

AGENDA

City Council Meeting of April 14, 2020

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

- #1. Continue Review of FY 2021 Proposed Operating Budget (Schools) and FY2021-2025 Capital Improvement Plan
- #2. Update on City Actions regarding COVID-19
- #3. Roll Call

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

COUNCILMEMBER NELSON WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

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

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

* **PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

CONSENT AGENDA

- #4-#5. Consideration of approving the minutes of the March 10 and March 24, 2020 meetings.
- #6. Consideration of approving the minutes of the March 17, 2020 minutes (separate vote due to a Councilmember needing to abstain)

PUBLIC HEARINGS

- #7. Public hearing 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.
(File: Community Development) #R-20-026
- #8. Public hearing 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.
(File: Community Development) #R-20-027
- #9. 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
(File: Budget) #R-20-029

GENERAL BUSINESS

- #10. Consideration of introducing a resolution to amend the FY 2020 General Fund budget and appropriate \$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.
(File: Budget) #R-20-028
- #11. Discussion regarding how to conduct Council meetings during COVID-19 emergency
(File: City Council)
- #12. 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.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of March, 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, the City Manager presented Council with the FY21 operating budget and the FY21 – 25 Capital Improvement Program overview. The total operating budget is \$370.1 million, which is a decrease of \$46.6 million or 11.2% compared to FY2020. This is mainly due to reduced federal and state funding for capital projects and the bond funding that was included in FY2020 offset by a significant investment in the City’s human capital.

This budget proposal was built on the following priorities as presented at City Council’s Budget Work Session on February 11, 2020: Comply with City Council Adopted Financial Policies; implement Phase II of the Citywide Salary Study; provide a general wage increase for employees meeting and exceeding performance expectations; fund contractual and maintenance commitments; address funding associate with the reengineering of the City’s trash/bulk/brush collection; address increasing health insurance costs; maintain training and professional development at least flat with FY2020 and avoid a tax increase.

The Lynchburg Plan is incorporated into the budget and includes the priorities and collaboratives. Ms. Svrcek explained that for budget development, staff used the National Citizen Survey which contained 133 items for which comparisons were available. 115 items were rated similarly in 2017 and 2019. Nine items showed a decrease in ratings and nine showed an increase in ratings. The Balancing Act exercise will be available starting tomorrow via mobile, tablet and desktop devices. This budget has been labeled by some as a maintenance budget. She would agree with that and has labeled it a plain vanilla budget.

Budget instructions to departments were to submit a budget with non-personnel expenditures equal to or less than funds appropriated in FY2020. They were to submit separately any items that were necessary for operations in FY2021 but did not fit within the instructions to submit expenditures equal to or less than funds appropriated in FY2020; consequences of not funding these items were also requested. Lynchburg City Schools was requested to submit a budget equal to or less than Amended FY2020.

The budget maintains current services with no tax increase for services in the General Fund; however, an increase in fees for trash collection is proposed. Schools operating expenditure request of \$42.0 million is proposed to be reduced by \$1.5 million (\$40.5) due to declining Average Daily Membership, increased state revenues and a trend of increasing year-end fund balance. Total General Fund Non-dedicated and Dedicated revenues for FY2021 are projected to be \$194.1 million, an increase of approximately \$3.4 million or just under two percent (1.8%) compared to the Adopted FY2020 Budget to support ongoing operating expenditures. The General Fund Operating Budget, including Schools, is proposed to be funded with ongoing revenues except for \$319,957 of the GLTC funding.

Total proposed expenditures, reserves and transfers are \$200.5 million or an increase of \$5.9 million or 3.0% over current year. The majority of this increase is for rising health insurance costs. Phase II implementation of the

Citywide Salary Study, a 3 percent general wage increase and an increase in Virginia Retirement System (VRS) costs.

Ms. Svrcek covered some of the highlights of major items proposed for funding in FY2021 and also highlighted a list of items that were not funded and are recommended for Council's consideration.

The budget includes maintaining an unassigned general fund balance equal to a minimum of ten percent of General Fund revenues with a goal of 15 percent as the City strives to grow incrementally each year subject to revenues available. The proposed budget provides for 10.9% fund balance or an addition to the Unassigned Fund Balance of \$1.06 million over FY2020; this represents a one-half percent increase from FY 2020.

She explained that since FY2001, the City has applied a portion of undesignated fund balance above ten percent (10%) of General Fund Revenues to pay-as-you-go capital construction for smaller projects. The FY2021-2025 Proposed Capital Improvement Program continues this practice. In FY2021, the pay-as-you-go funding from undesignated fund balance is \$4.0 million, compared with \$2.3 million in FY2020.

The Airport Fund proposes total expenditures of \$2.8 million. It is its sixth year with a surplus. The projected surplus for this year is \$162,300.

There is no rate or service charge increase proposed. There are decreased sales from non-contract customers. It recognizes end of IRS interest subsidy payments and decreased debt service payments of \$300,000. The sewer fund proposes a two percent increase in sewer volume rate, reflects revenue reduction associated with one-time CCUSA payment of \$570,000 in FY2020 and includes a \$500,000 increase in operational expenses, \$200,000 increase in debt service and \$500,000 decrease in transfers to capital.

In the stormwater fund, there is no change in the monthly stormwater management fee. It complies with City Council's fund balance policy. It maintains compliance with the City's Municipal Separate Storm Sewer System permit. There is \$500,000 in capital investment proposed and it includes one new full time employee, an Environmental Compliance Inspector, which is needed to continue to comply with the stormwater permit and meet growing stormwater needs.

Revenue projections will be updated April 1. Council will meet every Tuesday in March and April to review and deliberate over this proposal. The Budget public hearing, including comments on the proposed increases to the refuse collection fees, will be held March 31 at 7:00 p.m. The public hearing on sewer rate increases will be held March 31 following the budget public hearing.

Councilmember Perrow asked if this is a balanced budget because revenues are lower than expenditures. She said they used some reserve money to fund capital. He asked if with the exception of GLTC we are consistently paying ongoing expenditures with ongoing revenues. Ms. Donna Witt indicated that is correct.

Ms. Svrcek presented an overview of the City Manager/Council Office budget. Councilmember Helgeson said he was not familiar with the Chief Talent Development Officer position and the Youth Futures Coordinator. Ms. Svrcek explained those employees were transferred to her budget from other departments. Councilmember Helgeson would like this added to "the list."

Mr. Jeff Bandy presented an overview of the Assessor's budget. Mayor Tweedy asked him to explain the consultant expense. He said this is for a consultant for the assessment valuation system to make sure it gets up and

running smoothly. In response to a question from Vice Mayor Dolan, he said he felt it was essential. In response to a question from Councilmember Helgeson, he said the other money in contractual services is for a copier and other annual renewal fees that have to be paid as part of the CAMA system.

Councilmember Nelson asked why he is projecting the assessment to sale value ratio declining by seven percent in 2020. Mr. Bandy said that is because it is not a revaluation year. So the market is moving but we are still sitting still with assessments. The market really took off after the last reassessment and that kind of left us in a bad spot. Councilmember Nelson pointed out that we are in the trough right now but as long as things remain good in the economy, they should be in good shape when it is time for revaluation again.

Councilmember Helgeson asked if they had had many appeals. Mr. Bandy said you only have appeal rights when we change the value and the last time it was changed was July 1 of 2019. No one has really complained because we are well under the market.

Councilmember Perrow noted that the salary increases seem to be spread across the whole budget. Ms. Svrcek said that is the impact of current salary adjustments. In non-departmental, you will see a line item for the Phase II wage increase and the Phase II adjustments. Ms. Witt explained we always budget in non-departmental and then once the budget is adopted, then we spread that from non-departmental to the individual departments.

Mr. Walter Erwin gave an overview of the City Attorney's budget. Councilmember Perrow asked him if he is projecting enough for personnel service for the future needs of his office. He indicated that the position of Deputy City Attorney has been filled and they can cover that within their budget.

Mr. Erwin also gave an overview of the Risk Management budget. Councilmember Helgeson asked where the reserve fund for insurance is shown. Ms. Witt said that is listed in Other Funds and Ms. Svrcek indicated it is on page 355.

Mr. Mitch Nuckles gave an overview of the Commissioner of the Revenue's budget. Councilmember Perrow asked if they have been able to get they need to manage the revenues from short-term rentals. Mr. Nuckles said they have been trying to get the voluntary collection agreement but have hit a roadblock in their dealings with Airbnb. Mr. Nuckles said there is nothing pending at the General Assembly so there is nothing to make them want to do the voluntary collection agreement.

Ms. Donna Witt gave an overview of the Financial Services' budget. Councilmember Helgeson noted the big increase in the cost of mailing. Ms. Witt explained that she had been using some money that was left on a purchase order. The increase was really only from \$345,000 to \$371,000. Councilmember Helgeson asked her if she had anything she wanted share as far as the goals and objectives. She is ecstatic that with a group effort from her staff and the leadership team they were able to keep our ratings up. She is grateful for Council's support as well. The rating agencies were very complimentary of the City and she is very proud of the ratings.

Mr. James Lowe gave an overview of the Human Resources budget. Councilmember Wright asked if they are struggling to recruit employees. Mr. Lowe said it is a challenge and it is a different time than what have seen for many years. They have had to make adjustments and give concessions. Councilmember Wright asked if this budget gives him enough bandwidth to be able to recruit effectively. The software he is requesting will help them be able to recruit more effectively. It will not only help with the onboarding process but he thinks it will give a different,

more modern image to the City as an employer. An employee will be able to do many forms and start training on line on a secure platform.

Councilmember Perrow thinks they should not be printing the employee manual. Everyone should be able to access a PDF. He asked about Healthworks and was told that it is a service within Nationwide Drive. They serve us in a multiple of ways such as workers compensation claims and occupational health needs and they see patients with minor conditions. The reason for the increase is that they have been going over and they have been making up for it internally. Councilmember Perrow asked him if he thinks it adds value at that amount and Mr. Lowe indicated that he thinks it does. Councilmember Perrow asked him if he thinks Neogov is the best software. Mr. Lowe said they favor it because it will be integrated with the other modules they have and have been with Neogov for our recruitment program for many years and are very satisfied.

Mr. Terry Hutchens gave an overview of Information Technology's budget. He also had a "wish list" of items he would like if there are any funds available. Mr. Hutchens told Councilmember Wright they did not submit the list because they thought that timing wise it would be nice to do it this year but did not ask for it with the guidelines they were given. He will put it in writing and give it to them next week.

Councilmember Perrow asked with regard to the GIS flyover if the state does not supply a lot of that data. Mr. Hutchens said they provide some of it and the cost is shared between IT and other departments. Councilmember Nelson commended him and his staff for their work. He noted that in the assessment it says that having network availability during normal general government business hours, they can do that 99.95 percent of the time and their goal is the same. He asked what happens during that other time and what causes it to go down. Mr. Hutchens said that is a good question and this time only accounts for a few minutes a month. They do not have generators at some of the school sites and that is when the network can go down for a little bit. That is not something they have control over and Schools is responsible for its own reliability.

Ms. Christine Gibbons gave an overview of her department's budget for the Registrar and Electoral Board. Councilmember Perrow would like the \$2,600 for voter booths added to the list. Councilmember Wright said he is having a hard time seeing where the decrease is for her to be able to absorb these additional costs. Councilmember Perrow noted that she submitted her budget and then the City Manager upped it. Councilmember Wright said they did not receive the supplement and Ms. Svrcek said she will get that to them. In response to a question from Councilmember Helgeson, Ms. Gibbons said part of her salary is in there but it also includes the stipends for the electoral board. The State increased that by six percent. Councilmember Helgeson asked if the revenues from the Commonwealth would be up because they have been flat for about three years. Councilmember Helgeson would like this on the list.

Councilmember Nelson noted that we know that throughout the country and some parts of Virginia, we know that irregularities in voter registration and voting counts have caused some very embarrassing and tragic consequences. We do not want that for Lynchburg when they are only talking about half an employee and some voting booths and laptops. Voter registration is so important because it impacts our circuit court juries. Voting and jury duty are two civic responsibilities that cannot be ignored.

Mr. Robert Bailey gave an overview of the State Treasurer's budget. Council did not have any questions for him. Councilmember Perrow thanked Mr. Bailey for his service.

Mr. Todd Swisher gave an overview of the Judicial Administration budget. Councilmember Perrow asked if the \$36,000 not funded in the manager's letter was from a different department. Ms. Svrcek explained it is the general district court clerk and not the Clerk of Circuit Court.

Ms. Bethany Harrison, the Commonwealth Attorney presented an overview of her budget. Councilmember Nelson asked if the grant that currently funds the in-house investigator is ending. Ms. Harrison said the grant that funded him already ended and they used vacancy savings to pay him through June. She believes this position is vital. Councilmember Nelson would like these two items added to "the list." Councilmember Perrow would like her to email documentation to the City Manager to show that the number of cases they are dealing with has increased. He would like to see the data for the past five years. He mentioned putting some money in the Reserve for Contingencies and it would be there in case the department does not get another grant. Councilmember Helgeson said they have had a policy over the years not to backfill positions that were not funded. She explained that they submitted the grant application but were not awarded it so they are submitting it again. Councilmember Nelson asked Ms. Svrcek if she had heard anything about funding for general district courts clerks. Ms. Svrcek said she had not heard that and would have to look into it.

Sheriff Don Sloan gave Council an overview of the Sheriff's department. Councilmember Perrow thanked him for his service. There were no questions from Councilmembers.

Chief Ryan Zuidema gave an overview of the Police Department budget. He commented that they have done a workload assessment. Councilmember Wright had asked them if they had ever done one. At first glance, his initial estimate of 200 officers was probably low. It includes some administrative personnel as well. They are condensing all that information and will be presenting it to Council at a later date. In response to a question from Councilmember Wilder, Chief Zuidema indicated that the \$523,000 is for five new officers and all their equipment. In response to another question from Councilmember Wilder about being able to fill current positions, Chief Zuidema said they are really ramping up their recruitment efforts and they are tracking in the right direction.

Vice Mayor Dolan asked him how many vacancies they currently have. He said there are ten hard vacancies and adding in everything else such as the academy and those on sick or injury leave, it is 38 or 39. Councilmember Wilder asked for the funding for the five new positions to be added to "the list."

Councilmember Helgeson thinks that if the officers see that Council is adding new positions that it will help morale. He appreciates that Chief Zuidema has a meritorious system for pay increases and not simply a step system. Councilmember Helgeson would also like to see the additional advertising and it does not have to be billboards put on "the list."

Councilmember Perrow asked if they have the Gray Key software and was told they do not. He could get him data on how many times the software might have helped them last year. Anecdotally, there are very few cases that do not involve digital technology. He would also like the \$11,685 for the backup to be added to "the list."

Councilmember Nelson would like to see the cost of the cars outside of the five officers when he brings that back for discussion. Councilmember Nelson asked if there was any feasibility in getting Lynchburg and the four

surrounding counties together to split the cost of the Gray Key software. They could explore that but often the counties rely on state police to do their evaluations. They do not use the state police because there can be a six to nine month turnaround on getting equipment back. We can prioritize our own work and do a lot of it in house.

Vice Mayor Dolan asked what it meant to eliminate the wildlife management program. This was a program to cull deer. They are not able to quantify the benefit of the program.

Mayor Tweedy would like to see the financial cost of turnover. Chief Zuidema said he can include that in the workload assessment. Mayor Tweedy asked him if the decrease in violent crimes could be attributed to work being by other departments and other programs in the City. Chief Zuidema said there is absolutely no question. They partner with about 44 different organizations and partners. It is absolutely a community effort. Mayor Tweedy would also like to see the crime broken down by youth crime versus adult crime. He said that could be done.

// In the matter of Roll Call, Councilmember Nelson mentioned the commissioning of the new Fire Engine #3 and the decommissioning of the old one. It was a good gathering and a significant event. Councilmember Perrow has heard that business receipts for some downtown businesses could be down by as much as 30 percent. He would like to see a shift toward driving business downtown. Ms. Svrcek said that should be an effort for the Downtown Lynchburg Association and not Cella Molnar. Councilmember Helgeson noted that Liberty University won the ASUN basketball conference and then hosted the teams. It was very exciting and they went out with a bang. Councilmember Wright mentioned the breakfast with the superintendent this morning. He also participated in the Mayor's Youth Council Lighten Up Lynchburg 5K. He thanked the students and staff for helping put this together. He also attended the opening of the Sheffield Elementary Gym. He commended everyone for their efforts with it. It looks great. Councilmember Wilder attended the Daniels Hill Historic District meeting last month and they still have some concerns about the new development on Cabell Street, as well as the state of the traffic study being done by the City in this area. He also attended a memorial for Katherine Johnson (one of the women from Hidden Figures). Leland Melvin was one of the speakers and he continues to represent the City very well. The girls of Heritage's track and field team won their state championship. Vice Mayor Dolan was a judge at the News & Advance spelling bee, which she enjoyed very much.

Mayor Tweedy thanked everyone including the business sponsors that helped with the Mayor's Youth Council Lighten Up Lynchburg 5K run.

// The meeting was recessed at 6:25 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
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// Vice Mayor Dolan gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor recognized this month as Makers Month with a proclamation. Ms. Elise Spontarelli from Vector Space commented that they have a social media campaign this month and the LYH Makers Week starts March 22. There will be a Maker Fair at Randolph College on March 29. She expressed appreciation for the support that Lynchburg has for its makers.

// In the matter of Recognitions, the Mayor recognized this month as Child Abuse Prevention Month. Ms. Jessica Arrington from Patrick Henry Family Services spoke and said the community cannot do it alone. It is going to take everyone and support is tremendous. All the events taking place in April will be on the website mentioned in the proclamation.

// In the matter of Recognitions, the Mayor recognized Ms. Eliana Wang from the Mayor's Youth Council in attendance at tonight's meeting.

// Copies of the minutes of the February 11, 2020 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Helgeson, by the following recorded vote approved the minutes as presented:

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

// In the matter of Community Development, Renaming of Tunnel Court and naming of Tunnel Court and City View Way on the campus of Liberty University, Ms. Victoria Glasgow gave Council a summary of the request. Councilmember Helgeson noted that he teaches at Liberty University and clarified with the City Attorney that he does not have a conflict of interest in voting on this petition. Councilmember Perrow noted this was reviewed by the Physical Development Committee and was recommended for approval. He made that motion on behalf of the committee and it passed by the following vote:

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

// In the matter of City Council, Council considered adopting a resolution approving the naming of City Stadium (baseball stadium portion) to Bank of the James Stadium. Ms. Svrcek explained that Council approved a franchise agreement between Lynchburg Baseball Corporation and the City on February 23, 2016 for the lease of City Stadium Calvin Falwell Field. This agreement included a section for naming rights of the stadium. The City and the team may enter into an agreement to sell the naming rights to the baseball stadium portion subject to approval of City Council. The City and the team will share equally in any revenue resulting from the sale of such naming rights and the City's portion of that revenue will be placed in the repair, replacement and maintenance fund. Lynchburg Baseball Corporation and the Bank of the James have negotiated a sponsorship agreement with two items of note. The Bank of the James will have naming rights to the stadium entrance calling it "Bank of the James Stadium" and the sponsorship fee under the terms of the agreement is for year one beginning April 15, 2020 (\$50,000); years two through six (an additional \$50,000). The first year is separated because the cost of the sign will be share equally between the club and the City from that revenue.

Councilmember Perrow noted he is a stockholder of the Bank of the James, which is a large group. It is his understanding that he may vote on this petition. In addition, he serves on the Bank of the James Advisory Board, which does have a paid stipend; however, it is well short of the statutory limit. Having said that, he will say that he is quite biased in this matter and would like to make a motion to approve the resolution.

Councilmember Helgeson thinks it was embarrassing that in 1999 we had someone, Merritt Hutcherson, who was going to do all these things and things never really panned out. He thinks it would be good for Council to table

this and let it marinate until the next meeting. That should be plenty of time before baseball season. Unless there is a problem with that, he mentioned that this is the first that anyone has heard of this. If it is a problem, it should have come to Council a month ago. Ms. Svrcek said she gave them at the first opportunity she had based on information from the Lynchburg Baseball Corporation. She mentioned that Chris Jones from the Lynchburg Hillcats and Kevin Gail and Allen Puckett with the Bank of the James are present to answer any questions. She commented that delaying approval will delay fabrication and installation of the sign in time for opening day. Mr. Jones confirmed that is the case.

Councilmember Helgeson thinks that is kind of putting people in a box. He recognizes the importance and thinks it is a great thing. This is a deliberative body that should not just get things thrown at them and say they have to decide by the end of the day, especially when there was a previous history that was not good. He is not insinuating that the history will be replicated by any means. Mr. Jones said they made sure they vetted it very well.

Ms. Svrcek clarified that when the naming rights were sold 20 years ago to Anne Merritt Hutcherson for a period of 20 years. She suffered bankruptcy and that is why that naming rights avenue did not continue.

Councilmember Nelson seconded Councilmember Perrow's motion. Councilmember Perrow respects Councilmember Helgeson's concern but was greatly excited when he saw this on the agenda last Thursday because this is a homegrown Lynchburg corporation. He is as thrilled as he can be to have a Lynchburg corporation having a naming opportunity on our stadium. It is a source of pride and it is important. He agrees that the Merritt Hutcherson deal was an absolute disaster but he has full faith and credit in the Bank of the James and the vast majority of our Lynchburg corporations would be behind this. He hopes to see other examples like this from other of our corporate leaders. He thanked the Bank of the James and said he is so happy to be able to support this request.

Councilmember Nelson said he remembers when Merritt Hutcherson made the contribution and the terms of it. He does not think she was a resident nor had many, if any, roots in Lynchburg. The Bank of the James has demonstrated outstanding community citizenship. They are fiscally financially solid. The amount of money under this agreement would not be easily compromised based on their standing. He thinks it is exciting and he endorses thoroughly public/private partnerships, especially when the City does not give up anything. The City will gain a partner to help us with our expenses and overhead.

Councilmember Wright disclosed he is a stockholder in the Bank of the James but feels he can be fair and impartial. He noted that Economic Development has talked about anchor institutions and involving large enterprises and in our community in our civic affairs. He thinks Bank of the James is such a partner and thanked them for bringing this to them.

Councilmember Wilder said he is thankful for what Bank of the James has done for the community and noted it has been thriving for over 20 years. He is thankful for their investment in the stadium.

Vice Mayor Dolan said her husband was one of the original founders along with Bob Chapman and Todd Scruggs. She has watched the bank flourish and grow over the years and seen what they have put into the community, so she would support this project.

Mayor Tweedy said she would support this project as she supports the Lynchburg Hillcats and the Bank of the

James as a local community partner.

Councilmember Helgeson said his issue is not with the Hillcats or the bank. He has seen a lot of things that the City has pushed forward that in hindsight was something they should have thought through a little bit more. He is tentative when he sees things that are pushed quickly by the City that he thinks we could have done better. He agrees with Councilmember Perrow that it is a good homegrown bank and an anchor institution. He appreciates those comments.

Vice Mayor Dolan asked Ms. Svrcek if she thinks this decision has been thought through. She said absolutely. She brought it to them as soon as Mr. Jones was able to bring it to her. There is no intention to push anything through. That is never the intention of staff.

The motion passed by the following vote:

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

// In the matter of Public Works, Council discussed Tyreeanna/Pleasant Valley neighborhood trash service fees. Dr. Reid Wodicka reminded them that Council decided on a number of items regarding trash collection at its February 11, 2020 meeting but wanted some more information before deciding on this item. The minutes from 1999 really did not contain any useful information as to what Council's thoughts were and whether the intent was to provide this service for a short period of time or indefinitely. It does look like the decision was made to try and address a variety of concerns in the neighborhood stemming from the landfill. Council made this decision in conjunction with authorizing a neighborhood plan for that area. They received a number of other free services, such as pressure washing and pest control, which have all ultimately been eliminated over time since the landfill closure.

Councilmember Wright pointed out that the resolution from 1999 said the decals would be issued for 1999 and 2000. It would seem to him that this was a benefit that was meant to last for the remainder of 1999 and for the entire trash collection period of 2000 and that perhaps the City let the service continue until today. He wondered if there was any clarifying information in that regard. Dr. Wodicka and Ms. Gaynelle Hart both indicated they had no clarifying information. The free service has just been provided even after 2000. The City Attorney indicated there were a lot of complaints from Tyreeanna neighbors about trash, truck traffic and odor from the landfill. There was a program for a number of years that the neighbors could sell their property to the City for its assessed value in order to create a buffer zone. It was also planned that the City would be expanding the landfill. That did not happen because the City decided to join the Region 2000 authority. He would say that things have changed significantly since then due to the landfill being closed.

Councilmember Wright asked if there has been any outreach to the people affected that this is up for discussion and vote by City Council. Dr. Wodicka said they have not done that because they felt it would be a little presumptuous for staff to do that without any direction from Council. Staff had recommended they continue the service but if Council would like to change that, they can certainly do that outreach.

Councilmember Wilder would recommend they continue the service because the neighbors have not been notified, it was staff's recommendation and we do not know the long-term effects of the landfill on the surrounding

area. He thinks it shows good faith to the neighbors and shows them that the City values them. He made that as a motion and the motion was seconded by Mayor Tweedy.

Councilmember Perrow suggested a substitute motion, which was to discontinue the service when the new trash plan starts. The motion was seconded by Councilmember Nelson. The new trash plan does not go into effect until January 2021 and that will give ample time for notification. For him, it is a question of fairness. He understands Councilmember Wilder's concerns; however, the landfill is closed and inert at this point. Gas is being pulled off it and sold to RockTenn. He remembers following the discussion in the paper and the main complaints was about odor and that is no longer an issue.

Councilmember Nelson remembers the issues because he has many clients in the area. It was related to traffic, dust, trash blowing and rodents. His position is based on speculation, as it cannot be proven in the record of minutes. He speculates that the reasons Council gave this exemption were based on the conditions of the landfill and he they no longer exist. He is an advocate for equal protection and treating everyone fairly. A special exemption should not be granted to one group and not another unless you can articulate a particular justification for the distinction. He is inclined not to continue the exemption but is glad to have it delayed so there can be proper notification given to the neighbors.

Councilmember Helgeson is surprised to see small business included because they normally have to get their own trash service. Dr. Wodicka said there are small businesses that we pick up from in other parts of the City as well.

Councilmember Wright would ask them if they are going to continue this service, is it something that we are going to continue in perpetuity. Councilmember Wright noted that Dearington has a covered over landfill. If we are going to provide free service to Tyreeanna, we should provide it to Dearington as well and he does not think that is a sustainable option. Councilmember Wright said he would be comfortable supporting this motion if proper communication was done. Dr. Wodicka said they have a robust communications plan that they are building for all of the proposed changes regarding trash collection and fees.

Councilmember Nelson noted there are several closed landfills in the City. There are strict landfill closure regulations so he does not think the Concord Turnpike closure will pose any further hardship or offenses to the neighbors. He wished to point that to continue to give this exemption to the neighborhood just because there used to be a landfill there will open up a lot of issues throughout the City.

Councilmember Helgeson noted that the area is very clean. People put out their trash and the City picks it up. That is the way it used to be before the trash tag program was started.

Mayor Tweedy noted that neighborhood has a lot of heavily engaged neighbors who take a lot of pride in their neighborhood.

Councilmember Wilder noted that he cannot support the substitute motion because we did not have agreements with the other neighborhoods where there were landfills. He also thinks the Tyreeanna neighbors have the challenge of the odor from the wastewater treatment plant.

Vice Mayor Dolan noted Councilmember Nelson and Perrow's comments as being valid as well as the change in circumstances so she will be supporting the substitute motion.

The motion to accept the substitute motion and the motion to discontinue the free trash service for the Tyreeanna neighborhood beginning January 2021 both passed by the following vote:

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

Mayor Tweedy noted that the City is redoing the master plan for the Tyreeanna/Pleasant Valley neighborhood. There are some great plans for the reuse of the landfill and she thinks there are going to be great things happening in the neighborhood.

// In the matter of Engineering, City Council discussed the Smart Scale proposed projects. Mr. Lee Newland explained that there is a pre-application process this year that ends on March 31. Staff is recommending two projects, one which has VDOT recommendation. One is the Candler's Mountain Road interchange with the Lynchburg Expressway and it is roughly a \$40 million project. The state has some state of good repair funding it can add to it as well. The second project is one we applied for previously and did not get and it is the roundabout at Wards Ferry Road and CVCC Campus Drive.

Councilmember Perrow noted that the Physical Development Committee reviewed these projects. The Candler's Mountain Road project does have a big price tag but it is six years out and there are a lot of contingencies that have to be built in and projected. He understands that the Candler's Mountain ramp transitioning to the northbound expressway has the highest number of crashes in the City. This project would have acceleration lanes and additional stoplights. It is a great opportunity to increase safety in that area. The roundabout at Wards Ferry Road and CVCC Campus Drive is in keeping with the Wards Ferry Road master plan. Purchasing the property from the state is what is running up the project cost. Because of the traffic volume, it is a fairly large roundabout that has to go there.

The committee thought these were good projects to bring forward and he noted that this is all federal and state money. He made that as a motion on behalf of the PDC.

Councilmember Helgeson noted the \$6.5 million price tag for the roundabout and wanted to know if there was any match required from the City. Mr. Newland indicated that Smart Scale is 100 percent state and federal funds. Councilmember Helgeson asked if a traffic light had been considered instead of a roundabout. Mr. Newland indicated you would still have to put in turn lanes and acquire additional right-of-way. The traffic light would be approximately \$250,000. Councilmember Helgeson noted that he would be interested in seeing an estimate for acquiring the necessary right-of-way for a traffic light scenario for comparison versus a roundabout.

The motion passed by the following vote:

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

// In the matter of Fire, Council considered adopting an ordinance amending Chapter 19 of the City Code to reflect changes associated with adoption of the Virginia Statewide Fire Prevention Code 2015 edition. Fire Chief Wormser explained that they have been using the 2012 edition up to now. The other big change is that we will no longer be providing pumping water from a basement as a service. Councilmember Wright made a motion to adopt the ordinance, which was seconded by Councilmember Perrow.

The motion passed by the following vote:

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

Councilmember Perrow noted there is a public hearing on the proposed GLTC rate increase on April 1 at 4:00 p.m. at the Kemper Street station building.

// The meeting was adjourned at 8:25 p.m.

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

// In _____
Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of March, 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, the City Manager addressed three questions raised by Council at its May 17th meeting. Council has been provided with a five-year history of fire and EMS calls and average response times to emergency instances and the per child placement cost for foster a “worst case” scenario.

// Ms. Donna Witt gave them a first look at the adjusted projected revenues for the rest of FY2020. In the next few weeks they will present them with some figures based on assumptions on both the revenue side and corresponding expenditure reductions. Ms. Witt explained that the assumptions are obviously based on a best case scenario. For each major revenue source, there are different assumptions based on what we know today. It assumes today’s City employment. The value of each payroll day is approximately \$100,000 to \$125,000, excluding the Police Department, Fire Department, Department of Social Services, Emergency Services and Refuse Collections. It assumes hiring and nonessential spending freezes implemented on Friday, March 20, 2020. It is focused only on FY2020 available resources.

Councilmember Perrow asked for clarification on the best case scenario. Ms. Witt said it is very conservative and she is erring on the side of caution. She also explained that she is only looking at FY2020 resources as possibly replacing lost funds. She projects a net loss of \$175,586 in sales tax. July through January numbers were over projections and that is helping to buffer the projected loss. Councilmember Wright asked why they are projecting March will remain the same. Ms. Witt said it is because they already had numbers for half of March and people are stocking up a lot and buying a lot on line, so they expect March will remain the same. Councilmember Perrow asked how much of sales tax is derived from meals. She said she did not know exactly but it is not as much as you would think and it has been factored in to the projections.

The projection for the loss in meals tax is approximately \$2,170,299. She has talked to several restaurant owners and they are doing a lot of carryout. Their sales are down approximately 30 percent but people are really trying to support the local restaurants. They may have to revise these numbers because they are based on things getting back to normal in June. It was also taken into consideration that the students are not here and there will be no graduations.

The loss in lodging tax is projected to be around \$812,638. Councilmember Helgeson noted that this is bad but we can spend less because we are getting less in revenues. What is devastating is the people that are losing 100 percent of their income.

The loss in amusement tax is projected to be around \$210,464. The total loss is projected to be \$3,368,987. She outlined the potential sources to replace lost FY2020 revenue. \$700,000 in the Reserve for Contingencies; \$2,200,000 in the Managed Vacancy Savings; \$800,000 in General Fund Unassigned Fund Balance above 10 percent (FY2020 only); \$1,200,000 in the Task Force on the Future of PreK-12 Education and Beyond reserve; \$400,000 in Long-Term “On-Time Debt Financing Reserve; \$1,361,182 in the Greater Lynchburg Transit Company

Reserve for a total of \$6,661,182. Councilmember Wright asked if it is known if there will be any state or federal assistance and Ms. Witt said they do not know at this time.

Councilmember Perrow asked about other sources of revenue such as the airport. Ms. Witt said the airport stands on its own but the sources she mentioned would be possible sources of revenue if the airport needs to have general funds to be made whole. Some good news is that construction work is still rolling. Councilmember Wilder asked if the City has a “rainy day” fund for emergencies. Ms. Witt said that is what the 10 percent reserve in the general fund is for, as well as the Reserve for Contingencies. Councilmember Wright asked if there is any concern for the City being able to meet its bond payments and Ms. Witt said no. We invest for upcoming bond payments and we will be able to make the upcoming \$10 million bond payment.

Councilmember Perrow asked if she is concerned with a cash flow problem. She said she is not because the Finance staff is assuring her there is not a problem. We are looking at helping citizens with their personal property taxes due on June 5th. They are looking at what they can do and still have the resources to move the City forward.

Councilmember Wilder asked if our investments are affected by what is happening in the market. Ms. Witt said no because state code only allows us to invest in very safe securities.

Ms. Witt told Councilmember Helgeson that the \$1.2 million in the Reserve for Contingencies for FY2021 does not count on any leftover from FY2020. Councilmember Helgeson commented that if this event had happened in February, he thinks a whole different budget document would have been presented to Council. Ms. Svrcek said the plan is to move forward with walking through the budget document and over the next few weeks they will refresh their revenues and expenditures. Councilmember Helgeson thinks their time would be better spent in a different facet than to try to tweak this proposed budget because there is now such a large projected gap in revenues. Ms. Witt said her potential revenue sources to replace lost funds are from FY2020 and FY2021 really stands alone. She said she needs about another month to see what is going to happen with the pandemic and its impact on the economy to see how much it is going to impact FY2021.

Councilmember Nelson believes it is realistic to expect the negative dynamics of this event are going to continue into FY2021. It will impact aspirational things we wanted to do for the employees and projects and the fire department. What we had a month is now not sustainable and he would suggest the City Manager ask departments what they can cut because we do not want to lay off people.

Ms. Svrcek agreed they need to be realistic. She would suggest they continue to walk through the proposed budget document because their reactions to what is in the budget can help inform their decisions as they come back a revised 2021 scenario. Councilmember Nelson would suggest they start by cutting the raises for City Council as a token to let everyone know that everyone is in the same boat.

Mayor Tweedy commented that we are in unprecedented time but she would like to give department heads, some of whom have been waiting for quite a while, the opportunity to present their budgets. Councilmember Perrow also thought it would be helpful to continue going through the budget. He does not think they are talking about a whole new budget. They are talking about budget adjustments and it would be helpful to him to continue going through the budget to see how those adjustments will impact it. He would like to see from staff in the next

couple of weeks is a staff adjustment for revenues so we can put that on the list. That would adjust the lines in which we are able to make some changes.

Councilmember Wilder would like to continue going through the budget and be updated as they go along because the numbers are a moving target. The projected revenue numbers and possible sources for where the shortfall in funds can come from were very helpful.

// Ms. Jenny Jones presented an overview of the Parks & Recreation budget. Councilmember Helgeson asked about the community market because he has heard from some vendors that their sales have dropped 80 percent. He asked if the hourly employees are still getting paid. Ms. Jones said the market is still open but they are only doing pickup orders. They are still fully staffed because the market is considered an essential business. They are doing a lot of extra cleaning because people are still coming in to cook and use the restrooms.

with the FY21 operating budget and the FY21 – 25 Capital Improvement Program overview. The total operating budget is \$370.1 million, which is a decrease of \$46.6 million or 11.2% compared to FY2020. This is mainly due to reduced federal and state funding for capital projects and the bond funding that was included in FY2020 offset by a significant investment in the City's human capital.

This budget proposal was built on the following priorities as presented at City Council's Budget Work Session on February 11, 2020: Comply with City Council Adopted Financial Policies; implement Phase II of the Citywide Salary Study; provide a general wage increase for employees meeting and exceeding performance expectations; fund contractual and maintenance commitments; address funding associate with the reengineering of the City's trash/bulk/brush collection; address increasing health insurance costs; maintain training and professional development at least flat with FY2020 and avoid a tax increase. Councilmember Helgeson thinks there needs to be a balance because the vendors are getting hit hard. Ms. Jones said the rents have been prorated for those that are not selling grocery items. She also mentioned that the farmer's markets are regulated by the Department of Agriculture and it was their ruling that farmer's markets were restaurants and had to close except for pickup or preorders.

Councilmember Helgeson would like any of the increases in the Parks and Recreation budget to be on "the list."

Councilmember Perrow would like the two new part-time positions to be on "the list" and the increase in other charges fund less the Miller Park pool chemicals. Mayor Tweedy noted that the other charges fund includes internet for the College Hill Center and she thinks that people out of a job may need to use the community center to apply for jobs. Ms. Jones noted that the center is closed right now and these funds are being requested for when the after school program is open again.

Ms. Jones also wanted to note that the centers are going to be used as pickup points for the free school lunches and they are helping to deliver some of the lunches as well. Councilmember Perrow clarified that it is a plan and Ms. Jones is not making an official announcement at this time. Councilmember Nelson thinks it is a great idea to collaborate but asked if the schools will be giving some funds to the Parks & Recreation department since it will be using fewer busses. Ms. Svrcek said all those details have not been worked out yet. She explained that Parks & Recreation helping with the lunches is a part of the Emergency Operations plan and it is considered an emergency services function.

Councilmember Wilder noted that the community centers are part of the fabric of our community. Most of them have heavily engaged neighbors and community partners. He commends Ms. Jones and her staff that are doing such great work to meet the needs of the communities.

// Mr. Kent White gave an overview of the Community Development budget. Councilmember Perrow noted that if you take out the increase for salary adjustments, the department's budget is actually below last year's by \$60,000. He noted the \$600,000 transfer from stormwater fees helps significantly. Councilmember Perrow noted that Mr. White said inspections are increasing but the number of permits issued seems to have flattened or decreased over the past eight years. Mr. White gave an example that one permit is issued for an apartment complex but that might entail 52 electrical inspections. They are seeing that the size of the jobs is changing. Councilmember Perrow commented that this tells him that we are not seeing single-family development and that development is somewhere else, probably in the counties. A person who asked Councilmember Perrow about the decline in permits for the City is a materials provider and that is how they decide how to make investments.

Councilmember Helgeson asked that the new Environmental Inspector and its associated costs be added to "the list." He would also like the \$8,300 for the short-term rental monitoring service to be on "the list." Mr. White clarified that the cost of this monitoring service should be offset by the \$150 registration fee. Councilmember Helgeson commented that the voluntary agreement has not been worked out yet with Airbnb and he would like this item on "the list."

// Ms. Marjette Upshur gave an overview of the Economic Development budget. Councilmember Nelson asked if she knew how Airbnbs fit in with the governor's executive order and noted they may be doing a service but also might be bringing visitors into our neighborhoods that we do not necessarily want at this time. She acknowledged that but said she really did not know how they fit in at this point.

Councilmember Perrow asked about the \$350,000 that used to be in the CIP and Ms. Witt said it is actually \$250,000. Ms. Witt explained that every year they transferred that money to the EDA because they use that money and there was really no reason for it to be in the CIP. Ms. Witt thinks Councilmember Perrow might be referring to the \$200,000 that was going to the Academy to meet the City's commitment and that is now back in the Economic Development budget. Councilmember Perrow said that when he looks at the total City cost, it is \$200,000 more than the previous year. If that \$250,000 had not been transferred, it would actually be a \$50,000 decrease in operating costs and Ms. Witt said that is correct.

Councilmember Perrow would like to put the \$50,000 in contractual services and the \$50,000 in rents and leases on "the list." He would like to put the entire \$350,000 on "the list" and then they can look at pieces to put back. It would be high on his list to put back because economic development is an investment but he thinks they need to prepare for the decrease in revenues.

Councilmember Helgeson asked Ms. Upshur to explain the \$250,000 for the EDA. Ms. Upshur said it is for general development support and it is kept separate. She can provide them with a report on where that money goes. She said the majority of the money goes into a local grant that incentivizes investment in the City. Councilmember Helgeson would like to see the report.

Mayor Tweedy asked if any of the future events Ms. Upshur mentioned are part of this budget. She said she would need to check to see if they are already committed to any contracts.

Councilmember Wright would like to see a report on the economic impact of her department's work because it is his understanding that it far outweighs the investment the City makes in the office. Ms. Upshur will provide that information for the past two years.

// Ms. Upshur presented an overview of the Museum budget. Councilmember Nelson thanked Mr. Ted Delany and his staff for the variety of exhibits and presentations that the museum offers. It is outstanding and we are fortunate to have this facility and the programming. Councilmember Wilder echoed those comments and said he is so impressed with the exhibits. He appreciates them very much and he has learned so many things. He particularly loves the Day at the Point.

Councilmember Perrow suggested that the museum could coordinate with schools and provide some virtual educational experiences to students. He also wished to hear from her at a later date about how Council could help local businesses in the near term.

// Mr. Dave Malewitz presented an overview of the Parking Management budget. Councilmember Wright asked if they have seen downtown fines change during Downtown renewal. Mr. Malewitz said they have not seen any change probably due to the free two-hour parking being provided in the Midtown parking deck.

Councilmember Helgeson noted that his benefits have increased more than the salaries. Ms. Witt said that is because his department is small and the increase for health care and VRS is more evident and is more than the salary increase. Councilmember Perrow agreed it seemed higher than another small department such as Communications and Public Engagement. Ms. Svrcek said they can look into it to be sure it is correct for Parking Management.

Councilmember Helgeson thought Mr. Malewitz needs to look at his expenditures because there will be less revenue because of construction and businesses closed due to the pandemic. He would like Mr. Malewitz to make some adjustments and would like this on "the list."

// Ms. Joann Martin presented an overview of the Communications and Public Engagement budget.

Councilmember Helgeson would like to look at some of the salary increases in departments as some of them are quite significant. He understands some of it because of the Korn Ferry study. Ms. Svrcek noted they will be looking at the three percent raise proposed as they look at revenues and expenditures.

Councilmember Nelson noted that Ms. Martin's department is certainly the face of the City and perhaps the first department a person encounters. He thanks for her what appears to be an efficiently operated department. It is streamlined in many ways and the figures show it.

Mayor Tweedy thanked her for the name change because it is a better reflection of what the department does. Councilmember Wilder thanks her for the great communication her department does to keep the citizens informed. // In the matter of Roll Call, Councilmember Wright applauded the City for the mammoth amount of work to keep City functions responsive and doing business as usual such as refuse collection and public safety. He appreciates what they are doing to keep the City safe and healthy.

Councilmember Wilder thanks the employees as well. During budget time, he can really appreciate what our employees do for the City because he can see what each department does.

Councilmember Nelson echoes what has been said about the employees. He appreciates the citizens following what everyone knows to do in order to deal with the current crisis.

Councilmember Perrow just received an email from Virginia First Cities. They are sending a series of proposals to the governor. He will discuss that with the Mayor before the emergency meeting that has been called for on Thursday. He noted that everyone is struggling with this pandemic and how it is affecting them individually. He watches the numbers closely and he thinks there is hope because the numbers seem to indicate that the social distancing is an effective policy. He encourages the Lynchburg citizens to work hard to make this a successful cessation of the pandemic. He has enjoyed supporting local businesses and he commends business owners that are trying to figure out how to do business in a different way. He is really impressed by all of them.

Councilmember Helgeson would like to thank the citizens and businesses. It is hard to see businesses and people that have lost 100 percent of their income. He would like them to recognize their peril as they come up with a budget. He would like them to make some good strides to cut out what is not essential. It is not good message to hear from the governor that a business is non-essential because all businesses are essential. He hopes they will put their boots back on and get back to work. He wants to see us continue to thrive.

Vice Mayor Dolan wanted to thank the City leadership and the Lynchburg City Schools leadership. They deserve a big pat on the back. She hopes the citizens do not become complacent and continue to do what is recommended by the CDC and our leaders.

Mayor Tweedy read a press release that she issued earlier today regarding the return of students to the Liberty campus and how it was not supported by her or the City Manager. This ended the work session and Council moved on to the regular meeting agenda. Councilmember Perrow gave the invocation followed by the Pledge of Allegiance.

// Copies of the minutes of the February 18, 2020 and February 25, 2020 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Helgeson, by the following recorded vote approved the minutes as presented:

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

// In the matter of Engineering, Council considered approving the attached resolution requesting VDOT to increase the official City Street lane mileage for reimbursement of highway maintenance funds for FY 2021. Mr. Newland explained this is a routine item. The City added a total of 2.2 lane miles making the additional funds approximately \$28,000. Councilmember Wright made a motion to approve the resolution, which was seconded by Councilmember Perrow and the motion passed by the following vote:

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

// In the matter of City Council, Council considered adopting a resolution approving an amendment to the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement. The City Attorney explained that none of the terms of the agreement are changing. It is being amended to add the names of new sheriffs in various counties. Councilmember

Perrow made a motion to approve the resolution, which was seconded by Councilmember Nelson and the motion passed by the following vote:

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

// In the matter of City Council, Council considered adopting an ordinance confirming the declaration of a local emergency and disaster for the City of Lynchburg and implementing certain emergency procedures for public meetings and public hearings to ensure the continuity of City government. The City Attorney stated that the pandemic is making it difficult for localities to do things according to the law because it contradicts what health officials are telling us to do. The Attorney General confirmed that there is nothing in the Freedom of Information Act that allow localities to hold electronic meetings except to discuss emergency items. The state code allows a local government to declare a disaster and adopt a continuity of government ordinance. It may trump the FOIA for public meetings and allow Council and its boards and commissions to hold electronic meetings. No one is 100 percent this will work but it is recommended by the Attorney General and other locality attorneys to be the best option. He would like to add the Lynchburg City School as well to cover it.

Councilmember Wright made a motion to approve the resolution and seconded by Vice Mayor Dolan. Councilmember Perrow asked if this applies to the Housing Authority and Airport Commission, for example, and they do not have to a quorum physically present. Mr. Erwin said all the boards and commissions can use this ordinance for the basis for holding electronic meetings. Ms. Svrcek said it is the City's plan to continue operating in this social distancing format in person until we are no longer able to do it, if that situation should arise. Councilmember Perrow asked if the City could provide some guidance to the points of contact for the boards and commissions. Mr. Erwin said the local government attorneys formed a task force and came up with some guidance for boards and commissions. The individual entities such as the EDA and the Housing Authority will have to come with their own policy. Those entities, as well as Council, need to make other avenues available for the public to still be able to view the meetings and to be able to make comments. In the case of Council's public hearings, telephone comments and email comments will be options for the public. Some boards and commissions may want to hold off on having meetings because the City is not able to provide the resources for them to have electronic meetings.

Councilmember Nelson commented that transparency is very important to him. He has no problem approving this to have this tool in our tool belt. Before they implement it though, he would want it to be a matter of compelling public interest and not just for our convenience.

Councilmember Helgeson does not want to have this tool in our tool belt until there is a compelling reason because sometimes we like to use a tool because we have it. He does not like that one person can declare an emergency and then lots of things can happen. It does not think it is needed.

Mr. Erwin said he feels this is important and they should vote on it tonight. Usually he tries to defer to Council but there is a possibility Councilmember might have to self-quarantine and they might not be able to get together to vote on this at a later date. He thinks it is important to adopt it tonight so they have the option of electronic meetings if they need it. He does not think Council will use it to trample on people's rights. Things are changing so quickly and they need to think of giving the School Board the option of having electronic meetings.

Councilmember Wright asked if this ordinance would sunset when the crisis is over. Mr. Erwin said it will end when the governor declares it is over or if the crisis goes on for more than six months, they will have to adopt another ordinance. It cannot last any longer than six months. Councilmember Wright thinks it is reasonable and should be adopted, as long as they continue to notify the public that there are other ways to participate. Councilmember Wilder thinks it is wise because things are changing daily and we need to be prepared. Councilmember Perrow thinks Councilmember Helgeson makes a good point because you can see how this could be abused. He thinks there are safeguards built into the ordinance and it is very specific that it applies to this pandemic only. He thinks that mitigates any challenges. He would be concerned if it were more broad.

The motion passed by the following vote:

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

// The meeting was adjourned at 6:13 p.m.

Clerk of Council

March 17, 2020

AGENDA ITEM #: 6

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 17th of March 2020, at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding.

Present:	MaryJane Dolan, J. Randy Nelson, E. J. Turner Perrow, Treney Tweedy, Sterling A. Wilder, Beau Wright	6
Absent:	Jeff Helgeson	1

// In the matter of City Council, Council considered adopting a resolution confirming the declaration of emergency associated with Coronavirus (COVID-19). Ms. Bonnie Svrcek explained that she signed the declaration of emergency on Sunday, March 15, as she knew that the schools were starting to incur costs. Should there be an opportunity for us to get reimbursed the City needs to have a local declaration in place. In addition, this pandemic has the potential to seriously impact the City by the extensive illness and even death of citizens. It gives the latitude that is given to the City Manager, who also acts as the Director of Emergency Services (delegated to Melissa Foster, Director of Emergency Services). She is asking Council to confirm the declaration of emergency provided to them today.

Councilmember Wright made a motion to adopt the resolution, which was seconded by Vice Mayor Dolan. Councilmember Perrow asked what the declaration covers and in particular if it covers the Housing Authority. Ms. Svrcek would say that it does not because that is an entity of the Commonwealth. If there is something that is associated, then they will clearly collaborate and work together. Ms. Svrcek clarified for him that there are also state and national declarations of emergency. Councilmember Perrow noted that he is asking because the Housing Authority will incur some expenses related to the pandemic as well. Ms. Svrcek advised him to have the Housing Authority set up a separate code to capture those costs, which Councilmember Perrow indicated he has done.

The motion passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Tweedy, Wilder, Wright	6
Noes:		0
Absent:	Helgeson	1

Ms. Svrcek indicated that the Emergency Policy Management Team is meeting daily and the Emergency Operations Center has been activated. The Deputy City Manager is putting together a matrix of essential functions and staffing needs for every department. Employees should be prepared to be reassigned or reallocated as needed. A policy for COVID-19 leave and work from home is close to complete. She read a letter to the editor from a local emergency room doctor, which gave several great points and recommendations on what to do and not to do with regard to COVID-19.

// In the matter of Budget, Councilmember Perrow asked if they could start with discussing modifications to projected revenues. He would think the fourth quarter for meals tax would be a 75% reduction, first quarter 50% reduction and second quarter, 25 percent reduction. Ms. Svrcek indicated she has asked staff to do their very best to look at what the rest of this fiscal year will look like and they will look at the revenues again prior to Council getting towards balancing the budget. She thinks balancing the budget will get delayed a bit as some meetings are getting

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delayed. They will also be coming back to them with associated expenditure reductions. Ms. Donna Witt indicated that business license tax for 2021 will most likely be impacted, as well as lodging, amusement and meals tax. Sales tax might not be impacted as much since there will be increased online sales. Councilmember Perrow would like to see all these line items put on “the list” or at least a staff adjustment. Ms. Svrcek and Ms. Witt said it is going to be done.

Councilmember Wright asked if they have contemplated pushing back any tax deadlines. Ms. Svrcek said the Commissioner of the Revenue is waiting for some advice from the State Department of Taxation.

Ms. Svrcek went over responses to questions raised last week. 1) The “wish list” that Terry Hutchens, Director of IT, mentioned has been provided in Attachment A. 2) The registrar referred to a supplement in her budget presentation regarding the need for additional Registrar staff and that has been provided in Attachment B. 3) Revenue from the Commonwealth for the registrar position is included in Attachment C. 4) The five-year history of Commonwealth Attorney caseloads has been provided in Attachment D. 5) Information has been provided regarding the General District Court Clerk’s salary supplements. 6) Questions regarding juvenile versus adult crime have been answered as well as the cost to train, outfit and equip a new officer has been provided, data regarding the use of the Grey Key system and the cost of police vehicles has been provided in Attachment E. 7) Information was provided regarding the number of properties coming into and going out of our real estate tax credit program.

// Ms. Melissa Foster gave an overview of the budget for the Emergency Services. Councilmember Wilder asked her about the staffing shortages she mentioned. Ms. Foster said they are five understaffed right now, which is about 17 percent of the workforce for the Communication Specialist. They have two in training, so that puts them at 24 percent. Ms. Foster said they struggle to recruit enough qualified applicants for those positions. Sometimes the people do not realize how much involvement there is in the job and it is not just answering the phone in an office. They are taking steps to try to reduce the turnover such as giving them more exposure to the environment before hiring a person. Their turnover rate for this past fiscal year was 25 percent.

Councilmember Perrow asked for clarification that she has plenty of FTEs and they are funded but she cannot fill them. She said that is correct. They just cannot recruit the right people. They are attending more career fairs and working with the City schools and its public safety program. She also noted that there is shift work involved and not everyone likes to do shift work with holidays and weekends involved. In response to a question from Councilmember Perrow, Ms. Foster said the educational requirement is a high school diploma or GED because they provide the necessary training. She noted that they are seeing a decrease in typing skills because people do not use a keyboard as much as they used due to texting on phones. The economy being good affects them as well because people can find other jobs that do not have the shift hours or the stress and trauma involved with being a Communication Specialist.

Councilmember Perrow asked her about Objective 5 regarding maintaining an 85% on the Local Capability Assessment for Readiness. They seem to be missing their goal. Ms. Foster explained this is in response to a survey

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sent out by the state. The state no longer gives the locality a score so they have had to make some adjustments and score themselves based on the questions. He would like to know what Objective 5 should tell them as policymakers. Ms. Foster said it should tell them they are doing a very good job of being better prepared for disasters. Their goal is that they always want to be making progress, so they will probably never be at 100 percent. As emergency preparedness advances, there are always new things that they want them to reach for. Another thing that brought their score down is their Hazard Mitigation Plan, which they are in the process of updating. Councilmember Perrow commented that it did not sound like Council needed to do anything and that her department had it under control. Ms. Foster said that is correct. She said the Central Virginia Planning District will be coming to them soon to update them on its progress with the Hazard Mitigation Plan.

Mayor Tweedy asked if the Communication Specialist could be a work at home position. Ms. Foster said they typically need to be in a call center because there is a lot of teamwork involved. She said they are looking at ways they might be able to better handle the nonemergency calls. Their concern is that some citizens call the nonemergency number and it truly is an emergency. She acknowledged they are going to have to figure out some other ways to get work done if they cannot overcome the vacancy issue. She noted that the starting pay is another factor that impacts their recruitment, as well as they are competing with other agencies and the police department.

Councilmember Perrow asked if she has tried to hire retired or off-duty officers or EMS workers. She said she has had some luck with hiring retired employees at an hourly rate but her hourly rate is not enough to attract off-duty police, fire or EMS workers.

Ms. Foster commented that they have to replace the CAD system in the next three years to five years and it will cost approximately \$5 million. It will take some time to figure out all the components and find vendors that can support some of the systems that are already attached to the CAD system. It does probably need to be included in the CIP so they can begin that planning process.

Fire Chief Greg Wormser gave Council an overview of the Fire Department budget. Councilmember Wright asked Chief Wormser what the turnover rate was last year. He said ten people left last year. Eight for non-fire related jobs and two for promotions in another department. With regard to two that left for promotions, Chief Wormser felt that spoke highly that they were doing the right things to grow an employee in the proper manner. They did not lose any employees to a horizontal move. Councilmember Wright asked how the compensation adjustments for the salary study and the proposed three percent wage increase will affect his team and does he anticipate it will ease any of that stress. Chief Wormser thinks it will ease the stress some but it will not be the ending point because there are more complexities than that. He does not think their pay bands are in the right place according to the Korn Ferry study. He has suggested that those pay bands need to be realigned in a different manner to incentivize people going for promotions. Councilmember Wright would like to see those suggested pay band adjustments. Ms. Svrcek said she and the Deputy City Manager would like to see them first, as they have not seen them yet.

Councilmember Perrow wanted to know how a Firefighter Recruit and a Master Firefighter could be in the

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same pay band. Chief Wormser said they used to be in two separate pay band but they are no longer that way since the Korn Ferry study. The earning potential is lost by that employee because they are no longer in that upper pay band.

Councilmember Wright asked Ms. Svrcek if the additional medic unit is so needed, according to Chief Wormser, why she is not recommending it for funding. Ms. Svrcek said the revenues are just not there to pay the cost, although it is one of several things she feels are worthy of funding. Councilmember Wilder would like that item added to "the list."

Councilmember Wilder asked if there is a ratio recommended for a City their size. Ms. Svrcek said that the International City/County Management Association has benchmarks for a lot of funding based on per capita. But to look at these things just in terms of per capita when the geography and demographics of communities are very different is probably not the best way to look at things. Other things are call volumes and standard of cover. Chief Wormser said one of the main ways they look at things is from call volume and topography because it does not lend itself to ease of moving about. The reason they need to ask for nine firefighters to staff the medic unit instead of six is that they need relief factor personnel so they do not have to use mandatory overtime, which is used inordinately. Right now, if we did nothing else, we need 12 additional firefighters for the necessary relief factor.

Councilmember Wilder asked if they have positions that are not filled. Chief Wormser said they have a recruit school going on now with 11 recruits and that will fill the current vacant positions. He mentioned that they are trying to do everything they can to get the best possible candidate and employee.

Councilmember Perrow asked if a fire engine is taken out of fire service when it is sent to an EMS call. Chief Wormser said that is correct. Councilmember Perrow noted that the department beats the national average time and time again for a cardiac arrest that survives outside of the hospital and then is admitted to the hospital. The national average is 29 percent. Councilmember Perrow noted that it is coming down and asked if it is a symptom of not having enough EMS personnel. Chief Wormser said that could be part of it. They are at 38 percent currently but we are also at mid-year. Last year the average was 53 percent. Councilmember Perrow asked if the department needed anything in addition to the additional medic unit to raise the department's performance to the level it was previously. Chief Wormser noted that with additional personnel there would be a fluidity of operations. They would be able to be more proactive instead of reactive as they are having to be now due to the shortage of personnel.

Councilmember Perrow would like him to summarize their call volume in terms of fire calls and EMS calls for the past five years and provide that to Council so they can help understand the trend. He would like to see the trend in the average response time.

Mayor Tweedy asked if recruitment is a problem. Chief Wormser said recruitment might not be as challenging for their department as possibly other departments but they get a number of applicants and that does not necessarily mean they are qualified applicants. If they were to recruit for the nine positions, they would do an experienced academy and target a particular set of individuals. She asked if they have done an experienced academy in the past and Chief Wormser indicated yes.

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Councilmember Wilder asked if they are in the high schools to try and bring up recruits up the pipeline, so to speak. Chief Wormser said that is one of the services they had to cut but they are in CVCC on a regular basis. He pointed out you cannot work for the City as a driver until you are 21. Mayor Tweedy asked if the pay band structure affects them in recruiting experienced applicants and Chief Wormser said absolutely.

Councilmember Perrow asked for clarification for the need for an additional ladder truck. Chief Wormser said they have three ladder trucks but one has been out of commission for a number of weeks due its age. As the City grows and with the building of large buildings in the City, it is necessary to have three ladder trucks and one relief ladder truck. He would put the new ladder truck in the new fire station they would build in the near future. In response to a question from Councilmember Wilder, they have studied where it should go but would rather not disclose that publicly at this time.

// Ms. Gaynelle Hart gave a summary of the Public Works budget. Councilmember Perrow would like to have a longer discussion about the trash collection revenue fees and how they come in and Council policy, possibly during the balancing part. Do we charge a fee for this or not? Ms. Svrcek said there was a vote to go to a monthly fee instead of the decal but the ordinance change will be brought to them at a later date. Councilmember Perrow would like to look at the revenues generated and an offsetting decrease in the general fund. Dr. Wodicka said they can do that and for the upcoming year it is approximately \$100,000. Ms. Hart indicated that on page 187 of the budget, the total City cost only goes down by \$12,000 but they would expect that to increase over time. Dr. Wodicka thought they are talking about two different numbers. Dr. Wodicka is referring to the increased revenues as being the \$100,000 difference. Councilmember Perrow noted this is in essence an increase of \$100,000 in taxes to our citizens. He would like to have that presented more clearly to Council so they can understand it fully.

Councilmember Perrow would like the additional FTE in the refuse section on "the list."

Councilmember Perrow asked Ms. Svrcek why they are seeing increases of tens of thousands of dollars in each budget for Fleet Services. He thinks that should be relatively stable if they are doing routine replacements. Ms. Svrcek said Mr. Chuck Cramer will address that when he goes over his budget.

Councilmember Perrow asked about the Region 2000 Service Authority amount." He is looking at the approximately \$21,000 decrease in payments based on use. Ms. Svrcek indicated the excess revenue is not budgeted. Ms. Witt said it was just a line item they included because it was revenue they received. He noted that Ms. Hart runs an efficient team of dedicated employees. The employees seem to be a good group of people and that says a lot about her team leaders and management team. Her department is probably the most tangible reflection of City services and is really the face of the City in a lot of ways.

Mayor Tweedy wanted to note for the public that the proposed trash collection fees are a fee for services and not an increase in taxes. She asked Ms. Hart if there were any plans for remote control devices such as a tractor for cutting grass on hills. Ms. Hart said they have the personnel who can operate these remote control devices and they are certainly something for the future. They recently demoed a conveyor one to put the salt in the barn because the employee who used to do that has retired.

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// Ms. Tamara Rosser gave a summary of Juvenile Services. She explained for Councilmember Perrow that they are seeing an increase in contractual services due to an increase in the number of childcare days (a day that a youth spends at the Juvenile Detention Center).

// Ms. Rosser gave a summary of the Social Services budget. She described three additional positions that are going to be in the third quarter adjustments. They are being funded with state dollars and a local match of 15.5 percent, which is already in the budget. Councilmember Wright asked if these positions would be funded in perpetuity or just for this budget year. Ms. Rosser said the match amount is in the budget for this upcoming fiscal year. She did not speak to whether the state would continue to fund the positions after this upcoming fiscal year.

Mayor Tweedy asked if the other state funds she has mentioned might be able to pay for the mental health position she is requesting for Juvenile Services. Ms. Rosser indicated no.

Ms. Rosser mentioned that there is a mandate to respond to a call for a child under the age of 24 months within 24 hours. They are meeting that mandate only 80% of the time and the requirement is to achieve 95%. This is not being met with staff even working overtime. The other mandate is that they have no more than 5 percent overdue cases and they are currently running 58% overdue because they simply do not have the staff. Councilmember Perrow suggested she put that mandate in her metrics from now on.

Mayor Tweedy asked if the trauma in families is going up, which is causing their numbers to go up. Ms. Rosser commented that child protective services is now going to be called home based services. They recognize that if they do not get in there and do good ongoing home care services, then what they are doing is really only putting a band aid on the problem.

Ms. Rosser noted that since these are federal mandates that there may come a time when they are faced with monetary penalties for not meeting some of these standards. Councilmember Nelson asked if these are penalties imposed on the City or the parents of the children that are suffering the trauma. Ms. Rosser noted that they are penalties on the City. He asked if there is anything being done or that can be done to transfer some of the penalties to the parents. She said that is a good question and the conversation needs to be had with everyone that touches ones of these cases—the lawyers, the guardians ad litem, etc., but right now the locality would incur the penalty. It all comes back to timeliness. Councilmember Nelson is well aware of all the parties involved in these cases. In his 43 years of experience, he has seen the missing piece being the incentive for the parents to step up and do the right things. Ms. Rosser said she agrees and he said he appreciates her comments.

In response to a question from Mayor Tweedy as to how she would categorize the issues facing families, Ms. Rosser said the three main reasons a child comes into the foster care system are substance abuse, mental health issues and domestic violence. The window to reunite a child with the parents is very short and is mandated. It could take six months for a person with substance abuse issues to admit they have a problem. The state is putting some emphasis on kinship care and they work hard to identify other family members that might be able to care for the children.

// Ms. Rosser stated there are no proposed increases to the Public Assistance budget and no changes to the Public

Assistance grants.

// Ms. Rosser gave a summary of the Detention Center budget.

Mayor Tweedy asked how much her department and Schools are seeing they are incurring costs with the same families. Ms. Rosser said she does not have any hard numbers but she would guess that they are serving the same families. She thinks there are opportunities to work collaboratively with schools as the school task force efforts and recommendations continue. She said that they are seeing younger and younger children with mental illnesses and if we do not get a handle on it, everyone is going to pay a higher cost. Councilmember Nelson noted that he had said that over the years in his time dealing with court cases. He would say that a seven or eight year old had mental issues but the judge would say that was not possible. They require very expensive, intensive and professional interventions. He would agree that there will likely be some recommendations coming from the school task force to address these problems. He would agree that it will take a collaborative effort and it does seem that there are families that have multiple children coming through the schools through the years with similar problems caused by issues within the family.

Mayor Tweedy noted there is a per pupil cost for a child in the public school system. She asked Ms. Rosser if she knew a per child cost for a child in foster care. Ms. Rosser said she has all that information and can provide it to them.

// Ms. Marilyn Martin summarized the Library budget. Ms. Svrcek commented that this will be her last presentation, as she has announced her retirement. Councilmember Perrow noted that she has made the library a very welcoming place and she thanked her for her service. Mayor Tweedy asked how she might see the library experience expanding, as the City grows, without necessarily having a new building. Ms. Martin said there is a plan to renovate the main library in the CIP. It will need your support with the CIP and with fundraising. They could not keep that building open without Public Works employees holding it together. It could be a very beautiful and modern building but it needs a lot of support. Ms. Svrcek noted there is a regional agreement with the City and Bedford and Campbell counties so people can check books out from those libraries. Mayor Tweedy mentioned that she has seen a library experience in a mall in other localities. Ms. Martin said that would be difficult with her current staff. Councilmember Wright would agree that it is a priority to renovate the library and he congratulated her on her tenure.

Ms. Svrcek noted that Schools is delayed until April. Mayor Tweedy noted that they really need to look to the future and grapple with big issues like the delivery of services and quality of services as the City continues to grow. We really need to look at how we integrate facilities and services.

// In the matter of Roll Call, Councilmember Wilder thanked the school staff and volunteers for the wonderful lunches they are providing to the children. Mayor Tweedy reminded everyone of the Census coming up and how very important it is for everyone to participate. Ms. Svrcek said they are interested to hear how the census will pivot to handle communities that will not have their student count there on April 1. Councilmember Wright thanked staff for keeping them safe and noted the passing of someone who was important to the City and the EC Glass

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community. Mr. J. P. Vaughn. We will miss him.

// The meeting was adjourned at 6:12 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2020**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit (CUP): Virginia Episcopal School (VES) – 301, 310, 314, 318, 320, 340, 400, 500 & 700 VES Road, 190 Old One Sixty Lane, 120 Oriskany Street, 3805 Williams Road

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the conditional use permit for a Master Plan that includes the construction of new buildings, building renovations and athletic field improvements at Virginia Episcopal School (VES).

SUMMARY: VES is petitioning for a CUP that would approve a Master Plan for its one hundred sixty-five (165) acre campus located on VES Road, Old One Sixty Lane, Oriskany Street and Williams Road. The submitted Master Plan provides a fifteen (15) plus year vision for the campus and would include the construction of new buildings, building renovations and athletic field improvements (lighting). The Comprehensive Plan 2013-2030, recommends Institutional, Low Density Residential and Conservation land uses for the campus.

PRIOR ACTION(S):

March 11, 2020: The Planning Division recommended approval of the CUP petition.
The Planning Commission recommended approval (5-0, with 2 members absent, Bowden and Lowe)

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

CONTACT(S): Tom Martin, City Planner – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – March 11, 2020
- Planning Commission Packet – March 11, 2020
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Master Plan
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-026

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VIRGINIA EPISCOPAL SCHOOL IN AN R-1, LOW DENSITY RESIDENTIAL DISTRICT, R-4, HIGH DENSITY RESIDENTIAL DISTRICT AND AN R-C, CONSERVATION DISTRICT AT 301, 310, 314, 318, 320, 340, 400, 500 AND 700 VES ROAD, 190 OLD ONE SIXTY LANE, 120 ORISKANY STREET AND 3805 WILLIAMS ROAD TO APPROVE A MASTER PLAN THAT INCLUDES NEW BUILDINGS, BUILDING RENOVATIONS AND ATHLETIC FIELD IMPROVEMENTS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Virginia Episcopal School for a Conditional Use Permit at 301, 310, 314, 318, 320, 340, 400, 500 and 700 VES Road, 190 Old One Sixty Lane, 120 Oriskany Street and 3805 Williams Road for a Master Plan that includes new buildings, building renovations and athletic field improvements is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the Master Plan.
2. Any athletic field lighting shall comply with the International Dark-Sky Association requirements with zero light trespass to any neighboring public or non-VES property.
3. Improvements to VES Road for traffic calming and pedestrian crossings are subject to the approval of the City Engineer and City Transportation Engineer.

Adopted:

Certified: _____
Clerk of Council

044R

MINUTES OF THE MARCH 11, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

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 the athletic fields and traffic calming to VES Road.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. The properties are zoned primarily R-1, Low Density Residential. There is some R-3, Medium Density Residential, and R-4, High Density Residential. There is a little bit of R-C, Conservation, at the north and south of the property, along the tributaries of streams in the area. This is a master plan for a fifteen (15) plus year build-out for the one hundred sixty-five (165) acre campus of Virginia Episcopal School (VES). The properties on the North side of VES Road are recommended for Institutional uses. The properties on the South side, where the existing football field and tennis courts are [located], are recommended for low density residential. While the school would not be tied to any order of the improvements in the submitted narrative, it does indicate a phasing plan. The first phase, year one (1) through five (5), includes an academic building and lighting of the existing football field and some tennis courts south of VES Road. The second phase, year six (6) through ten (10), includes renovations to existing buildings, the construction of some new faculty housing, as well as lighting of athletic fields. The third phase, year eleven (11) to fifteen (15), includes the construction of new academic buildings, new dorms, recreational facilities, a maintenance building, faculty residences, and lighting of the softball field and lacrosse field. The submitted master plan is very well thought out and designed. The majority of the proposed uses are internal and within the boundaries of the existing campus. They should have little to no impact on the neighboring properties. The submitted plan does propose lighting of existing athletic fields and facilities, which has proven controversial in this area in the past. The narrative indicates that the field lighting would comply with the International Dark-Sky Association requirements with zero (0) light trespass to any neighboring public or to VES property. The Planning Division does recommend approval of the master plan with the conditions outlined in the report. Those conditions are essentially that the lighting be done in compliance with the International Dark-Sky Association and substantial compliance with this master plan as well as any traffic calming on VES Road needs to be approved by the City Engineer and Traffic Engineer.

Mr. Tommy Battle, a headmaster at Virginia Episcopal School, addressed the Commission. The master plan was completed as part of their strategic planning process with a twenty (20) year vision. Rezoning the property and a Conditional Use Permit were both considered for upcoming projects identified in the master plan. The master plan is dependent on the ability to raise money for each project. Because of that, a specific timeline is idealistic but helps identify what the priorities of the school are. The Board has approved moving ahead with active fundraising and architectural designs for a new academic building that will be located south of the baseball field. This will advance the school's core mission of academic delivery with updated space, more capacity for teaching and learning, and bring twenty-first (21) century teaching styles to campus. The strategic plan and master plan both assume that the student population of two hundred sixty (260) students will remain roughly the same. The school is at capacity in the existing dorms, chapel, and dining facility. Currently, the ratio is seventy (70) percent boarding students and thirty (30) percent day students. The addition of beds in the master plan assumes the ability to migrate to an eighty (80) percent boarding model while the overall population remains the same. The mix of boarding and day students allows for Lynchburg students and parents to be an active part of the school community. It is a hope though that some of the new boarders would be Lynchburg kids. There are probably about ten (10) current Lynchburg students who board. Again, this multi-year vision is dependent on successful fundraising. A disruption to the intended timeline is possible if a donor steps

forward earlier than expected and identifies a particular project of their interest. The immediate key priorities the board has identified include the academic building and faculty housing. The field lighting is included so that practices and games can run beyond the evening hours. Kevin Svensen, of Glavé & Holmes Architecture, has been working with VES since 2015 to design the master plan and on the specifics of the new academic building.

Mr. Kevin Svensen, of Glavé & Holmes Architecture, addressed the Commission. The master plan process took a little over a year to go through because feedback was taken from a number of sources like faculty, alumni, students, and the board. The master plan presents a vision of the school's needs, steps forward, and will allow them to be competitive over the next twenty (20) years. One of the first initiatives, as outlined in the plan, is the academic building. A new academic building will improve academic space and get some of the classrooms out of historic buildings that aren't necessarily suited for academic use anymore. Other initiatives are to improve the faculty housing situation on campus and renovate and preserve some of the historic properties existing on campus. These initiatives will be implemented over the first phase and into the second phase.

Mr. Battle stated that the neighbors were invited to a campus meeting last week and there were about a dozen in attendance. It was an opportunity for them to give open feedback and express any concerns. There were questions about the lighting strategy and the execution plan was explained which seemed to resolve concerns. Everyone seemed to leave the meeting comfortable with what was proposed. Other concerns involved construction traffic. They did not want to be in a constant construction zone for twenty (20) years. The academic building is new construction but most of the other work will be renovating existing spaces, which won't require as much material and earth movement.

Chair Rogers asked if there was anyone present who wished to speak in favor of the petition. He then asked if there was anyone present who wished to speak in opposition of the petition. When no one came forward he closed the public hearing.

Commissioner Light, in the interest of full disclosure, stated that he and his two (2) adult children all graduated from VES. He also served on the board at one point but it has been several years since then. He has never gotten compensation from VES and he does not have a business relationship with the school so he does not feel that there is a conflict of interest. He is capable of being impartial in regard to the petition.

Commissioner Marion disclosed that she has previously done work for VES but not in the last three (3) or four (4) years. There is no current business relationship.

Chair Rogers asked what the traffic calming measures will be and if they will extend to the athletic fields. He also noted that VES allows other groups in the community to utilize their facilities and play athletic games there.

Mr. Battle responded that VES has discussed methods for easing the traffic pressure for pedestrians in the past. It is difficult to get people to obey the lines in terms of crosswalks. Traffic calming was introduced as a concept and could extend to the athletic fields. Part of the traffic calming strategy is to move the entrance gate across VES Road, since the school owns the property on both sides. If the gate is moved it would be much more physically noticeable that it is the entrance to a campus. Another part of the strategy is a tree lined median on VES Road. Community safety is a significant priority and this strategy would require a significant investment. It may not impact the immediate student experience like the new academic building will. It is a challenge of want and need and available funding.

Mr. Svensen added that one of the things that came out of the master plan early on was the importance of safety of students crossing. There are a number of fields located across the street. Crossing locations, in the circulation paths on campus, were identified. The median would help provide a

location halfway across the street for pedestrians to wait if there was oncoming traffic so that they didn't feel as if they needed to make it all the way across. It would also help to slow down traffic. It would require more review before it could be finalized though and there are a number of options. Crosswalk materials could be changed to a brick or some other material to help slow traffic. The concept of a speed table was discussed but that can be an issue with snow removal. There are pros and cons for each option. They will work with the City as this moves forward to better understand their concerns and preferences.

Mr. Battle stated that if the School felt they had "the blessing" of the City to move forward with the speed table strategy then they would because it is the most cost-effective and could be invested in quickly. The feedback they have received though has been that it might be more difficult to implement in terms of emergency vehicles and snow removal.

Commissioner Perault asked who is required to create master plans.

Mr. Martin responded that the reason for Institutional zoning is that a lot of institutions felt that planning anything beyond five (5) years was purely speculative for them and they did not want to put the time or effort into doing a long term vision. He commended VES for thinking long term. The reason for the master plan is to allow an institution to show their vision and bring projects in and go straight to the site plan process. Otherwise, they would need to bring each individual project before Planning Commission and City Council before moving to the site plan process. Rezoning the campus to Institutional zoning was discussed and would not have required as much detail as provided in the master plan. Rezoning to Institutional has also proved controversial in this area in the past though so VES chose to apply for a Conditional Use Permit. Master plans are less frequently seen because Liberty University and Westminster Canterbury are now institutionally zoned. The majority of the other larger institutions have had theirs approved in the past and have not gotten to the level of exceeding those yet.

Commissioner Perault asked for clarification that if VES was institutionally zoned they would not require a master plan.

Mr. Martin responded that Institutional zoning requires a five (5) year concept plan.

Commissioner Perault stated that he loves the master plan and wishes more came before Planning Commission. It would be nice to see the long-term vision.

Mr. Martin responded that this is one of the better, if not the best, master plans that has been seen for a very long time. A lot of time and effort were put into this plan and VES should be commended.

Commissioner Light noted that he has not heard any opposition about this petition.

Mr. Battle responded that this petition is about making the school a better school. It is within the boundaries of their mission and strategy. These are significant enhancements to increase their capacity to deliver value to families. They were aware of the neighborhood controversies when they applied and that's why they identified all the potentially lighted fields even though it was not feasible at this time. A decade of development has a lot of potential.

Commissioner Johnson stated that the key is that enrollment numbers will not change. There shouldn't be more traffic especially since the number of boarding students is projected to increase.

Mr. Battle shared agreement and noted that both more boarding and on campus faculty housing should help decrease traffic and create a walking community.

Commissioner Light stated that the current enrollment is less than it was at its peak of three hundred twenty (320) students.

Mr. Battle disagreed and stated that enrollment has never gone beyond two hundred sixty-five (265). More bodies physically cannot fit in the community spaces.

Commissioner Marion noted that the Future Land Use Map (FLUM) shows everything north of VES Road as Institutional and everything south as Residential. This is a good thing because any fields south of VES Road that are lit up will have little impact since there's nobody living over there that's not part of the campus. The fields in the north end are closer to peoples' homes but are surrounded by trees.

Mr. Battle responded that the fields in the north are far back and they would never light the practice field next to the road and across from Westminster Canterbury.

Commissioner Marion stated that the type of lighting is not as visible and has less of an impact. She does not have any problem with it and thinks it is a great plan.

An adjoining owner from the audience asked how the school plans to get water and sewer to the proposed faculty housing. He has looked at building apartments in that area but has had difficulty with water and sewer.

Mr. Svensen responded that the sites for faculty housing have not been investigated fully yet but a couple of them may need to be on septic tanks and wells.

Chair Rogers responded that would be addressed in the site plan process.

Mr. Martin responded that water and sewer availability would be addressed in the site plan process. The adjoining owner is welcome to come in and discuss getting water and sewer to his sites as well as what the ordinance requires. He can also put him in touch with Water Resources.

Commissioner Marion made the following motion, seconded by Commissioner Light, and passed by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Virginia Episcopal School for a conditional use permit approving 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.

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. Any athletic field lighting shall comply with the International Dark-Sky Association requirements with zero light trespass to any neighboring public or non-VES property.**
- 3. Improvements to VES Road for traffic calming and pedestrian crossings are subject to the approval of the City Engineer and City Transportation Engineer."**

AYES:	Johnson, Light, Marion, Perault, and Rogers	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden and Lowe	2

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: March 11, 2020
Re: Conditional Use Permit (CUP) – VES Campus Master Plan

I. PETITIONER

Mr. Tommy Battle, Headmaster, Virginia Episcopal School, 400 VES Road, Lynchburg, Virginia 24503

Representative: Mr. Scott James Kyle, AIA, LC, LEED, Glave and Holmes Architecture, 2101 E. Main Street, Richmond, Virginia 23223

Property Owner:

Virginia Episcopal School, 400 VES Road, Lynchburg, Virginia 24503

II. LOCATION

The subject property includes the following tracts comprising approximately one hundred sixty-five and three hundred eighty –seven thousandths acres:

301 VES Road	9.532
310 VES Road	2.75
314 VES Road	.58
318 VES Road	1.451
320 VES Road	5.726
340 VES Road	23.595
400 VES Road	48.707
500 VES Road	22.635
700 VES Road	1.1
190 Old One Sixty Lane	40.594
120 Oriskany Street	2.917
3805 Williams Road	5.8
Total	165.387

III. PURPOSE

The purpose of the petition is to approve a Master Plan for Virginia Episcopal School that would include new buildings, building renovations and athletic field improvements.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030* recommends an Institutional Use for the properties north of VES Road and a Low Density Residential Use for the properties south of VES Road. Linear portions of Resource Conservation are indicated along the streams bordering the north and south of the properties.
- The properties are zoned R-1, Low Density Residential District, R-3, Medium Density Residential District, R-4, High Density Residential District and R-C, Conservation District. Schools and their associated uses are permitted in these districts upon approval of a Conditional Use Permit by the Planning Commission and City Council.

- The Master Plan does not propose an increase in the total number of students or faculty; however, the percentage of students living on campus would be increased by ten percent (10%).
- Athletic facilities would be improved to include lighting and bleachers.

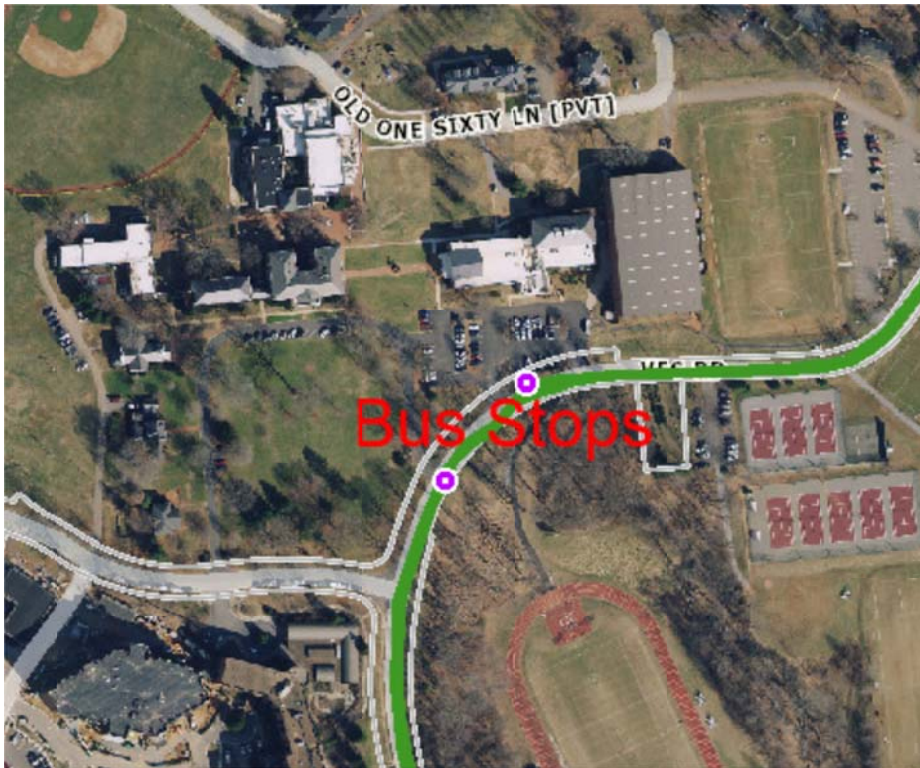
The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The property is recommended for Institutional and Low Density Residential Land Uses on the City's *Future Land Use Map (FLUM)*. The City's institutions include the religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (*p. 76*) Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the *Future Land Use Map*. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes. Private recreational uses, including country clubs swim and racquet clubs and private open space are also appropriate for Low Density Residential area. (*p. 72*)
2. **Zoning.** The subject property was annexed into the City in 1926. The zoning of the subject properties was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On June 10, 1980, City Council approved the CUP request of Virginia Episcopal School for a master plan at 400 VES Road.
 - On October 8, 1985, City Council approved the CUP request of Virginia Episcopal School to allow the construction of a gymnasium addition at 400 VES Road.
 - On December 10, 1985, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of an athletic field at 340 VES Road.
 - On May 5, 1986, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of a dormitory at 400 VES Road.
 - On April 10, 1990, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of a maintenance building and driveway improvements at 400 VES Road.
 - On June 12, 1990, City Council approved the CUP petition of Westminster Canterbury to allow building and parking additions at 501 VES Road.
 - On September 25, 1990, City Council approved the CUP petition of Presbyterian Home and Family Services to allow the construction of a group home at 150 Linden Avenue.

- On October 9, 1990, City Council approved the CUP petition of Virginia Episcopal School to allow revisions to the Master Plan at 400 VES Road.
 - On November 14, 1995, City Council approved the CUP petition of Westminster Canterbury to allow the addition of a cottage program at 501 VES Road.
 - On August 11, 1998, City Council approved the CUP petition of Presbyterian Homes and Family Services to allow the construction of a student activity center and parking area at 150 Linden Avenue.
 - On July 13, 1990, City Council approved the CUP petition of Westminster Canterbury to allow the construction of a wellness center and swimming pool at 501 VES Road.
 - On January 9, 2001, City Council approved the CUP petition of Westminster Canterbury to allow building and parking additions at 501 VES Road.
 - On May 9, 2010, City Council approved the CUP petition of Cole Brothers Circus to allow a temporary Circus at 150 Linden Avenue.
 - On July 8, 2014, City Council approved the CUP request of Virginia Episcopal School to allow the construction for a parking area at 400 VES Road.
 - On September 13, 2016, City Council approved the request of Westminster Canterbury of Lynchburg to rezone 501 VES Road from R-4, High Density Residential to IN-1, Institutional District 1.
 - On December 10, 2019, City Council approved the CUP petition of Humankind to allow the construction of athletic and parking facilities.
5. **Site Description.** The subject property consists of approximately one hundred sixty-five and three hundred eighty –seven thousandths (165.387) acres located on multiple parcels and is the campus of Virginia Episcopal School. The primary development proposed by the Master Plan would occur in areas currently developed.
 6. **Proposed Use of Property.** If the CUP petition is approved the property would continue to be used by Virginia Episcopal School for students in grades 9-12 and faculty. The submitted Master Plan indicates a fifteen (15) plus year vision for the Campus.
 7. **Traffic, Parking and Public Transit.** The City Transportation Engineer did not require a traffic analysis based upon the recently completed study associated with Westminster Canterbury and that the number of students will remain constant.

The property is served by the Greater Lynchburg Transit Company (GLTC) Route 3A with bus stops located on VES Road and central to the campus.



GLTC Route 3A

Zoning Ordinance Exhibit VI-2, Minimum Number of Parking Spaces Required, provides that High Schools are to provide two (2) parking spaces per three (employees) and one parking space per ten (10) students. Information submitted by the petitioner indicates there are eighty employees which would require a total of fifty-three (53) parking spaces. The indicated two hundred sixty (260) students would require a total of twenty-six (26) parking spaces. The *Zoning Ordinance* further provides that Arenas, Auditoriums and Stadiums provide one (1) space per three (3) spectator seats. The “King Theater has the largest seating capacity of any facility on campus with a seating capacity of three hundred fifty (350). A total of one hundred sixteen (117) parking spaces would be required for the King Theater. A total of one hundred ninety-six parking spaces are required and the submitted narrative indicates that a total of two hundred thirty-nine parking spaces currently exist and a total of two hundred seventy-seven (277) are proposed.

The submitted master plan indicates traffic calming and pedestrian safety measures along VES Road which would include a landscaped median and delineated pedestrian crossings. The proposal was acceptable to the City’s Transportation Engineer.

8. **Stormwater Management.** A stormwater management / water quality plan would be required prior to any final site plan approvals. The City Stormwater Ordinance requires any land disturbance over five thousand (5000) square feet to provide a stormwater plan addressing water quantity and quality. The campus drains northward to several tributaries of Sugar Tree Branch and southward towards tributaries of Pigeon Creek. The submitted master plan indicates several stormwater facility locations, two of which could be a regional type practice to serve larger areas of the campus.
9. **Emergency Services:** The City Fire Marshal commented that fire access routes would need to be determined prior to final site plan approvals. The City Police Department had no comments of concern regarding the CUP, yet reserved comment as future site plans are submitted.

- 10. Impact.** The submitted master plan provides a fifteen (15) plus year vision for Virginia Episcopal School. The primary focus of the plan is to provide additional housing on campus for students and faculty while not increasing enrollment and providing a “place of community where students and faculty make life long connections.”

The submitted narrative indicates that within the next five years a new academic building would be constructed in the north western portion of the campus near the existing baseball field. Within six to ten years renovations would be made to Pendleton and Jett Halls and the addition of two apartment style buildings for faculty. The narrative provides additional projects for years eleven through fifteen. While the phasing indicates the petitioner’s thoughts of how development will proceed, if the Master Plan is approved they would not be tied to it unless City Council deems it necessary.

The submitted master plan indicates the improvement of several athletic fields and facilities. While the submitted narrative indicates that all lighting will comply with the International Dark-Sky Association requirements with zero trespass to any neighboring public or non-VES property, the lighting of athletic facilities has proved to be controversial in the past for this area of the City.

The submitted Master Plan is well thought and designed. The improvements are contained within a campus setting. With the exception of the lighting of the athletic fields, the proposal should have little to no negative impact on the area.

- 11. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on February 19, 2020. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Virginia Episcopal School for a conditional use permit approving 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.

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. Any athletic field lighting shall comply with the International Dark-Sky Association requirements with zero light trespass to any neighboring public or non-VES property.**
- 3. Improvements to VES Road for traffic calming and pedestrian crossings are subject to the approval of the City Engineer and City Transportation Engineer.**

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 Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Tommy Battle, Petitioner
Mr. Scott, Kyle, Representative
Mr. Scott Beasley, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

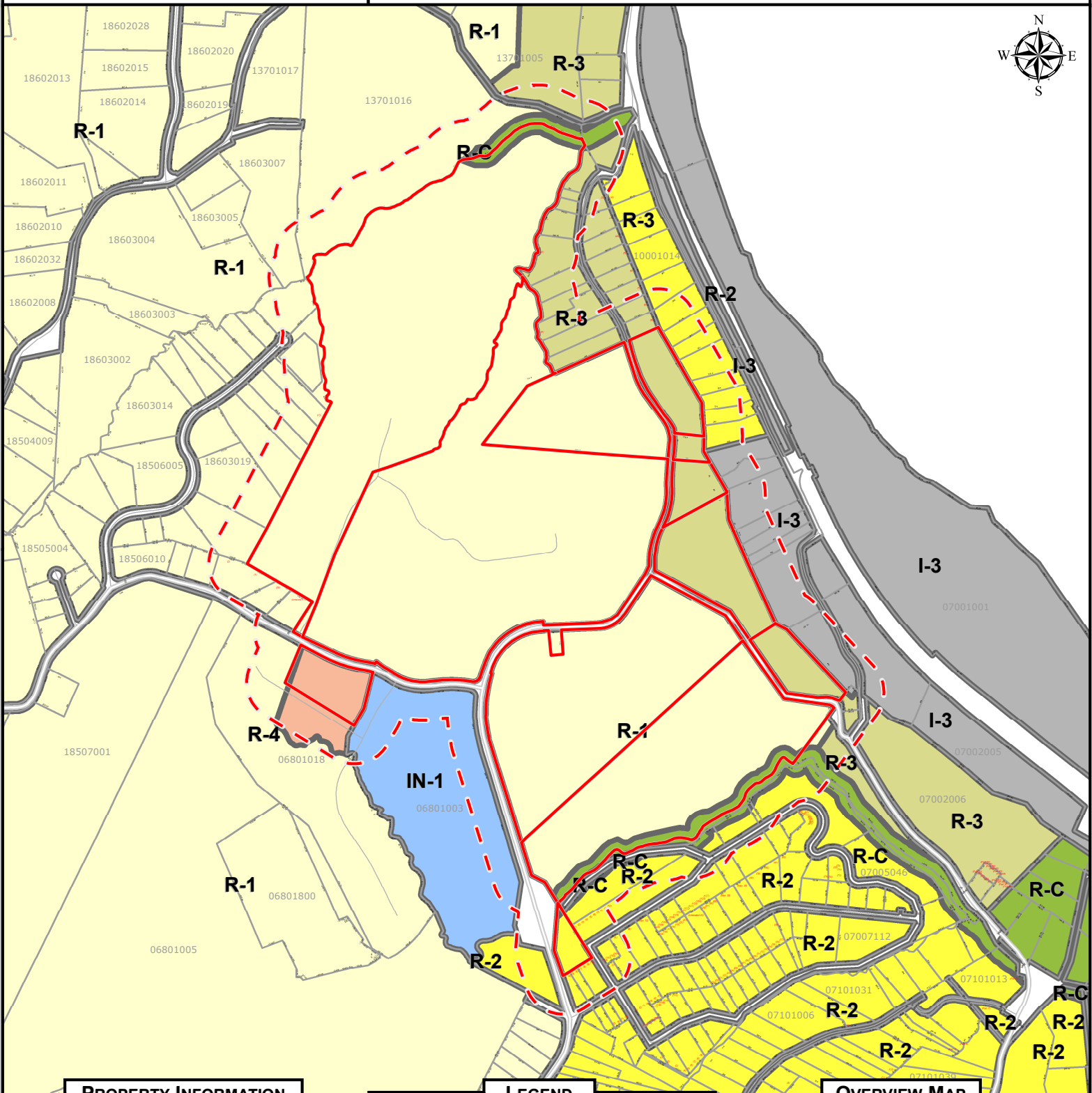
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Master Plan**
- 6. Narrative**
- 7. Property Photographs**

Zoning-TRC Map

VES CAMPUS

TRC

VES



PROPERTY INFORMATION

PARCEL ID	ADDRESS
10001024	400 VES RD
07009044	700 VES RD
07003010	500 VES RD
07003011	340 VES RD
07003001	320 VES RD
10001036	190 OLD ONE SIXTY LN
10001025	301 VES RD
10001022	310 VES RD
10001053	314 VES RD
10001023	318 VES RD
06801002	3805 WILLIAMS RD

LEGEND

Subject Property

215' Buffer

B-1

I-1

R-1

B-3

I-2

R-2

B-4

I-3

R-3

B-5

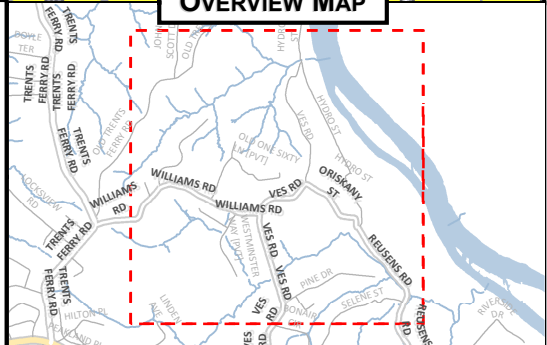
IN-1

R-4

R-C

IN-2

OVERVIEW MAP



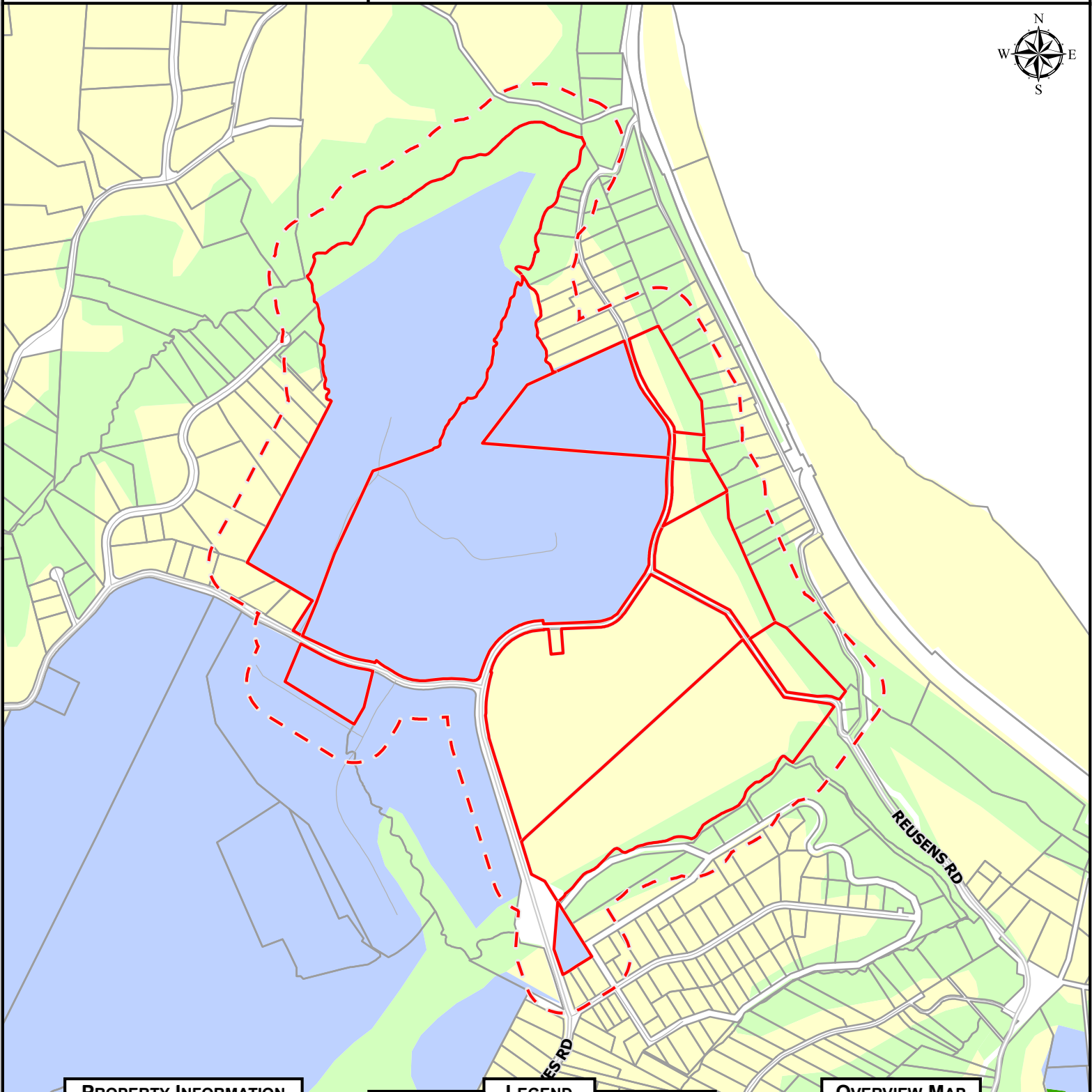
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400 VES Road

Parcel ID	Address	Owner
06801002	3805 WILLIAMS RD	VIRGINIA EPISCOPAL SCHOOL
06801003	501 VES RD	WESTMINSTER CANTERBURY OF LYNCHBURG
06801018	3801 WILLIAMS RD	WESTMINSTER CANTERBURY OF LYNCHBURG
07002001	3915 HYDRO ST	APPALACHIAN TANK CAR SERVICES LLC
07002002	3925 REUSENS RD	APPALACHIAN TANK CAR SERVICES LLC
07002003	751 REUSENS RD	APPALACHIAN TANK CAR SERVICES LLC
07002004	700 REUSENS RD	APPALACHIAN TANK CAR SERVICES LLC
07002006	600 REUSENS RD	MAPLE RIDGE APARTMENTS LLC
07002053	725 REUSENS RD	APPALACHIAN TANK CAR SERVICES LLC
07002055	3905 HYDRO ST	APPALACHIAN TANK CAR SERVICES LLC
07002056	3909 HYDRO ST	APPALACHIAN TANK CAR SERVICES LLC
07003001	320 VES RD	VIRGINIA EPISCOPAL SCHOOL
07003002	120 ORISKANY ST	VIRGINIA EPISCOPAL SCHOOL
07003003	705 REUSENS RD	APPALACHIAN TANK CAR SERVICES LLC
07003006	701 REUSENS RD	CITY OF LYNCHBURG
07003010	500 VES RD	VIRGINIA EPISCOPAL SCHOOL
07003011	340 VES RD	VIRGINIA EPISCOPAL SCHOOL
07003012	342 VES RD	SCOTT CEMETERY
07005001	601 REUSENS RD	MAPLE RIDGE APARTMENTS LLC
07005005	571 BUCKNER DR	WILEY, AUBREY M JR &
07005095	727 BUCKNER DR	WILEY, AUBREY M JR &
07005096	731 BUCKNER DR	WILEY, AUBREY M JR &
07005105	767 BUCKNER DR	WILEY, AUBREY M JR &
07006119	718 BUCKNER DR	PALCZYNSKI, MARIAN B &
07006131	706 BUCKNER DR	SHIVERDECKER, WALLACE & NEDRA
07006135	670 BUCKNER DR	WILEY, AUBREY M JR &
07006144	654 BUCKNER DR	WILEY, AUBREY M JR &
07009001	782 NORTH DR	DAVIS, SUSAN K & RING, PATRICIA K
07009002	783 BUCKNER DR	DAVIS, SUSAN K & RING, PATRICIA K
07009044	700 VES RD	VIRGINIA EPISCOPAL SCHOOL
07101007	591 NORTH DR	HUSSAMY, SAMIR TRS
10001004	3917 HYDRO ST	APPALACHIAN TANK CAR SERVICES LLC
10001005	4001 HYDRO ST	APPALACHIAN TANK CAR SERVICES LLC
10001006	4005 HYDRO ST	SORRELS, ROBERT W
10001007	4011 HYDRO ST	SORRELS, ROBERT W
10001008	4015 HYDRO ST	CARTER, JAMES W & DOROTHY A
10001009	4019 HYDRO ST	FOREST VIEWS LLC
10001010	4023 HYDRO ST	CREWS, CAROLE S
10001011	4101 HYDRO ST	BURKS, DUANE L
10001012	4109 HYDRO ST	HARLESS, JIMMIE & BARBATO, ANGELINA
10001013	4115 HYDRO ST	CARTER, JAMES W
10001018	4225 HYDRO ST	DOSS, LAWRENCE B & DALE B
10001019	128 VES RD	CARTER, E LEE & DOROTHY A
10001020	126 VES RD	CARTER, E LEE & DOROTHY A
10001021	200 VES RD	RUSSELL, MICKEY & LINDSAY
10001022	310 VES RD	VIRGINIA EPISCOPAL SCHOOL

10001023	318 VES RD	VIRGINIA EPISCOPAL SCHOOL
10001024	400 VES RD	VIRGINIA EPISCOPAL SCHOOL
10001025	301 VES RD	VIRGINIA EPISCOPAL SCHOOL
10001026	259 VES RD	SMITH, JERRY B & MARTHA C
10001027	253 VES RD	DORSEY, GREGORY L
10001028	249 VES RD	SMITH, CHARLES F TRS
10001029	243 VES RD	GUION, JOYCE D
10001030	237 VES RD	CARTER, EDWARD L & DOROTHY A
10001031	233 VES RD	FIELDS, RYAN N & JULIE R
10001032	215 VES RD	COX, MARY L TRS
10001033	211 VES RD	COX, MARY L TRS
10001034	201 VES RD	CARTER, BERTHA
10001035	125 VES RD	CARRINGTON, JAMES J
10001036	190 OLD ONE SIXTY LN	VIRGINIA EPISCOPAL SCHOOL
10001038	4112 WILLIAMS RD	JUDD, CHARLES & WANDA
10001039	4116 WILLIAMS RD	BURNS, TANNER J & REBECCA B
10001040	4120 WILLIAMS RD	QUINN, MICHAEL J & AMY F
10001041	926 ROTHOWOOD RD	FLOYD, MONICA B & BEACH, LAUREN C
10001042	922 ROTHOWOOD RD	TAYLOR, WILLIE R
10001043	918 ROTHOWOOD RD	SMITH, PETER R & CHERYL H
10001044	914 ROTHOWOOD RD	HUDSON, GARY R & LEESA S
10001046	911 ROTHOWOOD RD	THOMPSON, G ERLE JR & CAROL L
10001047	4105 HYDRO ST	CARTER, JAMES W
10001050	244 VES RD	WINGFIELD, JOHN E & LINDA S
10001051	248 VES RD	WINGFIELD, JOHN E & LINDA S
10001052	252 VES RD	WINGFIELD, JOHN E & LINDA S
10001053	314 VES RD	VIRGINIA EPISCOPAL SCHOOL
10001055	207 VES RD	COX, MARY L TRS
10001056	208 VES RD	BERNARD, ROBIN G
10001844	914 ROTHOWOOD RD	HUDSON, GARY R & LEESA S
13701005	200 OLD TRENTS FERRY RD	APPALACHIAN ELECTRIC POWER
13701016	508 OLD TRENTS FERRY RD	CLATTERBUCK, PAUL S & MARTHA H
13701027	4227 HYDRO ST	LEWIS, JOE
18506007	956 ROTHOWOOD RD	JOYNER, LUTHER L & LISA H
18603004	716 OLD TRENTS FERRY RD	WHITE, KENNETH SPENCER TRS
18603007	518 OLD TRENTS FERRY RD	POOLE, THOMAS C & PATRICIA
18603018	952 ROTHOWOOD RD	CHADWICK, KEVIN C &
18603019	948 ROTHOWOOD RD	WOJCIKOWSKI, ANNE K
18603021	930 ROTHOWOOD RD	DEUTSCH, CYNTHIA
18603023	4128 WILLIAMS RD	TURNBOW, TYLER JAY SR
		VDOT LYNCHBURG DISTRICT OFFICE
		AMHERST COUNTY ADMINISTRATIVE OFFICES



PROPERTY INFORMATION

PARCEL ID

ADDRESS

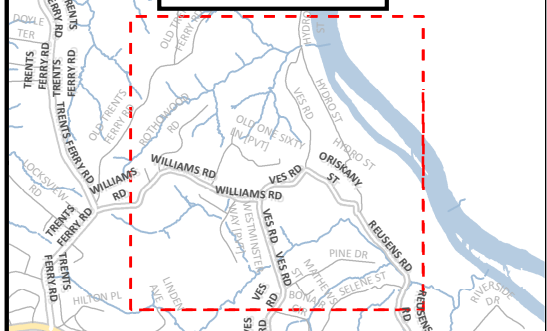
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LEGEND

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

MAP SCALE: 1" to 750' DATE PRINTED: 3/5/2020

OVERVIEW MAP



Watershed Map

TRC

VES CAMPUS

VES



PROPERTY INFORMATION

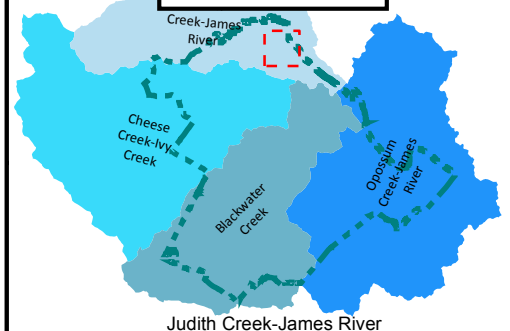
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10001053	314 VES RD
10001023	318 VES RD
06801002	3805 WILLIAMS RD

LEGEND

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

MAP SCALE: 1" to 750' DATE PRINTED: 3/5/2020

OVERVIEW MAP



Judith Creek-James River

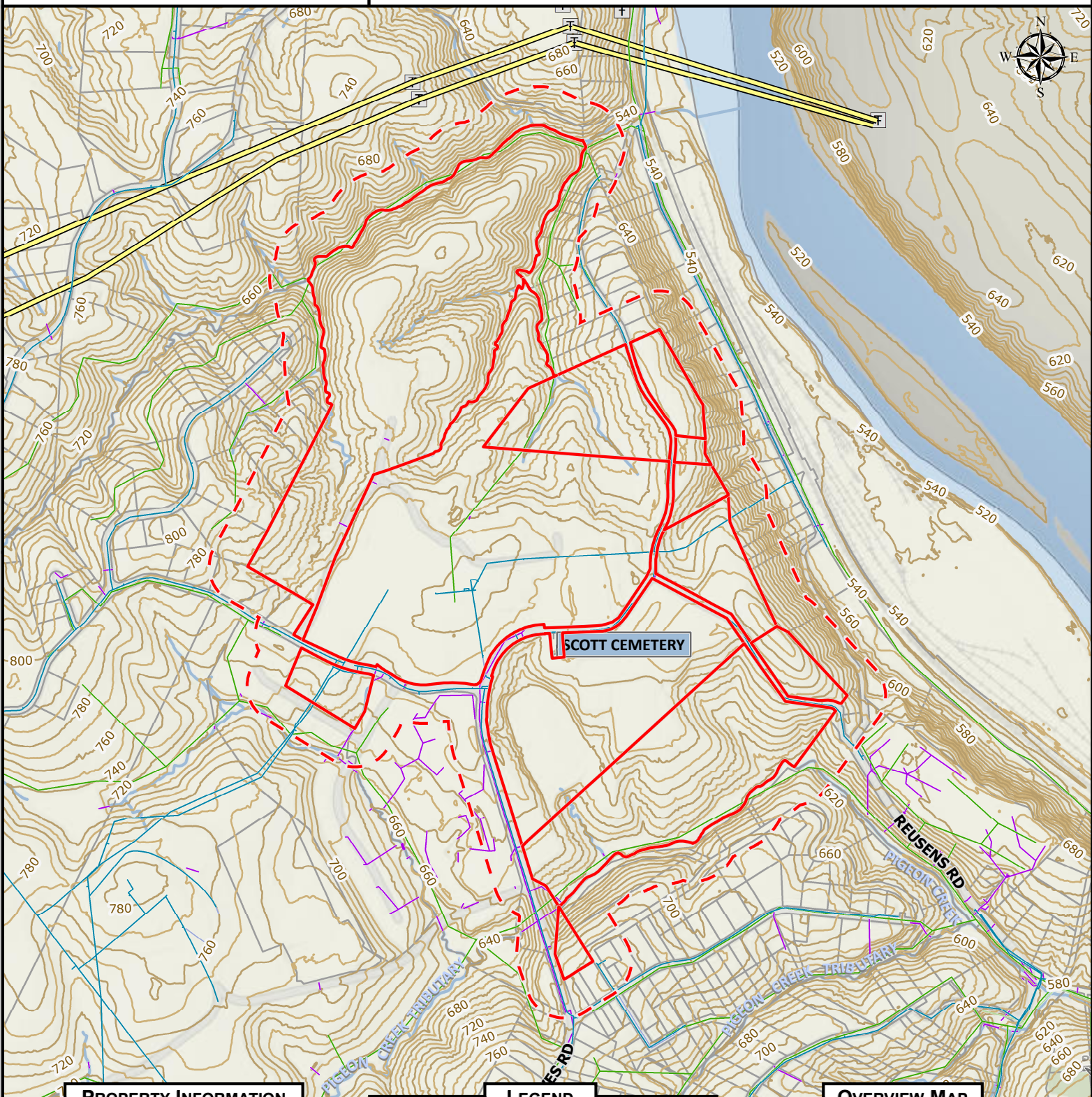
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Planimetric and Topographic-TRC

VES CAMPUS

TRC

VES



PROPERTY INFORMATION

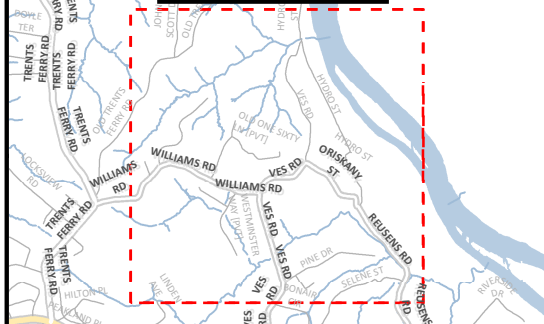
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10001023	318 VES RD
06801002	3805 WILLIAMS RD

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Structure	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Roadway	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Parking	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Sidewalk	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Driveway	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Towers & Trans. Lines	Elec. Trans (Yellow line)	Trans. Tower (Blue square)	Comm. Tower (Red circle)
		Other (Blue square)	Pole Cemetery (Blue square)
			100' (Blue line)
			50' (Blue line)
			20' (Blue line)
			10' (Blue line)
			5' (Blue line)
			1' (Blue line)
			Contours (Blue line)

MAP SCALE: 1" to 750' DATE PRINTED: 3/5/2020

OVERVIEW MAP



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VIRGINIA EPISCOPAL SCHOOL
CAMPUS PLAN JANUARY 2020

UPDATED 3/6/2020

EXISTING BUILDINGS

- 1

Banks House – Faculty Residence
- 2

Banks-Gannaway Hall
- 3

Barksdale Gymnasium
- 4

Faculty Duplex
- 5

Faculty Duplex
- 6

Faculty Single Family Residence
- 7

Faculty Single Family Residence
- 8

Faculty Single Family Residence
- 9

Faculty Single Family Residence
- 10

Faculty Single Family Residence
- 11

Faculty Single Family Residence
- 12

Faculty Single Family Residence
- 13

Faculty Single Family Residence
- 14

Headmaster's House
- 15

Jett Hall
- 16

Langhorne Memorial Chapel
- 17

Maintenance Building
- 18

McCormick Dorm
- 19

Pendleton Hall
- 20

Perkins Dorm
- 21

Randolph Dorm
- 22

Van Every Athletic Center
- 23

William King Center for Arts and Leadership
- 24

Wyatt Dorm
- 25

Zimmer Science and Activity Center

NEW BUILDINGS

- 26

Academic Building
- 27

Academic Building
- 28

Academic/Arts Building
- 29

Athletic Addition
- 30

Faculty Apartment Building
- 31

Faculty Apartment Building
- 32

Faculty Apartment Building
- 33

Faculty Duplex
- 34

Faculty Duplex
- 35

Faculty Single Family Residence
- 36

Faculty Single Family Residence
- 37

Faculty Single Family Residence
- 38

Faculty Single Family Residence
- 39

Faculty Single Family Residence
- 40

Faculty Single Family Residence
- 41

Maintenance Building
- 42

New Ainslie Dorm
- 43

Recreation Building
- 44

Student Dorm

SITE IMPROVEMENTS

- A

Amphitheater/Outdoor Classroom
- B

Box Plaza
- C

Box Plaza Extension
- D

Circular Lawn with Council Ring
- E

Concessions / Athletic Storage
- F

Culinary Garden
- G

Ellipse Student Activity Lawn
- H

Evans Gateway Entrance
- I

Lamar Garden Restoration/Expansion
- J

Mingea Historical Site
- K

North Promenade
- L

Outdoor Basketball Court
- M

Outdoor Classroom/ Trails
- N

Pavilion
- O

Pedestrian Loop Path / Sidewalk
- P

Plaza Entrance With Lawn Terraces
- Q

Shanklin Bell Tower & Garden
- R

Sport Field With Lighting (Phase R1, R2, R3)
- S

Stormwater Management, Typical
- S1

Proposed Stormwater Mgt. Facility (Wet Pond)
- S2

Proposed Stormwater Mgt. Facility (Bioretention)
- T

Student Gathering Space
- U

Traffic Calming for VES and Williams Roads
- V

Vehicular Loop and Drop-off
- W

Visitor's Constructed Seating

PARKING

- New Paved Parking Count - 154 Total
- -

Existing Paved Parking Count to Remain- 123 Total
- - -

Existing Overflow Event Parking Count - 315 Total
- *Accessible Spaces
- 239 Current Total Paved Parking

277 Master Plan Total Paved Parking

+38 Net Change in Paved Parking

No Change in Overflow Event Parking
-



CUP NARRATIVE

March 6, 2020 Revised Submission

Virginia Episcopal School, 2020 Campus Master Plan Update

301-320, 340, 400, and 500 VES Road & 190 Old One Sixty Lane

Lynchburg, Virginia

G&HA Project #15031SO10

PROJECT DESCRIPTION

The 2016 Virginia Episcopal School (VES) Master Plan with updates in 2020 will be presented as a Plan for a Conditional Use Permit. The total student enrollment is intended to remain consistent throughout the development of the Master Plan.

BACKGROUND

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.

The campus itself is, in many ways, a physical manifestation of VES's mission statement. Set within a community of students, faculty and administrators, the school's Toward Full Stature mission gives the campus a strong sense of place and a prescriptive lens to view every detail of the campus as an opportunity to consistently reinforce VES's larger mission by providing:

- A place of community where students and faculty make lifetime connections
- A campus where students come first
- A campus where faculty and administration love to live, work, and grow
- A campus of timeless character, preserving and translating the original campus vision into a modern preparatory school
- A well-organized campus with clear edges, well-defined precincts, and a strong center
- Stewardship responsibility for fiscal and physical resources

DEMOGRAPHICS

The 260 students who attend VES come from throughout the United States and abroad with a current mix of 30% day students to 70% boarding; 20% of the student body is international, representing 14 countries in 2019-20. The school serves this diverse coeducational community of students in grades 9-12 with a student-to-teacher ratio of 6:1. Approximately 80 faculty and staff support the VES program. Current campus housing supports residences for 56 adults and their 25 children—accommodating nearly 80% of our faculty.

Approximately 24 faculty and staff live in the greater Lynchburg community. On any given school day, another 30 members of the outsourced maintenance and food service staffs travel to campus using either public transportation or their own vehicles.

ARCHITECTURE

An overall analysis of the existing campus configuration revealed an inherent opportunity to develop and strengthen a framework of integrated, student-focused functions at the heart of the school. Jett Hall as the bedrock of the school, will continue as a visual initiation for prospective students and visitors while also maintaining a prominent location for student engagement. Academic and Student Life activities will be concentrated along an expanded Box Plaza spine, providing a density of day-to-day activity at the heart of the campus. As today, student housing will remain concentrated in two areas adjacent to the campus core. 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. Athletic fields encircle the campus while faculty housing will be concentrated at the entrances and edges of campus to offer opportunity for a safety buffer and visual monitoring of comings and goings.

With reference to the historical site plan by Architect Fredrick H. Brooke, and understanding for a tight-knit, integrated community at the heart of an expanding school, the Master Plan offers a formal organization for future buildings. Proposed buildings are located to establish purposeful green spaces between buildings and accentuate, frame and terminate important visual sightlines throughout campus.

A detailed, in-depth analysis of the master plan program, potential building sites and campus organization was done to determine the most appropriate locations for the different functions on campus. This process was used to determine what functions are best suited for existing buildings and where new buildings are needed to complete programmatic goals. This process was reviewed, refined and approved throughout the master planning process.

A few of the buildings near the core of campus are best suited for a variety of functions (mixed-use). Jett Hall will house administration, academic and student housing similar to its historic use. Pendleton Hall will remain predominately student housing, with new student life services on the ground and first floors. The academic functions will be moved to a new academic building sited at the back edge of the central plaza. The William King Center has a mix of academic and student life and, after its renovation Barksdale Gymnasium, will house a mix of student life and athletics.

The list below describes the existing and potential future architectural plan envisioned by the Master Plan:
Note: Numbers correspond to the revised campus plan (included in submission).

<u>EXISTING BUILDINGS</u>		<u>NEW BUILDINGS</u>	
1.	Banks House – Faculty Single Family Residence	26.	Academic Building
2.	Banks-Gannaway Hall – Dining Hall & Library	a.	Maximum 3 stories above grade
3.	Barksdale Gymnasium	b.	Approximately 15,000 square feet
a.	Historic building contributing to the historic district	27.	Academic Building
b.	Proposed future restoration	a.	Maximum 3 stories above grade
4.	Faculty Duplex	b.	Approximately 16,000 square feet
a.	Historic building contributing to the historic district	28.	Academic/Arts Building
		a.	Maximum 3 stories above grade
		b.	Approximately 10,000 square feet

5.	Faculty Duplex	29.	Athletic Addition
6.	Faculty Single Family Residence	a.	Maximum 3 stories above grade
7.	Faculty Single Family Residence	b.	Approximately 15,000 square feet
8.	Faculty Single Family Residence	30.	Faculty Apartment Building
9.	Faculty Single Family Residence	a.	Maximum 3 stories above grade
10.	Faculty Single Family Residence	b.	Approximately 5,500 square feet
11.	Faculty Single Family Residence	c.	4 dwelling units
12.	Faculty Single Family Residence	31.	Faculty Apartment Building
13.	Faculty Single Family Residence	a.	Maximum 3 stories above grade
14.	Headmaster's House	b.	Approximately 5,500 square feet
15.	Jett Hall	c.	4 dwelling units
a.	Historic building contributing to the historic district	32.	Faculty Apartment Building
b.	Proposed future restoration	a.	Maximum 2 stories above grade
16.	Langhorne Memorial Chapel	b.	Approximately 5,000 square feet
a.	Historic building contributing to the historic district	c.	4 dwelling units
b.	Possible future restoration	33.	Faculty Duplex
17.	Maintenance Building	a.	Maximum 3 stories above grade
18.	McCormick Dorm	b.	Approximately 3,500 square feet
19.	Pendleton Hall	c.	2 dwelling units
a.	Historic building contributing to the historic district	34.	Faculty Duplex
b.	Proposed future restoration and renovation	a.	Maximum 3 stories above grade
20.	Perkins Dorm	b.	Approximately 3,500 square feet
a.	Proposed future renovation or reconstruction	c.	2 dwelling units
21.	Randolph Dorm	35.	Faculty Single Family Residence
a.	Proposed future renovation	a.	Maximum 2 stories above grade
22.	Van Every Athletic Center – Fieldhouse	b.	Approximately 3,000 square feet
23.	William King Center for Arts and Leadership – Theater and performing arts building	c.	1 dwelling unit
24.	Wyatt Dorm	36.	Faculty Single Family Residence
a.	Proposed future renovation or reconstruction	a.	Maximum 2 stories above grade
25.	Zimmer Science and Activity Center – Academic building	b.	Approximately 3,000 square feet
00.	Ainslie Dorm (scheduled to be demolished and replaced)	c.	1 dwelling unit
0.	Art Building (scheduled to be demolished and replaced)	37.	Faculty Single Family Residence
		a.	Maximum 2 stories above grade
		b.	Approximately 3,000 square feet
		c.	1 dwelling unit
		38.	Faculty Single Family Residence
		a.	Maximum 2 stories above grade
		b.	Approximately 3,000 square feet
		c.	1 dwelling unit
		39.	Faculty Single Family Residence
		a.	Maximum 2 stories above grade
		b.	Approximately 3,000 square feet
		c.	1 dwelling unit
		40.	Faculty Single Family Residence
		a.	Maximum 2 stories above grade
		b.	Approximately 3,000 square feet
		c.	1 dwelling unit
		41.	Maintenance Building
		a.	Maximum 3 stories above grade
		b.	Approximately 10,000 square feet
		42.	New Ainslie Dorm

NOTE: VES-Owned faculty houses at 1001 Williamsburg Place Road and 837 VES Road are not contiguous with the VES Campus and not considered part of the Campus or Master Plan. No alterations to these properties are planned.

	a. Maximum 3 stories above grade b. Approximately 8,000 square feet c. Approximately 30 dwelling units
43.	Recreation Building a. Maximum 3 stories above grade b. Approximately 10,000 square feet
44.	Student Dorm a. Maximum 3 stories above grade b. Approximately 8,000 square feet c. Approximately 30 dwelling units

PHASING

Phasing of the above-listed projects will be developed within a dynamic fundraising process as VES's Development team builds campaigns for the future of the school. In the short term there is a 15,000 SF New Academic Building in the planning stages 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.

Phase 1 – 1-5 years

- 1 New Academic Building (#27)
- 2 Athletic Fields labeled R1 (Tennis Courts, Football Field)

Phase 2 – 6-10 years

- 1 Pendleton Renovation (#19)
- 2 Jett Renovation (#15)
- 3 Faculty Housing (#30-32)
- 4 Athletic Fields labeled R2 (Multi-Sport Fields)

Phase 3 – 11-15 years

- 1 Academic / Arts Building (#28)
- 2 New Ainslie Dorm (#42)
- 3 Recreation Building (#43)
- 4 Student Dorm (#44)
- 5 Maintenance Building (#41)
- 6 Faculty Residence (#35-40)
- 7 Athletic Fields labeled R3 (Baseball Field, Lacrosse Field)

Phase 4 – 15+ years

- 1 Everything else

PARKING AND TRANSPORTATION

An analysis of vehicular and pedestrian circulation on campus revealed opportunities to better support academic, student, and community life with road and parking improvements. VES Road divides the campus with many of the athletic fields to the south of the road and most campus life to the north. Students and fans cross the road regularly, and in the current condition there is only one marked cross walk and two-way traffic is divided by only a double line. The master plan proposes traffic calming and pedestrian safety measures for

this portion of VES Road including adding a planted median and several clearly delineated pedestrian crossing areas.

With the proposed changes to campus, the parking areas have been reconsidered to better serve access to buildings and athletic fields. In the current configuration there are approximately 239 paved parking spaces, and the master plan proposes 277 paved parking spaces for a net change of +38 spaces. These additional spaces are to better accommodate on-campus staff, offer greater access to athletic facilities, and increase visitor access to the heart of campus. Ingress and egress points from campus remain unchanged with beautification improvements proposed at the Evans Gateway Entrance.

Seating capacities in existing buildings and on-site for outdoor gatherings and sporting events are expected to remain the same since enrollment and faculty are projected to remain contract through the 20-year projection of the master plan. Current seating capacities and attendee numbers are as follows:

Building/Field	Seating Capacity		Typical Event Audience Size	
Van Every Fieldhouse	450	Can be expanded with outdoor bleachers being moved in	200	
Pope Stadium	250	Grandstand - 30 seats available on visitor's side	125	most people stand
Moore Field	60	two 30 seat bleachers	40	most people stand
Practice Soccer/Lacrosse Field	60	two 30 seat bleachers	30	most people stand
Soccer Game Field	60	two 30 seat bleachers	40	most people stand
Meador Park Baseball Field	60	two 30 seat bleachers	30	most people stand
King Theater	350		300	
Event Attendance Estimates				
Opening Weekend (late Aug)	200			
Parents Weekend (October)	200			
Homecoming (September)	150			
Graduation (late May)	600			
Reunion Weekend (early June)	250			

ATHLETIC FIELDS & COURTS

Athletic improvements include upgrades to all the athletic fields. The multi-sport field to the east will shift orientation and receive lights, bleachers and artificial turf. The tennis courts will be upgraded with the addition of lights and one additional court. A concession/restroom building will be centrally located to serve all the athletics in this area. The football stadium will receive bleacher upgrades, lights, and a concessions/restroom building at the southern end, near the event parking lawn. Other athletic upgrades include two support buildings near the baseball field, lights for the baseball field, and an enhanced trail system for team and recreational sports. 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.

STORMWATER MANAGEMENT

Runoff from the VES campus flows in two primary directions. The north side of campus drains northward, toward several tributaries of Sugar Tree Branch that drain into Sugar Tree Branch and ultimately into the James River. The south side of campus drains southward, toward Williams and VES Roads and several tributaries of Pigeon Creek. There are several localized stormwater pipe systems that convey runoff throughout the campus, although most drainage on the campus occurs via overland flow (sheet, shallow concentrated flow, and open channel).

Currently, there are two stormwater management facilities on the campus: a micro-bioretenention basin on the south side of William King Center for Arts & Leadership and a standard bioretention basin on the eastern edge of campus, near the intersection of VES and Oriskany Roads. These two facilities manage both stormwater quantity and quality and were designed and constructed to meet current Virginia DEQ stormwater standards (technical criteria IIB).

Stormwater management will be a key component for any new land disturbance under the new campus master plan. The City zoning ordinance requires any land disturbance exceeding 5,000 square feet to meet the state's stringent stormwater management requirements. The proposed campus master plan will be developed over a period of many years and will progress as the demand for each facility grows. As such, stormwater management will be handled on a project-by-project basis and will be designed to meet all local and state stormwater management requirements that are in place at the time of development. Several potential stormwater management facilities have been identified on the master plan. Two are regional stormwater facilities that could serve multiple buildings or other site improvement projects. These facilities, along with potential other stormwater management solutions are discussed below.

WET POND

A regional wet pond on the west side of campus has been identified as a potential stormwater management facility. This pond would be located in the low point just east of the multipurpose field. Designed to Virginia DEQ design specification number 14 (wet pond), it could manage both stormwater quantity and quality. In this location, it could serve as a stormwater management facility for master plan facilities on the west side of campus, such as the faculty apartment buildings west of the chapel and the new parking area along the multipurpose field.

BIORETENTION BASIN

A bioretention basin has also been identified as a potential stormwater management facility on the campus master plan. It would be located just east of the main (Jett Hall) entrance. This facility could also manage stormwater quantity and quality if designed to Virginia DEQ design specification number 9 (bioretention) standards. It would primarily serve the proposed academic/arts building to be located near the William King Center for Arts & Leadership, as well as the additional parking to be constructed in this area.

OTHER FACILITIES

Stormwater runoff for master plan improvements not located near one of the two regional practices will likely be managed by a combination of one or more of the following facilities:

- Sheet Flow To Vegetated Filter Strip or Conserved Open Space (Virginia DEQ design specification No. 2)
- Grass Channel (Virginia DEQ design specification No. 3),
- Permeable Pavement (Virginia DEQ design specification No. 7),
- Bioretention, Urban Bioretention, or Micro-bioretention (Virginia DEQ design specification No. 9),
- Dry Swales (Virginia DEQ design specification No. 10),
- Wet Swales (Virginia DEQ design specification No. 11, and/or
- Manufactured Treatment Devices (Virginia DEQ design specifications 16 or 17).
- Stormwater detention basin (for management of water quantity, only)

NUTRIENT CREDITS

Where stormwater best management practices such as those listed above cannot be used to address the total phosphorus removal requirement for a project, nutrient credits may be purchased from a nutrient credit bank accredited by the state of Virginia.

VSMP authorities must allow the use of off-site options (nutrient credit purchase) when:

- < 5 acres of land will be disturbed; OR
- post-construction phosphorus removal requirement is < 10 lb/year; OR
- the applicant achieves 75% of the required phosphorus reduction on-site.

The extent of land disturbance for each new project carried out under the master plan cannot be accurately determined at this time but it is thought that the collective disturbance of the VES master plan will exceed 5 acres. It is difficult to determine at this phase if the total phosphorus removal requirement will exceed 10 lbs/year. Thus, it is suggested that each new project developed under the master plan be constructed with a goal to remove a minimum of 75% of the total phosphorus removal requirement for the particular project.





OD RD

VES RD

HYDRO ST

OLD ONE SIXTY LN [PVT]

VES RD

HYDRO ST

OLD ONE SIXTY LN [PVT]

VES RD

WILLIAMS RD

VES RD

ORISKANY ST

REUSENS RD

BISHOPS LN [PVT]

WESTMINSTER WAY [PVT]

VES RD

PINE DR

**Virginia Episcopal School Campus Master Plan
Conditional Use Permit
March 11, 2020**

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2020**

CONSENT:

REGULAR: **X**

WORK SESSION:

AGENDA ITEM #: **8**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Conditional Use Permit (CUP): Midtown Carwash – 7816 Timberlake Road

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the conditional use permit to allow the construction of a carwash at 7816 Timberlake Road.

SUMMARY: TPB Enterprises, LLC, (Tom Bell) is petitioning for a CUP to allow the construction of a carwash at 7816 Timberlake Road. A carwash is a permitted use upon approval of a CUP in the B-3C, Community Business (Conditional) District that was established on March 12, 2014. The larger development plan includes a convenience store, retail, self-storage, restaurant and apartment uses.

PRIOR ACTION(S):

March 11, 2020:

The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (4-1, with 2 members absent, Bowden & Lowe)

FISCAL IMPACT:

Increased real estate value to be determined upon construction completion.

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – March 11, 2020
- Planning Commission Packet – March 11, 2020
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Renderings
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-027

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO TBP ENTERPRISES, LLC TO ALLOW THE CONSTRUCTION OF A CARWASH IN A B-3C, COMMUNITY BUSINESS (CONDITIONAL) DISTRICT AT 7816 TIMBERLAKE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of TBP Enterprises, LLC, for a conditional use permit to allow the construction of a carwash in a B-3C, Community Business (Conditional) District at 7816 Timberlake Road is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the conceptual site plan.
2. The property shall be developed as indicated in the architectural renderings entitled, "Midtown Carwash" as prepared by Joshua Ryan Marsh dated April 19, 2019.

Adopted:

Certified: _____
Clerk of Council

045R

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

To: Planning Commission
From: Planning Division
Date: March 11, 2020
Re: **Conditional Use Permit (CUP) – Midtown Car Wash – 7816 Timberlake Road (CUP2002-0001)**

I. PETITIONER

TBP Enterprises LLC, (Tom Bell), P.O. Box 148, Forest, Virginia 24551

Representative: Mr. Norman Walton Jr., PE, Perkins & Orrison, 317 Brook Park Place, Forest, Virginia 24551

Property Owner: TBP Enterprises LLC, (Tom Bell), P.O. Box 148, Forest, Virginia 24551

II. LOCATION

The subject Property is a tract of approximately ninety-one hundredths (.91) acres located at 7816 Timberlake Road.

III. PURPOSE

The purpose of the petition is to allow the construction of a car wash at 7816 Timberlake Road.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030* recommends a "High Density" Residential use for the property.
- The B-3C, Community Business District Zoning was established on March 12, 2014 as part of a larger development plan for the area.
- Car Washes are a use permitted in a B-3, Community Business District upon approval of a conditional use permit by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Future Land Use Map recommends a "High Density Residential Use" for the property. High Density Residential areas are developed or planned to be developed into high density townhouse or multifamily housing. Densities can range up to thirty (30) units per acre. They may include public, institutional, private recreation, and private open space uses. Limited retail and service uses may be established as part of mixed-use developments and within high density residential projects.

The existing B-3C Zoning was established as part of a larger development approval that included several properties for commercial use fronting Timberlake Road and apartments extending in a southerly direction towards Dreaming Creek.

2. **Zoning.** The subject property was annexed into the City in 1976. The property was rezoned from R-1, Low Density Residential to B-3C, Community Business District (Conditional) on April 8, 2014. Proffers associated with the original rezoning were modified by Council on July 8, 2014 and December 11, 2018.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On April 13, 1982, Council approved the conditional use permit (CUP) petition of Ronnie D. Vaughan to allow the construction of a recreation center at 8131 Timberlake Road.
 - On November 9, 1982, Council approved the petition of Russell Nichols and Clyde Smith to rezone the property at 8105 Timberlake Road from B-3, Community Business District to B-5, General Business District (Conditional) to allow the operation of a commercial recreation center.
 - On October 9, 1984, Council approved the petition of Mr. Richard R. Woody to rezone 1311 and 1315 Lakeside Drive from B-3, Community Business District, to B-5 (Conditional), General Business District, to allow construction of a new and used car dealership and repair shop.
 - On May 14, 1985, Council approved the CUP petition of CHA Construction Company to allow the construction of a recreation center and parking lot in the flood zone at 8022 Timberlake Road.
 - On May 13, 1986, Council approved the CUP petition of First Southern Methodist Church to allow the construction of a pavilion, softball field and signs at 7808 Timberlake Road.
 - On December 12, 1986, Council approved the CUP petition of Ted DeHass to allow the construction of a carwash at 8104 Timberlake Road.
 - On April 12, 1988, Council approved the petition of Emmett & Hazel Simpson to rezone the property at 203 Timbrook Place from R-1, Low Density, Single-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District (Conditional) to allow the construction of a townhome development.
 - On February 14, 1989, Council adopted the Timberlake Road Land Use Study which amended the zoning for the area and established the Commercial Corridor Overlay District.
 - On November 12, 1991, Council approved the CUP petition of National Business College to allow the use of an existing building for educational purposes at 104 Candlewood Court.
 - On December 10, 1991, Council approved the petition of H&H, Inc. to rezone the property at 8105 Timberlake Road from B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to amend previously approved proffers.
 - On December 10, 1991, Council approved the CUP petition of H&H, Inc. to allow a “go-cart” track at 8105 Timberlake Road.
 - On June 27, 2006, Council approved the CUP petition of JBO, LLC to allow the construction of a Traditional Neighborhood Development at 1207 and 1226 Greenview Drive.
 - On February 12, 2008, Council approved the CUP petition of JBO, LLC to amend the TND Master Plan for Cornerstone at 401 Cornerstone Street and 100, 200 and 300 Capstone Drive.
 - On April 13, 2010, Council approved the CUP petition of the Cornerstone Property Owners Association to allow the construction and operation of a community swimming pool at 1100 Greenview Drive.

- On July 13, 2010, Council approved the CUP petition of Brooke's Brothers, LLC to allow a consolidated sign plan at 7802 Timberlake Road.
 - On November 9, 2010, Council approved the petition of Dr. Jeffrey Widmeyer to rezone 7626 Timberlake Road from R-1, Low Density, Single-Family Residential District to B-1, Limited Business District (Conditional) to allow a medical office.
 - On April 12, 2011, Council approved the CUP petition of JBO, LLC to amend the TND Master Plan for Cornerstone in Bocks "A, B, C & D".
 - On March 11, 2014, Council approved the rezoning petition of American Property Management Corporation to rezone 200 & 218 Timbrook Place from R-1, Low Density Residential to R-4C, High Density Residential to allow the construction of one hundred and ninety-two apartments.
 - On April 8, 2014, Council approved the petition of Belleau Wood Development LLC, to rezone 7814-7908 Timberlake Road from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a retail development.
 - On July 8, 2014 Council approved the petition of Belleau Wood Development LLC to amend previously approved proffers at 7814, 7816, 7822, 7824, 7900, 7904, 7906 & 7908 Timberlake Road.
 - On November 8, 2016, Council approved the petition of Carriage Square Ltd. To rezone 240 Beverly Hills Circle from R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) to allow the construction of two hundred sixteen (216) apartments.
 - On February 13, 2018 Council denied the Conditional Use Permit request of Danny Tyree at 1002 Wood Road and 8129 Timberlake Road to allow the construction of forty-three (43) townhomes.
 - On December 11, 2018, City Council approved the request of TPB Enterprises, LLC to rezone the property located at 7814, 7816, 7822, 7900, 7902, 7906, 7908, 7912, 7916, 7920 and 8000 Timberlake Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) and B-5C, General Business District (Conditional) to amend previously approved proffers and to allow the construction of climate controlled storage and a car wash.
 - On December 11, 2018, City Council approved the request of TPB, Enterprises, LLC to rezone the property located at 7906, 7910 a portion of 7824 Timberlake Road, 127 Brunswick Drive and 111 Buckingham Drive from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to amend previously approved proffers.
5. **Site Description.** The subject property is a parcel of ninety-one hundredths (.91) acres located at 7816 Timberlake Road. It is part of a larger development plan consisting of commercial and high density residential development.
6. **Proposed Use of Property.** If the CUP petition is approved the property will be developed as a car wash facility.
7. **Traffic, Parking and Public Transit.** A traffic study was previously reviewed by the City Engineer for the overall development. A tunnel car wash was included as a part of the

originally submitted traffic analysis. The City Engineer commented that the storage length for vehicles waiting to enter the carwash should be extended. The storage length has been extended in a negligible amount, yet it is restricted by the location of a private road and retaining walls.

The property is served by the Greater Lynchburg Transit Company (GLTC) Route 7 Loop.

8. **Stormwater Management.** A stormwater management / water quality plan would be required prior to final site plan approval. Stormwater Management for the project would be addressed by facilities designed for the overall development.
9. **Emergency Services:** The City Fire Marshal provided comments related to the 2015 Virginia Statewide Building Code and Design Requirements of the City of Lynchburg. The City's Police Department had no comments of concern related to the proposed development.
10. **Impact.** The submitted concept plan proposes the construction of a tunnel carwash. The proposed carwash is directly adjacent to 7814 Timberlake Road which is zoned B-5C, General Business District (Conditional). This property was identified as the site of a carwash on the rezoning plan approved by Council on December 11, 2018. It is the understanding of Planning Staff that the petitioner intends to develop the original carwash location as a tire store.

When the property was original approved for rezoning on March 12, 2014, the development was proposed as a commercial uses that would support and compliment the high density residential use located to the rear of the property. Uses originally proposed included grocery stores, retail and office type uses. Over time and with a new owner the development has morphed into the typical auto oriented uses that dominate Timberlake Road and that will do little to support the high density residential uses to the rear.

The proposed carwash is well designed and should fit well with other uses previously approved for the site.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on February 19, 2020. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of TPB Enterprises, LLC for a conditional use permit at 7816 Timberlake Road to allow the construction of a carwash subject to the following conditions:

1. **The site will be developed in substantial compliance with the conceptual site plan.**
2. **The property shall be developed as indicated in the architectural renderings entitled "Midtown Car Wash" as prepared by Joshua Ryan Marsh dated April 19, 2019.**

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. Tom Bell, Petitioner
Mr. Norm Walton, Representative

VII. ATTACHMENTS

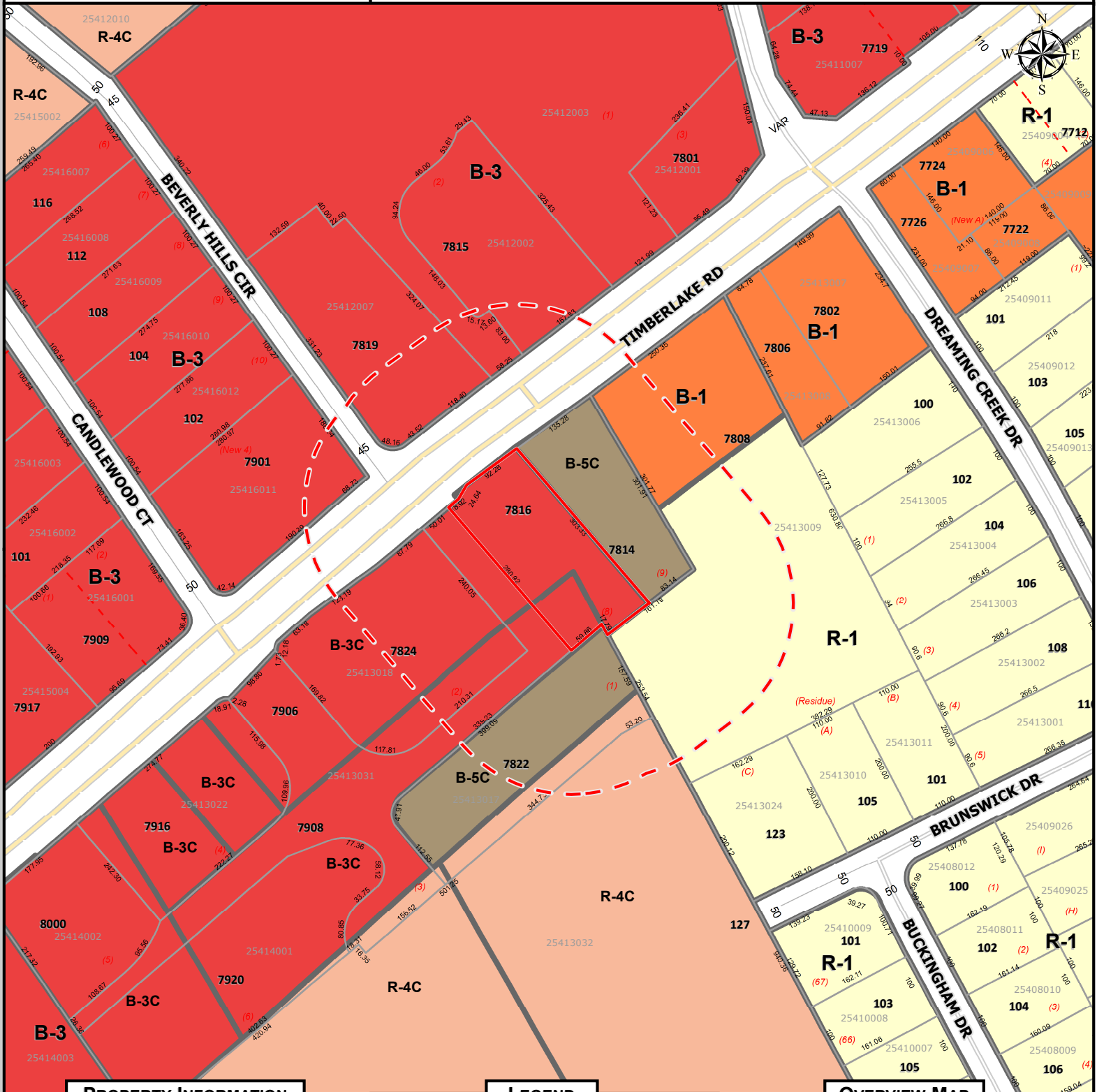
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Renderings**
- 7. Property Photographs**

Zoning-TRC Map

7816 TIMBERLAKE ROAD

TRC

TBP Enterprises LLC



PROPERTY INFORMATION

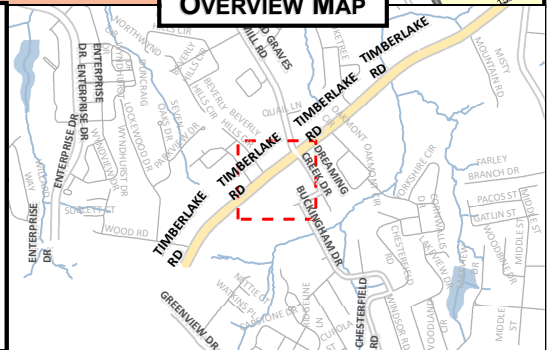
PARCEL ID **ADDRESS**
 25413016 7816 TIMBERLAKE RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 2/4/2020

OVERVIEW MAP



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

7816 Timberlake Road

Parcel ID	Address	Owner
25413009	7808 TIMBERLAKE RD	FAITH ALLIANCE CHURCH
25412007	7819 TIMBERLAKE RD	GOBO PROPERTIES LLC
25413031	7906 TIMBERLAKE RD	TPB ENTERPRISES LLC
25413016	7816 TIMBERLAKE RD	TPB ENTERPRISES LLC
25413017	7822 TIMBERLAKE RD	TPB ENTERPRISES LLC
25412003	7805 TIMBERLAKE RD	KROGER LIMITED PARTNERSHIP I
25413018	7900 TIMBERLAKE RD	TPB ENTERPRISES LLC
25413032	127 BRUNSWICK DR	TPB ENTERPRISES LLC
25416011	7901 TIMBERLAKE RD	BRANCH BANKING & TRUST CO OF VA
25413015	7814 TIMBERLAKE RD	TPB ENTERPRISES LLC
25412002	7815 TIMBERLAKE RD	UNITED RESTAURANT GROUP LP

Watershed Map

TRC

7816 TIMBERLAKE ROAD

TBP Enterprises LLC



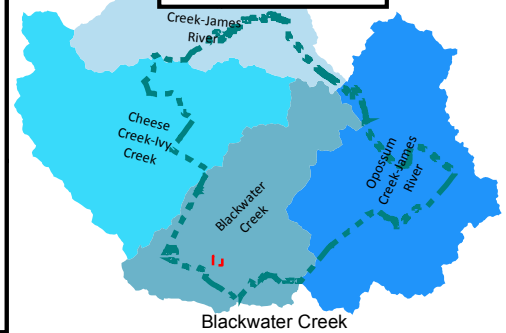
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25413016	7816 TIMBERLAKE RD

LEGEND

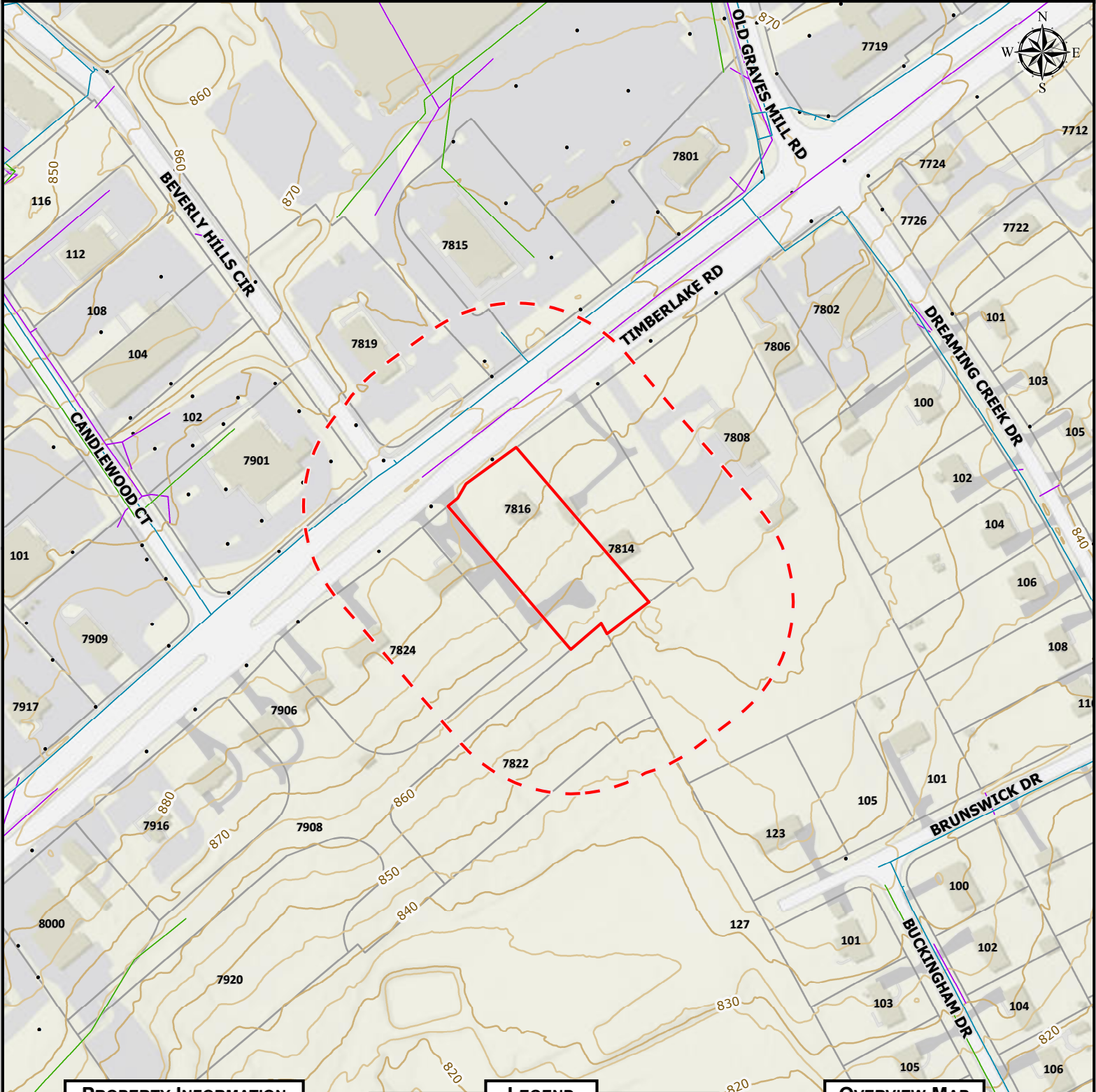
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 2/4/2020

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



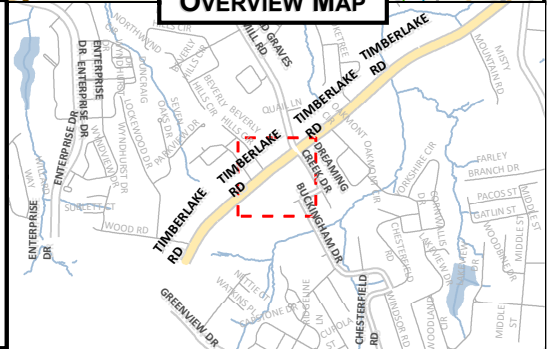
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25413016	7816 TIMBERLAKE RD

LEGEND

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

OVERVIEW MAP

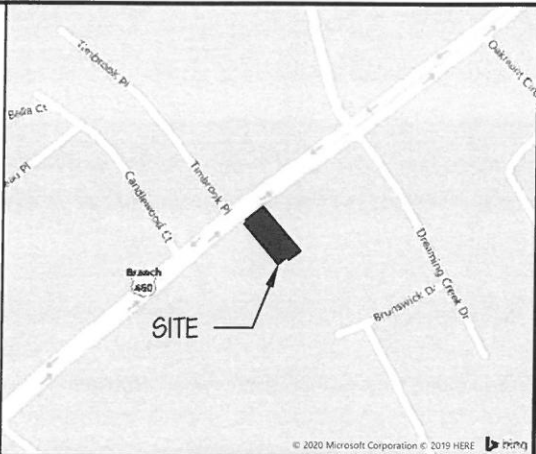
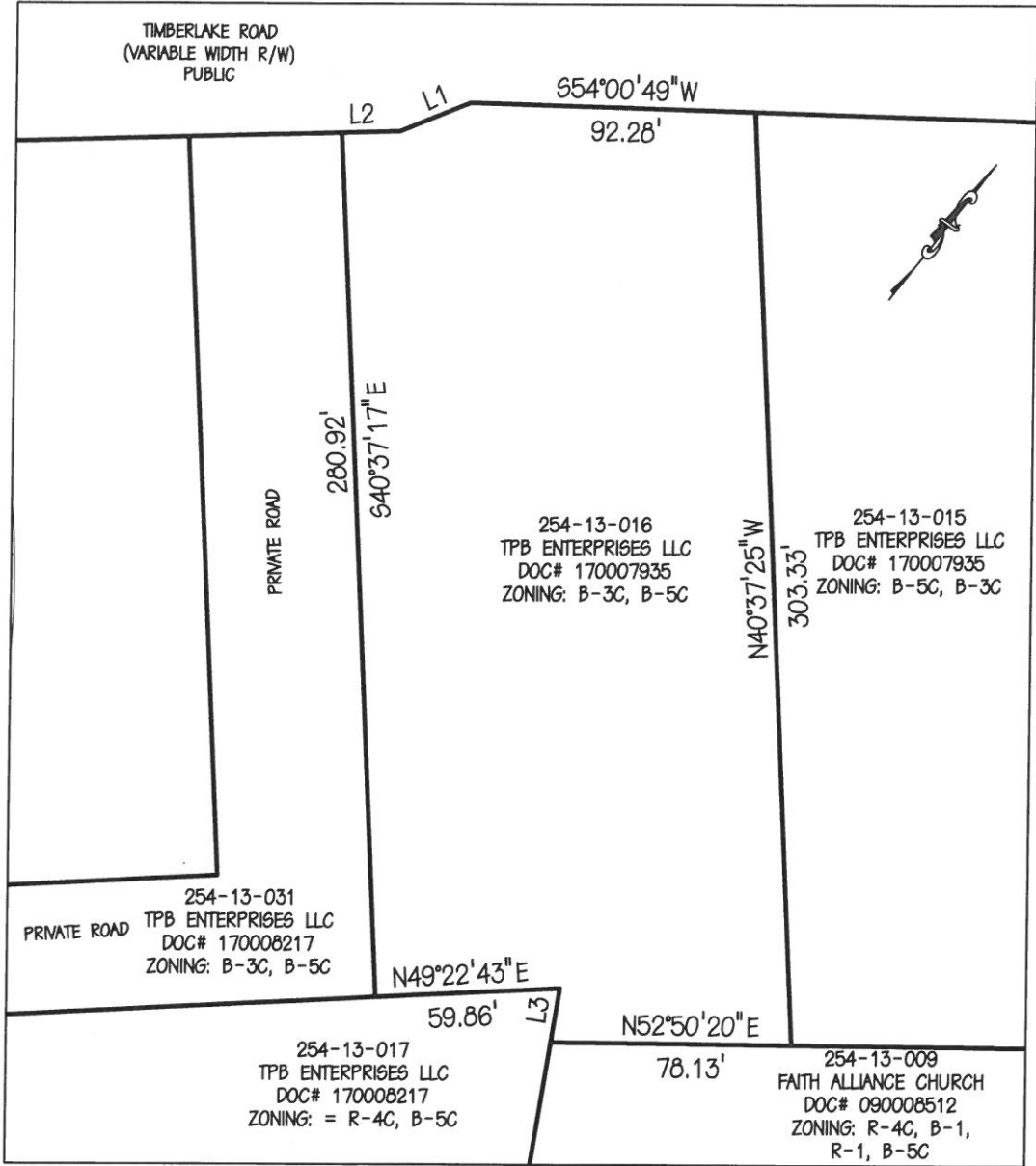


MAP SCALE: 1" to 200' DATE PRINTED: 2/4/2020

CONDITIONAL USE PLAN
FOR MIDTOWN
CITY OF LYNCHBURG, VIRGINIA

SITE NOTES:

- OWNER/DEVELOPER:
TBP ENTERPRISES LLC
PO BOX 148
FOREST, VA 24551
- PARCEL ID #: 254-13-016 ZONING B-3C ADDRESS 7816 TIMBERLAKE ROAD
- SETBACKS:
B-3
FRONT: 0'
SIDE: 0'
REAR: 0'
- TOPOGRAPHIC INFORMATION WAS PROVIDED BY THE OWNER.
- THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR A CONDITIONAL USE PERMIT. THIS CONDITIONAL USE PERMIT IS TO ALLOW A CAR WASH ON A PARCEL ZONED B-3. NO REVISION TO THE FLUM IS REQUESTED. THE ACTUAL LAYOUT MAY CHANGE WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
- ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT BMPs PROPOSED ON THIS SITE. THE MEASURES PROPOSED FOR THE REGIONAL BMPs ARE DESIGNED UNDER THE PART IIB REGULATIONS. NO ADDITIONAL WATER QUALITY OR QUANTITY MEASURES ARE ANTICIPATED.
- THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 5100930101D, UNSHADED ZONE "X", DATED JUNE 3, 2008.
- LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE. LANDSCAPING SHOWN HEREIN IS SHOWN TO BE IN CONFORMANCE WITH THE LANDSCAPING ORDINANCE.
- EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
- THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
- THIS SITE WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
- ACREAGE IS 0.92 AC



VICINITY MAP
NTS

LINE TABLE		
LINE	BEARING	LENGTH
L1	S29°59'57"W	24.63'
L2	S50°40'12"W	18.92'
L3	S28°35'52"E	17.79'

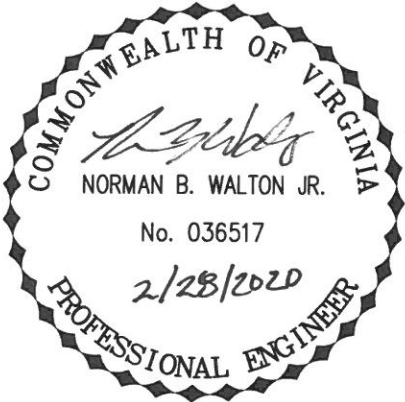
SHEET INDEX:

SHEET	SHEET NO.	SHEET TITLE
C-100	1 OF 4	COVER SHEET
C-101	2 OF 4	EXISTING CONDITIONS
C-102	3 OF 4	SITE LAYOUT
C-103	4 OF 4	LANDSCAPING



PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

317 BROOK PARK PLACE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986



JOB:
CUP PLAN FOR
MIDTOWN

LYNCHBURG, VA

CLIENT:
TPB ENTERPRISES LLC

MARK	DATE	DESCRIPTION
1	02/28/20	PER CITY COMMENTS

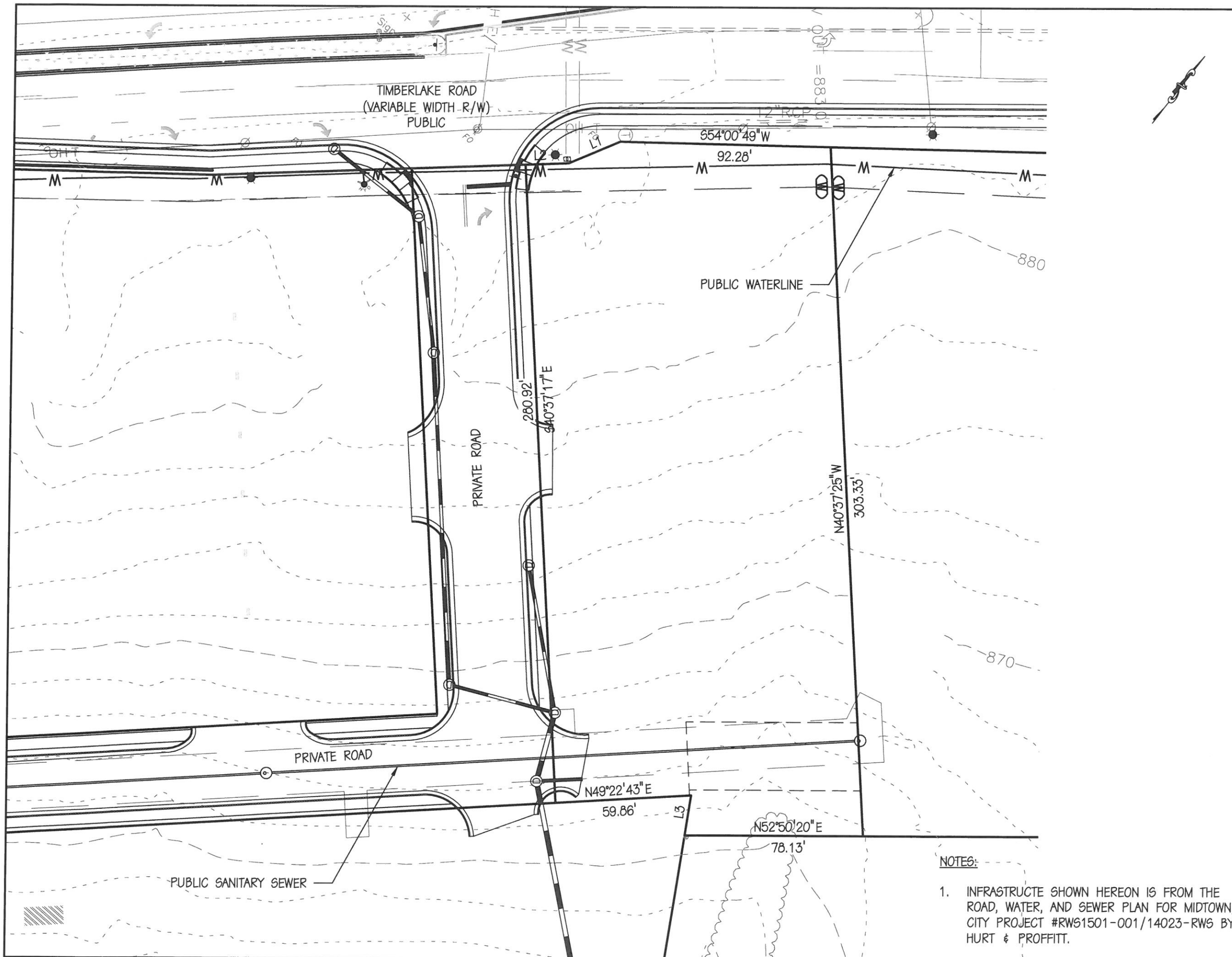
ISSUE: 02/04/20
CONTOUR INTERVAL: 2'
DRAWN BY: MJD
CHECKED BY: NBW

COVER SHEET

GRAPHIC SCALE

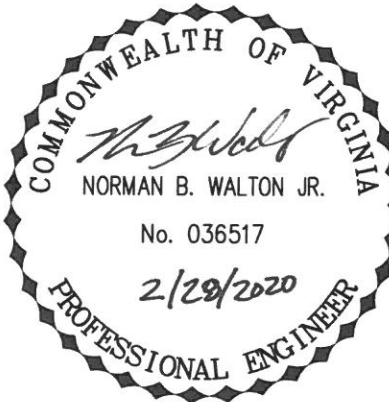
0 60 120
1"=60'

JOB NO 18390 SHEET NO 1 OF 4



PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

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PHONE: 434-525-5985 FAX: 434-525-5986

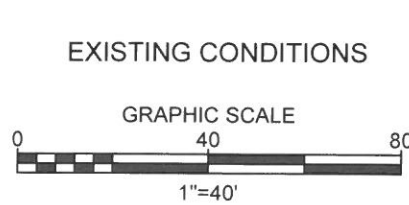


JOB:
**CUP PLAN FOR
MIDTOWN**

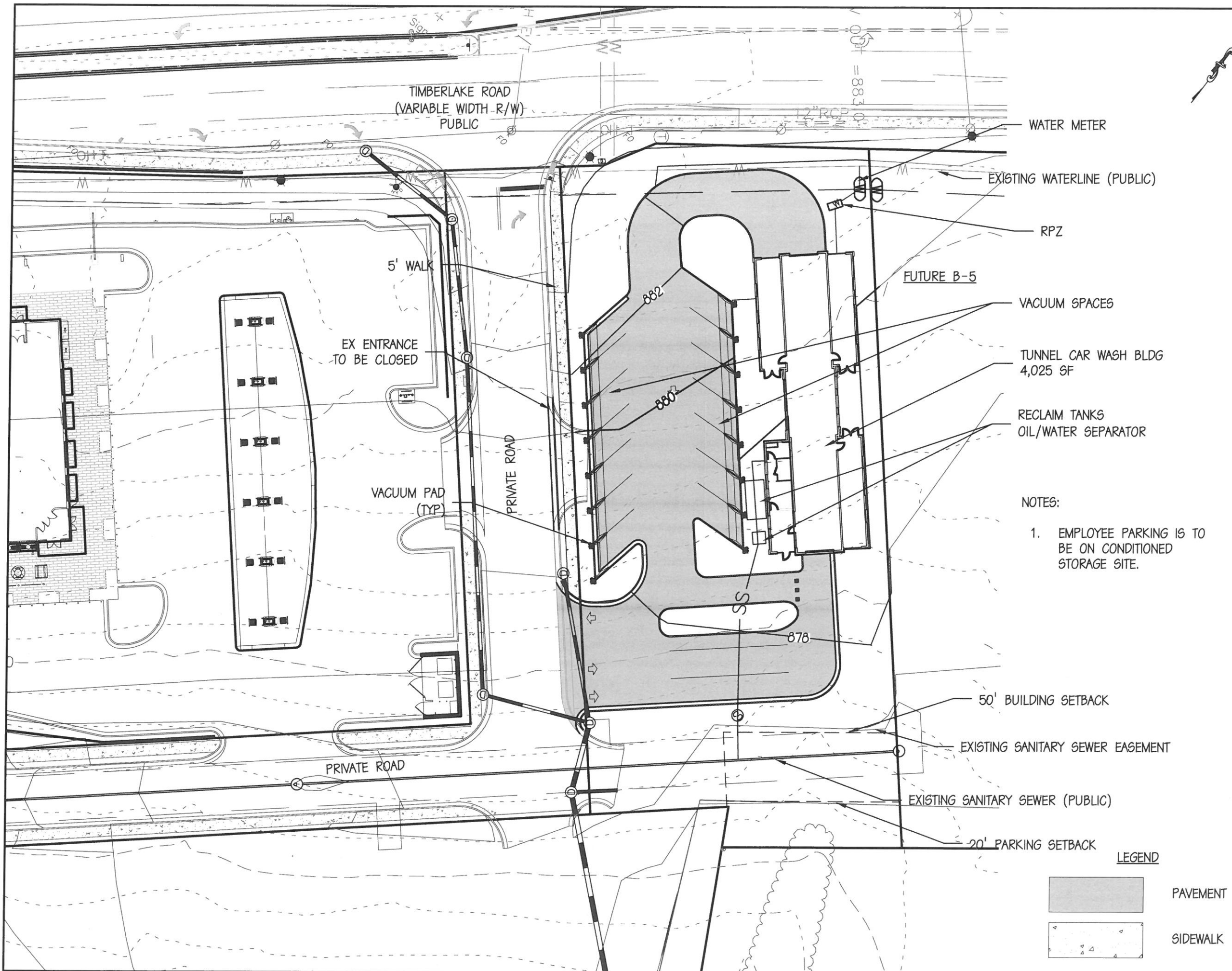
LYNCHBURG, VA

CLIENT:
TPB ENTERPRISES LLC

1	02/26/20	PER CITY COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		02/04/20
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD
CHECKED BY:		NBW



NOTES:
1. INFRASTRUCTURE SHOWN HEREON IS FROM THE
ROAD, WATER, AND SEWER PLAN FOR MIDTOWN,
CITY PROJECT #RW51501-001/14023-RWS BY
HURT & PROFFITT.



PERKINS
&
ORRISON

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

PO BOX 1567 17 W. NELSON STREET
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PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

317 BROOK PARK PLACE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986

JOB:

**CUP PLAN FOR
MIDTOWN**

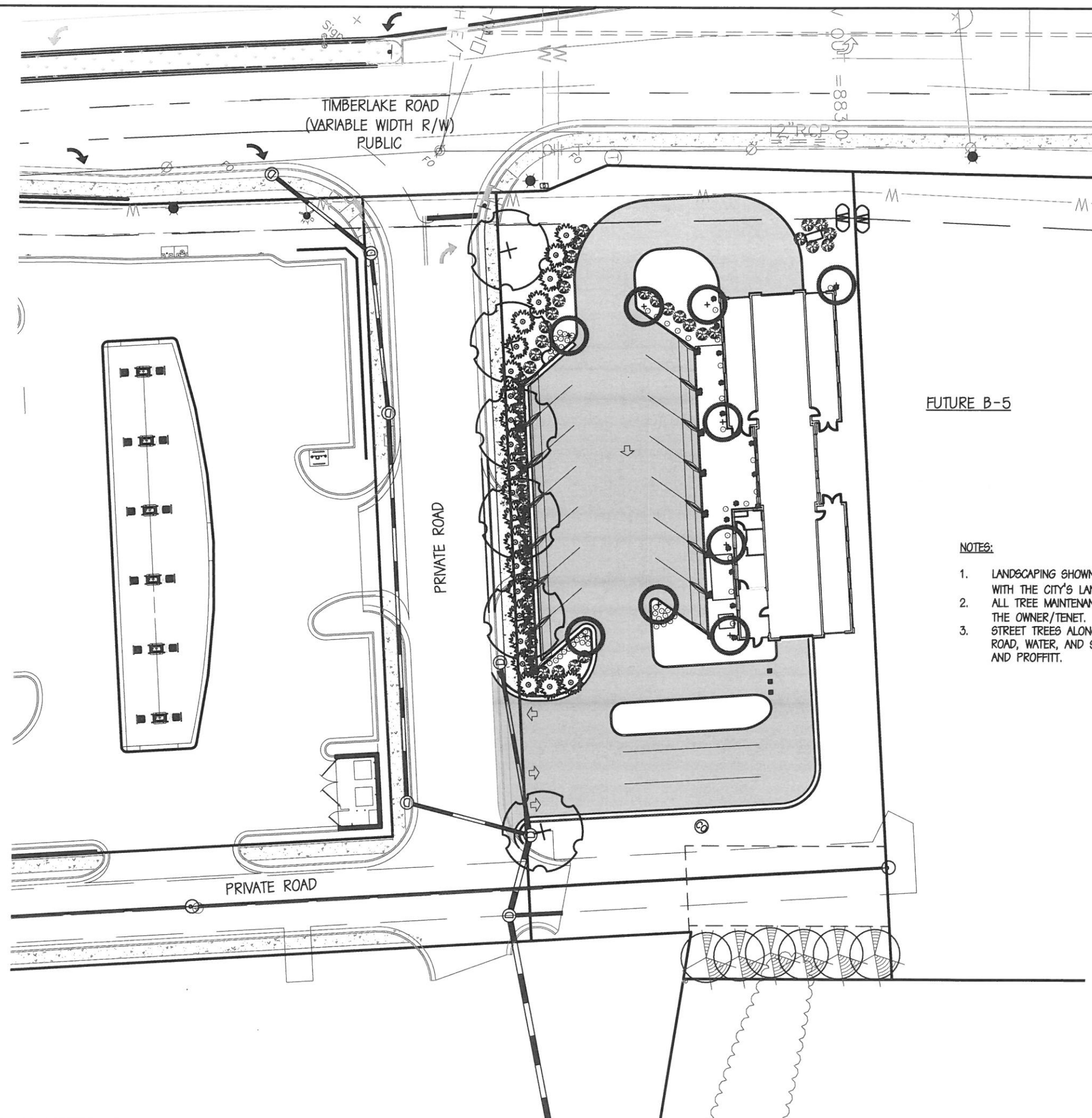
LYNCHBURG, VA

CLIENT:
TPB ENTERPRISES LLC

1	02/28/20	PER CITY COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		02/04/20
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD
CHECKED BY:		NBW

JOB NO 18390 SHEET NO 3 OF 4

P:\2018\18390 - Midtown Site Plans\dwg\Car Wash\C-CUP-18390.dwg 2/28/2020 1:02 PM



FUTURE B-5

NOTES:

- 1. LANDSCAPING SHOWN HEREIN IS INTENDED TO COMPLY WITH THE CITY'S LANDSCAPE ORDINANCE.
- 2. ALL TREE MAINTENANCE WILL BE THE RESPONSIBILITY OF THE OWNER/TENET.
- 3. STREET TREES ALONG TIMBERLAKE ROAD PROVIDED ON ROAD, WATER, AND SEWER PLAN FOR MIDTOWN, BY HURT AND PROFFITT.

PERKINS
&
ORRISON

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

317 BROOK PARK PLACE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986

COMMONWEALTH OF VIRGINIA

NORMAN B. WALTON JR.

No. 036517

2/28/2020

PROFESSIONAL ENGINEER

JOB:

CUP PLAN FOR
MIDTOWN

LYNCHBURG, VA

CLIENT:
TPB ENTERPRISES LLC

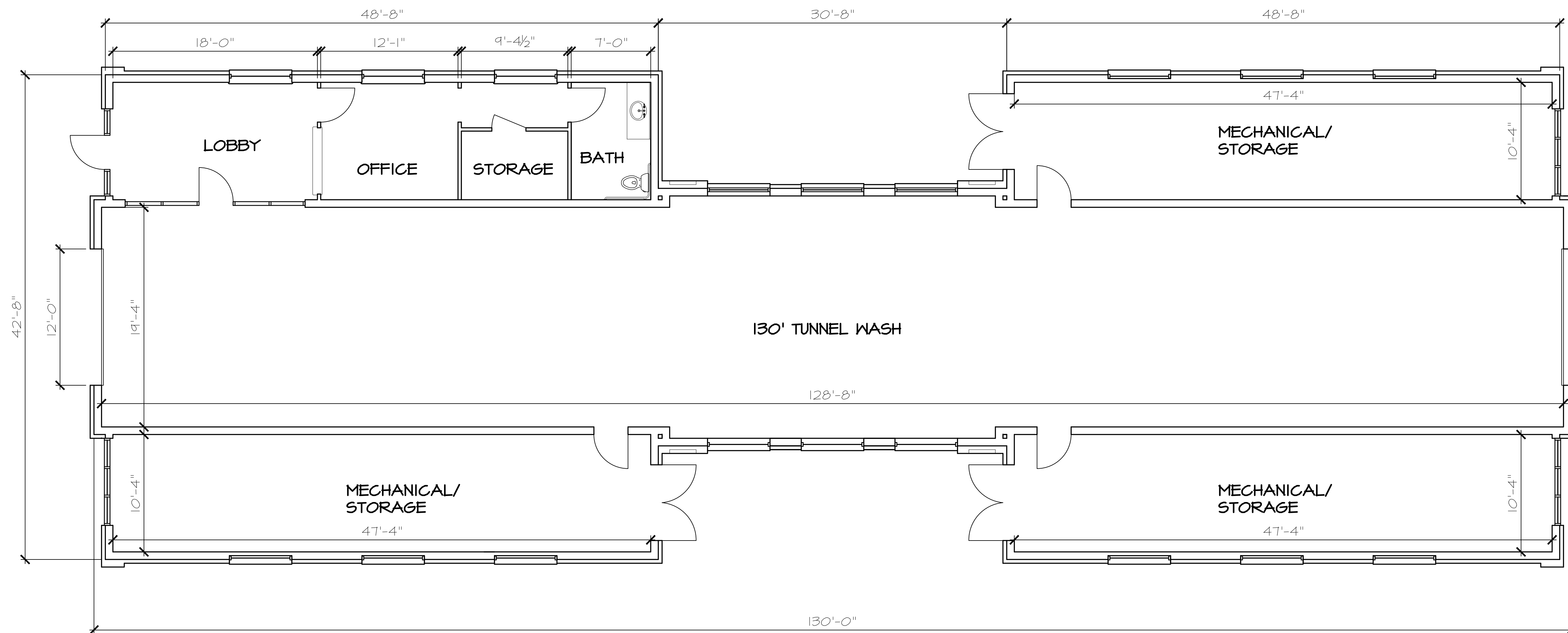
1	02/28/20	PER CITY COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		02/04/20
CONTOUR INTERVAL:		2'
DRAWN BY:		MJD
CHECKED BY:		NBW

LANDSCAPING

GRAPHIC SCALE

1"=40'

P:\2018\18390 - Midtown Site Plans\dwg\Car Wash\C-CUP-18390.dwg 2/28/2020 1:02 PM



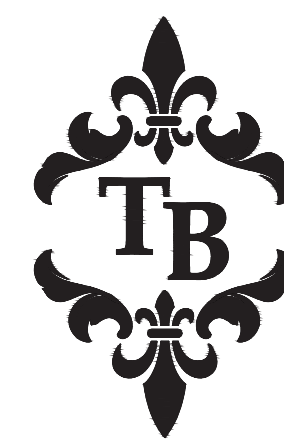
TIMBERLAKE ROAD

THOMAS BUILDERS
of Virginia Inc.
Tel 434.385.9054
Fax 434.818.0906
1230 Cottontown Road
Forest, Virginia 24551
www.thomasbuildersofva.com

REVISIONS



DEVELOPMENT

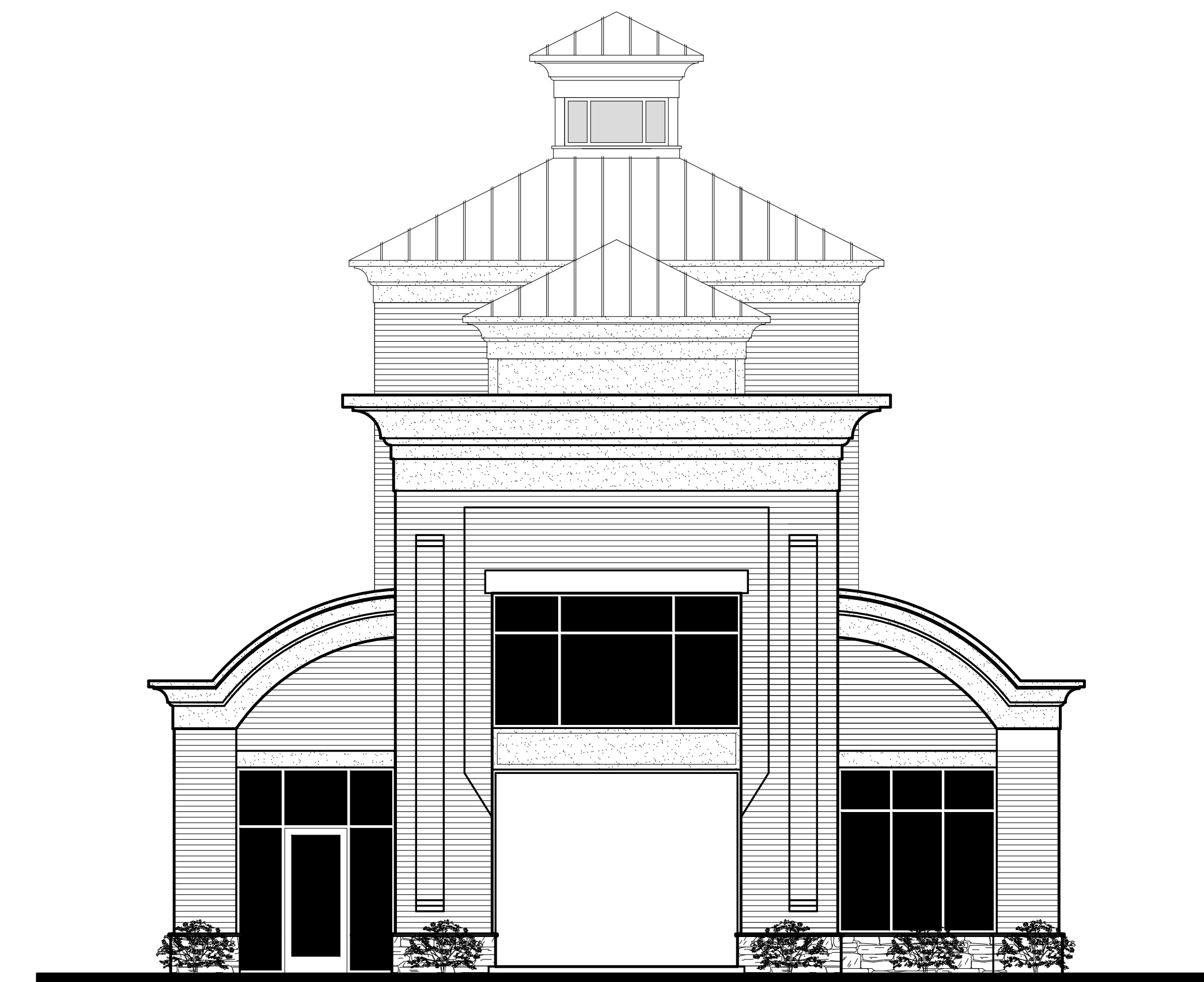
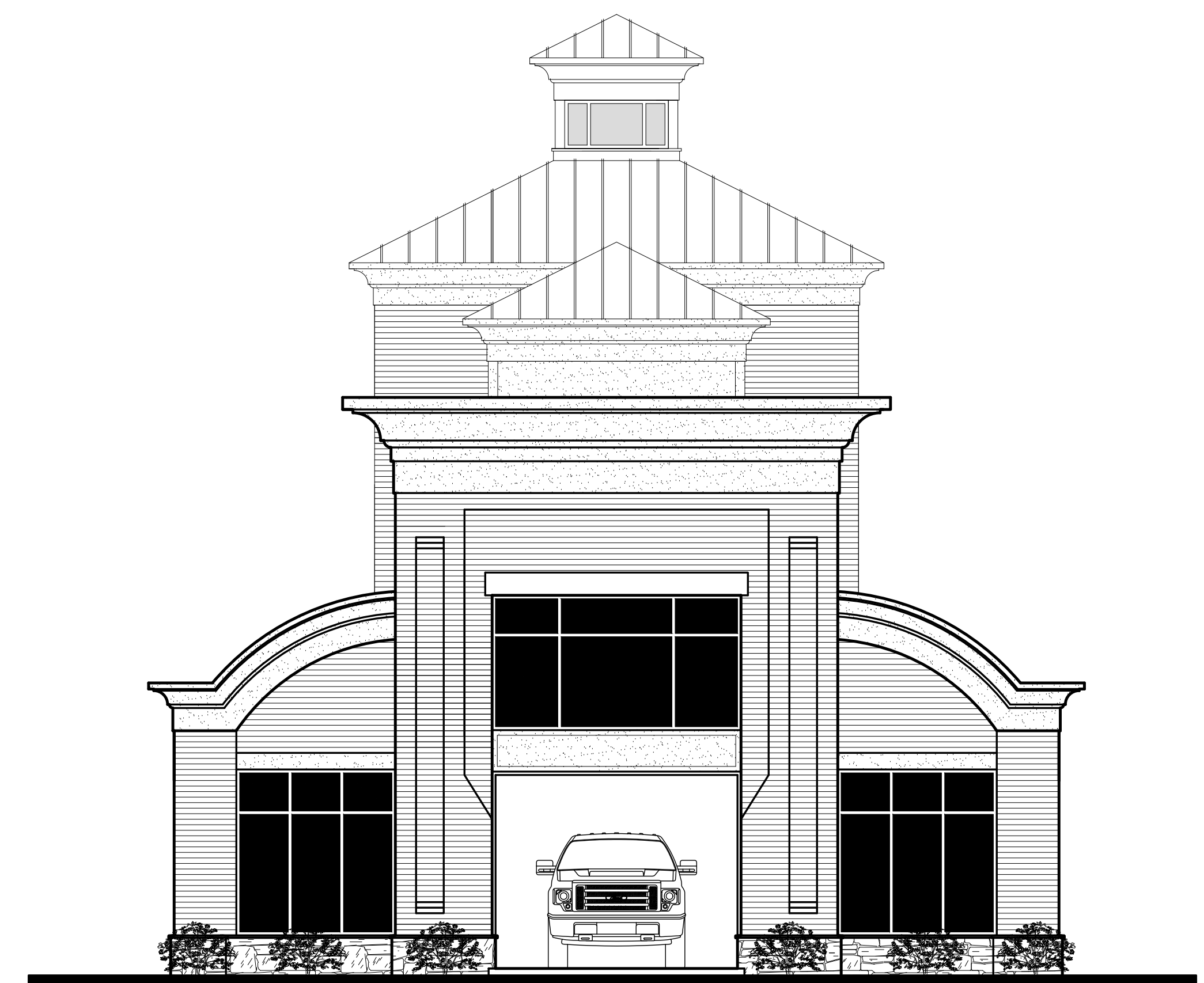


ARCHITECTURE

PROJECT MIDTOWN CAR WASH
LOCATION LYNCHBURG VIRGINIA
CONTRACTOR THOMAS BUILDERS OF VIRGINIA
ARCHITECT JOSHUA RYAN MARSH
PAGE DETAILS PLAN

Drawn J. R. MARSH
Date APRIL 19, 2019

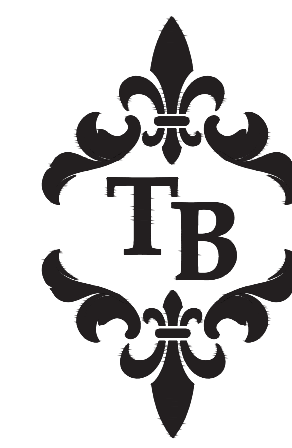
Drawing No. A-1
Sheet 1 of 2



THOMAS BUILDERS
of Virginia Inc.
Tel 434.385.9054
Fax 434.818.0906
1230 Cottontown Road
Forest, Virginia 24551
www.thomasbuildersva.com

REVISIONS	
△	
△	
△	

DEVELOPMENT



ARCHITECTURE

PROJECT	MIDTOWN CAR WASH
LOCATION	LYNCHBURG VIRGINIA
CONTRACTOR	THOMAS BUILDERS OF VIRGINIA
ARCHITECT	JOSHUA RYAN MARSH
PAGE DETAILS	ELEVATIONS

Drawn	J. R. MARSH
Date	APRIL 19, 2019
Drawing No.	A-2
Sheet	2 of 2



Midtown Car Wash – 7816 Timberlake Road

Conditional Use Permit

March 11, 2020

PLEASE PRINT CLEARLY

[illegible]

MINUTES OF THE MARCH 11, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

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, City Planner, provided the following summary to the Commission. The petition proposes the construction of a standalone car wash on property that is zoned B-3C, Community Business District (Conditional). The property is recommended for High Density Residential uses on the Future Land Use Map (FLUM) however the existing B-3, Community Business District, was established on March 12, 2014 as part of a larger development proposal for this area which included apartments to the south. This proposed development is directly adjacent to the site that was zoned B-5C, General Business (Conditional), and was indicated to be a car wash as part of a rezoning that was approved on December 11, 2018. It was the understanding of staff that the petitioner will propose a tire store on this location in the future. When the development was originally proposed, the commercial uses fronting Timberlake Road were to support the apartment units to the south. The development has changed ownership and the uses proposed for the commercial area have morphed into typical auto oriented uses that will do little to support the residential uses behind. It is important to understand that the concept has moved away from what was originally rezoned. This car wash was previously approved by City Council in 2018, is a well-designed building, and will fit well with the other uses. Planning Division recommends approval for this Conditional Use Permit. That recommendation does not necessarily mean support of a tire store in the future.

Mr. Norman Walton, of Perkins & Orrison, Inc., addressed the Commission. Water and sewer are available at the site. That infrastructure is being put in now. The traffic in this area and the design of the signal at Candlewood Court is adequate for this design. Early on there was a grocery store and some other commercial uses that have been removed from the site so that intersection will have less traffic than what was previously proposed. There is a triple lane to the pay kiosk at the very rear of the property to reduce the stacking and queuing of cars off of the site. This layout is in conjunction with the car wash manufacturer. The only exit and entrance to the parcel is at the far rear of the parcel away from Timberlake Road to prevent impact on the flow of traffic coming onto or off of Timberlake Road. The landscaping shown in the concept plan is intended to demonstrate the screening and buffering required by code. There are no proffers offered with this Conditional Use Permit application but the underlying proffers for the entire development are not being revised or removed and will still be adhered to.

Mr. Daniel Cyrus, of TPB Enterprises, LLC, addressed the Commission. The intent of the carwash is to construct a one hundred twenty (120) foot automated tunnel carwash with fourteen (14) associated vacuum spaces. The building will correlate architecturally with the remainder of the commercial development and the high density residential development in the rear. Renderings were provided, and will be closely matched to create an attractive building. The intent in relocating the carwash from the original parcel was to group all of the similar businesses in the commercial division. To the right of the current carwash parcel is located a nationally branded gasoline store and the other parcel will be proposed as a nationally branded quick change oil location. It will be similar to the new oil change location on Old Forest Road. The apartments located in the rear of the development and other apartments in the area support the proposed carwash and the adjoining property.

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

Commissioner Perault noted that the original proposal included grocery stores, retail, and office type uses but has morphed into less attractive uses.

Mr. Martin responded that they aren't necessarily less attractive but are less supportive of the nearby residential units than what was originally proposed.

Commissioner Perault asked how to prevent a transition from an original proposal like this in the future.

Mr. Martin responded that the way to prevent such a transition is to stop accepting amended proffers and approving Conditional Use Permits like this.

Commissioner Perault stated that he was part of the Commission when the original petition was presented in 2014 and was adamantly opposed to it then. He does not believe that tire stores, oil change locations, or car washes will add anything to this area. The original intent and vision should be followed. The Commission should also be more specific in terms of allowed uses for future petitions of this scale so that the original vision remains intact. Timberlake is becoming less and less attractive and functional.

Mr. Cyrus responded that the carwash was originally shown in the rezoning and the proffers. It is now simply being relocated to the adjoining parcel. It was mentioned that a tire store will be proposed for an adjoining parcel but that is not true. A nationally branded oil change location will be proposed and a lot of those buildings are very attractive. There are existing proffers in place for the development, that will not be amended, that dictate the architectural elements. Those proffers were voluntarily offered to create a cohesive look for the entire development. The remainder of the development includes a national gas station, a national fast food retailer, two multi-use buildings, and a multi-story conditioned storage facility. All of those uses were in the original plan but are more defined now. The only thing that was not in the original plan was the oil change location. The relocation of the carwash will allow for the beautification of both the development and Timberlake Road.

Chair Rogers stated that it is disappointing that these uses will not support the residents located behind it as originally planned. Often new areas become less accessible and must be driven to. New communities should be tied together with existing ones and become more walkable.

Mr. Cyrus responded that they approached property owners in the adjoining Cornerstone community about making a connection into their community. The property owners were opposed to it though because they did not want additional traffic coming through their community. This would allow access to another signalized intersection. This petition was developed by working with a national company that develops carwashes. The company looked at the market in the area within a one (1) mile radius of this site and determined that the existing market supports a carwash of this type. As more high density residential communities are developed, people may not have the same availability to wash their car in their own driveways like in a single-family residence.

Commissioner Perault noted that there are a number of carwashes being developed in the same area.

Chair Rogers responded that they were approved in the same timeframe.

Mr. Walton pointed out the locations of the commercial developments in the commercial concept plan. These included the fast oil change location, the carwash, the gas station, the storage facility, retail spaces, and the national fast food retail establishment. These commercial developments are in keeping with the nature of the original concept plan. The grocery store parcel was on an adjacent property. The developer did not have the option to transfer ownership of that parcel despite attempts to make arrangements for the purchase and use of that property. That is the reason the grocery store was taken out of the concept.

Commissioner Marion questioned the sustainability of a new grocery store across the road from the existing Kroger grocery store.

Mr. Walton responded that the grocery store originally proposed was an Aldi's grocery store, which is a different niche than a Kroger grocery store. He reiterated that it was not a viable project though because the developer could not obtain ownership of the parcel.

Commissioner Marion stated that the Sheetz gas station is part convenience store.

Mr. Walton stated that the Sheetz gas station site plan is almost approved.

Commissioner Marion stated that the gas station and the fast food location will give residents in the new development somewhere to walk to and grab some food items without needing to cross the road.

Mr. Cyrus responded that, as part of the development, pedestrian crosswalks are being installed across Timberlake Road for connectivity to the existing apartment complex behind the Wendy's.

Commissioner Marion made the following motion, seconded by Commissioner Light, and passed by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of TPB Enterprises, LLC for a conditional use permit at 7816 Timberlake Road to allow the construction of a carwash subject to the following conditions:

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. The property shall be developed as indicated in the architectural renderings entitled "Midtown Car Wash" as prepared by Joshua Ryan Marsh dated April 19, 2019."**

AYES:	Johnson, Light, Marion, and Rogers	4
NOES:	Perault	1
ABSTENTIONS:		0
ABSENT:	Bowden and Lowe	2

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2020**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2020 Third Quarter Adjustment

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Following a public hearing, adopt a resolution amending the FY 2020 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2020 Third Quarter Detail by Fund in Attachment A and Attachment B.

SUMMARY: In March, staff began the normal review of FY 2020 operating and capital revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any necessary adjustments that needed to be considered. During this same period local governments across the country began analyzing the local impacts of the COVID-19 public health crisis. Attachment A and Attachment B provides proposed expenditure and revenue adjustments based on both the third quarter review and the recent COVID-19 projected impacts.

The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Children's Services Act (CSA), Regional Juvenile Detention Center, Water, Sewer, Airport, City Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2020 Third Quarter Adjustments.

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

FISCAL IMPACT: As noted on Attachment A and Attachment B.

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

ATTACHMENT(S): Resolution
Attachment A: FY 2020 Third Quarter Adjustments – Summary and Detail
Attachment B: Rebalancing the Adopted FY 2020 General Fund Budget

REVIEWED BY: bms

RESOLUTION:

#R-20-029

BE IT RESOLVED That the FY 2020 Adopted Budget is amended and funds are appropriated or rescinded to reflect the Third Quarter Adjustments as identified in Attachment A and Attachment B in the General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Children's Services Act (CSA), Regional Juvenile Detention Center, Water, Sewer, Airport, City Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund.

Introduced:

Adopted:

Certified: _____
Clerk of Council

047R

ATTACHMENT A**FY 2020 Third Quarter Adjustment
SUMMARY BY FUND**

	Expenditures	Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/ Assigned Fund Balance
GENERAL FUND	(\$2,610,968)	(\$4,188,485)	\$488,677	\$1,088,840
CITY/FEDERAL/STATE AID FUND	74,020	74,020	0	0
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND	200,693	200,693	0	200,693
FORFEITED ASSETS FUND	20,494	20,494	0	0
CHILDREN'S SERVICES ACT (CSA) FUND	745,301	354,384	0	390,917
REGIONAL JUVENILE DETENTION CENTER FUND	208,261	183,261	0	25,000
CITY CAPITAL PROJECTS FUND	(39,621)	(69,228)	0	29,607
WATER FUND	138,798	138,798	0	0
SEWER FUND	1,500,000	0	0	1,500,000
SEWER CAPITAL PROJECTS FUND	1,500,000	1,500,000	0	0
AIRPORT FUND	923,000	428,000	0	495,000
AIRPORT CAPITAL/GRANT PROJECTS FUND	735,000	495,000	0	240,000
TOTALS	\$3,394,978	(\$863,063)	\$488,677	\$3,970,057

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/ Assigned Fund Balance	
GENERAL FUND					
General Fund adjustments resulting from economic impact of COVID-19	(3,569,316)	(4,949,551)	380,235	1,000,000	To rescind appropriations adopted for FY 2020 revenues, expenditures, and reserves in the General Fund due to projected COVID-19 local impacts.
Economic Development	5,237		5,237		To appropriate funds for Technology Zone refunds of business license tax for a qualifying company for FY 2019 and FY 2020.
Fire	85,100			85,100	To appropriate funds from the Fire Training Reserve for maintenance and repairs (\$10,000) at the Fire Training Center and funds from the PIER Reserve for specific use equipment (\$41,100) and certification pay (\$34,000).
Human Services - Social Services	475,000	475,000			To appropriate funds received for additional Adoption Subsidy mandated maintenance payments fully reimbursable by State and federal, no local match.
Public Works	50,000		50,000		To appropriate funds for recycling hauling. The FY 2021 Proposed Budget is adjusted to \$300,000 but the FY 2020 budget needs an additional \$50,000 in funding to meet this need.
Registrar	29,920		29,920		To appropriate funds for projected expenses associated with the June 2020 Republican U.S. Senate Primary Election.
Sheriff	13,058	11,158	1,900		To appropriate funds for replacing outdated computers with Windows 7 operating system, no longer supported by Microsoft, with new computers running Windows 10 operating system. The Compensation Board will provide \$11,158 towards the purchase with \$1,900 of City funds requested.
Sheriff	17,655		17,655		To appropriate funds for projected expenses associated with Temporary Detention Order (TDO) that are not budgeted or reimbursed for the remainder of FY 2020.
Sheriff	3,730		3,730		To appropriate funds for estimated expenses associated with effectively disinfecting and fumigating to protect against the Coronavirus in the holding cell areas of all three court buildings housing inmates and secured by Sheriff's Deputies.
TRANSFERS					
Transfer from Fire - General Fund Operating Budget to Fire Grants - City/Federal/State Aid Fund	3,740			3,740	Transfer from Fire - General Fund Operating Budget to Fire Grants - City/Federal/State Aid Fund due to less than anticipated grant reimbursement due to denial of gear cleaning costs associated with gear modification.
Transfer from Children's Services Act (CSA) Fund to General Fund - Human Services - Juvenile Services Operating Budget	245,301	245,301			Transfer from Children's Services Act (CSA) Fund to General Fund - Human Services - Juvenile Services Operating Budget to appropriate funds for increased utilization of the Detention Center by Lynchburg juveniles.
Transfer from City Capital Projects Fund to General Fund Operating Budget	29,607	29,607			Transfer to General Fund from City Capital Projects Fund to appropriate funds received from Liberty University to cover VDOT Oversight Charges for the Liberty University Intramural Road, Phase III project.
GENERAL FUND Total	(2,610,968)	(4,188,485)	488,677	1,088,840	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
CITY/FEDERAL/STATE AID FUND					
Community Corrections and Pretrial Services	11,533	11,533			To appropriate additional funds received from the Department of Criminal Justice Services (DCJS).
Transfer to Fire Grants - City/Federal/State Aid Fund from Fire - General Fund Operating Budget	3,740	3,740			Transfer to Fire Grants - City/Federal/State Aid Fund from Fire - General Fund Operating Budget due to less than anticipated grant reimbursement due to denial of gear cleaning costs associated with gear modification.
Human Services - Social Services Grants	5,000	5,000			To appropriate additional funds awarded by the State for the Adoption Incentive Grant includes services for adoption training, educational materials, etc.; fully reimbursable.
Public Works	11,426	11,426			To appropriate funds received for the annual award from the Virginia Department of Environmental Quality for litter prevention and recycling.
Non-Departmental - Workforce Innovation and Opportunity Act (WIOA) Grant	42,321	42,321			To appropriate funds for the Governor's authorized rapid response funding, through the Workforce Innovation and Opportunity Act, for employers eligible to remain open during the COVID-19 emergency. Funds may be used to clean facilities and support emergency needs.
CITY/FEDERAL/STATE AID FUND Total	74,020	74,020	-	-	

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND

Community Development	200,693	200,693		200,693	To appropriate remainder of Section 108 Bluffwalk Loan Proceeds for the design of the Police Department new headquarters.
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND Total	200,693	200,693	-	200,693	

FORFEITED ASSETS FUND

Police Department	20,494	20,494			To appropriate Asset Forfeiture revenues received.
FORFEITED ASSETS FUND Total	20,494	20,494	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
CHILDREN'S SERVICES ACT (CSA) FUND					
Children's Services Act (CSA)	125,000	52,192		72,808	To appropriate funds received for basic and enhanced maintenance for foster children. In FY 2020, Foster Care children have increased by 24%.
Children's Services Act (CSA)	125,000	52,192		72,808	To appropriate funds received for emergency clothing, food, mentoring, and other services for Foster Care children and their families. In FY 2020, Foster Care children have increased by 24%.
Children's Services Act (CSA)	250,000	250,000			To appropriate funds received for Special Education, increased enrollment in private day school.
Transfer from Children's Services Act (CSA) Fund to General Fund - Human Services - Juvenile Services Operating Budget	245,301			245,301	Transfer from Children's Services Act (CSA) Fund to General Fund - Human Services - Juvenile Services Operating Budget to appropriate funds for increased utilization of the Detention Center by Lynchburg juveniles.
CHILDREN'S SERVICES ACT (CSA) FUND Total	745,301	354,384	-	390,917	

REGIONAL JUVENILE DETENTION CENTER FUND

Detention Home	145,356	145,356			To appropriate additional funds for relief staff to support the locality population and the Community Placement Program (CPP), funded by DJJ (Department of Juvenile Justice) and participating localities.
Detention Home	8,600	8,600			To appropriate funds for the purchase of a dishwasher for the kitchen, funded by DJJ and participating localities.
Detention Home	29,305	29,305			To appropriate additional funds for college courses and supplies for the Community Placement Program (CPP) fully funded by DJJ.
Detention Home	25,000			25,000	To appropriate additional funds from the Detention Fund Unassigned Fund Balance for emergency repair of the sewer line at the Detention Center.
REGIONAL JUVENILE DETENTION CENTER FUND Total	208,261	183,261	-	25,000	

		Source of Funding			
Department/Division	Amount	Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	Purpose
CITY CAPITAL PROJECTS FUND					
Public Works - Engineering	14,805	14,805			To appropriate Urban Construction Initiative (UCI) interest.
Transfer from City Capital Projects Fund to General Fund Operating Budget	29,607			29,607	Transfer from City Capital Projects Fund to General Fund to appropriate funds received from Liberty University to cover VDOT Oversight Charges for the Liberty University Intramural Road, Phase III project.
Public Works - Engineering	(3,666)	(3,666)			To rescind Virginia Department of Transportation (VDOT) Revenue Share funds for the Streetscape Improvements Downtown, Phase I project.
Public Works - Engineering	(729,000)	(729,000)			To rescind VDOT Federal Highway Plan Program funds to reflect the award amount for the Nationwide Roundabout and Pedestrian Improvements project.
Public Works - Engineering	648,633	648,633			To appropriate VDOT State of Good Repair Program funds for paving a portion of the Memorial and Rivermont Avenue projects and rescind unused VDOT State of Good Repair Program funds for the Wards Road Paving project.
CITY CAPITAL PROJECTS FUND Total	(39,621)	(69,228)	-	29,607	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
WATER FUND					
Water Fund					Request to approve the realignment of two (2) hourly positions, a Construction Coordinator and Marketing Assistant, to one (1) full-time Senior Customer Service Representative position. This position realignment allows availability to handle many types of citizens questions, infrastructure issues, and assistance in environmental education programs. No fiscal impact to FY 2020 Budget.
Water Fund	138,798	138,798			To appropriate funds received due to a class action lawsuit involving price fixing and bid rigging by chemical companies over the sale of aluminum sulfate chemicals used to treat water between the period 1997 - 2011. Total settlements from this lawsuit for City's share to date is \$170,937.
WATER FUND Total	138,798	138,798	-	-	

SEWER FUND

Transfer from Sewer Fund to Sewer Capital Projects Fund Budget	1,500,000			1,500,000	<i>Transfer from Sewer Operating Fund to Sewer Capital Projects Fund</i> to remain in compliance with CSO Special Order of Consent that requires the City "to annually adjust sewer system reserve funds to equal no more than 25% of the subsequent year's budgeted operating expenditures." The entire amount will go to fund balance. Request for new appropriations to the capital improvement program are not being made at this time.
SEWER FUND Total	1,500,000	-	-	1,500,000	

SEWER CAPITAL PROJECTS FUND

Transfer to Sewer Capital Fund from Sewer Fund Budget	1,500,000	1,500,000			<i>Transfer from Sewer Operating Fund to Sewer Capital Projects Fund</i> to remain in compliance with CSO Special Order of Consent that requires the City "to annually adjust sewer system reserve funds to equal no more than 25% of the subsequent year's budgeted operating expenditures." The entire amount will go to fund balance. Request for new appropriations to the capital improvement program are not being made at this time.
SEWER CAPITAL PROJECTS FUND Total	1,500,000	1,500,000	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
AIRPORT FUND					
Airport	188,000	188,000			To appropriate additional funds for rental car service facility maintenance/refurbishment (\$20,000); converting terminal advertising to digital displays (\$10,000); 2nd Air Service Development State grant (\$70,000); expenses for new positions (\$13,000); painting hangars (\$15,000); and additional 80% state funded non-recurring maintenance/ repair/ equipment projects. Also to increase budgeted revenues.
Transfer from Airport Operating Fund to Airport Capital/Grant Projects Fund Budget	495,000			495,000	Transfer from Airport Operating Fund to Airport Capital/Grant Projects Fund Budget to appropriate and increase budget for 2nd New Corporate Hangar and to repair/replace hangar roofs with water penetration issues.
Transfer to Airport Operating Fund from Airport Capital/Grant Projects Fund Budget	240,000	240,000			Transfer to Airport Operating Fund from Airport Capital/Grant Projects Fund Budget to appropriate funds for 80% State funding for non-recurring maintenance/ repair/equipment purchases.
AIRPORT FUND Total	923,000	428,000	-	495,000	

AIRPORT CAPITAL/GRANT PROJECTS FUND

Transfer from Airport Operating Fund to Airport Capital/Grant Projects Fund Budget	495,000	495,000			<i>Transfer to Airport Capital/Grant Projects Fund Budget from Airport Operating Fund</i> to appropriate and increase budget for 2nd New Corporate Hangar and to repair/replace hangar roofs with water penetration issues.
Transfer from Airport Capital/Grant Projects Fund to Airport Operating Fund Budget	240,000			240,000	<i>Transfer from Airport Capital/Grant Projects Fund to Airport Operating Fund Budget</i> to appropriate funds for 80% State funding for non-recurring maintenance/ repair/equipment purchases.
AIRPORT CAPITAL/GRANT PROJECTS FUND Total	735,000	495,000	-	240,000	

REBALANCING THE ADOPTED FY 2020 GENERAL FUND BUDGET**ATTACHMENT B****Revenues and Use of Fund Balance****Adopted Revenues (from the FY 2020 Adopted Operating Budget)****\$190,706,108**

Use of Fund Balance, Committed/Assigned Fund Balance, and Other

3,936,928

Total Proposed Revenues and Use of Fund Balance**\$194,643,036***Adjustments: Revenue Summary (primarily related to COVID-19)**Non-dedicated Revenue Adjustments***Increase/(Decrease)**

Increased Allowance for Uncollectible Real Property (\$233,862)

Increased Allowance for Uncollectible Personal Property (14,911)

Reduced Local Sales and Use Tax (106,572)

Increased Allowance for Uncollectible Business License Tax (621,861)

Reduced Motor Vehicle Licenses (assumes 80% collection rate) (323,170)

Reduced Bank Stock Tax (adjusted for actual received) (46,214)

Reduced Amusement Tax (assumes 26.2% reduction overall) (223,386)

Reduced Lodging Tax (assumes 28.5% reduction overall) (842,468)

Reduced Meals Tax (assumes 14.4% reduction overall) (2,246,095)

Reduced Permits, Fees, and Regulatory Licenses (4,500)

Reduced Fines and Forfeitures (93,625)

Increased Revenue from Use of Money and Property 264,551

Reduced Charges for Services (127,407)

Increased Miscellaneous Revenue 7,997

Dedicated Revenue Adjustments (based on department projections and trends)

Reduced Charges for Services (193,591)

Reduced Recreation Revenue (113,000)

Reduced Parking Revenue (5,803)

Reduced Miscellaneous Revenue (25,634)

Use of Reserves

Use of Task Force on the Future of PreK-12 Education and Beyond 500,000

Use of the Greater Lynchburg Transit Company (GLTC) Reserve 500,000

Use of General Fund Reserve for Contingencies 380,235

Revenues and Use of Fund Balance**\$191,073,720****Expenditures, Reserves, and Transfers****Proposed Expenditures, Reserves, and Transfers (from the FY 2020 Proposed Operating Budget)****\$194,643,036***Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)***Increase/(Decrease)**

Reduced salary and benefit funds for part-time staff due to furloughs (\$211,316)

Reduced department operating funds for training, mileage, and office supplies due to spending and travel freeze (338,000)

Reduced department fuel costs due to savings (20,000)

Use of Managed Vacancy funds due to hiring freeze (1,500,000)

Reduced School Operating - Local funding (1,500,000)

Expenditures**\$191,073,720**

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2020**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **BB&T Bank Franchise Tax Refund**

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2020 General Fund budget and appropriate \$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.

SUMMARY: The Commissioner of Revenue was notified on February 27, 2020 by the Virginia Department of Taxation that BB&T had filed amended Bank Franchise Tax returns for 2012, 2013 and 2014. The Department of Taxation initially denied the amended returns and issued additional assessments. BB&T appealed these denials and assessments to the Tax Commissioner and the Tax Commissioner ruled in favor of BB&T. This ruling has resulted in local Bank Franchise Tax refunds of \$90,394, \$60,041 and \$74,530 for tax years 2012, 2013 and 2014 respectively.

PRIOR ACTION(S): March 24, 2020, Finance Committee

FISCAL IMPACT: \$224,965 with resources from the FY 2020 General Fund Reserve for Contingencies.

CONTACT(S): Mitchell W Nuckles, Commissioner of the Revenue, 455-3871

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

#R-20-028

BE IT RESOLVED that the FY2020 General Fund budget is amended and \$224,965 is appropriated with resources from the General Fund Reserve for Contingencies to refund overpayment of local Bank Franchise Tax for tax years 2012, 2013 and 2014 by BB&T for locations in the City of Lynchburg.

Introduced:

Adopted:

Certified: _____
Clerk of Council

046R

As required by Section 58.1-3981 of the Code of Virginia, the proposed refund to BB&T for the overpayment of Bank Franchise Tax has been reviewed and approved by the City Attorney.

Date

City Attorney

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 14, 2020**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Conducting Council Meetings during COVID-19 Emergency**

KEY ELEMENTS:

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

RECOMMENDATION: Discuss and consider developing a policy regarding how Council would like to conduct meetings during the remainder of the COVID-19 emergency

SUMMARY: The Freedom of Information Act requires a quorum of the members of a public body to be physically present to transact business. However, like Lynchburg, many localities have adopted continuity of government ordinances they hope will override the FOIA and allow a public body to hold an electronic meeting without a quorum or without any of the members of the public body being physically present. It is also hoped that when the General Assembly reconvenes in April it will adopt legislation approving public bodies' use of electronic meetings during the COVID-19 pandemic.

Local governing bodies and school boards throughout the state are holding their meetings in a variety of ways: some public bodies have totally switched to electronic meetings; in some localities the members of the public body are attending the meeting, but members of the public are prohibited from attending; in other localities some members of the public body are showing up in person and other members of the governing body are participating electronically. Each public body is adopting the meeting procedures that seem best suited for their locality. Public bodies that have decided to hold electronic meetings are required to make arrangements for citizens to view the meetings and in the case of public hearings to offer comments by email, voice messages, or other means.

PRIOR ACTION(S): March 24, 2020: Council adopted a continuity of government ordinance

FISCAL IMPACT: None

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

ATTACHMENT(S):
Continuity of Government Ordinance
Meetings & Records During COVID-19

REVIEWED BY: rec

048R

AN ORDINANCE CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY AND DISASTER FOR THE CITY OF LYNCHBURG AND IMPLEMENTING CERTAIN EMERGENCY PROCEDURES FOR PUBLIC MEETINGS AND PUBLIC HEARINGS TO ENSURE THE CONTINUITY OF CITY GOVERNMENT.

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to COVID-19; and,

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the coronavirus (COVID-19) pandemic; and,

WHEREAS, Executive Order Fifty-One acknowledged the existence of a disaster as defined by Virginia Code Section 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and,

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive "any state requirement or regulation" as appropriate; and,

WHEREAS, on March 15, 2020, the City Manager as the City's Director of Emergency Management issued a Declaration of Emergency, as amended, applicable throughout the entire City of Lynchburg pursuant to Virginia Code Sections 44-146.21 and 15.2-1413; and

WHEREAS, on March 17, 2020, the City Council adopted an ordinance pursuant to Virginia Code Sections 44-146.21 and 15.2-1413 confirming the existence of a local emergency and disaster and declared a state of emergency throughout the entire City which remains active: and,

Whereas, City Council is satisfied that the public health threat posed by COVID-19 constitutes a real and substantial threat to the health and safety of persons and property within the City of Lynchburg and pursuant to Virginia Code Sections 44-146.21 and 15.2-15.2-1413 City Council hereby finds and confirms that a local emergency and disaster continues to exist throughout the City; and,

WHEREAS, during a local emergency and disaster, the City's Emergency Operations Plan shall have the effect of law, and under the City's Emergency Operations Plan the City has the responsibility to determine the steps that will be taken to preserve continuity of critical government functions and to maintain critical governmental functions; and,

WHEREAS, Virginia Code Section 15.2-1413 provides that a locality may, by ordinance, provide a method at variance with general or special laws to assure continuity of government in the event of a disaster for a period not to exceed six months; and,

WHEREAS, Virginia Code Section 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in the absence of the local director of emergency management may upon the declaration of a local emergency "proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and,

WHEREAS, Virginia Code Section 2.2-3708.2(A)(3) allows, under certain conditions members of City Council to convene solely by electronic means to address an emergency' and Virginia Code Section 15.2-1413 authorizes City Council, by ordinance, to provide a method to assure continuity of government in the event of a disaster; and,

WHEREAS, federal and state guidance from the executive branch has recommended suspension of public gatherings of more than ten attendees; and,

WHEREAS, the infectious nature of COVID-19 makes it unsafe to assemble the members of public bodies and members of the general public in a single location, making it difficult or impossible for City Council and the members of the city's boards and commissions to conduct meetings in accordance with normal practices and procedures;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg in accordance with Virginia Code Section 15.2-1413, notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure continuity of government during the emergency and disaster created by COVID-19.

a. That any process, or procedure, or matter which requires the physical presence of the public in a city building that the City Manager has declared or in the future declares to be closed to the public is hereby suspended.

b. Meetings of the City Council and other city authorities, boards, and commissions, including the Lynchburg School Board, may be held without permitting members of the public to be physically present in a central location or in the same location as any of the Council, board, or commission members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

c. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body

prior to any vote and shall be made a part of the record of such meeting.

b. If necessary for the continuity of city government, meetings of the City Council and other city authorities, boards, and commissions, including the Lynchburg School Board, may be held through electronic communication means without a quorum of members physically present in a single location, provided notice of such meetings is still given in accordance with applicable laws.

IT IS FURTHER ORDAINED that these procedure shall be in effect until repealed by City Council, for a period not exceeding six months, and City Council reserves the right by subsequently enacted ordinance to rescind or amend this ordinance.

Adopted: March 24, 2020

Certified: _____
Clerk of Council

Last updated: 4/9/20 @ 8:30 a.m.

Albemarle County

Adopted ordinance 3/27, patterned after model ordinance developed by Local Government Attorneys Association. All virtual meetings for the board, no comment period on non-agenda item; e-comments on others. (SOURCE: The Daily Progress) First virtual meeting 4/1 with many opportunities to submit comments in advance and real-time comments would be accepted. County will live-Tweet the meeting, in addition to Zoom. (SOURCE: The Daily Progress)

Albermarle County Public Schools

Had a virtual meeting the week of March 23 and announced schedule for four upcoming virtual meetings. Comments being received via email. (SOURCE: The Daily Progress)

Alexandria

Adopted a resolution 3/24 that from now on, all council meetings, as well as those of boards and commissions, would be held exclusively as teleconferences. (SOURCE: Alexandria Times)

Amherst County

Met in person 3/24 and agreed to postpone budget approval process. (SOURCE: Amherst New Era-Progress)

Arlington County

Arlington is still having all its County Board meetings, but has cancelled most advisory commission meetings. They're still letting people call in to comment, with limited attendance. (SOURCE: Washington Business Journal reporter)

Bedford County

Livestreamed 3/23 meeting. The public could not attend. (SOURCE: The News & Advance)

Blacksburg

Held in-person meeting with public allowed but discouraged from attending. (SOURCE: The Roanoke Times)

Bridgewater

As of 3/27, planned to have all meetings conducted electronically. (SOURCE: Daily News Record)

Bristol

Adopted resolution at an in-person meeting that would include a policy "to conduct business when it may not be practical for all five council members to assemble in the same physical location." (SOURCE: Bristol Herald Courier)

Broadway

Plans hadn't yet been developed, as of 3/27. (SOURCE: Daily News Record)

Buckingham County

Set out provisions for public comment: emailing in comments, giving name, district and what hearing they are speaking on. After that, they'll get a confirmation email with a link to the meeting. (SOURCE: Farmville Herald)

Carroll County

Adopted emergency ordinance 3/23 that allows for virtual meetings, with the recommendation from the county attorney that "an agenda be limited to those matters which are, if not, essential to the continuity of government, something that is clearly necessary to keep county government functioning, that would be the limitation." Public comment will be solicited through email, snail mail, phone or over the Internet. (SOURCE: The Carroll News)

Charlottesville

Held in-person meetings early on. Public could attend, but numbers were limited and attendance was discouraged. Trash bags covered chairs to prevent people from sitting too close to one another. (SOURCE: The Daily Progress) Also used video chat rooms for citizens to address council members. (SOURCE: Richmond Times-Dispatch)

Chesterfield County

For meeting in person, they created staging areas (managed by police) of up to 8 people. Lectern and microphone to be disinfected after each speaker. (SOURCE: Chesterfield Observer)

Culpeper (Town)

Council met outside, sitting in their cars arranged in a circle in a town parking lot, to pass the budget, 3/25. (SOURCE: Culpeper Star-Exponent)

Culpeper County

Met virtually 3/31. Virtual budget update on 4/7. (SOURCE: Culpeper Times)

Dayton

Planned to use Zoom for meetings in the future. (SOURCE: Daily News Record)

Dickenson County

Provided a livestream access to their 3/24 monthly meeting, and set up a mechanism for citizens to phone in for the public comment period. A reporter was not able to physically attend the meeting but covered it via livestream. (SOURCE: Editor for The Coalfield Progress)

Dinwiddie County

Declared a local state of emergency 3/17. A modified public meeting process has been implemented for the County and public schools. A quorum of Board members and essential

staff will assemble on meeting dates, in a manner consistent with social distancing guidelines. Other Board members and essential staff will join via conference call. Citizens are encouraged to submit comments ahead of time by email to be read aloud by the Clerk during the meeting. Citizens may call into public meetings (listen only mode). (SOURCE: Dinwiddie County Grants and Community Information Coordinator)

Education (Virginia Department of)

Held a meeting via Zoom 4/2 to vote on credit waivers for high school seniors. (SOURCE: Martinsville Bulletin)

Elkton

Plans hadn't yet been developed, as of 3/27. (SOURCE: Daily News Record)

Fairfax County

From the FC FOIA officer: "While we expect some challenges in: receiving FOIA requests and checks sent via mail (e.g., many FOIA staff are teleworking and facilities are closed); responding in our normal response times (e.g., reduced staff); and accessing records that are stored in facilities that are closed or otherwise not accessible (e.g., databases that cannot be accessed remotely), I'm confident that we'll still be able to respond to requests. . . . The FOIA Council's recent guidance helped us assess whether FOIA staff are considered essential: "there is no specific tolling provision for states of emergency. . . . So far this month, Fairfax County has received 870 FOIA requests—326 of those were received since President Trump declared a national emergency on March 13. The requests continue to come in and we have an obligation to respond." (SOURCE: Fairfax County FOIA officer) Doing meetings in a different room/with some supervisors remote. I haven't heard them allowing the public to call in, however, think they may be doing it all electronically. (SOURCE: Washington Business Journal reporter)

Fairfax County Public Schools

Response to FOIA request made March 16: "All FCPS administrative offices are closed until further notice in response to the COVID-19 coronavirus. During this state-mandated closure, we will not be able to respond to your FOIA request, and all applicable deadlines are stayed until schools and offices are open for business. FCPS will process requests once it reopens." (SOURCE: WAMU reporter and Fairfax County parent)

Fauquier County

Barred public attendance from 3/19 budget hearing. Livestreamed and public comments would be taken by email. (SOURCE: FauquierNow.com)

Fluvanna County

Moved in-person meeting from courthouse to the administration building where seating could be spaced out. Ordinance adopted to allow virtual meetings. Only two in attendance, due to health conditions of two others and the fifth feeling unwell. (SOURCE: Fluvanna Review)

Frederick County

Public hearing on budget proceeded in person, with the public allowed in with proper social distancing. Meeting also livestreamed and public encouraged to watch from home. People who wish to speak “will be taken, one at a time, by a staff member to a room with video conferencing software. The person will then make their comments, which will be projected on a screen for the board members.” (SOURCE: The Winchester Star) Adopted policy 3/26 already provided for in FOIA for remote participation by individuals for medical and personal matters. (SOURCE: The Winchester Star) In-person meetings scheduled for 4/1 and 4/8 -- public can attend but are discouraged from doing so. Those who come will be in a room separate from supervisors and asked not to congregate in hallways/outside the building. (SOURCE: The Winchester Star)

Fredericksburg

3/20 meeting held via Go To Meeting app on each Council member’s iPad. City staff also attended via Go To Meeting. The Go To Meeting feed was live-streamed over the City’s Governmental television channel, its official website, and Facebook Live. There was no public comment period or public hearing at this meeting, which was limited to confirming the local declaration of emergency, consenting to the appointment of the new coordinator of emergency services, and ratifying the City Manager’s emergency order addressing restaurants and public gatherings. (SOURCE: Fredericksburg City Attorney) Virtual meeting held 4/7 to adopt measures on dealing with the pandemic. Public comment can be posted on Facebook Live but won’t be answered until the following day. (SOURCE: The Free Lance-Star)

Fredericksburg Economic Development Authority

3/22 meeting in person. The chair and two staff members were seated in City Council chambers. Public attendance was limited to 10 persons, but no one appears to have attended the meeting in person. The purpose of the meeting was to approve an emergency grant fund to assist small businesses to pay rent, utilities, and taxes. One staff member responded to citizen comments in real time on Facebook Live. (SOURCE: Fredericksburg City Attorney)

Front Royal

The public will no longer be able to attend meetings. Adopted an ordinance “that will allow meetings to be conducted by electronic means.” (SOURCE: The Northern Virginia Daily) Held virtual work session 4/1 for regular business. (SOURCE: The Northern Virginia Daily)

Goochland County

3/26 meeting held through electronic means with the Board members participating by phone, but the County Administrator and County Attorney in the Board meeting room. The meeting was open to the public via Live Stream on the County’s website and through a Zoom call-in number. At that meeting, the Board of Supervisors confirmed the March 13 declaration of emergency for Goochland County and adopted an emergency continuity ordinance, which allows the Board of Supervisors and other local boards and authorities to meet with both members and the public participating remotely for regular business meetings. For its upcoming Budget public hearing on April 7, the Board is encouraging the public to provide comments by emails or voicemails

before, during, and after the meeting (up to April 13), plus making the meeting publicly accessible through Live Stream and through a Zoom call-in number; each resident on the Zoom call will be provided the opportunity to make comments during the Budget public hearing. (SOURCE: Goochland County Attorney)

Grottoes

Plans hadn't yet been developed, as of 3/27. (SOURCE: Daily News Record)

Halifax County

Adopted emergency ordinance to allow for all-electronic meetings, but administrator says he doesn't expect to use the measures unless conditions change. (SOURCE: The Gazette-Virginian)

Hampton

First electronic meeting 4/8. (SOURCE: Daily Press)

Harrisonburg

Met in person, 3/24, and adopted a policy for call-in participation (for personal matters, medical conditions, etc., per 2.2-3708.2(A)). The public was allowed to attend, but the meeting was also streamed on Facebook and a phone number was provided to allow people to call in with comments. (SOURCE: Daily News Record)

Harrisonburg Public Schools

Emergency all-electronic meeting scheduled for 4/9 to discuss contract with builder of new high school. (SOURCE: Daily News Record)

Hanover County

Rescheduled a controversial hearing and canceled several meetings. (SOURCE: Richmond Times-Dispatch) Amid criticism, county voted in a 4/8 in-person meeting to push the hearing back further (to 5/8), which wasn't as far back as some residents wanted, but was said to be a compromise with the company wanting the hearing. (SOURCE: Richmond Times-Dispatch)

Henrico County

Adopted ordinance 3/24 (without a public hearing, as allowed, and to be reconsidered 5/23) allowing all county boards and commissions to postpone, but does not prohibit a body from meeting. (SOURCE: Henrico County website)

Henrico County Public Schools

In April, canceled a 5/28 hearing and vote on redistricting until such time "when the public can once again be engaged." (SOURCE: Richmond Times-Dispatch)

Henry County

- Postponed 3/24 public hearing on the budget until 6/9.

- Went ahead with 3/24 public hearing on a zoning ordinance pertaining to solar energy facilities. The public was encouraged to submit comments electronically, but they were still allowed to attend, within the 10-person limit. Overflow rooms were to be made available.

(SOURCE: Martinsville Bulletin)

At 3/26 meeting, an array of germ-killing supplies offered attendees a squirt of hand sanitizer, a pair of protective gloves, and/or a spray of antibacterial Lysol before entering. Inside, yellow caution tape was used to block off pairs of seats to enforce the “6-foot rule” of distance between people. On the stage, board members were seated far and the county administrator gave his presentations from a desk at the front of the seating area. Department heads and support staff were not in the room. Only two members of the public sat in the audience. Officials announced the meeting would be limited to 10 attendees. It was filmed to allow a live broadcast in neighboring rooms in case more people showed up. (SOURCE: Martinsville Bulletin)

Henry County Public Schools

Held in-person meeting 4/2 with limited numbers of the public allowed. Staff rotated in and out of the chamber to do presentations.

Iron Gate

In-person meeting 3/26, public not allowed to attend, agenda shortened. (SOURCE: Virginian Review)

James City County

Met 3/17 in person, broadcast it on cable and streamed it on YouTube. The public was allowed in, but the board encouraged everyone to watch on TV or online. (SOURCE: WVEC)

Leesburg

Met in-person, 3/24, for regular business, including passing a noise ordinance. Public was allowed in but discouraged from attending. (SOURCE: Loudoun Times-Mirror and Leesburg website)

Loudoun County

Emergency measures adopted 3/25 to allow remote meetings. Advisory board and commission meetings have been suspended. (SOURCE: The Loudoun Times-Mirror)

Loudoun County Public Schools

Virtual meeting held 4/1 and archived on Vimeo. (SOURCE: Loudoun Times-Mirror)

Louisa County

Meeting in person, but the public is not allowed in. Public can watch on the county’s website or listen in by phone. Public comments will be accepted by phone or in writing. (SOURCE: The Central Virginian)

Lynchburg

City Council adopted a continuity of government ordinance 3/24 patterned after the model ordinance developed by Local Government Attorneys Association that would allow City Council and the city's boards and commissions to conduct electronic meetings. 3/31 the City Council physically assembled to hold a public hearing on the city's proposed budget. Citizens were allowed to attend the public hearing and speak, subject to social distancing procedures and limitations. The meeting was televised and citizens were encouraged to watch the meeting from home. Also, citizens were encouraged to submit comments by email to be read aloud by the Clerk during the meeting and could call-in and leave voice messages that were played during the meeting. The city plans to continue this practice for the foreseeable future. (SOURCE: Lynchburg City Attorney)

Martinsville

Canceled 3/24 meeting and postponed budget reviews. (SOURCE: Martinsville Bulletin)

Norfolk Planning Commission

Advertised 3/26 meeting as being held "entirely electronically." On the agenda were several rezoning matters and conditional use permits. The public was told that if they joined the electronic meeting they would have to state their full name. Virginian-Pilot reporter informed me the commission backed off that requirement when asked about it by an editor. (SOURCE: Virginian-Pilot reporter & online agenda)

Norfolk Public Schools

- Advertised adoption of a resolution on meeting procedures that included in the "whereas" clauses a statement in direct contradiction to the AG's opinion. NPS said that § 44-146.21(C) justified making modifications to "time-consuming procedures and formalities," but the AG's opinion states that section "does not authorize departures from the procedures set forth in VFOIA."
- The resolution also said that any agenda items left over from prior meetings would be deemed approved if no action was taken on them over the next six months.

(SOURCE: Virginian-Pilot reporter & online agenda)

Orange County

FOIA Officer contacted VCOG to confirm that no change to FOIA records request deadlines had changed (an employee insisted it had). (SOURCE: Orange County FOIA officer)

County adopted emergency ordinance, 3/24, allowing meetings of the Board, the planning commission, and other commissions, authorities, or public bodies to be conducted electronically. More guidance on how meetings will be handled will be included as each meeting is announced. (SOURCE: Culpeper Star-Exponent) Hired a new county manager during a virtual meeting, 4/2. (SOURCE: Orange County Review)

Pittsylvania County

In-person budget hearing set for 3/26. Public is allowed, but meeting will be livestreamed on Facebook and comments will be accepted online. (SOURCE: Star-Tribune)

Prince William County Public Schools

Met 3/18 in person to discuss the budget. The public was allowed to attend (one reporter attended). Citizen comment period was temporarily suspended but people were asked to send in comments via email. The meeting was streamed to Facebook. (SOURCE: InsideNoVa) School district tells journalist on 4/2 that FOIA has been temporarily suspended. (SOURCE: President of The Potomac Local News Company) The School Board also approved a resolution adopting the County ordinance which also provides for electronic meetings with no physical quorum in order to assure continuity of government. (SOURCE: PWCS Attorney)

Pulaski (Town)

3/31 work session was livestreamed. Public was allowed, seating was arranged to encourage social distancing, but attendance was discouraged. (SOURCE: The Southwest Times)

Pulaski County

Held in-person meeting 3/23. The public was allowed in, and seating for them was altered to observe 6-foot buffer but few attended. Required public hearings were doubled up into the meeting. (SOURCE: The Southwest Times)

Purcellville

Contacted VCOG about livestreaming-only with no member of the public allowed to attend. (SOURCE: Purcellville Town Attorney)

Rappahannock County

Adopted an emergency ordinance 4/2 that allow local government bodies to hold fully electronic public meetings to conduct essential business. The ordinance makes clear that only essential government business can be conducted, defined as “those items without the passage of which the public interest would be irrevocably harmed.” (SOURCE: Rappahannock Record)

Richmond (City)

Allowed only 5 of 9 members of the council to be present in the meeting chamber for 3/23 meeting, while four would participate from home. City clerk and one administrator would be present in the chamber, but city attorney and chief of staff would be in another room, participating by phone. Department heads would call in. The public was not allowed in the chamber but could go to overflow rooms throughout City Hall. Meeting was streamed online and on TV. Public comment was asked for in advance. (SOURCE: Richmond Times-Dispatch)

Roanoke (City)

Met in person and the public was allowed. Members distanced themselves. (SOURCE: The Roanoke Times)

Rockbridge County

Met in person, 3/23, and up to 10 members of the public were allowed to attend. (SOURCE: The News-Gazette)

Rockingham County

Used Zoom to stream meetings. Found out their set-up produced low-quality video, so they purchased a better camera and will test audio immediately in advance of the next meeting. (SOURCE: Daily News Record) Zoom-based budget hearing 4/8. (SOURCE: Daily News Record)

Rockingham County Public Schools

Agenda for 3/23 meeting was pared down, budget presentation was prerecorded and played on the school division's website. Unclear whether public was barred or only discouraged from attending. (SOURCE: Daily News Record)

Scott County Public Schools

Electronic meeting to be held 4/7. The meeting will only cover topics that pertain to the emergency situation of the COVID-19 outbreak and/or essential business that requires immediate action, including approval of necessary payment of claims during this time of emergency. Non-essential items will not be on the agenda. (SOURCE: Scott County Virginia Star)

Shenandoah County

Conference call meeting. No one from the public can attend. (SOURCE: The Northern Virginia Daily). Hybrid in-person/call-in meeting on 3/25, special inbox set up for citizen comments. Some comments read out loud by supervisors. Technical difficulties -- poor sound quality. (SOURCE: The Northern Virginia Daily) Holding public hearing on budget 4/2 through GoToMeeting. (SOURCE: The Northern Virginia Daily)

Spotsylvania County

4/1 budget hearing was held in school auditorium, but no one attended. Citizens comments were collected prior and read out loud at the presentation. (SOURCE: Free Lance-Star)

Stafford County

Planned 4/7 budget public hearing will be broadcast, and citizens are encouraged to submit comments online prior to and during the hearing. They will be allowed to attend in public, but a microphone will be positioned at the entrance and deputies will enforce social distancing. (SOURCE: The Free Lance-Star) Prior to the meeting, they changed their mind and decided not to accept in-person citizen testimony. (SOURCE: The Free Lance-Star)

Strasburg

Disagreeing over whether a disaster should be declared for the town, the town council on 4/7 nonetheless adopted an emergency ordinance that will allow for electronic meetings through

early June. Public comment will be accepted via email, though the town manager is looking into ways for the public to submit comments in real time during the meeting. (SOURCE: The Northern Virginia Daily)

Suffolk

City Council passed an ordinance 3/30 regarding emergency electronic meetings that somewhat mirrored the Model Ordinance shared by the LGA. The next scheduled Council meeting is April 15, 2020, and we have not decided whether it will be a regular or electronic meeting. Our employees in our FOIA Office are still working daily and complying with FOIA. (SOURCE: Suffolk City Attorney)

Timberville

Plans hadn't yet been developed, as of 3/27. (SOURCE: Daily News Record)

University of Virginia

Board of Visitors a 50-minute closed conference call meeting 3/30 to discuss the university's response to COVID-19. There was no public discussion or public comment allowed. No agenda posted online to say what exemption was used to justify the closed session. (SOURCE: The Daily Progress and UVA BOV website)

Virginia Beach

At 3/17 meeting, staffers made budget presentations remotely. (SOURCE: The Virginian-Pilot)

Warren County

Met in person with "essential government employees," but no one from the public was allowed. Meeting was livestreamed on YouTube. (SOURCE: Northern Virginia Daily) County attorney added later, "Under the emergency ordinance scenario we don't have to but we absolutely will broadcast all our meetings over the internet and we will do the best we can to get public comments." (SOURCE: Northern Virginia Daily)

Washington County

Adopted 60-day emergency ordinance 4/7 allowing for electronic meetings. (SOURCE: Bristol Herald Courier) *MEGAN'S NOTE: The article says they can hold meetings "without a quorum," but the meeting materials found on the county's website confirm that it's meetings without a quorum "physically present" in one place.* (SOURCE: Washington County website)

Waynesboro

Public hearing on budget held via Zoom, 4/6. (SOURCE: The News Virginian)

Williamsburg

Held all-electronic meeting 3/19 and adopted resolution for use of e-meetings in the future. Livestreamed on Facebook and citizen comments were accepted online. (SOURCE: WYDaily)

Winchester

Planned to have an in-person meeting on 3/31 but discouraged public from attending. Livestreaming was planned, as was an archived recording to be posted on their website. Citizen comments (not questions) would be read prior to any vote. (SOURCE: The Winchester Star)

Winchester Public Schools

Seven members and superintendent met in person 3/23, while two other members participated by phone. Unclear whether public was allowed or whether the meeting was streamed. (SOURCE: The Winchester Star)

Wise (Town)

Monitoring developments that could allow for electronic meetings, including options for livestreaming meetings while allowing public participation. Citizens are strongly encouraged not to attend meetings. (SOURCE: The Coalfield Progress)

Woodstock

Finance committee of the town council met in person 4/9. (SOURCE: The Northern Virginia Daily)

Wytheville

3/24 meeting was to be livestreamed on Facebook, but public not allowed to attend. (SOURCE: Wytheville Enterprise)