

AGENDA

City Council Meeting of May 12, 2020

4:00 P.M. – Work Session – Council Chamber

- #1. Consider revisions to the Solid Waste Ordinance
- #2. Continuation of balancing the FY2021 Operating Budget and addressing the Proposed Budget “List”
- #3. Update on City Actions regarding COVID-19
- #4. Roll Call

7:30 P.M.

City Council Agenda Items

COUNCILMEMBER WRIGHT 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:

- ❖ Proclamation – Recognize Lynchburg City Schools Graduating Seniors
 - ❖ Proclamation – Recognize Public Works Week
 - ❖ Proclamation - Recognize Police Week
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CONSENT AGENDA

- #5. Consideration of approving the minutes of the April 14, 2020 meeting
 - #6. Consideration of approving the minutes of the April 28, 2020 meeting
 - #7. * Consideration of adopting Resolution #R-20-030 to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$112,531 with resources from the 2020 Coronavirus Emergency Supplemental Funding Program to purchase COVID-19 related Equipment, Decontamination Services, Supplies, Overtime & Fringe Benefits expenditures.
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PUBLIC HEARINGS

- #8. Public hearing regarding adopting a resolution approving the allocation of the Fiscal Year (FY) 2021, Community Development Block Grant (CDBG) and HOME Program funds and incorporating into the FY 2021 General Fund Operating Budget and Program Year (PY) 2020-2024 Consolidated Plan and FY 2021 Annual Action Plan
(File: Community Development) #R-20-031
- #9. Public hearing to receive comments regarding the proposed amendments to the Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME Program) and adopt a resolution approving the Plan.
(File: Community Development) #R-20-032
- #10. Public hearing regarding the consideration of adopting the Forest Brook Road Corridor Study as part of the City's Comprehensive Plan 2013-2030. The purpose of the study is to provide the City of Lynchburg with a detailed planning level assessment of the options for future needs of Forest Brook Road that will enhance safety while accommodating future capacity of the roadway. The plan provides the following recommendations: trimming and maintenance of vegetation, upgrading guardrails, installation of curb & gutter and sidewalk, improve intersection radius at Forest Brook Road and Lakeside Drive, improve the horizontal curvature of the roadway, and ensure adequate sight distances.
(File: City Council) #O-20-012
- #11. Consideration of a closed meeting for the discussion and consideration of prospective candidates for the position of City Manager pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 12, 2020**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Solid Waste Ordinance Revisions

KEY ELEMENTS:

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

RECOMMENDATION: Approve recommended revisions to the solid waste ordinance.

SUMMARY: Over the course of five City Council meetings, staff has presented recommendations for improvements to the City's refuse collection system and City Council has approved a number of changes to our current system. As a result of those conversations, there are several changes to the City's operations that must be reflected in a revised Chapter 21.2 - Solid Waste Collection and Disposal in the City Code. These changes will be reviewed by staff at the City Council meeting and reflect City Council's prior decisions and add clarifying language to improve compliance with the ordinance provisions. The significant revisions include the following:

- Clarifies how residents can receive extra trash carts (Section 21.2-11)
- Refines bulk and brush collection rules and routes (Section 21.2-19 and 20)
- Defines Commercial Business Eligibility for services, violation and services fess, and physical limits of service (Section 21.2-26)
- Establishes the monthly trash collection fee per cart (Section 21.2-31)
- Removes the annual decal language (primary in Section 21.2-31, but also throughout the ordinance)
- Remove exceptions to billing (disadvantaged and tax relief) (Section 21.2-31)
- Revisions to violations (Section 21.2-47)
- Clarifies rules for landlord setouts (Section 21.2-52)
- Clarifies types of vehicles allowed at the Concord Turnpike Convenience Center (Section 21.2-58)

PRIOR ACTION(S):

July 10, 2018: City Council Work Session, Public Works Solid Waste Task Force Report

November 12, 2019: City Council Regular Meeting, Solid Waste System Evaluation Report

February 11, 2020: City Council Regular Meeting, Further refuse discussion and various decisions

March 10, 2020: City Council Regular Meeting, Tyreeanna/Pleasant Valley Trash Fee discussion

May 5, 2020: City Council Work Session, Refuse Collection – monthly fee and education and enforcement decision

FISCAL IMPACT: The Fiscal Year 2021 budget reflects reduction of City cost for the Refuse Division of \$24,852 compared to the previous fiscal years as a result of moving to the monthly billing structure. Additionally, the new rules and structure associated with brush and bulk pickup will reduce operating costs for this service; that amount will be determined after implementation.

CONTACT(S): Gaynelle Hart, Director Public Works – 455-4406

ATTACHMENT(S):

Proposed Chapter 21.2 – Solid Waste Collection and Disposal

REVIEWED BY: raw

AN ORDINANCE TO AMEND AND REENACT SECTIONS 21.2-1, 21.2-2, 21.2-3, 21.2-4, 21.2-5, 21.2-6, 21.2-7, 21.2-8, 21.2-9, 21.2-11, 21.2-17, 21.2-18, 21.2-19, 21.2-20, 21.2-26, 21.2-27, 21.2-28, 21.2-29, 21.2-30, 21.2-31, 21.2-32, 21.2-36, 21.2-37, 21.2-38, 21.2-39, 21.2-40, 21.2-47, 21.2-47.1, 21.2-48, 21.2-49, 21.2-50, 21.2-51, 21.2-52, 21.2-58, AND 21.2-59, OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO SOLID WASTE COLLECTION AND DISPOSAL.

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

1. That Sections 21.2-1, 21.2-2, 21.2-3, 21.2-4, 21.2-5, 21.2-6, 21.2-7, 21.2-8, 21.2-9, 21.2-11, 21.2-17, 21.2-18, 21.2-19, 21.2-20, 21.2-26, 21.2-27, 21.2-28, 21.2-29, 21.2-30, 21.2-31, 21.2-32, 21.2-36, 21.2-37, 21.2-38, 21.2-39, 21.2-40, 21.2-47, 21.2-47.1, 21.2-48, 21.2-49, 21.2-50, 21.2-51, 21.2-52, 21.2-58, and 21.2-59, of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Chapter 21.2 - SOLID WASTE COLLECTION AND DISPOSAL

ARTICLE I. - IN GENERAL

Sec. 21.2-1. - Declaration of policy.

It is hereby declared to be the policy of the City of Lynchburg to promote public safety, health, welfare, and to promote the recovery of useful resources by establishing rules and regulations relating to solid waste collection and disposal.

The City operates a solid waste collection program that consists of regular refuse collection, special collections, and recycling collection centers. The City Manager or his or her designee is responsible for the proper management of this system.

The City of Lynchburg is a member of the Region 2000 Services Authority (RSA) which operates a regional landfill for the disposal of solid waste from the eCity and other member localities. A transfer station for the convenience of city residents is located on Concord Turnpike at the site of the former eCity landfill. The rules and regulations contained herein are applicable to both facilities.

Sec. 21.2-2. - Administration and enforcement of chapter.

The eCity mManager or his or her designee shall be responsible for the administration and enforcement of this chapter, and shall have the authority to establish reasonable rules and regulations, consistent with the provisions of this chapter, which will carry out the purposes and intent. The City of Lynchburg Police Department shall assist in the enforcement of this policy in cooperation with the eCity mManager or his or her designee.

Sec. 21.2-3. - Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

Agricultural waste: All solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

Apartment: A building or portion thereof designed for or occupied by more than two families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all multi-family rental units.

Ash: The fly ash or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash: Ash or slag remaining in a combustion unit after combustion.

Boxes: Includes corrugated boxes, paperboard boxes, and cardboard boxes.

Brush: Any yard or debris wastes tree trimmings no larger than three inches in diameter and eight feet in length which cannot be placed in containers in accordance with the regulations herein set forth. Brush does not include stumps, land clearing debris, wood pallets, landscape timbers, leaves, commercial or contractor cuttings or bags containing yard debris of any type.

Bulk waste: Items of residential waste, such as furniture, tables, chairs, large cartons, white goods, or similar materials which cannot be placed in containers in accordance with the regulations herein set forth. Bulk waste does not include bags, tires, household hazardous waste, construction, and demolition, remodeling debris or items containing glass or glass-like materials.

Bundles: A number of things bound together for collection (such as brush, broken-down boxes and waste). Brush and yard waste bundles shall meet the requirements of section 21.2-4 for collection. Boxes shall be broken down and tied together. No bundle shall exceed 50 pounds in weight.

Collection: Removal or transportation of solid waste, ashes, recyclable material and yard waste, from its place of storage or collection point to its place of disposal.

Commercial establishment: Any retail or wholesale, restaurant, religious, government or nonresidential establishment at which trash or garbage may be generated.

Commercial waste: All solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Compost: A stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without

adversely affecting public health or the environment. Composted sludge shall be as defined by the Virginia Sewerage Regulations.

Condominium: An apartment house or complex in which the apartments or dwelling units are individually owned.

Construction waste: Solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction wastes include, but not limited to, lumber, wire, sheetrock, broken brick, asphalt, shingles, glass, pipes, concrete, paving materials and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Debris waste: Wastes resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste: Any solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

Discard: To abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discarded material: A material which is:

(a) Abandoned by being:

(1) Disposed of,

(2) Burned or incinerated; or

(3) Accumulated, stored or treated (but not used, reused, or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated,

(b) Used, reused or reclaimed material as defined in this part, or

(c) Considered as solid waste as defined in section 3.2 of the Virginia Solid Waste Management Regulations (VR 672-72-10).

DEQ: The Virginia Department of Environmental Quality.

Disposal: The act of discharging, depositing, injecting, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Disposal site: All land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing

areas, or other areas incident to the management of solid waste. All solid waste disposal sites must be approved and/or permitted by the Virginia Department of Environmental Quality ([DEQ](#)).

EPA: The United States Environmental Protection Agency.

Fly ash: Ash particulate collected from air pollution attenuation devices on combustion units.

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste: A "hazardous waste" as described by the Virginia Hazardous Waste Regulations (VR 672-10-1).

Household hazardous waste (HHW): The following are examples of what residents can bring on HHW collection days to the ~~Region 2000 Services Authority (RSA)~~ facility: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. The RSA website maintains the current list of the types of waste that are accepted and not accepted.

Household waste: Any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) which is regulated by state agencies other than DEQ's Division of Waste Management Programs.

Industrial waste: Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agriculture chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and waste treatment. This term does not include mining waste or oil and gas waste.

Inert waste: Solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reacting. Inert wastes include rubble, concrete, bricks, and blocks.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste. No medical waste is accepted at the RSA facility.

Landfill: A sanitary landfill, an industrial waste landfill or a construction/debris landfill.

Landfill disposal area: The area within the property boundary or permitted for actual burial.

Litter: Any waste as defined in 21.1-2 (Litter Control - Definitions) of this Code.

Living units: One or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household.

Medical waste: Any solid waste identified by health care professionals in charge as capable of producing infectious disease in humans. Any solid waste is regulated medical waste if it is one of the following:

(a) Discarded cultures, stocks, specimens, vaccines and associated items likely to have been contaminated by them are regulated medical wastes if they are likely to contain organisms likely to be pathogenic to healthy humans;

(b) Waste consisting of human blood, human blood products and items contaminated by human blood are regulated human wastes;

(c) All pathological wastes and all wastes that are human tissues, organs, body parts, or body fluids are regulated medical wastes;

(d) Used sharps (needles, syringes, etc.) likely to be contaminated with organisms that are pathogenic to healthy humans and all sharps used in patient care are regulated medical waste;

(e) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any regulated medical waste is itself regulated medical waste; and

(f) Any solid waste contaminated by or mixed with regulated medical waste is itself regulated medical waste.

~~Trailer-court~~Mobile or manufactured home parcel: Any lot, parcel or tract of land, together with open spaces, used, designed, maintained or held out to accommodate one or more mobile or manufactured homes, ~~or trailers~~, including all buildings, structures, tents, vehicles, accessories or appurtenances used or intended as equipment of such mobile or manufactured home, ~~or trailer-court~~. A mobile or manufactured home ~~-court~~ provides for the permanent or long-term location of mobile or manufactured homes. The owner(s) of the mobile or manufactured home ~~trailer-court~~ shall be responsible for ensuring that the residents of the ~~trailer-court~~ mobile or manufactured home comply with the provisions of this chapter.

Motor vehicle: Every device, which is self-propelled or designed for self-propulsion, in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rails or tracks. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space, shall be considered a part of a motor vehicle.

Mover's trash: Solid waste generated due to person or persons moving-in to or moving-out of a residence.

Multi-family unit: A building, or any appurtenances thereof, designed for occupancy or occupied by two or more families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all, but not limited to apartments, condominiums and duplexes with two or more rental units. The owner(s) of a multi-family unit shall be responsible for ensuring that the residents of a multi-family unit comply with the provisions of this chapter.

Municipal solid waste: That waste which is normally composed of residential, commercial, and institutional solid waste. Medical waste is not accepted at the RSA facility.

Occupant: Any person occupying or residing on any lot, premises or parcel of land in the city and having, at the time, apparent possession or control thereof.

Owner: Any person who, alone or jointly or severally with others:

- (a) Shall have all or part of legal title to any lot, premises or parcel of land in the city, not, at the time, in the actual or apparent possession or control of another, or;
- (b) Shall have all or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term shall include a mortgagee in possession, or;
- (c) Shall have charge, care or control of any lot, premises or parcel of land in the city, as agent or representative of the owner, or as personal representative, trustee or guardian of the estate of the owner.

Person: Any individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Putrescible waste: Solid waste which contains organic material capable of being decomposed by micro-organisms and cause odors.

Recyclable material: Any material which retains useful properties that can be reclaimed after the production or consumption process.

Recycling center: A facility designed for the collection, separation and/or recycling of recyclable materials.

Refuse: All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean-up of spills or contamination, or other discarded materials.

Regulated medical waste: Solid wastes defined to be infectious by the Virginia Regulated Medical Waste Management Regulations (VR 672-40-01).

Residential waste: Any household waste.

RSA facility: a landfill, transfer station, recycling center or other operation managed by the Region 2000 Services Authority for the purpose of collecting and disposing of solid waste.

Rubbish: Combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

Scavenging: The unauthorized or uncontrolled collection or removal of waste or recyclable materials from a solid waste management facility, waste that has been placed on the curbside for eCity collection or recycling center.

Semitrailer: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Single-family residence: a residential building or structure containing only one dwelling unit, which is arranged, designed, used or intended for use by one family (as defined by the eCity's zoning ordinance). The owner(s) of a single-family residence that is being occupied as rental property shall be responsible for ensuring that the occupant(s) of such single-family residence comply with the provisions of this chapter.

Site clearance materials: Any items such as boulders, rocks, tree trunks, stumps, or tree limbs.

Solid waste: Any of those materials defined as 'solid waste' in Part III of the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste management facility: A site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Special wastes: Solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Trash: Combustible and noncombustible discarded materials, and is used interchangeably with the term rubbish.

Waste container: City approved trash cart or approved prepaid plastic trash bag.

White goods: Any stoves, washers, hot water heaters and other large appliances.

Yard waste: That fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

Sec. 21.2-4. - Preparation of solid waste for curbside collection.

(a) Generally. All solid waste designated for collection by the eCity is to be bagged and kept in a covered approved container. Paper must be placed in an approved waste container or kept securely bundled in order to prevent being blown or scattered about the street.

(b) Ashes. Ashes shall be cool and dry before placing in an approved waste container. Ashes shall be kept separate from and not placed in containers with other solid waste.

(c) Sharp objects. Solid waste with sharp edges or points, including but not limited to broken glass and fluorescent tubes, shall be placed in an approved waste container meeting criteria set in section 21.2-6, but not including a plastic bag as described in section 21.2-7. Needles should be placed in a plastic or glass food container with a lid securely fastened with tape.

(d) Recyclable material. In an effort to reduce the flow of solid waste disposed of at the RSA facility and promote the recovery of useful resources, recyclable material should be taken to the proper recycling centers. Any recyclable material that is accepted pursuant to a eCity recycling program, whether publicly or privately administered, shall be separated from other solid waste for pickup in accordance with criteria to be established by the eCity mManager or his or her designee. Such items include, but are not limited to, aluminum and steel cans, newspaper, glass, mixed paper and some plastics. Such recyclable materials should be separated for recycling.

(e) Yard waste. Yard waste collection by the eCity shall only be furnished to those residences regularly scheduled for the removal of solid waste by the eCity. All yard waste to be collected with normal residential waste shall be placed in approved containers or tied in bundles no larger than four feet in length, and 15 inches in diameter and weighing no more than 50 pounds, ~~in weight~~. During special yard waste collection, all yard waste will be collected, provided no part is larger than three inches in diameter, and eight feet in length. Tree stumps and tree trunks will not be collected, nor will the waste resulting from topping or removal of a tree. Special yard waste collection is not offered to businesses. Any yard waste that is accepted ~~pursuant to the city composting program~~ shall be separated from other solid waste for pickup.

(f) Paperboard boxes. Paperboard boxes should be taken to recycling centers for recycling and must be broken down, bundled, and securely tied, ~~and tagged with the appropriate refuse disposal tag~~.

(g) Styrofoam packaging. Styrofoam packaging shall be placed in a securely tied plastic bag, ~~and tagged with the appropriate refuse disposal tag~~.

(h) Litter control bags. Litter control bags will be issued by the eCity to the neighborhood clean-up groups and individuals involved with adopt-a-street and adopt-a-spot clean-ups. The litter control bags shall be placed in the eCity right-of-way for collection after the individual(s) or group(s) have completed the clean-ups.

(i) Weight limitations. The total weight of a 32-gallon trash cart, including its contents, shall not exceed 100 pounds in weight. The total weight of a 64-gallon trash cart, including its contents, shall not exceed 200 pounds in weight. The total weight of any plastic bag, including its contents, shall not exceed fifty (50) pounds in weight.

Sec. 21.2-5. - Containers required.

Subject to the provisions of sections 21.2-6 through 21.2-10 of this chapter, it shall be the responsibility of all property owners to ensure waste containers comply with the specifications set forth by the eCity. It shall be unlawful for any person to place solid waste in containers other than those approved by the eCity.

Sec. 21.2-6. - Approved waste containers—Generally.

Approved waste containers for eCity collection shall be eCity-provided waste carts 32 gallons or 64 gallons in capacity or approved prepaid plastic trash bags as described in Sec. 21.2-7. No container shall be filled to the point of overflowing.

Sec. 21.2-7. - Same—Approved prepaid plastic trash bags.

Approved prepaid plastic trash bags as described herein shall constitute an approved waste container, and when plastic bags are used for the disposal of solid waste, the same shall conform to the following specifications:

(a) Residents may purchase approved prepaid plastic trash bags for use inside an approved waste container or for occasional extra refuse that does not fit in trash container. Bags can be purchased at various vendor locations approved by the eCity and will display the City of Lynchburg seal. Fees for approved prepaid plastic trash bags will ~~cover offset the all~~ disposal costs for contents within bag.

(b) Thirty-two-gallon bags shall not be filled to exceed 50 pounds in weight.

(c) Approved prepaid plastic trash bags containing solid waste shall be securely tied when placed outside for collection to prevent refuse from falling out.

(d) Approved prepaid plastic trash bags are for one time use only and will be collected and disposed of by eCity employees.

Sec. 21.2-8. - Maintenance of containers.

Every waste container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put, and shall be thoroughly cleansed as needed by washing, sanitizing or otherwise. All waste containers shall be kept in good condition, and solid waste shall not be placed in any container that is so constructed or is so defective that the contents leak or spill. Waste carts provided by the eCity are the property of the eCity and should remain at the address specified upon delivery. Waste carts ~~may~~ can be changed to a different size once per year ~~for and may be subject to~~ an administrative waste cart change fee established by the eCity Manager or his or her designee.

Sec. 21.2-9. - Unacceptable containers.

(a) Any container other than the aforementioned approved containers shall not be used for the storage and collection of solid waste for eCity collection; this includes, but is not limited to, cardboard boxes, and barrels.

(b) ~~Any u~~Unacceptable containers will be tagged with a warning of violation. Once tagged, these containers will be considered as solid waste that may be collected and disposed of by the eCity. Use of a waste container after it has been tagged with a warning of violation is prohibited and subject to penalties as described in this chapter.

Sec. 21.2-10. - Sunken waste containers prohibited.

It shall be unlawful for any person to install a new waste container, the bottom of which is sunken or depressed below the abutting grade level.

Sec. 21.2-11. - Accumulation of solid waste.

(a) Each residence, small commercial establishment or person having solid waste will be provided with at least one eCity-approved waste container adequate to contain the solid waste generated at said establishment which accumulates between periods of removal from the premises, and shall place and keep all solid waste therein until disposal.

Eligible Residents and small commercial establishments requiring more than one trash cart ~~may purchase from the city additional carts at cost~~ may request an additional cart from the Department of Public Works and will be assessed an additional disposal fee per cart. ~~These carts become the property of the resident.~~ Solid waste may not accumulate outside of the cart(s) unless in approved plastic bags. Household waste that a resident is storing to bring to the RSA facility or for other disposal must be stored in closed containers in such a manner so as to not attract animals, emit offending odors, or be a safety or health risk, and such waste may not be stored for a period of more than one month.

(b) It shall be unlawful for anyone to throw or to cause to accumulate onto the streets, sidewalks or private property any solid waste or any other substance that will render the street or premises unclean or unsightly or unsafe to any person or vehicle using the streets or liable to injuriously affect the health or safety of the community.

ARTICLE II. - SOLID WASTE COLLECTION GENERALLY

Sec. 21.2-16. - Transporting refuse in vehicles.

No person shall transport any garbage, trash or any other waste or refuse substance upon the streets of the city in an open or uncovered vehicle, unless such solid waste is transported in a covered container within the vehicle.

Sec. 21.2-17. - Substances not collected.

Any substance prohibited from disposal in an RSA facility pursuant to section 21.2-59 (b) will not be collected for disposal by the eCity if identified by the eCity in the course of collection.

Sec. 21.2-18. - Unauthorized removal.

Once placed ~~on the edge of the streets of the city at the curb~~, it shall be unlawful for any unauthorized person to remove solid waste from or otherwise interfere with waste containers or the contents thereof. Any persons other than designated eCity employees must obtain prior authorization from the property owner, eCity mManager or ~~his or her~~ his designee.

Sec. 21.2-19. - Special collections—Generally.

Special collections by the eCity shall only be furnished to eligible residential customers and neighborhood cleanup programs on a schedule established by the City Manager or his or her designee. Special collection services are not offered to businesses. In addition to regularly scheduled Sspecial collections, shall be scheduled by the residents, or neighborhood groups may schedule additional special collections in advance of placing the material out for collection.

Special collections shall include but are not limited to bulk waste collection, ~~and~~ yard waste (brush and leaf) collection, and tires (up to four) ~~and a one-time mover's trash collection of solid waste~~. No fee will be charged for the collection of designated waste during special collection. Bagged leaves, yard waste, and appropriately bundled brush will be subject to the disposal fee when put out with refuse at other times in accordance with the provisions of section 21.2-16 through 21.2-18. Prohibited items include Brush collection restrictions include tree trimmings sizes not exceeding three inches in diameter and eight feet in length, stumps, land clearing debris, wood pallets, landscape timber and contractor cuttings. As of July 1, 2012, segregated

loads of brush and bulk may be brought to the RSA facility at no charge. Residents will be allowed an unlimited number of trips for segregated brush and bulk material.

Effective October 1, 2020, brush and bulk items will be collected on a schedule established by the City Manager or his or her designee that identifies one collection week each month. Brush and bulk items may be placed on the curb no earlier than 7:00 a.m. Saturday prior to the designated collection week. Items must be placed on the curb no later than 7:00 a.m. Monday of the designated collection week. Brush and bulk can only be set out at the property that it was generated. The City of Lynchburg website maintains schedules and additional guidelines for brush, bulk, special waste and tires.

Sec. 21.2-20. - Same—Bulk waste and white goods.

The City will remove bulk wastes (large furniture items, chairs, tables, sofas etc.) and white goods (stoves, refrigerators, washers, etc.) which have been placed on the edge of the street at the curb once per month per address.

Bulk waste piles can be no larger than 6 ft. in height and 8 ft. in length. White goods that would normally contain compressors with freon must have the compressor and relating tubing fully intact unless said white good is accompanied by a certification from an appropriate person stating that all contained freon has been captured and recycled.

Prohibited bulk items include, but are not limited to, construction materials, lawn mowers, automotive parts, kerosene heaters, fuel operated appliances, loose household trash, bags, boxes, and any gas-containing cylinders and items containing glass or glass-like materials. The City of Lynchburg website maintains the schedules and guidelines for bulk waste, white goods and tires.

ARTICLE III. - SOLID WASTE COLLECTION—CITY COLLECTION

Sec. 21.2-26. - Collection.

(a) The City shall collect refuse from eligible residential and small detached commercial establishments abutting a public street and certain multi-family units. If solid waste is placed curbside on the day of City waste collection for that property, it is assumed that property desires City waste collection services. Owners or operators of multi-family units (~~to include~~including, but not limited to apartments, condominiums, duplexes, ~~and~~ town homes)~~and mobile or manufactured homes~~ trailer courts with two or more rental units, and non-manufacturing businesses accept the fee-related responsibility for associated disposal charges and are responsible for ~~displaying an official annual trash disposal decal or~~ using approved City-issued trash carts and approved prepaid plastic trash bags for City curbside collection. Owners of all properties not eligible ~~or desiring of City collection~~ shall be responsible for the proper storage and disposal of all refuse; said refuse may not be placed curbside on the day the City is scheduled to provide collection services. Those properties not eligible for City collection include, but are not

limited to: properties of five or more living units, attached businesses, mixed-use developments, large restaurants, manufacturing businesses, and those commercial establishments and multi-family properties with four or less living units that ~~put out~~ require more than four containers per collection.

(b) ~~House trailers~~ Mobile or manufactured homes shall be treated as single family units only if they front on a public street and reside upon individually platted lots. ~~House trailers~~ Mobile or manufactured homes which do not front on a public street and reside upon individually platted lots shall be treated as multi-family dwellings

(c) If the waste containers put out by the occupants of a multi-family unit or ~~trailer court~~ mobile or manufactured home ~~do not display Annual Decals, or if are not City approved trash carts or~~ approved prepaid plastic trash bags ~~are not used~~, a duly designated officer of the eCity will issue ~~a~~ violation notice(s) to the owner(s) or operator(s) of the multi-family unit or ~~trailer court~~ mobile or manufactured home. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the multi-family unit or ~~trailer court~~ mobile or manufactured home ~~place Annual Decals on their waste containers or use City approved trash carts and~~ use approved prepaid plastic trash bags. If after giving reasonable notice(s) to the owner(s) or occupant(s) the waste containers of a multi-family unit or ~~trailer court~~ mobile or manufactured home ~~are not City approved trash carts still do not display Annual Decals, or use~~ approved prepaid ~~plastic~~ trash bags, the eCity may discontinue refuse collection from such multi-family unit or ~~trailer court~~ mobile or manufactured home until such time as the owner or occupants are in compliance with the provisions of this chapter and ~~the owner(s) or operator(s) satisfies the following:~~ pay all applicable fees(s).

(1) ~~Pay all applicable service fee(s); or~~

(2) ~~Owner(s) or Operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by the multi-family unit or trailer court.~~ mobile or manufactured home.

(d) If waste containers put out by the occupants of a single-family residence that is being occupied as rental property ~~do not display Annual Decals or if are not City approved trash carts or~~ approved prepaid plastic trash bags ~~are not used~~, a duly designated refuse collection enforcement officer of the eCity will issue violation notice(s) to the owner(s) or occupant(s) of the single-family residence. It shall be the responsibility of the owner(s) to take appropriate action to make sure the occupants of the single-family residence ~~place Annual Decals on their waste containers~~ use City approved trash carts or ~~use~~ approved prepaid plastic trash bags. If after giving reasonable notice(s) to the owner(s) or occupant(s) the waste containers ~~still do not display Annual Decals, are not City approved trash carts or are not City approved trash carts and~~ approved prepaid plastic trash bags ~~are not used~~, the eCity may discontinue refuse collection from such single-family residence unit such time as and the owner(s) occupant(s) are in compliance with

the provisions of this chapter and pay all applicable fee(s) ~~resident satisfies the following:~~

~~(2) Owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such single-family residence.~~

(e) If the waste containers put out by the occupants of a multi-family unit, ~~trailer-court mobile or manufactured home~~, or single-family residence being occupied as rental property ~~do not display Annual Decals—~~are not City approved trash carts or ~~if City~~ approved prepaid plastic trash bags ~~are not used~~, in order to prevent the waste in the containers from being scattered upon public or private property, the eCity, at its option, may remove the waste and bill the owner of the multi-family unit, ~~trailer-court mobile or manufactured home~~ or single family residence a service fee. In the event the owner of the multi-family unit, ~~trailer-court mobile or manufactured home~~ or single-family residence fails to pay the service fee, the eCity may discontinue refuse collection from such multi-family unit, ~~trailer-court mobile or manufactured home~~ or single-family residence and the owner(s), operator(s) or residents shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such multi-family unit, ~~trailer-court mobile or manufactured home~~, single-family residence.

(f) When refuse from commercial establishments exceeds four containers per collection the operator of such business is required to remove and dispose of such excess at the expense of the operator.

(g) When refuse from a multi-family property with four or less living units exceeds four containers per collection the owner or managing agent of such property is required to remove and dispose of such excess at their expense and is not eligible for eCity trash collection service.

(h) Whenever a person places refuse or other waste material for collection by the eCity without complying with all the provisions of this article, ~~in addition to or in lieu of prosecution of such person for a Class I misdemeanor violation,~~ the eCity may ~~also~~ do one of the following:

(1) The eCity may collect the refuse or material notwithstanding the fact that its placement or packaging does not comply with the provisions of this article. In such cases, the eCity shall after reasonable notice discontinue refuse collection service and assess a service/penalty fee(s) against the owner of the property in front of which such waste material was placed. Such service/penalty fee(s) shall be in accordance with the following to resume eCity collection services:

(a) A service/penalty fee(s) as determined appropriate by the eCity ~~m~~Manager or his or her ~~his~~-designee. This service fee shall be billed to the owner or manager of the violating property. Fees authorized by this

section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property

(2) The eCity may choose not to collect the refuse or material after reasonable notice. In such case, the eCity shall affix a notice of violation to the rejected container(s), refuse or material explaining the reason for the rejection. A similar notice may be issued to the property owner of the property in front of which such uncollected refuse or material was placed. The latter notice may be verbal or written and shall be provided as soon as is feasible after the rejection.

Where the eCity has not collected refuse or other material from curbside or elsewhere because such refuse or other materials was not placed or prepared in accordance with this article, the persons responsible for such placement shall remove that refuse or other material as soon as practical after the eCity has refused collection, and in any event, by the end of the designated collection day. Failure to meet the requirements in this chapter shall result in a minimum \$250 service fee plus any additional costs incurred by the City.

Sec. 21.2-27. - Entry on private property.

Municipal vehicles and personnel will not enter private property for the purpose of removing solid waste unless a physical limitation service has been previously authorized by the owner/occupant and the Public Works Director or designee. All collections shall be made directly from the premises of the customer and any emptied receptacles or containers shall be returned directly to such premises.

Sec. 21.2-28. - Placement for collection.

(a) Bundles or approved waste containers containing solid waste which are to be collected by the eCity shall be placed at the edge of the street curb no earlier than 6:00 p.m. of the previous day and not later than 7:00 a.m. on the appropriate collection day. Approved waste containers shall be removed from the streets as soon as possible, but not later than 7:00 p.m. of that same day.

(b) Containers for solid waste set out for collection and disposal by the eCity shall be placed so as not to hinder, block, retard or endanger those using the streets, alleys, sidewalks or walkways of the city and so as to be reasonably accessible to the employees of the eCity.

(c) In any prosecution charging the failure to ~~display an annual decal on a waste container or~~ use an approved trash cart or prepaid plastic trash bag, proof that a waste container was placed in front of a residence in violation of this chapter with proof that the defendant was at the time of the violation the occupant of the residence shall constitute

in evidence a permissible inference that the occupant of the residence was the person who committed the violation.

(d) In any prosecution charging the failure to ~~display an annual decal on a waste container or~~ use an approved trash cart or prepaid plastic trash bag, proof that an examination of the waste container in question revealed material that identifies the generator of the solid waste, shall constitute in evidence a permissible inference that the generator of the waste was the person who committed the violation.

Sec. 21.2-29. - Collection frequency.

(a) Curbside collection of solid waste will be provided by the eCity once each week. Solid waste collection in the Central Business District will be provided two times a week for those businesses not having exterior space for a commercial dumpster. A schedule of days for those collections performed by the eCity will be available at the ~~waste p~~Public wWorks Department, and information with reference thereto will be available to the public upon request.

(b) Holidays shall include New Year's Day, Fourth of July, Thanksgiving Day and Christmas Day. One collection per week will be made regardless of holidays — collection dates will be advertised.

Sec. 21.2-30. - Collection by other than eCity personnel.

No person, other than designated eCity employees, may place solid waste in the eCity collection vehicles. Subject to the conditions and limitations of this chapter and other applicable regulations, the eCity or its agents, shall have the sole right to collect solid waste and refuse from single-family residences within the city limits unless otherwise approved by the eCity.

Sec. 21.2-31. – Disposal ~~fees~~-billing, payment, and penalties

(a) Disposal fees for City trash collection service will be billed monthly to the party responsible for each eligible water/utility account at a rate determined by City Council during the annual budget process.

(b) Accounts will be billed for each City-approved trash cart at the service address and may be subject to penalty fee(s) for nonpayment. Should property become vacant, the disposal fee(s) may be transferred from the previous occupant to the owner.

All eligible properties shall be rendered bills or statements for trash service. Such bills or statements shall be combined with sewer and water bills levied pursuant to Chapters 34 and 39 of the City of Lynchburg Code. For properties which do not receive a water or

sewer bill a separate bill for trash services will be issued. All payments received shall first be credited to disposal charges, then stormwater charges, then sewer charges, and finally to the water charges.

~~(c-b)~~ Refuse collected pursuant to section 21.2-26 of this Code must be contained within (i) an approved prepaid plastic trash bag displaying the official eCity logo, or (ii) ~~an approved City approved trash cart(s) container displaying a valid city decal.~~ Approved prepaid plastic trash bags shall be available for purchase at those locations designated by the eCity mManager or ~~his his or her~~ designee. A list of the currently designated locations for the purchase of approved prepaid plastic trash bags and procedures for obtaining a trash cart will be available for review at the eCity eCollections dDivision, or pPublic wWorks dDepartment during regular business hours, and on the City's website. ~~Decals will be sold at the collections division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee.~~

~~(d) (b) Fees for A~~ Approved prepaid plastic trash bags shall ~~cover offset~~ the cost of the disposal and the cost of the bag and shall be determined by the cCity Mmanager or ~~his his or her~~ designee.

~~(d) (c) Annual Decals Trash Collection Service for once per week pickup for reusable trash carts with a volume of up to 32 gallons shall cost \$40.00 be billed a monthly disposal service fee each per trash cart. Annual Decals Trash Collection Service for once per week pickup for reusable trash carts with a volume of 64 gallons shall cost \$80.00 each per trash cart. Such decals shall be valid for a 12-month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:~~

Period	Percentage of Full Price
September 1 — October 31	100%
November 1 — November 30	92%
December 1 — December 31	84%
January 1 — January 31	76%
February 1 — February 28	68%
March 1 — March 31	60%
April 1 — April 30	52%
May 1 — May 31	44%
June 1 — June 30	36%

July 1 — July 31	28%
August 1 — August 31	20%

Such decals are transferable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(e) It shall be the responsibility of the owner to resume all monthly disposal fee(s) assessed for any dwelling(s) that becomes vacant. person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than 30 days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted.

(f) (d) Approved prepaid plastic trash bags with a volume up to 32 gallons include the costs of disposal of waste material.

(e) In certain Downtown Central Business District (CBD) areas designated by the eCity mManager or hishis or her designee for twice per week pickup, Annual Decals for twice per week pickup for reusable trash carts with a volume of up to 32 gallons shall cost \$80.00 each. In those same areas, Annual Decals for twice per week pickup for reusable trash carts with a volume of 64 gallons shall cost \$160.00. The monthly disposal fee(s) shall be double per water/utility account. The CBD refuse collection designation may vary from other definitions of the CBD used by the City for other purposes.

Such decals shall be valid for a 12-month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 — October 31	100%
November 1 — November 30	92%
December 1 — December 31	84%
January 1 — January 31	76%
February 1 — February 28	68%

March 1 — March 31	60%
April 1 — April 30	52%
May 1 — May 31	44%
June 1 — June 30	36%
July 1 — July 31	28%
August 1 — August 31	20%

~~In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than 30 days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted. Such decals are transferable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.~~

~~(f)~~ The owner or operator of any location designated to sell approved prepaid plastic trash bags shall be compensated for accounting and remitting the fee levied for the purchase of the approved prepaid plastic trash bags. Such compensation shall be a deduction of three percent of the amount of the fee from the sale of such approved prepaid plastic trash bags. The deduction shall be accounted for in the accounting report submitted to the eCity with the fees from the sale of the approved prepaid plastic trash bags provided that the amount due is not delinquent at the time of payment. The eCity mManager or ~~his his or her~~ designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of approved prepaid plastic trash bags are public funds and shall be held in trust for the eCity by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

~~(h) (g) Beginning October 1, 2012, the city manager or his designee shall have the authority to issue 64-gallon Annual Decals Trash Collection Service at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief, who own and occupy an existing dwelling as of July 1, 2012, pursuant to section 36-175 of the City Code upon criteria to be developed by the city manager or his designee. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens who live in multi-family dwellings and trailer~~

~~courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal.~~

~~(h)(g)~~ -Except as allowed in this chapter, no refunds in whole or in part shall be allowed for approved prepaid plastic trash bags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived, refunded, or suspended.

~~(ih)~~ -In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division or public works department and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the ~~collections division/social services division~~ City under this section shall ~~may~~ be found guilty of a class ~~3~~ 4 misdemeanor, charged a penalty fee(s) as determined by the City Manager or his or her designee and/or have Solid Waste Services revoked. ~~and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.~~

~~(i)~~ -The eCity mManager or ~~his-his or her~~ designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for eCity sponsored specific community clean-up or litter reduction efforts. The eCity mManager or ~~his-his or her~~ designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

~~(j)~~ -The eCity mManager or ~~his-his or her~~ designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the eCity mManager or ~~his his or her~~ designee.

Sec. 21.2-32. - Administration, prohibition.

(a) The eCity mManager or ~~his-his or her~~ designee shall be responsible for overseeing and employing reasonable discretion in the design, implementation and administration of the ~~variable~~ fee-based disposal system. Any interpretation of sections 21.2-26 through 21.2-32 shall be the responsibility of the eCity mManager or ~~his-his or her~~ designee.

(b) The eCity mManager or ~~his-his or her~~ designee shall have the authority to designate one or more persons to perform all or part of ~~his-his or her~~ duties and exercise ~~his-his or her~~ rights granted under this chapter.

(c) It shall be unlawful for any person to steal, copy, or counterfeit an approved prepaid plastic trash bag or trash cart ~~or to steal, copy, counterfeit, alter, or deface any official decal~~ issued pursuant to section 21.2-31 of this chapter.

(d) The ~~e~~D~~i~~rector of ~~p~~P~~u~~blic ~~w~~W~~o~~rks, with the approval of the ~~e~~C~~i~~ty ~~m~~M~~a~~nager or his or her designee, shall have the authority to adopt an appeals process for customers who believe the provisions of this chapter have been applied in error. All appeals shall be in accordance with the process adopted by the ~~e~~D~~i~~rector of ~~p~~P~~u~~blic ~~w~~W~~o~~rks. A copy of the appeals process shall be kept in office of the ~~d~~D~~i~~rector of the department of ~~p~~P~~u~~blic ~~w~~W~~o~~rks and in the ~~e~~C~~i~~ty ~~m~~M~~a~~nager's office, and shall be available for review upon request.

ARTICLE IV. - SOLID WASTE COLLECTION—COMMERCIAL COLLECTION

Sec. 21.2-36. - Authority to make or revise regulations.

The ~~e~~C~~i~~ty ~~m~~M~~a~~nager or ~~his~~ his or her designee shall have the authority to make or revise such regulations concerning commercial collection and disposal as deemed necessary; provided, that such regulations shall not be contrary to the provisions of this chapter.

Sec. 21.2-37. - License required.

No person shall engage in the business of collecting, transporting or disposal of solid waste without a business license for said business which is to be obtained from the appropriate ~~e~~C~~i~~ty office.

Sec. 21.2-38. - Compliance with code.

The commercial collector shall conform to the applicable provisions of this Code and other ordinances of the ~~e~~C~~i~~ty, as well as all other applicable regulations and policies.

Sec. 21.2-39. - Placement for collection.

(a) All solid waste collections made by commercial collectors shall be made directly from the premises of the owner, and any empty containers shall be returned directly to said premises.

(b) No person shall place any commercial container on public property or in public right-of-way without written permission of the ~~e~~C~~i~~ty ~~m~~M~~a~~nager or ~~his~~ his or her designee, nor shall any person place such container on private property in such a way that collection of solid waste will obstruct or impede pedestrian or vehicular traffic or otherwise create a safety hazard for traffic.

(c) It shall be the responsibility of the property owner to ensure all commercial containers and the immediate area around them shall be kept clean and sanitary at all times. Solid

waste shall be completely contained within such container, and all doors of the unit shall be kept closed. Containers shall conform to all state and federal regulations regarding storm water run-off.

Sec. 21.2-40. - Container requirements.

All solid waste containers to be collected by commercial collector shall conform to the specifications therefor established by this chapter.

Sec. 21.2-41. - Vehicle regulations.

- (a) All vehicles used in the collection of solid waste shall be kept and maintained in a clean and sanitary condition, and shall be so constructed and maintained as to prevent spillage of the solid waste to be collected therein.
- (b) All vehicles transporting solid waste shall be watertight and completely enclosed.
- (c) All vehicles two tons gross in weight (G.P.W.) or more to be used to dispose of solid waste at the RSA facility shall be equipped with suitable hoisting or ejection equipment.
- (d) All vehicles to be used to dispose of solid waste at the RSA facility shall be rated with their volume capacity.
- (e) No vehicle used in the collection of solid waste shall be parked on a city street overnight.
- (f) No vehicle shall be parked in violation of the City Code relating to parking of trucks and commercial vehicles in a residential district.
- (g) All vehicles shall transport solid waste in such a manner as not to create a nuisance or adversely affect public health, nor create any unnecessary noise.
- (h) All vehicles used in the collection of solid waste shall meet all federal and state safety requirements for commercial vehicles.

ARTICLE V. - MISCELLANEOUS PROVISIONS

Sec. 21.2-46. - Dumping regulations.

- (a) It shall be unlawful for any person to dispose of solid waste upon the premises or in the container of another or in any public place or on any public road, street or highway, in any manner, except in approved waste containers provided for such purposes other than in a manner provided by this Code.

(b) When a violation of the provisions of this section has been observed by any person, or if the solid waste is dumped or disposed of in the highway, right-of-way, street, road, property adjacent to public way, or private property, and examination of the solid waste reveals material that identifies the generator of the solid waste, the generator shall be presumed to be the person dumping such solid waste; provided, however, that such presumption shall be rebuttable by competent evidence.

Sec. 21.2-47. - Penalty for violation of this chapter.

Except as provided in sections 21.2-26 and 21.2-51, violations of any provision of this chapter shall be punishable as ~~follows: a class 4 misdemeanor punishable by a fine of \$250 plus the cost incurred by the City in remedying non-compliance~~

~~(a) For a first offense within one year, a class 3 misdemeanor.~~

~~(b) For a second offense within one year, a class 2 misdemeanor.~~

~~(c) For a third and all subsequent offenses within one year, a class 1 misdemeanor.~~

~~(d) In addition to the penalties provided in this section, any person who unlawfully dumps trash, garbage or litter on public or private property may have his or her driving privileges suspended and may be ordered to perform community service as provided in Section 33.1-346 of the Code of Virginia.~~

Sec. 21.2-47.1. - Payment of service fees.

~~For failure to display an official annual decal on a waste container or for F~~failure to use an approved prepaid plastic trash bag(s), City-approved trash cart(s), or for failure to pay disposal fee(s). the person in violation ~~shall~~may be assessed a penalty/service fee established by the ~~e~~City mManager or his or her designee.

Sec. 21.2-48. - Solid waste generated outside the city.

It shall be unlawful for any person or business to bring into the city any solid waste accumulated outside the city and deposit the same at a RSA facility or at any other place within the city, unless approved by the ~~e~~City mManager or ~~his~~his or her designee.

Sec. 21.2-49. - Placing or removing solid waste in or from public containers, or bins or containers for recyclable materials.

(a) It shall be unlawful for any person to dispose of any solid waste that is generated from ordinary conduct of a household, place of business, industrial establishment, or is prohibited from disposal at a RSA facility pursuant to section 21.2-59(b), in or around any public container(s)/dumpster(s) placed to prevent litter on public right-of-ways and City properties

(b) It shall be unlawful for any person to deposit any unauthorized solid waste into or around recycling bins or containers which are part of a eCity recycling program, whether publicly or privately administered, except for such specific recyclable materials for which such bins or containers are designated.

(c) It shall be unlawful for any person to remove any recyclable materials from a recycling bin or container that is part of a eCity recycling program, once the recyclable materials have been placed in or around the recycling bin or container.

Sec. 21.2-50. - ~~Repeated v~~Violations of this chapter.

Any person who violates this chapter, ~~two or more times during a one-year period~~ may be prohibited from future use of any recycling and RSA facility by the eCity mManager or ~~his his or her~~ designee and may be charged service fee(s)/penalty as determined by the City Manager or his or her designee.

Upon request, a hearing shall be held before a designated officer of the eCity on such prohibition. The hearing shall be an informal administrative proceeding other than a judicial-type of proceeding and the rules of evidence shall not apply. The decision of the designated officer shall be final and not subject to appeal.

Sec. 21.2-51. - Illegal possession or usage of approved prepaid plastic trash bags.

(a) It shall be unlawful for any person to possess, sell or use an approved prepaid plastic trash bag ~~or annual decal~~ that the person did not purchase at face value, receive from a person who purchased the approved prepaid plastic trash bag ~~or annual decal~~ at face value or receive from an authorized eCity agency.

(b) It shall be unlawful for the owner or the operator of any business, other than a business that has been properly designated to sell approved prepaid plastic trash bags ~~or Annual Decals~~ as provided in section 21-2.31 of this chapter, to possess approved prepaid plastic trash bags ~~or Annual Decals~~ or to sell approved prepaid plastic trash bags ~~or Annual Decals~~ to any person.

(c) It shall be unlawful for the owner or operator of any business that has been properly designated to sell approved prepaid plastic trash bags ~~or Annual Decals~~ as provided in section 21.2-31 of this chapter, to possess or to sell any approved prepaid plastic trash bag ~~or annual decal~~ that was not issued to the business by the eCity.

(d) Any person violating any of the provisions of this section shall be guilty of a class ~~1~~ 4 misdemeanor. Each incident of possession, sale or use of an approved prepaid plastic trash bag(s) in violation of this section shall constitute a separate offense and shall be punishable as a class ~~1~~ 4 misdemeanor.

Sec. 21.2-52. - Removal of personal property from right-of-way.

When personal property is removed from any leased or rented commercial or residential premises pursuant to an action of unlawful detainer or ejectment, or pursuant to any other action in which personal property is removed from the premises in order to restore such premises to the person entitled thereto, and the personal property is placed in the public right-of-way the tenant shall have the right to remove ~~his~~ his or her personal property from the public right-of-way during the 24-hour period after eviction. Upon the expiration of the 24-hour period after eviction, the landlord of the leased or rented commercial or residential premises shall remove, or dispose of, any such personal property remaining in the public right-of-way. If the landlord fails to remove the remaining personal property from the public right of way within a 48-hour period, the eCity shall remove the personal property and the costs or expenses incurred by the eCity in removing the personal property shall be chargeable to and paid by the landlord. The personal property must meet all requirements outlined in this ordinance. The charges authorized by this section which are charged to the landlord and which remain unpaid shall constitute a lien against the property from which the personal property was removed, ranking on a parity with liens for unpaid taxes and may be collected by the eCity in the same manner in which delinquent taxes are collected.

ARTICLE VI. - SOLID WASTE DISPOSAL—REGION 2000 SERVICES AUTHORITY PROVISIONS

Sec. 21.2-56. - Administration.

The RSA board of directors is authorized to adopt appropriate rules and regulations and to establish policies to administer the operation of RSA facilities. Any rules or regulations adopted or policies established pursuant to this section shall be consistent with the provisions of this chapter. A violation of any rules or regulations adopted pursuant to this chapter shall constitute a violation of this chapter.

Sec. 21.2-57. - Operating procedures.

The RSA director may adopt rules and regulations and establish policies for the operating procedures of any RSA facility. Such facility shall be regulated by the RSA director in accordance with such operating procedures and with any rules and regulations adopted and policies established by the RSA board of directors for the administration of the operation of the facility. Any rules or regulations adopted or policies established pursuant to this section shall be

consistent with the provisions of this chapter. A violation of any rules or regulations adopted pursuant to this section shall constitute a violation of this chapter.

Sec. 21.2-58. - Region 2000 Services Authority facility.

(a) Solid waste which is generated within the city may be deposited at a RSA facility. Upon the request of a RSA facility attendant, any person delivering solid waste for disposal at a RSA facility shall provide verification to such employee that the solid waste proposed for disposal was generated in the city.

(b) No scavenging or salvaging at a RSA facility shall be permitted except as may be contracted by the RSA. No person, except as specifically authorized by the RSA, shall dispose of any solid waste in a RSA facility, except during the hours of operation as established by the RSA and posted at the entrance to the facility.

(c) City residents are allowed an unlimited number of free trips up to 500 pounds to the RSA facility per calendar month from the house in which they reside. Residents must show proof of their Lynchburg address to the RSA facility attendant each time they come to the RSA facility. If a resident's driver's license (or I.D. card) does not show their correct and current address, they must also bring a current utility bill showing their address of the origin of the load. If a resident has someone else bring in a load for them, they must give the hauler either a driver's license or a current utility bill from their address. In addition, the hauler must show their driver's license. If a resident's free trip goes over 500 pounds and/or if the resident makes other trips to the RSA facility during the calendar month after utilizing their free trip, the resident must pay by cash or check at the posted tipping fee.

As of July 1, 2012 residents are allowed an unlimited number of free trips of segregated brush and bulk materials. These trips do not count towards a resident's free monthly trip to the RSA facility. Any mixed loads of brush, bulk and trash will count towards the resident's one free trip per month. The Concord Turnpike convenience center will not accept trailers or dump body vehicles. Pick-up trucks, passenger cars and SUVs are approved vehicles to dispose of brush & bulk.

Tires are not included as part of a resident's free trip. There is a surcharge for disposal of tires. Tire disposal rates are posted at the RSA facility.

Rental property is considered a business. Landlords, who do not have a charge account with the RSA facility, must pay by cash or check at the posted tipping fee rate when bringing a load from property they own but do not reside in. If a business, church (or other charitable organization) does not have a charge account with the RSA facility, they must also pay by cash or check at the posted tipping fee rate.

Household hazardous waste collection is a service for Lynchburg residents only, businesses are excluded. Household hazardous waste collection days are announced yearly. City residents

must show a picture identification for proof of their Lynchburg address. Following are examples of what residents can bring to the RSA facility on the household hazardous waste collection day: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. For more information, guidelines and restrictions are posted on the RSA website.

Sec. 21.2-59. - Substance regulations.

(a) Generally. No solid waste of any sort shall be removed from private premises and deposited for disposal within the city at any location other than those approved by the ~~e~~City ~~m~~Manager or ~~his-his or her~~ designee provided that the materials approved for disposal are consistent with the federal and state regulations for the disposal of such solid waste and this chapter.

(b) Prohibited solid waste. Solid waste prohibited from disposal in the RSA's facilities are as follows:

(1) Free liquids.

a. Bulk or non-containerized liquid waste unless the waste is leachate or gas condensate derived from the RSA facility itself and the facility is designed with a composite liner and leachate collection system as described in sections 5.1.B.9. and 5.5.B. of the Virginia Solid Waste Management Regulations (VR 672-20-10), or

b. Containers holding liquid waste, unless:

1. The container is a small container similar in size and total quantity to that normally found in household waste;

2. The container is designed to hold liquids for use other than for storage; ~~or~~

(2) Regulated hazardous wastes.

(3) Solid waste, residue or soil containing dioxins as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-20), and as prohibited by rules or regulations adopted or policies established by the RSA.

(4) Solid waste, residue or soil containing polychlorinated ~~biphenyls~~biphenols (PCBs) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the RSA.

(5) Unstabilized sewage sludge or sludges and combustion residue (ash) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the RSA.

(6) Pesticide containers that have not been triple rinsed and crushed.

(7) Drums and barrels that are not empty, properly cleaned and opened with both ends cut out.

(8) Waste oil, with the exception being used motor oil accepted from Lynchburg residents on household hazardous waste collection days.

(9) Contaminated soil as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the RSA.

(10) Asbestos containing material as prohibited by rules or regulations adopted or policies established by the RSA.

(11) Regulated infectious wastes.

(12) Large animal carcasses.

(13) Any solid waste otherwise prohibited under this chapter or by rules or regulations adopted or policies established by the RSA.

(c) Permitted solid waste. Solid waste not listed in subsection 21.2-59(b) may be accepted for disposal at a RSA facility. Such solid waste that generally will be accepted, subject to RSA facility operating procedures, for disposal in a RSA facility includes, but is not necessarily limited to, the following:

(1) Garbage.

(2) Household waste.

(3) Inert waste.

(4) Refuse.

(5) Rubbish.

(6) Debris and yard waste.

(7) White goods.

(8) Wood, debris and yard waste. Any wood, debris and yard waste delivered to a RSA facility for disposal shall be separated from other solid waste being delivered to the facility.

(d) Any person who delivers to a RSA facility any solid waste prohibited from disposal in the facility under subsection 21.2-59(b), shall promptly upon notification from the RSA remove such prohibited wastes from the facility. Failure to remove such prohibited waste constitutes a violation of this chapter. The RSA may choose to sample, test, store, transport and haul any such prohibited waste for appropriate disposal and charge the person delivering said waste for all incurred eCity and contractual costs.

(e) Any person who delivers to a RSA facility any non-household waste, either entirely or in part, must participate in an inspection of that delivered waste upon request by authorized employees and according to solid waste management facility procedures.

Sec. 21.2-60. - Region 2000 Services Authority (RSA) facility fees.

(a) Fees for solid waste delivered to a RSA facility shall be periodically reviewed and determined by the RSA board of directors as specified and posted at the RSA facility.

(b) Payments will be collected at the RSA facility.

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

Adopted:

Certified: _____

Clerk of Council

Balancing the FY 2021 General Fund Budget

Proposed FY 2021 Revenues and Use of Fund Balance \$200,513,026

Staff Adjustments to Revenues and Use of Fund Balance:

- | | |
|---|---------------|
| 1 Updated Revenue Projection following April 1 st review including COVID-19 residual effects | (\$6,446,138) |
| 2 Use of Reserve Committed/Assigned Fund Balance Projection for COVID-19 residual effects | \$380,043 |

Subtotal Staff Adjustments to Revenues and Use of Fund Balance: (\$6,066,095)

Total Revised Revenues and Use of Fund Balance \$194,446,931

Proposed FY 2021 Expenditures, Reserves, and Transfers \$200,513,026

Staff Adjustments to Expenditures, Reserves, and Transfers:

- | | |
|---|---------------|
| 1 Expenditure Reduction Projection following April 1 st review including COVID-19 residual effects | (\$6,066,095) |
| 2 Projected General Fund Fuel Savings | (\$95,000) |

Subtotal Staff Adjustments to Expenditures, Reserves, and Transfers: (\$6,161,095)

Total Revised Expenditures, Reserves, and Transfers \$194,351,931

Preliminary Balance after Staff Adjustments \$95,000

Striked-out - Adjustments have been used to rebalance as noted above.

The "LIST" - Budget Adjustments for Council Discussion:

	Proposed Budget	Budget Adjustments to Discuss	Council Decision
1 Non-Departmental	2,015,952	3% General Wage Increase <i>(Helgeson)</i> Note: Council to reconsider in January 2021	0
1 Non-Departmental	946,481	Phase II Salary Study Implementation <i>(Helgeson)</i> Note: Council to reconsider in January 2021	0
2 Council/Manager Offices	30,142	Increase in City Councilmember salaries from \$10,000 to \$14,000 and from \$12,000 to \$16,000 for the Mayor based on Council action on December 10, 2019 (salary + benefits) <i>(Nelson)</i>	0
3 Non-Departmental	50,000	Health Benefits Education and Advocacy <i>(Helgeson)</i>	0
4 Economic Development and Tourism	75,000	Reallocated funds for implementing the Downtown 2040 plan due to no longer making payments to the Academy Center of the Arts <i>(Perrow)</i> Note: Council to reconsider in January 2021	0
5 Parks and Recreation	37,148	During Staff Rebalancing - reduced to start 10/01/2020 Two (2) new part-time positions starting 10/01/2020, a Senior Recreation Specialist and a Recreation Aide, to reopen College Hill Recreation Center (\$34,911,46,548 - salary + benefits), internet service (\$7951,060), and supplies (\$1,4421,923) <i>(Helgeson)</i>	0
6 Non-Departmental	50,000	During Staff Rebalancing - reduced by \$75,000 \$50,000,125,000 Safety and Security Task Force <i>(Helgeson)</i>	(50,000)
7 Council/Manager Offices	\$93,789	Chief Talent Development Officer full-time position transferred to the Council/Manager Offices from Human Resources (salary + benefits) <i>(Helgeson)</i>	0
8 Council/Manager Offices	68,074	Youth Futures Coordinator full-time position transferred to the Council/Manager Office from Human Services - Juvenile Services (salary + benefits) <i>(Helgeson)</i>	0
9 Human Resources	0	NeoGov Onboarding software <i>(Wright)</i> - \$12,000	
10 Human Resources	0	NeoGov iLearn access for 200 part-time employees <i>(Wright)</i> - \$6,500	
11 Registrar	0	Voting Booths (\$600), Early Voting line management supplies (\$120), off-duty officer (\$360) <i>(Wright)</i> - \$1,080	Funded in FY 2020 with Manager's Discretionary funding

The "LIST" - Budget Adjustments for Council Discussion (continued) :

		Proposed Budget	Budget Adjustments to Discuss	Council Decision
12	Registrar	0	Two laptops (Perrow) - \$1,563	Funded in FY 2020 with Manager's Discretionary funding
13	Office of the Commonwealth's Attorney	0	In House Investigator full time position (salary + benefits) - (Nelson) - \$48,228	
14	Office of the Commonwealth's Attorney	0	Legal Support Receptionist position change from part time to full time (salary + benefits) (Nelson) - \$15,881	
15	Police	0	5 Sworn Officers and 3 Vehicles (Wilder) - \$523,000 The total cost includes salary/benefits (\$285,805) and uniforms/equipment (\$38,935) for 5 officers. It also includes the cost of 3 fully outfitted police vehicles (\$198,000).	
16	Police	0	Recruitment Advertising (Perrow) - \$4,800	
17	Police	0	GrayKey software (Perrow) - \$18,075	
18	Police	0	Quantum Tape Library Back up (Perrow) - \$11,685	
19	Fire - Option A 9 full-time Firefighters		Fund 07/01/2020 - \$489,623 (Academy > January 2021 Start) 9 full-time Firefighters (salary + benefits) (Wilder) - (\$529,623 - \$40,000 overtime annualized savings FY 2021) (FY 2022 Impact \$449,623+ (\$529,623-\$80,000))	
19	Fire - **NEW** Option B 9 full-time Firefighters		Fund 10/01/2020 - \$377,217 (Academy > March 2021 Start) 9 full-time Firefighters (salary + benefits) (Wilder) - (\$397,217 - \$20,000 overtime annualized savings FY 2021) (FY 2022 Impact \$449,623+ (\$529,623-\$80,000))	
19	Fire - Option C 9 full-time Firefighters	0	Fund 01/01/2021 - \$258,145 (Academy > June 2021 Start) 9 full-time Firefighters (salary + benefits) (Wilder) - (\$264,812 - \$6,667 overtime annualized savings FY 2021) (FY 2022 Impact \$449,623+ (\$529,623-\$80,000))	
19	Fire - Option D 6 full-time Firefighters		Fund 07/01/2020 - \$353,082 (Academy > January 2021 Start) 6 full-time Firefighters (salary + benefits) (Wilder) - \$353,082 (No overtime savings) (FY 2022 Impact \$353,082+)	
19	Fire - Option E 6 full-time Firefighters		Fund 10/01/2020 - \$264,812 (Academy > March 2021 Start) 6 full-time Firefighters (salary + benefits) (Wilder) - \$264,812 (No overtime savings) (FY 2022 Impact \$353,082+)	
20	Option A Original Staff Recommendation Public Works - Refuse REVENUE		Refuse fee revenue (Perrow) \$15.02/month on utility bill Begin January 1, 2021; fee good for 18 months FY 2021 Financial Impact \$0 Cons - increase in fee	
20	Option B Revised Staff Recommendation Public Works - Refuse REVENUE	262,644	Refuse fee revenue (Perrow) \$10.00 \$9.17/month on utility bill Begin October 1, 2020 ; will require additional fee increase in FY 2022 FY 2021 Financial Impact creates a \$0 \$140,415 deficit Cons - Does not allow for an appropriate inventory	0
20	Option C Status Quo - Annual Decals Public Works - Refuse REVENUE		Refuse fee revenue (Perrow) \$55 or \$110/year Decals must be purchased by September 30, 2020; would require additional fee increase in FY 2022 FY 2021 Financial Impact creates a \$262,644 deficit Cons - No progress on improving Refuse situation	

The "LIST" - Budget Adjustments for Council Discussion *(continued)* :

		Proposed Budget	Budget Adjustments to Discuss	Council Decision
21	Option 1 Public Works - Refuse		Brush/Bulk Enforcement full-time position (\$48,540) (salary + benefits) and uniforms (\$1,200) <i>(Perrow)</i>	
21	Option 2 Public Works - Refuse	49,740	Begin 10/01/2020 <i>(FY 2021 savings of \$12,435)</i> Brush/Bulk Enforcement full-time position (\$36,405 \$48,540) (salary + benefits) and uniforms (\$900 \$1,200) <i>(Perrow)</i>	(12,435)
22	Parks and Recreation	6,000	Increase in Miller Pool staff pay (May 2021) to help attract and retain staff (salary + benefits) <i>(Helgeson)</i>	
23	Parks and Recreation	4,600	Annual maintenance contract for RecPro software for program registration, fees, etc. <i>(Helgeson)</i>	
24	Parks and Recreation	1,000	Increased chemical costs (May 2021) for Miller Park Pool <i>(Helgeson)</i>	
25	Parks and Recreation	50,000	Furniture and kitchen equipment for Fairview and Yoder Recreation Centers <i>(Helgeson)</i> Funded with Pay-As-You-Go	
26	Parks and Recreation	3,900	Rentals of portable toilets in the park and trail system <i>(Helgeson)</i>	
27	Community Development	88,194 <i>would need to remove the offsetting revenue as well</i>	One (1) new full-time Environmental Compliance Inspector position in the Zoning and Natural Resources Division (\$61,594 salary + benefits). Additional costs associated with the new position a computer, software, phone, and training (\$3,600) and a vehicle (\$23,000). The cost is 100% funded through the Stormwater Fund. <i>(Helgeson)</i>	
28	Community Development	7,000	Estimated costs of hiring a monitoring service to implement the Short-Term Rental Registration program <i>(Helgeson)</i>	
29	Economic Development and Tourism	250,000	Transfer to the Economic Development Authority (EDA) of the City of Lynchburg providing funds for implementation of business development, expansion and retention. Prior to FY 2021 these funds were budgeted in the Capital Improvement Program but are better suited in the operating budget per Finance staff. <i>(Perrow)</i>	
30	External Service Providers	12,167	Virginia Legal Aid Society <i>(Helgeson)</i>	
31	Non-Departmental	0	Poverty Initiative <i>(Wright)</i>	
32	Schools Operating	39,828,498	School Funding reduced \$2.2m from Schools FY 2021 Request \$42,028,498 Schools Request \$40,528,498 Manager's Proposed (\$1.5m reduction - down 3.6%) \$39,828,498 Manager's Proposed Revised (\$700k reduction due to COVID-19 for 10.9% share of the \$6,446,138 City COVID-19 revenue loss)	
33	External Service Providers	40,685	Virginia Cooperative Extension Service \$44,075 Submitted Request - Manager's Proposed Budget kept funding flat with Adopted FY 2020 \$2,000 for Office Support Services (Wright) <u>\$1,390</u> for potential staff raises in 2020 (salary + benefits) \$3,390 not proposed for funding in FY 2021 Proposed	
34	Council/Manager Offices	72,852	Training and Conferences (\$43,351) <i>(Helgeson)</i> <i>Clerk of Council (\$5,300)</i> <i>City Council (\$15,201)</i> <i>City Manager/Deputy City Manager/Assistant City Manager (\$22,850)</i> Dues and Memberships (\$29,501) <i>Clerk of Council (\$675)</i> <i>City Council (\$22,901)</i> <i>City Manager/Deputy City Manager/Assistant City Manager (\$5,925)</i>	
Total Balancing:				(62,435)
Balance after Council Decisions				\$157,435

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of April, 2020, at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder,

Beau Wright, Treney Tweedy 7

Absent: 0

// In the matter of Budget, Ms. Bonnie Svrcek remarked that Council has been provided with answers to its questions from the April 7th meeting. Mayor Tweedy asked if she received the amount of overtime spent on the Fire Department. She mentioned that she might have sent the request by email. Ms. Svrcek said she would get that information to Council.

Dr. Crystal Edwards, the Superintendent of Lynchburg City Schools (LCS) came forward to present its budget. She thanked her staff and everyone who has helped since things changed dramatically on March 13, 2020. She acknowledged she works with amazing people and you get the measure of people when a crisis happens. The entire staff stepped up and is continuing to provide for the students.

She has provided them with the pre-COVID-19 budget, although it does have some adjustments in it. She said that things change daily and they will not have the final numbers until the governor's budget goes to the General Assembly on April 22. At this point, she has made some guesstimates based on what she thinks might happen not what is factual.

She has provided them with their state and federal revenues, as well as their request for flat funding from the City. She has provided them with their pre-COVID expenditures for FY2021 and the highlights from the General Assembly from March. She commented that she had received some questions from Councilmembers and has provided answers in her summary. It includes all the priorities, such as raises built into the governor's budget and any local match for non SOQ funded positions.

Councilmember Wright asked to what the loss of \$645,000 in federal funds is attributed. Ms. Laconish from LCS explained that \$600,000 of it is for non-center based tuition. Some of the students are not based on site with Laurel and are still in their base schools. With the old model, in order for them to go through as a special education student, they would be billed through Laurel. LCS would bill the cost of the instructor to Laurel and then Laurel would bill LCS. It was sort of a wash through. You will see a reduction in the revenue as well as a reduction in the expenditure because the state has completely revamped the special education model. Councilmember Wright asked if it is a "pass through" that is no longer on the books and she indicated yes.

Dr. Edwards explained that the General Assembly put forth a 2 percent salary increase for SOQ funded positions. In order for LCS to accept any funds associated with it, they have to have the local match for the non-SOQ positions. The amount for the local match is included in the flat funding request. The budget proposed a new position for a counselor at R S Payne, but they will have to wait and see what happens with state funding. This applies to teachers and aides for two additional pre-K classes at Perrymont Elementary. These requests did not require any additional funding from the City. She mentioned that the budget includes a living wage increase to the minimum wage to \$11.28 an hour. It did not include all the substitute positions though and the flat funding request would allow them to look at also increasing those to \$11.28 an hour.

Dr. Edwards outlined some of the goals she would like to achieve with the flat funding request. One is to provide additional special education support at the alternative programs. They heard from staff and the community that there was a need to do that. Another goal is supporting field trips at all the schools.

She mentioned some highlighted goals that they will go back and reevaluate once they receive their final revenue numbers. There are a lot of student centered goals in those highlighted. She outlined all the positions she hopes to be able to fill with the flat funding requests and state funds. With the flat funding request, they will also be able to make some salary adjustments and start a tuition reimbursement program. On hold is demographic and enrollment software.

She mentioned that they also figured out a way to make the bus driver positions eight hour positions. It is very hard to hire enough bus drivers and they hope this will make the positions more attractive.

She highlighted her answers to Councilmember Helgeson's questions that are contained in her summary and covered the decreased expenses they are seeing from the school closure.

Mayor Tweedy asked if she knew how schools will reopen in the fall, especially in light of how education is being delivered very differently currently. Dr. Edwards does not know when they will go back to brick and mortar learning but they are doing continuity of learning. They have online services and are also delivering paper copies to families that do not have internet. The teachers have been doing a lot of exciting learning tools and have been reaching out to families to make sure they are well served. All the teachers are working collaboratively within a grade instead of having separate elementary, middle and high schools. They know from the tracking that the IT department is doing that they have hits from all over the world accessing its curriculum.

Councilmember Wilder thanked her and her staff for the great work they are doing, especially with feeding the children. Councilmember Perrow thanked her as well. He thought it was very well handled and thanked her the updates she has been sending. He thinks the way they have handled everything is a real "feather" in her whole team's cap. He commended her on the reorganization of the teachers and schools. That is really adaptive thinking and makes a lot of sense.

Councilmember Perrow asked her if they have a sense of how many students are connecting. She said she has a meeting with the Family Connect team on Friday and will have a better sense of how many are accessing the materials. They are trying to connect by phone or mail with any student who has not checked in. The anecdotal information she has been receiving from families and students has been very positive. Councilmember Perrow noted that he has been receiving feedback from teachers that it is more like work now. It is very challenging and they are not getting the reward of engaging with the students on a daily and personal basis. Dr. Edwards acknowledged the teachers are missing their students and the students are missing their teachers. The teachers have been trying to reach by Zoom and by phone.

Councilmember Perrow asked how they will know where to place children when they are able to return and what classes to enroll them in. Dr. Edwards said they will assess their skill level and will make sure they have gap filler lessons. The first part of the year will be to assess them and see what they can do once you can do some face-to-face learning. The teachers are doing everything they can do to make sure the students are ready for the next level.

Councilmember Perrow asked if there is any talk about extending the school year next year because that could cause them to incur more costs. Dr. Edwards said everything is on the table right now as far as possibilities.

Councilmember Helgeson thanked Dr. Edwards for providing him the information he requested. He noted there are 271 less children enrolled than 2019. He acknowledged this year's budget is slightly down. He realizes she has not been in her position very long and has been working to clean things up. He noted that the state is funding a lot of the instructional positions. He said it looks like our local taxpayers are funding 100 extra instructional positions. She said that is correct. He said he has a problem with the support positions. 138 of those positions are funded by the state but there are 313 support positions. He thinks it is getting away from the goal of actually educating the students. He sees more positions that are bureaucratic or administrative positions but does realize it takes lots of things to keep the schools running. He asked her to help him understand the swing.

Dr. Edwards said she is trying to find a division that is only SOQ funded. She has studied all the divisions because this is a Virginia thing and she was trying to understand the intent and philosophy? Is it possible for schools to run on SOQ with limited additional funding? She has not found one that fits that model. She sees the police out every day and understands they direct service they do. But there is a dispatcher to answer the phone who might not be a first responder. Schools has a similar situation. The school secretary might be the face you see when you go to school. They are not teaching a child but they provide a valuable service. The school system is like a little mini city. She needs people to fix busses and process payroll and benefits.

Councilmember Helgeson said he can appreciate the service but not the magnitude. The non-instructional positions are two and a half times the instructional positions. He noted that it is troubling to him. There are some schools that need an assistant principal but he does not think all of them need one. He noted that the composite index is 33 percent and local taxpayers are funding 41 percent of the school system. The difference would be about \$8 million if we gave according to the composite index. The student population has gone down about 6.5 percent since 2010 and staffing has gone up 14 percent. The numbers for police and fire have stayed the same and the population they have to serve has gone up. Councilmember Helgeson noted that our revenues are declining from the pandemic and we need to figure out some administrative positions that can be cut.

Dr. Edwards said she is seeing a decrease in 32 students for next year and they asked for flat funding. She noted that Councilmember Helgeson said there are a lot of people unemployed. Dr. Edwards said that has a way of manifesting with children and how they perform and what their needs are. Some of the people that meet those children's needs provide a service but are not a direct teacher in the classroom. They have people who help the children socially, emotionally and behaviorally. She would ask him to consider what the families and children are going to need from the system to recover from what is occurring right now. She does not know what the children will need but believes they need to be ready. She believes the City and the school system will need to repair and build up whatever could be breaking apart right now in their families. The child might have had internet until their parents lost their jobs or have had to start working from home and the computer is not available to the child until late at night.

She mentioned the social workers, psychologists, school nurses and assistant teachers who are all considered support staff. There is a lot more that goes on than just what goes on in the classroom and all these positions have a

major impact on the children. She would not bring them a “fluff and stuff” budget. She is very transparent and is not trying to overstaff her departments but she will fight hard for the needs of kids. She does want them to suffer as a result of the pandemic and wants them to bounce back and even have more skills such as ingenuity and flexibility and be better than they were before this.

Councilmember Helgeson noted they need to sharpen their pencils because of the governor’s orders to close nonessential things. He asked Dr. Edwards if she will be coming back to them with something after it is presented to the school board. Dr. Edwards said that is correct and why you see items that are highlighted. Dr. Edwards does not think the governor closes things that are nonessential. He has to make priorities and she is hearing that things will be suspended. He worked hard to put together a budget pre-COVID and it was very valuable. Value does not go down now because of the pandemic. It may be moved aside or delayed but the value of what was in that budget did not change because of COVID-19. Everything in the budget was essential for kids and is still essential. She does not want to call anything nonessential due to COVID-19.

Councilmember Helgeson asked if the raises were gone and Dr. Edwards said they are suspended. Councilmember Helgeson said that would free up a lot of local match funds. Dr. Edwards said it could but mentioned that their revenues are also affected by sales tax. They have put in a spending freeze and are trying to do thoughtful planning for the unknown. Councilmember Helgeson noted that is why he brought up administrative positions as opposed to those on the front lines teaching. Hopefully, as those numbers come in, LCS will be able to adapt.

Councilmember Nelson applauded Dr. Edwards, her staff and administration—everyone that is working to get the meals and lessons out. It has been a very creative and innovative approach to deal with something they have never seen before. He had seen an idea presented at a March 25, 2020 meeting where they might need to have a summer program to help students that were struggling and they would need a salary reserve for that program. He asked if that program has crystalized any in the last three weeks. She said it has not been crystalized yet. She asked for flexibility for a salary reserve with the stiff parameter that she would let the board know before doing anything. There will likely be more children enrolled in a summer program or they might need to offer services on the weekends. She would need to pay her staff but it is not something she would ever do without going over it thoroughly with the school board.

Councilmember Nelson noted that experts are saying we should not have large gatherings until maybe next spring, which would apply to schools. He asked if the board or administration is conceptualizing how that would work if schools cannot open in the fall. He heard that public radio and television have offered to provide a median to provide education. That might drastically change the school budget or force it to adapt. It is of concern to him to begin planning for that because it may be a reality and not just a hypothetical. Dr. Edwards said she is always thinking about the “what if” and what the future might hold. She and the Mayor have talked about it in terms of an opportunity for innovation. She commented they might not be able to have a brick and mortar school if they can only have groups of ten in a classroom. They are collaborating with others to share best ideas. She is always thinking forward and staying present working with what we have now.

Councilmember Perrow noted that he and Councilmember Helgeson have seen the same thing year after year and they struggle with how they can affect it in some way. For every four instructional positions, there are more than three support positions. It is closer to ten instructional positions to eight support positions. That seems to be top heavy or not the right ratio of support to production. He would like to know if there is a consistent ratio among other school systems and how we compare to that ratio. Dr. Edwards said they all differ and you have to consider the demographics. Lynchburg has a very high poverty rate. All of our schools qualify for free and reduced lunches. She also did not want anyone to misunderstand that a support position is not just an assistant principal or secretary. Psychologists, social workers, behavioral coaches and nurses are all support positions. She does not want the community to think that support positions are people sitting behind a computer and not doing anything meaningful for kids because that is definitely not the case.

Councilmember Perrow thinks that talking about specific positions is out of their purview. He thinks the ratio should probably be less and he would not presume to deem any positions as less critical. He thinks bringing the ratio down a little bit would certainly help and Dr. Edwards indicated that point was duly noted.

Councilmember Wright would like to see what the ratio is in other school systems just as it is helpful to know the per pupil cost. It is his understanding that Lynchburg does not stack up as well against other localities, especially against other cities our size in Virginia. Dr. Edwards said that is correct. Councilmember Wright asked if it is an imperfect proxy for community support. Dr. Edwards indicated it is and you cannot do that in isolation without looking at the communities. She tries not to compare our communities to other communities and say we are doing better because that seems disingenuous. She tries to focus on the needs of our community, particularly those created by the poverty impact. The poverty impact creates challenges and requires more support positions. She looks at all the positions every year and makes the best decisions because she wants to be a good steward of the taxpayers' money and do the best for the children. For example, they have had people retire and they have not filled the position because they were able to regroup and retool the duties and do without the position.

Councilmember Wright asked for the projected increase in full-time employees. Dr. Edwards said she does not have that information, especially since she may have to adjust some things. Councilmember Wright would note that the idea that the ratio of support to instructional positions is out of whack would only be accurate if we had accurate support positions to begin with. In other words, we have an evolving need and it might not be that the ratio is off but that the ratio needs tweaking because our students have different needs than they did ten or twenty years ago. Dr. Edwards said that is true and pointed out that sometimes the state mandates something like adding more guidance counselors. That is out of her control. She also reminded them that she is able to add some full time employees and is not asking for any more money from Council in order to do so.

Councilmember Wright wished to echo the comments of others and thank her and her staff for the tremendous work they have been putting in over the past month to keep our kids safe and healthy and educated. He wondered if they might see an increase in students because parents might not be able to afford private schools. Dr. Edwards said the online registration for next year is just starting, so she has no indication of that just yet.

Mayor Tweedy commented that the world as we knew it has been reset from our economic system, our education system and our individual households. She thinks that a lot of people would be comfortable if we went back to kind of the norm. There were things we should have been trying to figure out years ago for the people that had the least or did not have access and all of that and now we are having to figure it out in order to just deliver the basic. This is a reset opportunity. They have been working on the issues that affect poverty for several years such as education, workforce, childcare, food, housing and shelters. We are now in the unknown for every single one of them. We do not know if we have enough child care for even our essential healthcare workers.

She has learned that the business industry will find a way to reset itself. If you were working at a service industry and they can find a more efficient way to deliver their service, your services will no longer be needed. Children are in homes with adults that will have to reset as well. Mayor Tweedy would like them all to take a look at a reset on education and the question of poverty, which persons we include in our education and what the delivery looks like. We need to build a system that is more around the social, emotional, educational and financial aspects of what families and students need, which is a total reset from the traditional norm. This has now all been reset for them to do the right thing for people, in her opinion. It may not be a comfortable message for a lot of people. It may mean we become more efficient and things look a lot different. This is an opportunity for discovery and business internships. We could do school year round or create blended options year round. Let's see how people can advance in opportunity and not just how we meet the basic needs of people. If we come with the same questions she has heard for 15 years, then we are missing an opportunity to reset as a City, an education system, a workforce system and even in some cases, neighborhoods. She hopes someone tells the State that, which is why she is taking the opportunity now to say it. She thanked Dr. Edwards for her presentation.

// In the matter of Budget, Dr. Reid Wodicka presented an overview of the FY2021 – 2025 Capital Improvement Program. Councilmember Helgeson asked if it has been reworked. Dr. Wodicka said he doubts there would be huge changes because pay-as-you-go is based on last year's money and bond funding for the future and that sort of thing.

Dr. Wodicka noted that these projects really help define and articulate what we want our City to look like. They greatly affect the quality of life in the City and make commerce happen, so they are very important. He also mentioned that the schools task force is continuing its work and there may be changes as a result of its recommendations, but they are not ready to say what those are just yet because they have not received its recommendations.

We have approximately \$346 million in the five year budget; \$32 million of it is in FY2021. In the General Fund for FY2021, it is approximately \$15.1 million.

Dr. Wodicka began outlining each project. Councilmember Perrow asked if the \$50,000 for the code foundation and foundation drains at the aviary is critical. Mr. Clay Simmons came up to answer the question and Councilmember Perrow asked if any of the projects could be deferred to a later time. Mr. Simmons said they found there were water penetration issues at the aviary when they rebuilt the floors last year. They are really trying to protect the building with this project. In terms of the floors and plumbing fixtures at Fire Station 1, those are really a quality of life question for the firemen. He is sure they will see them as very important. Dr. Wodicka said he

thinks it is important that they continue to make progress on fire station improvements. We do not want to allow the fire stations to continue to degrade. He also noted that when they were balancing the pay-as-you-go money, they probably dropped about a half a million dollars in necessary projects until next year. Councilmember Perrow said if it is pay-as-you-go money, then never mind. He is looking at debt service cost going forward primarily.

Councilmember Nelson asked if staff wanted Council's input as to what they feel is not essential knowing that staff will go through it and have their own opinion based on the department heads' input. Dr. Wodicka said they are happy to receive the feedback and they will rework it some but he is not sure how much of it is going to change because how these projects are funded are not necessarily related to the economic issues we have today. Ms. Svrcek stated that certainly would apply to any new debt service, but we have existing debt service. Any comments Council has that could further inform them as they recreate this budget would be helpful. Councilmember Perrow clarified that the pay-as-you-go money is from FY2019 and is one-time money earmarked for capital projects. That makes sense to him to spend it because it is not costing us anything and according to policy, we cannot use it for recurring expenses. Dr. Wodicka said that is correct.

With regard to Fifth Street Improvements Phase IV, Councilmember Perrow noted that we will have to borrow money for it. He asked Mr. Newland if the state revenue sharing money been allocated yet. Mr. Newland said part of the money has been allocated and they have applied for another round of revenue sharing that should come out this spring. They have heard preliminarily that it has been approved. Once they receive money for a project and transfer it to another project or decide not to use it on that project, they can no longer apply for revenue sharing for that project. Councilmember Perrow asked for clarification that this would be their "one bite of the apple" for this Fifth Street project and Mr. Newland said that is correct.

Councilmember Perrow asked why culvert replacement is not paid for with the stormwater fund. Mr. Tim Mitchell explained that the stormwater fund includes the pipes and the inlets. The culverts stayed in the general fund because they are more like a bridge than a stormwater conveyance channel.

Councilmember Perrow noted that the Florida Avenue sidewalk project started out at \$10 million and now appears to be \$2.5 million. Dr. Wodicka said it is \$6.8 million in total. Mr. Newland said their meeting with the railroad was canceled due to the pandemic and they need to meet with the railroad to discuss the trestle. Councilmember Perrow asked for clarification that the \$6.8 million is spent over five years and Dr. Wodicka said that is correct. Councilmember Nelson asked if it is still the plan to do the railroad trestle portion of the project first before the sidewalk. Mr. Newland said everything is on hold until they can meet with the railroad. They have to see what the railroad will allow them to do to open up the trestle enough to get the sidewalk under it. Mr. Newland clarified for Councilmember Nelson that it is still their intention to make the underpass safer during the first phase rather than a later phase.

Councilmember Helgeson noted that there is \$4.3 million sitting there appropriated for this project. Dr. Wodicka said that was done because revenue sharing money had to be appropriated. Dr. Wodicka explained that we have not borrowed that yet from the line of credit. If it as pay-as-you-go money, it would be sitting there. This is an appropriation. Councilmember Helgeson asked why there is \$500,000 in line of credit money showing then for this year. Mr. Newland said they are spending money on preliminary engineering expenses. Councilmember Perrow

asked why there would be an appropriation for this project in FY2021. Dr. Wodicka said it is because there are two phases to the project and you have to plan out for future years. Councilmember Perrow asked if previous appropriations are being shown as cash flow projections and Ms. Witt said that is correct. We are appropriating money in FY2023 and spending previously appropriated monies in FY2021 and 2022. He said that makes better sense.

Councilmember Wright asked for clarification that the total project is expected to cost \$6.8 million instead of the \$10 million originally estimated. Mr. Newland said that is correct. Councilmember Wright asked if they should be using this amount when they having conversations with this public because this is still a hot topic. Dr. Wodicka and Mr. Newland both said to use this number in conversations.

Councilmember Perrow noted that with good engineering and staff work, they were able to get the cost down to \$6.8 million. He noted that is still extraordinarily expensive but less expensive that it was and he appreciates them saving the taxpayer dollars to the extent to which they were able. Dr. Wodicka clarified that \$2.8 is local taxpayer money and the rest is revenue sharing money.

Mayor Tweedy noted that staff had put the \$9.9 million figure in the budget as a preliminary estimate until the engineering and pre-work had been done. She noted that staff had stated that last year during the budget discussion. She thanked staff for getting them to this point.

Councilmember Wright noted that the term “a sidewalk to nowhere” is a phrase that is tossed around as a way to denigrate this project. He would like to know how many households will be served by this project and staff said they can get that information. Councilmember Helgeson noted that many cars park on the existing sidewalk on Florida Avenue. Dr. Wodicka pointed out that shows the importance of appropriate street design for the urban setting. Mayor Tweedy noted that Florida Avenue is a heavily traveled corridor on that side of the City, especially in order to get to and from downtown. Councilmember Wilder noted that a major business, KDC, is located and their trucks have to turn around there. There are also a lot of blind spots. Anything they can do to support making this corridor safer will be appreciated by Ward II. Councilmember Nelson commented that this topic is not up for re-debate or reconsideration. To argue the merits of this project one way or the other seems to be not a good use of their time.

Mayor Tweedy asked how the McConville Road and Wyndale Drive realignment project will play into the Forestbrook Road work. Mr. Newland said this project takes McConville Road where it comes out at Lakeside Drive and moves it back away from Forestbrook Road. Both of those intersections are close together and there is not enough room between them for it to operate efficiently. It will move the light rather than adding another light.

With regard to the bridge on Timberlake Road, Councilmember Perrow said he feels like they have been forever making repairs to that bridge. Mr. Newland said there are two bridges at Logans Lane and Wards Ferry Road. He said it was hit one year and it was fixed but there were other issues that needed to be addressed. It has been in the fifth year for quite a few years. Councilmember Perrow asked how the Mayor how the traffic is moving through there now with the turn lane finished. She said traffic is moving wonderfully and traffic is not backing up onto the expressway. She said sometimes in recent weeks the traffic has been backing up in front of Heritage Elementary School. It is not often, so she thinks it might be related to work being done near the traffic light.

Mr. Newland said it the next phase will be deck and super structure work. Councilmember Perrow asked if there will be land closures and Mr. Newland said most likely. Construction will be in 2024.

With regard to the rest of the projects, Council asked staff to outline the projects for this upcoming fiscal year and not all years.

With regard to the stadium capital maintenance reserve fund, Councilmember Wright asked if the \$25,000 they are to receive from their agreement with Bank of the James will go into this fund or into their operating budget. The City Manager said that after year one, it could be used toward the \$100,000 they normally put into the reserve fund. The first year the cost sharing goes toward the fabrication and installation of a new sign.

Councilmember Perrow asked Mr. Tim Mitchell if the state withholds grant funding for the stormwater projects, if those will be postponed. Mr. Mitchell said they are moving forward and there is still money in the governor's stormwater grant; but if something changes, they will have to reevaluate. Mr. Mitchell said he does not see any jeopardy with state funding at this time.

Ms. Svrcek said that concludes their presentation of the pre-COVID budget and they will now begin making adjustments. She sent them a preview of things they are considering to fund the budget due to loss of revenue sources. Many of them were already on the list.

// Ms. Svrcek gave them an update on the City's actions regarding COVID-19. They have been working with the Continuum of Care to address how we will deal with homeless individuals that may contract the virus and the plan will be finalized later this week. There was also a special edition of the City Source to cover what we are doing and encouraging people to fill out the census. We have an elder reassurance support hotline and is growing calls from our elderly citizens.

Councilmember Perrow has had some conversations with business owners. One requested some relief on the fourth quarter installment of real estate taxes. That would create a cash flow problem for the City, so he would suggest a compromise and that Council consider delaying the penalty on the fourth installment until July 1. There would still be interest on a late payment. Small businesses really need some flexibility in cash flow, especially since there is a delay in the small business loans from the government. He asked other Councilmembers to keep their ears to the ground and see if this might be helpful and he would like City staff to figure out how much of a risk it would be to the City to defer the penalty on the fourth installment. Ms. Svrcek said this is something they would need Council approval for and they will bring it back to them.

With response to what the state and federal governments are doing, Ms. Svrcek said the state is not deferring filing for state taxes. The federal government has extended the filing deadline to July 15 but not deferred interest. Councilmember Perrow said the PPP loan is not eligible to be used for tax payments.

Councilmember Wright asked when the EDA plans to make some loans available for COVID support. The Deputy City Manager said he did not have an update but he knows they are working on it. Ms. Svrcek noted they are going to be getting approximately \$400,000 in CDBG funds that have to be used specifically on COVID related expenses.

// In the matter of Roll Call, Councilmember Wright had no items. Councilmember Wilder had no items. Councilmember Nelson had no items. Councilmember Perrow thanked Mayor Tweedy and Councilmember Wilder

for discussing the Florida Avenue sidewalk project. He appreciates that they mentioned that the whole corridor is an important gateway, that it has a major business on it and needs improvement. He still would rather to see this as a road project and not just a sidewalk project. Councilmember Perrow also noted that Virginia First Cities has been asked to develop a position on the governor's amendment 36 of the Executive Order moving the local election to November. The Virginia Municipal League does not support this amendment. He would like to make a motion to endorse a May 5th election. Mayor Tweedy said she had this as an item for the 7:30 agenda. Councilmember Perrow withdrew his motion, as Councilmembers would like a chance to read the information given them at the work session.

Councilmember Helgeson had left the meeting prior to roll call. Vice Mayor Dolan had no items. Mayor Tweedy reminded everyone of the importance of responding to Census 2020. She also thanked the public for their cooperation with the recommendations regarding COVID-19.

// The meeting was recessed at 6:27 p.m.

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

Present:	Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling Wilder,	
	Beau Wright, Treney Tweedy	7
Absent:		0

// Councilmember Nelson gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Councilmembers Nelson and Helgeson asked that the minutes of March 10, March 17 and March 24, 2020 meetings be postponed until the next meeting so they can make some corrections.

// Mayor Tweedy asked if there was any objection to amending the agenda to include a discussion of their response to the request of Virginia First Cities to weigh in on the governor's amendment to move the election to November.

// In the matter of Recognitions, Mayor Tweedy recognized the City Attorney, Walter Erwin, for forty years of service to the City effective April 16, 2020. Mayor Tweedy noted that he has been valuable to the City but is highly regarded in the state. They are honored to have him here and that he chose Lynchburg to serve the forty years. Mr. Erwin thanked them and noted that his office has always received a tremendous amount of support and could not function without that support. Councilmember Nelson noted that when he tells people he is from Lynchburg in the legal community, they say they are lucky to have Walter Erwin. He graduated from law school with Walter forty-four years ago and said he was so glad he came to Lynchburg.

// In the matter of Community Development, Conditional Use Permits, a public hearing was conducted regarding the petition of Virginia Episcopal School for a Conditional Use Permit in an R-1, Low Density Residential District and R-3, Medium Density Residential District for a Master Plan at 301 VES Road, 310 VES Road, 314 VES Road, 318 VES Road, 320 VES Road, 340 VES Road, 400 VES Road, 500 VES Road, 700 VES Road, 190 Old One Sixty Lane, 120 Oriskany Street, and 3805 Williams Road that includes the addition of new academic buildings, new faculty housing in the form of apartment buildings, duplexes and single household dwellings, student housing, addition of lighted athletic fields, addition of bleachers at athletic fields and traffic calming to VES Road. The City Planner, Mr. Tom Martin, gave a summary of the petition.

The Clerk of Council, Robin Craig, had a statement from G. Thomas Battle, Headmaster, Virginia Episcopal School (VES): “In 2015 Virginia Episcopal School embarked on a collaborative effort to plan the future growth and development of its 100-year-old campus. Intended to offer a practical, yet visionary approach to the future, the master planning process was designed to hear the voices of VES’s many constituencies and blend them into priorities and design concepts. This collaborative approach included a year of listening, investigating, and brainstorming, and included much community input, meetings with students, faculty, and alumni, as well as a school-wide survey that reached parents and alumni around the world.

To this end, VES would like to provide an opportunity for the City and public to weigh in on the Master Plan and the projects contained therein. This will help to provide the confidence and support to fundraise and develop programs necessary to achieve VES’s goals and vision for the next 20 years and beyond.

In early 2020, VES met with the TRC, Planning Commission, and hosted a neighborhood gathering, pre-Covid-19, in which the participants were able to review the Master Plan documents and ask questions and voice concerns. All meetings to date have been received with the enthusiasm and support that we also share for the campus and its future in this vibrant community. Any concerns voiced at these meetings, specifically field lighting and project phasing, have been addressed in the documents and are detailed herein.

The 260, 9-12th grade students who attend VES are represented by 30% day students and 70% boarding students, while about 80% of staff and faculty live on campus. The Master Plan provides the opportunity to increase the number of boarding students to approximately 80% of the student body while maintaining a cap on total student enrollment at around 260. Additional housing for students, staff and faculty will decrease inbound traffic by locating living and working on the campus for more than 80% of the VES population.

The Master Plan proposes traffic calming and pedestrian safety measures for portions of Williams and VES Roads including adding a planted median on VES Road and several clearly delineated pedestrian crossing areas. This is a planned improvement that would be developed with the City of Lynchburg.

With the proposed changes to campus, the parking areas have been reconsidered to better serve housing and athletic fields. New additional spaces are designed to better accommodate on-campus staff, offer greater access to athletic facilities, and help to pull event traffic off of VES and Williams Roads and into planned parking areas. Athletic improvements include upgrades to all the athletic fields, including new bleachers, turf, lighting, and an enhanced trail system for team and recreational sports. Seating capacities for outdoor gatherings and sporting events are expected to remain the same since enrollment and faculty are projected to remain constant through the 20-year projection of the Master Plan. Note that all athletic field lighting will comply with the International Dark-Sky Association requirements with zero trespass to any neighboring public or non-VES-owned properties.

Phasing of the CAMPUS projects will be developed within a dynamic fundraising process as VES’s Development team builds campaigns for the future of the school. In the first initiative of the master plan a 15,000 sf new academic building is being planned along with some needed renovations to existing buildings, additional faculty housing, and improvements to athletic fields. Project phases beyond the next ten years will depend very much on fundraising and economic trends.”

There were no persons to speak either in favor or opposition to the petition. The Clerk reported that there were no phone calls or email regarding the petition. Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Perrow made a motion to approve the conditional use permit. The motion was seconded by Councilmember Helgeson. Councilmember Helgeson wished that the City could do as well with reducing noise and lighting from the City Stadium as VES is proposing to do with its athletic facilities. The proposal looks good and he thanked VES. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright,	7
Nos:		0

// In the matter of Community Development, Conditional Use Permits, a public hearing was conducted regarding the petition of TPB Enterprises for a Conditional Use Permit in a B-3C, Community Business (Conditional) District to allow the construction of a car wash at 7816 Timberlake Road. Mr. Tom Martin gave a summary of the petition. Mr. Norm Walton with Perkins & Orrison was present to represent the petitioner. He thanked Council and City staff for making it possible for them to speak, as he understands the pandemic has created some unusual challenges for meetings. He stated that water and sewer is available for the project. A large grocery store has been removed from the project. The intersection at Candlewood Court remains the same, so they feel very confident that traffic will be handled adequately. There is a triple lane going to the kiosk, which will keep queuing out from the private road and reduce impacts to the private road. There is one exit from the project as far away from Timberlake Road as possible. They have the landscaping on the concept plan per the ordinance. The underlying proffers for the development have not been revised, amended or removed by the conditional use permit request.

Mr. Daniel Sowers of TPB Enterprises was present to represent the developer. This car wash was previously shown in a different location and they are proposing to relocate it to this spot in order to alleviate some traffic issues that arose. Based on a feasibility study by a national car wash chain and work done with Perkins & Orrison, they believe this is an effective location for the car wash and will mitigate any traffic concerns. They believe it will support the multi-family development proposed for the rear of the development, as well as other multi-family developments in the area.

Mr. Timothy Santiago came forward to speak in favor of the petition. He used to live on Timberlake Road near Kroger and there was not a decent car wash nearby. He thinks this car wash will improve the lives of a lot of people that live in the area. He would like to see them approve something that will improve people's lives, especially in a time where we need to focus on cleanliness.

There was no one else present to speak either in favor or in opposition. Ms. Craig read one email into the record: "I am writing to oppose granting the subject conditional use permit. The proposed location has substantial traffic from the apartments and SSA. Adding this business to the already overwhelming traffic on Timberlake Road will reduce the safety of travelers and for local residents. Sincerely, William D. Conner, III, Moreview Drive, 24502."

Councilmember Helgeson asked why there is not a *Future Land Use Map (FLUM)* amendment before them because it is listed as High Density on the *FLUM*. Mr. Martin said that when it came before them previously for

rezoning in 2014, it was not changed. They are currently looking at the *FLUM*. There are certain areas of the City that need to be tweaked and updated and he thinks this is one of them. When this project was originally presented, it contained high density residential with a retail component and that may be one of the reasons they did not recommend it to be changed. Councilmember Helgeson noted it is not a big change moving the car wash from one lot to the other. Councilmember Helgeson noted that originally there was supposed to be a grocery store in this project and it would employ more people than a car wash and a different amount of tax revenue. Mr. Martin noted that it was a different developer in 2014 and the property has been sold. The new owner, Mr. Thomas Bell, has taken a little different approach to what types of uses are going to go there. Mr. Martin said this project has changed, as they were originally proposed to be service industries that would support the residential uses in the rear. It is a philosophical switch, which was actually difficult for planning staff. Staff cannot dictate the market and the way the site is being developed, which is why staff ultimately ended up supporting the use.

Councilmember Helgeson asked if there have been any violations from this site. Mr. Martin said there have been a few E & S violations, but the site is in compliance now. Councilmember Helgeson noted that there are other proposals coming their way from this developer, such as a lot of townhomes and apartments, which are the very thing to which the neighbors objected. He will not object to the car wash because it is not a big change. He hopes Council recognizes that often they get a project and they like it as presented but then it changes because there is a new owner and a new philosophy. He can tell them that the neighbors are not appreciative of it.

Councilmember Perrow noted that there has been a history of challenges with making sure this developer meets City regulations, particularly regarding erosion and sediment control. He thinks there are some opportunities to partner with the developer going forward and improve the City overall. In order to do that, there has to be a solid basis of trust. The developer has to stick to their commitments and follow the regulations or the City is not going to be willing to go into any sort of agreement with someone they cannot trust to hold up their end of the agreement. He suggested they have a suggestion with their client and make sure he or they work really hard to establish trust with the City. He thinks that would make this next phase potentially go a lot smoother. He is excited about some of the potentials they are bringing forward that helps us create more of a gateway into the area but we have to have that trust.

Councilmember Perrow made a motion to approve the petition. The motion was seconded by Councilmember Wilder and passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright,	7
Nos:		0

// In the matter of Budget, Council conducted a public hearing to consider introducing a resolution for the purpose of amending the FY2020 Budget and appropriating supplemental funds and rescinding appropriations for both the Capital and Operating Budgets for the twelve-month period beginning July 1, 2019 and ending June 30, 2020. Ms. Donna Witt gave them an overview of the request. She provided Council with proposed expenditure and revenue adjustments based on both the third quarter review and the recent COVID-19 projected impacts. She explained the research that went into the assumptions for projected revenues. They have been having weekly discussions facilitated by Virginia Tech with finance leaders state-wide to glean understanding of how localities are

handling the impacts of COVID-19. They have had discussions with the Commissioner of Revenue, Tourism Sales Team, which surveyed local businesses and canvassed regarding their dedicated revenues. Other information sources consulted were Virginia First Cities, Fiscal Analytics, Virginia Government Finance Officers Association, Government Finance Officers Association and Virginia Municipal League/Virginia Association of Counties. She explained that this is difficult because it is unprecedented and we do not have any history to fall back on and we are still waiting for our March revenue numbers. They searched every available avenue where they could get more information.

Ms. Witt covered the changes they are projecting for real property, personal property, motor vehicles licenses, local sales and use tax, meals tax, lodging tax, amusement tax, business license tax and the allowance for uncollectible business license tax. They also made adjustments to all other non-dedicated revenues such as bank stock tax, permits, fees and regulatory licenses, fines and forfeitures, revenue from use of money and property, charges for services and miscellaneous revenue. She went over the projections for our dedicated revenues such as charges for services, recreation revenue, parking revenue and miscellaneous revenue.

In order to make the budget whole, they are proposing to use \$500,000 from the Task Force on Future of PreK-12 Education and Beyond, \$500,000 from the GLTC Reserve, \$380,235 from the General Fund Reserve for Contingencies. They also made some expenditure reduction with reduced salary and benefit funds for part-time staff due to furloughs, reduced department operating funds for training, mileage and office supplies due to spending and travel freeze, reduced department fuel costs due to savings, use of managed vacancy funds, including the hiring freeze and reduced school operating local funding.

She concluded by saying that staff is constantly monitoring the impacts to revenue as a result of COVID-19. Following receipt of meals, lodging and amusement taxes on May 20, staff will have a better idea of how these three consumer driven taxes are performing during the various directives from the governor. If there are significant changes, they will provide an update at the May 26th work session.

Mr. Timothy Santiago came forward to speak. He said citizens rely on Council to provide a comprehensive budget. Changes to a budget and operating costs should not be taken lightly. We do not have all the facts right now. The times we are in are troubling. He would suggest they give it two weeks and see if we peak because we may be out of this sooner than we thought. He pointed out that our economy came back for quite a while after the 1918 Spanish influenza. We will come back because Lynchburg has always persevered. He thinks Lynchburg is unique in its ability to do so but through strong leadership. He thinks the budget should only be changed under extreme circumstances and he thinks we can continue it for the future. He thinks they should wait two weeks for more information to make sure they have made a good decision.

There was a phone call from Phil Stump. He followed closely the discussion of the Lynchburg City Schools proposed budget and was very impressed by the virtual miracle performed by the superintendent. She was able to keep the spending at the same level as last year while addressing inflation and important emerging needs. She noted that the flat budgets are not sustainable in the long run. City Council will be tempted not to accept even this insufficient flat budget but will be tempted to make cuts that will be exceedingly harmful for the future of our schools. The pandemic will create fiscal challenges for the City and even more fiscal challenges for our schools.

He is a property owner and is willing to pay substantially higher property taxes to support schools. People that seek to be good stewards are to be supported and rewarded not punished with scarcity. When they are stewards of our children's future, this is all the more necessary. What is at stake is indeed the future of our society.

Mayor Tweedy closed the public hearing of the petition. Councilmember Helgeson thought that many people pay their real estate taxes through escrow so maybe the projected uncollectible amount is high. Ms. Witt said it is about 31 percent that pay it through escrow. Staff was surprised by that percentage, so they verified it twice. Councilmember Helgeson commented sometimes times like this help us separate the necessities from the niceties. He appreciates what the financial staff is doing. It is good and prudent and will hopefully carry over into next budget year. We are cutting approximately three percent from the general fund but there are people out there paying the bills that have lost all or almost all of their income. He made a motion for approval, which was seconded by Councilmember Perrow.

Councilmember Perrow commented to Mr. Santiago that Council takes budget matters very, very seriously. He explained that state code requires them to have two readings to amend a budget. The second vote will be in two weeks and ensures that this is in fact what they want to do. If there is good news in two weeks, we can react to that change. He thought Mr. Santiago made some very good points. City staff has worked to figure out what they can do to slow spending down recognizing that revenues have fallen. He thinks what staff has done will allow City services to move on. The part-time employees furloughed were mainly those employed in gathering places such as the libraries and the recreation centers. He explained to Mr. Santiago that the cuts they are making are expenditures that are not being made that do not have a significant impact to current services. We have to balance this loss of revenue somehow.

Councilmember Perrow asked Ms. Witt how staff made the projections so specific such as 79 percent and 41 percent rather than more general. Ms. Witt said part of it is historically what we have collected to date and basically it is just math. They took into account anything that could influence where they need to get to. She relied on staff members like Mitch Nuckles and Marjette Upshur and their wealth of knowledge. Councilmember Perrow noted it had to be a significant amount of effort and thanked her and the rest of staff involved.

Councilmember Nelson noted they are hearing that hope is not a strategy. What they are doing is a very appropriate strategy to deal with novel and unpredictable challenges. He hopes it is not as dire as it is but these are good strategies.

In answer to a question from Councilmember Wilder, she said it is about \$5 million in a reduction in revenue and then using the committed and assigned fund balance and the reserve for contingencies. It is a net of about \$3.5 million. Councilmember Wilder thanked staff for their efforts to try and deal with a moving target.

Councilmember Wilder thanked staff for the hard work. He asked how much is left in the task force money and was told \$700,000. He asked when the furloughs take effect and was told they have already taken place and those employees have been told that it is indefinite. Councilmember Wilder asked if the schools told them that they did not need the \$1.5 million and Ms. Svrcek said it was a happy bit of coincidence.

Vice Mayor Dolan thanked the staff for the extraordinary job. Mayor Tweedy echoed all the accolades.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright,	7
Nos:		0

// In the matter of Budget, Council considered introducing a resolution to amend the FY 2020 General Fund budget and appropriating \$224,965 with resources from the General Fund Reserve for Contingencies to refund overpayment of Bank Franchise Tax for tax years 2012, 2013 and 2014 by BB&T for operations in the City of Lynchburg.

Councilmember Perrow commented he is a stakeholder in BB&T and it is considered an amount enough to be a personal interest; however, he is a member of a much larger group and feels he is able to vote in an unbiased manner. Councilmember Nelson had the same disclosure to make but it does not rise to a statutory interest. He stated he can be objective and unbiased. Mr. Mitch Nuckles explained that banks pay an annual tax on their equity. BB&T filed 2012, 2013 and 2014 tax returns. They amended those returns, which were initially denied by the Department of Taxation. The Tax Commissioner overruled the denials in October 2019. BB&T has agreed not to seek any interest from localities if refunded by May 1, 2020. Councilmember Helgeson spoke on behalf of the Finance Committee and said that it was very benevolent of the bank not to request interest. He asked how much is left in the reserve for contingencies after this payment. Ms. Witt said it is approximately \$255,000. It is obviously a bad time to be giving a refund like this, especially since it was through no fault of the City. He made a motion on behalf on the Finance Committee to approve the resolution. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright,	7
Nos:		0

// In the matter of City Council, Mr. Erwin provided them with a report regarding how other localities are conducting meetings during COVID-19, which is a variety of different ways. Each locality seems to be adopting procedures which are best for their situation. He provided them with a sample ordinance from Richmond that could be used as a starting for Lynchburg City Council. Councilmember Nelson noted this is probably a worthwhile tool to have in our tool belt of policies and procedures. His concern is that the opportunity for abuse may be high. He does not have a problem with having a way for a Councilmember to participate electronically if he or she needs to be away for a family medical reason. If it is not possible for a quorum to be physically present in Council Chamber, he would want an emergency to be declared that is higher than someone in the City. The meeting should also only deal with emergency type issues and not routine items that deal with ordinary operation of the City. It should be directly related to either resolving the emergency or something that has happened as a result of the emergency. The procedure should be very clear and precise and identify the emergency and why it is necessary for Council to act immediately. He would also like a super majority having to call for a virtual meeting. He feels they can make the effort to conduct their meetings since first responders and health care workers are facing the challenge every day. He wants to set the bar very high before we can conduct the people's business in a way that is somewhat behind closed doors and not readily available to most people in their circumstances.

Councilmember Wright would agree that there should be a really compelling public interest to hold a virtual meeting. He asked staff if they have the infrastructure to conduct a virtual meeting that still allows the public to be involved. There was discussion about how this could be facilitated but it would involve some staff being there to

operate the computer and audiovisual equipment. Councilmember Perrow asked why we would ask staff to be here and not be here ourselves. Councilmember Wilder thinks that with the way the world is changing, it is good to have a system in place if it does get worse or something else happens. Councilmember Helgeson thinks the bar needs to be very high. If it is so bad that we should not be asking staff to be here, then we should not be meeting. Our first responders are out there. The estimates of fatalities are coming in at three percent of the original estimates. He thinks they are coming out of the woods and he thinks we need to continue to have everything above board and out in the open as much as possible.

Mayor Tweedy noted that she also thinks the bar should be high. The numbers were predicted but it is also because practices were put in place early enough that numbers were reduced. Vice Mayor Dolan agrees that it has to be an emergency situation and it needs to be further defined. Mayor Tweedy noted that we are elected officials but should not be in the category of first responders. They are not public safety responders and that is their job duty and career. We may very well be doing more damage by not adhering to the guidelines that are in place and we are not on the same level, in her opinion, as first responders.

Councilmember Perrow likes the idea of a super majority for action. He wondered if they would have to call a meeting to declare the emergency. Councilmember Nelson said they would call a meeting in a virtual way if a state of emergency is declared. It happens in the process of opening the meeting. They have to articulate the reason and what is on the agenda. It would be limited to those things that are related to the emergency. He would be happy to meet with Walter Erwin to craft some language. Councilmember Perrow said that would be his recommendation. Councilmember Helgeson commented that he also likes the idea of a super majority needing to call for the virtual meeting. Councilmember Nelson would suggest they need a policy in order to deal with routine items in a situation such as the building is not habitable. Dr. Wodicka said staff is working on a City Hall continuity of operations plan that was in the works before this pandemic. Councilmember Perrow asked if the continuity of government ordinance they approved previously would allow a councilmember to attend electronically if the rest of Council agrees. Mr. Erwin said that is correct and it was covered in the one they passed on March 24, 2020 and clarified that the member should be able to do anything they could do in person, including voting.

// In the matter of City Council, Council had a discussion regarding the governor's amendment 36 directing the local elections to be moved to November. Virginia First Cities is asking for each locality's input regarding this issue. Councilmember Perrow made a motion that Council directs him to vote on behalf of Lynchburg to reject this directive at the board meeting this week. The motion was seconded by Councilmember Helgeson. Councilmember Perrow explained the language cannot be changed. Either the General Assembly will accept it or not. Councilmember Helgeson seconded the motion because several of them are on the ballot. They have been preparing for it but the registrar is working very judiciously. The 2,000 ballots that have been submitted so far would be discarded and that is not good. He thinks it is terrible that the governor has both declared an emergency and the decided what needs to be changed. Normally an emergency requires a super majority vote and hopefully that would still be the case. The suggestion that the local election be combined with the presidential election is also not acceptable to him because it would couple the election for the highest office in the nation with one of the lowest.

Councilmember Wright said he would normally agree but in this case the issue is a pandemic. There are people going into the registrar's office to vote in person. Polls will still be open, since a mail only election has not approved. He has great concern about both voters and poll worker. The electoral board endorses the governor's recommendation. Health and safety is paramount to him, so he would be opposed to them endorsing the recommendation to keep the local election in May.

Councilmember Wilder echoed the concerns regarding the safety of the poll workers and voters. He has not heard of any protection measures being put in place for them. Councilmember Helgeson reminded them that the Fire Chief has offered protective equipment for the poll workers. He pointed out that people are shopping with social distancing measures and that could be done at the polls as well.

Councilmember Wright commented that most of the poll workers are in the high risk category and we do not even know if they are willing to show up to work. Long lines were seen at the polls in Wisconsin and it created a public health fiasco. Councilmember Perrow noted that he has never seen a line at a May election. It is a very low turnout election.

Councilmember Nelson said he likes the local elections to be held apart from the state and national elections so the issues do not become convoluted or obscured. Money has been spent on campaigns by the candidates and to drag it out six more months would be hard on them. Votes have been cast and they will be thrown away. Those voters would have to do it again. However, the voice of the local registrar rings high. If it cannot be carried out because the poll workers are not there, we are not going to have an election with integrity in May.

Vice Mayor Dolan thinks local elections get lost in a state or national election. She thinks they become more bipartisan and for that reason she would not like to see it moved. She would like to see mail in only campaign but she does not think they have the appetite for it.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Perrow, Tweedy	4
Nos:	Nelson, Wilder, Wright	3

Mayor Tweedy noted that she thinks there are protective measures that can be put in place. Councilmember Perrow will communicate the vote to Virginia First Cities.

// On motion of Councilmember Perrow, seconded by Vice Mayor Dolan, by the following recorded vote elected to hold a closed meeting to for the discussion and consideration of prospective candidates for the position of City Manager pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

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

Councilmember Helgeson made the following motion:

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

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

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

The motion was seconded by Councilmember Perrow, and Council by the following recorded vote adopted the motion:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// The meeting was adjourned at 7:00 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of April, 2020, at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder,

Beau Wright, Treney Tweedy 7

Absent: 0

// In the matter of Budget, Council heard a presentation on budget revisions as a result of COVID-19. Ms. Svrcek said that first and foremost, we still have citizens to serve and a City to maintain with direct and indirect services. Historical trends do not apply and with regard to future trends, we know a little more with each passing month. Items that we do not know are what will happen with our anchor institutions. The colleges, universities and the hospital are doing things differently. We do not know how many college students will return to campus. There is uncertainty regarding whether people will continue to work remotely versus in a brick and mortar office. There is uncertainty regarding the impacts of reductions by the State, particularly for annual police funding (\$3.1 million), Personal Property Tax Reduction Subsidy (\$5.5 million), Highway Maintenance (\$9 million) and Education funding. We do not know the impacts of changes in consumer behavior. There is the potential of Council to make changes to tax rates. There is the uncertainty of when a vaccine will be available and the economic impact should there be a reoccurrence of the virus.

Councilmember Nelson asked if it was possible, if not too burdensome, to get some preliminary information from businesses even though it is not time for them to report their receipts. Dr. Reid Wodicka said they have been getting anecdotal information from businesses by using surveys and they were falling in line with their expectations. Ms. Witt covered the sources of information they used for forming their projections. Since the last meeting, they have added information from the Virginia Employment Commission and the Virginia Restaurant and Lodging Association. Councilmember Perrow asked if the Lynchburg Business Alliance has been a source of information. Ms. Svrcek said they have been holding briefings called “Wednesdays at One.” He asked if there is a way we could use them to poll some of the businesses. Ms. Witt said she talks to Marjette Upshur on a weekly basis, as they are a long-term recovery team together. Both the Alliance and the EDA should be on this list.

Councilmember Helgeson thinks you can tell what is going on by driving by the empty parking lots of the businesses and the colleges. He thinks we need to start lobbying to do something different as Lynchburg because we only five people in the hospital out of 82,000 residents. He thinks we need to do something different like was done yesterday when the governor tried to use his authority to unconstitutionally usurp something and was stopped by the court. He would like them to do something proactively but safely. Councilmember Perrow noted that he received an email sent to Virginia First Cities asking what steps can be taken to come out of this. The idea of regionalizing has been put forth because what is a problem for Fairfax or Arlington is not necessarily a problem for Bristol or Lynchburg. Councilmember Helgeson noted this is a medical crisis for hospitals. UVA has cut salaries and furloughing 20 percent of its personnel. If UVA is furloughing in a medical pandemic, something seems very askew to him. He thinks they need to look at some factual analysis and not just stoke fear.

Councilmember Nelson thinks Councilmember Helgeson makes some points. We have to make decisions based on the mindset of our citizens and businesses. It has been pointed out that we need to rely on data and data is

scientific evidence. That is what we need and what has been promoted. We need to do testing. That confidence and information will facilitate people going back to restaurants and businesses knowing they can do so safely. Until we have that information is known and there is the ability to track contact, everyone is going to have the fear that will shut us all down. The formula has been laid out by scientists and medical people who know and we should not rely on speculation. Just pushing a button and saying we are ready to go is not going to be the solution.

Ms. Witt provided them with the unemployment data for Lynchburg. We are very similar to other cities in Virginia and are kind of in the middle of the pack. She also provided them with the Central Virginia Workforce Development Area top ten occupations with greatest number of initial unemployment claims. No surprise is that the food industry is the top one and administrative positions being second. There are just over 5,000 in Lynchburg in the initial unemployment numbers. They use 32,000 as the number for the Lynchburg workforce. Councilmember Helgeson noted that means that about 15 percent of our workforce has been forcibly unemployed in the last few weeks.

Ms. Witt had a slide showing the president's guidelines for opening up America again. Before we can start Phase 1, we need a downward trajectory in cases for 14 days. They used this data for their assumptions for revenues. Ms. Witt noted that they are paying really close attention to what the governor is saying about whether regions can open up when they have reached Phase 1 but for now we have to go on what the president has outlined.

For the big picture revenue assumptions, the first quarter assumes Virginia moves from Phase 1 to Phase 3 by the end of the quarter, which includes most businesses open with relaxed social distancing. Second quarter assumes Phase 3 continues with social distancing and consumer behavior driven by individual health concerns. Businesses are pretty much open. Third and fourth quarters are based on anticipating more "normal" consumer spending.

Ms. Witt noted that grocery store and home improvement sales are up, as well as online sales. Restaurants with quick service or drive through are holding steady. Full service restaurants that changed to curbside pickup and/or delivery are down. She then went through the conservative, meaning worst case scenario, assumptions they have made for the economic impacts of COVID-19 on FY2021 revenue projections.

Councilmember Wright asked how the projected decline in revenue correlates to the 2008 recession. Ms. Witt said that was different. She cannot tell them the overall decline. Our consumption revenues were really impacted but it was different. He asked if it was worse and Ms. Witt and Ms. Svrcek said no. Councilmember Perrow noted it was more of a slow drain and we had to shrink the City budget. This is kind of a sudden shock and he is concerned about cash flow. Ms. Witt said she has two staff members continuously monitoring money coming in and going out to make sure what we are projecting is even feasible. We are good until the end of this fiscal year and we are also projecting out to the end of the calendar year. The May and June collections are so important though because they get us through the summer and fall and to our next due date in November.

She covered the revenue projections for dedicated revenues and then the sources they propose to use to balance the FY2021 proposed budget: \$2,015,952 from a loss in the 3 percent general wage increase; \$946,481 from a delay in Phase II of the Korn-Ferry market adjustment; \$1,142,346 from a one-time transfer from GLTC City Operating savings due to additional federal funds available through the CARES Act; \$30,142 from eliminating City Council salary increases; \$75,000 from reducing funding for implementing Safety and Security Task Force recommendations

leaving a budget of \$50,000; \$50,000 from eliminating health insurance consultant for employees; \$700,000 from reducing the transfer to Lynchburg City Schools; \$75,000 from Economic Development eliminating funding for 2040 Master Plan \$60,000 from eliminating Public Works mini sweeper and \$2,760 from reduced hours for part-time Volunteer Coordinator position at the library.

Councilmember Wright asked what the alignment with Schools is regarding the proposed reduction of \$700,000. Ms. Svrcek said they knew they needed to spread the impact quite frankly and they arrived at this number. Quite honestly, she has not had a conversation with the superintendent regarding it until today. Councilmember Wright would not be comfortable with it without consulting with Schools and would like it added to the “list.”

Additional sources to balance the budget are \$34,986 from eliminating a new part-time police accreditation position; \$39,773 from eliminating a new part-time fire accreditation position; \$12,383 from delaying the start of new Parks & Recreation positions for a neighborhood center until October 1, 2020; \$61,315 from a delay in starting three new full-time Social Services positions (local savings) until January 1, 2021; \$500,000 comes from eliminating the additional money for the Task Force on the Future of PreK-12 Education and Beyond reserve and the use of \$700,000 of the Task Force on the Future of PreK-12 Education and Beyond reserve for a total of \$6,446,138 in expenditure reductions and use of reserves.

Councilmember Helgeson asked if there were any other studies or master plans that they could look at postponing. Staff could only think of a Parks & Recreation study that is in pay-as-you-go money. Councilmember Helgeson said it would look through to see if they could find any “low hanging fruit.” Ms. Svrcek said they are looking at doing some of the implementation of the Economic Development 2040 Master Plan in-house. Mayor Tweedy asked if there is an economic recovery plan from the pandemic. Ms. Svrcek said there is a long-term recovery group that meets once a week and it is a work in progress.

Ms. Witt explained that they will be monitoring revenues very closely. Following receipt of July 2020 meals, lodging and amusement taxes on September 21 and sales tax on October 5, staff will have a better idea of how consumer driven taxes are performing. Staff will provide an update at the October 13, 2020 Council work session. Expenditure adjustments will be proposed to Council on October 13 if the economy is not improving. She will also be giving a monthly report at Finance Committee. Ms. Svrcek indicated they would also update Council at the second meeting of each month.

There are several things that they will know by October that will help them project revenues going forward such as FY2020 business license payments due May 20, FY2020 personal property tax payments due June 5, FY2020 real estate tax payments due May 15, July meals, lodging, amusement and sales tax payments, September meals, lodging and amusement tax payments and October 5 sales tax payments. We will have a better understanding of consumer behavior, college enrollment and return of students, rescheduled college graduations and the status of Lynchburg City Schools.

If the economy is not improving by October, the hiring, spending, training and travel freeze will be extended. We might need to use the Fund Balance above 10% (\$1,100,000). There could be a possible return of additional GLTC funds, if available (\$500,000). We could reduce General Fund Pay-as-you-go Capital Improvement Program

projects. Staff furlough days may need to be taken. There could be other sources of expenditure reduction or revenues to be determined. Councilmember Helgeson asked if the furlough days would apply to public safety employees. Ms. Svrcek said that would be her recommendation.

Councilmember Nelson noted that until testing and contact tracing is more robust, the consumer confidence to go out could be marginal. He asked Ms. Witt if there had been any discussion about testing in her meetings with other financial officers and she said that they had heard that hopefully by early summer the testing will be ramped up. He asked if any of the universities are implementing any requirements that students have to be tested or vaccinated before returning. She said she had read an article that all the major colleges are meeting to determine what that might look like in terms of students returning. They are all looking at different scenarios. It could be disastrous if the public perceives that the colleges are not doing that here in terms of wanting to go out to businesses. We should probably have a conversation with our college presidents regarding their plans. Councilmember Helgeson thinks the testing has gone up tremendously. He also pointed out that you can test one day negative and then get the virus the next day. He also hopes they do not go down the path of vilifying a select group of people. The paper said that a certain school was reckless and he went there and it was a ghost town. We are all in this together and we cannot be attacking a piece of our economy. We really do appreciate 15,000 students that come here and help fund our budget. He is sure they want to be healthy just like we all do. He thinks we all care about our safety and our health. Councilmember noted that the college students are certainly a viable part of our community. He just meant that he would like them to be here in a safe manner and he thinks the college presidents should be having conversations about how that will happen. He does not think anyone is trying to vilify anyone. It is a comfort and security level that he is seeking.

Councilmember Wright stated that it is a fact that we do not have enough testing in Virginia. If we want people to feel comfortable opening their businesses and consumers to go out into the marketplace, they need the assurance that they can be readily tested. He wants the public watching to know that Lynchburg believes in science and evidence and data. It is not just about what feels good and we will look to the public health experts and epidemiologists for thoughtful, studied recommendations before we do anything with our most precious resource, which is our people.

Mayor Tweedy thinks that because social distancing guidelines are so stringent and the conversation about reckless decisions was brought up early, the impact on our community has been minimized. That is a good thing because she knows people that are personally affected. She knows that life matter and we have the opportunity to preserve life and safety and have precaution in our leadership roles. She will do everything she needs to do to protect citizens and their lives. We can't go to restaurants if we are six feet under. She does not have an expendable number of citizens that are expendable in our City no matter their length of residency.

Ms. Witt will also give an update at the January 12, 2021 Council meeting if the economy is not improving. They would suggest extending the hiring freeze (managed vacancy savings), extend spending freeze, extend training and travel freeze, eliminate any remaining General Fund Pay-as-you-go Capital Improvement Program projects, consider additional staff furlough days, consider a reduction in force, including related service delivery impacts. There could other expenditures reductions and sources for revenue to be determined.

Councilmember Wilder commented that he is sorry that the three percent raises and Korn Ferry salary adjustments are being cut. He asked if there any way possible we can make adjustments to salaries or give a bonus if we see revenues are better later in the year. Ms. Witt said that would certainly be possible and it would be a Council decision. Ms. Svrcek would suggest they mention things they would like on a “list” to be considered in mid-year FY2021. He asked if schools have been consulted about the \$2.2 million they are suggesting be taken from their budget. Ms. Witt said they talked about the initial \$1.5 million but not the additional \$700,000. Councilmember Wilder would like the entire \$2.2 million added to the “list.” He would like to hear from the school superintendent as to the impact this will have on their budget.

Councilmember Wilder asked about the increase in the trash fee. Ms. Svrcek said that will be on the agenda for next week’s work session.

Councilmember Perrow would like to see the City’s portion of the school budget for the past several years so they can see the recent history. Ms. Svrcek said she will provide that to them.

Councilmember Helgeson would like them to look at some reduction in force. UVA just announced today that they are cutting administrative salaries and positions by 20 percent. He would like them to look at the ones that are actually delivering services such as the firefighters, police, teacher and trash collectors but cut some of the administrative positions or salaries. In his tenure, he has never seen a zero base budget that looks at what we actually need. Things just seem to incrementally go up. He would suggest they keep “the boots on the ground” and possibly pay them more but cut some of the administration. There is some administration that is needed but there are probably things that we could do. They have listed these things as possibly being done in January 2021 but he would suggest they need to be done now. He does not want to impact the services to citizens but we could get rid of some of the middle stuff.

Ms. Svrcek would say that for years City departments have been working at the margins from top to bottom. If there were fat in this budget, Council would have cut it by now. She does not believe they have a “fat” budget to say the least. Everyone is busy doing the work that Council has expected them to do. They may do some furlough days, if necessary, but they are hoping there does not have to be a reduction in force, quite frankly. Council needs to tell them if there are certain positions they want them to look at. The budget was zero based during the time of Kim Payne. Frankly, every year she has been the City Manager she has typically asked departments to submit a budget with less funding than the previous year. They have increased salaries to try to keep up with the market. It breaks her heart that they cannot go forward with the three percent increase and implementation of Phase 2 of the Korn Ferry study. We fought hard to do that study and to have Council support it. Frankly, she takes offense that he thinks that there is wasted taxpayer dollars in this budget. They do not believe there is and Council needs to tell them if they want to cut a particular service.

Councilmember Helgeson thinks a lot of administrative things have grown over the years and he noted that not all department heads live in the City. Ms. Svrcek said more and more of them do as she has hired them. He suggested consolidated more divisions like they did with Economic Development, Tourism and Museums. He would like them to hone through it in light of what UVA did today. Ms. Svrcek said they are not a hospital and she does not think that is a fair comparison.

Mayor Tweedy noted that some companies have been able to have their CEOs take a 90 percent cut and still be able to pay their people. For more budget seasons now, she has seen “apples compared to oranges.” It would be constructive if people said cut services. You need supervisors and administrators to run departments. The idea is grand as a PR point to say “let’s cut fat” or “let’s cut level of management.” It sounds good to some ears but it is not reality. We are looking at life, death and reality and how we are going to look on the other side of a pandemic and not just pandering to someone that wants to hear something that “tickles their ears.” These people that have been front line through the pandemic we are now saying cannot get a raise. We praise them but then tell them they are not worth the money we put aside.

Councilmember Helgeson said he takes offense when she keeps saying he is pandering. He brought up something to the City Manager. She said he is comparing “apples to oranges” and he said absolutely not. She said she attacks just like she did with Liberty University. Speaking of pandering, he held up the newspaper where she had called Liberty University reckless and she did not even go over there. He is bringing up things that are important because our restaurants and businesses have done that. Mayor Tweedy acknowledged that she did call something reckless to someone who lied to her and the City Manager. He said he brought it up and if she does not like it to vote against it. She asked him to bring up something constructive and maybe they can agree with it. He would like her to be the leader and quit attacking a Councilmember. She asked him to quit being a weak Councilmember that she has to attack.

Councilmember Perrow said she needed to move on and she said she did not need to move on if she thinks people are pandering and attacking the City staff and attacking the budget they have brought and the decisions they have made, she has the right to defend it.

Councilmember Nelson thinks that the points made have been well articulated. He thinks the public and he understand both. In terms of the budget and the task before them, they need to move on. She would agree and they need to stick to the presentation.

Councilmember Perrow suggested they talk about “the list.” There are several items on the list that would add dollars to the budget and he does not think it is appropriate to discuss them at this time. He would suggest they strike items nine through 19 and 31. Councilmember Helgeson seconded the motion. Councilmember Wright would like to remove items 11, 12 and 31 and made that as a friendly amendment. Councilmembers Perrow and Helgeson accepted that amendment. He said these were items that some of Council thought they could support but obviously the funding is not there. It hurts him to not support these at this time but he would like to see these items returned to the future “list.” Councilmember Wright said it is unfortunate not to be able to support some of these items and in any other budget cycle, these would be incredibly serious items for conversation.

Councilmember Nelson wanted to have some discussion about item 19 because that deals with service to one of our most rapidly growing parts of the City. There would be a net savings to the fire department in the overtime they do not have to pay. Councilmembers Perrow and Helgeson accepted that amendment. Councilmember Nelson said three months ago all of these items would have been legitimate and viable topics for discussion but the economic landscape has changed so drastically.

Councilmember Helgeson is glad item 19 was pulled. When we are having tradeoffs like this, we really have to fixate and focus. It is not pandering. It is making sure our citizens are safe. If there is a way we could cut so we can add those desperately needed “boots on the ground,” that is what he would like to see them do.

The motion passed by the following vote:

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

Absent: 0

Councilmember Helgeson made a motion to accept stricken items 1 through 4, which are staff adjustments. Councilmember Wright asked what the \$75,000 (item 4) includes and Dr. Wodicka thinks it is a number of place making initiatives, beautification and things like that, throughout downtown. Councilmembers Wright would like this item to be added to the future “list.” Council did not request items 2 or 3 be on the future “list.” The motion was seconded by Councilmember Helgeson and passed by the following vote:

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

Noes: 0

Rather than discuss item 5, Councilmember Perrow suggested they talk about big ticket items to see if they are willing to make the decisions necessary to fund these items. Councilmember Wright suggested they start with item 19, the nine additional firefighters. Councilmember Helgeson noted they will have to do the same if they want to add back the \$2.2 million for schools. Mayor Tweedy suggested they start at item 5 and go down the list. Council was in consensus to do it this way. Councilmember Perrow made a motion to keep the deduction of \$37,148 from Parks & Recreation. Councilmember Helgeson seconded the motion. Ms. Svrcek said Council needs to understand it will delay the reopening of the College Hill center, which is currently delayed until October. Councilmember Nelson said we are not sure when groups can gather in large groups and for that reason he would support this motion and look at it in September. Councilmember Wilder is hesitant to remove it because it could be challenging to get it back. Mayor Tweedy felt this could be “double cutting” one of the most vulnerable populations, if cuts are also made to the schools budget. She would like to see what it would look like because it is her understanding that schools is partnering with the centers to help students reenter in the fall. Councilmember Nelson is an ardent supporter of the centers, but we are not even sure if the schools are going to reopen in the fall. We will have a “litmus test” in the summer and early fall to see what staff and facilities are required or not required. Councilmember Helgeson noted they are new positions but Ms. Svrcek noted positions were moved from College Hill to Jefferson Park Center.

Councilmember Wright wanted to know where the \$380,043 came from with regard to the Use of Reserve Committed/Assigned Fund Balance. Ms. Witt said it the net of the money reduced from the Schools Task Force (\$700,000) and the \$319, 957 we put back from GLTC.

Councilmember Perrow noted that Councilmember Nelson helped him become a supporter of the centers as well in recent years when he worked with the Boys & Girls Club. But if we are going to add things, we have to make some tough decisions. He noted that the reopening is already delayed until October, and we do not know if we will be able to have large groups together at that time or if schools are going to reopen in the fall. Mayor Tweedy asked if the internet would be cut as well. Ms. Svrcek reiterated that the center cannot open at all if it is not staffed.

Ms. Jenny Jones clarified that this center is a neighborhood internet hotspot. Councilmember Nelson noted they could leave \$795 in the budget to cover the internet service. She also clarified for them that it is necessary to have two persons in the centers at all times for safety reasons. Councilmember Wright said he would not be in favor of removing funding for this center because the centers are so important to the fabric of neighborhoods. Vice Mayor Dolan wondered if this item could be put on the future “list” and they delay the reopening until maybe January. Ms. Svrcek said they could do that and bring it back as resources become available. Councilmember Wilder said he is not comfortable with taking money away from a center, particularly in the ward that he represents.

The motion failed by the following vote:

Ayes:	Nelson, Perrow, Helgeson	4
Noes:	Wilder, Wright, Tweedy, Dolan	3

The discussion moved to item 6, \$50,000 for Safety and Security Task Force. A motion was made by Councilmember Helgeson and seconded by Councilmember Wright to strike this item. They were both satisfied with staff’s recommendation on this so the money can be used somewhere else. Mayor Tweedy asked what this will do to the efforts to make the buildings safer and more secure. Ms. Svrcek noted the first measures were supposed to add some additional safety measure to City Hall in particular. Councilmember Perrow commented it is not preferred to put this off but putting it off a year will not be the end of the world. It should certainly be implemented in future years. if she received the amount of overtime spent on the Fire Department. She mentioned that she might have sent the request by email. Ms. Svrcek said she would get that information to Council.

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

The discussion moved to item 7, \$93,789 Chief Talent Development Officer full-time position (\$93,789) transferred to the Council/Manager Offices from Human Resources. Councilmember Helgeson made a motion to accept this as a deduction to the budget. Councilmember Perrow seconded the motion and asked for clarification that there was an offsetting deduction in Human Resources. Ms. Svrcek said that was correct. The transfer was made so they could work more closely with this trainer and she asked them to keep this already filled position. It is even more important for us to have this position when we are cutting trainings and conferences for employees.

Mayor Tweedy thinks we need our employment related positions in this unprecedented time of unemployment and uncertainty. Mayor Tweedy clarified for Councilmember Perrow that this is a trainer position and not a recruitment position. He said since this was an even swap with another department’s budget, he would support the City Manager. Councilmember Helgeson said he would not speak against his own motion and was told it could be withdrawn. He declined to do so.

Ayes:	Helgeson	1
Noes:	Dolan, Nelson, Perrow, Tweedy, Wilder, Wright	6

The discussion moved to item 8, C 68,074 Youth Futures Coordinator full-time position transferred to the Council/Manager Office from Human Services - Juvenile Services. Ms. Svrcek explained this position works with the Mayor’s Youth Council, the Youth Services Advisory Board and helps get youth prepared for the work force, which is really part of the poverty initiative. It is a filled position and has been filled for about a year.

Councilmember Helgeson made a motion to remove the position. There was no second to the motion and it failed due to a lack of a motion. The position stays in the budget.

The discussion moved to item 19. Since the regular meeting was scheduled to start at 6:00 and we have guests present for that meeting, Ms. Svrcek suggested they pick up here at our next meeting on May 5, 2019. Ms. Svrcek noted they will figure out the net of the overtime saved by not having to pay current firefighters weighed against the cost of the nine additional firefighters before that meeting.

// Roll call was postponed until after the regular meeting.

// The meeting recessed at 6:05 p.m.

// City Council reconvened the meeting at 6:15 p.m. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling Wilder,
Beau Wright, Treney Tweedy 7

Absent: 0

// Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Tweedy read a proclamation recognizing National Economic Development Week, National Travel and Tourism Week and National Small Business Week. Ms. Marjette Upshur gave some comments commending our businesses on their ingenuity and kindness during this difficult time. Her office remains focused on promoting and supporting the Lynchburg business community. They continue to invest in the local employers. They are hosting the Spring Co-Starters class virtually. They have started an “I am Lynchburg” campaign to highlight businesses and employees. All of us will be needed to serve on the front lines of recovery. We will get through this unprecedented time together. When the clouds lift, and they will, we will continue to work to make Lynchburg “the best small City in America.”

// In the matter of Recognitions, several firefighters were recognized with Certificates of Valor. Communications and Public Engagement put together a video regarding extinguishing a fire and rescue of two children at James Crossing Apartments on April 13, 2020. Chief Greg Wormser had comments of accolade for his staff and thanked Council for its support. Councilmember Wilder also thanked them. He understands their importance to the community. It is important for us to be sensitive to each other. He had some suggestions to show them support such as cooking them a meal or sending them a gift basket. You could also show dual support for a restaurant by taking the first responders or healthcare workers a meal from a local restaurant.

Mayor Tweedy said they see them and appreciate what they do for our community. Your courage and bravery takes special people with special hearts and training. Certificates of Valor were presented to Battalion Chief Ricky Bomar, Firefighter Toby Bouyea, Master Firefighter Wayne Casto, Firefighter Darryl DuBose, Firefighter Timothy Greenway, Battalion Chief David Jackson, Firefighter Tammy Kelly, Master Firefighter Patrick Madigan, Captain Matt Milner, Master Firefighter Holly Shackelford, Firefighter Christopher Wilmouth.

// In the matter of Consent Agenda, Councilmember Perrow made a motion to approve it, which was seconded by Councilmember Helgeson. The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Consideration of introducing a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$112,531 with resources from the 2020 Coronavirus Emergency Supplemental Funding Program to purchase COVID-19 related Equipment, Decontamination Services, Supplies, Overtime & Fringe Benefits expenditures. Councilmember Helgeson made a motion for approval. This item requires no local match, so it did not go to Finance Committee. Councilmember Nelson seconded the motion and it passed by the following vote:

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

Noes: 0

// In the matter of Budget, Council considered introducing an uncodified ordinance amending City Code to delay the assessment of the penalty that is normally assessed for the late payment of real estate taxes for the period of May 16, 2020, through June 30, 2020. For reference, she said \$144,693 was assessed for penalties in FY2019.

Councilmember Perrow moved the ordinance, which was seconded by Councilmember Helgeson. Councilmember Perrow understands that staff is not in support of this but also understands that staff has been very conservative in its view of how money has been managed this time. He commented that only \$60,000 of that assessed penalty was collected before June 30, 2019. Ms. Witt clarified that we budget for penalties and interest. Councilmember Perrow clarified that it does not the due date or interest. He thinks it is a good will gesture and something they can do without jeopardizing an enormous amount of funds.

Councilmember Nelson commented that they will have to come up with the \$60,000 somehow for FY2020, if this is approved. He commented that you hear what the state and federal government are doing and this is one of the small nuances where we have some flexibility to do something as a City. Councilmember Perrow said he was speaking with a citizen, Norman Moon, who had made this suggestion. Councilmember Nelson noted that commercial property owners do not pay through escrow and this will likely affect them more than an individual taxpayer.

Ms. Witt clarified for Councilmember Wright that the cash flow that would be affected would be cash flow for FY2020, as the assess penalty would be for FY2020 real estate payments. The penalty would have to be paid if it was not paid by July 1, 2020 and that would be cash flow for FY2021. Councilmember Wright wondered how this would affect the City if people took them up on this and delayed their payment. Ms. Witt clarified that banks will make the payments if the money is in escrow. Ms. Witt said she is concerned with the impact on cash flow. She believes the money will get collected eventually but people may choose to put it off longer than usual. She also clarified that interest would still be due. Councilmember Helgeson thinks it should be waived both for economic relief reasons and also because it will be difficult to figure but the bills. Ms. Witt said the system calculates everything for them. It gets billed in their next installment.

Councilmember Wright is not sure he is comfortable with deciding on this tonight. He is wondering if they could do something like they are doing with the small business loans wherein the applicant has to certify that they need some COVID related relief. It does not have to be stringent but could hold them accountable on an honor system. Vice Mayor Dolan commented that Hampton is doing this but they have to apply by a certain date and show it is related to COVID. Councilmember Perrow said he was trying to limit the operational effort and not make

any more work for staff. Councilmember Wright asked if staff could bring it back next week with the commercial and residential properties broken out and an estimate of what deferring the interest as well would cost us. Ms. Witt said the longer you take to decide on this, the less people will know to take advantage of it, as the bills have already been mailed.

Councilmember Nelson is in favor of no penalty because imposing a penalty right now on businesses and property owner while they are down is doing harm. He does not believe the City taxpayers should be financing anyone's enterprise and we would making an interest free loan if we waive the interest. He is not in favor of that.

Mayor Tweedy called for a motion that is on the floor. Councilmember Helgeson thinks it is a small and they would not have to recalculate bills. Councilmember Nelson said he could not support that because it is based on principle and not the amount of money. Councilmember Wright said he could support this motion. He noted that he could not find the penalty and interest structure on the website without going into each property's individual assessment information.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Consider adopting an ordinance establishing procedures for holding electronic meetings during the COVID-19 pandemic in order to ensure the continuity of City government. Mr. Erwin outlined the ordinance he and Councilmember Nelson worked on together that has been presented to Council for consideration. Councilmember Nelson noted the meeting can only be for matters directly related to the emergency or to resolve the emergency or to deal with issues that have a deadline that must be dealt with by Council before the next regularly scheduled meeting. The justification has to be explained and included in the minutes. Councilmember Wright moved the ordinance, which was seconded by Councilmember Nelson. Councilmember Wright said it was thoughtfully worded and raises the bar for meetings to be held electronically.

Councilmember Perrow said it specifically ties it to the COVID-19 pandemic or it will have to be reinstated after six months. He is a little concerned with the term "exceptional condition." We were supposed to get through this budget before May 15 according to their previous schedule. He reset his family vacation based on that and he wonders if that constitutes an "exceptional condition." He wondered if he would be allowed to participate electronically. He would like to offer as a motion to strike the phrase "exceptional condition" as a friendly amendment. Councilmember Nelson said his main intent was not to make it convenient and the word was compelling enough that the majority of Council would have to find it as something legitimate. Councilmember Helgeson does not think it should be up to the rest of Council to decide that someone has met some arbitrary threshold. Councilmember Nelson thinks the Councilmember would let them know ahead of time and convince at least four of them that it was a legitimate reason that he or she needed to miss. Councilmember Perrow's reason would be good enough for him under the circumstances. Councilmember Helgeson would not want to have to disclose a medical condition that he wants to keep private. Councilmember Wright said they could strike the word but it would still be up to the other Councilmembers to decide. Councilmember Perrow hoped they could get the budget approved by March 12 and then he could miss the March 19th meeting. Ms. Svrcek said there is no meeting

on the 19th due to the Council election. Councilmember Perrow said he would come back for the meeting on March 26th. Councilmember Wright agreed to remove the word “exceptional” as a friendly amendment and the motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, by the following recorded vote elected to hold a closed meeting to for the discussion and consideration of prospective candidates for the position of City Manager pursuant to Section 2.2-3711(A.) (1) of the Code of Virginia.

The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Nos:		0

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

Councilmember Helgeson made the following motion:

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

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

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

The motion was seconded by Councilmember Perrow, and Council by the following recorded vote adopted the motion:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
Noes:		0

// The meeting was adjourned at 7:30 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 28, 2020**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2020 Coronavirus Emergency Supplemental Funding Program (BJA/OJP)

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$112,531 with resources from the 2020 Coronavirus Emergency Supplemental Funding Program to purchase COVID-19 related Equipment, Decontamination Services, Supplies, Overtime & Fringe Benefits expenditures.

SUMMARY: The Bureau of Justice Assistance and Office of Justice Programs have awarded the City \$112,531 in 2020 Coronavirus Emergency Supplemental Funding for law enforcement. This emergency funding will be utilized by the Lynchburg Police Department & Lynchburg Sheriff's Office to purchase COVID-19 related Equipment (\$46,872), Decontamination Services (\$27,525), Supplies (\$19,197), Overtime (\$17,590) & Fringe Benefits (\$1,347) expenditures. No local matching funds are required.

PRIOR ACTION(S): None

FISCAL IMPACT: None, no local match is required

CONTACT(S): Chief Ryan M. Zuidema, 434-455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S):
Resolution

REVIEWED BY: bms

RESOLUTION:

#R-20-030

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$112,531 is appropriated with resources from the 2020 Coronavirus Emergency Supplemental Funding Program to purchase COVID-19 related Equipment, Decontamination Services, Supplies, Overtime & Fringe Benefits expenditures for the Lynchburg Police Department & Lynchburg Sheriff's Office.

Introduced:

Adopted:

Certified: _____
Clerk of Council

051R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 12, 2020**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding the Fiscal Year (FY) 2021 Allocation of Community Development Block Grant (CDBG) and HOME Program Funds

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing and adopt a resolution approving the allocation of the Fiscal Year (FY) 2021, Community Development Block Grant (CDBG) and HOME Program funds and incorporating into the FY 2021 General Fund Operating Budget and Program Year (PY) 2020-2024 Consolidated Plan and FY 2021 Annual Action Plan.

SUMMARY: SUMMARY: The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following funds to use for eligible CDBG and HOME activities during the Program Year 2020 (FY 2021).

CDBG AVAILABLE FUNDING/SOURCE

AMOUNT

HUD Allocation	\$714,865.00
Reprogrammed Funds	<u>30.00</u>
Total CDBG Funding Available	\$714,895.00

HOME AVAILABLE FUNDING

AMOUNT

HUD Allocation	\$424,288.00
Reprogrammed Funds	433,416.22
Recaptured Fund	<u>10,576.00</u>
Total HOME Funding Available	\$868,280.22

The public was notified of the public hearing through a public notice advertisement published in *The News and Advance* on April 27 and through various sources of social media.

The Community Development Advisory Committee (CDAC) met on April 8, 2020 and reviewed the applications that were submitted. The following lists of projects have been recommended for funding by the CDAC.

CDBG PROJECTS RECOMMENDED FOR FUNDING BY CDAC:

City Administration	\$80,000.00
Tinbridge Hill Neighborhood Pedestrian Improvements-Phase 2	\$417,665.25
Biggers Park Improvements & Blackwater Creek Trail Connection	\$110,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) Centralized Homeless Intake Coordinator	\$65,000.00
LRHA Affordable Housing Resource Center	\$16,289.75
Parks & Recreation and Blue Ridge Mountains Council Boys Scouts of America-Scoutreach	\$25,940.00
Total CDBG	\$714,895.00

HOME PROGRAM PROJECTS RECOMMENDED FOR FUNDING BY CDAC:

City Administration	\$42,000.00
Rush Lifetime Homes- Florida Terrace Rental Housing (CHDO)	\$413,140.11
Greater Lynchburg Habitat for Humanity Homeownership Program (Habitat for Humanity)	\$143,140.11
Greater Lynchburg Habitat for Humanity Knott Street Development	\$270,000.00
Total HOME	\$868,280.22

All CDBG and HOME funds will be expended in accordance with primary objectives of these programs. The City estimates that over 70 percent of the CDBG FY 2021 funding will benefit low/moderate income persons which comply with HUD regulations.

All applications submitted for funding consideration are available for review in the Grants Administration Office, Second Floor, City Hall.

At the conclusion of the public hearing, City Council will review the recommendations of the CDAC and decide on the projects and allocations to be included in the 2020-2024 Consolidated Plan and FY 2021 Annual Action Plan and subsequently submitted to HUD for approval.

PRIOR ACTION(S): April 8, 2020: Community Development Advisory Committee Meeting

FISCAL IMPACT: FY 2020 Final Entitlements: CDBG Reduction-\$18,647;
HOME Program Increase-\$31,424

CONTACT(S): Melva Walker, Grants Manager, 455-3916; Bonnie Svrcek, City Manager, 455-3987

ATTACHMENT(S): CDAC Meeting Notes – April 8, 2020 – Attachment A
CDAC Funding Recommendations Worksheet – Attachment B
Summary of CDBG and HOME Applications – Attachment C

REVIEWED BY: bms

RESOLUTION:

#R-20-031

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program FY 2021 funding allocations are hereby approved for incorporation into the FY 2021 General Fund Operating Budget and PY 2020-2024 Consolidated Plan and FY 2021 Annual Action Plan

Adopted:

Certified: _____
Clerk of Council

053R

Community Development Advisory Committee (CDAC) Meeting
April 8, 2020
City Hall, Council Chambers
Virtual meeting by Webex
10:00 a.m.

Meeting Notes

***Note: CDAC members have reviewed and approved these notes**

Attendance included:

CDAC Members: Council Member Beau Wright, Chair; Council Member, Sterling Wilder, Vice Chair; Ms. Mandze Dyke (Daniel's Hill Representative); Mr. John H. Hughes, III (College Hill Representative); Ms. Susan E. Murray (Garland Hill Representative); Mr. Leonard "Rad" Briley (Diamond Hill-Historic District Representative)

Note: Valerie Harris- (Tinbridge Hill Representative) was unable to join the meeting. All other members joined the meeting by Webex, phone, or viewed the live meeting and wrote in their responses in the chat.

City Staff:

Melva Walker (Grants Manager); Eve Mergenthaler (Planning Technician); Vanessa Closs, Financial Services); Jenny Jones (Parks & Recreation Director); Charlotte Lester (Neighborhood Center Coordinator, Parks & Recreation); Kent White, (Community Development Director)

Note: Staff participated in the meeting via Webex or phone

Guests/Applicants:

April Shepherd, Lynchburg Redevelopment and Housing Authority (LRHA); Collison Corner (LRHA); Sarah Quarantotto (Central Virginia Continuum of Care-CVCoC); Donna Vincent (Habitat for Humanity); Greg Tyree (Habitat for Humanity); Jeff Smith (Rush Lifetime Homes); Kenneth Lyons (Blue Ridge Mountain Boy Scouts)

Note: Applicants participated in the meeting via Webex or phone

Ms. Walker began the meeting at 10:11 a.m. She welcomed everyone to the video conference and thanked them for their patience as we navigated through a new process. She asked that everyone mute microphones until time for them to speak. Ms. Walker explained this meeting is a public meeting for the public to view. The public is not allowed to comment at this time, but will have opportunity at the City Council public hearing currently scheduled for April 28, 2020. With the pandemic situation this may change, but notices will be published with plenty of notice for the public to participate. Ms. Walker turned the meeting over to the Committee Chair, Council Member Beau Wright.

Council Member Wright welcomed everyone attending the meeting. He thanked Ms. Walker and those participating and noted this was the first CDAC meeting ever held by Webex. He thanked Ms. Walker and the City team for making today's meeting possible. He noted that all were dedicated to making sure to get the recommendations right that will be made to City Council. CDBG and HOME Program funds don't just drive investment in the community, but they improve lives and he is excited about what the funds can do. Council Member Wright asked the CDAC members present to introduce themselves and the neighborhood they represent. (Valerie Harris of Tinbridge Hill was unable to be present at today's meeting; Mr. John Hughes III has connectivity issues for the meeting, but viewed the live public viewing of the meeting and submitted his responses via chat.)

Ms. Walker presented an overview of the Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2018 (7/1/2018-6/30/19) that was submitted to the U.S. Department of Housing and Urban Development (HUD). This Report provides HUD with the accomplishments and activities that were completed with the use of the Community Development Block Grant (CDBG) and HOME Program funds. The Powerpoint summarizing the report was included in the packets provided to CDAC for the meeting. She did not go through the Powerpoint but advised members if they had questions to please let her know

Ms. Walker reviewed the role of CDAC as it pertains to the Citizen Participation Plan for CDBG and HOME Programs. She stated that CDAC's role is to:

- Review CDBG and HOME applications received by City staff;
- Make project recommendations to City Council;
- City Council will conduct a public hearing, review the recommendations of CDAC, and give final approval for projects to be funded; and
- Public Notices are published for all public meetings.

Ms. Walker noted City Council's direction for Fiscal Year (FY) 2021 application funding is as follows:

- Maximize the use of CDBG funds for Capital Improvements Projects (CIP);
- Partnership with the Lynchburg Redevelopment and Housing Authority (LRHA) for projects such as: Vacant Housing Revitalization & Rehabilitation (formerly Spot Blight Program), Rental Rehabilitation, and other housing related projects; and

- Focus resources on targeted neighborhood(s) through partnerships with City departments and/or LRHA.

Ms. Walker explained the approved goals for the Five-Year 2020-2024 Consolidated Plan. This plan is for Fiscal Years 2021-2025 and Program Years 2020-2024, and the Fiscal Year 2021 Annual Action Plan. She noted that HUD operates on a Program Year basis. She noted these goals were adopted by City Council on February 25, 2020. City Council accepted the recommendations by CDAC for goals and made a few changes which she will highlight.

Goals for the next five year were approved by City Council. CDAC held a meeting on January 15, 2020 to review and develop goals.

- The first goal is to support initiatives to increase permanent affordable housing in the rental markets. Increase the number of owner-occupied units. Emphasis to be placed on mixed income and inclusive communities.
 - Ms. Walker noted this goal was revised slightly by City Council and separated out in to rental and owner occupied units.
- Support the preservation of affordable housing in both the rental and sales markets, including the rehabilitation of substandard housing.
- Support the improvements to public facilities and infrastructure (that will support affordable housing projects).

Non-Housing Goals

All Non-Housing Goals stayed the same with City Council and no changes were made.

- Support the efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support efforts for the identification and remediation of rental housing in substandard conditions.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support efforts that align with the goals of the City's Blueprint for Opportunity to improve the economic base, job skills, and health of the community.
- Promote public services activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

Ms. Walker made a note about the Section 108 Loan- Bluffwalk Section 108 Loan Proceeds. She stated that City Council held a Public hearing on June 25, 2019 and appropriated \$1.25 million of the Bluffwalk Loan proceeds. HUD provided a loan in the amount of \$3.2 million for the

Bluffwalk project in 2003 and these funds were repaid to HUD by the City. Some payments were made with entitlement monies over the years because the developer was unable to make the payments at the time they were due to HUD. City Council conducted a public hearing and allocated the \$1.25 million to the design of the new police headquarters to be located at 1301-1305 Kemper Street, formerly the location of the Greater Lynchburg Transit Company (GLTC).

Under the HOME Program, Lynchburg Community Action Group (Lyn-CAG) has had to cancel the Homeowner Substantial Rehabilitation Program. Over the past year they have had difficulty securing qualified contractors to complete rehabilitations. Lyn-CAG returned over \$400,000 for reallocation for Fiscal Year 2021. The HOME Program for Program Year (PY) 2020 will now have an additional \$433,416.22 to be allocated.

Under the HOME Program- Community Housing Development Organization (CHDO) Project- A Substantial Amendment (FY 2019) was submitted for the James River Housing Project by Rush Homes, which has been cancelled. Rush Homes plans to move forward with the Florida Terrace Rental Housing Project with reallocated funds from PY 2018- \$95,000 and PY 2019- \$75,000. Rush Homes has submitted an application for funding this year for this project. Jeff Smith, Executive Director, will give details on this later. This project will be located at 2117 Florida Avenue and is a 48 apartment unit project for low-income housing for persons with and without disabilities and permanent supportive housing for people exiting homelessness who have disabilities. City Council approved the Substantial Amendments on February 25, 2020.

Ms. Walker explained to CDAC that they will notice an adjustment to the Financial Worksheet they were provided. CDBG Program Administration was reduced to \$80,000 and HOME Program Administration was increased to \$42,000. This adjustment was made to better accommodate all that projects that were submitted under each program. Ms. Walker turned the meeting over to the CDAC Chair, Council Member Beau Wright.

Council Member Wright explained that he will read out the application request in order and ask the agency representatives to present their application at that time. Once all applicants have presented, CDAC will discuss.

Council Member Wright started with CDBG applicants.

Kent White, Director of Community Development, came forward to present the application for the Tinbridge Hill Neighborhood Pedestrian Improvements Project. Mr. White stated that in 2013 CDAC appropriated funding in the Tinbridge Hill Neighborhood. City Council approved the Tinbridge Hill Plan in March 2014 and is now the sixth anniversary of the plan. The neighborhood worked hard to leverage public and private resources and CDBG funds were included. This provided for sidewalk connectivity, crosswalks, work with Parks and Recreation on a trail connection, and has renovated the Yoder Neighborhood Center just to name a few of the projects.

The February 2020 meeting of the Friends of Tinbridge Hill, prioritized pedestrian safety and connectivity in the neighborhood as their goal. This application supports the construction of additional sidewalks, trail widening and additional enhancements in conjunction with the Tinbridge Hill waterline replacement project. The waterline replacement project is slated to begin in Fall 2020. Unfortunately, there is not enough funds available in this cycle. Funds would be focused on the areas of 4th, Monroe, and Polk Streets. The goals of this project are consistent with HUD's goals. Any reduction in CDBG funds would limit the project, but it would still be possible. The scope and prioritization of the improvements would change some.

Jenny Jones, Director of Parks and Recreation presented the application request for \$150,000 for the Biggers Park project located at 501 Fifth Street. This request includes five projects: Outdoor fitness area, park benches, way-finding signage on Fifth Street, handicapped access from Clay Street, and connection to the Blackwater Creek Trail. The outdoor fitness equipment request is a new request, but the other four are a part of the Fifth Street Master Plan.

Ken Lyons, Director of Development of Blue Ridge Mountains Council Boy Scouts of America, presented the application for Scoutreach. The Scoutreach program partnered with Lynchburg Parks and Recreation a few years ago with a program in Cub Scouting with outreach. The program came about in areas in the community with a difficult time recruiting and retaining adult leadership. Scouting's answer to this was to hire a program leader to conduct meetings, in the afternoons and after school. With the funds requested, they would be able to hire a part-time program leader at Neighborhood Centers in coordination with Parks and Recreation to conduct the Scouting program. Charlotte Lester, Neighborhood Centers Manager, emphasized that Parks and Recreation has a long history with partnering with scouting for many years, but due to a loss in funding, the program stalled. This funding would rekindle a valuable program and expands the world beyond the neighborhood. She appreciates the support CDAC has given the centers over the last few years.

Council Member Wright asked Sarah Quarantotto and April Shepherd with Lynchburg Redevelopment and Housing Authority (LRHA) to come forward to present the applications on Coordinated Homeless Intake and Access (CHIA) and Affordable Housing Resource Center (AHRC) programs. Ms. Shepherd explained that CHIA and AHRC are the two programs applications submitted for the two positions that are housed at the Housing Authority and she oversees the funds for these programs. She introduced Sarah Quarantotto, Executive Director of Miriam's House, which is lead agency for the Central Virginia Continuum of Care (CVCoC), who spoke for CHIA and Collison Corner, who is the Housing Navigator for the AHRC.

Ms. Quarantotto stated that about five years ago, HUD required all CoCs have a single point of entry to streamline services to homeless individuals. At that time, the community came together to offer CHIA. CHIA acts as a hotline, allows for walk-ins at the Housing Authority, and can serve homeless persons transparently and determine their level of service need. The position has been able to divert households from homelessness and from households becoming homeless.

Mr. Corner introduced himself and stated he served in the role as the Housing Navigator for the AHRC. The Resource Center is open to the public and located at the Housing Authority. It is a centralized access point and provides support services for persons needing housing and housing resources. This year the AHRC will finalize several goals. One goal is for landlords and apartment complexes to post their vacancies. They want to streamline access to LRHA programs. They are working to reduce barriers to LRHA services, help landlords and participants understand the process. They will install tablets in the lobby for people to have a self-service place to find housing and resources. The Resource Center will begin hosting housing education meetings for landlord and tenants and will have a computer lab set up for the public to come in and look for housing in the City. In 2019, 826 people by phone, in person or through email have been helped to find housing in Lynchburg. For 2020, 220 people so far have been assisted and they look to surpass last year's numbers.

Council Member Wright asked for confirmation from Ms. Walker that the Public Service allocation cap is at \$107,229.75 and we have received more requests for funding in this category. Ms. Walker confirmed this is correct. She explained the public service category cap is at 15% , which is the \$107,229.75 and the current funding requests for public service are at \$157,940.00.

Council Member Wright invited HOME Program applicants to present, starting with Jeff Smith of Rush Homes.

Mr. Smith stated he is the Executive Director for Rush Homes. The Florida Terrace project would provide 48 units on Florida Avenue near the Food Lion Shopping Center. This would serve twenty-four (24) persons with disabilities. Of that twelve (12) will serve persons exiting homelessness or disabled. Some of the units will serve low-income individuals that do not have disabilities. All of the tenants will be at 60% of LMI (low-moderate income) and most at 30%. The project will consist of three buildings. One building will consist of the office, a community room and maintenance area with the other two buildings being apartment units of twenty-four (24) units each). Mr. Smith explained that Rush Homes initially went into partnership with LRHA and reviewed ten (10) sites in the City for the James River Housing project. They chose this site near the shopping center because it was close to shopping, proximity to Campbell Avenue, and the bus stop is forty (40) feet away. Those features make it viable. James Crossing is being renovated and is half a mile down the road. This project will help the whole community. The agreement with the Housing Authority will provide some project management and about fifteen (15) vouchers. Most of the vouchers will support Permanent Supportive Housing (PSH) tenants. Mr. Smith stated that Rush asked that \$170,000 be reprogrammed from the James River Housing project to Florida Terrace. In part because of the needs established from the housing study sponsored by the Housing Collaborative. It made sense to focus on this project. They currently have applications in for tax credits to support the project and will know more the end of the first week in May. This HOME funding will be a 25% match for any State HOME funding. The match will go from \$800,000 to \$1.3 million. They have been working on this for some time and anticipate that construction costs

will rise. They are concerned about the Virginia Housing Trust fund dollars. Any dollars provided by the HOME funds will be critical.

Donna Vincent and Greg Tyree with Greater Lynchburg Habitat for Humanity presented their applications. Mr. Tyree presented the application request for \$125,000 for the Homeownership program that provides for down payment assistance. This funding would provide for the building of five homes with an estimated \$25,000 per home for down payment assistance. Down payment assistance is necessary because they sale the homes at an appraised value with a 0% interest mortgage. The payments are based on the affordability of the families they serve. Families usually fall between 40% and 70% AMI. The assistance cushions the different between what they are selling the house for and what they can afford in the equity. This makes the family able to afford the payment. In order for a family to receive down payment assistance, they must meet three criteria. They must meet the need for housing, have the ability to pay a modest mortgage and a willingness to partner with Habitat. Partnering with Habitat includes sweat equity hours on their homes and homes of others. Mr. Tyree explained they have been doing this for about 32 years and have constructed 306 homes.

Ms. Vincent presented the application for the Knott Street Development at a request of \$250,000. This project is to develop a street allowing access to eleven homes. Right now, it is just a street that ends that is accessed off of Radcliff Avenue off of Fort Avenue. She explained it is a beautiful area, in a neighborhood that would enable them to have same size of the homes as built by Habitat. The \$250,000 would be used to assist with the construction of the street in accordance with City code regulations.

Council Member Wright asked that before discussion began on the projects if there were any presenters he missed, otherwise the committee would proceed with discussing the recommendations.

Ms. Walker let CDAC know it was time for them to discuss their recommendation for funding of the projects. She will manipulate the worksheet displayed as they discuss and let them know remaining totals as they proceed. She noted one caveat for the HOME Program. There is over \$433,000 to be reprogrammed due to the cancellation of the Homeowner Rehabilitation Program at Lyn-CAG. There is a total of \$868,280 to allocate for HOME funds. The applications total \$792,000. There is an additional \$76,280.22 to put back in to the projects. The \$42,000 in Administration is the maximum 10% allowed than can be taken and is concrete. Ms. Walker turned the meeting over to Council Member Wright and CDAC.

Council Member Wright started with the CDBG funds and invited thoughts from the committee on the Tinbridge Hill Neighborhood Pedestrian Improvements-Phase 2 application. Council Member Wilder asked for a point of clarification with this being his first time on CDAC, that they are looking at eight projects? Ms. Walker confirmed. Council Member Wilder inquired as to how the

projects are separated. Ms. Walker noted the committee can work on CDBG or HOME first or can review the public service piece, before working on the other projects.

Council Member Wright began with the CDBG, non-public service applications. He explained the \$80,000 is set as the administrative piece and asked for thoughts and input on the Tinbridge Hill funding request.

Council Member Wilder stated he had attended the Tinbridge Hill meeting in February and he wanted to thank Kent White and his staff for their support. The neighbors had a part in the discussion and he was glad to see they had solicited input from the neighbors.

Ms. Murray stated she is a resident of Garland Hill. She lives one block from the trail head on Madison Street, which is included in the Biggers Park application . It takes her about six minutes on bike to get to the Tinbridge Hill trail head. She inquired if funding could be allocated to finish the Tinbridge Hill trail head because that would be a nicer area. She would like to see more funds go toward the Tinbridge Hill project and less to Biggers Park.

Ms. Jones, Parks and Recreation, expressed this did make sense. The application submitted for Biggers Park was trying to accommodate what was requested and asked for in the Fifth Street Master Plan and completing those projects. It is located fairly close by and they could widen the trail and there are some other projects that are planned. The trail head was a little unsteady when the trail was first built. They did not own the property needed and the trail head was not in the optimal place. Fast forward two years and now they have that property and it could be a much nicer trail (Hollins Street/Tinbridge).The City does not own the property off Madison and would need an easement for this, and would take some doing to make it ADA acceptable. She is not opposed to moving the money to make the Hollins Street/Tinbridge Hill trail head nicer.

Council Member Wright inquired if the committee recommends, is this permissible? Ms. Walker explained that as it was in the Biggers Park application it could be moved from Biggers Park to the Tinbridge Hill project .

Ms. Jones noted that there are five projects in the application, but only one of them is the trail connection (\$40,000).

Council Member Wilder expressed he would like to keep the other projects in the application.

Ms. Walker explained this could be done. Only a shortage of \$22,000 and could rearrange the budget for other items.

Ms. Murray noted the access to the trail head on Madison is difficult. She votes not to fund the 5th objective in the Biggers Park application.

Council Member Wright explained to the committee and applicants this would take the request from \$150,000 to \$110,000. This would make up the full deficit moving the funds to Tinbridge Hill if needed, or some additional to Biggers Park.

Ms. Jones attended the Tinbridge Hill meeting in February and noted the neighbors did want additional sidewalks and wanted more done to the trail head but positive they do want additional sidewalks.

Council Member Wright asked Ms. Walker if those changes were made, what it would look like on the spreadsheet: take Biggers Park project to \$110,000; assume \$400,000 for the Tinbridge Hill project; showing the funds as Ms. Jones and Ms. Murray have suggested. This leave \$17,665.25 to add to Tinbridge Hill. Ms. Jones stated she would be in support of this adjustment in the projects.

Ms. Murray, Mr. Briley, Ms. Dyke, and Council Member Wilder were all in support of this. Mr. Hughes had connectivity issues, but was viewing the meeting and putting in comments in the chat. He supported this adjustment with the funds.

Council Member Wright noted that Mr. White had sent in a message, with some difficulty connecting. Mr. White was then able to join the meeting. He stated that the Tinbridge Hill application is in partnership with Parks and Recreation and the extra funds can definitely be used. He can confirm that the trail head be raised as a priority if consistent with the neighborhood wishes.

There was a consensus on the allocations for Tinbridge Hill (\$417,665.25) and Biggers Park (\$110,000).

Ms. Walker summarized that there was a consensus among a majority of members present to allocate \$417,665.25 to Tinbridge Hill and \$110,000 to Biggers Park with incorporating access to the trail on Hollins Street and eliminate connection on Blackwater Creek on Madison Street.

The committee then focused on the Public Service applications with an available allocation of \$107,229.75.

Council Member Wright invited comments on the public service projects and noted \$50,710.25 to be cut. He started with the question if everyone was in favor of the \$65,000 being allocated to the Coordinated Homeless Intake and Access (CHIA) program.

Council Member Wilder expressed he was in support of this and feels it is a very important program.

Ms. Dyke stated after she reviewed the application, she is 100% in support of this program.

Ms. Murray said it is a hard choice to cut things, but she would agree with this.

For clarification, Mr. Briley inquired if the recommendation is to give \$65,000 to fully fund CHIA and then to reduce from the other two public service projects. This was confirmed.

Ms. Murray asked if some funds could be taken off CHIA and Affordable Housing Resource Center (AHRC) and that all are very valuable program.

Ms. Shepherd, from LRHA, stated the CHIA program is mandated by HUD. They do have some funds in the AHRC program from previous years. But, if there were a cut, she would suggest it come from the AHRC program. She recommends fully funding CHIA and cutting from AHRC.

Ms. Walker noted there is some funding in the AHRC from prior years. As of December 31, 2019, there is \$24,684 in Program Year 2018 funds; \$5,345 left in Program Year 2019; and the remaining \$12,000 in Program Year 2017 has been expended since December. There is approximately \$70,000 left that can be used with whatever is allocated in Program Year 2020 for FY 2021.

Council Member Wright asked Ms. Shepherd if funding were reduced for AHRC, would they be able to use the prior year's funding. Ms. Shepherd agreed.

Ms. Walker confirmed with CDAC to put \$65,000 on CHIA, fully fund the Scouting program at \$25,940 and to put the remaining balance in AHRC at \$16,289.75.

Ms. Murray concurred. She felt like removing funds from the AHRC would be okay because they have sufficient funds from prior years to help cover the program. Mr. Briley, Council Member Wilder, Ms. Dyke and Council Member Wright agreed. Mr. Hughes supported this recommendation.

Council Member Wright then led the committee to discuss the applications for the HOME Program and that there are additional funds to allocate. He inquired of the group if they were comfortable funding Rush and the two applications for Habitat in full. Council Member Wilder, Mr. Briley, Ms. Murray, and Ms. Dyke all agreed; Mr. Hughes wrote in his response in agreement. Council Member Wright explained there is an additional \$76,280.22 to be allocated.

Ms. Murray questioned about the Rehabilitation program.

Ms. Walker explained they did not submit an application for this year. That program has been cancelled because Lyn-CAG have been unable to secure contractors. It cannot be funded because there was no application request submitted for it.

Mr. Smith, Rush Homes, stated that he and Donna Vincent, Habitat, were amiable to splitting the additional funds 50-50.

Council Member Wright questioned that if the funds were split, should the portion to Habitat go toward the Knott Street Development or to the Homeownership program.

Ms. Vincent expressed that if the funds were split, the Knott Street Development could use the additional funds. There are a number of trees that need to be cleared and street lamps to install that were not included in the proposal. Anything additional would help cover these additional costs.

Council Member Wright asked CDAC their thoughts, that both Rush Homes and Habitat are comfortable splitting the funds 50-50. This means an additional \$38,140.11 would go to Rush and \$38,140.11 to Knott Street. Council Member Wilder agreed.

Mr. Briley asked Ms. Vincent how much additional funds will Knott Street need that has not been requested. Ms. Vincent explained the street lamps would be an additional \$9,000 and she does not have an exact price for the tree clearing. The developer suggested that about \$8,500.. Mr. Briley asked if half of the amount adequately covers what Habitat would need at this point. Ms. Vincent expressed that she believed it would. She said that the \$125,000 request for the Homeownership programs is a guess and they can always use money there.

Mr. Briley inquired that if the \$38,000 was put in Knott Street and not all used there, could it be shifted to the other program.

Ms. Walker explained that money cannot be switched from one program to another if any left over. Habitat would have to come to City Council at that point to get approval for it. But, CDAC can make that kind of determination today to split the funds.

Ms. Vincent said that of the little over \$38,000 that would be allocated to Habitat, she would suggest \$20,000 of it go to Knott Street, and the remaining \$18,000 go toward Homeownership.

Council Member Wright asked if CDAC had any objections to this recommendation. All members were in agreement (Mr. Hughes submitted his agreement by written response through the chat).

Ms. Walker displayed this allocation on the worksheet. Council Member Wright noted of the additional \$76,280.22 remaining to allocate, half would be allocated to Rush on top of the \$375,000; half to Habitat with \$20,000 of that going to Knott Street on top of the \$250,000 allocated; and \$18,140.11 going to the Homeownership program on top of the \$125,000 allocated.

These recommendations balance the HOME Program funds side- Florida Terrace to \$413,140.11; Habitat's Homeownership Program to \$143,140.11; Habitat's Knott Street Development to \$270,000; and Program Administration to \$42,000 for a total of \$868,280.22.

Ms. Walker reminded CDAC of the tentative schedule for the remaining meetings:

-City Council Public Hearing (CDAC Recommendations) & City Council Allocations- Tentative Date*-April 28th @ 7:30 p.m.

-CDAC Public Meeting (Five Year Consolidated Plan, Annual Action Plan, Analysis of Impediments (AI) to Fair Housing, and revisions to the Citizen Participation Plan) – Tentative Date*- May 6th @ 7:00 p.m. (Council Chambers or video conferencing).

-City Council Public Hearing on Consolidated Plan, Annual Action Plan, and AI-Tentative Date*- May 26th @ 7:30 p.m.

CDAC will receive additional information about remaining meetings. She thanked them for their participation and Council Member Wright and Council Member Wilder for their patience during the preparations for this meeting.

Council Member Wright asked if there were any other items before the meeting was adjourned. Ms. Murray did mention Biggers Park and meetings of the Garland Hill neighborhood. Several neighbors are upset about the benches near the Hands Up Lodge and people congregating in that area (near Madison/Harrison). Ms. Jones stated she can pass this on to Gaynelle Hart with Public Works and to Kent White, Community Development Director, as well. Mr. White noted they will take a look at this matter.

Council Member Wright thanked CDAC for sharing their insights, the dedicated staff members, partner organizations, and citizens for watching. The meeting was adjourned.

[illegible]

**Summary of Community Development Block Grant (CDBG) and HOME Program
Funding Requests Fiscal Year (FY) 2021 received from the U. S. Department of
Housing and Urban Development (HUD)**

Following is a brief summary of each of the applications received for consideration of CDBG and HOME Program funding. Entire applications are available and can be reviewed in the Grants Administration Office. The Community Development Advisory Committee (CDAC) notes for the recommendations are included in Attachment A.

Community Development Block Grant (CDBG) Applicants

City Administration (Grants Administration)

FY 2021 Request	CDAC Recommendation
\$80,000	\$80,000

Funding is requested to fully fund the personnel, operating and HUD-required training costs associated with managing the CDBG Program.

Tinbridge Hill Neighborhood Pedestrian Improvements-Phase 2 (City-Department of Community Development)

FY 2021 Request	CDAC Recommendation
\$400,000	\$417,665.25

Consistent with the ***Growing Tinbridge Hill Neighborhood Plan*** there were identified pedestrian safety and connectivity as goals for the neighborhood. At their February 2020 meeting, the Friends of Tinbridge Hill (FOTH) identified new sidewalk connections and trail improvements as priorities that would further this goal. The project application supported the construction of sidewalks, trail widening and/or trailhead enhancements in conjunction with the upcoming Tinbridge Hill waterline replacement project. The waterline replacement project is slated to begin in fall 2020. Phase I pedestrian improvements have previously been constructed on Jackson Street, Hollins Street, Garland Street and McIvor Street. Remaining sidewalk priorities include sections of Monroe Street, 2nd Street, Garland Street, Polk Street, 4th Street and Floyd Street.

The proposed funding request would not address all of these needs; however, prioritization will be given to sidewalk segments within and adjacent to the waterline replacement project located at Fourth, Monroe, Polk, etc. to better leverage engineering design and construction mobilization costs. However, costs to address drainage, topography and available right-of-way may require that project funds shift to address other sidewalk or trail needs in the neighborhood. The final scope would be refined with the FOTH and Tinbridge Hill Neighborhood Council.

Biggers Park Improvements and Blackwater Creek Trail Connection (City-Department of Parks and Recreation)

FY 2021 Request	CDAC Recommendation
\$150,000	\$110,000

Biggers Park located in the Garland Hill Neighborhood, is situated at 501 5th Street, This neighborhood pocket park's stone wall and steps along 5th Street are the only remnants of the former Biggers School built in 1881. In 1967 the school was demolished and Biggers Neighborhood Park was built soon after on the same site.

Some improvements to Biggers Park such as stabilization of the stone wall along Clay Street were recently completed. A new basketball court resurfacing is scheduled for May 2020. The project application included a request for funds to make the following improvements:

1. Outdoor Fitness Center;
2. Park benches located near the basketball courts;
3. Wayfinding sign on 5th Street;
4. Handicapped accessible entrance off Clay Street; and
5. Connection to Blackwater Creek Trail on Madison Street

While some improvements have been made to the Park, the Park is in need of more upgrades. Current plans include installation of an outdoor fitness center, as well as completion of the recommendations regarding park and recreation improvements called for in the 5th Street Corridor Master Plan, amenities such as a passive seating area, wayfinding sign on 5th Street, and a handicapped-accessible entrance from Clay Street. Objective 3E of the Master Plan calls for a connection to the Blackwater Creek Trail from Madison Street.

Centralized Homeless intake Coordinator - Lynchburg Redevelopment and Housing Authority (LRHA) and Central Virginia Continuum of Care (CVCoc)

FY 2021 Request	CDAC Recommendation
\$65,000	\$65,000

The Central Virginia Continuum of Care (CVCoc), in partnership with Lynchburg Redevelopment & Housing Authority (LRHA), applied for funding to continue supporting the position of the Homeless Intake Coordinator. HUD's Continuum of Care program regulations require a coordinated intake process in order for a community to be eligible for federal grants to assist with homeless response programs. HUD's vision of the coordinated entry process is coordination and management of a crisis response system's resources that allows users to make consistent decisions from available information to efficiently and effectively connect people to interventions that will rapidly end their homelessness. This vision emphasizes that the process is not just assessment, but also about facilitating entry into the crisis response system and exit into housing.

Affordable Housing Resource Center – Lynchburg Redevelopment and Housing Authority (LRHA)

FY 2021 Request	CDAC Recommendation
\$67,000	\$16,289.75

Lynchburg Redevelopment & Housing Authority (LRHA) applied for funding to continue supporting the Affordable Housing Resource Center (AHRC) which has been created and is managed by LRHA. The ARHC is led by a full-time Housing Navigator and provides a centralized access point to all affordable housing resources and supportive services available in the City. This project is a collaboration of LRHA, City of Lynchburg, Lynchburg Regional Housing Collaborative and the Central Virginia Continuum of Care (CVCoC).

Included in the plans for the coming project year are to finalize several goals set for the ARHC. These goals include: development of a website that will allow private landlords, local rental agencies, and apartment complexes to post their vacancies as they happen; streamlining access to LRHA housing programs to reduce barriers to LRHA services making it easier for landlords and participants to understand the process; installing kiosk/tablets in the lobby at LRHA as well as other key locations to provide an electronic option for accessing housing and other resources; continue to gather and maintain a database of resources available in the City; and hosting housing education meetings. The Resource Center is setting up a computer lab that the public may access during normal business hours to assist in their search for housing and resources. Applying for housing, finding other resources and educational opportunities related to housing issues will also be available. The Resource Center will be the premier housing resource for the City.

Scoutreach (Boy Scouts of America) – Partnership with Parks and Recreation Department

FY 2021 Request	CDAC Recommendation
\$25,940	\$25,940

Boy Scouts of America plans to offer Scoutreach to youth in Lynchburg's central city neighborhoods, by partnering with the Lynchburg Parks and Recreation Department throughout the school year, and utilizing the neighborhood centers as meeting locations. The targeted neighborhoods have many unique assets, including neighborhood centers, where programs and services are designed to meet the interests and needs of neighborhood residents. A core program, common to all neighborhood centers, is the popular after-school program for youth. The Scoutreach program pairs well with the after-school program, and provides an opportunity for school-age youth to broaden their experiences inside and beyond the neighborhood setting. Situating the Scoutreach program within neighborhood centers helps to support our families, for many of whom, transportation is a barrier.

Scoutreach is the Boy Scout of America's commitment to making sure that all young people have an opportunity to join Scouting, regardless of their circumstances, neighborhood, or ethnic background. Scoutreach meets the developmental needs of youth in urban settings. Scouting, by emphasizing ethics and moral values, addresses many of the social concerns of parents and youth in our country. Scouting prepares urban and rural youth to be leaders, to accept responsibility, and to care about principles and causes beyond their own self-interest. Our

ATTACHMENT C

biggest asset in urban and rural neighborhoods is a well-defined program based on values, learning by doing, fun, and positive role models.

The CDBG funds will be used for membership registration, staff costs for program coordinator, handbooks, travel, and program supplies.

HOME Program Applicants**City Administration**

FY 2021 Request	CDAC Recommendation
\$42,000	\$42,000

Funding is requested to fund the personnel, operating and training costs associated with managing the HOME Program.

**Florida Terrace Rental Housing Development – Rush Lifetime Homes, Inc. (Rush Homes)
Certified Community Housing Development Organization (CHDO)**

FY 2021 Request	CDAC Recommendation
\$375,000	\$413,140.11

NOTE: The City is required to commit 15 percent of its HOME Program entitlement funds to a CHDO. Rush Homes is the only CHDO application submitted for FY 2021. This application is a continuation of the FY 2019 and FY 2020 HOME Program allocations of \$165,000 to Rush Homes for the development of this project.

Florida Terrace is a forty-eight (48) apartment development, which includes 32 one-bedroom apartments and 16 two-bedroom apartments featuring Universal Design, EarthCraft energy efficiency, and Energy Star features with at least eight (8) apartments featuring Section 504 accessibility. Two building will comprise the apartment portion of the development, each with 24 apartments, two floors, and an elevator. A third building will contain a community room, rental/property management office space, and a maintenance area. Building exteriors will feature substantial brick and cement board exteriors to provide an aesthetically appealing structure. At least 50% of tenant families will have disabilities; among the 50% Florida Terrace will set aside at least eight units for tenant families requiring Permanent Supportive Housing (PSH) and five units for tenants with developmental disabilities. Rush Homes will contract with a local Permanent Supportive Housing service provider for appropriate case management services for tenants requiring PSH.

Homeownership Program - Greater Lynchburg Habitat for Humanity (GLHFH)

FY 2021 Request	CDAC Recommendation
\$125,000	\$143,140.11

Greater Lynchburg Habitat for Humanity (GLHFH) develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants. The target population for the program is families whose income falls in the range of 40% to 70% of HUD's Area Median Income (AMI), adjusted for size of family. To qualify, families must demonstrate need (residing in poor, unsafe, unhealthy, and/or unaffordable housing); they must have the ability to pay a no-interest mortgage (must have a steady income and low debt to income ratio); and must be willing to partner with GLHFH (provide sweat equity, participate in training, and prepare for the responsibilities of homeownership).

ATTACHMENT C

GLHFH solicits funding, materials, and volunteer labor from the community and is thereby allowing the organization the ability to maintain low construction costs. GLHFH is therefore able to sell the home to the qualified family with a no-interest mortgage loan. Families have to provide 200 (single applicant) to 300 (multiple applicants) hours of labor, referred to as “sweat equity,” to the project. The mortgagees must attend GLHFH’s course designed to prepare them for homeownership. The series of classes provide education about financial literacy, budgeting, home maintenance, taxes and insurance, predatory lending, and loss mitigation options, and include the required training facilitated by a HUD Certified Housing Counselor. Currently this is provided by Denise Crews through a Memorandum of Understanding with LYNCAH.

GLHFH will use HOME funds to pay for down-payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines “payment affordability” as not more than 30% of monthly income, though we strive for 25% when possible as to make our homes affordable for families in the lower tiers of HUD AMI income.

Knott Street Development - Greater Lynchburg Habitat for Humanity (GLHFH)

FY 2021 Request	CDAC Recommendation
\$250,000	\$270,000

The Knott Street Development project serves to create eleven buildable lots upon which GLHFH can construct modestly appointed homes and sell to low-income families who qualify for its homeownership program. Currently, GLHFH is struggling to acquire buildable properties in Lynchburg. Its property inventory has been consumed by steady home construction. The Site Selections Committee of the board of directors has been challenged by the lack of availability in its search for properties to acquire. Two realtors diligently monitor the real estate agents property listings (known as MLS) and one board member has brought several large parcels to the group for consideration; the costs are prohibitive unless GLHFH has a special capital campaign.

Without affordable buildable properties, GLHFH cannot proceed with construction, even though the house construction funding may already be in hand. The home that is currently under construction was delayed due to the time it took to negotiate the purchase of a suitable vacant residential property. Currently there are three more families in the queue for homeownership; one of them has a lot assigned for their home. The others await some good news that desirable properties will be acquired and available when Habitat is ready to start their house.

GLHFH owns four tax parcels on Knott Street but does not have the capital to fund their development into 11 separate lots. HOME funding for the road and infrastructure improvements will enable GLHFH to put its acquired house-specific sponsorship funds toward the construction costs of eleven homes. City staff has acknowledged that these lots can be developed by-right. In other words, with HOME funding availability, GLHFH can quickly proceed to engage a contractor to build the street and improvements.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 12, 2020**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing and Adoption of the Amended Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Program

KEY ELEMENTS:

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

RECOMMENDATION: Conduct a public hearing to receive comments regarding the proposed amendments to the Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME Program) and adopt a resolution approving the Plan.

SUMMARY: The U. S. Department of Housing and Urban Development (HUD) requires each entitlement city that receives CDBG and HOME Program funds to have a Citizen Participation Plan. The purpose of the Citizen Participation Plan is to provide policies and procedures for citizen participation with respect to activities funded under the CDBG and HOME Program from HUD.

With the recent COVID-19 emergency, HUD has provided the availability of waivers of certain regulatory requirements associated with the CDBG and HOME Program to prevent the spread of COVID-19 and to facilitate assistance to eligible communities and households economically impacted by COVID-19. One waiver is related to the 30-day public comment period for substantial amendments to approved Annual Action Plans. HUD has provided a waiver that reduces the 30-day minimum for the required public comment period for Consolidated Plans, Annual Action Plan, and Substantial Amendments to no fewer than 5 days. The second waiver is related to citizen participation where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, the City may select to conduct public hearings and meetings virtually via conference call or live web-streaming with the ability to ask questions and provide comment in real time where public comment is required to be heard.

In order for the City to implement these waivers now for the COVID-19 emergency and the receipt of the *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) funds allocated to the City from HUD; and for future local, state or federally declared disaster or emergency the current Citizen Participation Plan must be updated.

The current Citizen Participation Plan was updated by City Council on March 8, 2011. City staff recommends that revisions to the Plan be made so that it will better align the contents of the Plan with HUD requirements for emergencies and to expand the public outreach within the Consolidated Plan process. The following are the alternatives that are included in the update of the Plan and may be instituted by the City:

- The length of the public comment and display period for the Consolidated Plan or Annual Action Plan and Substantial Amendments will be consistent with HUD's requirements.
- Draft documents for public comment and review will be made available on the City's website at <https://www.lynchburgva.gov/grants-administration>. Copies of the draft documents will be mailed or e-mailed upon request, if possible.
- Public meetings may be held as virtual meetings using local cable access television or other online platforms for public viewing with the option for real-time questions to be presented.
- The City may opt to hold one public hearing during the Consolidated Plan/Annual Plan process and its second required public hearing during the Consolidated Annual Performance and Evaluation Report (CAPER) process for the same program year.
- The City may opt to cancel the Community Development Advisory Committee (CDAC) public meeting or hold a conference call if a public meeting is not feasible.

The following list of agencies and individuals will be expanded to include and consult with during the Consolidated Plan preparation process:

- The City will identify and involve broadband internet service providers and organizations engaged in narrowing the digital divide.
- The City will identify and involve agencies whose primary responsibilities include the management of flood prone areas, public land or water resources.
- The City will involve emergency management agencies.

A public notice was placed in *The News and Advance* on Tuesday, April 28 and through social media. For reference, the attached draft Plan has the recommended changes highlighted.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Melva Walker, Grants Manager, 455-3916; Bonnie Svrcek, City Manager, 455-3987

ATTACHMENT(S):
Proposed Citizen Participation Plan

REVIEWED BY: bms

RESOLUTION:

#R-20-032

BE IT RESOLVED that the Lynchburg City Council hereby adopts the Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Program dated April 2, 2020.

Adopted:

Certified: _____
Clerk of Council

054R

City of Lynchburg, Virginia

Citizen Participation Plan for the Community Development Block Grant and HOME Programs

Prepared by the
Grants Administration Office
900 Church Street
Lynchburg, Virginia 24504
(434) 455-3900

The proposed amendments to the City's Citizen Participation Plan are underlined and highlighted in yellow.

April 2020

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CITIZEN PARTICIPATION PLAN

City of Lynchburg, Virginia

INTRODUCTION

This Citizen Participation Plan was prepared in accordance with Section 104(a) of the Housing and Community Development Act of 1974, as amended. The 24 CFR 91.105 federal regulations outline the “citizen participation” requirements. This document has been developed in order for the City of Lynchburg, Virginia to be in compliance with the requirements of the regulations.

The Plan sets forth the City’s policies and procedures by which it encourages local citizens to participate and comment on the federally funded Community Development Block Grant (CDBG) and HOME Program. The provisions concerning citizen involvement in implementing and assessing the CDBG and HOME Program apply to all activities that are ongoing, as well as to all future activities. This Plan shall remain in effect until all activities are completed, or until this Plan is superseded by a new Plan.

In accordance with the City of Lynchburg’s mission of responsive, effective local government and vision principles that include engaging the community, the City will follow the Citizen Participation Plan detailed in this document. This Plan will help the City to determine and prioritize the needs of neighborhoods and communities, administer programs intended to address those needs, and involve the public in the Consolidated Plan, Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER) process.

CERTIFICATION OF COMPLIANCE

As a part of the City’s submission of its Five-Year Consolidated Plan, and any amendments thereto, the City will submit certification to the U.S. Department of Housing and Urban Development (HUD) that the City is following an approved Citizen Participation Plan, which:

1. Provides for and encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. Provides for participation by residents in low and moderate income neighborhoods or targeted revitalization areas as defined by the City;
3. Provides for and encourages citizen participation of residents of public and assisted housing developments, as well as providing information to the housing agency about Consolidated Plan activities related to its development;
4. Provides for and encourages citizen participation of persons with disabilities as well as provides a copy of the Citizen Participation Plan in a format accessible to persons with disabilities, upon request;
5. Provides for and encourages citizen participation of all of the City of Lynchburg citizens, including minorities and non-English speaking persons, and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

6. Provides citizens with reasonable and timely notification and access to local meetings, information, and records relating to the City's proposed and actual use of federal CDBG and HOME funds;
7. Provides for technical assistance to groups/organizations representative of persons of low and moderate income that request such assistance in developing proposals, with the level and type of assistance to be determined by the City;
8. Provides for public hearings to obtain citizen views, and to respond to proposals and questions at all stages of the community development program process, including at least the development of needs, the review of proposed activities, and the review of the programs annual performance. The hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled; and
9. Provides for timely written response to written complaints and grievances where applicable.

CITIZEN PARTICIPATION PLAN

The U.S. Department of Housing and Urban Development requires the City of Lynchburg to have and follow a Citizen Participation Plan as a condition of receiving federal funds. This Plan contains the City's policies and procedures for involving the community in:

- the development of the Annual Action Plan and the Five-Year Consolidated Plan;
- the review of the Consolidated Annual Performance and Evaluation Report; and
- the use of Community Development Block Grant (CDBG) and HOME program funds.

Included in this Citizen Participation Plan are policies and procedures for amending these documents and local programs. The Citizen Participation Plan will apply to the Section 108 loan program and other HUD programs that would require citizen participation. (See Appendix A for a definition of the Annual Action Plan, Consolidated Plan and CAPER and Appendix B for a description of the CDBG and HOME Program).

This Plan was prepared by the Grants Administration Office, which is the lead entity for the administration of the CDBG and HOME Program for the City of Lynchburg.

Encouragement and Methods of Citizen Participation

Participation by residents in low and moderate income neighborhoods, as well as minorities, non-English speaking persons, and persons with mobile, visual and hearing disabilities is encouraged throughout the development of the Consolidated Plan, Annual Action Plan, the CAPER, and any amendments to these Plans. Residents of public and housing developments are also encouraged to participate.

Citizens are encouraged to participate in the process via public input through the Community Development Advisory Committee (CDAC), and City Council. The City and HUD recognize community input as an important component in identifying high priority needs in the community and ensuring that CDBG and HOME funds are used for activities that address those issues and concerns. These groups include public and private entities, both non-profit and for-profit, particularly those whose purpose relates to housing, homelessness, neighborhoods, community development and economic development;

Prior to the annual review of the Five Year Consolidated Plan Goals, City staff will conduct an informal conversation with citizens to hear comments and determine if the Goals continue to be meaningful and effective.

In addition, to expand and broaden citizen participation, the City will also post public notices on the City's web site (www.lynchburgva.gov/grants), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

City staff will coordinate these efforts through the City's Communications and Marketing Department.

RESPONSIBILITIES AND OBLIGATIONS

This section of the Citizen Participation Plan provides guidance to the various stakeholders in the activities required to develop and implement the Consolidated Plan, Annual Action Plan and the CAPER. These guidelines are provided to be inclusive and protect the fairness and integrity of the Community Development Block Grant and HOME Programs. They are not intended, in any way, to exclude or limit access to the process.

Assignments

The City of Lynchburg Citizen Participation Plan describes the roles of the City Council, Community Development Advisory Committee, City staff and others involved in developing and evaluating progress toward implementation of the Consolidated Plan and Annual Action Plan.

The ***Lynchburg City Council*** serves as the body of elected community-wide representatives responsible for addressing policy issues related to the Consolidated Plan and Annual Action Plan. The City Council gives direction to City staff as to how to proceed in assessing Lynchburg's housing and community development needs and a strategy to address the needs identified. It must approve the Consolidated Plan and the Annual Action Plan prior to submission to HUD. The City Council must also comment and approve revisions to the Citizen Participation Plan and amendments to the Consolidated Plan.

City Council will appoint a ***Community Development Advisory Committee (CDAC)***. The CDAC will make recommendations to City Council for funding activities and programs in the Annual Action Plan for the CDBG and HOME Program and generally to act in an advisory capacity to City Council with reference to the programs and related project activities. (A detailed description of the CDAC is provided on Page 6 of this document).

City staff will facilitate the process by assisting City Council and the CDAC in meeting the City's obligations and responsibilities as an entitlement City for the CDBG and HOME Program. This will include preparing and submitting the required reports and documents to HUD and providing other support as required.

Notification Process

It is the policy of the City of Lynchburg to give citizens timely notice of local meetings and reasonable and timely access to local meetings, information, performance reports, and records relating to the City's proposed and actual use of CDBG and HOME Program funds.

All meetings will be published as a legal advertisement in the local paper at least 15 days in advance of the public hearing date. Those meetings requiring more than 15 days notice in advance, will meet the required advance notice timeline. The published information will include:

- Description of the activity;
- What entity is conducting the meeting;
- Amount of source of funds;
- Where and how information may be obtained;
- The date, time and location of the public meetings(s);
- Timeframe for the public to submit public comments;
- How and in what format comments will be accepted; and
- Contact person for additional information.

Public notices related to proposed funding allocations for the Annual Action Plan will include: a statement of program objectives; amount of grant funds and program income anticipated; range of activities that may be undertaken; estimated amount of grant funds and program income proposed to be used for activities that will benefit low and moderate income persons; any proposed activities likely to result in displacement; and the City's plan for minimizing displacement.

Documents that require a Public Comment period will be available for review at the following locations:

- Grants Administration Division, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504;
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia and other branches of the Library that may be in operation; and
- Grants Administration website at www.lyncburgva.gov/grants.

The City wants to ensure that all people are able to participate in public meetings. Therefore, the City will make reasonable efforts to provide translators, upon request, to help non-English speaking persons at public hearings, working sessions and public meetings. Likewise, the City will make reasonable efforts to provide special accommodations for persons with disabilities so they can participate. The City will schedule meetings in locations that are accessible and at times that are convenient for the community. Persons needing special accommodations or translators should make their requests **one week** before the meeting so that the City can assure that the special needs are met. These requests should be made to the Grants Administration Office at (434) 455-3916.

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)

Membership and Composition: The CDAC shall consist of seven (7) members. The composition of the Committee shall be as follows:

1. a. ***Members:*** Five (5) members shall be—residents of predominately low and moderate income neighborhoods, and/or other slum and blighted areas of the City. No more than one representative from a single neighborhood shall be allowed to serve at a time. These persons may or may not be current members of neighborhood organizations.

Two (2) members shall be current members of the Lynchburg City Council.

b. ***Terms:*** All members will be appointed annually by City Council for a period of one year. No person may serve for more than four consecutive years.

2. ***Objectives:*** CDAC will review CDBG and HOME Program applications and will make recommendations to City Council regarding proposed Annual Action Plan projects.

3. ***Officers:*** The officers of the CDAC shall consist of a Chair and Vice-Chair. The Chair and Vice-Chair shall be members of City Council and selected annually by City Council.

Chair: The Chair shall preside at all meetings of the Committee. Except as otherwise authorized by resolution of the Committee, the Chair shall sign all official documents and other instruments to be executed by the Committee.

Vice-Chair: In the absence or incapacity of the Chair, the Vice-Chair shall preside at all meetings of the Committee, and may perform such other duties as may be required by the Chair.

Recording Secretary: The Recording Secretary shall keep the records of the Committee, act as Secretary to all meetings of the Committee, record all votes and shall keep a record of the proceedings of the Committee. The Grants Manager, or his/her designee, shall act as Recording Secretary. The Recording Secretary shall not be a member, and will have no voting power; however, he or she may participate in discussions, and provide such information as requested by the Committee.

4. ***Meetings:***

a. Regular Meetings. The regular meetings of the Committee will be to review the CDBG and HOME Program applications and to make funding recommendations to City Council. These meetings will be open to the public. The agenda for any regular or other public Advisory Committee meeting will be provided to all Committee members in writing five (5) days before the meeting. Meeting dates and times shall be determined by consent of Committee members.

b. Special Meetings. The Chairman may, when it is deemed necessary and expedient, and shall, by written request to the members of the Committee, call a special meeting of the Committee for the purpose of transacting any business designated in the call. No business shall be considered other than as designated in the call.

5. ***Quorum:*** At all meetings of the Committee, a majority of the total membership shall constitute a quorum for the purpose of transacting business.

6. Rules of Procedure: The Committee will operate under “Roberts Rules of Order”, as revised. The Community Development Director and Grants Administration staff will provide technical assistance and support to the CDAC. This support includes notice of meetings, provision of meeting space, minutes, interpretation of HUD policies and requirements, and program status reports. Community Development staff may also prepare letters, reports, responses and other documents for the Committee, as requested, and shall attend all CDAC meetings and hearings.

7. Citywide Citizen Participation Program: A Citywide Citizen Participation Program, designed to encourage a broader range of membership on the City's boards and commissions, was initially approved by City Council in July, 1978. Persons' names received through the Citywide Citizen Participation Program who are interested in serving on the Community Development Advisory Committee will be submitted to City Council for consideration for annual appointments and as vacancies occur.

IN THE EVENT OF AN EMERGENCY

In the event of a local, state or federally declared disaster or emergency where public places may be closed to the public or in-person participation may not be feasible or large gatherings may be considered a public health risk, the City may opt to conduct public hearings and meetings virtually via conference call or live web-streaming with the ability to ask questions and provide comment in real time where public comment is required to be heard. Accommodations will be made for persons with disabilities and non-English speaking persons upon request. Documents for public review will be shared via the City's website. This provision shall apply to all documents covered by this Plan.

In the event of an emergency, the following alternatives may be instituted by the City:

1. The length of the public comment and display period for the Consolidated Plan or Annual Action Plan and Substantial Amendments will be consistent with HUD's requirements.
2. Draft documents for public comment and review will be made available on the City's website at <https://www.lyncburgva.gov/grants-administration>. Copies of the draft documents will be mailed or e-mailed upon request, if possible.
3. Public meetings may be held as virtual meetings using local cable access television or other online platforms for public viewing with the option for real-time questions to be presented.
4. The City may opt to hold one public hearing during the Consolidated Plan/Annual Plan process and its second required public hearing during the CAPER process for the same program year.
5. The City may opt to cancel the Community Development Advisory Committee (CDAC) public meeting or hold a conference call if a public meeting is not feasible.

REQUIRED SUBMISSIONS

Although both the Five-Year Consolidated Plan and the Annual Action Plan seek community involvement on many levels, the involvement levels differ for the two plans. Efforts to involve local citizens, non-profit entities and other interested stakeholders, is more intensive during the Five-Year Consolidated Plan preparation process, than in the Annual Action Plan process. The purpose of the Five-Year Plan is to identify needs and develop a multi-year strategy to address those needs. The primary purpose of the Annual Action Plan is to identify specific activities to be funded or actions to be taken

during a particular fiscal year to address needs that were identified in the Five-Year Consolidated Plan. Therefore, the citizen involvement process for each plan is described separately below.

Annual Action Plan

At the beginning of the Annual Action Plan process City Council will conduct a public hearing to receive citizen input regarding the Citywide community development and housing needs and the review of the approved Consolidated Plan goals. A notice of this meeting will be published in the local newspaper at least 15 days prior to the meeting.

In addition, at the beginning of the Annual Action Plan process, City staff will prepare an Application for Funding that describes the City's funding application processes. The Application for Funding will include the objectives and eligible uses of the CDBG and HOME Program funds and the amount of funds expected to be received by the City, including program income. This document will also provide a tentative time schedule that the City is expected to follow in the preparation of the Plan.

Local Community Involvement: The City will make every effort to involve the community, especially low and moderate income persons and those who live in areas eligible for CDBG and/or HOME Program funds, in the annual planning and funding process. (See Appendix C for a map of eligible areas).

For the community as a whole, the City will publish a public notice in the local newspaper that the City is starting the Annual Action Plan process and the acceptance of funding application requests. This notice will include information regarding the application process. The City's Grants Administration Office website (www.lynchburgva.gov/grants) will also contain information about the City's application process, application, and the time schedule.

Community Development Advisory Committee (CDAC) meeting: The CDAC will be responsible for reviewing and making recommendations on the funding applications described in the Annual Action Plan. The CDAC will conduct at least one meeting at the onset of the planning process for the Annual Action Plan. The CDAC will conduct a meeting to review Annual Action Plan funding requests for the CDBG and HOME Program. A notice of this meeting will be published in the local newspaper-at least 15 days prior to the meeting. If needed, the CDAC will conduct a second meeting to review applications, prior to making recommendations to the City Council. At the discretion of the CDAC, entities with eligible applications, including the City, may be invited to present their projects at the CDAC meeting and to answer questions. The CDAC may also at its discretion, seek information and clarity from City staff. At the conclusion of the CDAC process, City staff will prepare a Council report with CDAC's funding recommendations for City Council consideration and adoption. The CDAC recommendations will be included in the final adopted Annual Action Plan for information.

City Council Public Hearings: The CDAC funding recommendations for the CDBG and HOME Program activities for the Annual Action Plan will be submitted to City Council. City Council will hold at least one public hearing on the Annual Action Plan to obtain citizen input on housing and community development needs and proposed Annual Action Plan activities; and allow CDBG and HOME Program applicants to present their funding requests. This public hearing will be advertised in the local newspaper at least 15 days prior to the hearing.

Thirty-Day (30-day) Public Review Period: City staff will prepare a draft Annual Action Plan which will include the projects and programs recommended for funding with CDBG and HOME funds. City staff will then publish a 30-day legal notice in the local newspaper that the draft Annual Action Plan is available for public review and written comment. Any written comments must be submitted to the Grants Administration Office prior to the end of the 30-day review period. During the review period, the draft

Annual Action Plan will be available for review at the Grants Administration Office, the Lynchburg Public Library, and the City of Lynchburg website_(www.lynchburgva.gov/grants).

City Council Adoption: At the conclusion of the 30-day public review period, City Council will conduct a public hearing for the adoption of the Annual Action Plan. This public hearing will be advertised in the local newspaper at least 15 days prior to the hearing.

After adoption, the City will attach to the Annual Action Plan, a summary of any written or oral comments received during the public review period and the public hearings. If the City does not incorporate a recommendation received from the public, the City will attach the reasons why that recommendation was not included when the Annual Action Plan is sent to HUD. City staff will send the Annual Action Plan to HUD for review and approval.

HUD Review Period: The HUD approval process takes 45 calendar days. If the Plan has included all of the required sections and has gone through the required public comment and review, HUD approval is considered routine. The City may incur costs at the beginning of the program year which starts on July 1st, but may not draw down any funds until HUD has completed its 45 day review period and a grant agreement has been fully executed with HUD.

Consolidated Plan

As stated earlier, the City is required to prepare a multi-year Consolidated Plan. Consolidated Plans are usually prepared for a three to five year period. The City of Lynchburg has traditionally prepared a Five-Year Consolidated Plan. The purpose of the Consolidated Plan is to identify the needs of lower income persons, establish funding priorities and develop a multi-year strategy to address those needs. The Annual Action Plan must be consistent with the Consolidated Plan.

Local Community Involvement: The City will make every effort to involve the community, particularly low to moderate income persons and those living in areas eligible for CDBG funds, during the preparation of the Consolidated Plan. Community involvement will be at the planning and the funding processes and will be within the reasonable limits of staff time and cost considerations. This involvement will include people and groups that participate in the preparation of the Annual Action Plan. In addition to those traditionally included in the preparation of the Annual Action Plan, the City will seek input from other groups that might not be eligible for funding, particularly housing industry representatives, such as lenders and real estate professionals. In that the Consolidated Plan is concerned with identifying Citywide needs and trends, the City will seek information, data and input from these groups to assist the City decision makers in identifying and prioritizing needs and developing strategies in addressing those needs.

The City will use the following procedure in developing the list of agencies and individuals that the City will consult with during the Consolidated Plan preparation process:

- The City will identify all agencies and individuals that have applied for HUD funds from the City since the previous Consolidated Plan was prepared.
- The City will identify and involve nonprofit and governmental agencies that might have useful information about the City's overall housing, community development, health services and economic development needs. This will include agencies that represent persons with special needs.
- The City will request housing industry associations to appoint a person to represent that group in working with the City.

- The City will involve the CDAC and other committees and groups that may be affected by the CDBG and HOME Program.
- The City will retain, on an annual basis, a list of agencies, groups and individuals who have requested information about the programs and have requested to be put on the City's mailing list for input into the Consolidated Plan.
- The City will encourage the Lynchburg Redevelopment and Housing Authority residents and staff to participate in the planning process.
- The City will notify appropriate City of Lynchburg departments that the Grants Administration Division is preparing a description of non-housing community needs. In addition, the City will consult with the Health Department and other relative agencies regarding data on lead based paint hazards and poisonings.
- The City will identify and involve broadband internet service providers and organizations engaged in narrowing the digital divide.
- The City will identify and involve agencies whose primary responsibilities include the management of flood prone areas, public land or water resources.
- The City will involve emergency management agencies.
- The City will send a notice to the local newspaper advising the public that the planning process has begun and encouraging participation.

At the beginning of the planning process and after compiling a list of interested participants, the City will invite these agencies and individuals to a City Council public hearing to provide input regarding the Citywide community development and housing needs and the proposed Consolidated Plan goals.

Thirty-Day (30-day) Review Period: Upon completion, the City will notify the working session participants that the proposed Consolidated Plan is available for public review for a 30-day period. A public notice in the local newspaper will also notify the public of the 30-day public review period by publishing a short summary of the Consolidated Plan. This summary will briefly describe the contents and purposes of the Plan. The notice will include the locations where copies of the Plan can be reviewed. Copies of the Plan will also be available to the public, upon request, in the Grants Administration Office.

Community Development Advisory Committee (CDAC) meetings: At the beginning of the planning process for the Citizen Participation Plan, the citizen involvement process will include outreach to stakeholders to attend a public meeting by the CDAC on the overall needs, priorities, and/or revisions and development of Consolidated Plan goals. The CDAC will review and make recommendations on the final draft of the Consolidated Plan prior to the Plan being presented to the City Council for adoption. The CDAC will consider public comments on the Plan at that meeting. The public meeting may be held toward the end of the required 30-day review period. A notice of the CDAC public meeting will be published in the local newspaper at least 15 days prior to the meeting.

City Council Hearing: At the conclusion of the 30-day public review period, the City Council will conduct at least one public hearing on the Consolidated Plan prior to adoption. This hearing may or may not be in conjunction with the hearing on the Annual Action Plan. Interested participants will be notified of the public hearing. This hearing will be advertised in the local newspaper at least 15 days prior to the public hearing. The ultimate responsibility for the Consolidated Plan adoption is with the City Council.

After adoption, the City will attach to the Consolidated Plan a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the Consolidated Plan is sent to HUD.

HUD Review Period: The City will then send the Consolidated Plan to the U.S. Department of Housing and Urban Development for review and approval. The HUD approval process takes 45 calendar days. If the Plan has included all of the required sections and has gone through the required public comment and review, HUD approval is considered routine. The City may incur costs at the beginning of the first year of the Consolidated Plan which starts on July 1st, but may not draw down any funds until HUD has completed its 45 day review period and a grant agreement has been fully executed with HUD.

Anti-Displacement/Relocation Policy

In developing and implementing the Consolidated Plan, the City of Lynchburg intends to cause no displacement to persons receiving assistance from the CDBG or HOME Program. The City recognizes that while it intends no displacement, situations may arise wherein displacement and/or relocation or temporary relocation is the only viable method for providing assistance. The City will then provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG or HOME funds to acquire or substantially rehabilitate residential and nonresidential property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

CONSOLIDATED ANNUAL EVALUATION AND PERFORMANCE REPORT (CAPER)

On or about September 28th of each year, the City is required to submit a performance report to HUD for the previous program year. This report is called the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER provides a description of the following:

- Resources available to the City;
- Investment of those resources, the geographic distribution and location of investments;
- Number of families and persons assisted (including the racial and ethnic status of persons assisted);
- Actions taken to affirmatively further fair housing;
- Evaluation of other actions and activities, such as infrastructure projects, indicated in the strategic plan of the Consolidated Plan and the Annual Action Plan;
- Evaluation of the jurisdiction's progress in meeting its specific objectives of providing affordable housing, including the number and types of families served; and
- A summary of any written comments or views received from citizens regarding the City-funded programs and performance as well as any oral testimony at public hearings for City-funded programs and performance.

A public notice in the local newspaper will notify the public of the 15-day public review period and City Council public hearing date by publishing a short summary of the CAPER. This summary will briefly describe the contents and purposes of the CAPER. The notice will include the locations where copies of the CAPER can be reviewed. Copies of the CAPER will also be available to the public, upon request, in the Grants Administration Office as well as at the City's web site: www.lynchburgva.gov/grants.

After adoption, the City will attach to the CAPER a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the CAPER is sent to HUD. The City will send the CAPER to the U.S. Department of Housing and Urban Development for review and approval.

AMENDMENT PROCESS

During the program year, the City may amend the Consolidated Plan and/or the Annual Action Plan. These amendments may be minor or substantial. HUD requires minor or substantial amendments to the Plan, whenever the City makes one of the following decisions:

1. Changes its CDBG or HOME funding allocation priorities;
2. Changes the City's program and activity funding selection process;
3. Carries out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
4. Changes the purpose, scope, location or beneficiaries of an activity.

Minor amendments for any of these programs do not require public review or any additional action by the City.

Federal regulations require that the Citizen Participation Plan define when an amendment is considered substantial and what the citizen process will be when there is a substantial amendment. The process for amending either the Consolidated Plan or the Annual Action Plan will differ from program to program based on the definition of substantial change for that particular program, whether it be the CDBG or HOME Program.

In the Consolidated Plan, there are priority goals and each goal has several action items. An amendment will be considered substantial, if the City will add, delete or modify a priority goal category currently in the adopted Plan. The addition, deletion or modification of a specific action item would not be considered a substantial change when the change would not result in an addition or deletion of a priority goal.

In the Consolidated Plan, most activities funded with CDBG and HOME funds have units of measure, such as the number of houses rehabilitated or the linear feet of curb and gutter constructed. These production projections in the Consolidated Plan are considered estimates and changes would not be considered, by themselves, substantial. The addition, deletion or modification of programs described in the Consolidated Plan will not necessarily be considered a substantial change, even if that change were considered substantial for the Annual Action Plan. The reason is that unlike the Annual Action Plan, the Consolidated Plan does not commit to specific programs and funding amounts. Instead the Consolidated Plan focuses on overall City needs and goals.

For the City's CDBG and HOME programs, a change in the Annual Action Plan will be considered substantial whenever costs increase by \$25,000 or 25% of the project's budget, whichever is greater. Costs savings or the deletion of work items to keep a particular project within budget will not constitute a substantial change, if the purpose, scope, location or beneficiaries of the project remain essentially the same. Modifications to program requirements would constitute a substantial amendment if the beneficiaries do not remain the same. Such modification would be reviewed by the Grants Administration staff prior to being presented to the City Council.

Whenever the City proposes a substantial amendment, the Grants Administration staff will review and make a recommendation regarding the proposal. City Council will consider the staff recommendation and take final action regarding the proposed amendment.

The public will also be encouraged to provide input. A legal notice will be placed in the local newspaper advising the public of the proposed amendment 30 days before action by the City Council. The legal notice will include the date the City Council will consider the proposed amendment. City Council

approval of the addition, deletion or modification of the project will constitute approval of the substantial amendment.

Amendments to the Citizen Participation Plan will be handled in a similar manner as substantial changes to the Consolidated Plan or Annual Action Plan.

ACCESS TO RECORDS

The City will provide reasonable and timely access to public records related to the Consolidated Plan, Annual Action Plan and the CAPER and the use of funds allocated under the programs covered by the Plans during the proceeding five years. The City may charge a fee to recover the costs of accessing, duplicating, supplying, or searching for the requested records. The City may require an appointment to view records and may require City staff to be present during the inspection of records.

TECHNICAL ASSISTANCE

Upon request, the Grants Administration staff will provide technical assistance, as determined appropriate by City staff, to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan. This technical assistance shall consist of the provision of available and relevant information rather than funds.

COMPLAINT PROCESS

The City, through the City Manager, or his/her designee, will respond to any written complaint it receives in regard to the CDBG and/or HOME Program. Written complaints may be directed to the following City Office:

**City of Lynchburg
Grants Administration Office
900 Church Street
Lynchburg, Virginia 24504
(434) 455-3916**

In accordance with HUD regulations, the requirements for citizen participation do not restrict the responsibility or authority of the City of Lynchburg for the development and execution of its Consolidated Plan.

In accordance with 24 CR 91.105 (k), the undersigned certifies that the City of Lynchburg, Virginia, shall adhere to the policies and procedures set forth in this Citizen Participation Plan with respect to activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME Program), and other federally-funded programs awarded by the U. S. Department of Housing and Urban Development.

Bonnie Svrcek
City Manager

Date: _____

APPENDIX A

Definitions

Annual Action Plan – The City is required to prepare an Annual Action Plan which describes how it will use CDBG and HOME funds during each new fiscal year to address the needs discussed in the Consolidated Plan. The Annual Action Plan must be consistent with the multi-year Consolidated Plan. The Annual Action Plan must be submitted to HUD 45 days prior to the beginning of the program year. For the City of Lynchburg, this is July 1st.

Community Development Block Grant (CDBG) Program – See Appendix B for a description of the program.

Community Housing Development Organizations (CHDO) – CHDOs are housing nonprofit organizations that meet certain requirements set forth by HUD under the HOME program. The federal government requires the City to set aside 15% of its HOME Program allocation for CHDOs.

Consolidated Annual Performance and Evaluation Report (CAPER) – This report describes the accomplishments of the City's CDBG and HOME programs at the end of each fiscal year. The Plan is an assessment of the City's progress in accomplishing the goals of the Annual Action Plan and the Consolidated Plan. There is also a discussion of some of the additional funds that the City has accessed during the year to leverage the HUD funding.

Consolidated Plan – The City is required to prepare a five year Consolidated Plan to receive Community Development Block Grant (CDBG) and HOME funds. The Plan includes a description of the housing and community development needs of the City, the City's priorities given the limited financial resources available to the City, and a strategy toward addressing those needs.

Home Investment Partnerships (HOME) Program – See Appendix B for a description of the program.

Low and Moderate Income – Low and moderate income means family or household annual income less than the Section 8 Low Income Limit, generally 80 percent of the area median income (established by HUD and adjusted for family size).

Substantial Amendment – An addition, deletion, or modification of a priority goal category in the Consolidated Plan or Annual Action Plan.

U.S. Department of Housing and Urban Development (HUD) – HUD is the federal agency which administers the CDBG and HOME funds. The City must abide by HUD regulations for these programs as a condition for receiving these funds. Some changes in the regulations can be accomplished by HUD, but many of the requirements are part of the legislation passed by Congress and would require action by Congress if the requirements were to be modified or waived.

APPENDIX B

DESCRIPTION OF CDBG AND HOME PROGRAM

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The Community Development Block Grant (CDBG) Program is administered by HUD and is authorized under Title 1 of the Housing and Community Development Act of 1974, as amended. The purpose of the CDBG Program is to enhance and maintain viable urban communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for low and moderate income persons.

To be eligible for CDBG funding, a project or activity must qualify by meeting **one** of the following three national objectives.

National Objective No. 1 – Activities Benefiting Lower Income Persons/Households

The definition of a lower income person or household is one having an income equal to or less than 80% of Lynchburg's median income. A minimum of 70% of the City's total allocation must be used to address the needs of lower income persons. Projects must be either a direct benefit activity or an area benefit activity.

Direct Benefit Activities – To qualify as a direct benefit activity, there must be documentation that the public service program is benefiting lower income residents. At least 51% of the recipients of public service programs must have incomes equal to or below 80% of the median income. Certain other activities, such as housing rehabilitation, require all program participants to be lower income households.

HUD presumes certain groups meet the lower income criteria. Therefore, a record of the beneficiaries would not be required. HUD has defined these groups as abused children, battered spouses, elderly persons, adults with severe disabilities, homeless persons, illiterate adults, persons living with AIDS, and migrant workers.

Area Benefit Activities – These are activities that serve geographic areas in which at least 51% of the households are lower income, based on census date. To meet these criteria, 51% of household incomes must be equal to or less than 80% of the median income of the project's service area. See Appendix D for a map of the eligible areas in the City.

Examples of Area Benefit Activities include public improvements, i.e., street, sidewalk, curb, and gutter improvements including related design and engineering work), park improvements, community centers, and public facilities.

Public Services – A maximum of 15% of the City's total annual CDBG allocation may be used for public service activities.

The Agency must be able to document that at least 51% of a public service activity's clientele are lower income residents. Public service projects must be a new service or an increase in the existing level of service. Examples of public services include crime prevention, child care, and drug-abuse related services.

Housing Activities – Housing activities include acquisition or rehabilitation of properties. CDBG funds may not be used for new housing construction, but may be used for property acquisition and construction of off-site improvements in conjunction with new construction.

The City currently has a housing rehabilitation program for lower income owner- and renter- occupied units.

National Objective No. 2 – Activities That Aid in the Prevention or Elimination of Slum/ Blight

If a project cannot meet the low income objective, a project may qualify if it benefits a slum or blighted area. State or local laws define slum and blighted areas as those that contain a high number of deteriorating or dilapidated buildings or infrastructures within the area. Redevelopment project areas generally qualify under this category. **Note:** Most blighted areas also qualify under national objective No. 1 (Activities Benefiting Lower Income Persons/Households). It is **not** necessary to meet the special requirements for slums and blight if the project already addresses the needs of low income persons.

To meet this Objective, the activity must be located in a City redevelopment area and in an area where there is a substantial number of deteriorated buildings, and designed to address one or more of the conditions that qualified the area as “slum/blighted.”

Projects may qualify outside a slum or blighted area on a spot blight basis. Activities include acquisition, demolition, rehabilitation, relocation, and historic preservation. Under this standard, rehabilitation of a building or a house is limited to the extent necessary to eliminate substandard conditions detrimental to public health and safety.

National Objective No. 3 – Activities Designated to Meet Needs Having a Particular Urgency

Activities must be designed to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community that became urgent within the past 18 months. No other funding sources are available to address the problem. Again, projects that meet either National Objective No. 1 or 2 do not need to meet this objective. **Note:** This objective is difficult to achieve because the City must demonstrate that it has used all of its available resources prior to qualifying. This occurs only in a major disaster.

ELIGIBLE CDBG ACTIVITIES

In addition to meeting one of the above national objectives, the activity must also be eligible, according to HUD-approved criteria. Eligible activities include the following:

Acquisition, design, construction, rehabilitation, or installation of certain publicly-owned facilities such as:

- Parks, playgrounds and recreational facilities
- Senior centers, except 24-hour care facilities
- Centers for the handicapped, except 24-hour care facilities
- Neighborhood facilities
- Parking facilities
- Street improvements including curbs, gutters, sidewalks, lights and street pavement
- Water system improvements including fire hydrants
- Flood, drainage, or sewer facilities

Expansion and improvement in the quantity and quality of public services, principally for lower income persons (15% limitation).

Acquisition of property that is of historic value; appropriate for beautification or conservation of open spaces; or appropriate for low- or moderate-income housing.

- Demolition of buildings and clearance of land that may be a health hazard to the community
- Interim assistance or temporary help to alleviate harmful or dangerous conditions
- Removal of architectural barriers that restrict mobility of persons with disabilities
- Code enforcement in designated targeted areas

Historic preservation activities such as restoring and preserving properties formally designated as historic structures.

Conservation and improvement of the housing stock through rehabilitation of homes belonging to lower income persons.

Assistance to lower income first-time home buyers.

Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.

Eligible planning and environmental design cost.

Eligible economic development activities such as creation of jobs for persons of low- and moderate-income through the expansion of business opportunities by providing financial incentives to small businesses. Note: there are additional federal requirements for qualifying projects under this provision. Interested persons should discuss their proposal with City staff prior to submitting an application.

INELIGIBLE CDBG ACTIVITIES

- Buildings for the general conduct of government such as city halls, courthouses, and police stations (Note: Police substations may be built in CDBG-eligible areas);
- Stadiums, sports arenas, auditoriums, museums, and central libraries (Note: Branch libraries and community centers may be built in CDBG-eligible areas);
- Airports, subways, bus or other stations;
- Expenses of general government for operation and maintenance of public facilities;
- Political activities;
- Direct income payments to residents;
- New housing construction (except when done by a community-based development organization recognized by HUD).

HOME PROGRAM

HUD also administers the Home Investment Partnerships (HOME) Program as authorized by the 1990 National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992. The intent of the HOME Program is to expand the supply of decent, safe, sanitary and affordable housing. This is done through the following:

- Community Housing Development Organizations (CHDO). HUD requires that 15% of the City's HOME funds be set aside for CHDO activities. Funds are restricted to qualified nonprofit organizations with 501(c)(3) tax status and other special requirements;
- Home ownership assistance;
- Rehabilitation;
- New Construction of affordable housing;
- Tenant-based rental assistance;
- Acquisition of property for affordable housing.

HOME PROGRAM ELIGIBILITY

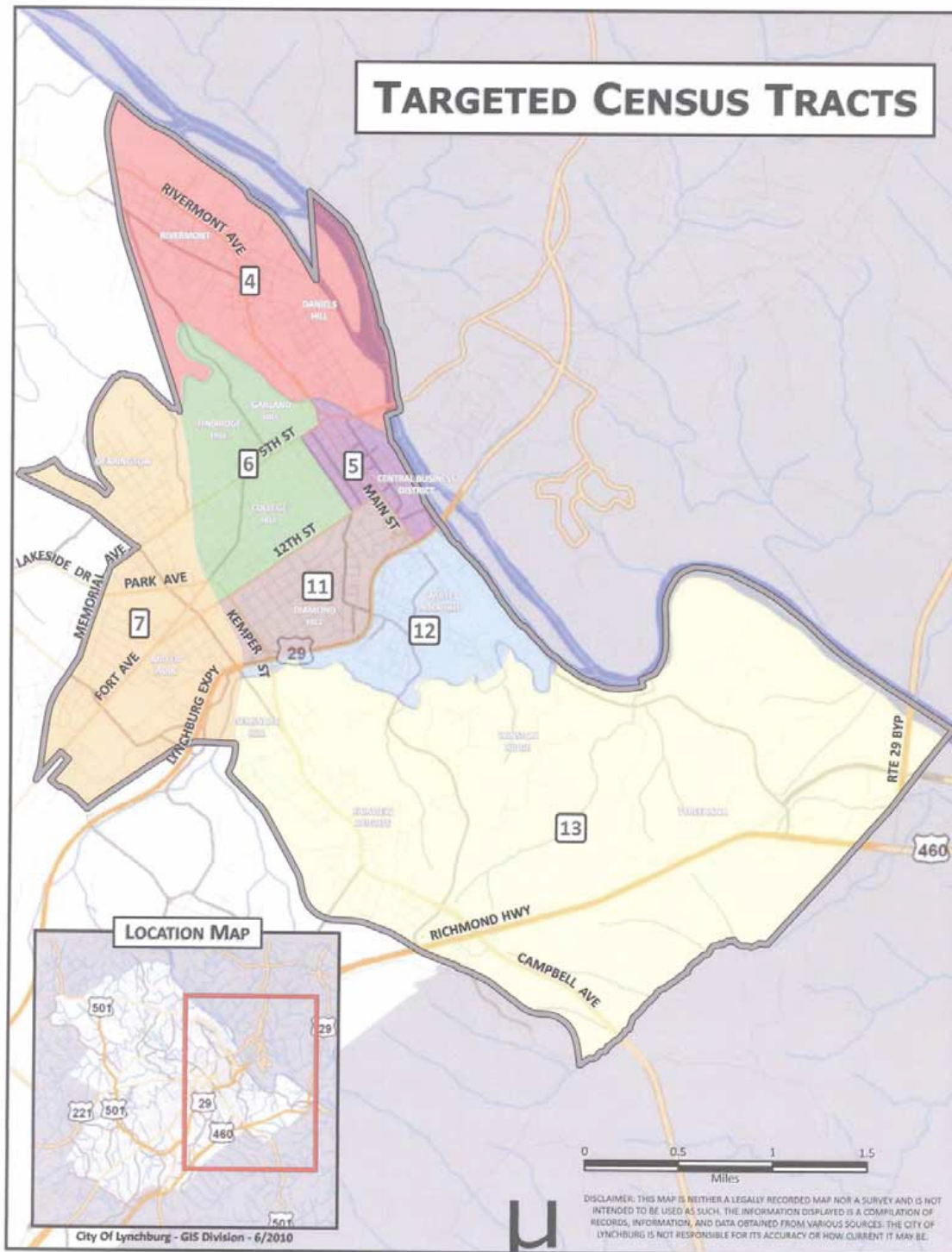
In order for an activity or program to be eligible for HOME funding, it must qualify by meeting the following guidelines:

- 100% of all funding must be used to benefit households or persons with incomes less than 80% of Lynchburg's median income.
- All HOME-funded projects must have 25% non-federal matching funds.
- The HOME program has strict long-term affordability requirements which differ based on the type of project and the amount of funding requested per unit.
- Prevailing wage requirements are different from the CDBG program. Federal prevailing wages (Davis-Bacon) are triggered when there are 8 or more units assisted with CDBG funds. For the HOME program, it is 12 or more units.

INELIGIBLE HOME ACTIVITIES

- Emergency repair programs;
- Project reserve accounts;
- Public housing projects;
- Properties receiving Rental Rehabilitation Program funds;
- Commercial properties;
- Homeless shelters;
- Project-based rental assistance or substitution of Section 8 assistance for troubled HUD-insured projects;
- Preservation of affordable housing projects;
- Matching funds as the non-federal match for other programs except to match McKinney Act funds;
- During the period of affordability, properties previously assisted with HOME funds;
- Temporary shelters;
- Other properties that do not constitute permanent housing such as residential health care facilities and publicly run residential ; or
- Acquisition of City or agency-owned properties.

APPENDIX C TARGETED CENSUS TRACTS



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 12, 2020**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Comprehensive Plan 2013 - 2030 Amendment – Forest Brook Road Corridor Study*

KEY ELEMENTS:

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

RECOMMENDATION: Adopt the Forest Brook Road Corridor Study as part of the *Comprehensive Plan 2013-2030*.

SUMMARY: Forest Brook Road is approximately one (1) mile in length and serves as a primary connector between Lakeside Drive and Old Forest Road. It is classified as a “major collector” by the Virginia Department of Transportation (VDOT) and serves industrial, commercial and residential land uses. Over the last several years, a number of businesses and residents in the area complained to the City regarding concerns with the configuration of the road. As a result, the Public Works Engineering Division requested that the Central Virginia Metropolitan Planning Organization (CVMPO) conduct this study.

The Forest Brook Road Corridor Study was prepared by Clark Nexsen for the CVMPO in partnership with the City of Lynchburg. The study provides a detailed planning assessment of future roadway needs that will enhance safety while accommodating future capacity.

Short term recommendations include trimming overgrown vegetation, upgrading guardrail throughout the corridor and signage improvements that are consistent with the Manual on Uniform Traffic Control Devices (MUTCD) guidelines.

Long term recommendations include installing curb, gutter and sidewalk, improving the intersection radius at the intersection of Lakeside Drive and Forest Brook Road, lengthening left turn lanes on Forest Brook Road at its intersections with Lakeside Drive and Old Forest Road, upgrading all pedestrian accommodations to meet Americans with Disabilities Act (ADA), improving the horizontal alignment of Forest Brook Road at Monroe Drive, ensuring appropriate sight distance is maintained at private entrances and updating study forecasts as the corridor redevelops.

PRIOR ACTION(S):

February 26, 2020: The Planning Division recommended approval of Forest Brook Road Corridor Study
The Planning Commission recommended approval of the Forest Brook Road Corridor Study (7-0)

FISCAL IMPACT: If adopted by City Council, the long-term recommendations would cost approximately \$4.6 million for Alternative 1 or \$6.7 million for Alternative 2 (in 2020 dollars). These projects will likely be eligible for various state transportation grant funds.

CONTACT(S): Scott Smith, Central Virginia Metropolitan Planning Organization – 845-3491
Tom Martin, City Planner – 455-3900
Lee Newland, City Engineer – 455-3950
Kent White, Community Development Director – 455-3900
Gaynelle Hart, Public Works Director – 455-4450

ATTACHMENT(S):

- Ordinance
- Forest Brook Road Corridor Study
- Planning Commission Minutes – February 26, 2020
- Planning Commission Packet – February 26, 2020
 - Planning Commission Report
- Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

#O-20-012

AN ORDINANCE ADOPTING THE FOREST BROOK ROAD CORRIDOR STUDY AS PART OF THE CITY'S COMPREHENSIVE PLAN 2013-2030.

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 the Forest Brook Road Corridor Study is adopted and included as part of the City's Comprehensive Plan 2013-2030.

Adopted:

Certified: _____
Clerk of Council

055R

MINUTES OF THE FEBRUARY 26, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Consideration of adopting the Forest Brook Road Corridor Study as part of the City's Comprehensive Plan 2013-2030. The purpose of the Study is to provide the City of Lynchburg with a detailed planning level assessment of the options for future needs of Forest Brook Road that will enhance safety while accommodating future capacity of the roadway. The plan provides the following recommendations: trimming and maintenance of vegetation, upgrading guardrails, installation of curb & gutter and sidewalk, improve intersection radius at Forest Brook Road and Lakeside Drive, improve the horizontal curvature of the roadway, and ensure adequate sight distances.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. This study was prepared by Clark Nexsen in partnership with the City of Lynchburg and the Central Virginia Metropolitan Planning Organization (CVMPO). The study looks at existing traffic conditions on Forest Brook Road and considers what improvements may be needed for future traffic volumes. It also addresses existing and desired conditions for pedestrians and bicyclists as well as safety concerns. Mr. Scott Smith, the Transportation Planning Director for Central Virginia Metropolitan Planning Organization (CVMPO), will give the presentation.

Mr. Scott Smith offered some background information on the Forest Brook Road Corridor Study. A couple of years ago, the City of Lynchburg Engineering Division asked CVMPO to undertake this study. Review of Forest Brook Road had been ongoing and they wanted to develop a plan for improvements over the short and long term. Forest Brook Road runs North to South and connects Lakeside Drive, near the News and Advance office, with Old Forest Road, near the Walmart, Bojangles, and Biscuitville. The corridor is a little over one (1) mile long and has a number of different land uses surrounding it. There is a lot of retail use on the north end as well as industrial and office use. Some of the industrial uses include Framatome Inc., Finly Corporation, and Cavalier Steel Inc. Spread throughout are apartment units and townhouses. There is also a large trailer park on the southern end as well as more retail, office, and medical use. This road is over one hundred fifty (150) years old and was built as a country road. It is now serving as a connector between two (2) of Lynchburg's primary roadways. It also contains a railroad crossing, though it is not in heavy use. Going in to the study, there were some assumptions. It was assumed because the road is so curvy that drivers would drive slowly and that people wouldn't walk on this road. Both of these assumptions were proven wrong by the study. There have been several crashes between 2016-2018 showing either property damage or personal injury. There were two (2) by the Walmart, one (1) by the mobile home park near a sharp curve, and four (4) on either side of the railroad crossing. This is not an abnormal number of crashes. To get better data about the conditions that drivers were experiencing and about incidents that may not show up on police reports, a public meeting was held in May. Traffic volume, compared to other roads in Lynchburg, is relatively low at about five thousand (5,000) per day, though it depends on which end of the road a person is on. Traffic volume, in the long term, should not increase significantly unless there is major development that occurs. The public meeting was held on May 29, 2019 at Lynchburg Collision which was a walkable venue. A mailing was done to invite residents, businesses, and property owners. There were a couple of newspaper and television stories as well. About thirty (30) stakeholders attended from the neighborhood and were very engaged and interested in the project. Overwhelmingly, residents said that they had trouble walking along Forest Brook Road. There is a great deal of pedestrian traffic that occurs between the mobile home park on the southern end and the Walmart on the northern end. Every time the road was visited for the study there were pedestrians out there. It was also found that drivers do not obey the speed limit. The observed speed versus the posted speed was about ten (10) miles an hour higher. The speed limit there is thirty (30) but drivers do thirty-seven (37) to forty-one (41) on average despite the road being curvy, narrow, and with steep drop-offs. A lot of drivers use the road as a cut through and are trying to get through it as quickly as possible. Residents reported that there are a number of intersections along Forest Brook Road that have poor sight distance. The business community reported that it is very difficult for

trucks to maneuver and maintain their lane. There are two (2) industrial facilities in the middle of the corridor. After gathering data and collecting input from stakeholders, recommendations for the long term and short term were formulated. Recommendations for the short term include trimming and continuing to trim overgrown vegetation. There are a number of locations where the trees and bushes are growing out almost into the roadway. It makes it hard to see signage and cars that are coming. Another short term recommendation is to upgrade the guardrail throughout the corridor but particularly in the area of the railroad crossing and the creek below the railroad crossing.

Commissioner Light stated that those recommendations are relatively easy to implement.

Mr. Smith responded that they are. For the long term there are two (2) proposed alternatives but one (1) of them is preferred. Alternative number two (2) is preferred. Alternative number two (2) would install pedestrian accommodations (sidewalks) on one side of the road, would install underground stormwater facilities, would remove some of the ditches that are problematic with erosion, and would remove some objects, like utility poles, from the area called the "clear zone". The "clear zone" is the area in which a car, if it leaves the roadway, corrects and gets back on the roadway. If there's an object in the "clear zone", like a telephone pole, the driver will not be able to correct before hitting the object. It is always optimal to have objects outside of the "clear zone". Other long term intersection recommendations are to improve the intersection radius, like the curve at Lakeside Drive and Forest Brook Road, lengthen the left turn lane storage capacity, which occasionally backs up and blocks traffic, and improve the pedestrian accommodations to ensure that all of them meet ADA requirements. Another major long term recommendation is to improve the horizontal curvature. This does not mean to straighten the curve near the mobile home park but to bring it into modern engineering specifications. The curve near the mobile homes is not smooth and is very sharp but straightening the curve might encourage more speeding. It should also be ensured that there is good sight distance for the private entrances south of Cavalier Steel Inc. Any of this could change though if the land uses surrounding the corridor change. There is vacant land on either side of Forest Brook Road; some of it is buildable and some of it is not. Any change to land use should be monitored. Alternative one (1) is not recommended but would keep the traditional ditch layout, would not have curb and gutter, and would have a sidewalk on the East side of Forest Brook Road. Alternative two (2) would help deal with stormwater issues that are on the road, would have curb and gutter on each side, and would have a sidewalk.

Commissioner Marion stated that she is surprised that alternative two (2) with the curb and gutter is preferred. She asked for clarification that the curb and gutter will not prevent drivers from having enough room to correct their vehicle if they run off the road.

Mr. Smith responded that if the geometry of the road is corrected and the surface is widened slightly, drivers should not be running off of the road anymore. Drivers will be able to maintain their lane better.

Commissioner Marion asked if drivers will slow down with curb and gutter present.

Mr. Smith responded that there are different studies that have shown different things. His feeling though is that curb and gutter shows drivers that they are in an urbanized area and should slow down. It also provides an edge for drivers to see and is more effective than a stripe. Curb and gutter and a utility strip also make pedestrians more comfortable because there is a six (6) inch or so drop between them and the motorist. That is what is recommended here. Along most of the roadway there is forty (40) foot right-of-way so this option would fit in.

Commissioner Bowden stated that due to the grade the road would be under water most of the time without curb and gutter.

Mr. Smith responded that there are issues with ponding in some parts of the road as it is. A number of residents reported where the ponding occurs.

Commissioner Perault asked which side of the road the sidewalk will be located on.

Mr. Smith responded that the sidewalk will be on the Walmart side of the road. There is no crossing proposed and there is already sidewalk on the North end of the road. The new sidewalk will tie in to the existing.

Commissioner Marion noted that this will allow residents of the mobile home park to walk to Walmart without having to cross the road.

Mr. Smith shared agreement. The proposed curve realignment would bring the curve into a consistent radius that drivers can handle better. This should solve the problem without speeding drivers up. It would require some acquisition of private property.

Commissioner Bowden stated that the length and cargo of the trucks traveling in that area is reason enough to realign the curve.

Mr. Smith responded that the industrial stakeholders reported that their truck drivers have trouble maintaining their lane, going the speed limit or slower, and with drivers in the other lane not maintaining their lane. After a forty-eight (48) hour count, only four (4) percent of the traffic was truck traffic but they are big vehicles. Comparing the alternatives, alternative two (2) has a bigger impact on safety and would be constructed in a shorter amount of time than alternative one (1).

Commissioner Bowden asked if changing the back entrance to Walmart was considered. The crash near Walmart discussed earlier likely had to do with that entrance. It should be a right in, right out entrance.

Mr. Smith responded that he would have to examine the crash further to know if it had to do with that entrance.

Commissioner Bowden stated that the backed up turn lane and the entrance often do not mesh together well.

Commissioner Lowe stated that the entrance to Biscuitville is on Forest Brook Road and is not conducive for people going down Old Forest Road to get in there.

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

Mr. Ryan Wheeler, a representative of Cavalier Steel Inc., addressed the Commission. He agrees with the recommendation to increase the turn radius at the intersection of Forest Brook Road and Lakeside Drive as well as the recommendation to realign the curve especially since the truck trailers are seventy (70) to seventy-two (72) feet long with the cab. He does not agree that the traffic flow at the intersection of Lakeside Drive and Forest Brook Road is okay. Traffic, during the summer especially, can be backed up a great deal. The light at Lakeside Drive and Forest Brook Road is extremely short and only lets about four (4) cars take a left before it turns red again so it causes backup. He is not sure that alternative two (2) with the gutter would be acceptable for the industrial trucks and trailers. Extra shoulder space, which would be taken up by curb and gutter, is optimal for oversized trailers. The study also notes that the entrances to Cavalier Steel Inc. and Finly Corporation are too narrow. The turn radius needs to be increased but the recommendations do not offer solutions to this, which does not make sense to him. Vegetation along the corridor is overgrown and blocks visibility coming out of the entrance to Cavalier Steel Inc. He agrees that it should be trimmed.

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

Mr. Adam Fariss, a representative of Finly Corporation, addressed the Commission. They own about one (1) acre of land next to the curve that is recommended for realignment. If their land is acquired to realign it, the development potential for their property will be diminished. He has not seen standing water in the road but has seen it going across the road. He does agree that there are pedestrians in the road and a sidewalk is necessary. He reiterated that the realignment of the curve would not be beneficial to his interests but that a sidewalk would be a welcome addition.

Commissioner Light asked what his development plans for the property are.

Mr. Fariss responded that they do not have a definite development plan at the moment and are deciding what they want to do with it. The property is zoned for I-2, Light Industrial District, so the development will be in accordance with that. Land is hard to get, and that lot is already narrow so he doesn't want to see its development potential diminished.

Chair Rogers asked if there was anyone else who wished to speak in opposition of the petition, when no one came forward he invited Mr. Smith to address the public comments.

Mr. Smith addressed the concerns. When the engineers stated that the intersection of Lakeside Drive and Forest Brook Road operated acceptably they meant that it operated acceptably in terms of Forest Brook Road. The Old Forest Road and Forest Brook Road intersection had just been reworked and there are plans for significant work on Lakeside Drive that will address the intersection. In terms of this study, the intersections were examined for the level of service that they gave Forest Brook Road. He shared agreement that to say that multiple light intersection operates smoothly at all times of day would be incorrect. The text of the study will be adjusted to clarify that. The land needed to realign the curve will be an issue if the City is not able to acquire it. Realignment depends on that land. The geometry of the curve only allows it to be altered one way. Going the other way would make the curve worse.

Commissioner Johnson asked for clarification that the property owner would have to agree in order for the City to acquire the property to realign the curve.

Mr. Smith responded that the City would use whatever process they normally use to acquire private property. He cannot speak to the details.

Commissioner Light stated that if it could not be voluntarily worked out the City might go through the condemnation process but noted he is not an expert in that area of law.

Mr. Martin responded that the City could go through that process but would try very hard not to.

Commissioner Marion noted that it looked like more would be taken off of the length of the property than the width. The property is already very narrow.

Mr. Smith responded that he asked the engineers to examine any option for staying within the City right-of-way but it was not possible. The right-of-way is fairly tight there. He acknowledged that the property owner's concern is legitimate. In regard to the driveway entrance, it was not included in the recommendations to the City because it is not the City's responsibility. Or if it is, it would be cooperation between the City and the businesses. He noted that he is not familiar with the City's driveway entrance policy.

Commissioner Perault noted that it might be helpful to calculate how much land would be needed to realign the curve.

Mr. Smith responded that an estimate can be made if a survey is conducted.

Chair Rogers closed the public hearing.

Chair Rogers stated that he is disappointed that alternative two (2) has no bike accommodation. He likes the shoulder room in alternative one (1).

Mr. Smith responded that the shoulder room would not be an unofficial bike lane; it is just a paved shoulder that would be available for a bicycle if needed. One of the things that makes the construction time for alternative one (1) longer is the amount of grading that would need to be done on the stretch from the curve to the creek. Part of the bank would have to be pulled off and soil would have to be put in on the other side. Alternative one (1) requires forty-six (46) feet of right of way whereas the curb and gutter in alternative two (2) requires thirty-nine (39).

Chair Rogers shared agreement that there is not a lot of room over the creek.

Commissioner Bowden shared agreement. He noted that speed is an issue for pedestrians and bicyclists and that there is not much room for them with or without curb and gutter. It is especially preferable to be able to give trucks additional room so where is the balance point. This might be a road that is just not friendly for bicyclists because of the grade.

Mr. Smith responded that one issue is the cost and right-of-way issue and another is safety. Multimodal transit is always the focus but sometimes it just doesn't work out that way. This is also just a plan and is not construction documents. It is not a directive for what is going to be done, it is an idea and details would be determined in the design phase.

Commissioner Marion asked if it is illegal for bicyclists to ride on the sidewalk.

Mr. Smith responded that it is in the City.

Mr. Martin responded that if it is a ten (10) foot multi-purpose trail then bicyclists may use it.

Commissioner Marion asked if the sidewalk could be expanded to ten (10) feet.

Mr. Smith responded that there is not enough dirt to do so but the option was examined.

Commissioner Bowden noted that it was good that the study examined land use. Some traffic currently uses the road to cut through to other areas and as the area grows up it is possible the road will see more cut through traffic. It may be necessary to take some measures to prevent the increase of traffic from cutting through. He is not sure how to keep the road small enough to maintain its current volume of traffic. He then asked if the expressway extension will have any impact on this road.

Mr. Martin responded that the improvements do not come this far.

Commissioner Bowden stated that the traffic on this road would not benefit from the extension then.

Commissioner Lowe stated that the traffic on this road is seeking the "path of least resistance". They are avoiding the big intersections and seeking a shorter path.

Commissioner Bowden stated that he is amazed at how much traffic is cutting through. It seems to him that this road will take the brunt of cut through traffic and wants to make sure that is prevented if it needs to be.

Chair Rogers stated that alternative two (2) shows that bicyclists can use the sidewalk, which is not the case and should be changed. He also likes the idea of improving the curve.

Commissioner Bowden asked if it was appropriate for the Commission to make specific recommendations to change the study at this time like enlarging the entrances to the industrial sites.

Mr. Martin responded that something like that would be reviewed during the design phase. A statement about looking at certain things could be added at this stage. It would be a good idea to look at the truck turning radius coming around the new alignment. If the preferred alternative is recommended as alternative two (2) then that's what will move forward. With alternative one (1) there is more right-of-way acquisition needed, which is one of the reasons alternative two (2) is preferred. Also, alternative two (2) will better handle stormwater. The straightening of the curve will have to be worked out during the design phase and is a big part of this. Although the property owner is concerned about their development potential, the City also has to worry about public safety. Alternative two (2) is the preferred recommendation. If the Commission has issues with alternative two (2) they should not recommend approval right now.

Chair Rogers asked what the current width of the lanes is. Even with curb and gutter the lanes are probably being widened.

Mr. Martin responded that the City would not go below eleven (11) foot lanes anywhere but these are likely to be eleven and a half (11.5) feet. If the lanes are widened a great deal to accommodate trucks, it will encourage more cut through traffic but if it is too narrow it will not accommodate trucks.

Commissioner Light asked if this will come back before the Commission in the future with more details if it is recommended now to move forward with alternative two (2).

Mr. Martin responded that if this passes City Council it will go into the Capital Improvement Program for funding and is not likely to come back before Commission.

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

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council adoption of the Forest Brook Road Corridor Study as part of the City’s Comprehensive Plan 2013-2030.”

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: February 26, 2020
Re: Forest Brook Road Corridor Study

I. PETITIONER

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

Representative: Mr. Scott Smith, Transportation Planning Director, Central Virginia Metropolitan Planning Organization, 828 Main Street, 12th Floor, Lynchburg, Virginia 24504

Property Owner:

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

II. LOCATION

Forest Brook Road is approximately one (1) mile in length and serves as a primary connector between Lakeside Drive and Old Forest Road.

III. PURPOSE

The purpose of the study is to provide a detailed planning assessment of future roadway needs that will enhance safety while accommodating future capacity. The study:

1. Investigates existing traffic conditions and considers what types of road improvements may be needed if future traffic volume continues to increase.
2. Assesses existing and desired conditions for pedestrians and bicyclists.
3. Addresses safety issues.

IV. SUMMARY

- The Virginia Department of Transportation (VDOT) classifies Forest Brook Road as a “Major Collector”.
- The study provides short and long term recommendations that will help minimize congestion and improved travel conditions and safety.

The Planning Division recommends adoption of the Forest Brook Road Corridor Study as part of the City’s Comprehensive Plan 2013-2030.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The City’s Comprehensive Plan 2013-2030 lists Guiding Principles for Transportation. These guiding principles include:

Consistency: Transportation planning efforts shall be coordinated with and directed toward implementing the goals of the Comprehensive Plan.

Multi-Modal Support: The City supports the expansion of modal choices for residents with different needs and preferences. It also recognizes the importance of coordinating design to provide connectivity between modes and to ensure safety for motorists, transit riders, bicyclists and pedestrians.

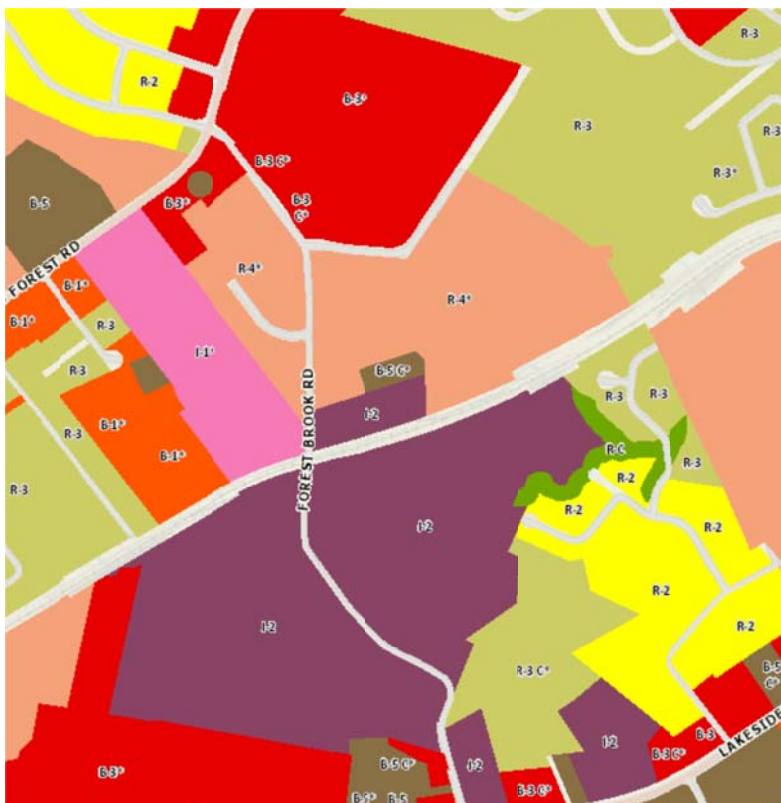
Connectivity: The City supports the connectivity between neighborhoods and the uses served by those neighborhoods to facilitate mobility between the places where residents live, work and play.

Efficiency: The City will capitalize on current investments in the system through effective maintenance and management while targeting funding for improvements that contribute the most to the safe and efficient movement of people and goods.

System Design: The City of Lynchburg Transportation Policy shall endeavor to create a safe, sustainable, connected and efficient transportation system that preserves the City's character and history.

The *Comprehensive Plan 2013-2030* also provides for a “Better Streets” Policy. This policy states that Lynchburg's Better Streets will be designed and built to strike a balance between all users, regardless of physical abilities or mode of travel. They will attend the needs of people first, prioritizing pedestrians, bicyclists, transit, street trees, stormwater, utilities, and livability, as well as vehicular circulation and parking. (*p. 128*)

2. **Zoning.** The Forest Brook Road area was annexed into the City in 1976. The area of Forest Brook Road from Lakeside Drive north to the railroad is predominantly zoned as Industrial. The area of Forest Brook Road from the railroad north towards Old Forest Road is predominately zoned high density residential prior to transitioning to commercial nears Old Forest Road.



Forest Brook Road Zoning

3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On November 8, 1988, City Council approved the petition of Farriss and Iseman, to rezone 2143 Lakeside Drive from I-2, Light Industrial District to B-3C, Community Business District and I-2, Light Industrial District to R-3C, Medium Density Residential District (Conditional) and approved a conditional use permit to allow the expansion of a mobile home park to ninety-eight (98) units.
 - On May 10, 1994, City Council approved the petition of Kenneth Revis to rezone the property at 3437B Forest Brook Road from B-5, General Business District to B-5C, General Business District (Conditional) to allow the operation of an automobile body repair shop with trailer sales.
 - On February 9, 1999, City Council approved the petition of Sims Wholesale Company to rezone 3235 Forest Brook Road from R-5, High Density Residential to B-5C, General Business District (Conditional) to allow a truck turnaround and parking area.
 - On August 14, 2007, City Council approved the petition of George & William Walker to rezone 3207, 3211, 3215 and 3217 Forest Brook Road from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the construction of a commercial center.
5. **Site Description.** Forest Brook Road extends from Lakeside Drive to Old Forest Road and is approximately one (1) mile in length. It is classified by the Virginia Department of Transportation (VDOT) as a major collector with two (2), ten and one-half (10 ½) foot lanes. The posted speed limit is thirty (30) miles per hour with two locations having curve advisory speeds posted at twenty (20) miles per hour. Curb & Gutter is present from Old Forest Road to Belle Terre Drive, otherwise there are open ditches for drainage. Forest Brook Road as an Average Daily Traffic of four thousand nine hundred (4900).
6. **Proposed Use of Property.** The plan proposes to address the following issues:
- Investigates existing traffic conditions and considers what types of road improvements may be needed if future traffic volume continues to increase.
 - Assesses existing and desired conditions for pedestrians and bicyclists.
 - Addresses safety issues.
7. **Traffic, Parking and Public Transit.** The Forest Brook Road Study was prepared by Clark Nexsen in partnership with the Central Virginia Planning District Commission (CVPDC), Central Virginia Metropolitan Planning Organization (CVMPO) and the City of Lynchburg.
8. **Stormwater Management.** Stormwater Management would be addressed during roadway design.
9. **Emergency Services:** The City Fire Marshal had no comments of concern regarding the proposed Corridor Study. The City's Police Department supported efforts to improve pedestrian and vehicular safety throughout the corridor.
10. **Impact.** The proposed Forest Brook Road Corridor Study provides an analysis of the existing corridor and projects traffic volumes to the year 2040. The study makes recommendations for improvements to vehicular, pedestrian and bicyclist's safety. Discussion of proposed roadway improvements are listed on pages 18-26 of the study.

- 11. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the study on February 4, 2020. Comments have been addressed and included in the draft study.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council adoption of the Forest Brook Road Corridor Study as part of the City's *Comprehensive Plan 2013-2030*.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Mohammad Zaid, Transportation Engineer
Mr. Scott Smith, CVMPO

VII. ATTACHMENTS

- 1. Forest Brook Road Corridor Study**

FOREST BROOK ROAD CORRIDOR STUDY

FINAL REPORT

April 24, 2020

Prepared For:



Lynchburg, VA

Prepared By:



The contents of this report reflect the view of the author(s) who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the view or policies of the Federal Highway Administration and/ or the Commonwealth of Virginia Transportation Board. This report does not constitute a standards, specification, or regulation. Acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/ approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund such improvements. Additional project level environmental studies of alternatives may be necessary.



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Introduction

The Central Virginia Planning District Commission (CVPDC) and Central Virginia Transportation Planning Organization (CVTPO) in partnership with the City of Lynchburg have engaged Clark Nexsen to develop the Forest Brook Road Corridor Study. The goal of the corridor study was to comprehensively evaluate existing conditions and plan for current and future multimodal transportation needs. Identifying future transportation needs will allow for the effective implementation of land development policies and serve as a guide for future capital projects within the corridor.

Just under one mile in length, Forest Brook Road serves as a primary connector between two major thoroughfares, Lakeside Drive (US Rte. 221) and Old Forest Road. Land uses on the Lakeside Drive (South) end of the corridor include retail, medical, and light industrial. The Old Forest Road (North) end of the corridor consists of retail development, including a large retail shopping center housing a Walmart, fast food, casual dining, and other places of business, including a facility operated by one of the Lynchburg area's largest employers. Two clusters of light industrial use are also present within the corridor; along with a mix of single-family homes and apartment complexes. A map of the study area is shown in **Figure 1** below.

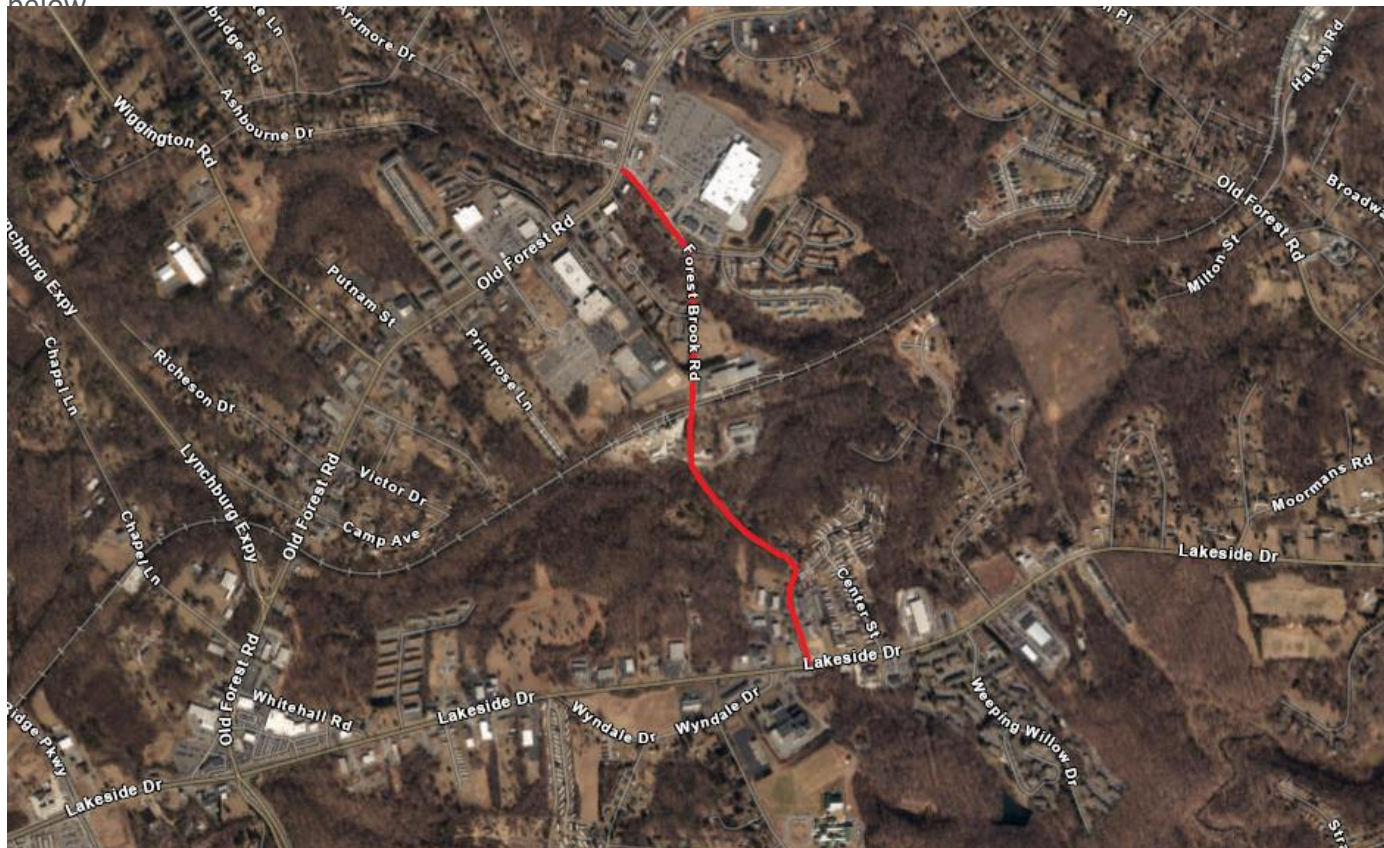


Figure 1 Forest Brook Road Corridor Study Area

Known issues along the corridor include bicycle and pedestrian safety concerns, inadequate sight distances, sub-standard roadway geometry, lack of access management, and increasing traffic volumes along a two-lane narrow roadway. Additionally, the City of Lynchburg has raised concerns with existing drainage patterns along the corridor, and the current serviceability of existing guardrail installations. The most recent Long-Range Transportation Plan shows Lakeside Drive being widened through the intersection with Forest Brook Road; however, no recommendations along Forest Brook Road corridor itself were identified.

A review of the past 20 years of VDOT traffic volumes along the Forest Brook Road Corridor indicates low-to-moderate traffic volumes for a two-lane facility of about 4,900 Average Daily Traffic (ADT) in the year 2016, averaging a 2.4% average annual growth rate.

Study Purpose

The purpose of this corridor study is to provide the MPO and the local government with a detailed planning level assessment of the options for future roadway needs that will enhance safety while accommodating future capacity. This corridor planning study:

1. Investigates existing traffic conditions and considers what types of road improvements may be needed if future traffic volume continues to increase;
2. Assesses existing and desired conditions for pedestrians and bicyclists (multimodal options), and;
3. Addresses safety issues.

Ideally, the study will provide short and long-term recommendations that will help to minimize congestion and improve travel conditions and safety along the corridor. The goal is to identify projects that can be prioritized so that funding and implementation strategies can be pursued accordingly.



Public Involvement

The public involvement process took the form of a Public Information Workshop at a local business on the corridor, Lynchburg Collision, on Wednesday, May 29, 2019 from 4:30-7:00 PM. The meeting was held in an open-house format. At this workshop, stakeholders and citizens were presented with basic information such as aerial maps, traffic volumes, and crash data. Citizens were informed on the initial findings of study and were asked to provide the CVMPO with their questions, comments, thoughts, concerns, and suggestions about the Forest Brook Road corridor and what should be considered in the further development of alternatives. Area residents, employees, commuters, shoppers, and business and property owners were encouraged to participate in the workshop. Meeting invitations were sent via US Mail to those residents and businesses located directly on the corridor. Additional notification of the meeting was advertised through notices to local media outlets, notices posted on the CVMPO website and social media pages. The event was covered by local newspaper and television outlets.

A total of 23 citizens were accounted for in the sign-in sheet, with a few more who did not sign in. A total of 9 stakeholder groups were represented.

The meeting was held in a more collaborative open-house style, with boards displaying the corridor aerial maps with existing traffic and crash data. Instead of presenting recommendations and solutions to the project corridor, workshop participants were given the opportunity share their insights of the corridor as residents, commuters, and other local stakeholders. Attendants were asked to take sticky notes and place them on the aerial maps noting observations, patterns, personal experiences relating to the corridor, etc. Workshop participants were also able to draw directly on the posters. Each note along with the location were recorded as an individual comment. Comment sheets were also available for participants to fill out and return at the end of the workshop, or by mail or email to the CVMPO. Altogether 44 comments were collected from comment forms, follow up emails, and workshop materials.

The four main comment categories concerned pedestrian activity, perceived traffic patterns, large vehicle activity, and roadway geometry. Other noteworthy concerns were overgrown vegetation and sight distance issues. The written comments are summarized in **Table 1**.

Overall, the majority of the public was in favor of pedestrian and bicycle improvements along the corridor.

Table 1 Summary of Written Public Comments	
Written Comment	Number of Comments
Close calls with pedestrians	4
Congestion at Lakeside Drive/Forest Brook Road intersection	2
Ponding during high rain events near Cavalier Steel	2
Drainage/ditch comment near Holmes Circle	1
Guardrail concern	1
Increased traffic	2
Large vehicle challenges	4
Large vehicle challenges at curves	2
Large vehicle challenges at Lakeside Drive/Forest Brook Road intersection	2
No pull off areas for police	1
Observed pedestrian activity	7
Observed pedestrian activity leading to improvements	1
Overgrown vegetation	3
Pedestrian and Transit patterns	1
Poor sight distance	1
Poor sight distance, Speeding issue	1
Roadway departures between Cavalier Steel and S-curve	1
School bus stop	1
Sight distance issue at Belle Terre Drive	1
Sight distance issue at Holmes Circle	2
Speeding issue	1
Traffic Patterns - cut through problem	2
Traffic Patterns of Large vehicles	2
Transit route present	1
Total	46



Existing Conditions

As it stands today, Forest Brook Road is a two-lane urban major collector, with 10 ½ foot lanes and no shoulders. It extends 0.92 miles from Lakeside Drive to the south to Old Forest Road to the north. Forest Brook Road has a posted speed limit of 30 mph with two locations of curve advisory speeds of 20 mph and 25 mph. Standard VDOT CG-6 curb and gutter are present along north and southbound Forest Brook Road from Belle Terre Drive to Old Forest Road in the northern portion of the corridor, and for about 600-ft leading up to the intersection with Lakeside Drive on the southern portion of the corridor. A five-foot sidewalk is also present along northbound Forest Brook Road from Belle Terre Drive to Old Forest Road. Elsewhere throughout the corridor, there are open ditches for drainage and no curbs. There is roadway lighting along the entirety of the corridor on utility poles, which can be found on both sides of the road.

In addition to communications and power utility poles throughout the corridor, other public utilities are present throughout the corridor. A 12” ductile iron water line runs the whole length of the corridor with 10 fire hydrants spread throughout the corridor. Sanitary sewer lines cut across the corridor at 3 locations: approximately 250-feet south of Belle Terre Drive, and 500-ft and 700-ft south of the railroad crossing. Stormwater pipes can be found north of Holmes circle and select driveway culverts locations to the south.

The Forest Brook Road corridor is characterized by its varied land uses, road users, limited clear zone, and horizontal and vertical curvature. There are 37 private driveways/business entrances, 2 intersecting roadways (Belle Terre Drive and Holmes Circle), and one railroad crossing. North of the railroad crossing is largely residential with an adjacent large commercial center. Moderate pedestrian activity was observed utilizing existing pedestrian facilities in the northern end of the corridor.

Directly north and south of the railroad there are light industrial use facilities. Traffic in and out of the industrial facilities near the railroad subject the corridor to a slightly higher percentage of heavy vehicle traffic on the southern half of the corridor. South of the railroad there is a section that is more heavily forested followed by more residential and commercial areas closer to the intersection with Lakeside Drive

South of the railroad, guardrail is present in some locations where side slopes are too steep to be recoverable and around some business entrances. Edge drop offs were observed throughout the entire corridor. Several of these drop offs were filled with gravel where large vehicles frequently overrun the edge of pavement. In addition to the heavy vehicles that travel along the corridor due to the light industrial facilities, there are school and transit buses with routes running through the corridor.

Traffic Analysis

Turning movement counts were conducted during a 2-hour period in the morning from 6:00-8:00 AM and two 3-hour periods from 11:00 AM-2:00 PM and 4:00-7:00 PM on March 19, 2019 at the following signalized intersections with Forest Brook Road:

- 1. Old Forest Road
- 2. Lakeside Drive

At the Old Forest Road intersection, turning movement counts revealed the AM peak hour occurring from 7:00-8:00 AM, the midday peak occurring from 11:45 AM-12:45 PM, and the PM peak from 4:45-5:45 PM.

At the Lakeside Drive intersection, turning movement counts revealed the AM peak hour occurring from 7:00-8:00 AM, the midday peak occurring from 12:00-1:00 PM, and the PM peak from 4:30-5:30 PM.

Traffic signal timings used to conduct the capacity analysis for the existing conditions were provided by the City of Lynchburg. The traffic signal at the intersection with Lakeside Drive operates under an adaptive signal control and only follows provided signal timing under recall mode; otherwise, it communicates with signals along the US Rte. 221 corridor to coordinate the traffic along that corridor.

Daily directional counts were collected for a 48-hour weekday period from 12:00 AM March 19, 2019 to 12:00 AM March 21, 2019 on the following segments along Forest Brook Road:

- 3. North of Holmes Circle
- 4. South of Finly Corporation

Peak hour turning movement counts for the study area intersections are summarized in **Figure 2**.

Table 2 displays a summary of the daily directional traffic counts on Forest Brook Road.

Table 2 Daily and Peak Hour Traffic Volume Counts					
Forest Brook Road Corridor	Direction	Daily Volume	AM Peak	Midday Peak	PM Peak
North of Holmes Circle	North	2376	122	168	215
	South	2484	163	191	230
	Combined	4860	285	359	445
South of Finly Corp.	North	2535	139	176	214
	South	2731	166	197	303
	Combined	5266	305	373	517

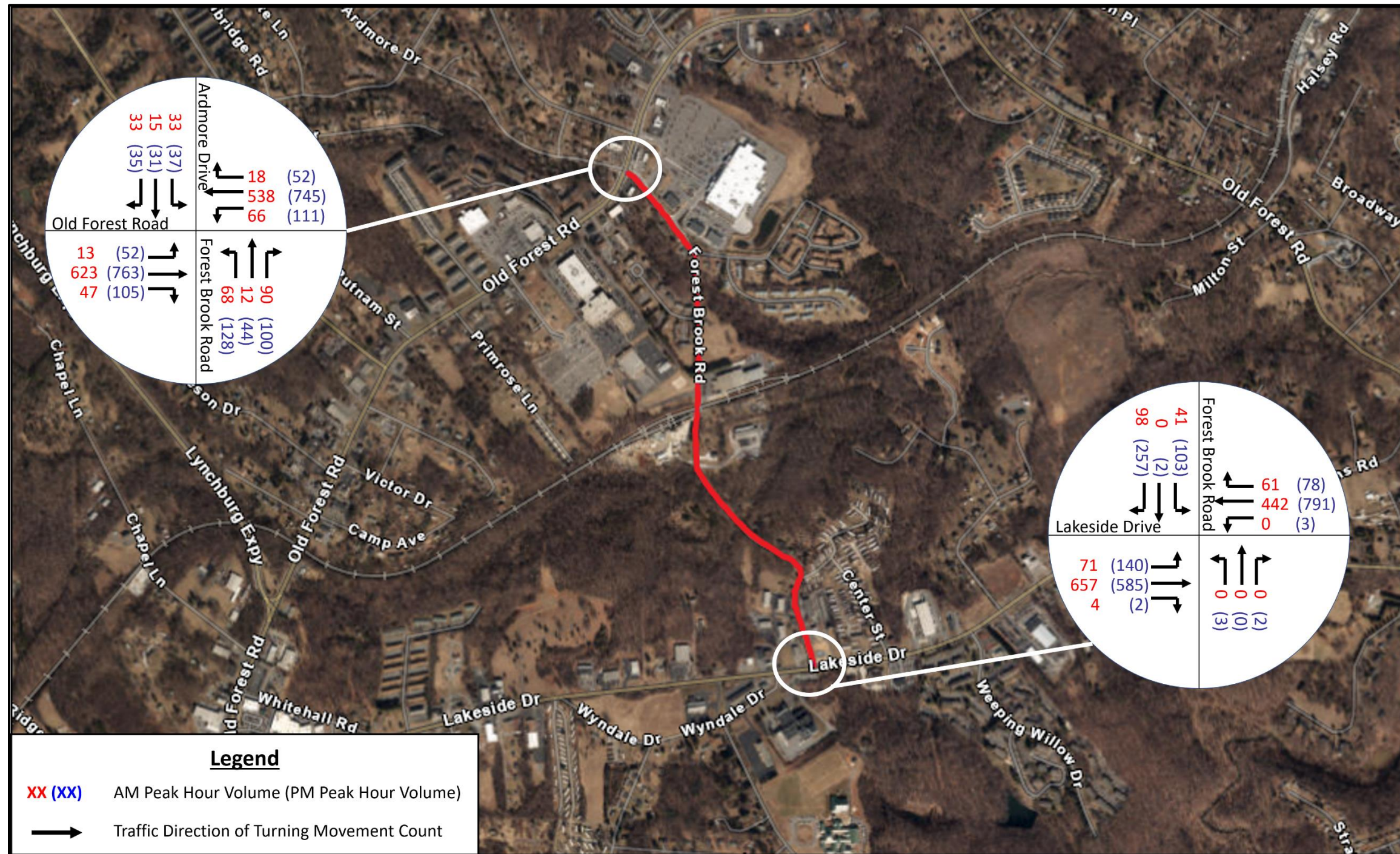


Figure 2 Existing Conditions Traffic Volumes



Speed and class data were collected along with the daily directional counts. Class data showed a daily average of 3% truck traffic north of Holmes Circle and a 4% truck traffic south of Finly Corporation. Speed data recorded in 5 mph bins is summarized in **Table 3**. The table highlights an alarming fact that the majority of vehicles are traveling well above the posted 30 mph speed limit. Average speeds range from 5 to almost 11 mph higher than the posted speed. The most startling metric is the 85th percentile speed for southbound traffic south of Finly Corporation where speeds range anywhere from 15 to 20 mph higher than the posted speed as they are heading towards a reverse curve with advisory speeds of 20 mph.

Table 3 Speed Data Summary (in mph)					
Forest Brook Road Corridor	Direction	Average Speed	85 th Percentile Speed Range	Pace Speed	% Traveling within Pace
North of Holmes Circle	North	37.3	40-45	30-40 & 35-45	67.1%
	South	35.1	35-40	30-40	71.4%
	Combined	36.2	35-40	30-40	69.3%
South of Finly Corp.	North	40.6	40-45	35-45	74.0%
	South	40.9	45-50	35-45	70.4%
	Combined	40.8	45-50	35-45	72.1%

Existing 2019 traffic volumes and lane configurations were used to model the current conditions. Level of service analyses were performed for the AM, Midday, and PM peak traffic conditions at the project intersections using Synchro Professional 10.0. Synchro uses methodologies contained in the 2000, 2010, and 6th Edition Highway Capacity Manual to determine the operating characteristics of the roadway network. Capacity is defined as the maximum number of vehicles that can pass over a particular road segment or through a particular intersection, within a specified period under prevailing roadway, traffic, and control conditions.

Level of service (LOS) is used to describe the operating characteristics of a road segment or intersection in relation to its capacity. LOS is defined as a qualitative measure that describes operational conditions, delay, and motorist perceptions within a traffic stream. The Highway Capacity Manual defines six levels of services, LOS A through LOS F, with A being the best and F being the worst. In general, for LOS A vehicles rarely need to stop and can easily maintain posted speed limit, for LOS B some vehicles may need to stop but can reasonably maintain posted speed limit, by LOS C moderate delay limits vehicle speed and maneuverability with increasingly worsening delay as the letter grades increase to LOS F. At LOS F conditions have degraded to “stop and go” conditions. **Table 4** shows the level of service criteria for signalized and unsignalized

intersections and general descriptions of traffic flow through a signalized intersection by LOS. **Figure 3** shows a visual representation of intersection LOS.

Table 4 Signalized and Unsignalized Intersection Level of Service Criteria Control Delay per Vehicle (sec)			
LOS	Unsignalized	Signalized	General Description (for signalized LOS only)
A	≤ 10	≤ 10	Free Flow
B	> 10 and ≤ 15	> 10 and ≤ 20	Stable Flow (slight delays)
C	> 15 and ≤ 25	> 20 and ≤ 35	Stable Flow (acceptable delays)
D	> 25 and ≤ 35	> 35 and ≤ 55	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	> 35 and ≤ 50	> 55 and ≤ 80	Unstable Flow (intolerable delay)
F	> 50	> 80	Forced flow (congested and queues fail to clear)

Source: Highway Capacity Manual 2010, Transportation Research Board, 2010

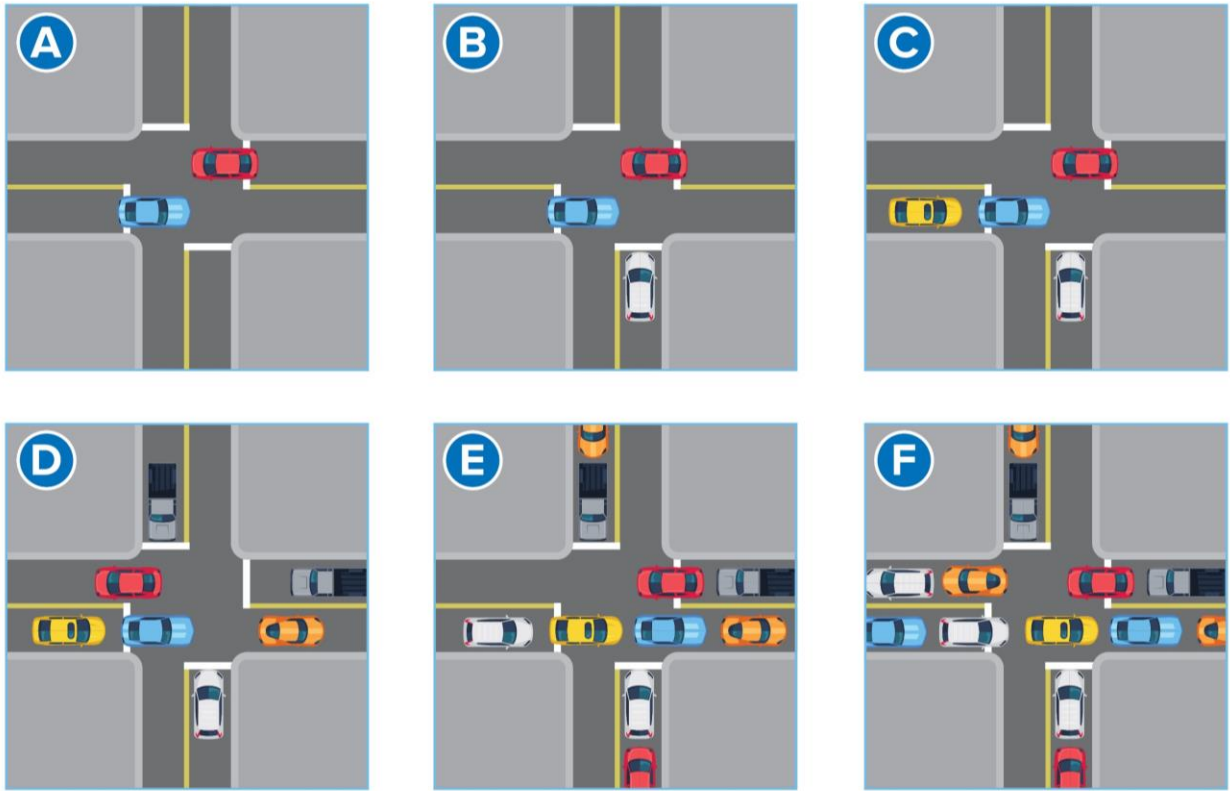


Figure 3 Visual Representation of Intersection LOS



Old Forest Road

The intersection of Old Forest Road and Forest Brook Road is controlled by an actuated signal, which is a type of signal control where time for each phase is at least partially controlled by vehicle presence detection provided for all approaches of the intersection, as opposed to fixed timing signal control where vehicle presence does not influence signal phase time. Left turn movements from all approaches operate under permissive/protected modes. All four pedestrian movements across the intersection are signal controlled with corresponding pedestrian signal heads and pushbuttons.

Lane use at the intersection consists of:

- Old Forest Road eastbound: one left turn lane, one through lane, and one through/right lane
- Old Forest Road westbound: one left turn lane, one through lane, and one through/right lane
- Ardmore Drive southbound: one left turn lane and one through/right lane
- Forest Brook Road northbound: one left turn lane and one through/right lane

Table 5 illustrates the results of the capacity analysis for the 2019 existing conditions for the intersection of Old Forest Road and Forest Brook Road. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

During all peak hours, the intersection operates with adequate service levels (LOS C or better), with the majority of the movements operating at a LOS B, with the exception of the southbound Ardmore Drive approach and the northbound Old Forest Road through/right movements which operate at a LOS C in the PM peak hour. At a LOS B, progression through the intersection is still steady.

Table 5 Old Forest Road at Forest Brook Road/Ardmore Drive Existing 2019 Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Old Forest Road						
Left	12.8	B	13.4	B	18.0	B
Through	11.2	B	12.2	B	13.8	B
Through/Right	11.2	B	12.2	B	13.8	B
Westbound – Old Forest Road						
Left	10.1	B	12.0	B	13.6	B
Through	11.3	B	11.7	B	12.8	B
Through/Right	11.2	B	11.7	B	12.8	B
Northbound – Forest Brook Road						
Left	18.8	B	14.5	B	18.1	B
Through/Right	15.0	B	17.1	B	27.4	C
Southbound – Ardmore Drive						
Left	15.7	B	16.8	B	20.2	C
Through/Right	18.2	B	20.0	C	24.3	C
Overall Intersection LOS and Average Delay	12.3	B	12.8	B	15.2	B



Lakeside Drive

The intersection of Lakeside Drive and Forest Brook Road is a fully coordinated traffic signal part of the US Rte. 221 adaptive signal system. It is approximately 250-feet east of the intersection of Wyndale Drive and Lakeside Drive. Due to proximity, these two intersections are run under one traffic signal controller and the two three-leg intersections are treated as a single four-leg intersection. The physical Forest Brook Road/Lakeside Drive intersection has traffic signal heads for three approaches. Though there is a business entrance directly across from Forest Brook Road, and therefore is technically a four-leg intersection; traffic volumes out of the business entrance are negligible. No pedestrian crossings are signalized nor marked at this intersection. Left turn movements from eastbound Lakeside Drive operate under permissive/protected mode. Left turn movements from westbound Lakeside Drive are permissive.

Lane use at the intersection consists of:

- Lakeside Drive eastbound: one left turn lane and one through/right lane
- Lakeside Drive westbound: one left turn lane, one through lane, and one right lane
- Forest Brook Road southbound: one left turn lane and one right lane marked, (through movements were assumed to be shared with right lane)
- Business entrance northbound (unsignalized): not marked, one left/through/right lane assumed

Table 6 illustrates the results of the capacity analysis for the 2019 existing conditions for the intersection of Lakeside Drive and Forest Brook Road. Traffic counts were not taken at the Wyndale Drive and Lakeside Drive since it was outside of the corridor study area thus the capacity analysis for the Forest Brook Road/Lakeside Drive intersection was treated as if it were an isolated four-leg intersection. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

In all peak hours, the overall intersection operates with adequate service levels (LOS C or better) in relation to traffic flow on Forest Brook Road. Excluding the right turn movement at southbound Forest Brook Road, which operates at a LOS F in the PM peak period, all other individual movements operate at adequate levels of service. Poor levels of service for this movement are due to the moderately high traffic volumes on Lakeside Drive during the PM peak period.

Table 6 Lakeside Drive at Forest Brook Road/Business Entrance Existing 2019 Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Lakeside Drive						
Left	12.9	B	17.1	B	25.8	C
Through/Right	9.2	A	13.4	B	19.2	B
Westbound – Lakeside Drive						
Left	No Delay		13.0	B	18.1	B
Through	11.1	B	12.5	B	15.9	B
Right	7.9	A	7.6	A	7.9	A
Northbound – Business Entrance						
Left/Through/Right	No Delay		16.5	B	21.6	C
Southbound – Forest Brook Road						
Left	13.3	B	17.5	B	23.4	C
Through/Right	15.0	B	18.8	B	131.4	F
Overall Intersection LOS and Average Delay	10.5	B	13.5	B	32.9	C



Queueing Analysis

Queueing analyses were performed for the AM, Midday, and PM peak hour traffic conditions at the project intersections using SimTraffic. SimTraffic is a microsimulation tool that is bundled with the Synchro suite of software tools that models individual vehicles in a street network under a wide variety of traffic control scenarios. SimTraffic is used to simulate a variety of performance measures, but is typically used to determine turn lane storage lengths based on simulated queue lengths. A queue is defined as a line of vehicles, bicycles, or persons waiting to be served by the system in which the flow rate from the front of the queue determines the average speed within the queue. SimTraffic methodologies output average, theoretical 95th percentile, and simulated maximum queue lengths in feet. Considering the average passenger vehicle is about 15 feet long and conservative headways of 10 feet, to translate queue results to number of vehicles in line, is the queue divided by 25 feet.

Queueing analysis is important to understand how queued up traffic affects intersection operations. If queues exceed the lane’s capacity, it could pose both operational and safety issues. The assumption in using simulated queues to determine storage lengths is that the majority of the time queues will be less than the simulated queue, and only in a few scenarios’ storage lengths would be insufficient.

Old Forest Road

Table 7 presents a summary of the simulated queue lengths at the signalized intersection of Old Forest Road and Forest Brook Road. During all peak hours, average queues for all movements are close to or below 100 feet. In existing conditions, all turn bay storage lengths meet average queue lengths and most also meet 95th percentile queue lengths. During the PM peak period, 95th percentile queue lengths exceed the turn bay storage length at Ardmore Drive left turn, eastbound Old Forest Road left turn, and northbound Forest Brook Road through/right movements.

Table 7 Old Forest Road at Forest Brook Road/Ardmore Drive Existing 2019 Conditions Queueing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Old Forest Road							
Left	100	8	32	17	48	60	116
Through	1000+	65	120	67	131	104	197
Through/Right	1000+	32	82	33	86	63	124
Westbound – Old Forest Road							
Left	100	29	63	27	61	37	92
Through	250	57	110	67	134	97	186
Through/Right	250	27	67	36	82	68	142
Northbound – Forest Brook Road							
Left	150	39	71	56	97	70	121
Through/Right	100	41	72	40	82	73	158
Southbound – Ardmore Drive							
Left	50	20	47	14	42	27	58
Through/Right	~500	29	60	32	62	45	92



Lakeside Drive

Table 8 presents a summary of the estimated queue lengths at the signalized intersection of Lakeside Drive and Forest Brook Road. Average queues at this intersection are less than 100 feet for most movements. Lakeside Drive through movement average queues are higher but less than 250 feet. In existing conditions, 95th percentile queues consistently exceed Forest Brook Road left turn movement. It is important to note that since this signal is in an adaptive signal timing corridor which favors progression along the Lakeside Drive approaches, the queues experienced along Lakeside Drive may be smaller while the queues experienced along Forest Brook may be greater than the simulated queues.

Table 8 Lakeside Drive at Forest Brook Road/Business Entrance Existing 2019 Conditions Queuing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Lakeside Drive							
Left	175	26	52	44	84	64	127
Through/Right	175	69	152	66	144	91	171
Westbound – Lakeside Drive							
Left	1000+	0	0	2	18	1	10
Through	1000+	61	118	128	245	271	503
Right	125	14	37	31	93	59	158
Northbound – Business Entrance							
Left/Through/Right	30	0	0	5	23	6	26
Southbound – Forest Brook Road							
Left	50	27	59	43	74	60	89
Through/Right	~750	43	79	44	88	113	173

Safety Analysis

Study area crash records were gathered from VDOT Crash Tools Tableau for a study period of January 1, 2016 to December 31, 2018. A total of seven crashes were reported on Forest Brook Road between Lakeside Drive and Old Forest Road during the study period. Of the seven crashes, two resulted in injuries and no fatalities were reported. Crashes along Forest Brook Road for the study period are mapped in **Figure 4**.

The collision types observed were: one angle, one backed into, one head on, one sideswipe same direction, one non-collision, and two fixed object-off road crashes. The majority of the crashes (five out of seven; 71%) were classified as roadway departure crashes. Four of the recorded crashes were single vehicle collisions, all occurring within 500 feet of the railroad crossing. Only one of the crashes involved a truck. Three of the recorded crashes occurred between 12:00-3:00 AM. All crashes occurred under dry pavement conditions.



Figure 4 Corridor Crash Records Map

Neither pedestrian nor bicycle crashes were observed, and no seasonal crashes were observed. Additionally, no distinct crash patterns were observed. Crash rates per 100 million miles traveled along the corridor are summarized as follows:

- Crash rate 141.8 per 100 million miles traveled
- Injury rate 40.5 per 100 million miles traveled
- Fatality rate 0.0 per 100 million miles traveled



Reported crashes at the two signalized intersections were also collected separately and are displayed in **Figure 5**. These crashes were all recorded as occurring within a 250-foot radius of the intersection, but all occurring outside the project corridor itself.

At the intersection of Lakeside Drive and Forest Brook Road, there were 14 crashes total with six rear end crashes, seven angle crashes, and one sideswipe – opposite direction crash. At the intersection of Old Forest Road and Forest Brook Road, there were 10 crashes total with four rear end crashes, three angle crashes, one head on crash, one pedestrian crash, and one sideswipe – opposite direction crash. The majority of the crashes occurred between 3:00-6:00 PM, including 8 out of 14 of the crashes at the intersection of Old Forest Road and 6 out of the 10 crashes at Lakeside Drive. All but one of the crashes occurred under dry pavement conditions.

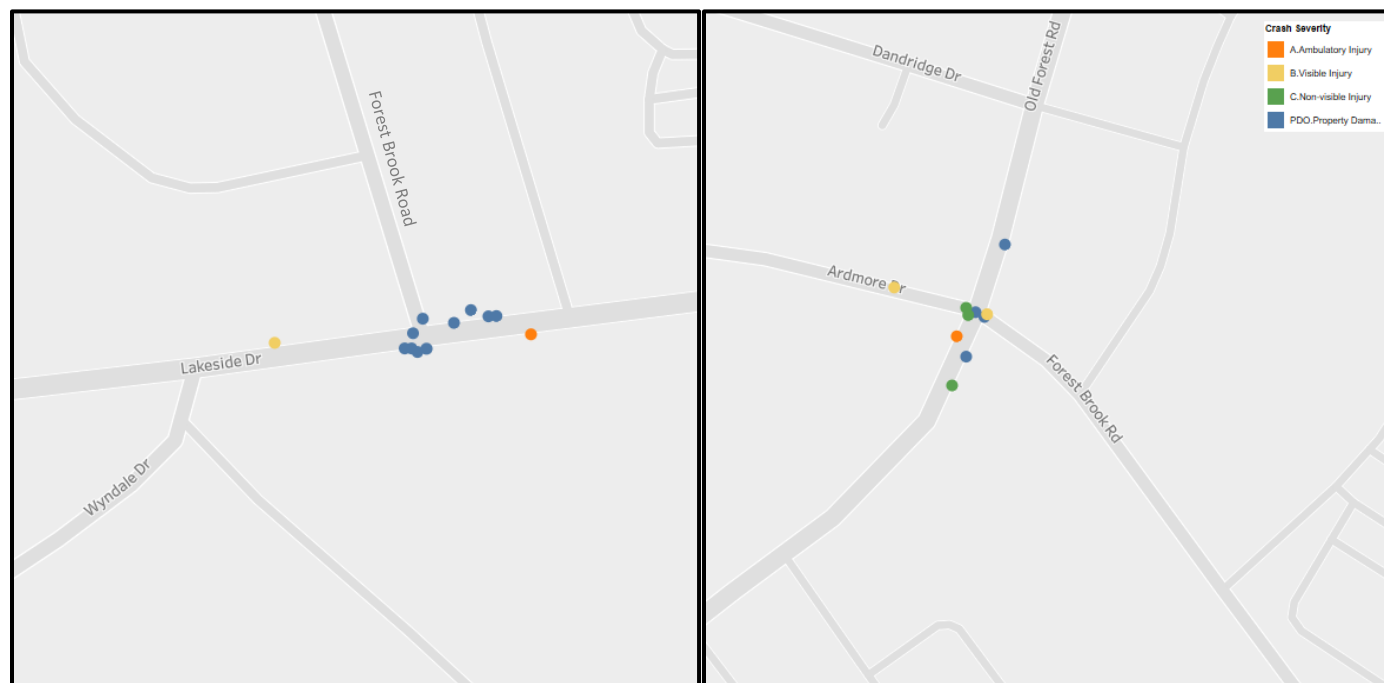


Figure 5 Intersections Crash Records Map

While historical crash data shows that crashes within the study corridor are overall a rare occurrence, a field safety assessment told a larger story and documented several elements/ locations of potential safety hazards. In field visits, the corridor study team observed pedestrians walking along the road, vehicles over running the edge of pavement around sub-standard curves, trucks crossing over centerlines, and drivers traveling at speeds exceeding the posted speed limits, notably around curves. While no crashes were witnessed, nor were there any specific crash patterns attributed to these observations, all these behaviors combined could create hazardous situations that may become more significant as traffic increases along the corridor. During field investigations, a private entrance approximately 600 feet south of Cavalier Steel, as shown in **Figure 6**, was identified for future study due to the observation that a resident has installed their own convex mirror.

When calculated, adequate sight distance for vehicles making a left turn maneuver is not provided at this location due to vegetation obstructing vehicles heading northbound.



Figure 6 Convex Mirror for Sight Distance Issues at Private Entrance

The following is a summary of observed corridor/ intersection uses and factors that may potentially be contributing to vehicle crashes or have the possibility of creating a safety concern along Forest Brook Road.

- Guardrail located at various locations throughout the corridor does not meet current standards.
- Little to no shoulders exist throughout the majority of the corridor with many instances of observed excessive edge drop-offs. These are evidence of vehicles leaving the paved roadway.
- Excessive vegetation encroachment was observed southbound approximately 200 feet south of Holmes Circle.
- Exposed culvert ends and drainage ditches are located within the clear zone and unmarked/unprotected.
- Private utility poles are located within the clear zone.
- The majority of the corridor lacks pedestrian/ bike facilities to accommodate observed use.

The clear zone width for this corridor is 12-16 feet based on speed limit ≤ 40 mph and Annual Average Daily Traffic (AADT) >1500 and ≤ 6000 vehicles. The clear zone, according to the Manual on Uniform Traffic Control Devices (MUTCD), “is the total roadside border area, starting at the edge of the traveled way, available for use by errant vehicles.”



Environmental Resources

A search of environmental databases was performed to help determine any known resources that are in the vicinity of the Forest Brook Road corridor study area and may be impacted by proposed roadway improvement alternatives. The searches included City of Lynchburg GIS, United States Fish and Wildlife Services, Virginia Department of Conservation and Recreation (VDCR), Virginia Game and Inland Fisheries, National Wetland Inventory, and Virginia Department of Historic Resources databases. The results of these searches are detailed in this section of the study.

The major environmental constraint was found to be a stream crossing. Other cultural resources, such as churches and schools, were found adjacent to the corridor area and are mapped as shown in **Figure 7**.

Threatened and Endangered Species

In accordance with Section 7 of the Endangered Species Act (ESA), a U. S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPAC) search was conducted to obtain information on the presence or potential presence of rare, threatened, and endangered species (RTEs) within the corridor study area. The IPAC Trust Resources Report dated October 24, 2019, did not identify any endangered species expected to occur within the proposed study area. The VDCR Natural Heritage Program was consulted on October 24, 2019 and did not identify any known occurrences of T&E species (plants, insects) managed by that agency within the vicinity of the corridor study area. Further evaluations, studies, and consultation with regulatory agencies will be required to evaluate for project impacts to T&E species and critical habitats, and avoidance and minimization of impacts to critical areas and sensitive habitats is recommended.

Tribal, Cultural, and Historic Resources & Historic Preservation Areas

A review of the Virginia Department of Historic Resources cultural resource information system was conducted on October 24, 2019 to identify known archaeological and architectural historical resources within the corridor study area vicinity. **Figure 8** shows a map of resources in the corridor study area vicinity.

Based on the location of these facilities, and the proposed alignments presented in a later section of this study, cultural resource impacts associated with proposed improvements along the corridor are not anticipated. However, further evaluations, studies, and consultation with regulatory agencies may be required to evaluate for project impacts to cultural and historic resources, once the project progresses to the preliminary design phase.



Figure 7 Environmental Constraints and Cultural Resources

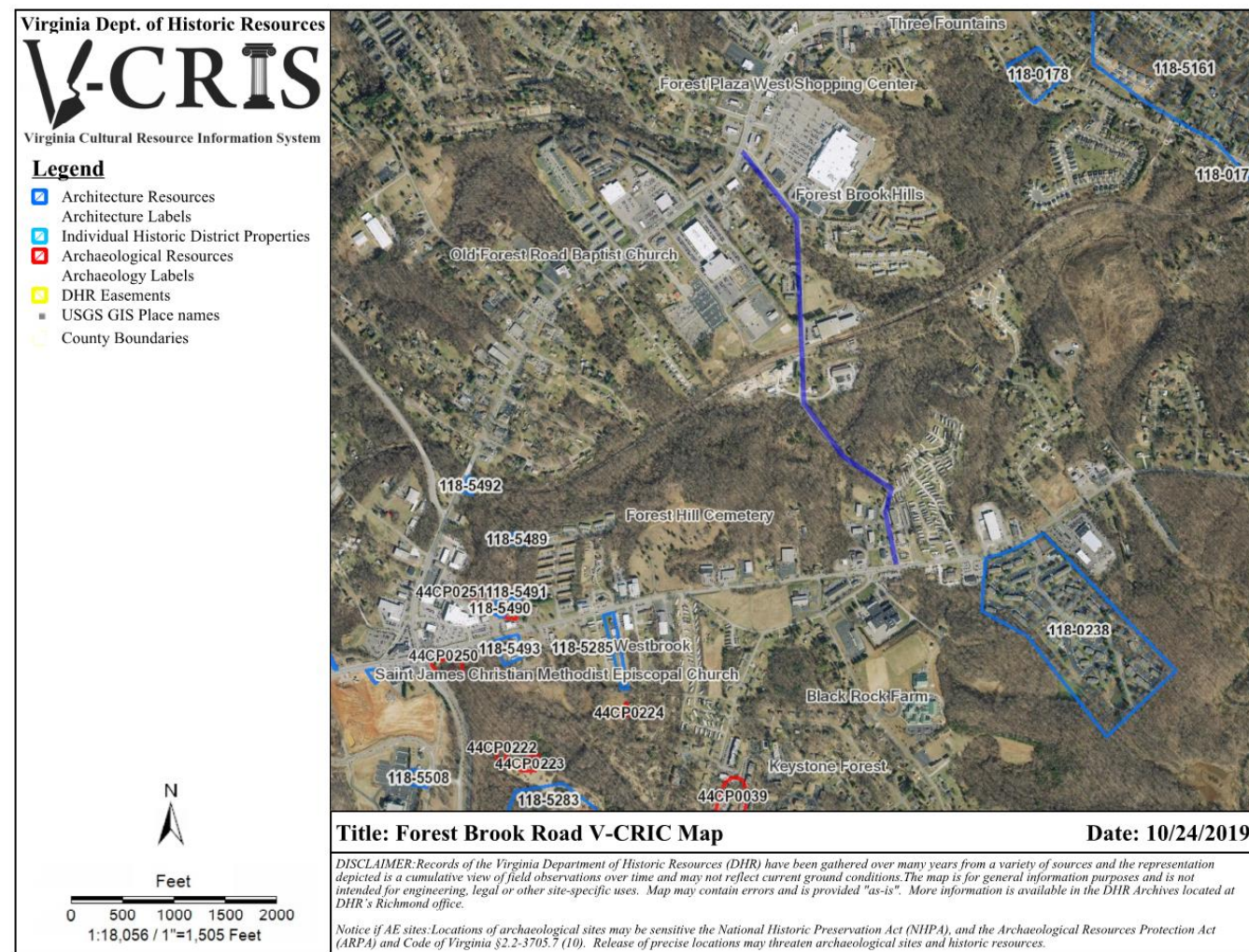


Figure 8 DHR-VCRIS Map

Natural Resources

An evaluation of the U.S. Fish and Wildlife Services National Wetland Inventory database identified the presence of riverine wetlands within the project corridor. A detailed wetland delineation was not performed as part of this study. **Figure 9** shows a map of wetlands in the corridor study area vicinity.

There is the potential that any project alignments beyond the existing roadway may result in wetland impacts. Further evaluations, delineation and consultation with regulatory agencies may be required to obtain wetland permitting for anticipated impacts to wetlands and waters of the U.S. once the project progresses to the preliminary design phase.



Figure 9 Natural Resources Map



Year 2040 Forecasted Conditions

Forecast Methodology

Traffic Volume projections for the year 2040 were derived by comparing a few different methodologies: examining historical traffic growth; comparing the regional travel demand model projections; and examining VDOT Statewide Planning system (SPS) data. The various methodologies yielded varying growth rates but ultimately a traffic growth rate of 1.5% based on VDOT SPS data was used. By applying the growth rate to existing traffic volume along the project corridor, traffic volumes were grown to the 2040 No Build peak hour turning movement counts for the study area intersections, shown in **Figure 10**.

Year 2040 No Build Alternative

A No Build Alternative was modeled to serve as a baseline for the comparison of future conditions and impacts of alternatives. The No Build Alternative is defined as future conditions if no improvements were to be implemented within the study area. It assumes that traffic volume will continue to grow at the calculated growth rate regardless of improvements to the network.

Year 2040 No Build Alternative Capacity Analysis

Old Forest Road

Table 9 illustrates the results of the capacity analysis for the 2040 No Build conditions for the intersection of Old Forest Road and Forest Brook Road. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

For the 2040 No Build Alternative, overall the intersection operates at an acceptable level of service (LOS C or better) for all peak hours. All individual approaches are expected to operate at an acceptable LOS, with the exception of the southbound Ardmore Drive thru/right approach movement, which operates at a LOS D in the PM peak hour. Even with increased traffic volumes projected 21 years in the future, operations at this intersection remain at a LOS B during the AM and Midday peak periods. Though overall intersection LOS degrades from a LOS B in the existing PM peak hour to a LOS C in the 2040 No Build PM peak hour, this intersection is expected to remain operating at an acceptable LOS.

Table 9 Old Forest Road at Forest Brook Road/Ardmore Drive 2040 No Build Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Old Forest Road						
Left	12.5	B	15.7	B	20.9	C
Through	14.2	B	13.7	B	23.6	C
Through/Right	14.1	B	13.7	B	23.8	C
Westbound – Old Forest Road						
Left	18.5	B	21.4	B	24.8	C
Through	14.6	B	15.3	B	21.0	C
Through/Right	14.5	B	15.3	B	20.9	C
Northbound – Forest Brook Road						
Left	16.7	B	23.4	C	22.0	C
Through/Right	27.8	C	38.8	D	34.6	C
Southbound – Ardmore Drive						
Left	17.4	B	20.6	C	19.3	B
Through/Right	21.1	C	24.0	C	41.9	D
Overall Intersection LOS and Average Delay	15.7	B	16.6	B	23.9	C

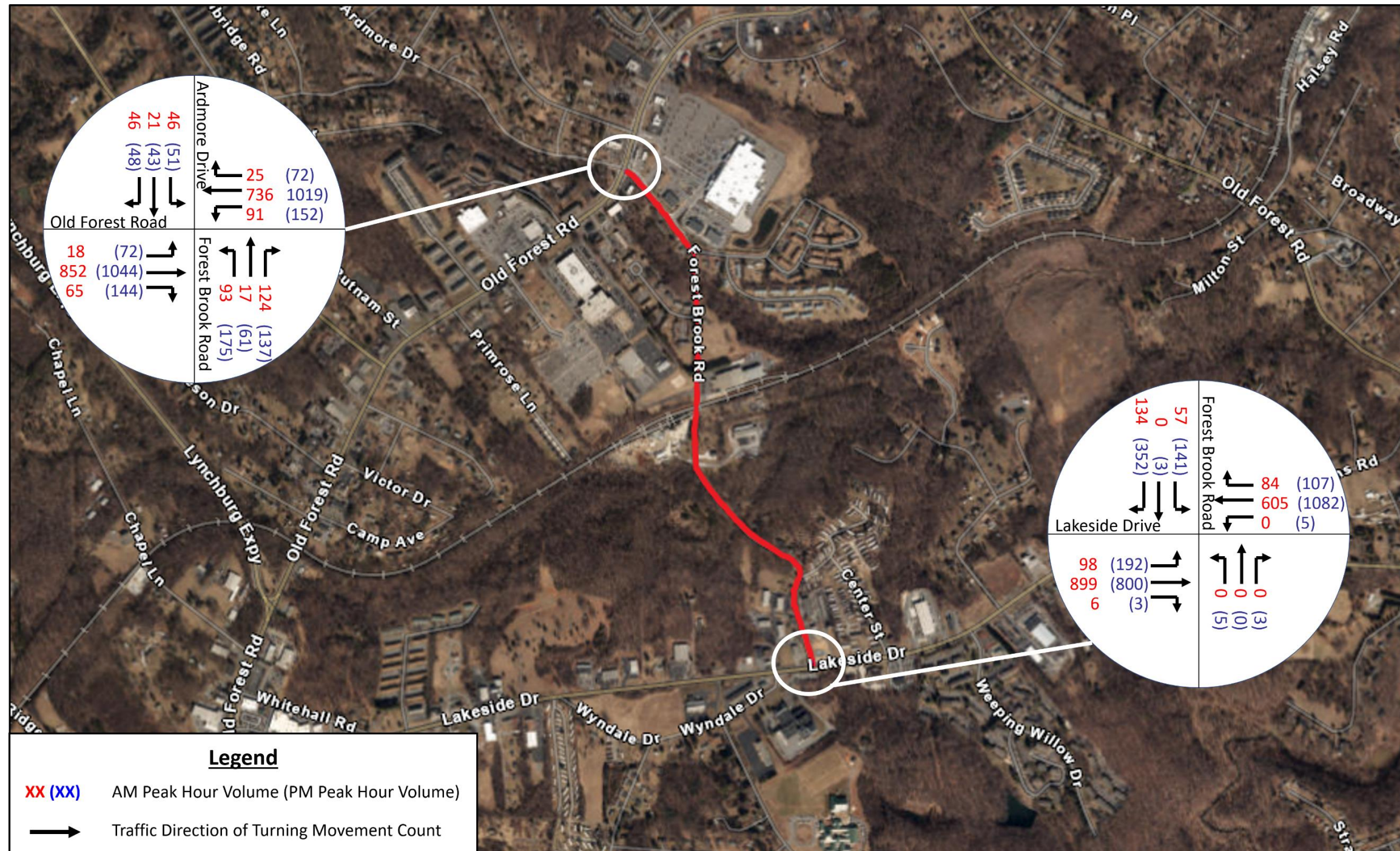


Figure 10 2040 No Build Conditions - Traffic Volumes



Lakeside Drive

Table 10 illustrates the results of the capacity analysis for the 2040 No Build conditions for the intersection of Lakeside Drive and Forest Brook Road. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

For the 2040 No Build Alternative, the overall intersection operates at an acceptable LOS (LOS C or better) during the AM and Midday peak hours. During the PM peak hour, several approaches experience excessive delay causing the overall intersection to fail. Due to the Lakeside Drive eastbound left turn only operating with permissive movement, and the high volume of westbound throughs, these opposing movements suffer high delay. Additionally, movement along the minor approach at Forest Brook Road does not receive enough green time.

Table 10 Lakeside Drive at Forest Brook Road/Business Entrance 2040 No Build Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Lakeside Drive						
Left	17.2	B	26.4	C	162.1	F
Through/Right	13.7	B	16.7	B	36.6	D
Westbound – Lakeside Drive						
Left	No Delay		19.2	B	29.9	C
Through	12.6	B	17.1	B	56.3	F
Right	7.8	A	7.2	A	2.4	A
Northbound – Business Entrance						
Left/Through/Right	No Delay		23.1	C	40.6	D
Southbound – Forest Brook Road						
Left	16.5	B	25.7	C	39.1	D
Through/Right	31.8	C	29.8	C	287.1	F
Overall Intersection LOS and Average Delay	14.6	B	18.3	B	85.3	F

Year 2040 No Build Alternative Queueing Analysis

Old Forest Road

Table 11 presents a summary of the simulated queue lengths at the signalized intersection of Old Forest Road and Forest Brook Road. For the 2040 No Build Condition during all peak hours, average queues for all movements remain below 100 ft, excluding the movements along Old Forest Road in the PM peak period. Queues experienced at the left turn lanes along Old Forest Road exceed storage lengths only for 95th percentile queue length. The movements that experienced queues beyond their storage capacity queues in existing conditions continue to increase.

Table 11 Old Forest Road at Forest Brook Road/Ardmore Drive 2040 No Build Conditions Queueing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Old Forest Road							
Left	100	10	34	28	69	51	115
Through	1000+	100	167	104	185	150	241
Through/Right	1000+	64	129	77	157	127	217
Westbound – Old Forest Road							
Left	100	43	85	46	92	80	135
Through	250	82	155	103	194	146	250
Through/Right	250	47	108	66	143	108	197
Northbound – Forest Brook Road							
Left	150	26	55	21	52	32	64
Through/Right	100	36	74	41	75	52	101
Southbound – Ardmore Drive							
Left	50	47	85	76	124	83	133
Through/Right	~500	51	92	60	123	93	177



Lakeside Drive

Table 12 presents a summary of the simulated queue lengths at the signalized intersection of Lakeside Drive and Forest Brook Road. Average queues at this intersection for the majority of the movements remain largely similar to existing 2019 conditions in the AM and Midday peak hours. Queues along westbound Lakeside Drive for through movements increase significantly, reaching nearly 1000-feet in the PM peak period. It is in the PM peak period, when the capacity analysis shows the intersection operations failing, average queues at southbound Forest Brook Road exceed their storage capacities.

Table 12 Lakeside Drive at Forest Brook Road/Business Entrance 2040 No Build Conditions Queuing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Lakeside Drive							
Left	175	43	105	75	146	134	226
Through/Right	175	129	245	110	210	183	291
Westbound – Lakeside Drive							
Left	1000+	-	-	5	38	9	55
Through	1000+	111	231	395	768	889	923
Right	125	28	88	90	190	87	192
Northbound – Business Entrance							
Left/Through/Right	30	-	-	8	31	8	30
Southbound – Forest Brook Road							
Left	50	34	69	58	86	67	94
Through/Right	~750	56	99	77	147	241	412

Discussion of Improvement Alternatives

In order to maintain capacity and improve safety along Forest Brook Road so it can continue to service the current and future traffic volumes of the road, various corridor and intersection improvement alternatives were examined. Corridor level improvements focused on cross-sectional and multimodal improvements, while intersection level improvements focused on geometric improvements to address operations and safety.

Corridor Improvements

Rather than capacity improvements, safety improvements make up the major needs for the corridor. The existing Forest Brook Road corridor is narrow, laden with steep vertical and sharp horizontal curvature. There are presently trees and utility poles within the clear zone where overgrown vegetation limits sight distances. The natural topography of the corridor limits sight distance as well.

Even with these inherent detriments to safety, high speeds are still present along the corridor. So rather than entirely eliminating the geometric features that warrant slower speeds by costly measures such as realigning or flattening curves, the following corridor improvements are recommended:

Trimming Overgrown Vegetation

Overgrown vegetation throughout the corridor creates limited sight distance issues as previously discussed but also, as seen in **Figure 11**, obscures horizontal alignment warning signs. Short term recommendations would be to trim all overgrown vegetation within right of way and, where possible, also remove trees within the clear zone in the right of way. However, the latter is a more costly improvement.

Lane and Shoulder Improvements

With lanes too narrow to stripe edge of pavement lines, no rumble strips nor stripes, and no shoulders present throughout the corridor, edge drop offs and vehicles crossing over centerlines are prevalent. **Figure 12** and **Figure 13** show examples of typical sections along the corridor where vehicles recurrently run off the road or over centerlines. In some locations temporary solutions have been to backfill drop offs with gravel but the longer-term recommendations would be to install paved shoulders through “Trench Widening”. If wide enough shoulders can be paved within right of way, rumble strips could be installed to warn drivers when they are departing the roadway. However, they should not be installed adjacent to residences due to noise concerns. Bikes may also utilize this shoulder area and be removed from vehicular traffic. Pedestrian accommodations should also be considered with shoulder improvements or this could encourage more pedestrian traffic on the roadway. In widening the roadway cross section with the addition of shoulders, this would mitigate vehicles running over the centerline or off the edge of pavement by allowing an area for oversized vehicles to travel. Additionally, the installation of centerline rumble stripes should be considered.



Figure 11 Sign Obscured by Trees



Figure 13 Location of Recurrent Overrunning of Road



Figure 12 Gravel Fill for Recurrent Overrunning of Road



Figure 14 Pedestrian on southbound Forest Brook Rd walking uphill towards Holmes Circle



Pedestrian Accommodations

Many comments from the public meeting noted that while this corridor was not a bike and pedestrian friendly facility, pedestrian activity was common in the corridor with several people reporting near miss incidents throughout the corridor. **Figure 14** shows one such example observed during a field visit. Corridor improvements would be incomplete without recommending a pedestrian facility along all of Forest Brook Road by extending the existing sidewalk terminating at Belle Terre Drive south through to Lakeside Drive.

Typical Section Alternatives

The existing corridor has approximately 40-feet of right-of-way per City GIS records. Based on information compiled and presented in this study and with a goal of limiting as much as possible the impacts to private property, two corridor typical section alternatives were developed. Given the nature of the corridor and that no capacity improvements were proposed, the existing two-lane alignment is maintained in both alternatives.

Alternative 1 maintains a roadside ditch typical section, but implements shoulder widening/ installation as its main feature. The alternative consists of 11-foot lanes, 4-foot paved shoulders, 4-foot graded shoulders, and a 5-foot wide sidewalk on the east side Forest Brook Road. This shoulder typical section can be found in **Figure 15**. Maintaining the original alignment and installing 11-foot lanes deters vehicle speeds from increasing, while a paved shoulder would allow for ample width for large vehicles to accommodate the curves without over running the centerline or pavement edge. This would also create a buffer between motorized and bicyclist traffic. A sidewalk along the east would connect existing pedestrian facilities on the north end of the corridor. Based on these element layouts, the typical section width would be 46-feet, which would require some right of way acquisition. A typical snapshot of this layout is shown in **Figure 17**.

Alternative 2 would continue the existing curb and gutter typical section on the north end of the corridor throughout, including enclosed drainage facilities to minimize the need for right of way acquisition and limit impacts to privately owned parcels. This alternative consists of 11-foot lanes, 6-inch curb with a 2-foot gutter pan, 4-foot green space, and a 5-foot wide sidewalk on the east side Forest Brook Road. This curb and gutter typical section can be found in **Figure 16**. Similar to the first alternative, the improvement would stay on existing alignment and would deter excessive vehicle speeds. However, in this alternative, the sub-standard horizontal curve approximately 750-feet north of Lakeside Drive (across to the mobile home park) would need to be improved to better accommodate large vehicles and help to alleviate centerline or pavement edge overrunning. Like Alternative 1, a sidewalk would connect existing pedestrian facilities to the north through to Lakeside Drive. Bicycle traffic would have the choice to remain on-road; however, to limit right-of-way acquisition pavement widening to accommodate bicycle traffic is not proposed. Based on these element layouts, the typical section width would be 39-feet, where little if any right of way acquisitions would be expected. A typical snapshot of this layout is shown in **Figure 18**.

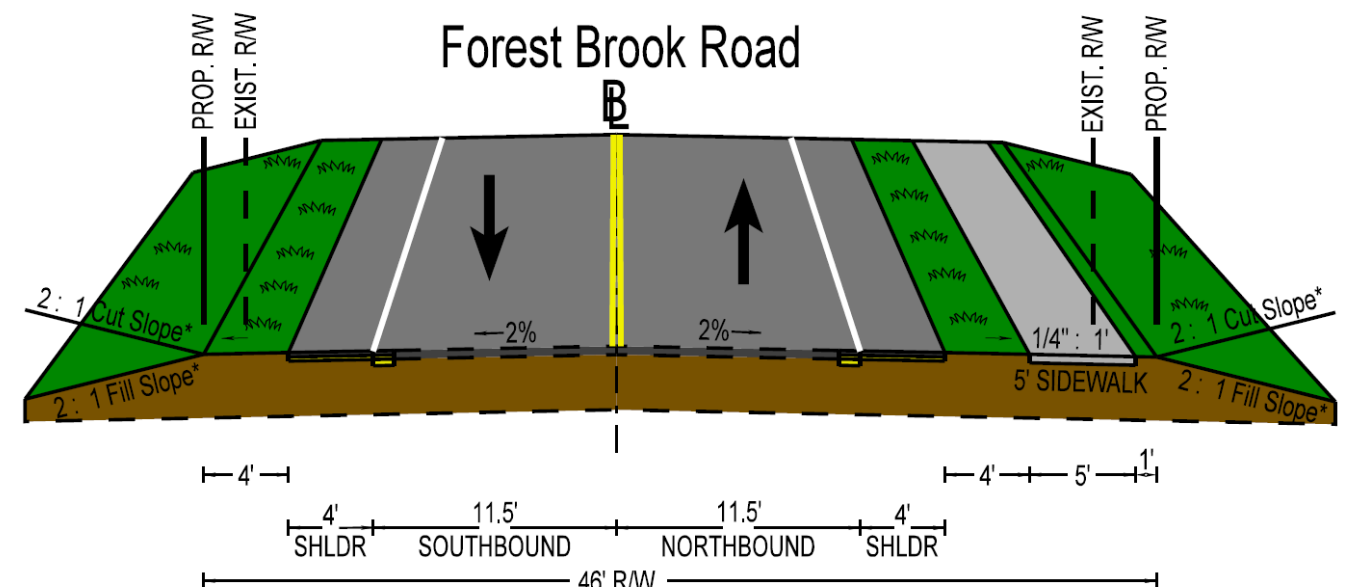


Figure 15 Alternative 1 Typical Section

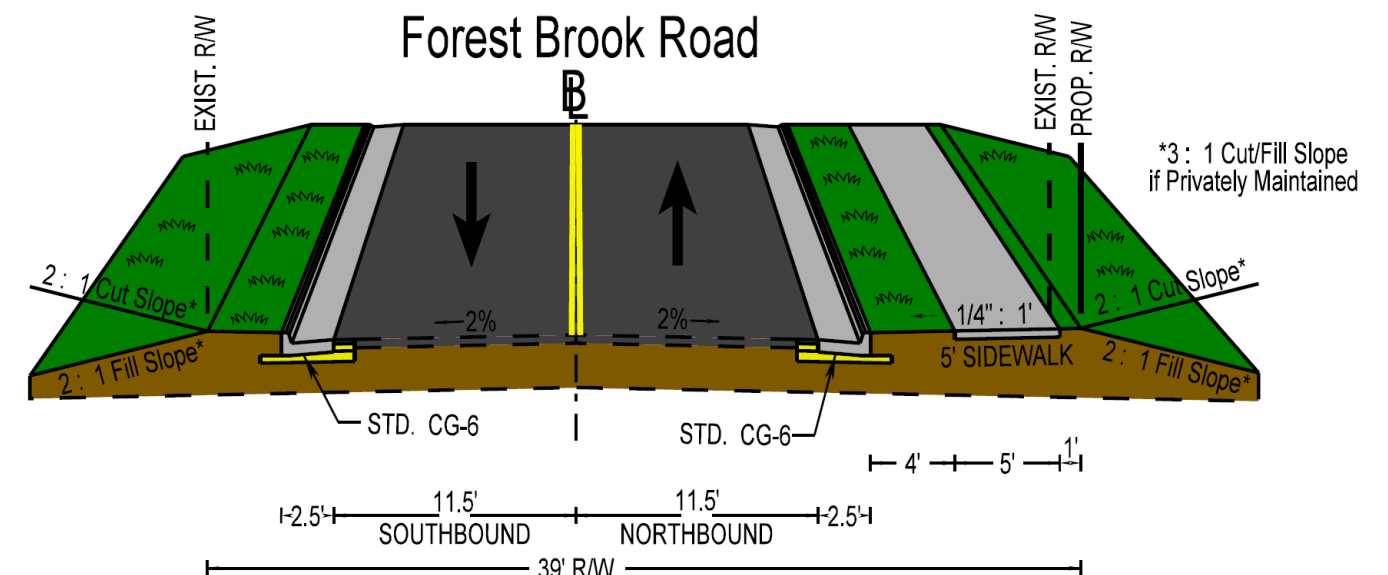


Figure 16 Alternative 2 Typical Section

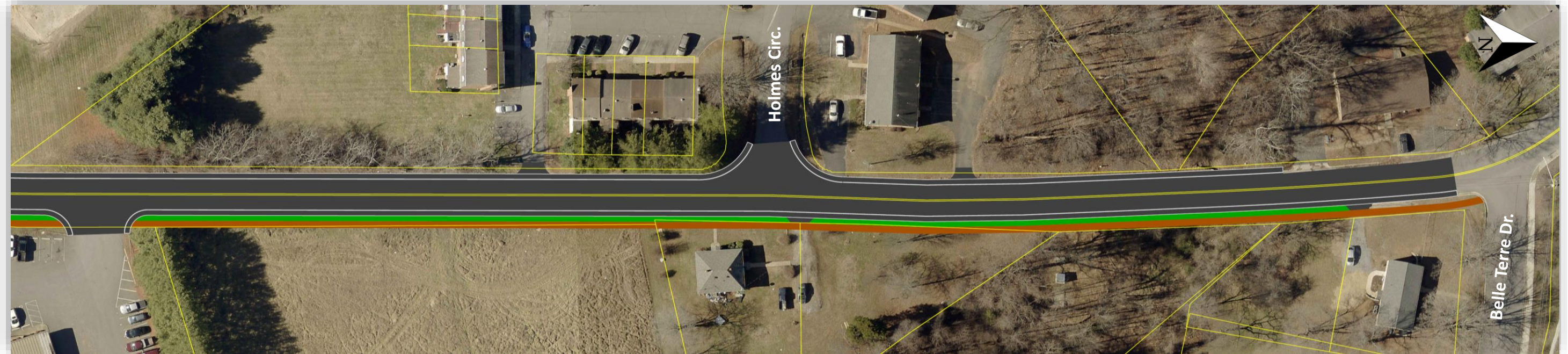


Figure 17 Alternative 1 Corridor Snapshot

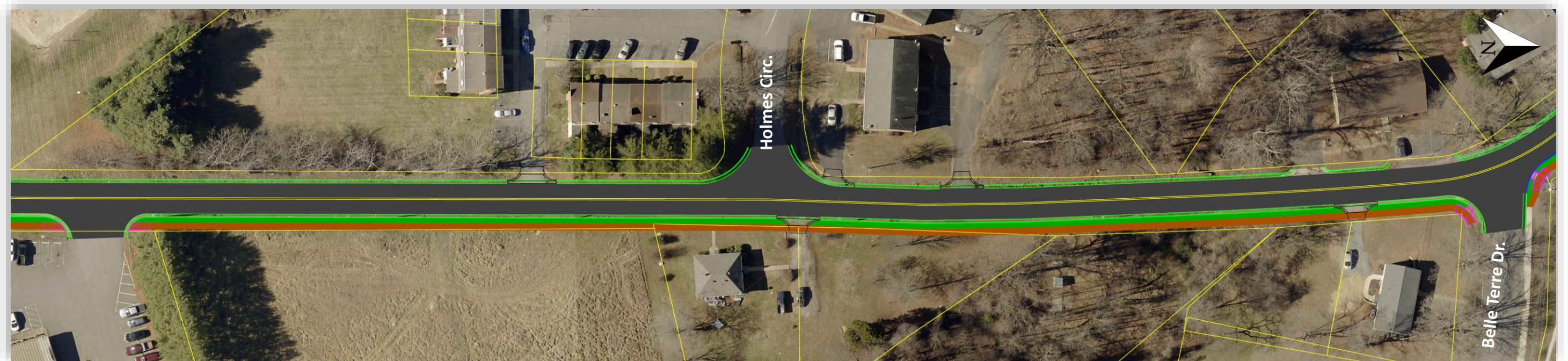


Figure 18 Alternative 2 Corridor Snapshot



Alternative 2 Curve Re-alignment

The existing horizontal curve approximately 750-feet north of Lakeside Drive, across from the mobile home park (Monroe Drive), is sub-standard and does not meet American Association of State Highway and Transportation Officials (AASHTO) design criteria for the posted roadway speed limit of 30 mph. Curve warning signs are posted in both directions prior to entering the curve, however only the northbound direction had the supplementary speed plaque of 20 mph.

As a result of this existing configuration, vehicles maneuvering through this area at or near the posted speed limit, and ignoring the curve warning signs, are overrunning the roadway centerline and/ or overrunning the roadway pavement edge. Even without excessive speed, large vehicles (including dump trucks servicing the concrete plant located within the corridor, Finly Corporation) were observed having difficulty maintaining their lane through this area. It is recommended that any improvements to this corridor include the alteration of the roadway alignment in this area to aid in the reduction of the roadway lane departures and to aid in meeting driver expectations.

As part of the recommended corridor improvement Alternative 2, reconfiguration of this curve would be required and should be instituted as part of the application of the proposed typical section. It is recommended that a revised alignment be designed to accommodate a 30 mph design speed using AASHTO Urban Low Speed design criteria. As shown in **Figure 19**, the curve realignment that meets this criteria does expand past the current right of way (shown in the figure as blue linework).

Typical Section Alternatives Comparison

When comparing the two proposed alternatives, it is important to identify key information that can help in the evaluation and determination of a preferred alternative. Key elements were derived by the project team based on the unique characteristics of the study corridor and are summarized in **Table 13**.

Table 13 - Alternative Comparisons

Key Information	Alternative 1- Shoulder Section	Alternative 2- Curb & Gutter Section
Private Utility Impacts	Significant	Minor
Impacts to Right-of-Way	Significant	Minor
Wetland Impacts	Minor	Minor
Improvement to Overall Safety	Moderate	Significant
Drainage Design Challenges	Moderate	Moderate
Pedestrian Accommodations	Yes	Yes
Bicycle Accommodations	Yes	No
Public Utility Impacts	Minor	Moderate
Project Construction Duration	18 – 24 Months	12 – 18 Months



Figure 19 Curve Re-alignment



Intersection Improvements

Similar to corridor improvements, no substantial capacity improvements are anticipated to be needed at the intersections along the Forest Brook Road corridor. Rather, geometric and safety improvements have been identified as candidate projects to enhance this corridor. Any improvements to operations at the signalized intersections on either end of the study corridor would require improvements along the intersecting roads, requiring modifications outside the limits of the study corridor.

At the intersection of Old Forest Road and Forest Brook Road, no capacity nor major safety improvements are recommended as this intersection operates at an acceptable LOS in the future No Build condition. Pedestrian accommodations are also already present at this intersection. The only recommended improvement at this intersection would be to upgrade the existing curb ramp at the southwest corner, which currently does not have a detectable warning surface, to be Americans with Disability Act (ADA) compliant.

At the intersection of Belle Terre Drive and Forest Brook Road, to improve safety regarding sight distance, trees need to be trimmed (and continually maintained in this condition) on the northeast corner of the intersection. Additionally, to better accommodate pedestrians, the curb ramp on the northeast corner should be upgraded to be ADA compliant. The “curve ahead” warning sign upstream of Belle Terre Drive from both directions along Forest Brook Road (northbound shown in **Figure 20**) should be replaced with a combination curve/side road sign, MUTCD standard W1-10 as shown in **Figure 21**, to bring attention to drivers of the upcoming intersection located within the curve.

At the intersection of Holmes Circle and Forest Brook Road, trees need to be trimmed (and continually maintained in this condition) on the southwest corner to improve sight distance. This was observed during field visits and discussed during the Public Information Workshop by residents.

At the entrance of Finly Corporation and Cavalier Steel, entrance radii should be increased to serve larger vehicles. Guardrail installations present at this intersection would also need to be redesigned and replaced to meet current standards. Further investigation into stormwater management solutions in relation to the culvert at this intersection should be conducted as part of any future project as recurring ponding at the Cavalier Steel entrance was reported during coordination with residents and property owners.

At the intersection of Lakeside Drive (US Rte. 221), the northeast curb radius should be increased and the Forest Brook Road receiving lane widened so that the truck paths making a westbound right turn onto Forest Brook Road do not either have to overrun centerlines or run onto the sidewalk/ curb. See **Figure 22** for evidence of traffic leaving the roadway.



Figure 20 Curve Ahead warning Sign



Figure 21 Combination Curve Side Road signs



Figure 22 Northeast Corner of Lakeside Drive



Environmental Impacts of Improvement Alternatives

An evaluation of existing environmental and cultural resources identified very few possible impediments. The most significant one being a stream crossing about 500-feet south of the railroad crossing. There were no cultural resources along the corridor that could be impacted by improvements to Forest Brook Road. No significant environmental impacts are expected from any of the proposed alternatives, however further environmental investigation including wetland delineation will need to be completed along the corridor during the initial phases of preliminary engineering design.

Corridor Typical Section Alternative Cost Estimates

Cost estimates were prepared for the two corridor alternatives using historical construction cost data average with lane mile reconstruction costs. The costs identified in **Table 14** and **Table 15** below only include construction costs and preliminary engineering design, right-of-way acquisitions and construction administration as a percentage of construction costs. The costs are estimated in 2020 dollars.

Table 14 - Alternative 1 Typical Section Cost Estimate

Construction (including 20% Contingency)	\$	3,512,727
Preliminary Engineering, Right-of-Way, Construction Administration (32% Construction)	\$	1,124,073
Total	\$	4,636,800

Table 15 - Alternative 2 Typical Section Cost Estimate

Construction (including 20% Contingency)	\$	5,149,091
Preliminary Engineering, Right-of-Way, Construction Administration (32% Construction)	\$	1,647,709
Total	\$	6,796,800

Potential Funding and Grant Opportunities

One of the goals of this study is to identify projects that can be prioritized so that funding and implementation strategies can be pursued accordingly. Having identified some recommended improvements in the previous sections, the following are potential funding and grant opportunities available:

- **SMART SCALE Funding** Full project funding can be requested through SMART SCALE but if the locality has other funding contributions shown in the application, likelihood of receiving funding increases.
- **Revenue Sharing Program** Through this program locality funds are matched dollar-for-dollar with state funds.
- **Transportation Alternatives Set Aside Program** The pedestrian and vegetation management components of improvement alternatives make this program a potential funding source. Through this program, there is the potential for 80/20 (state/locality) cost share.
- **Highway Safety Improvement Program (HSIP)** This funding source could potentially be used for the turn lane extensions if there is a record of accidents. However, given the low record of documented crashes, this funding source may be difficult to attain.
- **HSIP Bike and Pedestrian Safety** A case could be made to apply for this type of funding for use of a sidewalk. However, given the low record of documented crashes, this funding source may be difficult to attain as well.
- **Safe Routes To Schools** A case could be made to apply for this type of funding for use of a sidewalk if it can be proven that it is a route to a nearby school or serves a residential community.



Conclusions and Recommendations

Summary and Conclusions

The Central Virginia Planning District Commission (CVPDC) and Central Virginia Metropolitan Planning Organization (CVMPO) in partnership with the City of Lynchburg and the Virginia Department of Transportation (VDOT) have engaged Clark Nexsen to develop the Forest Brook Road Corridor Study.

The goal of this corridor study is to provide the MPO and the local government with a detailed planning level assessment of the options for future roadway needs that will enhance safety while accommodating future capacity.

The most recent Long-Range Transportation Plan does not include any recommendations along Forest Brook Road. The corridor was studied to identify safety and operational characteristics to determine any existing or future concerns at a 2040 planning year.

Existing Conditions

The Forest Brook Road corridor is characterized by its varied land uses, road users, limited clear zone, and horizontal and vertical curvature. Known issues along the corridor include bicycle and pedestrian safety, sight distances, roadway geometry, access management and increasing traffic volumes. Additionally, the City of Lynchburg has raised concerns with existing drainage patterns along the corridor, and the current serviceability of existing guardrail installations.

Existing LOS and queues show the corridor and intersections operate at acceptable levels of service. Speed data quantifies the perceived speeding concerns. Crash data amplified by field visits expose safety concerns of the narrow winding corridor.

Environmental Resources

In an overview of environmental databases to help determine any known resources in the vicinity of the Forest Brook Road corridor study area that may be impacted by proposed roadway improvement alternatives, it does not appear that any known environmental resources would disqualify any proposed improvements. The presence of a stream (riverine wetlands) crossing approximately 500-feet south of the railroad crossing within the project corridor was identified in this overview. Further evaluations, studies, and consultation with regulatory agencies may be required to evaluate for project impacts to environmental resources, once the project progresses to the preliminary design phase.

Year 2040 Forecasted Conditions

Traffic volume projections for 2040 were derived by using a traffic growth rate of 1.5% based on VDOT SPS data. 2040 No Build conditions show both signalized intersections operating at adequate levels of service for all peak hours, except for when the Lakeside Drive intersection fails in the PM peak hour. In order to improve operations at this intersection, improvements along the Lakeside Drive corridor would be warranted.

Analysis of Improvement Alternatives

A range of alternatives were developed to help address deficiencies identified within the study corridor. These recommended improvements included recommendations for enhanced safety, enhanced driver expectation, facility performance, bicycle and pedestrian facilities, etc. The project team then considered all possible alternatives with respect to existing right-of-way constraints, existing zoning, potential development, and value provided compared to cost (i.e. was it reasonable and feasible). Discussions and proposals for improvements also focused on feedback provided at the Public Information Workshop. Based on these elements, the team selected the components of the preferred alternatives as detailed under the improvement alternatives section of this study.

Environmental Impacts

An evaluation of existing environmental and cultural resources identified very few possible impediments. The most significant one being a stream crossing about 500-feet south of the railroad crossing. There were no cultural resources along the corridor that could be impacted by improvements to Forest Brook Road. No significant environmental impacts are expected from any of the proposed alternatives, however further environmental investigation including wetland delineation will need to be completed along the corridor during the initial phases of preliminary engineering design to ensure wetlands and waterways are properly mitigated.

Public Involvement

The public involvement process conducted as a part of this study involved one Public Information Workshop which took place at Lynchburg Collision on Forest Brook Road on Wednesday, May 29, 2019 from 4:30-7:00 PM. At the open-house style workshop, participants were given the opportunity to share their insights of the corridor as residents, commuters, and other local stakeholders. The public was in general agreement of the issues that needed to be addressed.



Recommendations

Based on the corridor analysis and input from public involvement process, the following improvements are recommended for the Forest Brook Road Corridor:

Short Term

1. Trimming of and continual maintenance of existing overgrown vegetation, especially at intersection sight triangles and when vegetation obscures signage.
2. Upgrade guardrail throughout the corridor to meet current Virginia Department of Transportation Standards and make all signage improvements throughout the corridor consistent with MUTCD guidelines.

Long Term

3. Install the Corridor Typical Section- Alternative 2 (as shown in **Figure 16 and Figure 18**) along the Forest Brook Road corridor. This preferred typical section includes improvements through sidewalk installation with curb and gutter as well as an enclosed drainage system and would require removing trees and relocating utility poles from clear zones. Explore widening industrial entrances.
4. In conjunction with the preferred typical section implementation, implement the following intersection improvements:
 - a. Improve intersection radius at the Lakeside Drive and Forest Brook Road intersection
 - b. Lengthen left turn lane storage capacity along Forest Brook Road approaches at both signalized intersections
 - c. Upgrade pedestrian accommodations at intersections to meet ADA requirements
5. In conjunction with the preferred typical section implementation, improve the horizontal curvature of the roadway alignment approximately 750-feet north of Lakeside Drive, across from the mobile home park (Monroe Drive).
6. In conjunction with the preferred typical section implementation, ensure the appropriate sight distance is maintained for the private entrance approximately 600 feet south of Cavalier Steel.
7. Update study forecasts if the large commercial properties located within the study area were to have a change in land use to accommodate an increase in dwelling units.

Forest Brook Road Corridor Study Comprehensive Plan February 26, 2020

PLEASE PRINT CLEARLY

[illegible]

MINUTES OF THE FEBRUARY 26, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Consideration of adopting the Forest Brook Road Corridor Study as part of the City's Comprehensive Plan 2013-2030. The purpose of the Study is to provide the City of Lynchburg with a detailed planning level assessment of the options for future needs of Forest Brook Road that will enhance safety while accommodating future capacity of the roadway. The plan provides the following recommendations: trimming and maintenance of vegetation, upgrading guardrails, installation of curb & gutter and sidewalk, improve intersection radius at Forest Brook Road and Lakeside Drive, improve the horizontal curvature of the roadway, and ensure adequate sight distances.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. This study was prepared by Clark Nexsen in partnership with the City of Lynchburg and the Central Virginia Metropolitan Planning Organization (CVMPO). The study looks at existing traffic conditions on Forest Brook Road and considers what improvements may be needed for future traffic volumes. It also addresses existing and desired conditions for pedestrians and bicyclists as well as safety concerns. Mr. Scott Smith, the Transportation Planning Director for Central Virginia Metropolitan Planning Organization (CVMPO), will give the presentation.

Mr. Scott Smith offered some background information on the Forest Brook Road Corridor Study. A couple of years ago, the City of Lynchburg Engineering Division asked CVMPO to undertake this study. Review of Forest Brook Road had been ongoing and they wanted to develop a plan for improvements over the short and long term. Forest Brook Road runs North to South and connects Lakeside Drive, near the News and Advance office, with Old Forest Road, near the Walmart, Bojangles, and Biscuitville. The corridor is a little over one (1) mile long and has a number of different land uses surrounding it. There is a lot of retail use on the north end as well as industrial and office use. Some of the industrial uses include Framatome Inc., Finly Corporation, and Cavalier Steel Inc. Spread throughout are apartment units and townhouses. There is also a large trailer park on the southern end as well as more retail, office, and medical use. This road is over one hundred fifty (150) years old and was built as a country road. It is now serving as a connector between two (2) of Lynchburg's primary roadways. It also contains a railroad crossing, though it is not in heavy use. Going in to the study, there were some assumptions. It was assumed because the road is so curvy that drivers would drive slowly and that people wouldn't walk on this road. Both of these assumptions were proven wrong by the study. There have been several crashes between 2016-2018 showing either property damage or personal injury. There were two (2) by the Walmart, one (1) by the mobile home park near a sharp curve, and four (4) on either side of the railroad crossing. This is not an abnormal number of crashes. To get better data about the conditions that drivers were experiencing and about incidents that may not show up on police reports, a public meeting was held in May. Traffic volume, compared to other roads in Lynchburg, is relatively low at about five thousand (5,000) per day, though it depends on which end of the road a person is on. Traffic volume, in the long term, should not increase significantly unless there is major development that occurs. The public meeting was held on May 29, 2019 at Lynchburg Collision which was a walkable venue. A mailing was done to invite residents, businesses, and property owners. There were a couple of newspaper and television stories as well. About thirty (30) stakeholders attended from the neighborhood and were very engaged and interested in the project. Overwhelmingly, residents said that they had trouble walking along Forest Brook Road. There is a great deal of pedestrian traffic that occurs between the mobile home park on the southern end and the Walmart on the northern end. Every time the road was visited for the study there were pedestrians out there. It was also found that drivers do not obey the speed limit. The observed speed versus the posted speed was about ten (10) miles an hour higher. The speed limit there is thirty (30) but drivers do thirty-seven (37) to forty-one (41) on average despite the road being curvy, narrow, and with steep drop-offs. A lot of drivers use the road as a cut through and are trying to get through it as quickly as possible. Residents reported that there are a number of intersections along Forest Brook Road that have poor sight distance. The business community reported that it is very difficult for

trucks to maneuver and maintain their lane. There are two (2) industrial facilities in the middle of the corridor. After gathering data and collecting input from stakeholders, recommendations for the long term and short term were formulated. Recommendations for the short term include trimming and continuing to trim overgrown vegetation. There are a number of locations where the trees and bushes are growing out almost into the roadway. It makes it hard to see signage and cars that are coming. Another short term recommendation is to upgrade the guardrail throughout the corridor but particularly in the area of the railroad crossing and the creek below the railroad crossing.

Commissioner Light stated that those recommendations are relatively easy to implement.

Mr. Smith responded that they are. For the long term there are two (2) proposed alternatives but one (1) of them is preferred. Alternative number two (2) is preferred. Alternative number two (2) would install pedestrian accommodations (sidewalks) on one side of the road, would install underground stormwater facilities, would remove some of the ditches that are problematic with erosion, and would remove some objects, like utility poles, from the area called the "clear zone". The "clear zone" is the area in which a car, if it leaves the roadway, corrects and gets back on the roadway. If there's an object in the "clear zone", like a telephone pole, the driver will not be able to correct before hitting the object. It is always optimal to have objects outside of the "clear zone". Other long term intersection recommendations are to improve the intersection radius, like the curve at Lakeside Drive and Forest Brook Road, lengthen the left turn lane storage capacity, which occasionally backs up and blocks traffic, and improve the pedestrian accommodations to ensure that all of them meet ADA requirements. Another major long term recommendation is to improve the horizontal curvature. This does not mean to straighten the curve near the mobile home park but to bring it into modern engineering specifications. The curve near the mobile homes is not smooth and is very sharp but straightening the curve might encourage more speeding. It should also be ensured that there is good sight distance for the private entrances south of Cavalier Steel Inc. Any of this could change though if the land uses surrounding the corridor change. There is vacant land on either side of Forest Brook Road; some of it is buildable and some of it is not. Any change to land use should be monitored. Alternative one (1) is not recommended but would keep the traditional ditch layout, would not have curb and gutter, and would have a sidewalk on the East side of Forest Brook Road. Alternative two (2) would help deal with stormwater issues that are on the road, would have curb and gutter on each side, and would have a sidewalk.

Commissioner Marion stated that she is surprised that alternative two (2) with the curb and gutter is preferred. She asked for clarification that the curb and gutter will not prevent drivers from having enough room to correct their vehicle if they run off the road.

Mr. Smith responded that if the geometry of the road is corrected and the surface is widened slightly, drivers should not be running off of the road anymore. Drivers will be able to maintain their lane better.

Commissioner Marion asked if drivers will slow down with curb and gutter present.

Mr. Smith responded that there are different studies that have shown different things. His feeling though is that curb and gutter shows drivers that they are in an urbanized area and should slow down. It also provides an edge for drivers to see and is more effective than a stripe. Curb and gutter and a utility strip also make pedestrians more comfortable because there is a six (6) inch or so drop between them and the motorist. That is what is recommended here. Along most of the roadway there is forty (40) foot right-of-way so this option would fit in.

Commissioner Bowden stated that due to the grade the road would be under water most of the time without curb and gutter.

Mr. Smith responded that there are issues with ponding in some parts of the road as it is. A number of residents reported where the ponding occurs.

Commissioner Perault asked which side of the road the sidewalk will be located on.

Mr. Smith responded that the sidewalk will be on the Walmart side of the road. There is no crossing proposed and there is already sidewalk on the North end of the road. The new sidewalk will tie in to the existing.

Commissioner Marion noted that this will allow residents of the mobile home park to walk to Walmart without having to cross the road.

Mr. Smith shared agreement. The proposed curve realignment would bring the curve into a consistent radius that drivers can handle better. This should solve the problem without speeding drivers up. It would require some acquisition of private property.

Commissioner Bowden stated that the length and cargo of the trucks traveling in that area is reason enough to realign the curve.

Mr. Smith responded that the industrial stakeholders reported that their truck drivers have trouble maintaining their lane, going the speed limit or slower, and with drivers in the other lane not maintaining their lane. After a forty-eight (48) hour count, only four (4) percent of the traffic was truck traffic but they are big vehicles. Comparing the alternatives, alternative two (2) has a bigger impact on safety and would be constructed in a shorter amount of time than alternative one (1).

Commissioner Bowden asked if changing the back entrance to Walmart was considered. The crash near Walmart discussed earlier likely had to do with that entrance. It should be a right in, right out entrance.

Mr. Smith responded that he would have to examine the crash further to know if it had to do with that entrance.

Commissioner Bowden stated that the backed up turn lane and the entrance often do not mesh together well.

Commissioner Lowe stated that the entrance to Biscuitville is on Forest Brook Road and is not conducive for people going down Old Forest Road to get in there.

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

Mr. Ryan Wheeler, a representative of Cavalier Steel Inc., addressed the Commission. He agrees with the recommendation to increase the turn radius at the intersection of Forest Brook Road and Lakeside Drive as well as the recommendation to realign the curve especially since the truck trailers are seventy (70) to seventy-two (72) feet long with the cab. He does not agree that the traffic flow at the intersection of Lakeside Drive and Forest Brook Road is okay. Traffic, during the summer especially, can be backed up a great deal. The light at Lakeside Drive and Forest Brook Road is extremely short and only lets about four (4) cars take a left before it turns red again so it causes backup. He is not sure that alternative two (2) with the gutter would be acceptable for the industrial trucks and trailers. Extra shoulder space, which would be taken up by curb and gutter, is optimal for oversized trailers. The study also notes that the entrances to Cavalier Steel Inc. and Finly Corporation are too narrow. The turn radius needs to be increased but the recommendations do not offer solutions to this, which does not make sense to him. Vegetation along the corridor is overgrown and blocks visibility coming out of the entrance to Cavalier Steel Inc. He agrees that it should be trimmed.

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

Mr. Adam Fariss, a representative of Finly Corporation, addressed the Commission. They own about one (1) acre of land next to the curve that is recommended for realignment. If their land is acquired to realign it, the development potential for their property will be diminished. He has not seen standing water in the road but has seen it going across the road. He does agree that there are pedestrians in the road and a sidewalk is necessary. He reiterated that the realignment of the curve would not be beneficial to his interests but that a sidewalk would be a welcome addition.

Commissioner Light asked what his development plans for the property are.

Mr. Fariss responded that they do not have a definite development plan at the moment and are deciding what they want to do with it. The property is zoned for I-2, Light Industrial District, so the development will be in accordance with that. Land is hard to get, and that lot is already narrow so he doesn't want to see its development potential diminished.

Chair Rogers asked if there was anyone else who wished to speak in opposition of the petition, when no one came forward he invited Mr. Smith to address the public comments.

Mr. Smith addressed the concerns. When the engineers stated that the intersection of Lakeside Drive and Forest Brook Road operated acceptably they meant that it operated acceptably in terms of Forest Brook Road. The Old Forest Road and Forest Brook Road intersection had just been reworked and there are plans for significant work on Lakeside Drive that will address the intersection. In terms of this study, the intersections were examined for the level of service that they gave Forest Brook Road. He shared agreement that to say that multiple light intersection operates smoothly at all times of day would be incorrect. The text of the study will be adjusted to clarify that. The land needed to realign the curve will be an issue if the City is not able to acquire it. Realignment depends on that land. The geometry of the curve only allows it to be altered one way. Going the other way would make the curve worse.

Commissioner Johnson asked for clarification that the property owner would have to agree in order for the City to acquire the property to realign the curve.

Mr. Smith responded that the City would use whatever process they normally use to acquire private property. He cannot speak to the details.

Commissioner Light stated that if it could not be voluntarily worked out the City might go through the condemnation process but noted he is not an expert in that area of law.

Mr. Martin responded that the City could go through that process but would try very hard not to.

Commissioner Marion noted that it looked like more would be taken off of the length of the property than the width. The property is already very narrow.

Mr. Smith responded that he asked the engineers to examine any option for staying within the City right-of-way but it was not possible. The right-of-way is fairly tight there. He acknowledged that the property owner's concern is legitimate. In regard to the driveway entrance, it was not included in the recommendations to the City because it is not the City's responsibility. Or if it is, it would be cooperation between the City and the businesses. He noted that he is not familiar with the City's driveway entrance policy.

Commissioner Perault noted that it might be helpful to calculate how much land would be needed to realign the curve.

Mr. Smith responded that an estimate can be made if a survey is conducted.

Chair Rogers closed the public hearing.

Chair Rogers stated that he is disappointed that alternative two (2) has no bike accommodation. He likes the shoulder room in alternative one (1).

Mr. Smith responded that the shoulder room would not be an unofficial bike lane; it is just a paved shoulder that would be available for a bicycle if needed. One of the things that makes the construction time for alternative one (1) longer is the amount of grading that would need to be done on the stretch from the curve to the creek. Part of the bank would have to be pulled off and soil would have to be put in on the other side. Alternative one (1) requires forty-six (46) feet of right of way whereas the curb and gutter in alternative two (2) requires thirty-nine (39).

Chair Rogers shared agreement that there is not a lot of room over the creek.

Commissioner Bowden shared agreement. He noted that speed is an issue for pedestrians and bicyclists and that there is not much room for them with or without curb and gutter. It is especially preferable to be able to give trucks additional room so where is the balance point. This might be a road that is just not friendly for bicyclists because of the grade.

Mr. Smith responded that one issue is the cost and right-of-way issue and another is safety. Multimodal transit is always the focus but sometimes it just doesn't work out that way. This is also just a plan and is not construction documents. It is not a directive for what is going to be done, it is an idea and details would be determined in the design phase.

Commissioner Marion asked if it is illegal for bicyclists to ride on the sidewalk.

Mr. Smith responded that it is in the City.

Mr. Martin responded that if it is a ten (10) foot multi-purpose trail then bicyclists may use it.

Commissioner Marion asked if the sidewalk could be expanded to ten (10) feet.

Mr. Smith responded that there is not enough dirt to do so but the option was examined.

Commissioner Bowden noted that it was good that the study examined land use. Some traffic currently uses the road to cut through to other areas and as the area grows up it is possible the road will see more cut through traffic. It may be necessary to take some measures to prevent the increase of traffic from cutting through. He is not sure how to keep the road small enough to maintain its current volume of traffic. He then asked if the expressway extension will have any impact on this road.

Mr. Martin responded that the improvements do not come this far.

Commissioner Bowden stated that the traffic on this road would not benefit from the extension then.

Commissioner Lowe stated that the traffic on this road is seeking the "path of least resistance". They are avoiding the big intersections and seeking a shorter path.

Commissioner Bowden stated that he is amazed at how much traffic is cutting through. It seems to him that this road will take the brunt of cut through traffic and wants to make sure that is prevented if it needs to be.

Chair Rogers stated that alternative two (2) shows that bicyclists can use the sidewalk, which is not the case and should be changed. He also likes the idea of improving the curve.

Commissioner Bowden asked if it was appropriate for the Commission to make specific recommendations to change the study at this time like enlarging the entrances to the industrial sites.

Mr. Martin responded that something like that would be reviewed during the design phase. A statement about looking at certain things could be added at this stage. It would be a good idea to look at the truck turning radius coming around the new alignment. If the preferred alternative is recommended as alternative two (2) then that's what will move forward. With alternative one (1) there is more right-of-way acquisition needed, which is one of the reasons alternative two (2) is preferred. Also, alternative two (2) will better handle stormwater. The straightening of the curve will have to be worked out during the design phase and is a big part of this. Although the property owner is concerned about their development potential, the City also has to worry about public safety. Alternative two (2) is the preferred recommendation. If the Commission has issues with alternative two (2) they should not recommend approval right now.

Chair Rogers asked what the current width of the lanes is. Even with curb and gutter the lanes are probably being widened.

Mr. Martin responded that the City would not go below eleven (11) foot lanes anywhere but these are likely to be eleven and a half (11.5) feet. If the lanes are widened a great deal to accommodate trucks, it will encourage more cut through traffic but if it is too narrow it will not accommodate trucks.

Commissioner Light asked if this will come back before the Commission in the future with more details if it is recommended now to move forward with alternative two (2).

Mr. Martin responded that if this passes City Council it will go into the Capital Improvement Program for funding and is not likely to come back before Commission.

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

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council adoption of the Forest Brook Road Corridor Study as part of the City’s Comprehensive Plan 2013-2030.”

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: February 26, 2020
Re: Forest Brook Road Corridor Study

I. PETITIONER

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

Representative: Mr. Scott Smith, Transportation Planning Director, Central Virginia Metropolitan Planning Organization, 828 Main Street, 12th Floor, Lynchburg, Virginia 24504

Property Owner:

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

II. LOCATION

Forest Brook Road is approximately one (1) mile in length and serves as a primary connector between Lakeside Drive and Old Forest Road.

III. PURPOSE

The purpose of the study is to provide a detailed planning assessment of future roadway needs that will enhance safety while accommodating future capacity. The study:

1. Investigates existing traffic conditions and considers what types of road improvements may be needed if future traffic volume continues to increase.
2. Assesses existing and desired conditions for pedestrians and bicyclists.
3. Addresses safety issues.

IV. SUMMARY

- The Virginia Department of Transportation (VDOT) classifies Forest Brook Road as a “Major Collector”.
- The study provides short and long term recommendations that will help minimize congestion and improved travel conditions and safety.

The Planning Division recommends adoption of the Forest Brook Road Corridor Study as part of the City’s Comprehensive Plan 2013-2030.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The City’s Comprehensive Plan 2013-2030 lists Guiding Principles for Transportation. These guiding principles include:

Consistency: Transportation planning efforts shall be coordinated with and directed toward implementing the goals of the Comprehensive Plan.

Multi-Modal Support: The City supports the expansion of modal choices for residents with different needs and preferences. It also recognizes the importance of coordinating design to provide connectivity between modes and to ensure safety for motorists, transit riders, bicyclists and pedestrians.

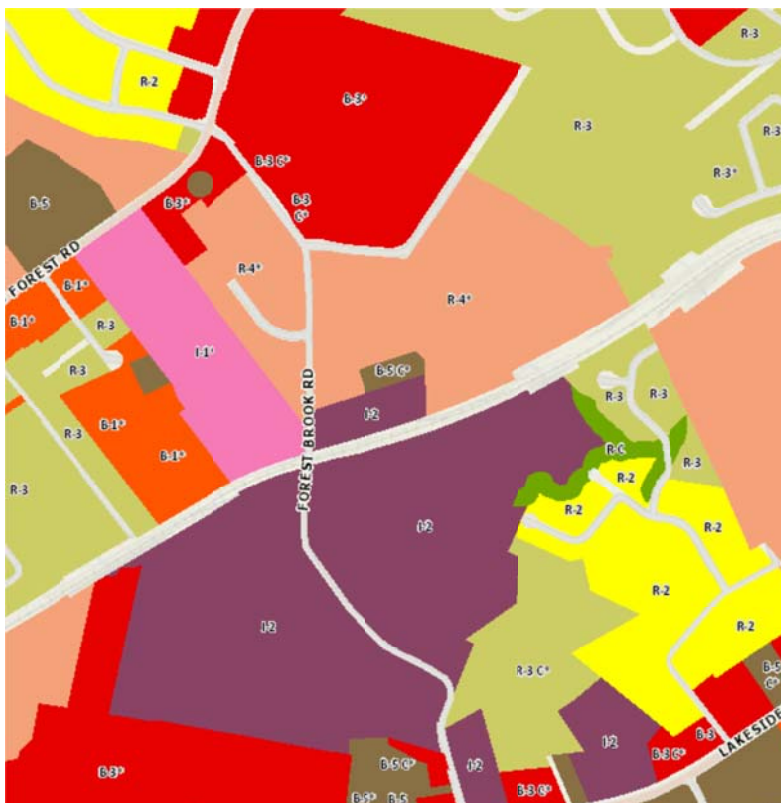
Connectivity: The City supports the connectivity between neighborhoods and the uses served by those neighborhoods to facilitate mobility between the places where residents live, work and play.

Efficiency: The City will capitalize on current investments in the system through effective maintenance and management while targeting funding for improvements that contribute the most to the safe and efficient movement of people and goods.

System Design: The City of Lynchburg Transportation Policy shall endeavor to create a safe, sustainable, connected and efficient transportation system that preserves the City's character and history.

The *Comprehensive Plan 2013-2030* also provides for a “Better Streets” Policy. This policy states that Lynchburg's Better Streets will be designed and built to strike a balance between all users, regardless of physical abilities or mode of travel. They will attend the needs of people first, prioritizing pedestrians, bicyclists, transit, street trees, stormwater, utilities, and livability, as well as vehicular circulation and parking. (*p. 128*)

2. **Zoning.** The Forest Brook Road area was annexed into the City in 1976. The area of Forest Brook Road from Lakeside Drive north to the railroad is predominantly zoned as Industrial. The area of Forest Brook Road from the railroad north towards Old Forest Road is predominately zoned high density residential prior to transitioning to commercial nears Old Forest Road.



Forest Brook Road Zoning

3. **Board of Zoning Appeals (BZA).** N/A
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On November 8, 1988, City Council approved the petition of Farriss and Iseman, to rezone 2143 Lakeside Drive from I-2, Light Industrial District to B-3C, Community Business District and I-2, Light Industrial District to R-3C, Medium Density Residential District (Conditional) and approved a conditional use permit to allow the expansion of a mobile home park to ninety-eight (98) units.
 - On May 10, 1994, City Council approved the petition of Kenneth Revis to rezone the property at 3437B Forest Brook Road from B-5, General Business District to B-5C, General Business District (Conditional) to allow the operation of an automobile body repair shop with trailer sales.
 - On February 9, 1999, City Council approved the petition of Sims Wholesale Company to rezone 3235 Forest Brook Road from R-5, High Density Residential to B-5C, General Business District (Conditional) to allow a truck turnaround and parking area.
 - On August 14, 2007, City Council approved the petition of George & William Walker to rezone 3207, 3211, 3215 and 3217 Forest Brook Road from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the construction of a commercial center.
5. **Site Description.** Forest Brook Road extends from Lakeside Drive to Old Forest Road and is approximately one (1) mile in length. It is classified by the Virginia Department of Transportation (VDOT) as a major collector with two (2), ten and one-half (10 ½) foot lanes. The posted speed limit is thirty (30) miles per hour with two locations having curve advisory speeds posted at twenty (20) miles per hour. Curb & Gutter is present from Old Forest Road to Belle Terre Drive, otherwise there are open ditches for drainage. Forest Brook Road as an Average Daily Traffic of four thousand nine hundred (4900).
6. **Proposed Use of Property.** The plan proposes to address the following issues:
- Investigates existing traffic conditions and considers what types of road improvements may be needed if future traffic volume continues to increase.
 - Assesses existing and desired conditions for pedestrians and bicyclists.
 - Addresses safety issues.
7. **Traffic, Parking and Public Transit.** The Forest Brook Road Study was prepared by Clark Nexsen in partnership with the Central Virginia Planning District Commission (CVPDC), Central Virginia Metropolitan Planning Organization (CVMPO) and the City of Lynchburg.
8. **Stormwater Management.** Stormwater Management would be addressed during roadway design.
9. **Emergency Services:** The City Fire Marshal had no comments of concern regarding the proposed Corridor Study. The City's Police Department supported efforts to improve pedestrian and vehicular safety throughout the corridor.
10. **Impact.** The proposed Forest Brook Road Corridor Study provides an analysis of the existing corridor and projects traffic volumes to the year 2040. The study makes recommendations for improvements to vehicular, pedestrian and bicyclist's safety. Discussion of proposed roadway improvements are listed on pages 18-26 of the study.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the study on February 4, 2020. Comments have been addressed and included in the draft study.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council adoption of the Forest Brook Road Corridor Study as part of the City's *Comprehensive Plan 2013-2030*.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Mohammad Zaid, Transportation Engineer
Mr. Scott Smith, CVMPO

VII. ATTACHMENTS

1. **Forest Brook Road Corridor Study**

FOREST BROOK ROAD CORRIDOR STUDY

FINAL REPORT

April 24, 2020

Prepared For:



Lynchburg, VA

Prepared By:



The contents of this report reflect the view of the author(s) who are responsible for the facts and accuracy of the data presented herein. The contents do not necessarily reflect the view or policies of the Federal Highway Administration and/ or the Commonwealth of Virginia Transportation Board. This report does not constitute a standards, specification, or regulation. Acceptance of this report as evidence of fulfillment of the objectives of this planning study does not constitute endorsement/ approval of the need for any recommended improvements nor does it constitute approval of their location and design or a commitment to fund such improvements. Additional project level environmental studies of alternatives may be necessary.



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Introduction

The Central Virginia Planning District Commission (CVPDC) and Central Virginia Transportation Planning Organization (CVTPO) in partnership with the City of Lynchburg have engaged Clark Nexsen to develop the Forest Brook Road Corridor Study. The goal of the corridor study was to comprehensively evaluate existing conditions and plan for current and future multimodal transportation needs. Identifying future transportation needs will allow for the effective implementation of land development policies and serve as a guide for future capital projects within the corridor.

Just under one mile in length, Forest Brook Road serves as a primary connector between two major thoroughfares, Lakeside Drive (US Rte. 221) and Old Forest Road. Land uses on the Lakeside Drive (South) end of the corridor include retail, medical, and light industrial. The Old Forest Road (North) end of the corridor consists of retail development, including a large retail shopping center housing a Walmart, fast food, casual dining, and other places of business, including a facility operated by one of the Lynchburg area's largest employers. Two clusters of light industrial use are also present within the corridor; along with a mix of single-family homes and apartment complexes. A map of the study area is shown in **Figure 1** below.

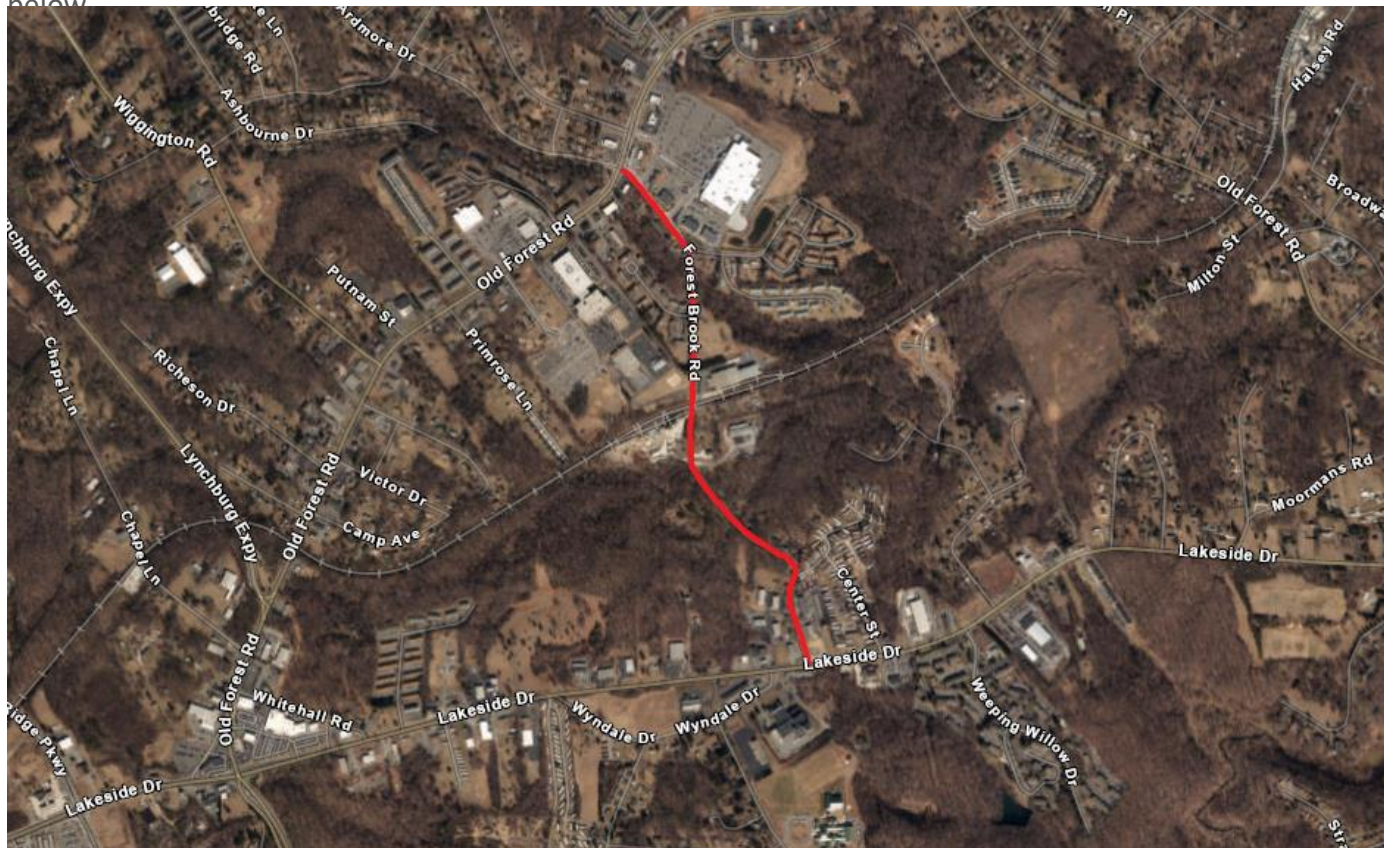


Figure 1 Forest Brook Road Corridor Study Area

Known issues along the corridor include bicycle and pedestrian safety concerns, inadequate sight distances, sub-standard roadway geometry, lack of access management, and increasing traffic volumes along a two-lane narrow roadway. Additionally, the City of Lynchburg has raised concerns with existing drainage patterns along the corridor, and the current serviceability of existing guardrail installations. The most recent Long-Range Transportation Plan shows Lakeside Drive being widened through the intersection with Forest Brook Road; however, no recommendations along Forest Brook Road corridor itself were identified.

A review of the past 20 years of VDOT traffic volumes along the Forest Brook Road Corridor indicates low-to-moderate traffic volumes for a two-lane facility of about 4,900 Average Daily Traffic (ADT) in the year 2016, averaging a 2.4% average annual growth rate.

Study Purpose

The purpose of this corridor study is to provide the MPO and the local government with a detailed planning level assessment of the options for future roadway needs that will enhance safety while accommodating future capacity. This corridor planning study:

1. Investigates existing traffic conditions and considers what types of road improvements may be needed if future traffic volume continues to increase;
2. Assesses existing and desired conditions for pedestrians and bicyclists (multimodal options), and;
3. Addresses safety issues.

Ideally, the study will provide short and long-term recommendations that will help to minimize congestion and improve travel conditions and safety along the corridor. The goal is to identify projects that can be prioritized so that funding and implementation strategies can be pursued accordingly.



Public Involvement

The public involvement process took the form of a Public Information Workshop at a local business on the corridor, Lynchburg Collision, on Wednesday, May 29, 2019 from 4:30-7:00 PM. The meeting was held in an open-house format. At this workshop, stakeholders and citizens were presented with basic information such as aerial maps, traffic volumes, and crash data. Citizens were informed on the initial findings of study and were asked to provide the CVMPO with their questions, comments, thoughts, concerns, and suggestions about the Forest Brook Road corridor and what should be considered in the further development of alternatives. Area residents, employees, commuters, shoppers, and business and property owners were encouraged to participate in the workshop. Meeting invitations were sent via US Mail to those residents and businesses located directly on the corridor. Additional notification of the meeting was advertised through notices to local media outlets, notices posted on the CVMPO website and social media pages. The event was covered by local newspaper and television outlets.

A total of 23 citizens were accounted for in the sign-in sheet, with a few more who did not sign in. A total of 9 stakeholder groups were represented.

The meeting was held in a more collaborative open-house style, with boards displaying the corridor aerial maps with existing traffic and crash data. Instead of presenting recommendations and solutions to the project corridor, workshop participants were given the opportunity share their insights of the corridor as residents, commuters, and other local stakeholders. Attendants were asked to take sticky notes and place them on the aerial maps noting observations, patterns, personal experiences relating to the corridor, etc. Workshop participants were also able to draw directly on the posters. Each note along with the location were recorded as an individual comment. Comment sheets were also available for participants to fill out and return at the end of the workshop, or by mail or email to the CVMPO. Altogether 44 comments were collected from comment forms, follow up emails, and workshop materials.

The four main comment categories concerned pedestrian activity, perceived traffic patterns, large vehicle activity, and roadway geometry. Other noteworthy concerns were overgrown vegetation and sight distance issues. The written comments are summarized in **Table 1**.

Overall, the majority of the public was in favor of pedestrian and bicycle improvements along the corridor.

Table 1 Summary of Written Public Comments	
Written Comment	Number of Comments
Close calls with pedestrians	4
Congestion at Lakeside Drive/Forest Brook Road intersection	2
Ponding during high rain events near Cavalier Steel	2
Drainage/ditch comment near Holmes Circle	1
Guardrail concern	1
Increased traffic	2
Large vehicle challenges	4
Large vehicle challenges at curves	2
Large vehicle challenges at Lakeside Drive/Forest Brook Road intersection	2
No pull off areas for police	1
Observed pedestrian activity	7
Observed pedestrian activity leading to improvements	1
Overgrown vegetation	3
Pedestrian and Transit patterns	1
Poor sight distance	1
Poor sight distance, Speeding issue	1
Roadway departures between Cavalier Steel and S-curve	1
School bus stop	1
Sight distance issue at Belle Terre Drive	1
Sight distance issue at Holmes Circle	2
Speeding issue	1
Traffic Patterns - cut through problem	2
Traffic Patterns of Large vehicles	2
Transit route present	1
Total	46



Existing Conditions

As it stands today, Forest Brook Road is a two-lane urban major collector, with 10 ½ foot lanes and no shoulders. It extends 0.92 miles from Lakeside Drive to the south to Old Forest Road to the north. Forest Brook Road has a posted speed limit of 30 mph with two locations of curve advisory speeds of 20 mph and 25 mph. Standard VDOT CG-6 curb and gutter are present along north and southbound Forest Brook Road from Belle Terre Drive to Old Forest Road in the northern portion of the corridor, and for about 600-ft leading up to the intersection with Lakeside Drive on the southern portion of the corridor. A five-foot sidewalk is also present along northbound Forest Brook Road from Belle Terre Drive to Old Forest Road. Elsewhere throughout the corridor, there are open ditches for drainage and no curbs. There is roadway lighting along the entirety of the corridor on utility poles, which can be found on both sides of the road.

In addition to communications and power utility poles throughout the corridor, other public utilities are present throughout the corridor. A 12” ductile iron water line runs the whole length of the corridor with 10 fire hydrants spread throughout the corridor. Sanitary sewer lines cut across the corridor at 3 locations: approximately 250-feet south of Belle Terre Drive, and 500-ft and 700-ft south of the railroad crossing. Stormwater pipes can be found north of Holmes circle and select driveway culverts locations to the south.

The Forest Brook Road corridor is characterized by its varied land uses, road users, limited clear zone, and horizontal and vertical curvature. There are 37 private driveways/business entrances, 2 intersecting roadways (Belle Terre Drive and Holmes Circle), and one railroad crossing. North of the railroad crossing is largely residential with an adjacent large commercial center. Moderate pedestrian activity was observed utilizing existing pedestrian facilities in the northern end of the corridor.

Directly north and south of the railroad there are light industrial use facilities. Traffic in and out of the industrial facilities near the railroad subject the corridor to a slightly higher percentage of heavy vehicle traffic on the southern half of the corridor. South of the railroad there is a section that is more heavily forested followed by more residential and commercial areas closer to the intersection with Lakeside Drive

South of the railroad, guardrail is present in some locations where side slopes are too steep to be recoverable and around some business entrances. Edge drop offs were observed throughout the entire corridor. Several of these drop offs were filled with gravel where large vehicles frequently overrun the edge of pavement. In addition to the heavy vehicles that travel along the corridor due to the light industrial facilities, there are school and transit buses with routes running through the corridor.

Traffic Analysis

Turning movement counts were conducted during a 2-hour period in the morning from 6:00-8:00 AM and two 3-hour periods from 11:00 AM-2:00 PM and 4:00-7:00 PM on March 19, 2019 at the following signalized intersections with Forest Brook Road:

- 1. Old Forest Road
- 2. Lakeside Drive

At the Old Forest Road intersection, turning movement counts revealed the AM peak hour occurring from 7:00-8:00 AM, the midday peak occurring from 11:45 AM-12:45 PM, and the PM peak from 4:45-5:45 PM.

At the Lakeside Drive intersection, turning movement counts revealed the AM peak hour occurring from 7:00-8:00 AM, the midday peak occurring from 12:00-1:00 PM, and the PM peak from 4:30-5:30 PM.

Traffic signal timings used to conduct the capacity analysis for the existing conditions were provided by the City of Lynchburg. The traffic signal at the intersection with Lakeside Drive operates under an adaptive signal control and only follows provided signal timing under recall mode; otherwise, it communicates with signals along the US Rte. 221 corridor to coordinate the traffic along that corridor.

Daily directional counts were collected for a 48-hour weekday period from 12:00 AM March 19, 2019 to 12:00 AM March 21, 2019 on the following segments along Forest Brook Road:

- 3. North of Holmes Circle
- 4. South of Finly Corporation

Peak hour turning movement counts for the study area intersections are summarized in **Figure 2**.

Table 2 displays a summary of the daily directional traffic counts on Forest Brook Road.

Table 2 Daily and Peak Hour Traffic Volume Counts					
Forest Brook Road Corridor	Direction	Daily Volume	AM Peak	Midday Peak	PM Peak
North of Holmes Circle	North	2376	122	168	215
	South	2484	163	191	230
	Combined	4860	285	359	445
South of Finly Corp.	North	2535	139	176	214
	South	2731	166	197	303
	Combined	5266	305	373	517

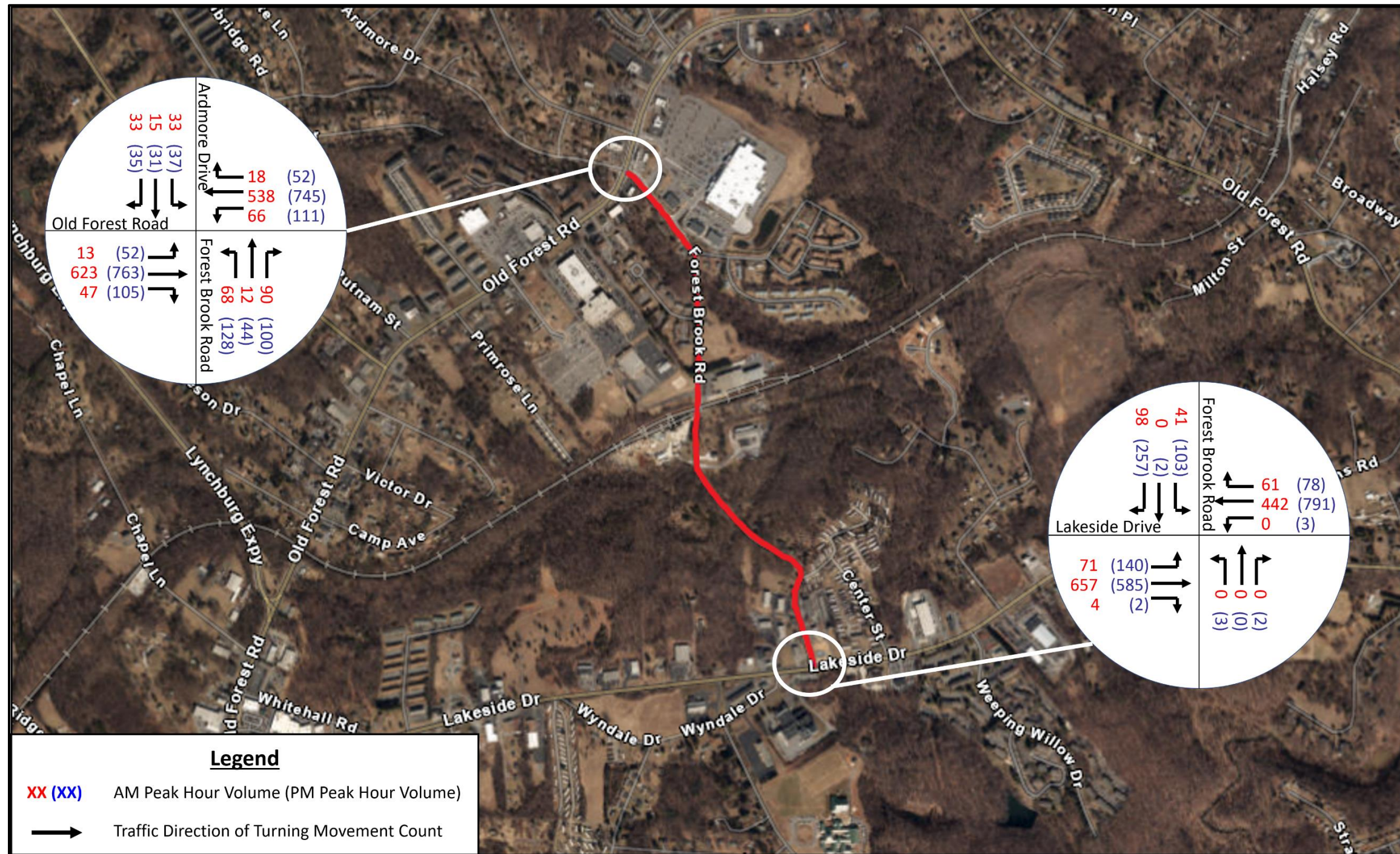


Figure 2 Existing Conditions Traffic Volumes



Speed and class data were collected along with the daily directional counts. Class data showed a daily average of 3% truck traffic north of Holmes Circle and a 4% truck traffic south of Finly Corporation. Speed data recorded in 5 mph bins is summarized in **Table 3**. The table highlights an alarming fact that the majority of vehicles are traveling well above the posted 30 mph speed limit. Average speeds range from 5 to almost 11 mph higher than the posted speed. The most startling metric is the 85th percentile speed for southbound traffic south of Finly Corporation where speeds range anywhere from 15 to 20 mph higher than the posted speed as they are heading towards a reverse curve with advisory speeds of 20 mph.

Table 3 Speed Data Summary (in mph)					
Forest Brook Road Corridor	Direction	Average Speed	85 th Percentile Speed Range	Pace Speed	% Traveling within Pace
North of Holmes Circle	North	37.3	40-45	30-40 & 35-45	67.1%
	South	35.1	35-40	30-40	71.4%
	Combined	36.2	35-40	30-40	69.3%
South of Finly Corp.	North	40.6	40-45	35-45	74.0%
	South	40.9	45-50	35-45	70.4%
	Combined	40.8	45-50	35-45	72.1%

Existing 2019 traffic volumes and lane configurations were used to model the current conditions. Level of service analyses were performed for the AM, Midday, and PM peak traffic conditions at the project intersections using Synchro Professional 10.0. Synchro uses methodologies contained in the 2000, 2010, and 6th Edition Highway Capacity Manual to determine the operating characteristics of the roadway network. Capacity is defined as the maximum number of vehicles that can pass over a particular road segment or through a particular intersection, within a specified period under prevailing roadway, traffic, and control conditions.

Level of service (LOS) is used to describe the operating characteristics of a road segment or intersection in relation to its capacity. LOS is defined as a qualitative measure that describes operational conditions, delay, and motorist perceptions within a traffic stream. The Highway Capacity Manual defines six levels of services, LOS A through LOS F, with A being the best and F being the worst. In general, for LOS A vehicles rarely need to stop and can easily maintain posted speed limit, for LOS B some vehicles may need to stop but can reasonably maintain posted speed limit, by LOS C moderate delay limits vehicle speed and maneuverability with increasingly worsening delay as the letter grades increase to LOS F. At LOS F conditions have degraded to “stop and go” conditions. **Table 4** shows the level of service criteria for signalized and unsignalized

intersections and general descriptions of traffic flow through a signalized intersection by LOS. **Figure 3** shows a visual representation of intersection LOS.

Table 4 Signalized and Unsignalized Intersection Level of Service Criteria Control Delay per Vehicle (sec)			
LOS	Unsignalized	Signalized	General Description (for signalized LOS only)
A	≤ 10	≤ 10	Free Flow
B	> 10 and ≤ 15	> 10 and ≤ 20	Stable Flow (slight delays)
C	> 15 and ≤ 25	> 20 and ≤ 35	Stable Flow (acceptable delays)
D	> 25 and ≤ 35	> 35 and ≤ 55	Approaching unstable flow (tolerable delay, occasionally wait through more than one signal cycle before proceeding)
E	> 35 and ≤ 50	> 55 and ≤ 80	Unstable Flow (intolerable delay)
F	> 50	> 80	Forced flow (congested and queues fail to clear)

Source: Highway Capacity Manual 2010, Transportation Research Board, 2010

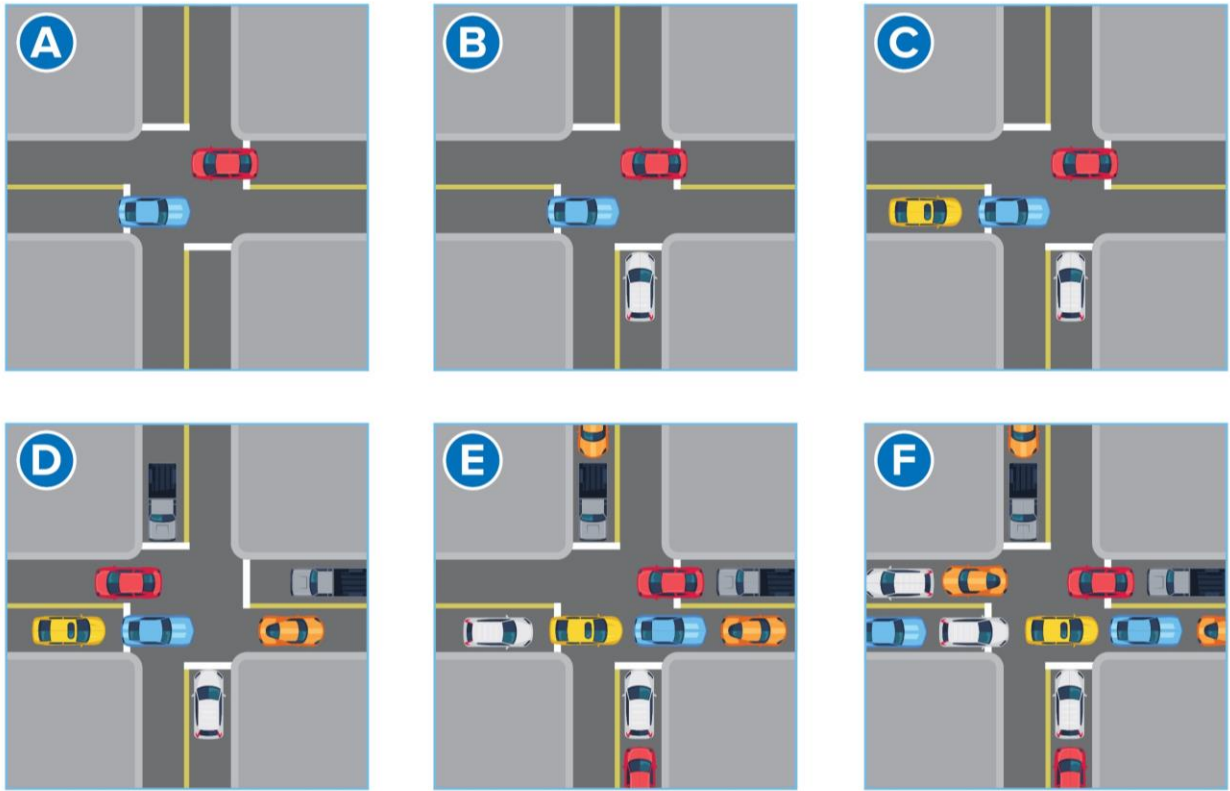


Figure 3 Visual Representation of Intersection LOS



Old Forest Road

The intersection of Old Forest Road and Forest Brook Road is controlled by an actuated signal, which is a type of signal control where time for each phase is at least partially controlled by vehicle presence detection provided for all approaches of the intersection, as opposed to fixed timing signal control where vehicle presence does not influence signal phase time. Left turn movements from all approaches operate under permissive/protected modes. All four pedestrian movements across the intersection are signal controlled with corresponding pedestrian signal heads and pushbuttons.

Lane use at the intersection consists of:

- Old Forest Road eastbound: one left turn lane, one through lane, and one through/right lane
- Old Forest Road westbound: one left turn lane, one through lane, and one through/right lane
- Ardmore Drive southbound: one left turn lane and one through/right lane
- Forest Brook Road northbound: one left turn lane and one through/right lane

Table 5 illustrates the results of the capacity analysis for the 2019 existing conditions for the intersection of Old Forest Road and Forest Brook Road. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

During all peak hours, the intersection operates with adequate service levels (LOS C or better), with the majority of the movements operating at a LOS B, with the exception of the southbound Ardmore Drive approach and the northbound Old Forest Road through/right movements which operate at a LOS C in the PM peak hour. At a LOS B, progression through the intersection is still steady.

Table 5 Old Forest Road at Forest Brook Road/Ardmore Drive Existing 2019 Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Old Forest Road						
Left	12.8	B	13.4	B	18.0	B
Through	11.2	B	12.2	B	13.8	B
Through/Right	11.2	B	12.2	B	13.8	B
Westbound – Old Forest Road						
Left	10.1	B	12.0	B	13.6	B
Through	11.3	B	11.7	B	12.8	B
Through/Right	11.2	B	11.7	B	12.8	B
Northbound – Forest Brook Road						
Left	18.8	B	14.5	B	18.1	B
Through/Right	15.0	B	17.1	B	27.4	C
Southbound – Ardmore Drive						
Left	15.7	B	16.8	B	20.2	C
Through/Right	18.2	B	20.0	C	24.3	C
Overall Intersection LOS and Average Delay	12.3	B	12.8	B	15.2	B



Lakeside Drive

The intersection of Lakeside Drive and Forest Brook Road is a fully coordinated traffic signal part of the US Rte. 221 adaptive signal system. It is approximately 250-feet east of the intersection of Wyndale Drive and Lakeside Drive. Due to proximity, these two intersections are run under one traffic signal controller and the two three-leg intersections are treated as a single four-leg intersection. The physical Forest Brook Road/Lakeside Drive intersection has traffic signal heads for three approaches. Though there is a business entrance directly across from Forest Brook Road, and therefore is technically a four-leg intersection; traffic volumes out of the business entrance are negligible. No pedestrian crossings are signalized nor marked at this intersection. Left turn movements from eastbound Lakeside Drive operate under permissive/protected mode. Left turn movements from westbound Lakeside Drive are permissive.

Lane use at the intersection consists of:

- Lakeside Drive eastbound: one left turn lane and one through/right lane
- Lakeside Drive westbound: one left turn lane, one through lane, and one right lane
- Forest Brook Road southbound: one left turn lane and one right lane marked, (through movements were assumed to be shared with right lane)
- Business entrance northbound (unsignalized): not marked, one left/through/right lane assumed

Table 6 illustrates the results of the capacity analysis for the 2019 existing conditions for the intersection of Lakeside Drive and Forest Brook Road. Traffic counts were not taken at the Wyndale Drive and Lakeside Drive since it was outside of the corridor study area thus the capacity analysis for the Forest Brook Road/Lakeside Drive intersection was treated as if it were an isolated four-leg intersection. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

In all peak hours, the overall intersection operates with adequate service levels (LOS C or better) in relation to traffic flow on Forest Brook Road. Excluding the right turn movement at southbound Forest Brook Road, which operates at a LOS F in the PM peak period, all other individual movements operate at adequate levels of service. Poor levels of service for this movement are due to the moderately high traffic volumes on Lakeside Drive during the PM peak period.

Table 6 Lakeside Drive at Forest Brook Road/Business Entrance Existing 2019 Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Lakeside Drive						
Left	12.9	B	17.1	B	25.8	C
Through/Right	9.2	A	13.4	B	19.2	B
Westbound – Lakeside Drive						
Left	No Delay		13.0	B	18.1	B
Through	11.1	B	12.5	B	15.9	B
Right	7.9	A	7.6	A	7.9	A
Northbound – Business Entrance						
Left/Through/Right	No Delay		16.5	B	21.6	C
Southbound – Forest Brook Road						
Left	13.3	B	17.5	B	23.4	C
Through/Right	15.0	B	18.8	B	131.4	F
Overall Intersection LOS and Average Delay	10.5	B	13.5	B	32.9	C



Queueing Analysis

Queueing analyses were performed for the AM, Midday, and PM peak hour traffic conditions at the project intersections using SimTraffic. SimTraffic is a microsimulation tool that is bundled with the Synchro suite of software tools that models individual vehicles in a street network under a wide variety of traffic control scenarios. SimTraffic is used to simulate a variety of performance measures, but is typically used to determine turn lane storage lengths based on simulated queue lengths. A queue is defined as a line of vehicles, bicycles, or persons waiting to be served by the system in which the flow rate from the front of the queue determines the average speed within the queue. SimTraffic methodologies output average, theoretical 95th percentile, and simulated maximum queue lengths in feet. Considering the average passenger vehicle is about 15 feet long and conservative headways of 10 feet, to translate queue results to number of vehicles in line, is the queue divided by 25 feet.

Queueing analysis is important to understand how queued up traffic affects intersection operations. If queues exceed the lane’s capacity, it could pose both operational and safety issues. The assumption in using simulated queues to determine storage lengths is that the majority of the time queues will be less than the simulated queue, and only in a few scenarios’ storage lengths would be insufficient.

Old Forest Road

Table 7 presents a summary of the simulated queue lengths at the signalized intersection of Old Forest Road and Forest Brook Road. During all peak hours, average queues for all movements are close to or below 100 feet. In existing conditions, all turn bay storage lengths meet average queue lengths and most also meet 95th percentile queue lengths. During the PM peak period, 95th percentile queue lengths exceed the turn bay storage length at Ardmore Drive left turn, eastbound Old Forest Road left turn, and northbound Forest Brook Road through/right movements.

Table 7 Old Forest Road at Forest Brook Road/Ardmore Drive Existing 2019 Conditions Queueing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Old Forest Road							
Left	100	8	32	17	48	60	116
Through	1000+	65	120	67	131	104	197
Through/Right	1000+	32	82	33	86	63	124
Westbound – Old Forest Road							
Left	100	29	63	27	61	37	92
Through	250	57	110	67	134	97	186
Through/Right	250	27	67	36	82	68	142
Northbound – Forest Brook Road							
Left	150	39	71	56	97	70	121
Through/Right	100	41	72	40	82	73	158
Southbound – Ardmore Drive							
Left	50	20	47	14	42	27	58
Through/Right	~500	29	60	32	62	45	92



Lakeside Drive

Table 8 presents a summary of the estimated queue lengths at the signalized intersection of Lakeside Drive and Forest Brook Road. Average queues at this intersection are less than 100 feet for most movements. Lakeside Drive through movement average queues are higher but less than 250 feet. In existing conditions, 95th percentile queues consistently exceed Forest Brook Road left turn movement. It is important to note that since this signal is in an adaptive signal timing corridor which favors progression along the Lakeside Drive approaches, the queues experienced along Lakeside Drive may be smaller while the queues experienced along Forest Brook may be greater than the simulated queues.

Table 8 Lakeside Drive at Forest Brook Road/Business Entrance Existing 2019 Conditions Queuing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Lakeside Drive							
Left	175	26	52	44	84	64	127
Through/Right	175	69	152	66	144	91	171
Westbound – Lakeside Drive							
Left	1000+	0	0	2	18	1	10
Through	1000+	61	118	128	245	271	503
Right	125	14	37	31	93	59	158
Northbound – Business Entrance							
Left/Through/Right	30	0	0	5	23	6	26
Southbound – Forest Brook Road							
Left	50	27	59	43	74	60	89
Through/Right	~750	43	79	44	88	113	173

Safety Analysis

Study area crash records were gathered from VDOT Crash Tools Tableau for a study period of January 1, 2016 to December 31, 2018. A total of seven crashes were reported on Forest Brook Road between Lakeside Drive and Old Forest Road during the study period. Of the seven crashes, two resulted in injuries and no fatalities were reported. Crashes along Forest Brook Road for the study period are mapped in **Figure 4**.

The collision types observed were: one angle, one backed into, one head on, one sideswipe same direction, one non-collision, and two fixed object-off road crashes. The majority of the crashes (five out of seven; 71%) were classified as roadway departure crashes. Four of the recorded crashes were single vehicle collisions, all occurring within 500 feet of the railroad crossing. Only one of the crashes involved a truck. Three of the recorded crashes occurred between 12:00-3:00 AM. All crashes occurred under dry pavement conditions.



Figure 4 Corridor Crash Records Map

Neither pedestrian nor bicycle crashes were observed, and no seasonal crashes were observed. Additionally, no distinct crash patterns were observed. Crash rates per 100 million miles traveled along the corridor are summarized as follows:

- Crash rate 141.8 per 100 million miles traveled
- Injury rate 40.5 per 100 million miles traveled
- Fatality rate 0.0 per 100 million miles traveled



Reported crashes at the two signalized intersections were also collected separately and are displayed in **Figure 5**. These crashes were all recorded as occurring within a 250-foot radius of the intersection, but all occurring outside the project corridor itself.

At the intersection of Lakeside Drive and Forest Brook Road, there were 14 crashes total with six rear end crashes, seven angle crashes, and one sideswipe – opposite direction crash. At the intersection of Old Forest Road and Forest Brook Road, there were 10 crashes total with four rear end crashes, three angle crashes, one head on crash, one pedestrian crash, and one sideswipe – opposite direction crash. The majority of the crashes occurred between 3:00-6:00 PM, including 8 out of 14 of the crashes at the intersection of Old Forest Road and 6 out of the 10 crashes at Lakeside Drive. All but one of the crashes occurred under dry pavement conditions.

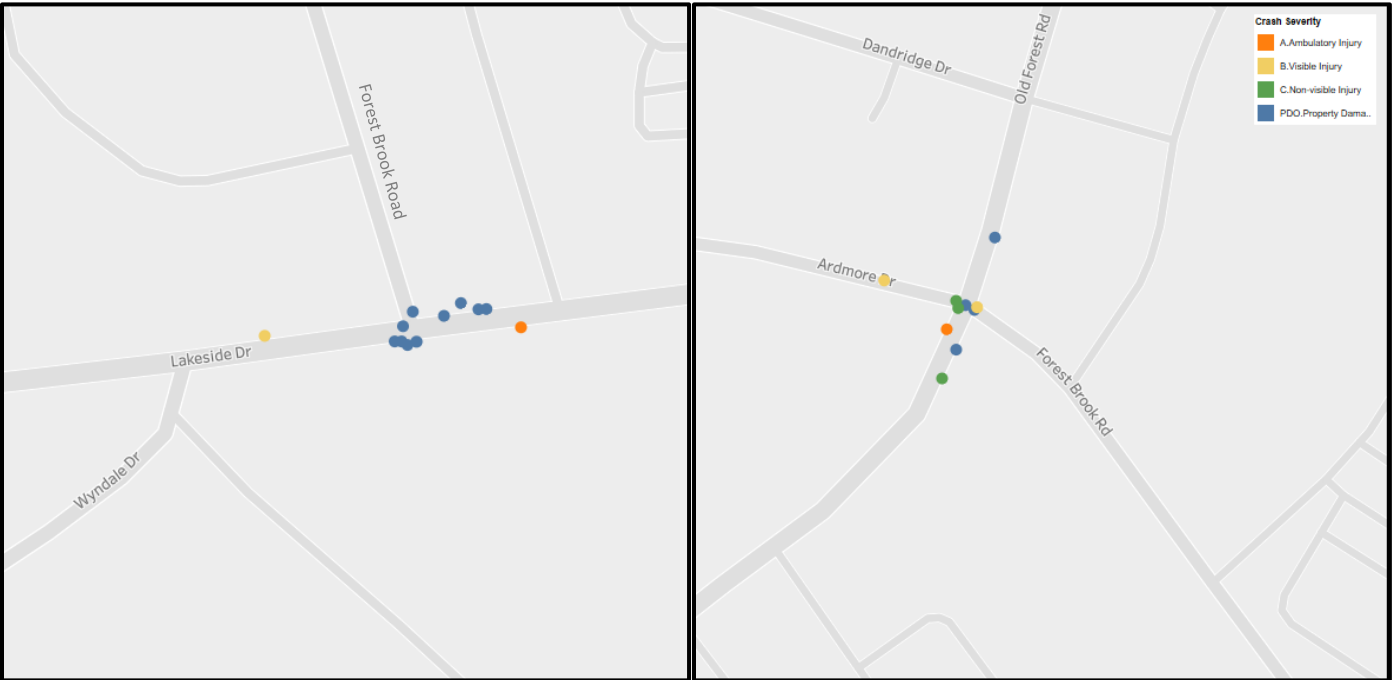


Figure 5 Intersections Crash Records Map

While historical crash data shows that crashes within the study corridor are overall a rare occurrence, a field safety assessment told a larger story and documented several elements/ locations of potential safety hazards. In field visits, the corridor study team observed pedestrians walking along the road, vehicles over running the edge of pavement around sub-standard curves, trucks crossing over centerlines, and drivers traveling at speeds exceeding the posted speed limits, notably around curves. While no crashes were witnessed, nor were there any specific crash patterns attributed to these observations, all these behaviors combined could create hazardous situations that may become more significant as traffic increases along the corridor. During field investigations, a private entrance approximately 600 feet south of Cavalier Steel, as shown in **Figure 6**, was identified for future study due to the observation that a resident has installed their own convex mirror.

When calculated, adequate sight distance for vehicles making a left turn maneuver is not provided at this location due to vegetation obstructing vehicles heading northbound.



Figure 6 Convex Mirror for Sight Distance Issues at Private Entrance

The following is a summary of observed corridor/ intersection uses and factors that may potentially be contributing to vehicle crashes or have the possibility of creating a safety concern along Forest Brook Road.

- Guardrail located at various locations throughout the corridor does not meet current standards.
- Little to no shoulders exist throughout the majority of the corridor with many instances of observed excessive edge drop-offs. These are evidence of vehicles leaving the paved roadway.
- Excessive vegetation encroachment was observed southbound approximately 200 feet south of Holmes Circle.
- Exposed culvert ends and drainage ditches are located within the clear zone and unmarked/unprotected.
- Private utility poles are located within the clear zone.
- The majority of the corridor lacks pedestrian/ bike facilities to accommodate observed use.

The clear zone width for this corridor is 12-16 feet based on speed limit ≤ 40 mph and Annual Average Daily Traffic (AADT) >1500 and ≤ 6000 vehicles. The clear zone, according to the Manual on Uniform Traffic Control Devices (MUTCD), “is the total roadside border area, starting at the edge of the traveled way, available for use by errant vehicles.”



Environmental Resources

A search of environmental databases was performed to help determine any known resources that are in the vicinity of the Forest Brook Road corridor study area and may be impacted by proposed roadway improvement alternatives. The searches included City of Lynchburg GIS, United States Fish and Wildlife Services, Virginia Department of Conservation and Recreation (VDCR), Virginia Game and Inland Fisheries, National Wetland Inventory, and Virginia Department of Historic Resources databases. The results of these searches are detailed in this section of the study.

The major environmental constraint was found to be a stream crossing. Other cultural resources, such as churches and schools, were found adjacent to the corridor area and are mapped as shown in **Figure 7**.

Threatened and Endangered Species

In accordance with Section 7 of the Endangered Species Act (ESA), a U. S. Fish and Wildlife Service (USFWS) Information for Planning and Conservation (IPAC) search was conducted to obtain information on the presence or potential presence of rare, threatened, and endangered species (RTEs) within the corridor study area. The IPAC Trust Resources Report dated October 24, 2019, did not identify any endangered species expected to occur within the proposed study area. The VDCR Natural Heritage Program was consulted on October 24, 2019 and did not identify any known occurrences of T&E species (plants, insects) managed by that agency within the vicinity of the corridor study area. Further evaluations, studies, and consultation with regulatory agencies will be required to evaluate for project impacts to T&E species and critical habitats, and avoidance and minimization of impacts to critical areas and sensitive habitats is recommended.

Tribal, Cultural, and Historic Resources & Historic Preservation Areas

A review of the Virginia Department of Historic Resources cultural resource information system was conducted on October 24, 2019 to identify known archaeological and architectural historical resources within the corridor study area vicinity. **Figure 8** shows a map of resources in the corridor study area vicinity.

Based on the location of these facilities, and the proposed alignments presented in a later section of this study, cultural resource impacts associated with proposed improvements along the corridor are not anticipated. However, further evaluations, studies, and consultation with regulatory agencies may be required to evaluate for project impacts to cultural and historic resources, once the project progresses to the preliminary design phase.



Figure 7 Environmental Constraints and Cultural Resources

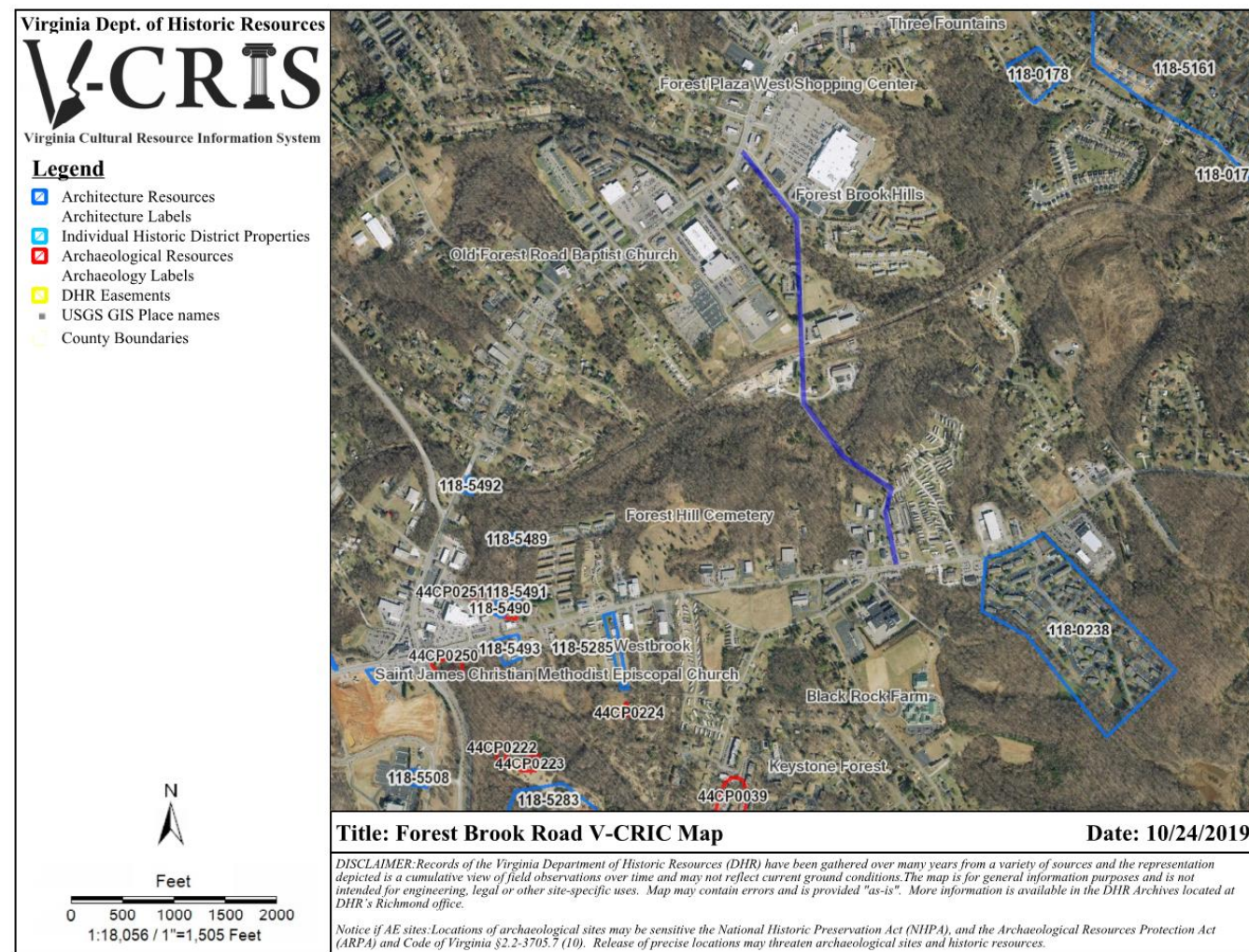


Figure 8 DHR-VCRIS Map

Natural Resources

An evaluation of the U.S. Fish and Wildlife Services National Wetland Inventory database identified the presence of riverine wetlands within the project corridor. A detailed wetland delineation was not performed as part of this study. **Figure 9** shows a map of wetlands in the corridor study area vicinity.

There is the potential that any project alignments beyond the existing roadway may result in wetland impacts. Further evaluations, delineation and consultation with regulatory agencies may be required to obtain wetland permitting for anticipated impacts to wetlands and waters of the U.S. once the project progresses to the preliminary design phase.

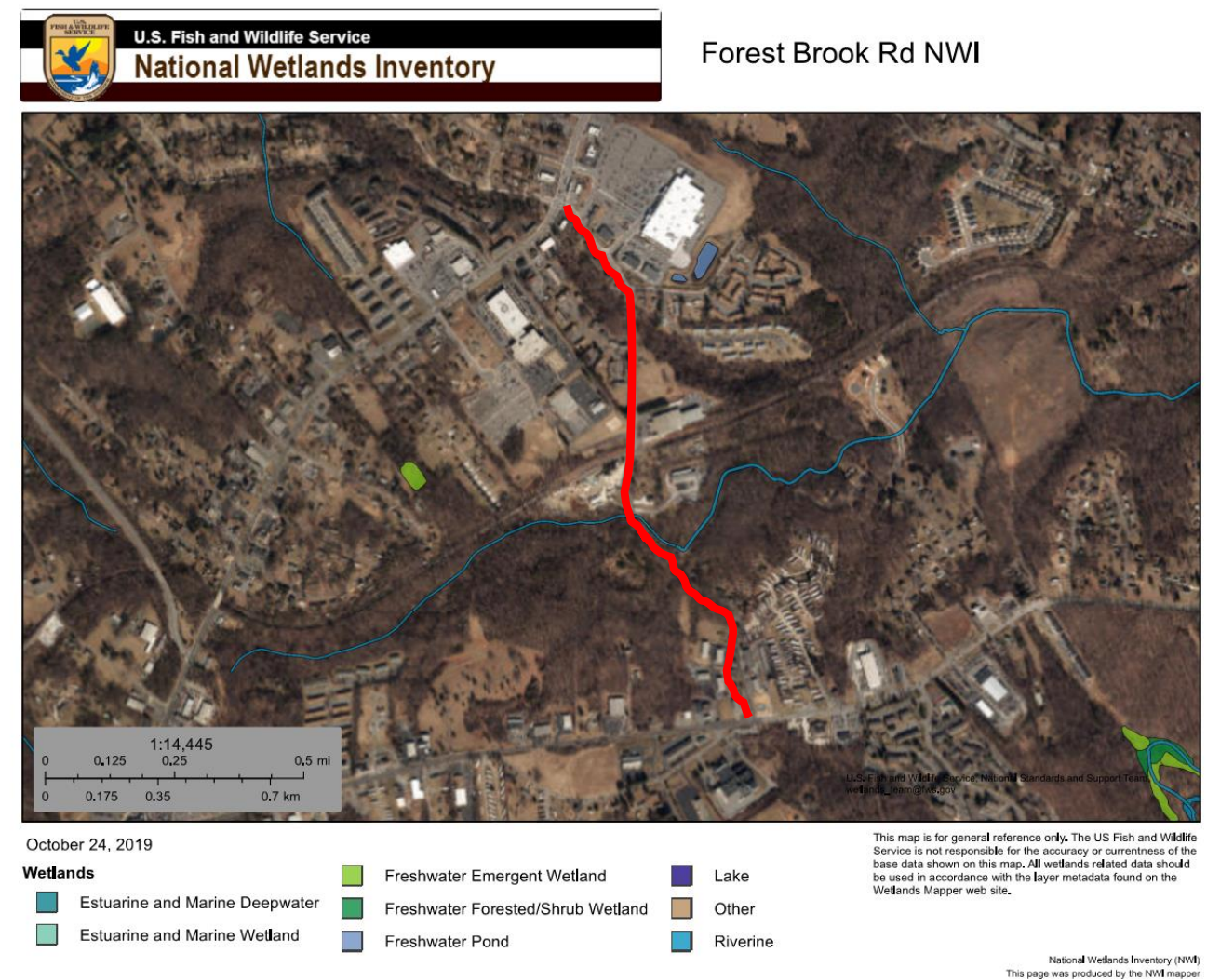


Figure 9 Natural Resources Map



Year 2040 Forecasted Conditions

Forecast Methodology

Traffic Volume projections for the year 2040 were derived by comparing a few different methodologies: examining historical traffic growth; comparing the regional travel demand model projections; and examining VDOT Statewide Planning system (SPS) data. The various methodologies yielded varying growth rates but ultimately a traffic growth rate of 1.5% based on VDOT SPS data was used. By applying the growth rate to existing traffic volume along the project corridor, traffic volumes were grown to the 2040 No Build peak hour turning movement counts for the study area intersections, shown in **Figure 10**.

Year 2040 No Build Alternative

A No Build Alternative was modeled to serve as a baseline for the comparison of future conditions and impacts of alternatives. The No Build Alternative is defined as future conditions if no improvements were to be implemented within the study area. It assumes that traffic volume will continue to grow at the calculated growth rate regardless of improvements to the network.

Year 2040 No Build Alternative Capacity Analysis

Old Forest Road

Table 9 illustrates the results of the capacity analysis for the 2040 No Build conditions for the intersection of Old Forest Road and Forest Brook Road. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

For the 2040 No Build Alternative, overall the intersection operates at an acceptable level of service (LOS C or better) for all peak hours. All individual approaches are expected to operate at an acceptable LOS, with the exception of the southbound Ardmore Drive thru/right approach movement, which operates at a LOS D in the PM peak hour. Even with increased traffic volumes projected 21 years in the future, operations at this intersection remain at a LOS B during the AM and Midday peak periods. Though overall intersection LOS degrades from a LOS B in the existing PM peak hour to a LOS C in the 2040 No Build PM peak hour, this intersection is expected to remain operating at an acceptable LOS.

Table 9 Old Forest Road at Forest Brook Road/Ardmore Drive 2040 No Build Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Old Forest Road						
Left	12.5	B	15.7	B	20.9	C
Through	14.2	B	13.7	B	23.6	C
Through/Right	14.1	B	13.7	B	23.8	C
Westbound – Old Forest Road						
Left	18.5	B	21.4	B	24.8	C
Through	14.6	B	15.3	B	21.0	C
Through/Right	14.5	B	15.3	B	20.9	C
Northbound – Forest Brook Road						
Left	16.7	B	23.4	C	22.0	C
Through/Right	27.8	C	38.8	D	34.6	C
Southbound – Ardmore Drive						
Left	17.4	B	20.6	C	19.3	B
Through/Right	21.1	C	24.0	C	41.9	D
Overall Intersection LOS and Average Delay	15.7	B	16.6	B	23.9	C

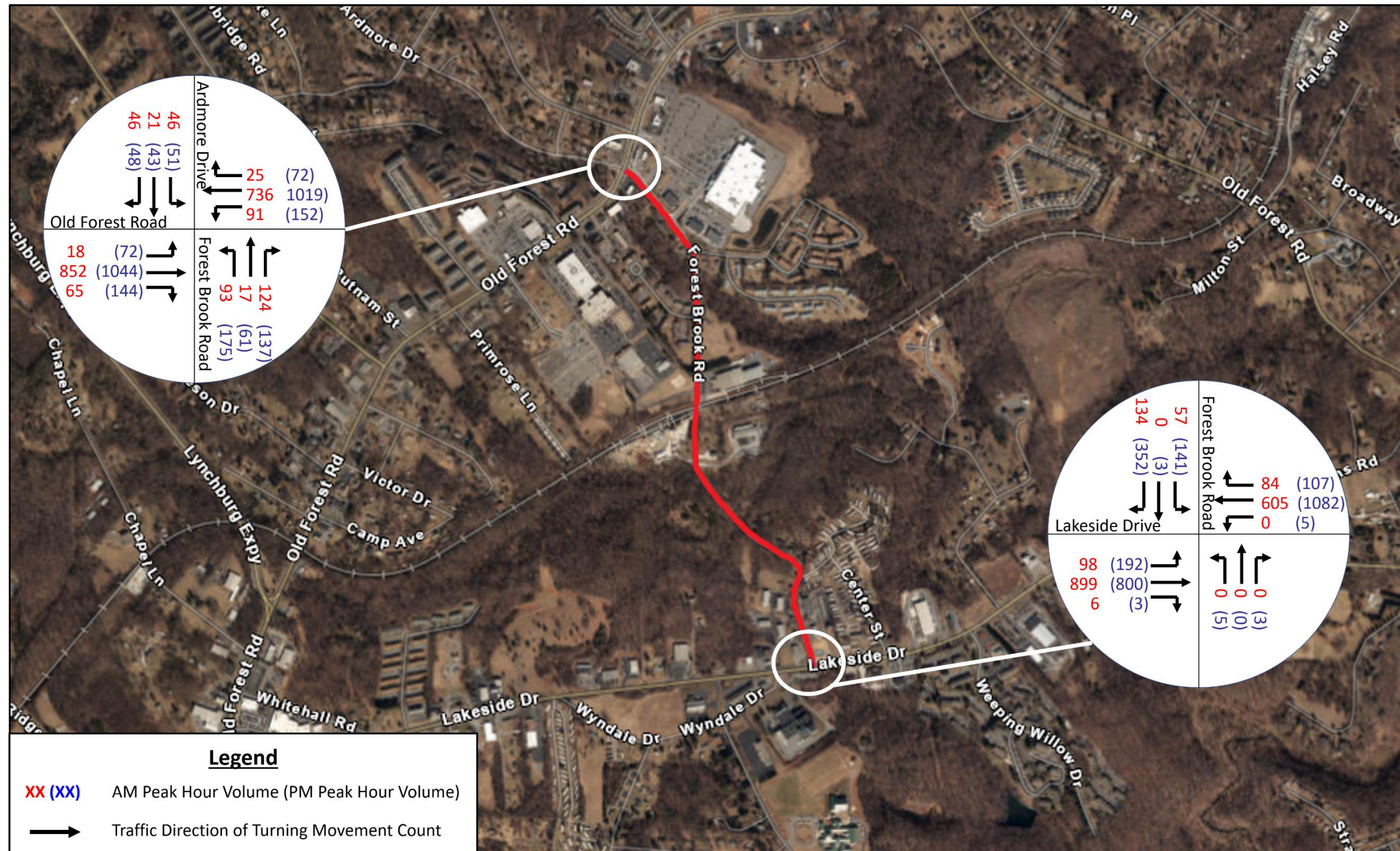


Figure 10 2040 No Build Conditions - Traffic Volumes



Lakeside Drive

Table 10 illustrates the results of the capacity analysis for the 2040 No Build conditions for the intersection of Lakeside Drive and Forest Brook Road. The delay and LOS shown in the following table were taken from Synchro HCM 2010 output reports for signalized intersections.

For the 2040 No Build Alternative, the overall intersection operates at an acceptable LOS (LOS C or better) during the AM and Midday peak hours. During the PM peak hour, several approaches experience excessive delay causing the overall intersection to fail. Due to the Lakeside Drive eastbound left turn only operating with permissive movement, and the high volume of westbound throughs, these opposing movements suffer high delay. Additionally, movement along the minor approach at Forest Brook Road does not receive enough green time.

Table 10 Lakeside Drive at Forest Brook Road/Business Entrance 2040 No Build Conditions Capacity Analysis (HCM 2010) LOS and Average Control Delay per Vehicle in Seconds						
Movement	AM Delay	AM LOS	Midday Delay	Midday LOS	PM Delay	PM LOS
Eastbound – Lakeside Drive						
Left	17.2	B	26.4	C	162.1	F
Through/Right	13.7	B	16.7	B	36.6	D
Westbound – Lakeside Drive						
Left	No Delay		19.2	B	29.9	C
Through	12.6	B	17.1	B	56.3	F
Right	7.8	A	7.2	A	2.4	A
Northbound – Business Entrance						
Left/Through/Right	No Delay		23.1	C	40.6	D
Southbound – Forest Brook Road						
Left	16.5	B	25.7	C	39.1	D
Through/Right	31.8	C	29.8	C	287.1	F
Overall Intersection LOS and Average Delay	14.6	B	18.3	B	85.3	F

Year 2040 No Build Alternative Queueing Analysis

Old Forest Road

Table 11 presents a summary of the simulated queue lengths at the signalized intersection of Old Forest Road and Forest Brook Road. For the 2040 No Build Condition during all peak hours, average queues for all movements remain below 100 ft, excluding the movements along Old Forest Road in the PM peak period. Queues experienced at the left turn lanes along Old Forest Road exceed storage lengths only for 95th percentile queue length. The movements that experienced queues beyond their storage capacity queues in existing conditions continue to increase.

Table 11 Old Forest Road at Forest Brook Road/Ardmore Drive 2040 No Build Conditions Queueing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Old Forest Road							
Left	100	10	34	28	69	51	115
Through	1000+	100	167	104	185	150	241
Through/Right	1000+	64	129	77	157	127	217
Westbound – Old Forest Road							
Left	100	43	85	46	92	80	135
Through	250	82	155	103	194	146	250
Through/Right	250	47	108	66	143	108	197
Northbound – Forest Brook Road							
Left	150	26	55	21	52	32	64
Through/Right	100	36	74	41	75	52	101
Southbound – Ardmore Drive							
Left	50	47	85	76	124	83	133
Through/Right	~500	51	92	60	123	93	177



Lakeside Drive

Table 12 presents a summary of the simulated queue lengths at the signalized intersection of Lakeside Drive and Forest Brook Road. Average queues at this intersection for the majority of the movements remain largely similar to existing 2019 conditions in the AM and Midday peak hours. Queues along westbound Lakeside Drive for through movements increase significantly, reaching nearly 1000-feet in the PM peak period. It is in the PM peak period, when the capacity analysis shows the intersection operations failing, average queues at southbound Forest Brook Road exceed their storage capacities.

Table 12 Lakeside Drive at Forest Brook Road/Business Entrance 2040 No Build Conditions Queuing Analysis (SimTraffic) Queue Length in Feet							
Movement	Storage Length	AM Average	AM 95%	Midday Average	Midday 95%	PM Average	PM 95%
Eastbound – Lakeside Drive							
Left	175	43	105	75	146	134	226
Through/Right	175	129	245	110	210	183	291
Westbound – Lakeside Drive							
Left	1000+	-	-	5	38	9	55
Through	1000+	111	231	395	768	889	923
Right	125	28	88	90	190	87	192
Northbound – Business Entrance							
Left/Through/Right	30	-	-	8	31	8	30
Southbound – Forest Brook Road							
Left	50	34	69	58	86	67	94
Through/Right	~750	56	99	77	147	241	412

Discussion of Improvement Alternatives

In order to maintain capacity and improve safety along Forest Brook Road so it can continue to service the current and future traffic volumes of the road, various corridor and intersection improvement alternatives were examined. Corridor level improvements focused on cross-sectional and multimodal improvements, while intersection level improvements focused on geometric improvements to address operations and safety.

Corridor Improvements

Rather than capacity improvements, safety improvements make up the major needs for the corridor. The existing Forest Brook Road corridor is narrow, laden with steep vertical and sharp horizontal curvature. There are presently trees and utility poles within the clear zone where overgrown vegetation limits sight distances. The natural topography of the corridor limits sight distance as well.

Even with these inherent detriments to safety, high speeds are still present along the corridor. So rather than entirely eliminating the geometric features that warrant slower speeds by costly measures such as realigning or flattening curves, the following corridor improvements are recommended:

Trimming Overgrown Vegetation

Overgrown vegetation throughout the corridor creates limited sight distance issues as previously discussed but also, as seen in **Figure 11**, obscures horizontal alignment warning signs. Short term recommendations would be to trim all overgrown vegetation within right of way and, where possible, also remove trees within the clear zone in the right of way. However, the latter is a more costly improvement.

Lane and Shoulder Improvements

With lanes too narrow to stripe edge of pavement lines, no rumble strips nor stripes, and no shoulders present throughout the corridor, edge drop offs and vehicles crossing over centerlines are prevalent. **Figure 12** and **Figure 13** show examples of typical sections along the corridor where vehicles recurrently run off the road or over centerlines. In some locations temporary solutions have been to backfill drop offs with gravel but the longer-term recommendations would be to install paved shoulders through “Trench Widening”. If wide enough shoulders can be paved within right of way, rumble strips could be installed to warn drivers when they are departing the roadway. However, they should not be installed adjacent to residences due to noise concerns. Bikes may also utilize this shoulder area and be removed from vehicular traffic. Pedestrian accommodations should also be considered with shoulder improvements or this could encourage more pedestrian traffic on the roadway. In widening the roadway cross section with the addition of shoulders, this would mitigate vehicles running over the centerline or off the edge of pavement by allowing an area for oversized vehicles to travel. Additionally, the installation of centerline rumble stripes should be considered.



Figure 11 Sign Obscured by Trees



Figure 13 Location of Recurrent Overtaking of Road



Figure 12 Gravel Fill for Recurrent Overtaking of Road



Figure 14 Pedestrian on southbound Forest Brook Rd walking uphill towards Holmes Circle



Pedestrian Accommodations

Many comments from the public meeting noted that while this corridor was not a bike and pedestrian friendly facility, pedestrian activity was common in the corridor with several people reporting near miss incidents throughout the corridor. **Figure 14** shows one such example observed during a field visit. Corridor improvements would be incomplete without recommending a pedestrian facility along all of Forest Brook Road by extending the existing sidewalk terminating at Belle Terre Drive south through to Lakeside Drive.

Typical Section Alternatives

The existing corridor has approximately 40-feet of right-of-way per City GIS records. Based on information compiled and presented in this study and with a goal of limiting as much as possible the impacts to private property, two corridor typical section alternatives were developed. Given the nature of the corridor and that no capacity improvements were proposed, the existing two-lane alignment is maintained in both alternatives.

Alternative 1 maintains a roadside ditch typical section, but implements shoulder widening/ installation as its main feature. The alternative consists of 11-foot lanes, 4-foot paved shoulders, 4-foot graded shoulders, and a 5-foot wide sidewalk on the east side Forest Brook Road. This shoulder typical section can be found in **Figure 15**. Maintaining the original alignment and installing 11-foot lanes deters vehicle speeds from increasing, while a paved shoulder would allow for ample width for large vehicles to accommodate the curves without over running the centerline or pavement edge. This would also create a buffer between motorized and bicyclist traffic. A sidewalk along the east would connect existing pedestrian facilities on the north end of the corridor. Based on these element layouts, the typical section width would be 46-feet, which would require some right of way acquisition. A typical snapshot of this layout is shown in **Figure 17**.

Alternative 2 would continue the existing curb and gutter typical section on the north end of the corridor throughout, including enclosed drainage facilities to minimize the need for right of way acquisition and limit impacts to privately owned parcels. This alternative consists of 11-foot lanes, 6-inch curb with a 2-foot gutter pan, 4-foot green space, and a 5-foot wide sidewalk on the east side Forest Brook Road. This curb and gutter typical section can be found in **Figure 16**. Similar to the first alternative, the improvement would stay on existing alignment and would deter excessive vehicle speeds. However, in this alternative, the sub-standard horizontal curve approximately 750-feet north of Lakeside Drive (across to the mobile home park) would need to be improved to better accommodate large vehicles and help to alleviate centerline or pavement edge overrunning. Like Alternative 1, a sidewalk would connect existing pedestrian facilities to the north through to Lakeside Drive. Bicycle traffic would have the choice to remain on-road; however, to limit right-of-way acquisition pavement widening to accommodate bicycle traffic is not proposed. Based on these element layouts, the typical section width would be 39-feet, where little if any right of way acquisitions would be expected. A typical snapshot of this layout is shown in **Figure 18**.

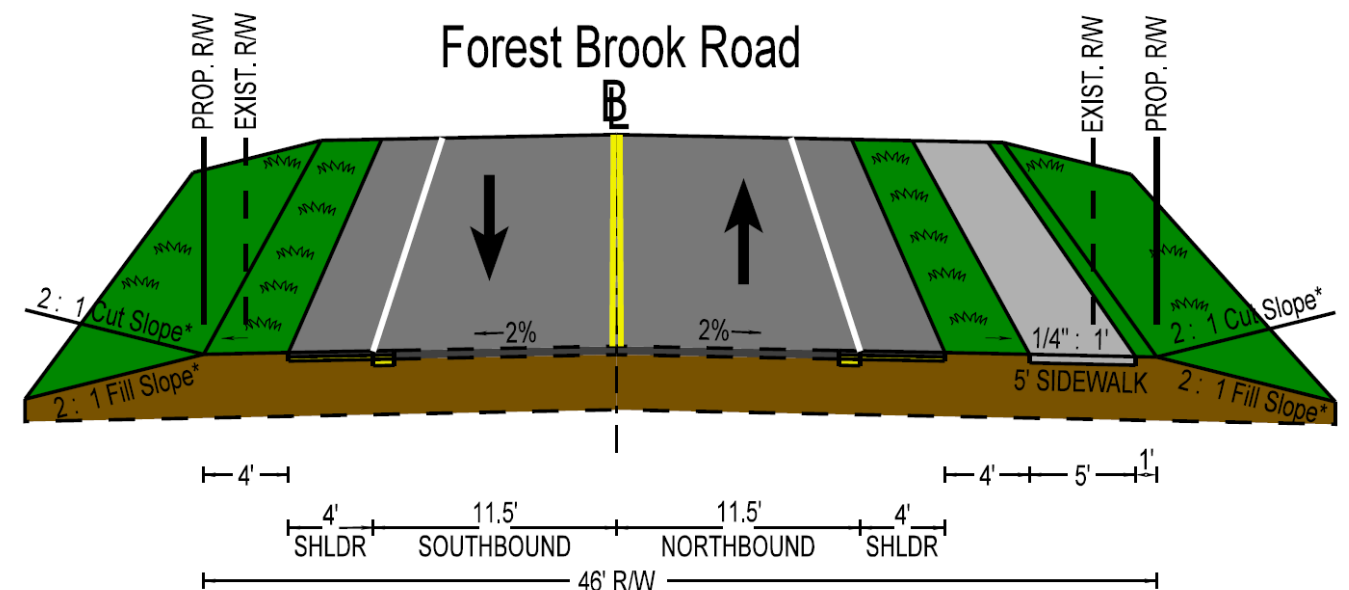


Figure 15 Alternative 1 Typical Section

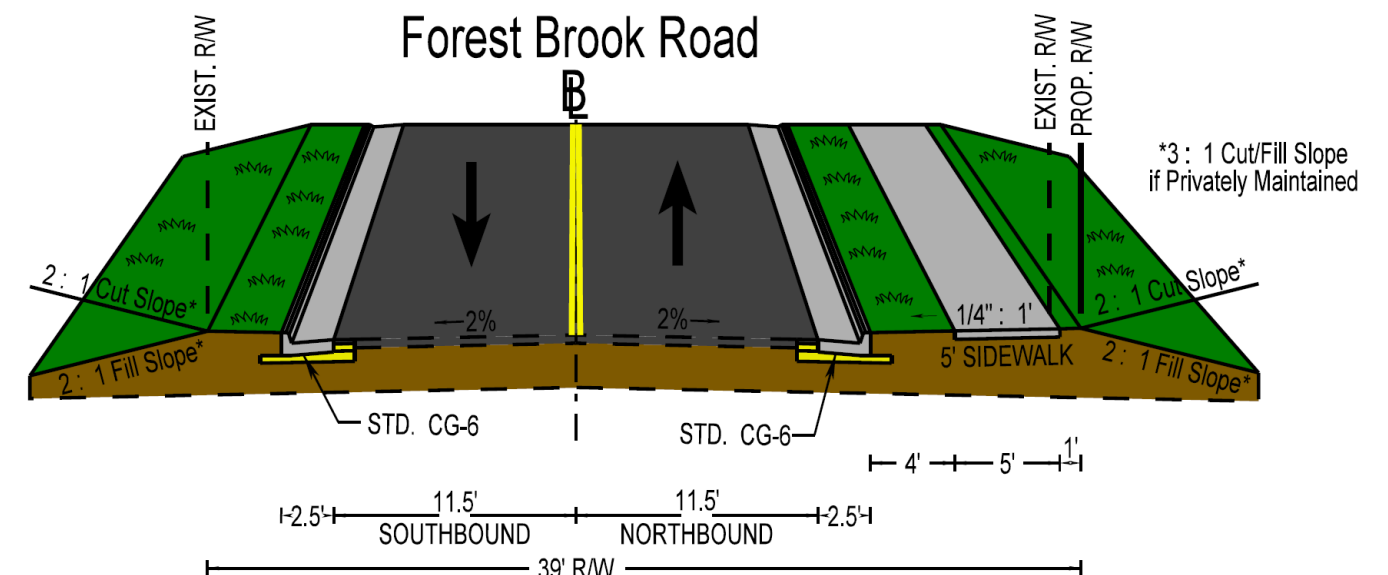


Figure 16 Alternative 2 Typical Section



Figure 17 Alternative 1 Corridor Snapshot

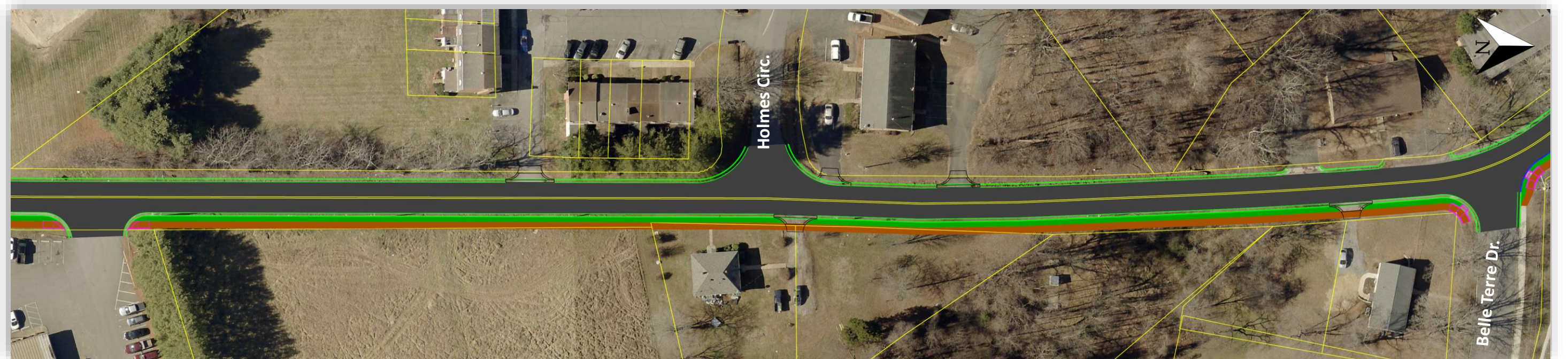


Figure 18 Alternative 2 Corridor Snapshot



Alternative 2 Curve Re-alignment

The existing horizontal curve approximately 750-feet north of Lakeside Drive, across from the mobile home park (Monroe Drive), is sub-standard and does not meet American Association of State Highway and Transportation Officials (AASHTO) design criteria for the posted roadway speed limit of 30 mph. Curve warning signs are posted in both directions prior to entering the curve, however only the northbound direction had the supplementary speed plaque of 20 mph.

As a result of this existing configuration, vehicles maneuvering through this area at or near the posted speed limit, and ignoring the curve warning signs, are overrunning the roadway centerline and/ or overrunning the roadway pavement edge. Even without excessive speed, large vehicles (including dump trucks servicing the concrete plant located within the corridor, Finly Corporation) were observed having difficulty maintaining their lane through this area. It is recommended that any improvements to this corridor include the alteration of the roadway alignment in this area to aid in the reduction of the roadway lane departures and to aid in meeting driver expectations.

As part of the recommended corridor improvement Alternative 2, reconfiguration of this curve would be required and should be instituted as part of the application of the proposed typical section. It is recommended that a revised alignment be designed to accommodate a 30 mph design speed using AASHTO Urban Low Speed design criteria. As shown in **Figure 19**, the curve realignment that meets this criteria does expand past the current right of way (shown in the figure as blue linework).

Typical Section Alternatives Comparison

When comparing the two proposed alternatives, it is important to identify key information that can help in the evaluation and determination of a preferred alternative. Key elements were derived by the project team based on the unique characteristics of the study corridor and are summarized in **Table 13**.

Table 13 - Alternative Comparisons

Key Information	Alternative 1- Shoulder Section	Alternative 2- Curb & Gutter Section
Private Utility Impacts	Significant	Minor
Impacts to Right-of-Way	Significant	Minor
Wetland Impacts	Minor	Minor
Improvement to Overall Safety	Moderate	Significant
Drainage Design Challenges	Moderate	Moderate
Pedestrian Accommodations	Yes	Yes
Bicycle Accommodations	Yes	No
Public Utility Impacts	Minor	Moderate
Project Construction Duration	18 – 24 Months	12 – 18 Months



Figure 19 Curve Re-alignment



Intersection Improvements

Similar to corridor improvements, no substantial capacity improvements are anticipated to be needed at the intersections along the Forest Brook Road corridor. Rather, geometric and safety improvements have been identified as candidate projects to enhance this corridor. Any improvements to operations at the signalized intersections on either end of the study corridor would require improvements along the intersecting roads, requiring modifications outside the limits of the study corridor.

At the intersection of Old Forest Road and Forest Brook Road, no capacity nor major safety improvements are recommended as this intersection operates at an acceptable LOS in the future No Build condition. Pedestrian accommodations are also already present at this intersection. The only recommended improvement at this intersection would be to upgrade the existing curb ramp at the southwest corner, which currently does not have a detectable warning surface, to be Americans with Disability Act (ADA) compliant.

At the intersection of Belle Terre Drive and Forest Brook Road, to improve safety regarding sight distance, trees need to be trimmed (and continually maintained in this condition) on the northeast corner of the intersection. Additionally, to better accommodate pedestrians, the curb ramp on the northeast corner should be upgraded to be ADA compliant. The “curve ahead” warning sign upstream of Belle Terre Drive from both directions along Forest Brook Road (northbound shown in **Figure 20**) should be replaced with a combination curve/side road sign, MUTCD standard W1-10 as shown in **Figure 21**, to bring attention to drivers of the upcoming intersection located within the curve.

At the intersection of Holmes Circle and Forest Brook Road, trees need to be trimmed (and continually maintained in this condition) on the southwest corner to improve sight distance. This was observed during field visits and discussed during the Public Information Workshop by residents.

At the entrance of Finly Corporation and Cavalier Steel, entrance radii should be increased to serve larger vehicles. Guardrail installations present at this intersection would also need to be redesigned and replaced to meet current standards. Further investigation into stormwater management solutions in relation to the culvert at this intersection should be conducted as part of any future project as recurring ponding at the Cavalier Steel entrance was reported during coordination with residents and property owners.

At the intersection of Lakeside Drive (US Rte. 221), the northeast curb radius should be increased and the Forest Brook Road receiving lane widened so that the truck paths making a westbound right turn onto Forest Brook Road do not either have to overrun centerlines or run onto the sidewalk/ curb. See **Figure 22** for evidence of traffic leaving the roadway.



Figure 20 Curve Ahead warning Sign



Figure 21 Combination Curve Side Road signs



Figure 22 Northeast Corner of Lakeside Drive



Environmental Impacts of Improvement Alternatives

An evaluation of existing environmental and cultural resources identified very few possible impediments. The most significant one being a stream crossing about 500-feet south of the railroad crossing. There were no cultural resources along the corridor that could be impacted by improvements to Forest Brook Road. No significant environmental impacts are expected from any of the proposed alternatives, however further environmental investigation including wetland delineation will need to be completed along the corridor during the initial phases of preliminary engineering design.

Corridor Typical Section Alternative Cost Estimates

Cost estimates were prepared for the two corridor alternatives using historical construction cost data average with lane mile reconstruction costs. The costs identified in **Table 14** and **Table 15** below only include construction costs and preliminary engineering design, right-of-way acquisitions and construction administration as a percentage of construction costs. The costs are estimated in 2020 dollars.

Table 14 - Alternative 1 Typical Section Cost Estimate

Construction (including 20% Contingency)	\$	3,512,727
Preliminary Engineering, Right-of-Way, Construction Administration (32% Construction)	\$	1,124,073
Total	\$	4,636,800

Table 15 - Alternative 2 Typical Section Cost Estimate

Construction (including 20% Contingency)	\$	5,149,091
Preliminary Engineering, Right-of-Way, Construction Administration (32% Construction)	\$	1,647,709
Total	\$	6,796,800

Potential Funding and Grant Opportunities

One of the goals of this study is to identify projects that can be prioritized so that funding and implementation strategies can be pursued accordingly. Having identified some recommended improvements in the previous sections, the following are potential funding and grant opportunities available:

- **SMART SCALE Funding** Full project funding can be requested through SMART SCALE but if the locality has other funding contributions shown in the application, likelihood of receiving funding increases.
- **Revenue Sharing Program** Through this program locality funds are matched dollar-for-dollar with state funds.
- **Transportation Alternatives Set Aside Program** The pedestrian and vegetation management components of improvement alternatives make this program a potential funding source. Through this program, there is the potential for 80/20 (state/locality) cost share.
- **Highway Safety Improvement Program (HSIP)** This funding source could potentially be used for the turn lane extensions if there is a record of accidents. However, given the low record of documented crashes, this funding source may be difficult to attain.
- **HSIP Bike and Pedestrian Safety** A case could be made to apply for this type of funding for use of a sidewalk. However, given the low record of documented crashes, this funding source may be difficult to attain as well.
- **Safe Routes To Schools** A case could be made to apply for this type of funding for use of a sidewalk if it can be proven that it is a route to a nearby school or serves a residential community.



Conclusions and Recommendations

Summary and Conclusions

The Central Virginia Planning District Commission (CVPDC) and Central Virginia Metropolitan Planning Organization (CVMPO) in partnership with the City of Lynchburg and the Virginia Department of Transportation (VDOT) have engaged Clark Nexsen to develop the Forest Brook Road Corridor Study.

The goal of this corridor study is to provide the MPO and the local government with a detailed planning level assessment of the options for future roadway needs that will enhance safety while accommodating future capacity.

The most recent Long-Range Transportation Plan does not include any recommendations along Forest Brook Road. The corridor was studied to identify safety and operational characteristics to determine any existing or future concerns at a 2040 planning year.

Existing Conditions

The Forest Brook Road corridor is characterized by its varied land uses, road users, limited clear zone, and horizontal and vertical curvature. Known issues along the corridor include bicycle and pedestrian safety, sight distances, roadway geometry, access management and increasing traffic volumes. Additionally, the City of Lynchburg has raised concerns with existing drainage patterns along the corridor, and the current serviceability of existing guardrail installations.

Existing LOS and queues show the corridor and intersections operate at acceptable levels of service. Speed data quantifies the perceived speeding concerns. Crash data amplified by field visits expose safety concerns of the narrow winding corridor.

Environmental Resources

In an overview of environmental databases to help determine any known resources in the vicinity of the Forest Brook Road corridor study area that may be impacted by proposed roadway improvement alternatives, it does not appear that any known environmental resources would disqualify any proposed improvements. The presence of a stream (riverine wetlands) crossing approximately 500-feet south of the railroad crossing within the project corridor was identified in this overview. Further evaluations, studies, and consultation with regulatory agencies may be required to evaluate for project impacts to environmental resources, once the project progresses to the preliminary design phase.

Year 2040 Forecasted Conditions

Traffic volume projections for 2040 were derived by using a traffic growth rate of 1.5% based on VDOT SPS data. 2040 No Build conditions show both signalized intersections operating at adequate levels of service for all peak hours, except for when the Lakeside Drive intersection fails in the PM peak hour. In order to improve operations at this intersection, improvements along the Lakeside Drive corridor would be warranted.

Analysis of Improvement Alternatives

A range of alternatives were developed to help address deficiencies identified within the study corridor. These recommended improvements included recommendations for enhanced safety, enhanced driver expectation, facility performance, bicycle and pedestrian facilities, etc. The project team then considered all possible alternatives with respect to existing right-of-way constraints, existing zoning, potential development, and value provided compared to cost (i.e. was it reasonable and feasible). Discussions and proposals for improvements also focused on feedback provided at the Public Information Workshop. Based on these elements, the team selected the components of the preferred alternatives as detailed under the improvement alternatives section of this study.

Environmental Impacts

An evaluation of existing environmental and cultural resources identified very few possible impediments. The most significant one being a stream crossing about 500-feet south of the railroad crossing. There were no cultural resources along the corridor that could be impacted by improvements to Forest Brook Road. No significant environmental impacts are expected from any of the proposed alternatives, however further environmental investigation including wetland delineation will need to be completed along the corridor during the initial phases of preliminary engineering design to ensure wetlands and waterways are properly mitigated.

Public Involvement

The public involvement process conducted as a part of this study involved one Public Information Workshop which took place at Lynchburg Collision on Forest Brook Road on Wednesday, May 29, 2019 from 4:30-7:00 PM. At the open-house style workshop, participants were given the opportunity to share their insights of the corridor as residents, commuters, and other local stakeholders. The public was in general agreement of the issues that needed to be addressed.



Recommendations

Based on the corridor analysis and input from public involvement process, the following improvements are recommended for the Forest Brook Road Corridor:

Short Term

1. Trimming of and continual maintenance of existing overgrown vegetation, especially at intersection sight triangles and when vegetation obscures signage.
2. Upgrade guardrail throughout the corridor to meet current Virginia Department of Transportation Standards and make all signage improvements throughout the corridor consistent with MUTCD guidelines.

Long Term

3. Install the Corridor Typical Section- Alternative 2 (as shown in **Figure 16 and Figure 18**) along the Forest Brook Road corridor. This preferred typical section includes improvements through sidewalk installation with curb and gutter as well as an enclosed drainage system and would require removing trees and relocating utility poles from clear zones. Explore widening industrial entrances.
4. In conjunction with the preferred typical section implementation, implement the following intersection improvements:
 - a. Improve intersection radius at the Lakeside Drive and Forest Brook Road intersection
 - b. Lengthen left turn lane storage capacity along Forest Brook Road approaches at both signalized intersections
 - c. Upgrade pedestrian accommodations at intersections to meet ADA requirements
5. In conjunction with the preferred typical section implementation, improve the horizontal curvature of the roadway alignment approximately 750-feet north of Lakeside Drive, across from the mobile home park (Monroe Drive).
6. In conjunction with the preferred typical section implementation, ensure the appropriate sight distance is maintained for the private entrance approximately 600 feet south of Cavalier Steel.
7. Update study forecasts if the large commercial properties located within the study area were to have a change in land use to accommodate an increase in dwelling units.

Forest Brook Road Corridor Study Comprehensive Plan February 26, 2020

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