildings that have one (1) designated space per unit with some extra spaces. There should be some flexibility.

Commissioner Perault asked for clarification that each unit gets a space.

Ms. Seipp responded that is correct. The inside parking spaces will cost more and won't be part of the designated units. Residents will park outside unless they pay extra.

Commissioner Perault stated that there are no "no parking" signs in front of the building.

Ms. Seipp responded that she is not aware of any signs.

Commissioner Perault emphasized that there are not. He then asked if people will legally be allowed to park there even if they are blocking traffic.

Mr. Martin responded that there are City Code Sections that prohibit people from blocking a lane of traffic.

Commissioner Perault stated that there are "no parking" signs prior to that block when leaving the expressway.

Mr. Martin asked for clarification that Commissioner Perault is concerned that people will park on the street.

Commissioner Perault responded that he is. He then stated that going the other way, back to the expressway, there is one (1) hour parking in a parking lane during the day and open for the rest of the time. It is likely that will be filled up completely.

Mr. Martin responded that he understands the concern but several years ago the Ordinance was amended to require one (1) space per unit. This petition exceeds that requirement. They are also putting in bicycle parking and are on a bus line. They are meeting the minimum requirements, even if the petition was not to rezone to B-4. If there are issues with parking, the petitioner can work with adjoining land owners to come up with a shared parking agreement.

Chair Rogers stated that there have been other precedents in the City, like around Randolph College, where it has been permit-parking only. There are other avenues to pursue if parking issues arise. He then asked if the building will end up being a dorm due to the proximity of nearby colleges.

Ms. Seipp responded that this project will use historic tax credits and will be on the market to the public for rent. It will not be a dorm. Due to the location of the building it may be especially attractive to medical professionals. People living in this type of facility tend to understand that parking is limited.

Commissioner Bowden stated that one hundred (100) cars are being added to the neighborhood, the street is tighter, and there is some industrial traffic. He is not certain what the Commission's role in looking at the potential traffic issue should be. He acknowledged that the Traffic Engineer did not require a traffic analysis.

Mr. Martin responded that there are some tradeoffs. This beautiful, historic building has been vacant. In order to make the project feasible there needs to be a certain number of units. The B-4 district does not require any off-street parking and the petition exceeds requirements for residential uses. One of the main reasons the City chose to reduce the amount of parking required is so that people aren't required to build parking areas they don't want or need. If the City still required two and a half (2.5) parking spaces like it used to, this project would never happen.

Commissioner Bowden shared agreement and noted he is concerned with making access safer and more open for potential issues in the future. He has no problem with the proposed use of the building.

Mr. Martin responded that portion of Campbell Avenue does not have that high of a traffic volume.

Commissioner Perault shared agreement with Commissioner Bowden. No one is criticizing the zoning. They are looking at what can be done to make the area as friendly as possible. Traffic is always the top concern when discussing petitions.

Commissioner Bowden stated that this will add traffic and he would like to address infrastructure issues before they become a problem.

Mr. Martin responded that he understands. If all one hundred five (105) people drove their cars all the time and that was the only option it would be an issue. This building is on a bus stop and has bike facilities though, which provides options. It is an assumption to say that everyone is going to drive. Some traffic will be added but as a tradeoff, the building will be rehabilitated and put to use. This traffic increase does not rise to the point of requiring traffic calming or a stoplight.

Ms. Seipp added that there is a stoplight if going toward town. There are also two (2) public alleys on either side, which helps prevent stacking and with queuing concerns for the development.

Commissioner Bowden stated that there are a number of properties that have sat vacant. He is thrilled with the use and the developer's attitude. This project will improve the neighborhood.

Ms. Seipp shared agreement and noted that the people who live across the street are probably excited to see improvements.

Commissioner Bowden noted that his traffic questions are in the vein of wanting to optimize as much as possible.

Chair Rogers stated that he is supportive of this. He appreciates the number of bike racks and the availability of bus stops. It also sits adjacent to an abandoned right-of-way that could potentially be used

to connect to the City's trail systems. Such an opportunity could change whole neighborhoods and make them a viable place to live and travel without cars.

Commissioner Bowden made the following motion, seconded by Commissioner Light, and approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rebkee to rezone the property located at 1300 Campbell Avenue from B-5C, General Business District (Conditional) to B-4, Urban Commercial District."

AYES:	Bowden, Johnson, Light, Marion, Perault, and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Lowe	1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: June 9, 2021
Re: **Rezoning: B-5, General Business District (Conditional) to B-4, Urban Commercial District – 1300 Campbell Avenue**

I. PETITIONER

Rebkee, c/o Paul Sprouse / Rob Hargett, 2800 Patterson Avenue, Richmond, Virginia 23221
Representative: Amy K. Seipp, PE, Accupoint Surveying & Design, LLC, 6200 Fort Avenue, Lynchburg, Virginia 24502
Property Owner: Virginia University of Lynchburg, Inc., 2058 Garfield Avenue, Lynchburg, Virginia 24501

II. LOCATION

The parcel is a tract of approximately two and twenty-five hundredths (2.25) acres located at 1300 Campbell Avenue.

III. PURPOSE

The purpose of the rezoning is to allow the use of the existing building as one hundred five (105) apartment units with associated parking.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* currently recommends an Employment 2 use for the property. Adjacent land uses designated by the *FLUM* include Neighborhood Commercial, Community Commercial, Medium Density Residential, Mixed Use and Institutional Uses.
- The building was originally constructed as a residential use – the “Martha Washington Dormitory” for employees of the Jobbers Overall Company.
- A conditional use permit (CUP) allowing the use of the building as apartments was approved by City Council on January 12, 2010. The CUP was allowed to expire.
- The property is listed on the National Register of Historic Places and located within the Kemper Street Industrial Historic District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends an Employment 2 use for the property.

Employment 2 use areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. (p.76)

Adjacent land uses designated by the FLUM include Neighborhood Commercial, Community Commercial, Medium Density Residential, Mixed Use and Institutional Uses.

The property was used by Barker-Jennings Corporation for their wholesale operation and was originally constructed as a residential use – the “Martha Washington Dormitory” for the employees of the Jobbers Overall Company. City Council approved the rezoning of the property to B-5C, General Business District (Conditional) on May 12, 2009. The 2009 rezoning and subsequent CUP approvals would have allowed the property to be developed as apartments transitioning it back to its original use.

2. **Zoning.** The subject property was annexed into the City in 1908. The existing B-5C, General Business District (Conditional) zoning was established on May 12, 2009. The 2009 rezoning and subsequent CUP approvals would have allowed the property to be developed as apartments transitioning it back to its original use. The proposed zoning of B-4, Urban Commercial District would allow the development of the property as apartments while allowing flexibility with density requirements.
3. **Proffers.** N/A
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 9, 2019, City Council approved the petition of MTE, LLC to rezone four and seventy-one hundredths (4.71) acres at 1415, 1417, 1501 and 1505 Kemper Street from B-3, Community Businesses District (Conditional) to B-3, Community Business District (Conditional) to amend previously approved proffers.
 - On January 12, 2010, City Council approved the CUP petition of Jennings Dorm, LLC to allow one hundred seven (107) apartment units at 1300 Campbell Avenue.
 - On May 12, 2009, City Council approved the petition of Cameron Lofts to rezone two and twenty-five hundredths (2.25) acres and approved a CUP at 1300 Campbell Avenue from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the development of the property as apartments.
 - On January 8, 2008, City Council approved HROK, LLC’s petition to rezone seven and four tenths (7.4) acres at 1401, 1405, 1415, 1417 and 1501 Kemper Street from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and CUP for a Cluster Commercial Development to allow the renovation of three (3) existing buildings for a combination of residential, office, automobile service and retail units.
 - On August 14, 2007, City Council approved HROK, LLC’s petition to rezone seven and four tenths (7.4) acres at 1401, 1405, 1415, 1417 and 1501 Kemper Street from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and CUP for a Cluster Commercial Development to allow the renovation of three (3) existing buildings for a combination of residential, office, automobile service and retail units.

- On February 13, 2007, City Council approved Lynchburg Neighborhood Development Foundation's petition to rezone eighty-two hundredths (0.82) of an acre at 1402 Fillmore Street from R-4C, Medium-High Density Multi-Family Residential District (Conditional) to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to amend the existing proffers to allow the use of the existing structure as a five (5)-unit, apartment building with associated parking.
- On August 8, 2006, City Council approved C.S. Door's petition to rezone twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers and allow the use of an existing building as a door and hardware retail facility.
- On May 9, 2000, City Council approved Greater Lynchburg Habitat for Humanity's CUP petition to allow the construction of a single-family home in a B-5, General Business District at 1209 Campbell Avenue.
- On April 11, 2000, City Council approved Greater Peaceful Zion Baptist Church's CUP petition to allow the construction of additional parking at 1516-1520 Floyd Street.
- On December 9, 1997, City Council approved Greenstone Original Church of God's CUP petition to allow the operation of a day care center for up to seventy-five (75) children at 2210 Fourteenth Street.
- On August 8, 1995, City Council approved Virgil Naff Jr's petition to rezone approximately one and eight tenths (1.8) acres at 1805 Twelfth Street from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of the property for retail sales, storage and repair service.
- On July 14, 1992, City Council approved David and Martha Henley's CUP petition to allow the operation of an adult care center for up to twenty-six (26) individuals at 1402 Fillmore Street.
- On November 11, 1989, City Council approved Animal Emergency Clinic of Central Virginia's CUP petition, as well as their petition to rezone approximately twenty-three hundredths (0.23) of an acre at 1000 Miller Park Square from B-1, Limited Business District, to B-3C, Community Business District (Conditional), to allow the operation of a veterinary hospital with indoor kennels in an existing structure.
- On September 8, 1987, City Council approved Lynchburg Covenant Fellowship's petition to rezone approximately one and a half (1.5) acres at 1402 Fillmore Street from R-3, Medium Density Two-Family Residential District to R-4C, Medium-High Density Multi-Family Residential District (Conditional) and their CUP petition to allow the operation of a thirteen (13)-unit residential care center for individuals with mental disabilities.
- On February 12, 1985, City Council approved Greater Peaceful Zion Baptist Church's CUP petition to allow the construction of a building addition at the corner of Sixteenth Street and Fillmore Street.

6. **Site Description.** The subject property includes an existing five (5) story building and parking area; public right-of-way for Thirteenth Street and Fourteenth Street extends along either side of the property from Campbell Avenue to the Norfolk and Southern Railroad property. The site is bound to the north by the Norfolk and Southern Railroad, to the east by commercial and industrial uses, to the south by residential uses and to the west by an industrial use.
7. **Proposed Use of Property.** If the rezoning is approved the building would be renovated as one hundred five (105) apartment units with associated parking.
8. **Traffic, Parking and Public Transit.**

The City Engineer did not require a traffic study for the reuse of the existing building. The City Engineer and City Planner both noted that for the parking spaces fronting the building, vehicles would not be allowed to cross the curb and sidewalk to access the spaces. The concept plan was revised to indicate a one-way configuration from the existing entrance with an exit at the alleyways (Thirteenth and Fourteenth Streets). While this concept works in theory, the concept plan does not provide enough detail as to if adequate cross-aisle widths will exist to prevent vehicles from backing onto the sidewalk.

The proposed B-4, Urban Commercial District does not require off-street parking; however, the submitted concept plan indicates that one hundred eight (108) vehicle spaces and twenty (20) bicycle spaces will be available to serve the proposed apartments. These parking spaces would exceed that required for other similar districts requiring off-street parking.

The property is served by Greater Lynchburg Transit Company Route 2 with bus stops located on both sides of Campbell Avenue directly in front of the existing building.
9. **Stormwater Management.** A stormwater management / erosion & sediment control plan would be required if disturbed areas exceed five thousand (5000) square feet.
10. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.
11. **Impact.** The proposed renovation of the existing buildings and reuse as residential apartments should have little minimal impact on the surrounding neighborhood. The proposed multi-family use would rehabilitate a vacant historic building, provide a number of residences to support the businesses within the area, as well as provide a land use transition between the existing residential uses and adjacent commercial/industrial uses.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on May 18, 2021. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rebkee to rezone the property located at 1300 Campbell Avenue from B-5C, General Business District (Conditional) to B-4, Urban Commercial District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Dr. Reid Wodicka, Interim City Manager
Mr. Kent L. White, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
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. Paul Sprouse & Mr. Rob Hargett, Petitioners
Ms. Amy Seipp, PE, Representative

VII. ATTACHMENTS

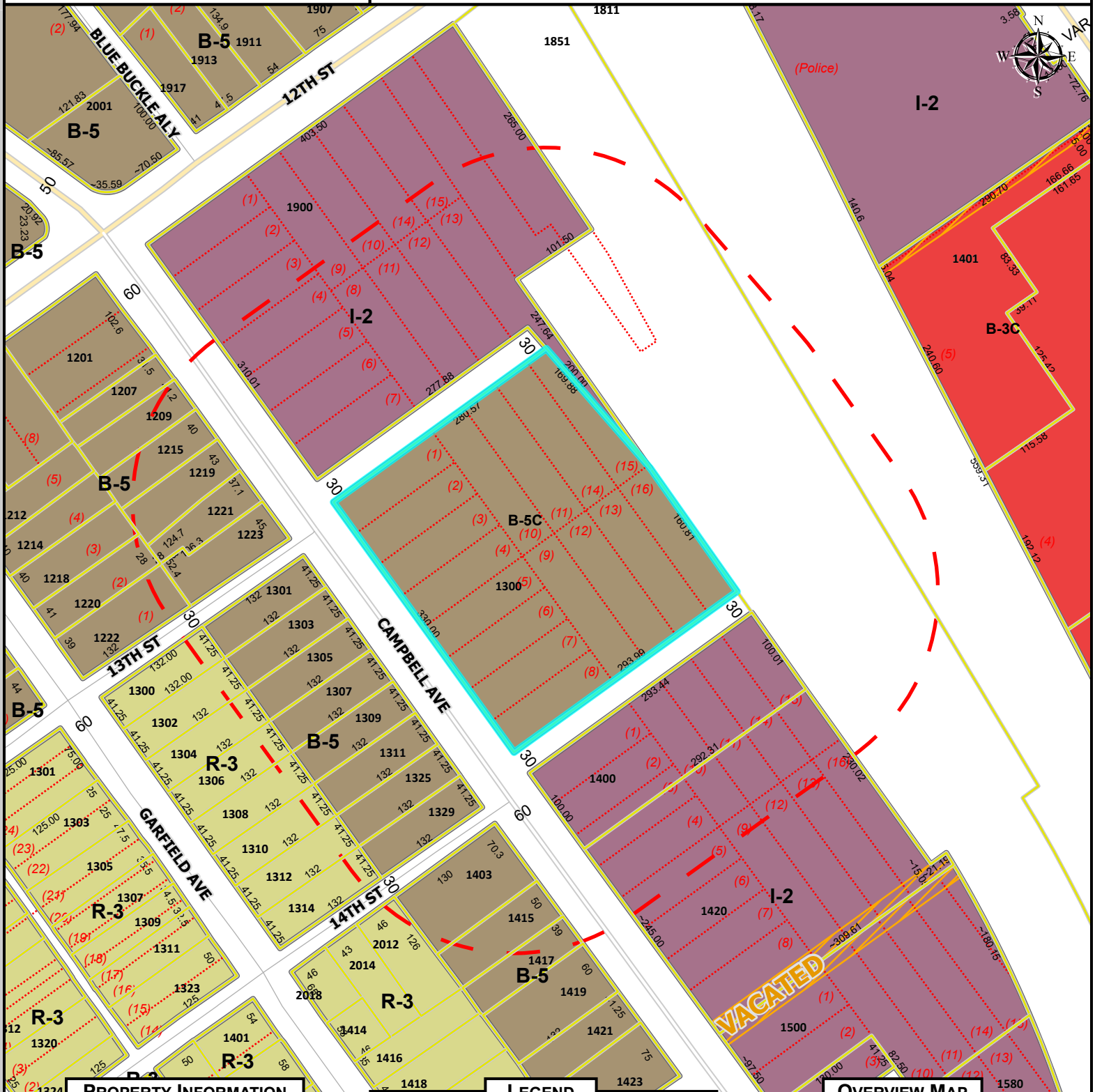
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photographs**

Zoning

1300 CAMPBELL AVE

TRC

Accupoint Surveying & Design, LLC



PROPERTY INFORMATION

PARCEL ID

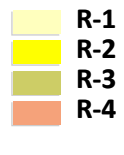
ADDRESS

02706001 1300 CAMPBELL AVE

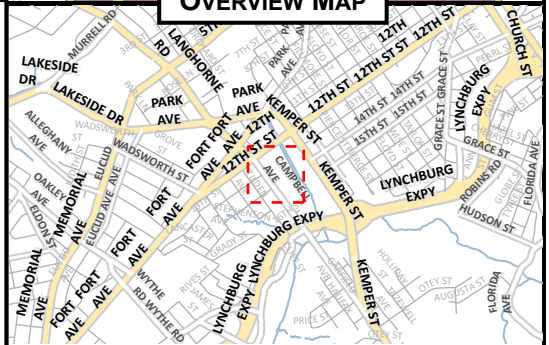
LEGEND

Subject Property

215 Foot Buffer



OVERVIEW MAP



MAP SCALE: 1:48,000

DATE PRINTED: 5/4/2021

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.

1300 Campbell Avenue

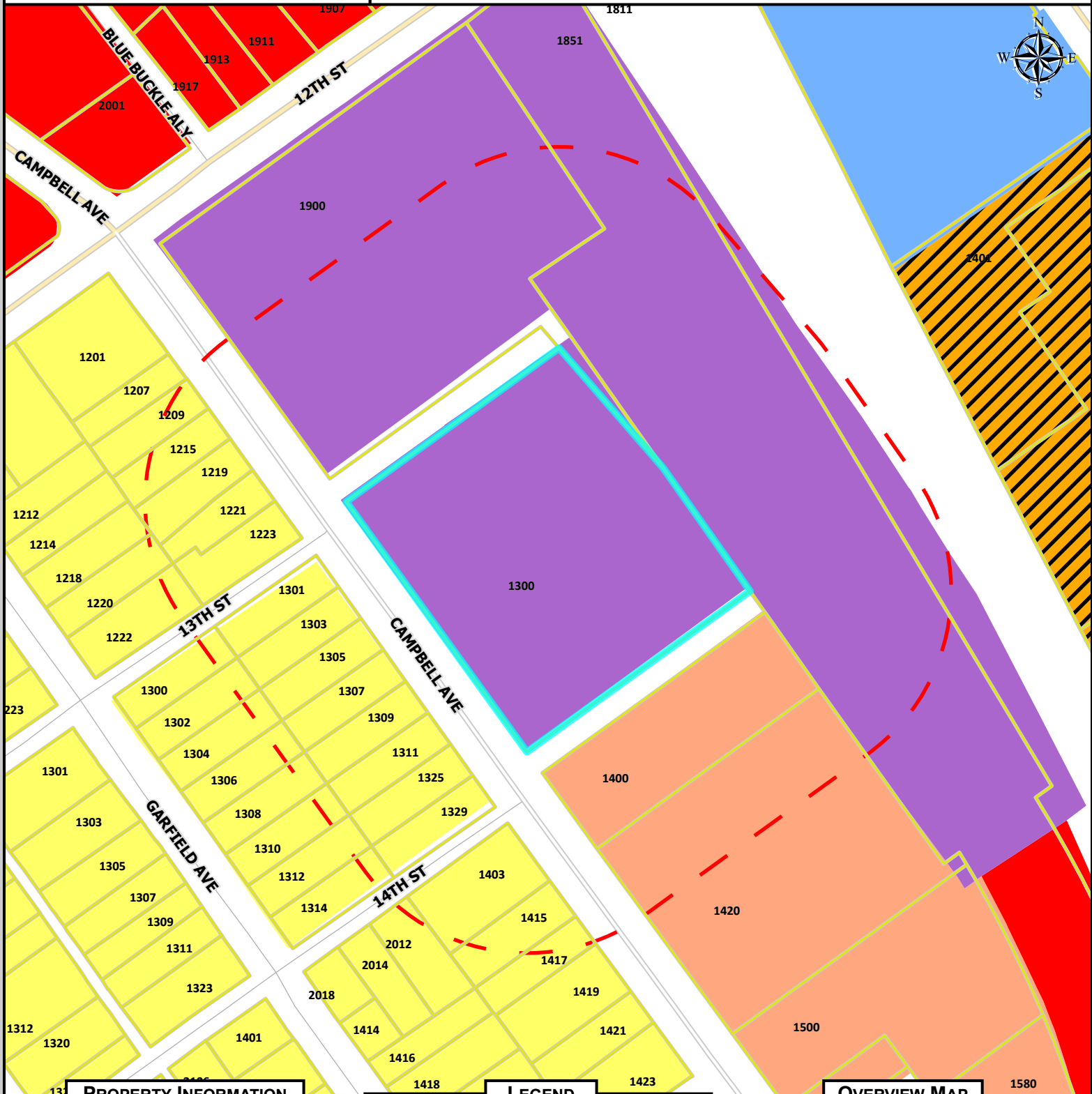
Parcel ID	Address	Owner
02702002	1811 12TH ST	SOUTHERN RAILWAY
02702003	1851 12TH ST	NORFOLK & WESTERN RAILWAY
02705001	1420 CAMPBELL AVE	FOSTER ELECTRIC CO INC
02705002	1400 CAMPBELL AVE	FATIMA KHAN LLC
02706001	1300 CAMPBELL AVE	VIRGINIA UNIVERSITY OF LYNCHBURG INC
02707001	1900 12TH ST	LIBERTY UNIVERSITY INC
02709003	1207 CAMPBELL AVE	MANOR TRUST
02709004	1209 CAMPBELL AVE	DAVIS, FRANCES W ESTATE
02709005	1215 CAMPBELL AVE	PSA PROPERTIES LLC
02709006	1219 CAMPBELL AVE	PSA PROPERTIES LLC
02709007	1221 CAMPBELL AVE	JGK INVESTMENT CLUB LLC
02709008	1223 CAMPBELL AVE	TUCKER, GINGER W & TUCKER, BRONSON H
02709009	1222 GARFIELD AVE	POPOVICH, RICHARD
02709010	1220 GARFIELD AVE	CARR, JOHN & JACQUELINE
02709011	1218 GARFIELD AVE	ALL STATE RENTALS LLC
02710001	1301 CAMPBELL AVE	HART, JENNIFER L
02710002	1303 CAMPBELL AVE	1ST FIDELITY LOAN SERVICING LLC
02710003	1305 CAMPBELL AVE	ELDER, STEPHEN
02710004	1307 CAMPBELL AVE	EUBANK, BRANDEE ANNE
02710005	1309 CAMPBELL AVE	EUBANK, BRANDEE ANNE
02710006	1325 CAMPBELL AVE	BANKS, TIVESTER H SR & MAY L
02710007	1329 CAMPBELL AVE	BAILEY, RICHARD L REV LIV TR
02710008	1314 GARFIELD AVE	MADSEN, NATHAN & COOK, MADISON &
02710009	1312 GARFIELD AVE	TYSON, RODNEY N
02710010	1310 GARFIELD AVE	TODD, JAMES P
02710011	1308 GARFIELD AVE	SMITH, FRANKIE L
02710012	1306 GARFIELD AVE	FRANKLIN, NUMAN L & PATRICIA E
02710013	1304 GARFIELD AVE	1304 GARFIELD LLC
02710014	1302 GARFIELD AVE	ADAMS, JERRY L
02710015	1300 GARFIELD AVE	VENHORST, KEVIN
02710016	1311 CAMPBELL AVE	ADAMS, MICHAEL N
02711001	1403 CAMPBELL AVE	RODRIGUEZ, CANDELARIO J
02711011	2012 14TH ST	EAGLESTON, BRENDA S
02711012	1415 CAMPBELL AVE	RODRIGUEZ, CANDELARIO J
02711013	1417 CAMPBELL AVE	POWELL PROPERTY NETWORK INC

FLUM

1300 CAMPBELL AVE

TRC

Accupoint Surveying & Design, LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

02706001

1300 CAMPBELL AVE

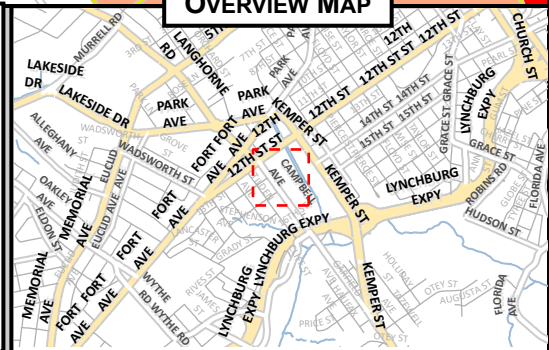
LEGEND

- | | |
|----------------------------|-----------------------|
| 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: 1:48,000

DATE PRINTED: 5/4/2021

OVERVIEW MAP



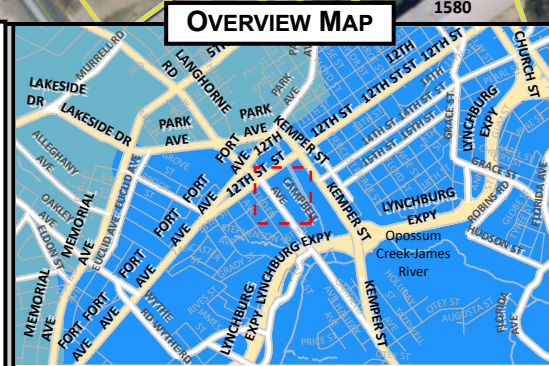
Watershed	1300 CAMPBELL AVE
TRC	Accupoint Surveying & Design, LLC



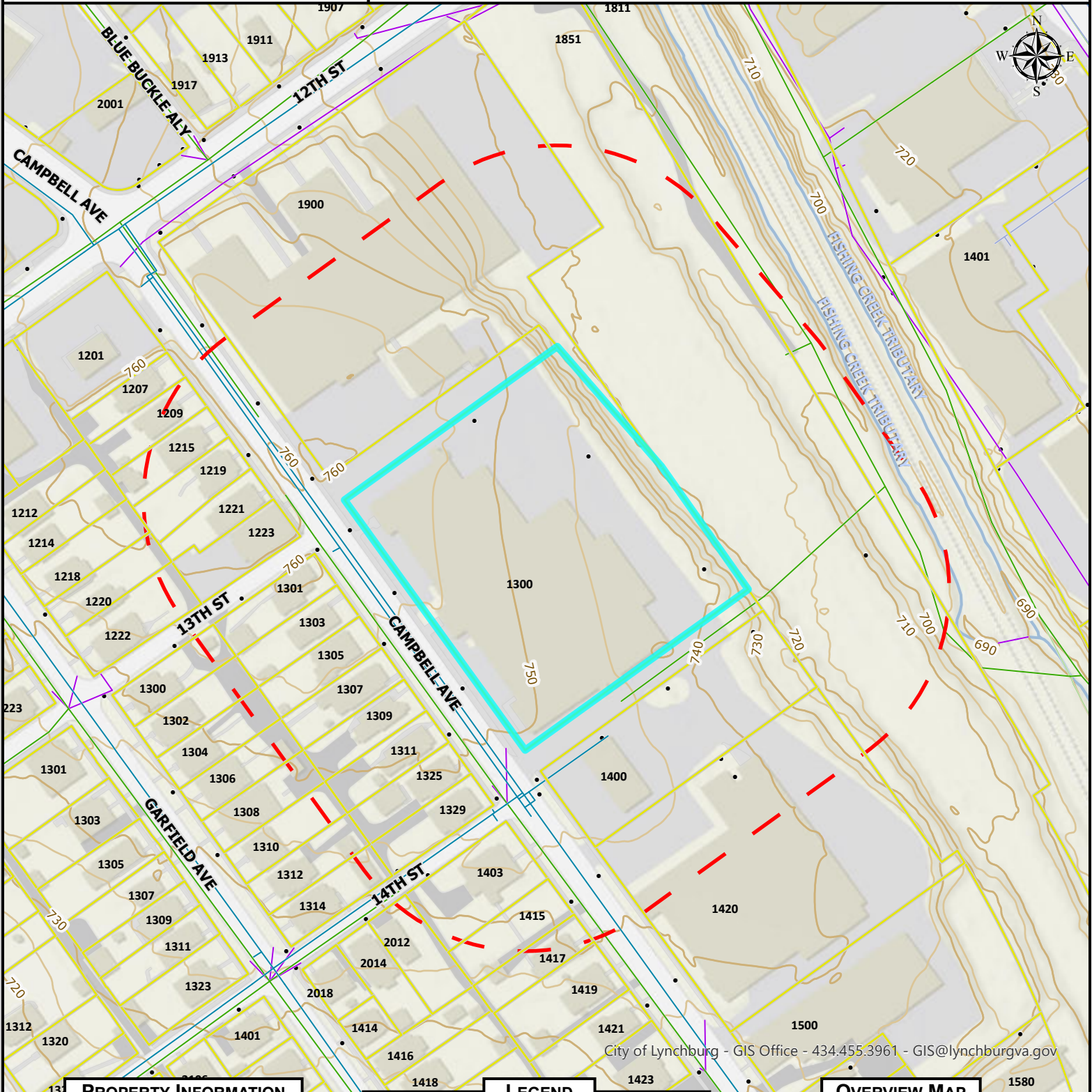
PROPERTY INFORMATION	
PARCEL ID	ADDRESS
02706001	1300 CAMPBELL AVE

LEGEND

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



MAP SCALE: 1:48,000 **DATE PRINTED:** 5/4/2021



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

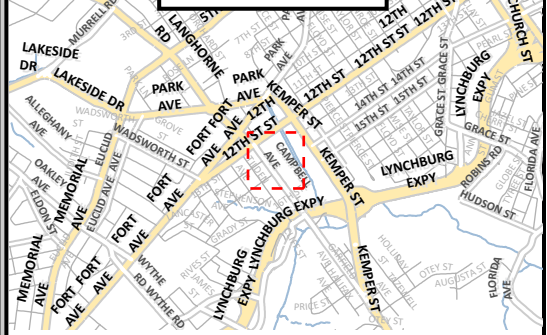
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02706001	1300 CAMPBELL AVE

LEGEND

	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Planimetrics	Structure	Roadway	Parking
Topography	Sidewalk	Driveway	Contour

OVERVIEW MAP

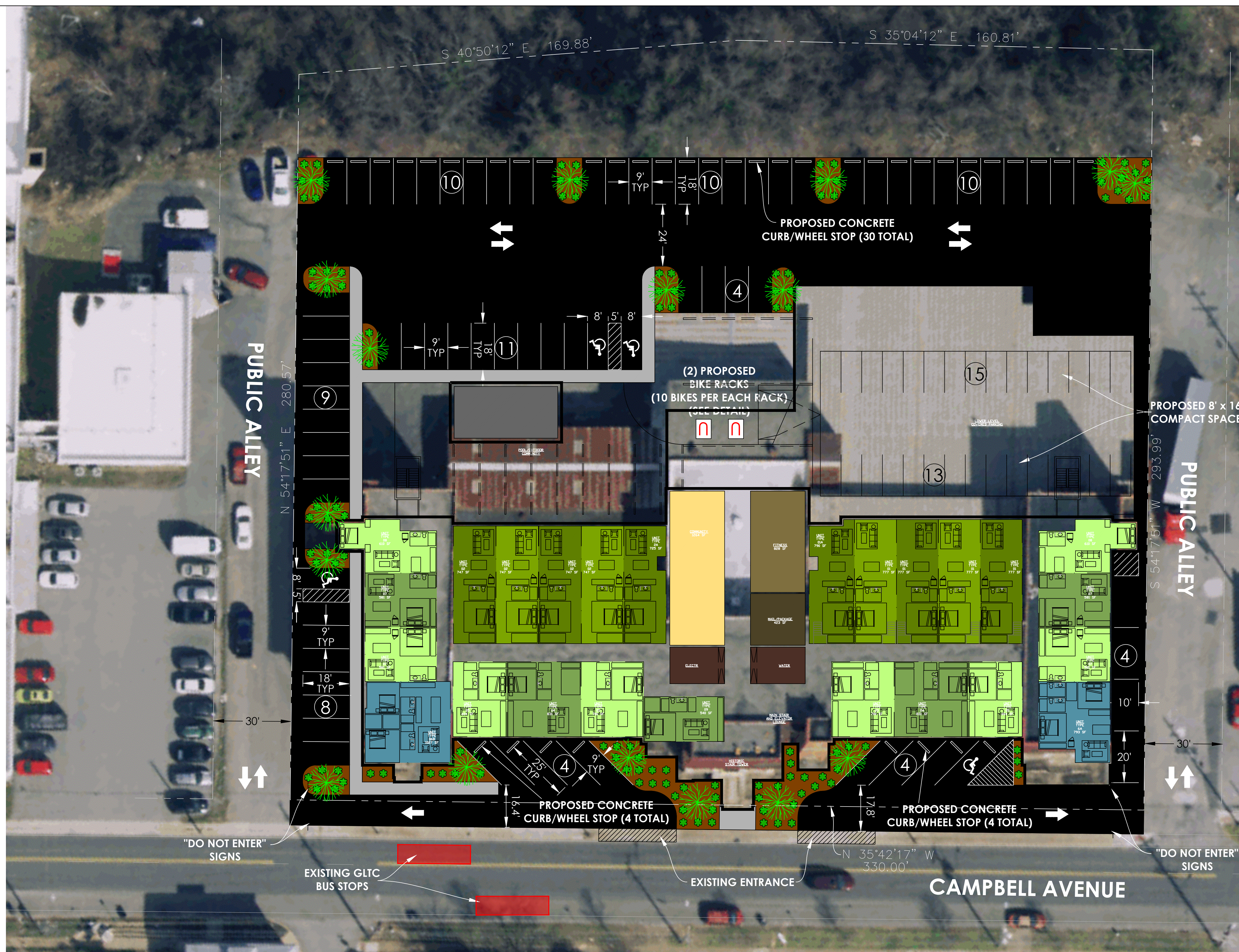
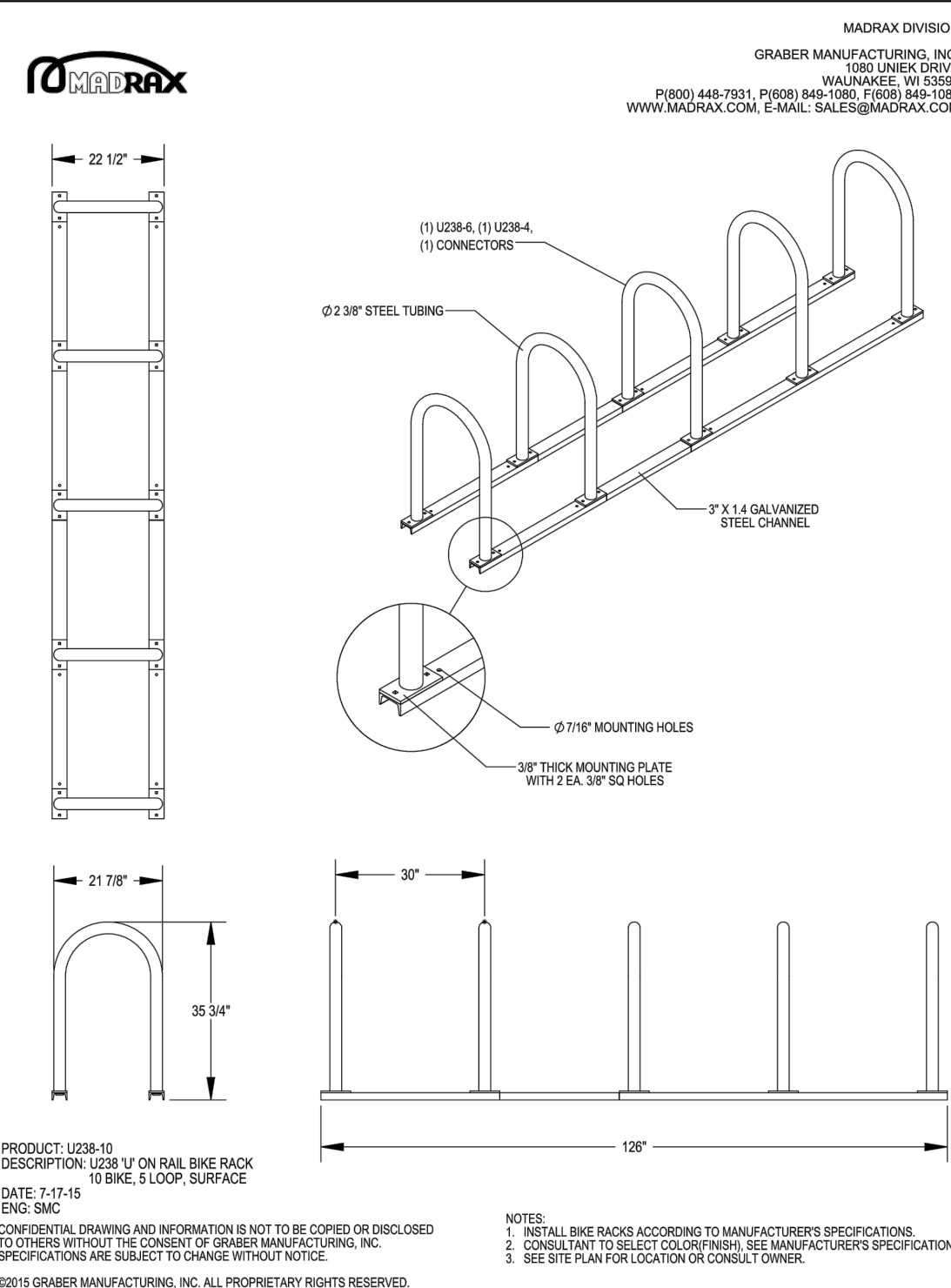


MAP SCALE: 1:48,000 DATE PRINTED: 5/4/2021

	PROPERTY LINE
	HANDICAP PARKING
	HANDICAP STRIPING
	TRAFFIC DIRECTIONAL ARROW
	PARKING QUANTITY
	EXISTING GLTC BUS STOP
	PROPOSED BIKE RACK(S)

FRONT SETBACK = 0'
SIDE INTERIOR = 0'
SIDE EXTERIOR = 0'
REAR SETBACK = 0'

PARKING TABULATION			
SPACE TYPE	REQUIRED	PROPOSED	TOTAL
STANDARD (9'X18')	0	70	70
COMPACT (8'X16')	N/A	28	28
ADA	0	4	4
BIKE	0	20	20

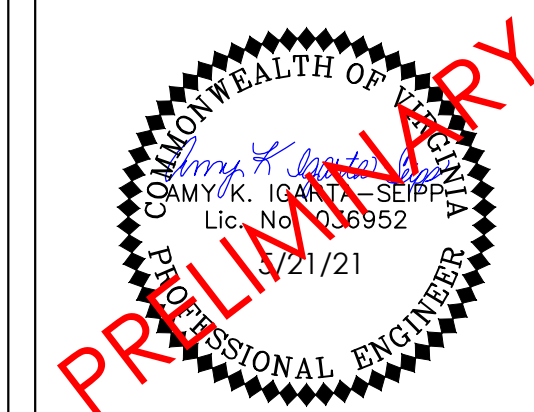


S PER SECT. 35.2-63.11
ZONING DISTRICT B-4 = 10% OF SITE
PROPOSED CANOPY SF = 4,572 SF
EXISTING CANOPY SF = 9,952 SF
TOTAL CANOPY SF = 14,524 SF

LANDSCAPE TABULATION (PER SECTION 35.2-63.11)							
SYMBOL	TYPE	BOTANICAL NAME	COMMON NAME	SIZE	CANOPY SF	QUANTITY	CANOPY TOTAL SF
	SHADE TREE	SLENDER SILHOUETTE LIQUIDAMBAR STRYACIFLUA	SWEETGUM	177 TO 254 SF 20 YR SPREAD	254	18	18 X 254 = 4,572 SF
	MEDIUM SHRUB	RHODODENDRON	FIREBALL AZALEA	48" TO 72" SPREAD	36	115	115 X 36= 4,140 SF



SITE CONCEPT PLAN
FOR
REBKEE C/O PAUL SPROUSE
1300 CAMPBELL AVENUE
CITY OF LYNCHBURG, VIRGINIA



REVISION/DATE				
SCALE:	1" = 20'			
ASD JOB #:	2021-278			
FILE #:	2021-278.DWG			
PARCEL ID:	05105005			
DATE:	MAY 21, 2021			

SITE CONCEPT PLAN

SHEET 1 OF 1



Re-Zone Narrative
Barker Jennings
1300 Campbell Avenue
Lynchburg, VA 24501

The proposed building is in the Kemper Street Historic which consists of approx. 17 acres within the City of Lynchburg between Kemper Street, Campbell Avenue 12th Street, and 15th Street. There are two primary clusters of light industrial buildings, which are bisected by a Norfolk Southern rail line, the Martha Washington Dormitory building is in the group of buildings located on the southwestern side of the rail line which included the Jobbers Overall Company Main Plant. The building is primarily surrounded by asphalt parking lots and the site slopes east from a low retaining wall at the west boundary. The site also slopes from Campbell Ave to the back of the building, placing the lowest portion of the property at the north east corner. For the purposes of this report Campbell St, which the building fronts, is project South. A row of late 19th and early 20th century dwellings line the opposite side of the street and a modern retail convenience store as well as a wholesale and retail electric supply company are located to the east along Campbell Ave. The project site's north edge is a ravine, one of several that characterize the topography in and around Lynchburg. The historic district continues along the north side of this ravine.

No changes are proposed to the existing exterior stairs or building entries on the historic Campbell St front. Work on this side is proposed to repave and rework parking on the building's front, however with the introduction of landscaped areas, some of which are required by Lynchburg zoning, and intended to soften the site's overtly asphalt presence without distracting from the industrial character of the district. The south side of the site, largely obscured by the historical building, is influenced heavily by proposed removal of all but one section of the non-historic metal additions along the building's north wall. Once removed, the now interiorized paved and structured floors will be exposed and utilized as revamped parking and amenity areas. These uses are shown in the attached drawings as conceptual, final civil engineering and landscape drawings and information will be added by amendment when developed. The effect of proposed site work is to provide necessary parking and vehicle routes as well as resident outdoor areas in a way that doesn't detract from the historic building's character or that of the historic district.

Work outlined in this application entails rehabilitation and conversion to multi-family dwellings of the historic Jobbers Overall Company Dormitory. Constructed as the Martha Washington Dormitory to house the influx of factory workers needed by the Jobbers Company, the building was converted early in its life to factory and warehouse space. The current structure exhibits the ambiguity between these uses, with highly formal exteriors in comparison to other warehouse and factory structures in the district, but minimal interiors characterized by exposed steel and timber framing, simple plaster walls and wood floors. The interiors are also noted to have a marked absence of walls or other demarcations of spatial and circulation divisions, lending to the possibility the building was intentionally constructed to house multiple uses pertaining to the Jobber's Overall business. To the historic plan, a number of metal building



enclosures have been added along the entire north side. These structures, dating to the 1970's and 1980's only slightly alter the historic building's presence in the district; however, they significantly detract from the historic interiors by obscuring large numbers of windows looking north toward significant district features including a train line, ravine and other contributing warehouses.

With the addition of green space, Stormwater Management is anticipated to be minimal.



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DBE# 723629



CAMPBELL AVE

13TH ST

13TH ST

14TH ST

GARFIELD AVE GARFIELD

14TH ST

CAMPBELL AVE

03/08/2021

© All Pictometry

Campbell Avenue Apartments Rezoning, B-5C to B-4
1300 Campbell Avenue
June 9, 2021

PLEASE PRINT CLEARLY

[illegible]

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1300 CAMPBELL AVENUE FROM B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL) TO B-4, URBAN COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 1300 Campbell Avenue from B-5C, General Business District (Conditional) to B-4, Urban Commercial District.

The area embraced within the following boundaries:

BEGINNING AT THE INTERSECTION OF 14TH STREET AND CAMPBELL AVENUE;

THENCE N 35°42'17" W A DISTANCE OF 330.00' TO A POINT;

THENCE N 54°17'51" E A DISTANCE OF 280.57' TO A POINT;

THENCE S 40°50'12" E A DISTANCE OF 169.88' TO A POINT;

THENCE S 35°04'12" E A DISTANCE OF 160.81' TO A POINT;

THENCE S 54°17'51" W A DISTANCE OF 293.99' TO A POINT;

WHICH IS THE POINT OF BEGINNING, AND CONTAINING 2.208 ACRES MORE OR LESS.

...is hereby changed from B-5C, General Business District (Conditional) to B-4, Urban Commercial District.

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted: July 13, 2021

Certified: Alicia L. Fung
Clerk of Council

Finney, Alicia

From: Mike Sharrett <mike.sharrett@gmail.com>
Sent: Wednesday, July 7, 2021 11:42 AM
To: Finney, Alicia
Subject: Re: July 13th meeting

CAUTION: External Sender

Alicia,

My motion for next week:

"That beginning with the physical 2022 property tax billing year all vehicles eligible to be taxed as personal property that were at or above 165,000 miles the prior billing year be automatically applied the high mileage reduction for perpetuity of the vehicle's life of service."

I'll understand if the council can't take it up for a vote next week or even deliberate but I wanted that on the agenda for what I will be addressing the council.

When should arrive next week?

Thanks,

Mike Sharrett

On Tue, Jun 8, 2021, 11:18 AM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Good Morning, Mike!

I'd be happy to place you on our July 13th City Council meeting under Public Comment. You are well within the deadline for placement on that agenda, which is the Wednesday at noon before the Council meeting. As outlined in City Council's Rules of Procedure Section §5-3(12), "Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present." You can certainly bring your motion to Council under Public Comment and ask them to take it up (I'll need the drafted motion by the Wednesday at noon before the Council meeting), however, Council typically doesn't deviate from their Rules of Procedure to engage with citizens during the Public Comment section.

Another option you have is to reach out to your Ward representative and At-Large Councilmembers and ask them to bring the item up for consideration either during Roll Call or during the Council meeting itself.

Currently, I have you on the agenda under Public Comment for the July 13th meeting. If you decide to pursue a different avenue, please let me know so I can remove you from the agenda.

Thank you!

ALICIA L. FINNEY – Clerk of Council

City of Lynchburg

900 Church Street

Lynchburg, VA 24504

P: (434) 455-3990 **F:** (434) 847-1536

*Formerly alicia.campbell@lynchburgva.gov

From: Mike Sharrett <mike.sharrett@gmail.com>
Sent: Tuesday, June 8, 2021 10:18 AM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: July 13th meeting

CAUTION: External Sender

Hi Alicia,

I'm in Ward II and would like to address the Council and propose a motion for a vote during the July 13th meeting. The subject I would like to speak about is vehicle property taxes. What do you need from me to place menon the agenda and how far in advance do you need the motion so it can be considered and voted on? Or do I introduce the motion after I present and it's voted on at a future meeting?

Thanks,

Mike

088A

Finney, Alicia

From: Andrew Glover <andrew@glover.us>
Sent: Monday, May 3, 2021 2:55 PM
To: Finney, Alicia
Subject: Request to speak at Council Council

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: External Sender

Hi Alicia,

If I have my timing correct, the next city council meeting (May 11th), or the following (May 25th) will include a discussion on the council rules and governance regarding the public comment that got pushed out last month.

I would like to speak to the council that evening on that topic.

Thanks,

Andrew Glover
Glover Ventures, LLC
andrew@glover.us
(434) 515-0022



089A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2021**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Naming of HumanKind Way

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the naming of a private driveway and new entrance as HumanKind Way.

SUMMARY: Joni Addington, Director of Facilities at Humankind, is petitioning to name a private driveway and new entrance as HumanKind Way. HumanKind has constructed a new entrance that connects their current driveway to VES Road. The purpose is to name this connector as a private street and provide addressing that is more intuitive than "Linden." Linden Avenue is a residential street to the southwest of the property and will not be the main access road to the Humankind Campus.

PRIOR ACTION(S): June 9, 2021: The Planning Commission reviewed this item and recommended approval.

May 18, 2021: The Technical Review Committee (TRC) reviewed the petition.

FISCAL IMPACT: N/A

CONTACT(S): Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900
Tom Martin, City Planner – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – June 9, 2021
- Planning Commission Report – June 9, 2021
- Diagram showing road to be named

REVIEWED BY: klw

091A

RESOLUTION:

A RESOLUTION APPROVING THE NAMING OF A PRIVATE DRIVE LOCATED ON 150 LINDEN AVENUE AND A NEW ENTRANCE CONNECTING THE PROPERTY TO VES ROAD, CURRENTLY UNNAMED.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name of a new private street located on 150 Linden Ave and connecting to VES Road be and the same is hereby changed as follows:

- The existing private drive and new entrance will hereby be known as HumanKind Way.

The name of the private street is hereby changed as depicted on the attached map, dated May 20th, 2019.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE JUNE 9, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Consideration of naming the private driveway and new entrance at 150 Linden Avenue and 715 VES Road as HumanKind Way.

Ms. Victoria Glasgow, Neighborhood Planning Coordinator, provided the following summary to the Commission. Ms. Joni Addington, Director of Facilities for HumanKind, is petitioning to name the driveway and new entrance, a portion of road connecting to VES Road, as HumanKind Way. The current entrance comes off of Linden Avenue to the left and will no longer be the main entrance. This configuration will be more intuitive and will help with E911 purposes. Because this naming is not part of a subdivision, it is a voting matter.

Commissioner Bowden stated that it makes sense.

Commissioner Johnson and Commissioner Marion shared agreement.

Commissioner Bowden made the following motion, seconded by Commissioner Johnson, and approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of HumanKind to name the private driveway and new entrance at 150 Linden Avenue and 715 VES Road as HumanKind Way."

AYES:	Bowden, Johnson, Light, Marion, Perault, and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Lowe	1

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: June 9th, 2021
Re: Naming of HumanKind Way

I. PETITIONER

Joni Addington, Director of Facilities for HumanKind, 150 Linden Ave, Lynchburg VA 24503

Property Owner:

Presbyterian Home, 150 Linden Ave, Lynchburg VA 24503

II. PURPOSE

HumanKind is constructing a new entrance that will connect their current driveway to VES Road. The purpose is to name this connector as a private street and provide addressing that is more intuitive than “Linden.” Linden Avenue is a residential street to the southwest of the property and will not be the main access road to the Humankind Campus.

Technical Review Committee. The Technical Review Committee (TRC) reviewed the petition on May 18, 2021. All reviews were approved.

III. ATTACHMENTS

1. Diagram showing road to be named

Mergenthaler, Eve

Subject: FW: Plat for Road Renaming

From: Joni Addington <jaddington@humankind.org>
Sent: Monday, May 3, 2021 2:09 PM
To: Glasgow, Victoria <victoria.glasgow@lynchburgva.gov>
Subject: RE: Plat for Road Renaming

CAUTION: External Sender

Yes, all the highlighted yellow – the entrance and all the road that surrounds the campus. Just like it is all Linden now, it is all HumanKind Way. It is a capital “K”

Thank you Victoria!

From: Glasgow, Victoria <victoria.glasgow@lynchburgva.gov>
Sent: Monday, May 3, 2021 2:06 PM
To: Joni Addington <jaddington@humankind.org>
Subject: RE: Plat for Road Renaming

Great, one final clarification question – all the highlighted yellow, including the new entrance, is to be called Humankind way?

Currently in the process of finding out the answer about the street sign. Will let you know as soon as I find out.

From: Joni Addington <jaddington@humankind.org>
Sent: Monday, May 3, 2021 7:30 AM
To: Glasgow, Victoria <victoria.glasgow@lynchburgva.gov>
Subject: Plat for Road Renaming

Victoria – the first site plan shows the NEW entrance, on the second map, I’ve put a black line where the new entrance ties in to the existing roads on campus. I’ve put an X on the far right side of the second map to show the approximate location where of the beginning of the entrance off of VES Road. All of the private drives would be HumanKind Way.

Please let me know what else you need. Will this make the TRC for tomorrow, the 4th?

Do you all provide the Street Sign? If not, please let me know how to obtain.

Thanks so much –

Joni Addington
Director of Facilities
(she, her)

HumanKind

150 Linden Avenue
Lynchburg, VA 24503

Humankind Way

LANDSCAPE CALCULATION

20 TREES PER ACRE OF DISTURBED AREA NOT USED FOR OPERATIONS
3 ACRES DISTURBED AREA X 20 TREES = 60 TREES REQUIRED
60 TREES PROPOSED

Plant List - Human Kind Driveway Entrance

ID	Qty	Botanical Name	Common Name	Scheduled Size	Remarks
APB	2	Acer palmatum var. 'Bloodgood'	Bloodgood Japanese Maple	1.5'-2' cal.	Red/purple foliage, crimson fall color
ARA	1	Acer rubrum 'Redspire'	Redspire Red Maple	1.5'-2' cal.	Red fall color
ARO	1	Acer rubrum 'October Glory'	October Glory Maple	1.5'-2' cal.	Red fall color
CFC	4	Cornus florida 'Cherokee Princess'	Cherokee Princess Dogwood	1.5'-2' cal.	White blooms in spring, fall color
PO	1	Platanus occidentalis	American Sycamore	1.5'-2' cal.	sub with 'Dura Heart' River Birch if necessary
PPG	1	Prunus pennsylvanica 'Elmora'	Colorado Blue Spruce	7'-8' tall	Blue/Green needles, Evergreen
PSK	1	Prunus pennsylvanica 'Kieffer'	Kieffer Cherry	1.5'-2' cal.	Pink spring blooms, fall color
QA	1	Quercus alba	White Oak	1.5'-2' cal.	Shade tree
ZSG	1	Zelkova serrata 'Green Vase'	Green Vase Zelkova	1.5'-2' cal.	Vase shaped shade tree

NOTES

1. COMPOST SHOULD BE MIXED IN WITH SOIL USED TO BACKFILL AROUND ROOTBALLS
2. 9 TALL TREES PER TREE PLANTING DETAIL
3. TREES SHOWN ON PLAN AT MATURE SIZE

TREE PLANTING PLAN BY: REBECCA HANES WITH LAND TECH

PD J08001005
WESTMINSTER CANTONMENT OF LYNCHBURG
DB 843 PG 31
CONDO. R-1, R-4
USE: SENIOR LIVING FACILITY

PD J08001005
WESTMINSTER CANTONMENT OF LYNCHBURG
DB 843 PG 31
CONDO. R-1, R-4
USE: SENIOR LIVING FACILITY

PD J08001005
PRESBYTERIAN HOME & FAMILY SERVICES, INC.
DB 73 PG 40 (CAMPEL CO.)

PD J08001004
PRESBYTERIAN HOME & FAMILY SERVICES, INC.
DB 73 PG 40 (CAMPEL CO.)

PD J08001018
HASTROSTROM JAMES B & MONA C
DB 519 PG 618
CONDO. R-1
USE: RESIDENTIAL

PD J08001018
HASTROSTROM JAMES B & MONA C
DB 519 PG 618
CONDO. R-1
USE: RESIDENTIAL

PD J08001014
HASTROSTROM JAMES B & MONA C
DB 519 PG 618

REFER TO SHEET G-002 FOR SITE NOTES
REFER TO SHEET C-001 FOR SITE DETAILS

SEWAGE CALCULATIONS

SITE DEVELOPMENT = 15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

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15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

15,000 SF ± 15,000 SF

THIS PROJECT WILL HAVE 41,700 SF OF DEVELOPED AREA THEREFORE NO ADDITIONAL SIDEWALK IS REQUIRED.

Line #	DISTANCE	BEARING	BOL. PL. OR PT.	1"=1' PL. OR S.D.
L1	81.91	N07°38'53"E	N3531170.95, E:11261534.53	N3531184.11, E:11261584.65
L2	10.31	S72°23'14"E	N3687177.80, E:11261731.97	N3687156.53, E:11261789.98
L3	17.44	S61°23'19"E	N3687036.16, E:11262034.12	N3687047.88, E:11262049.43
L4	96.33	S75°51'20"E	N3687026.69, E:11262103.42	N3687003.15, E:11262196.84
L5	451.49	N65°10'38"E	N3687012.46, E:11262298.48	N3687002.00, E:11262706.24
L6	197.30	N03°01'31"E	N368716.05, E:11262714.58	N3687714.37, E:11262933.30

Curve #	DETA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING	P.C. PCC OR P.O.C.	P.O.C. PCC OR P.T.
C1	Δ = 2°57'50"	268.64'	139.83'	137.48'	S61°52'11"E	N3687166.77, E:11261884.88	N3687177.80, E:11261731.97
C2	Δ = 10°39'58"	1333.74'	256.05'	256.65'	S68°33'15"E	N3687156.53, E:11261789.98	N3687056.16, E:11262034.12
C3	Δ = 14°28'32"	230.23'	98.14'	97.86'	S48°23'21"E	N3687047.88, E:11262049.43	N3687026.69, E:11262103.42
C4	Δ = 3°57'55"	150.00'	102.01'	100.00'	N64°29'37"E	N3687033.15, E:11262196.84	N3687012.46, E:11262298.48
C5	Δ = 7°30'52"	300.00'	41.09'	41.06'	N58°06'03"E	N3687002.00, E:11262706.24	N368716.05, E:11262714.58

HURT & PROFFIT
INSURETY RESPONSIBILITY
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LYNCHBURG, VA 24001
TEL: 804.774.1111
FAX: 804.774.1112
WWW.HURTANDPROFFIT.COM

SITE PLAN FOR ACCESS ROAD TO PRESBYTERIAN HOME CAMPUS CITY OF LYNCHBURG, VIRGINIA

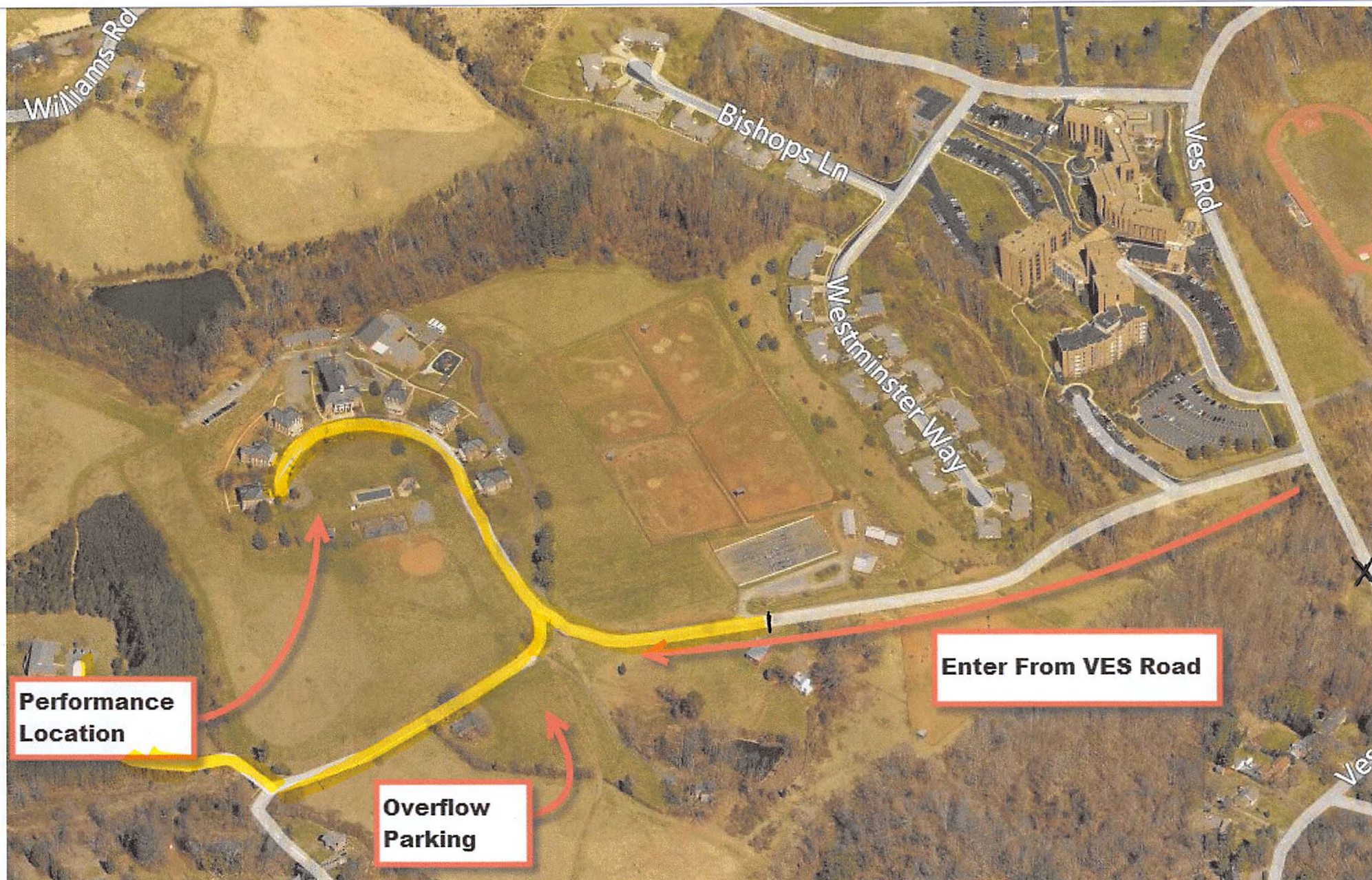
PROJECT NO: 20180000
L.S.T.: 37.647448"
LONG: -78.162491"
DATE: 05/20/2019
DRAWN BY: HRO
CHECKED BY: PCP



CITY PROJ. NO. 12033-5
BID SET

SCALE: 1"=50'

HURT & PROFFIT
SHEET NO. C-102
REV.



RESOLUTION:

#R-21-060

A RESOLUTION APPROVING THE NAMING OF A PRIVATE DRIVE LOCATED ON 150 LINDEN AVENUE AND A NEW ENTRANCE CONNECTING THE PROPERTY TO VES ROAD, CURRENTLY UNNAMED.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name of a new private street located on 150 Linden Ave and connecting to VES Road be and the same is hereby changed as follows:

- The existing private drive and new entrance will hereby be known as HumanKind Way.

The name of the private street is hereby changed as depicted on the attached map, dated May 20th, 2019.

Adopted: July 13, 2021

Certified: Alicia L. Fanning
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2021**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Fiscal Year 2022 Virginia E-911 Services Board Grant Appropriation**

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget to appropriate \$12,000 with resources from the Virginia Wireless E-911 Services Board FY 2022 Public Safety Answering Point (PSAP) Grant Program, which will be used to provide training for Communications Specialists.

SUMMARY: The Department of Emergency Services will be acting as the fiscal agent for this grant that will be used to provide training to multiple jurisdictions. This training will be focused on the emotional and mental health of 911 professionals to build a more resilient work force.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None, no local match is required.

CONTACT(S): Melissa Foster, Director of Emergency Services, 455-4285
Pamela Watson, Personnel & Training Supervisor, 455-4287

ATTACHMENT(S):
Resolution
Award Letter

REVIEWED BY: klw

092A

RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$12,000 is appropriated with resources from the Virginia Wireless E-911 Services Board FY22 Public Safety Answering Point (PSAP) Grant Program that will be used to provide training for 911 professionals.

Introduced:

Adopted:

Certified:

Clerk of Council

Curtis Brown
Chairman
VDEM

Hon Kevin W. Hall
Sheriff
Vice Chairman
City of Covington

David A. Von Moll
Treasurer
Comptroller



Dorothy Spears-Dean
Deputy State Coordinator
VDEM
(804) 840-7260

Terry D. Mayo
911 Services Board Executive
Administrative Assistant
VDEM
(804) 718-9026

COMMONWEALTH of VIRGINIA

Virginia 9-1-1 Services Board

January 7, 2021

Dear Lynchburg PSAP:

Mary M. Blowe
Chief Financial Officer
City of Winchester

Gary Critzer
Emergency Mgmt/ EMS Dir
City of Waynesboro

Terry Ellis
Comcast

R. Scott Garber
Fire Chief
City of Staunton

Danny Garrison
Richmond Ambulance
Authority

Pete Hatcher
AT&T

Jeffrey T. Merriman
Verizon Communications

Nelson P. Moe
CIO - VITA

Kelvin Wright
Chief of Police
City of Chesapeake

Jolena Young
Twin County

Shawn Talmadge
Public Safety & Homeland
Security
Advisor

I am pleased to advise you that the Virginia 9-1-1 Services Board has approved your FY22 PSAP Education Program (Multi-Jurisdictional PEP) grant request. You have been awarded \$12,000.00 for 9-1-1 and GIS education and training opportunities, Grant ID PEP-057. Funding for this grant award will be available beginning July 1, 2021.

The Grant Payment Reimbursement Process is described in the PSAP Grant Guidelines. Payment will be made on a reimbursement basis only for allowable costs. All funding requests must be submitted on the PEP Grant Payment Request Form. In order for the form to be processed, invoice(s) that support the amount requested should be attached to the form when it is submitted. All invoices must be submitted within 30 calendar days of the end of the education/training event and dated after July 1, 2021. Finally, grant payment requests will be held until all required reports are received. This includes annual true-ups, or any other documents required by the Board.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Congratulations on your grant award!

Sincerely,

A handwritten signature in cursive script that reads "Lisa Nicholson".

Lisa Nicholson
Public Safety Program Specialist

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2021**

AGENDA ITEM #: **13**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION:

ITEM TITLE: **Termination of the Local Emergency for the COVID-19 Pandemic**

KEY ELEMENTS:

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

RECOMMENDATION: Adopt the attached resolution which will terminate the Declaration of a Local Emergency for the COVID-19 Pandemic and the powers/responsibilities associated therewith.

SUMMARY: In response to the COVID-19 pandemic, the City Manager declared a local emergency on March 15, 2020, which was confirmed by City Council on March 17. The necessity for a local emergency has now ended, and the adoption of this resolution is necessary to terminate the said declaration of a local emergency.

PRIOR ACTION(S): Local emergency declared by City Manager on March 15, 2020
Local emergency confirmed by City Council on March 17, 2020

FISCAL IMPACT: n/a

CONTACT(S): Reid A. Wodicka, PhD, Interim City Manager – (434) 455-3990

ATTACHMENT(S): Resolution

REVIEWED BY: raw

093A

RESOLUTION:

WHEREAS, on March 15, 2020, pursuant to the authority of Section 44-146.21 of the Code of Virginia (1950) as amended, the City Manager of the City of Lynchburg declared a local emergency existed throughout the City of Lynchburg due to the threat of the Coronavirus (COVID-19) pandemic; *and*

WHEREAS, such declaration of a local emergency placed the City's Comprehensive Emergency Management Plan into effect, and granted the appropriate officers and officials of the City the necessary powers to mitigate the effects of the local emergency declared; *and*

WHEREAS, the Council of the City of Lynchburg, by resolution adopted on March 17, 2020, consented to such declaration of a local emergency and confirmed therein all emergency actions necessary to be taken by the City Manager, City officials, employees, and agents under such declaration of a local emergency; *and*

WHEREAS, as of the date of this Resolution, the circumstances warranting the need for the existence of such declaration of a local emergency have ended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the declaration of a local emergency made by the City Manager on March 15, 2020, confirmed by this Council on March 17, 2020, is now terminated.
2. That the City's Comprehensive Emergency Management Plan is no longer required to be in effect, and the powers previously granted to the appropriate officers and officials of the City to mitigate the effects the said local emergency are no longer necessary.
3. That this Resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-062

WHEREAS, on March 15, 2020, pursuant to the authority of Section 44-146.21 of the Code of Virginia (1950) as amended, the City Manager of the City of Lynchburg declared a local emergency existed throughout the City of Lynchburg due to the threat of the Coronavirus (COVID-19) pandemic; *and*

WHEREAS, such declaration of a local emergency placed the City's Comprehensive Emergency Management Plan into effect, and granted the appropriate officers and officials of the City the necessary powers to mitigate the effects of the local emergency declared; *and*

WHEREAS, the Council of the City of Lynchburg, by resolution adopted on March 17, 2020, consented to such declaration of a local emergency and confirmed therein all emergency actions necessary to be taken by the City Manager, City officials, employees, and agents under such declaration of a local emergency; *and*

WHEREAS, as of the date of this Resolution, the circumstances warranting the need for the existence of such declaration of a local emergency have ended.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the declaration of a local emergency made by the City Manager on March 15, 2020, confirmed by this Council on March 17, 2020, is now terminated.
2. That the City's Comprehensive Emergency Management Plan is no longer required to be in effect, and the powers previously granted to the appropriate officers and officials of the City to mitigate the effects the said local emergency are no longer necessary.
3. That this Resolution shall become effective upon its adoption.

Adopted: July 13, 2021

Certified: Alicia L. Fung
Clerk of Council