FINANCE COMMITTEE AGENDA

Tuesday, March 24, 2020
11:30 a.m. – Bidder's Room

GENERAL BUSINESS

11:30 a.m.

1. Approval of the Draft Finance Committee Meeting Notes from January 28, 2020.

   Contact: Donna Witt, Chief Financial Officer 455-3968

11:35 a.m.

2. Report on the General Fund Reserve for Contingencies.

   Contact: Donna Witt, Chief Financial Officer 455-3968

11:40 a.m.

3. Consider a request to 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.

   Contact: Mitchell W. Nuckles, Commissioner of the Revenue 455-3871

11:45 a.m.

4. Approve the submittal of a grant application to the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) for $109,276 with resources of $87,421 from the RSAF grant and $21,855 from the FY 2021 General Fund Fire Department budget to purchase (4) Lucas 3 chest compression devices and (1) simulation mannequin for the Fire Department.

   Contact: Fire Chief Greg Wormser 455-6340

11:50 a.m.

5. Approve the submittal of a grant application to the Department of Homeland Security Federal Emergency Management Agency's (DHS/FEMA) FY 2019 Assistance to Firefighters Grant (AFG) Program in the Operations and Safety category for $126,836 with resources of $114,152 from DHS/FEMA grant and $12,684 from the FY 2020 General Fund Fire Department budget to purchase fitness equipment and training in nutrition, injury prevention, cardio-respiratory health, and stress reduction.

   Contact: Fire Chief Greg Wormser 455-6340

11:55 a.m.

6. Approve the Police Department's application submittal for the 2020 COPS Hiring Program 36-month grant funding for seven police officer positions in the amount of $1,261,509 over three years to implement a full-time Special Investigations Response Team (SIRT). The $1,261,509 total includes a 30.6386% local match of $386,509 over the course of 36 months and a 69.3614% federal share of $875,000.

   Contact: Chief Ryan M. Zuidema 455-6171

12:00 p.m.

7. Approve the submittal of an application for the 2020 State Homeland Security Program (SHSP) Grant through the Virginia Department of Emergency Management (VDEM) in the amount of $230,000 to purchase additional network equipment and professional services to protect the City's network infrastructure.

   Contact: Terry Hutchens, Chief Information Officer 455-6028

12:05 p.m.

8. Review collections received from five of the City's largest revenue sources.

   Contact: Donna Witt, Chief Financial Officer 455-3968

12:10 p.m.

9. Roll Call

The next Finance Committee meeting is Tuesday, April 28, 2020, at 11:30 a.m.

FINANCE COMMITTEE NOTES-- DRAFT
Tuesday, January 28, 2020

GENERAL BUSINESS

Meeting commenced at 11:30 a.m.

ATTENDEES
Committee Members: *Council Member Jeff S. Helgeson, Chair; Council Member Randy Nelson; Council Member Beau Wright; Mayor Treney Tweedy, Ex-Officio.*
Others: *Bonnie Svrcek, City Manager; Reid Wodicka, Deputy City Manager; Donna Witt, Chief Financial Officer; Rhonda Allbeck, Assistant Director of Financial Services; Starlette Early, Budget Analyst*

1. Approval of the Draft Finance Committee Meeting Notes from December 10, 2019.

   The meeting notes from December 10, 2019 were approved as submitted.

2. Report on the General Fund Reserve for Contingencies.

   Donna Witt reported one new item is introduced: $178,837 to refund overpayment of real estate taxes by LSC Communications Printing Company. If approved, the Reserve for Contingencies will have a balance remaining of $982,393 including the Manager's Discretionary Funding.

3. Consider a request to adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate $103,953 with resources of $51,976 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and $51,977 from the FY 2020 General Fund Fire Department budget to purchase (3) LifePak 15 cardiac monitors for the Fire Department.

   The Committee approved this item and is scheduled to be considered by full Council at the January 28, 2020 meeting.

4. Consider a request to adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate $631,921 with resources from the Virginia 911 Services Board to fund the City of Lynchburg Public Safety Answering Point's (PSAP) request for costs needed to implement Next Generation 9-1-1.

   The Committee approved this item and is scheduled to be considered by full Council at the January 28, 2020 meeting.

5. Consider a request to adopt a resolution to amend the FY 2020 General Fund budget and appropriate $11,462 from the Friends of Lynchburg Parks and Recreation to implement the new Fit and Strong program, a collaboration of organizations falling under the umbrella of Live Healthy Lynchburg.

The Committee approved this item and is scheduled to be considered by full Council at the January 28, 2020 meeting.

6. Consider a request to adopt a resolution to amend the FY 2020 General Fund budget and appropriate $178,837 with resources from the General Fund Reserve for Contingencies to refund overpayment of real estate taxes for tax years 2017, 2018 and 2019 by LSC Communications Printing Company for property(s) located at 4201 Murray Place.

   The Committee approved this item and is scheduled to be considered by full Council at the February 11, 2020 meeting.

7. Review highlights of attached quarterly financial reports for the Greater Lynchburg Transit Company (GLTC) as well as the Regional Airport, Lynchburg Regional Juvenile Detention Center, Children's Services Act, Water Operating, Sewer Operating, Stormwater Operating, and General Funds for the quarter ending September 30, 2019.

   GLTC: Brian Booth reported total revenues for the first quarter is approximately $2,000 below budget due primarily to lower revenues in passenger fare (3%) and Other Contract Revenues. Expenditures were 4% under budget for the first quarter, with savings in labor costs due to operators being furloughed for 2 months during the summer. A significant decrease in revenue is anticipated due to reduced contracted service by Liberty University.

   Airport: Andrew LeGala reported total airport revenues are up by 8.9% over last year with increased landing fees due to an additional 7th daily flight on most days, larger equipment with more seats resulting in a 34% increase in passenger traffic. Expenses are generally in line with budget; however administration fees are approximately $70,000 over budget due to increased marketing to promote the additional daily flight and consulting expenses related to attracting additional airline service, as well as additional expenses in Small Projects & Equipment due to having more state-supported projects than expected. The airport anticipates an operating surplus of approximately $187,000 for FY 2020, which is almost $30,000 more than budget.

   Lynchburg Regional Juvenile Detention Center: Tamara Rosser reported revenues were currently above budget due to reimbursements for the Community Placement Program (CPP) and expenses are on track with budget. The average number of juveniles being served during the first quarter is 23.70 compared to 22.90 in FY 2019, with Lynchburg City's population at 42% of the total juvenile population.

   Children's Services Act (CSA): Tamara Rosser reported overall revenues and expenses are low during the first quarter due to school just getting started; this will change as the year progresses. Expenses in Special Education services and private day school are expected to rise due to increased placements.

   Water: Tim Mitchell reported revenue in the Water Fund is exceeding budgeted amount by approximately $570,000 due to higher than expected water consumption, interest and an antitrust lawsuit settlement from a chemical company. Overall expenses are currently less than budget due to personnel vacancies and debt service; however, Capital Outlay is above budget due to installation of new cellular meters. Debt coverage ratio projected for the end of the fiscal year is 1.47 (above Council's minimum target of 1.20) and the fund balance ratio projected for year end is 51% compared to a target range of 25% - 40%.

   Sewer: Tim Mitchell reported overall revenues exceeded budget by approximately $600,000, primarily due to higher than anticipated water consumption and corresponding sewer use, sewer contracts, and interest earnings. Overall expenses are at budget with a few variances including construction of the Wastewater Treatment Combined Sewer Overflow (CSO) Upgrade project. Debt coverage ratio is projected at 1.36 compared to a target range of 1.20 *to 1.50, and the fund balance ratio is projected to be at 42% compared to a target range of 25% - 40%.*

Stormwater: Tim Mitchell reported overall revenues are in line with budget projections and expenses were approximately $151,000 less than budget. The debt coverage ratio for end of the fiscal year is projected at 7.16 (Council's minimum target is 1.20) and the fund balance ratio is projected to be 39% compared to the target range of 15% - 20%.

General Fund: Donna Witt reported first quarter revenue collections and expenses are tracking as projected. She noted the Commissioner of Revenue was notified that BB&T had amended their filing related to Bank Stock tax, and the City is refunding $225,000 related to this revised filing.

8. Investment Summary.

   Donna Witt reported the City has an active investment program with a current weighted average yield of 2.13%.

9. Review collections received from five of the City's largest revenue sources.

   Donna Witt reported for the month ending November 2019: Sales & Use Tax revenue collections were $455,000 above the adopted budget; Consumer Utility Tax revenues were slightly below budget due to the mild weather; and Meals Tax revenue, Lodging Tax revenue, and Amusement Tax revenue were all tracking close to budget.

10. Roll Call

    There were no items for roll call.

Meeting adjourned at 12:41 p.m.

AGENDA ITEM NO.: 2

FY 2020 GENERAL FUND RESERVE FOR CONTINGENCIES

	Reserve for Contingencies	City Manager's Discretionary Funding
BEGINNING BALANCE, JULY 1, 2019	$1,150,000	$50,000
Carryforward to FY 2020 Reserve for Contingencies - FY 2020 Adopted Budget	0	
BALANCE	**$1,150,000**	**$50,000**
APPROPRIATIONS (Second Reading)		
City Manager's Discretionary Fund - Risk Management - Cyber Liability Insurance Premium	0	(6,185)
Electoral Board/Registrar - March 2020 Presidential Primary Election -- 01/14/2020 Council Meeting	(32,585)	
Refund to LSC Communications Printing Company for Real Property Tax Overpayment (Assessement Revised)	(178,837)	
TOTAL APPROPRIATIONS	**($211,422)**	**($6,185)**
REMAINING BALANCE	**$938,578**	**$43,815**
ITEMS INTRODUCED		
Refund to BB&T for overpayment of Bank Franchise Tax for tax years 2012, 2013 and 2014	(224,965)	
TOTAL INTRODUCED ITEMS	**($224,965)**	**$0**
REMAINING BALANCE	**$713,613**	**$43,815**
PENDING ITEMS		
TOTAL PENDING ITEMS	**$0**	**$0**
PROJECTED BALANCE, JUNE 30, 2020	**$713,613**	**$43,815**

March 2020

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **3**

CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION:
ACTION**: X**	INFORMATION:		(Confidential)

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

KEY ELEMENTS:
___Economic Development _**X**_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:

RESOLUTION:

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

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

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **4**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant to purchase four Lucas 3 Chest Compression Devices and one Simulation Mannequin.

KEY ELEMENTS:
___Economic Development ___Excellent Government ___Natural and Built Environment _X__Safe Community __Vibrant Community

RECOMMENDATION: Approve the submittal of a grant application to the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) for $109,276 with resources of $87,421 from the RSAF grant and $21,855 from the FY 2021 General Fund Fire Department budget to purchase (4) Lucas 3 chest compression devices and (1) simulation mannequin for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services.

The Fire Department would like to submit a grant request for $109,276 in Rescue Squad Assistance Funds to purchase four (4) Lucas 3 chest compression devices and one (1) simulation mannequin. The Lucas 3 chest compression devices will replace current in-service devices which have exceeded the manufacturer's recommended useful life. The training mannequin will allow for high-fidelity hands on interactive simulation training at the basic life support (BLS) and advanced life support (ALS) levels to assist in the development of critical thinking skills along with providing the flexibility of training not available with static mannequins. The purchase of this training equipment will provide the Fire Department the opportunity to formally partner with the Centra Health School of Nursing Simulation Lab.

The Fire Department plans to apply for the grant under an 80/20 match; however, we typically receive a 50/50 match. With a total cost of $109,276, the maximum required local match is $54,638. Grants will be awarded in July 2020; therefore, if awarded, the match will be funded from the FY 2021 General Fund Fire Department budget.

PRIOR ACTION(S): None

FISCAL IMPACT: $21,855 in matching funds will be provided from the Fire Department's FY 2021 budget if awarded under an 80/20 match; $54,638 if awarded under a 50/50 match; no additional appropriation is required. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S): Fire Chief Greg Wormser, 455-6340
Deputy Chief Robert Lipscomb, 455-6352
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S): None

REVIEWED BY: raw

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **5**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Department of Homeland Security Federal Emergency Management Agency's FY 2019 Assistance to Firefighters Grant Program application for firefighting equipment, training, and wellness.

KEY ELEMENTS:
___Economic Development ___Excellent Government ___Natural and Built Environment _X__Safe Community __Vibrant Community

RECOMMENDATION: Approve the submittal of a grant application to the Department of Homeland Security Federal Emergency Management Agency's (DHS/FEMA) FY 2019 Assistance to Firefighters Grant (AFG) Program in the Operations and Safety category for $126,836 with resources of $114,152 from DHS/FEMA grant and $12,684 from the FY 2020 General Fund Fire Department budget to purchase fitness equipment and training in nutrition, injury prevention, cardio-respiratory health, and stress reduction.

SUMMARY: DHS/FEMA awards grant funding to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience.

The Fire Department would like to submit a grant request for $126,836 in AFG funds to purchase equipment that is vital to firefighter wellness and fitness to assist in the improvement of cardio-respiratory output, strength, flexibility, and nutrition. The department recognizes the need for a physical fitness program that follows the National Fire Protection Association (NFPA) 1583 Standard on Health-Related Fitness Programs for Fire Department Members. The funds will be used to contract with a qualified health and fitness coordinator, periodic fitness assessments for all members (including initial employment assessments and strengthening for new hires), exercise training, education and counseling, and the collection and maintenance of program data. This grant will replace fitness equipment that has met its useful life, in addition to, new equipment to address specific needs.

This is a 90/10 matching grant with DHS providing $114,152 and the local match of $12,684. Grants are anticipated to be awarded in April 2020; therefore, the match will be funded from the FY 2020 General Fund Fire Department budget.

PRIOR ACTION(S): None

FISCAL IMPACT: $12,684 in matching funds will be provided from the FY 2020 General Fund Fire Department budget. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S): Fire Chief Greg Wormser, 455-6340
Deputy Chief Jonathan Wright, 455-6353
Health and Safety Captain Jennifer Collins, 455-3889
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S): None

REVIEWED BY: raw

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **6**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: 2020 US Department of Justice COPS Hiring Program

KEY ELEMENTS:
___Economic Development ___Excellent Government ___Natural and Built Environment _X_Safe Community ___Vibrant Community

RECOMMENDATION:

Approve the Police Department's application submittal for the 2020 COPS Hiring Program 36-month grant funding for seven police officer positions in the amount of $1,261,509 over three years to implement a full-time Special Investigations Response Team (SIRT). The $1,261,509 total includes a 30.6386% local match of $386,509 over the course of 36 months and a 69.3614% federal share of $875,000.

SUMMARY:

The Lynchburg Police Department (LPD) is eligible to apply for $1,261,509 with the US Department of Justice COPS Hiring Program 36-month grant. This grant award will require a 30.6386% local match of the $1,261,509 total cost. The percentage rate is assigned to our locality by the COPS office and is based off of our region and salaries. Per the grant as part of the local match requirement we must assume a progressively larger share of the cost of the award with local funds over the three-year award. The breakdown of that is year one 25%, year two 33% and year three 42% of the $386,509.

The LPD will utilize this funding to hire seven additional officers, which will move our allocated sworn staffing from 174 to 181. We will create a full-time Special Investigations Response Team (SIRT) using these funds. The addition of the seven officer positions will allow us to move seven senior officers (six officers and one Sergeant) to a permanent Special Investigations Response Team.

This grant is a 36-month grant opportunity. The grant requires that the officers hired using these grant funds continue employment for a minimum of 12 months after the grant period ends.

The Special Investigations Response Team addresses priority offenders and problematic areas within the city while working with the community to address their concerns, enhance trust, and provide a highly visible presence in an effort to reduce violent crime. The team also will be responsible for seeking, gathering, and producing data related to crime trends and sprees within the City. The LPD has implemented this team in prior years for short periods of time utilizing temporary staffing reallocated from other operational units, and those officers have taken a significant number of drugs and illegal guns off the street during their temporary assignment. The unit's success has demonstrated the need for a full-time approach.

PRIOR ACTION(S): None

FISCAL IMPACT:

FY 2021 25% of the overall local match of $386,509 = $96,627

FY 2022 33% of the overall local match of $386,509 = $127,548

FY 2023 42% of the overall local match of $386,509 = $162,334

FY 2024 per the grant agreement, fully funds seven officer positions of approximately $425,003

CONTACT(S):

Chief Ryan M. Zuidema, 434-455-6171
Amy Lowe, Administrative Manager, Police Department, 455-6128

ATTACHMENT(S): None

REVIEWED BY:

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **7**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION**: X** INFORMATION: (Confidential)

ITEM TITLE: **2020 State Homeland Security Program (SHSP) Grant for the Information Technology Department**

KEY ELEMENTS:
___Economic Development ___Excellent Government ___Natural and Built Environment _X__Safe Community ___Vibrant Community

RECOMMENDATION: Approve the submittal of an application for the 2020 State Homeland Security Program (SHSP) Grant through the Virginia Department of Emergency Management (VDEM) in the amount of $230,000 to purchase additional network equipment and professional services to protect the City's network infrastructure.

SUMMARY: The City of Lynchburg Information Technology (IT) Department is applying to receive $230,000 through a competitive grant process with the Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) to purchase additional network equipment (firewalls/security appliances, USB fobs for use in two-factor authentication, and management devices) and professional services (installation of firewalls/security appliances, software/hardware support and updates, and training of IT staff) to implement additional cybersecurity enhancements to protect the City's network infrastructure from cyber-attacks.

In FY 2020, the Department of Homeland Security (DHS) / Federal Emergency Management Agency (FEMA) listed enhancing cybersecurity, including election security, as one of the four investment areas identified as National Priorities. Studies have confirmed that the top risk to cybersecurity is human nature, whether the actions are malicious or done out of ignorance. In the Nationwide Cybersecurity Review (NCSR) completed by the department, segmenting the City's network via firewalls/security appliances to limit exposure internally and externally was identified as a high-priority control. Two-factor authentication (2FA) adds an extra step to the basic log-in procedure requiring users to provide two different authentication factors, which protects the user's credentials. This would expand protection to more than just Office 365 email, which is what is currently provided. The management devices would provide one system to manage all of the firewalls/security appliances and provide an audit trail through a logging feature, which after a cyber-attack, will help the investigation and recovery processes.

PRIOR ACTION(S): None

FISCAL IMPACT: No local match is required. Future funds will be needed for maintenance/support of the equipment purchased.

CONTACT(S):
Terry Hutchens, Chief Information Officer, 434-455-6028
John Piercy, IT Security Manager, 434-455-6013
Ellen Davidson-Martin, IT Administrative Manager, 434-455-6037

ATTACHMENT(S): None

REVIEWED BY:

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **8**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: INFORMATION: **X** (Confidential)

ITEM TITLE: Revenue Update

KEY ELEMENTS:
___Economic Development _**X**__Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Review the collections received from five of the City's revenue sources.

SUMMARY: Five of the City's major revenue sources are taxes collected on a monthly basis: Local Sales and Use Tax, Consumer Utility Tax – Electric, Meals Tax, Lodging Tax, and Amusement Tax. Since the last Finance Committee meeting, revenue information through January 2020 has been posted for these five revenue streams.

PRIOR ACTION(S): This information is provided monthly to the Finance Committee.

FISCAL IMPACT: None

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

ATTACHMENT(S): Comparison of Collections Budget to Actual FY 2019 – FY 2020

REVIEWED BY:

Comparison of Collections
Budget to Actual FY 2019 - FY 2020

SALES & USE TAX
ADOPTED FY 2020 BUDGET - $15,673,983

	Actual FY 2017	Actual FY 2018	Actual FY 2019	Adopted FY 2020	Actual FY 2020	Actual FY 2020 to Adopted FY 2020	Actual FY 2020 to Actual FY 2019
JULY	$1,152,527	$1,134,520	$1,361,089	$1,335,342	$1,304,129	($31,213)	($56,960)
AUGUST	1,267,330	1,248,275	1,287,868	1,263,506	1,400,949	137,443	113,081
SEPTEMBER	1,275,989	1,289,489	1,305,048	1,280,361	1,423,548	143,187	118,500
OCTOBER	1,253,143	1,210,820	1,304,503	1,279,827	1,418,032	138,205	113,529
NOVEMBER	1,254,548	1,348,270	1,370,625	1,344,698	1,413,245	68,547	42,620
DECEMBER	1,695,286	1,601,584	1,597,108	1,566,896	1,703,072	136,176	105,964
JANUARY	1,070,830	1,122,715	1,144,052	1,122,411	1,276,287	153,876	132,235
TOTAL	**$8,969,653**	**$8,955,673**	**$9,370,293**	**$9,193,041**	**$9,939,262**	**$746,221**	**$568,969**

CONSUMER UTILITY TAX - ELECTRIC
ADOPTED FY 2020 BUDGET - $3,800,000

	Actual FY 2017	Actual FY 2018	Actual FY 2019	Adopted FY 2020	Actual FY 2020	Actual FY 2020 to Adopted FY 2020	Actual FY 2020 to Actual FY 2019
JULY	$328,501	$335,326	$343,448	$338,828	$323,666	($15,162)	($19,782)
AUGUST	355,434	327,959	332,393	327,921	335,376	7,455	2,983
SEPTEMBER	351,627	314,864	324,940	320,569	322,201	1,632	(2,739)
OCTOBER	294,038	297,177	318,779	314,491	294,402	(20,089)	(24,377)
NOVEMBER	274,145	284,069	282,758	278,954	269,899	(9,055)	(12,859)
DECEMBER	337,930	348,578	346,515	341,853	329,023	(12,830)	(17,492)
JANUARY	358,976	407,036	344,673	340,036	335,735	(4,301)	(8,938)
TOTAL	**$2,300,651**	**$2,315,009**	**$2,293,506**	**$2,262,652**	**$2,210,302**	**($52,350)**	**($83,204)**

	Actual Collected FY 2017 [2]	Actual Collected FY 2018 [2]	Actual Collected FY 2019 [2]	Adopted FY 2020	Actual Assessed FY 2020	Actual Assessed FY 2020 to Adopted FY 2020	Actual Collected FY 2020 [2]	Actual Collected FY 2020 to Adopted FY 2020	Actual Collected FY 2020 to Assessed FY 2020
MEALS TAX									
ADOPTED FY 2020 BUDGET - $15,500,000									
JULY [1]	$1,088,474	$1,109,545	$1,157,381	$1,203,713	$1,192,588	($11,125)	$1,167,412	($36,301)	($25,176)
AUGUST	1,098,748	1,140,836	1,208,215	1,280,948	1,338,608	57,660	1,327,301	46,353	(11,307)
SEPTEMBER	1,243,540	1,295,882	1,301,166	1,296,010	1,327,436	31,426	1,348,242	52,232	20,806
OCTOBER	996,549	1,249,486	1,321,368	1,357,034	1,358,371	1,337	1,327,690	(29,344)	(30,681)
NOVEMBER	1,382,308	1,170,367	1,178,554	1,230,200	1,266,448	36,248	1,270,798	40,598	4,350
DECEMBER	1,238,056	1,261,816	1,265,209	1,286,319	1,315,507	29,188	1,303,873	17,554	(11,634)
JANUARY	1,112,427	1,088,584	1,146,583	1,181,440	1,241,657	60,217	1,229,966	48,526	(11,691)
TOTAL	**$8,160,102**	**$8,316,516**	**$8,578,476**	**$8,835,664**	**$9,040,615**	**$204,951**	**$8,975,282**	**$139,618**	**($65,333)**
LODGING TAX									
ADOPTED FY 2020 BUDGET - $2,950,000									
JULY [1]	$207,361	$248,422	$291,530	$301,067	$238,068	($62,999)	$235,865	($65,202)	($2,203)
AUGUST	167,929	224,761	266,637	274,331	356,692	82,361	359,491	85,160	2,799
SEPTEMBER	215,545	222,577	242,417	249,287	257,590	8,303	257,054	7,767	(536)
OCTOBER	214,418	245,408	293,555	312,893	295,460	(17,433)	295,030	(17,863)	(430)
NOVEMBER	222,988	206,772	203,731	210,178	221,471	11,293	221,028	10,850	(443)
DECEMBER	150,743	144,969	145,951	151,026	144,838	(6,188)	144,469	(6,557)	(369)
JANUARY	116,370	178,239	197,294	203,107	204,109	1,002	203,671	564	(438)
TOTAL	**$1,295,354**	**$1,471,148**	**$1,641,115**	**$1,701,889**	**$1,718,228**	**$16,339**	**$1,716,608**	**$14,719**	**($1,620)**
AMUSEMENT TAX									
ADOPTED FY 2020 BUDGET - $850,000									
JULY [1]	$72,413	$66,786	$72,761	$75,349	$92,901	$17,552	$90,398	$15,049	($2,503)
AUGUST	50,145	53,857	51,694	53,533	54,599	1,066	56,722	3,189	2,123
SEPTEMBER	54,062	58,269	54,943	56,897	64,454	7,557	62,500	5,603	(1,954)
OCTOBER	33,198	61,223	67,036	69,420	73,419	3,999	69,849	429	(3,570)
NOVEMBER	62,762	61,305	73,743	76,366	76,990	624	78,870	2,504	1,880
DECEMBER	129,429	116,169	74,641	77,296	87,882	10,586	87,576	10,280	(306)
JANUARY	57,159	64,442	80,790	83,664	74,835	(8,829)	76,124	(7,540)	1,289
TOTAL	**$459,168**	**$482,051**	**$475,608**	**$492,525**	**$525,080**	**$32,555**	**$522,039**	**$29,514**	**($3,041)**

[1] Due to year end accounting activities, a portion of revenues associated with May and June were posted in June and July.

[2] "Actual Collected" includes all revenue received per month regardless of whether the payment is current or delinquent.

Finance Committee – 11:30 a.m.

A G E N D A

City Council Meeting of March 24, 2020

4:00 P.M. – Work Session

1. Continue Review of Proposed FY 2021 Budget

2. Roll Call

THE REGULAR MEETING WILL BEGIN IMMEDIATELY FOLLOWING THE WORK SESSION (APPROXIMATELY 5:15 P.M.)

City Council Agenda Items

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS
Each speaker shall clearly state his or her name and locality of residence.
The City Council agenda is divided into three sections.
CONSENT AGENDA: This section includes routine items. All items may be approved by one vote.
PUBLIC HEARINGS: This section includes all public hearings as required by law or as Council may direct.
Procedure:

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

During the public hearing there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson.
After public comments have been received, for zoning petitions the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
Upon the conclusion of public comments or the applicant's rebuttal the public hearing will be closed and the matter referred to Council for deliberation.
PUBLIC PRESENTATIONS: Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council. Individuals may speak up to 3 minutes; or group spokesperson up to 5 minutes. Once Council has heard a presentation from a citizen or organization on a particular subject, the citizen or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of Council present and voting.
GENERAL BUSINESS: This section includes items of a general nature to be considered by Council.
City Council may make exceptions to these rules at its discretion.
Prior to a meeting, any questions which citizens may have regarding any item on the agenda may be addressed to City Council or the City Administration. The following numbers are provided for the convenience of the citizens:
CITY COUNCIL 455-3995 MAYOR 455-3995 CITY MANAGER 455-3990
A reasonable charge may be made for copying and other activities related to responding to long and involved inquiries.
CITIZENS OFTEN EXPRESS CONFLICTING AND DIVERSE POSITIONS REGARDING SPECIFIC ISSUES UNDER CONSIDERATION. TO ENCOURAGE CITIZEN PARTICIPATION AND TO AVOID INTIMIDATION TO PERSONS WHO MAY EXPRESS SOMETIMES UNPOPULAR OPINIONS, <u>APPLAUSE, CHEERS, OR JEERS FROM THE AUDIENCE ARE NOT PERMITTED.</u> 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**

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

#3. Consideration of approving the minutes of the February 18, 2020 meeting

#4. Consideration of approving the minutes of the February 25, 2020 meeting

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

#5. Consideration of approving the attached resolution requesting VDOT to increase the official City Street lane mileage for reimbursement of highway maintenance funds for FY 2021

(File: Engineering) #R-20-024

#6. Consideration of adopting a resolution approving an amendment to the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement
(File: City Council) #R-20-025

#7. Consideration of 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
(File: City Council) #O-20-007

February 18, 2020

AGENDA ITEM #: 3

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 18th of February 2020, at 5:30 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The purpose of the meeting was to discuss the selection of a firm and execution of a contract for the recruitment of a new City Manager.

Present:	MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Treney Tweedy, Sterling A. Wilder,	6
Absent:	Beau Wright (arrived after vote to go into closed session)	1

// On motion of Vice Mayor Dolan, seconded by Councilmember Wilder, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel concerning a specific legal matter requiring the provision of legal advice, specifically the discussion of the terms and conditions of a proposed contract between the City and a consultant to provide services for the recruitment of a new City Manager, because discussion in an open meeting would compromise the bargaining position and negotiating strategy of the City, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia:

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

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

Councilmember Helgeson made the following motion:

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

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

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

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

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

// Councilmember Perrow made a motion, which was seconded by Councilmember Wilder requesting staff to negotiate and execute a contract with Strategic Government Resources for the recruitment of a new City Manager.

AGENDA ITEM #: 3

The motion passed by the following vote:

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

// The meeting was adjourned at 6:00 P.M.

____
Clerk of Council

AGENDA ITEM #4:

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of February, 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 Public Works, Consideration of a resolution to proceed with conversion of Main and Church Streets to two-way traffic, as recommended in the *Downtown 2040 Master Plan,* Agenda Item #1, Mr. Tom Martin provided them with an overview of the subject. The push of retail from downtown started in the 1950s and there was a push to move traffic away and quickly through the downtown. In 1954 Council changed the configuration of Church and Main Streets to its present one-way configuration. It was done to combat automobile congestion and followed a nationwide trend. It eroded the pedestrian environment and helped decentralize the City.

In the 1990s there was a proposal to demolish an entire block between 7th and Commerce Streets to create parking lots. This led to the creation of the 2001 Downtown & Riverfront Master Plan. Following and implementing this plan led to the success of the downtown that we are seeing today. During the creation of this downtown plan, two-way traffic was requested by downtown merchants in order to slow traffic and double their exposure. Stop signs in lieu of traffic lights were suggested. The plan stated that future decisions on the two-way conversion would be made by City staff in conjunction with business owners.

Councilmember Perrow asked if this was when the idea of a downtown pedestrian mall was discussed. Mr. Martin thought there had been some conversations but none that ever got any traction.

Mr. Martin noted that in 2004 Council reviewed a traffic study on two-way traffic and it was determined that it could work in August 2005. Downtown merchants indicated they supported two-way traffic to City Council in March 2006. There were several Physical Development Committee and public meetings throughout 2015 and 2016. Research and studies indicated that two-way traffic does and will work. In 2017 am implementation plan draft for two-way conversion was drafted. Outreach to businesses and delivery companies started in March. In March 2017, Council voted against two-way conversion. Citizens spoke in favor of it in April 2017 and Council deferred action until the outcome of the Downtown 2040 Plan.

The plan was done with significant input. The preparation and outreach was described as epic. The adopted plan specifically recommends the conversion of Main and Church Streets to a two-way configuration. The specific reasons for doing so are 1) one-way streets increase the creation of a throughway rather than creating a downtown destination opportunity; 2) one-way streets create unnecessary turning movements increasing traffic volumes; 3) one-way streets require extra travel routes in order to reach a specific destination; 4) one-way streets with multiple lanes enable aggressive motorists to speed; 5) one-way streets create driver "tunnel vision" where they see little around them and are unlikely to stop at businesses; 6) two-lane, one-way streets with stop signs create undesirable crossing environments for pedestrians; 7) during construction, one-way streets are more difficult to detour traffic and provide the same business accessibility as there fewer options for traffic; two-way streets promote transit use;

two-way streets are better for the economy as each and every business has equal ability of its frontage to be seen by passing traffic.

Mr. Martin commented that the Downtown 2040 Master Plan is supported by citizens, business owners, the previous downtown plan, past and present City Transportation Engineers, several outside engineering studies, the police and fire departments and the Downtown Lynchburg Association. Business owners' concerns in opposition to the conversion to two-way traffic were concerned about their truck deliveries. The plan recommended adequate loading zones, time restrictions on loading zones and adequate enforcement. Mr. Martin covered the timeline throughout 2019 that dealt with loading zones and the pilot program. Staff feels they have demonstrated the effective designation and use of loading zones.

Loading zones worked well during construction and it indicates that, as previously stated, that delivery companies can and will adapt. The permanent loading zone on Commerce Street is working particularly well.

We have had twenty years of discussion, multiple plans and studies indicating the benefits of two-way conversion. Loading zones have been proven to work. It is time to move downtown forward. The Main Street Renewal construction is four months ahead of schedule. We are continuing to try and shorten construction duration. The lead time for ordering signals is ten months. If signals are not replaced with appropriate configuration, they would have to be replaced a second time.

The Physical Development Committee recommended in February 2020 that staff proceed with the implementation of two-way traffic conversion on Main Street and Church Street, as recommended by the Downtown 2040 Master Plan. The metrics they will use to affirm successful implementation over multiple years is increased assessed value of property along Main and Church Streets; increased storefront occupancy along Main and Church Streets; loading zone compliance along Main and Church Streets; increased traffic volume along Main and Church Streets and decreased traffic crashes along Main and Church Streets.

Mr. Martin commented that the full movement downtown that we are seeing now did not start until the Downtown Riverfront Master Plan was adopted and implemented by Council. He told a story about meeting with an executive from Flowers Food in Thomasville, Georgia. They were trying to convince him to keep the business in Lynchburg. He had plans to close it until he saw what was going on in our downtown. He said Lynchburg had something special and was reinventing itself. That is just one example of businesses choosing downtown because of its downtown. Downtown is successful today because in 2001 Council adopted and, more importantly, decided to follow a master plan despite people saying not to invest in downtown and just let it die. The downtown property is valued at $229 million versus $75 million in 2003, which is an increase of 205 percent increase. Not only did it not die. It is the cultural hub and the economic engine for the City. It is not the heart of the region and the implementation of the downtown plan will just further make the heart beat stronger.

Councilmember Nelson said staff should know that no one has been more of a zealous advocate for downtown development that he. He took the lead in convincing Council to adopt plans for the Virginian Hotel, Bluffwalk and the Academy Center of the Arts. He does not doubt the prudence of two-way traffic at some time. At the October 2020 meeting regarding loading zones, the parking manager indicated that not all issues surrounding loading zones had been resolved. Councilmember Nelson feels that after construction we can get to a point where we can legitimately decide whether or not the loading zones actually worked. During the pilot program, 10th and 11th Streets were completely blocked, which impacted the traffic on Main Street. Construction had started on the two cross streets and some portions of Main Street. There were also no students here during the pilot program. For these reasons, he does not think that the pilot program gave us any empirical data from which we can draw any clear and conclusions. With construction going on, they cannot clearly study traffic either. Eight businesses have also closed on Main Street.

He is in favor of two-way traffic and thinks Church Street is ready for two-way traffic. He does not want to replace the difficulties businesses and people have been experiencing with two-way traffic. It has not been tested adequately to determine whether or not we have the formula that will resolve the issues. He understands the reasoning to put the infrastructure now and not have to tear it up later. He thinks they can authorize the purchase of the equipment but not convert Main Street to two-way unless and until we know we have mastered the loading zone issues. He would suggest the resolution be changed to change Church Street to two-way and to purchase all the equipment that is necessary but not to actually authorize the transformation of Main Street. He has shared a draft of a proposed resolution with members of Council and the City Manager.

Mr. Martin is not sure there will ever be hard and fast empirical data. The construction on Main Street has shown that the trucks do not have to stop directly in front of the business because of the designated elevators and the use of the elevator. There have been no complaints from businesses and it has shown that delivery companies will adapt. He thinks it would be a mistake to do just Church Street and it is time to move the entire downtown forward. It is like we keep moving the goalpost and we need to make a decision. We know the successes and the benefits. The proposed resolution from Councilmember Nelson does not indicate a timeframe for measuring things on Main Street and we could be losing the benefits in that time. Mr. Martin pointed out that the businesses that have moved had nothing to do with the downtown construction and some of the spaces left like the Feed Supply Store have already been bought and there are businesses that want to go in them. People are coming in despite the construction because we are following the plan. Staff is asking them to implement their vision for downtown.

Councilmember Nelson said the pilot program was done in a very artificial and contorted environment in which to test the efficacy of the pilot program because there were no college students and two major cross streets were in construction. He likes to see facts and proof and that to him would be misleading to draw a conclusion that we have proven that the remedies for deliveries have been shown as definitely accomplished satisfactorily. He would have to have to go back to one-way traffic later because we discovered we were wrong. He would like them to do another pilot program in the fall or spring when the students are back and the construction is over. He does not think we pass the metrics such as businesses fronting on Main Street and loading zone compliance.

Mr. Martin said they know that construction is going on and traffic is going other places. Most of that traffic is going to Commerce Street, which is two-way and has loading zones that are being used for Commerce and Main Streets. To him, that is empirical data. No one is blocking the streets on Commerce Street. Councilmember Nelson noted Commerce Street has a lot of parking lots and people do not park there to go to Main Street. Mr. Martin reminded them the premise of the plan is to park once and to walk.

Councilmember Nelson reiterated it would be fine with him to order the equipment but he does not want to say "yes" tonight with so many unknowns and then find out we were premature.

Councilmember Helgeson agrees that this was not pilot program was not an objective measure. He looks at the consultants that have been hired and mentioned that one of them never recommends not going to two-way traffic. He does not like to see them spending money on little niceties when they have the fire department's annual report on its agenda for later today. Council unanimously said no to this and then staff hired another consultant and kept pushing this issue. They were able to buy another fire engine instead of spending the money on niceties. The person who circulated the petition in 2006 for two-way traffic is gone and has sold the business. He thinks this is mostly staff driven and businesses do not want them to fix something that is not broken. Things are booming on Wards Road and the businesses there would not have to get $5 million from taxpayers just to start a business like the Virginian. The Academy has to get $1.5 million and a grant. We gave a grocery store downtown $250,000 and they did not even last seven months. He likes facts and they cannot just state that it is good and therefore it is. It is not a question of people wanting downtown to die. It is a question of wanting them to take care of themselves.

He thinks that Councilmember Nelson is right about the issues with the pilot program. The same issues have been brought up over and over again the years. Let us make changes that are made out of need such as for public safety. The resolution says businesses will flourish because of more people walking and biking but lots of people use cars today. We need to focus on the necessities and not the niceties and he will not support this resolution just like he has done since 2004.

Councilmember Wright does not think there is anything decorative about a $25 million dollar investment and the saving of hundreds of jobs in the community. Mr. Martin mentioned a major investment was made by Flowers because they saw the community was making a major investment. There are some councilmembers that are philosophically opposed to this community investing in itself, but he is not. He thinks there are two conversations. One is whether or not to have two-way traffic and the other is whether or not it is related to loading zones being ironed out first. He is in favor of two-way traffic and feels its benefits here have been researched extensively, documented and presented to Council by staff for twenty years.

As far as loading zones, they already passed an ordinance prohibiting trucks from stopping in lanes of traffic when making deliveries. Staff can continue to work with businesses and delivery companies to make sure that loading zones are useful, responsive and work for them. He thinks they have solved the big question which is can we make it function for businesses and there can be tweaks done later. The community has been calling for it for decades as well as the professionals and staff that we hire and trust. He thinks this is a "no brainer" and "another tool in our toolbox" to drive downtown investment forward. This community's City Council has made a repeated investment in our community over decades and it is paying off. He does not think the increase we are seeing in the value of downtown real estate would have happened without these prudent decisions. He supports the resolution and makes that motion. The motion was seconded by Councilmember Wilder.

Councilmember Wilder supports this because it has been discussed for so long. He actually thought the decision had already been made and was surprised to see it back. The loading zones were studied for about six months, which he thinks is adequate time. He thinks they should move forward so they have adequate time to get all the signs that are needed. The Physical Development Committee talked about continuing to talk to the businesses and getting their feedback. The increase in the value of real estate taxes shows that the 2020 and 2040 plans have been working and they both recommended two-way traffic. He would like to go ahead and order the equipment and not continue to have this discussion over and over again.

Councilmember Perrow commented that he has been involved in multiple programs beginning in 1994 that supported downtown. It has been absolutely amazing what we have seen over the past two decades. He agrees that the investment in our infrastructure has paid dividends. He thanked staff for protecting the Flowers Bakery jobs and its tradition. He thinks it was a gross mischaracterization by Councilmember Wright about members of Council not being to invest in Lynchburg. We have been investing in downtown for decades. He also thinks it was a gross mischaracterization about what citizens because it is clearly divided. For him, two-way traffic is not an investment. It is a means to an end. You have to listen to consultants, analyze it and not always take it at face value. You have to understand the metrics and history behind the decision. If you have never done it any other way, how can you compare it to something else? He thinks an example of a thriving downtown is Lexington, Virginia, which has one-way traffic on opposing streets. He thinks the same works very well for the City.

Councilmember Perrow pointed out that the cross stretch on Commerce Street is greater than either Main or Church Streets. One of the most stressful things for a driver is trying to parallel on a tight two-way street. If we see the kind of traffic we think we will have, he thinks that will be a significant stressor and challenging for businesses.

Councilmember wondered if the increased property value metric would be measured by calendar year, as well as increased storefront occupancy. He thinks the loading zone compliance metric will be a difficult measurement to take. Increased traffic volume on Main and Church Streets is very interesting and how will you decide if you have it or not and what are the boundaries, as well as the boundaries for the property assessed value and the storefront occupancy. As far as decreased traffic crashes, he was not aware that we were having that many previously.

Mr. Martin said the boundary would be between 12th and 5th on Church and Main Streets. As far as assessed values, he would think you would start with July 4th before the project started. As far as storefronts, Downtown Lynchburg Association has done a great job surveying everywhere downtown and it will be a matter of building on it. In terms of traffic counts, he thinks they would have to go back preconstruction and the same with traffic crashes. He mentioned that quite a few happen at the intersection of 9th and Church Streets. He clarified for Councilmember Perrow that the traffic count data exists and it will just be a matter of picking the control.

Councilmember Perrow noted that if Council does this, then it needs to be reversible. If the metrics do not show growth, will that indicate that this experiment has failed and how much time do we give it? Mr. Martin would suggest that once we look at annual data, we would know. He does not think that will be the case or staff would not have been recommending it for so long. He thinks that over time they will see increases or decreases, whichever the appropriate case, with all these metrics. He mentioned that the cost to revert back would be approximately $75,000.

Councilmember Perrow thinks it would make sense for the numbered streets to be two-way and Main and Church Streets to remain one-way. It would also be beneficial to make from 12th Street to the expressway or beyond on Church Street to two-way just like it is on Main Street. He has a lot of concerns but his main concern is that if this is implemented, then we do it the correct way, review our progress and make informed decision going forward.

Vice Mayor Dolan noted that she was reading a 2018 book, *Walkable City Rules,* which lists 78 cities that have gone from one-way to two-way and none of them have gone back. He cites that it is better for traffic and the police are happy with it because speeding is reduced and there are fewer accidents. Businesses are happier with it and there are more ways to reroute traffic, if necessary. She does not understand why a City our size cannot do this and make things work. We are spending the money anyway from the 2020 budget and Councilmember Nelson's resolution would be "kicking the can down the road." We are talking about twenty years and she does not think they want to revisit it every few months.

Mayor Tweedy is in support the resolution as presented by staff. She respects the councilmembers that were here in 2004 but if we went with the vote then we would have lost on the investment dollars we have received. She does not understand the impetus of voting against something that is clearly for the investment for the benefit of the City and has been proven to be successful. She does not think that the decisions she makes are nicety or decorative decisions, not when there are the investment dollars on the line. She thinks when you give only half of the information, you are misleading the community. Some businesses closed because people retired or a function of banks' downsizing. She named five new businesses that have opened since construction started and three that have signed leases.

Councilmember Helgeson remembers a consultant that came and said a "Do Not Enter" traffic sign could seem unwelcoming. He mentioned that the most recent consultant that has been doing this for 24 years said that he has never going from two-way to one-way traffic. He likes to look at objective data and when you hire a consultant you want one that will give you objective data. He did not any minuses, just plusses and if we do this, it is just going to be booming and fabulous. He thinks changing traffic flow is a nicety and we need to focus on necessities. He remarked that just because he does not think this is a good use of funds does not mean that he is not for any infrastructure. He thinks they need to make sure they do correct infrastructure such as when they diverted $6 million from a roundabout to the 501/221 interchange. It is a matter of priorities and he does not think this is a good priority.

Councilmember Nelson is somewhat amazed at the distortions that have been made with regard to the arguments and points that he made. He is certainly not "kicking any can" down the road. He is trying to make his decision based on facts not opinion or speculation. That happens to be a trait of his profession. He is in favor of two-way traffic at the right time and under the right circumstances. He would like to see loading zones studied in a normal and realistic situation. He does not want it said that he is against two-way traffic but he is not in favor of the resolution as it now stands.

He would like to make a substitute motion and read the proposed resolution he sent to the councilmembers earlier today. It was seconded by Councilmember Perrow. Councilmember Perrow thinks it has a lot of good points like making sure the implementation is working. The equipment could be put in place but not "pull the trigger" until the criteria are met. He wondered how Church Street could be two-way and Main Street is left one way. Mr. Martin said staff's thought is they should both be done at the same time. They could do just Church Street now and then look at Main Street later, but then what opportunities have we lost on Main Street. Councilmember Nelson said his resolution does not compel the City to go to two-way on Church Street, if the City decides they need to coincide. It gives staff the authority to move forward if it is prudent. The substitute motion failed by the following vote:

AYES:	Helgeson, Nelson, Perrow	4
NOES:	Dolan, Tweedy, Wilder, Wright	3

The vote on the main motion made by Councilmember Wright passed by the following vote:

AYES:	Dolan, Nelson, Tweedy, Wilder, Wright	5
NOES:	Helgeson, Perrow	2

// In the matter of Fire, Agenda Item #2, Council received the Fire Department's Annual Report for calendar year 2019 from Fire Chief Greg Wormser. Before starting, he mentioned that it is the 45th anniversary of two firefighters, Stevens and Stewart, who lost their lives at the 700 block of Main Street.

They responded to 14,297 calls in 2019. There are a lot of other calls received by LYNCOM that are assigned to the Fire Department but they do not have to go out to them. They also responded to 12,144 EMS calls. This represents a more than 16 percent increase in our total call volume. As our population continues to grow, we need additional services. They are seeing this growth in call volumes over all socio economic levels, census tracts and wards across the City.

There was approximately $900,000 in fire losses over the course of the year. The return of circulation rate (rate of resuscitation) continues to be at 51 percent, which is almost twice the national average. That means if you are having a heart attack, the highly skilled staff can greatly improve your outcome.

In response to a question from Councilmember Helgeson, Chief Wormser explained that the call numbers do not represent calls where they might have multiple units at the same response. Councilmember Perrow asked him if he has the trend of this information for the past five years. Chief Wormser said that is in their Standard of Cover for the past three years. He said they could provide that as part of the annual report moving forward. Councilmember Perrow would like him to share a multi-year trend before they start getting into the budget. Councilmember Helgeson suggested this information should be in the budget as well as benchmarks.

Chief Wormser mentioned the Fire Marshal's office conducts inspections throughout the City and have inspected 100 percent of those required by regulations.

It is important to him for the department to be proactive in its approaches toward community engagement. He mentioned the new CPR training that is provided free (through a grant) to the public through Parks & Recreation and Centra. They have also educated 17, 230 citizens through visiting local schools, businesses or they come to the fire stations.

Councilmember Perrow noted we have a lot of different styles of fire station buildings. He asked if there is a design or layout that seems to work better. Chief Wormser would say that they all need improvement. They are currently working with Buildings & Grounds to make some improvements. If we were to build a station today, it would be completely different than any of our current stations. Councilmember Perrow would be interested to see a prototype of a station that Chief Wormser thinks works best and know the reasons why he thinks it is the preferred model. He could possibly discuss one of our newer stations that works but has some deficiencies.

Chief Wormser indicated they try to be fiscally responsible at every opportunity. They have received over $750.000 in grant money up from around $250,000 in previous years.

Councilmember Helgeson asked what the department is doing to make sure they have recruits and good morale. Chief Wormser explained it takes about two years to go from EMT to paramedic because it is much more specialized than when he went through it. It is considered a higher education degree. The department provides free training if they sign an agreement that they will stay with the City. They will be upping the pay for Advanced Life Support certification. They are working with Human Resources and are actively out there looking for paramedics and offering them a sign-on bonus. He mentioned that most people that have left have gone to the private sector.

Councilmember Helgeson asked him how they are addressing the mandatory overtime. Chief Wormser said there is a recruit academy currently in session and recently graduated one. Those will bring in 15 people. In response to a question from Councilmember Wright, Chief Wormser said Lynchburg's turnover is right in line with other with other communities; everyone is having the same challenges. It is an industry problem to find qualified staff that is already ready to work. In response to another question from Councilmember Wright, Chief Wormser said the department gets a lot of applications but that does not translate to a qualified applicant. They currently have hard vacancies that will be filled when the recruit class graduates.

In response to a question from Councilmember Wilder about pay and how it compares to other localities, Chief Wormser said when you look holistically at starting pay and base pay and the changes that are being implemented, the City is not at the bottom any longer. We were at the bottom and he thinks they have a lot of work to do in that regard. Our starting pay is commensurate with Roanoke, but we start falling behind in terms of promotion in the ranks and tenure. Councilmember Wilder said he would be interested in seeing our pay in comparison to neighboring localities for the budget process discussion.

In response to how they address diversity, Chief Wormser said they are very proud of the fact that they are a diverse work force and take great strides in making sure that they attract a diverse workforce. Eighteen to twenty percent of the workforce is female and 13 percent that are other than Caucasian. They want to level that playing field and be as inclusive as possible. Councilmember Wilder always asks if diversity reflects the demographics of our community. We all have to be intentional about what we are doing. He always thinks about what we have in our workforce and what can we do to change that. Chief Wormser agreed with that absolutely.

Vice Mayor Dolan asked if benefits are factored in when Chief Wormser compares our compensation package to other localities. Chief Wormser said they have not done that historically but they can get that information together for Council.

Chief Wormser indicated they try to have a well trained workforce. Ninety-five percent of those that asked to go to training have been able to attend the requested training. They have begun a whole new initiative for how people prepare for promotions and their future careers. They start recruits in January so they can be on the street by June and then every two years, they know where they should be in the system and what they should be doing in order to prepare themselves for promotion. They are currently rolling that out so there is a clear, transparent, consistent way for our staff to get the best opportunity for training and promotion.

He commented on the department's cancer risk reduction efforts. We are taking great strides to make sure we are keeping our firefighters and paramedics healthy and safe by providing them a second set of turnout gear and a way to decontaminate themselves before leaving the scene and wash their gear and clothing at the station. They are also taking some initiatives to improve the department's staff mentally healthy and safe.

Councilmember Helgeson commented that he disagrees a little bit with Councilmember Wilder. He does not care if you are female or what color you are. If he is having a heart attack or the house is burning down, he wants you in his house and he appreciates all of them. He would like to make sure they are getting and keeping the best here. He would imagine the mandatory overtime can get to you and he appreciated all the fire department personnel who had come to the meeting today.

Councilmember Perrow noted that when Chief Wormser took over, there were concerns with people in the fire house being treated fairly and appropriately. He asked if the concerns have been resolved and about the state of morale. Chief Wormser stated that the challenges that were there several years certainly seem to have been resolved. They provide information and training to make sure that we are being as inclusive and consistent and we align with our core values of honesty, integrity, compassion and trust. In response to a question about whether or not it is good progress, Chief Wormser said they are making progress. Councilmember Perrow said that is a fair assessment.

Councilmember Wilder indicated he appreciates how they support the One Community efforts. He appreciates that it continues to make a difference. Councilmember Wilder commented that each person brings their own lens to what we do and he looks at life from his perspective. When he asks questions, it is coming from his lens and he respects everyone's lens on Council. He asks certain questions because he has seen things in his community that he is not comfortable with sometimes. He is not saying that if a person not of his color comes to his rescue that you cannot do that. We need to ask questions about how we can better our community and be reflective of our community. He asks himself what he can do to make sure his community is reflective of what he wants his community to be. He appreciates all of the public safety staff because they kept him calm when his mom passed away.

Mayor Tweedy thanked him for his presentation and thanked all the personnel. All of City Council is supportive of public safety. She asked Chief Wormser if he meets with his staff for meetings. He said yes. She asked if he receives input from the firefighters. He said yes. She asked if he meets with them during budget time and gets input in some way from all firefighters. He said yes. She asked if he will present the needs of his department. He said yes. She asked him if he would withhold from Council suggestions or needs that his firefighters present to him. He said no, not that he is aware of and he cannot think of a situation where he would not share that information. She asked if he presents the best budget and the needs of his firefighters and she asks that because there are varying opinions about what the needs may be.

In answer to her question, Chief Wormser said they have two organizations, the Firefighters Local 1146 and the Progressive Firefighters Association. Mayor Tweedy had wanted the public to know there are two firefighter associations within our community. She asked if a firefighter can join one or even both of them. He said yes. She asked if the two associations might have differing opinions about what he should present to Council. He said certainly and that could be from a private entity or even a private citizen. It is his job to make sure he provides a fiscally responsible way for our citizens to be healthy and have a positive outcome. While he does not always agree, they certainly work collaboratively to provide the best service to our citizens. She reiterated that she as the Mayor and everyone on Council are all supportive of public safety, the department and his leadership. She looks forward to his recommendations as they deliberate on the department's budget.

Councilmember Helgeson would like to know if there have been times that calls have been really delayed because of the lack of paramedics. Chief Wormser does not have to answer that now but it could be helpful to know that for the budget discussion. He said he could provide them that information. Mayor Tweedy thought that had been presented last year and that we were within the standard of service for our response time. Chief Wormser said we are within the standard of cover, but the window continues to get very narrow and we are certainly having some challenges maintaining that standard.

// In the matter of Roll Call, Agenda Item #3, Councilmember Nelson had no items. Councilmember Perrow said it is Fat Tuesday and he is going to the Mardi Gras Dinner at St. Paul's Episcopal Church. Councilmember Helgeson drives on the nicely done and beautiful new Odd Fellows Road. He understands that the needs were curtailed during construction. He thinks it is hard to go that speed and there are good fields of visibility. It would be nice if they could look at raising that speed limit. Councilmember Wright presented the Clerk of Council, Robin Craig, with a gift and card from Council for the birth of her new granddaughter Kirra Rae. Councilmember Wilder commended the Voters League for having a march on Saturday to stress the importance of voting. He also commended the One Community One Voice for the event held on Sunday at the Miller Park Center. It was nice to see all the families and children being recognized and he thinks it is crucial that we continue to honor our children. He thanked the Mayor for being the speaker at the event. Vice Mayor Dolan indicated she and the Mayor and Councilmember Wilder attended the Mayor's Youth Council breakfast, as well as the City Manager. She continues to be impressed with the level of intellect and the concern these young people have for our community.

Mayor Tweedy reminded everyone that the Mayor's Youth Council Lighten Up Lynchburg 5K Run is March 7. Let's get for Lynchburg. We would love to see Councilmembers there as well as those on board and commissions, staff and citizens. More information is available on the City's website.

She thanked Councilmember Nelson for attending the One Community event. Students from schools throughout Lynchburg were recognized, as well as the oldest African American citizen who is 107, Virginia Jefferson.

She mentioned Odd Fellows Road and its two roundabouts. She sees on social media that people do not like roundabouts in general. She wanted them to know they do not make those decisions in the blind and are made based on standards and infrastructure and the particular needs of that block or roadway. She wants the public to know that areas where there is heavy traffic and accidents may have future plans for them.

The Lynchburg Museum is hosting "We the Women: Commemorating 100 Years of the 19th Amendment." Part I: The Battle for Ratification" exhibit will be on Friday, March 6, from 5 to 8 p.m. at the Old Court House on Court Street. You can create your own suffrage button, march with Lynchburg suffragists and meet the women working for voters rights today. This is the first part of a year-long series of history and art installations to commemorate the ratification of the 19th Amendment in 1920.

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

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

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

// In the matter of Recognitions, the Mayor recognized Ms. Maya Lewis from the Mayor's Youth Council. Miss Annie Townsend and Miss Landis Townsend were present to challenge the Mayor, Vice Mayor, City Council, and the Lynchburg community to participate in and endorse Lighten' Up Lynchburg, which is sponsored by the Mayor's Youth Council. The race will take place on March 7 at 10:00 am at Peaksview Park.

// In the matter of Budget, Agenda Item #4, Resolution #R-20-016, laid over from the February 11, 2020 meeting, was again presented and read, and FY2020 Operating Fund Budget was amended and $178,837 was appropriated with resources from the General Fund Reserve for Contingencies to refund overpayment of real estate taxes for tax years 2017, 2018 and 2019 by LSC Communications Printing Company for properties located at 4201 Murray Place. On motion of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Community Development, Agenda Item #5, a public hearing was conducted to consider adopting a resolution approving the submission of Substantial Amendments to the Fiscal Years (FYs) 2019 and FY 2020 (Program Years [PYs] 2018 and 2019) Annual Action Plans for the Community Development Block Grant (CDBG) and HOME Program to the U. S. Department of Housing and Urban Development (HUD); and reallocate $95,000 from the PY 2018 HOME Program project, James River Housing Development, into the PY 2018 Florida Terrace Apartment HOME project within the FY 2019 CDBG and HOME Program Annual Action Plan; and reallocate $70,000 from the PY 2019 HOME Program project, James River Housing Development, into the PY 2019 Florida Terrace Rental Housing project within the FY 2020 CDBG and HOME Program Annual Action Plan. Ms. Melva Walker provided Council with a summary of the agenda item.

Mr. Jeff Smith of Rush Homes was present to speak in favor of the resolution. He explained that in order not to bypass the Community Development Advisory Committee (CDAC), Mike Gillette contacted Councilmember Nelson and Mr. Smith contacted Councilmember Wright. He explained that the James Rivers Housing project was initiated in 2018. They thought they could get both HOME and DHCD funds. LRHA was interested in partnering with Rush Homes regarding sites on Pulaski Street. The Old Forest Road project in 2018 drew their attention away from the James River project. LRHA did not move forward with title searches for the properties. In 2019, they started working with LRHA towards larger projects. They found the site for the Florida Terrace project and they needed to move forward with a tax credit application. They do not have the capacity to do both of these projects at the same time due to the size of their organization. Rush Homes and LRHA felt it best to pursue the Florida Terrace project instead of the James River project for all the above reasons.

There was no one else who wished to speak either in favor or in opposition to the petition and Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Perrow mentioned that he and the Mayor sit on the LRHA. They are not compensated and therefore there is no statutory conflict of interest. The reason Councilmembers are placed on the Housing Authority is to be advocates for it and he thinks that is perfectly appropriate in this case. Mr. Erwin said the disclosure was not necessary since they do not have a legal conflict under the Conflict of Interest Act but there is nothing wrong with making the announcement so everyone is aware they serve in both roles.

Councilmember Perrow made a motion to approve the resolution and it was seconded by Councilmember Wilder. Councilmember Helgeson commented that last week we changed the housing goals. The goal was changed from owner occupied units and he sees why now because it fits nicely in increasing the number of affordable rental units. Ms. Walker indicated those goals do not apply to this project as they apply to 2024. Councilmember Helgeson pointed her to page 28 of the Annual Action Plan for 2018. Goal 1 is “to increase the number of affordable rental units.” Ms. Walker said that is correct and is what was in their previous action plan submitted for FY18 and FY19. She indicated that it was home ownership as a goal, but HUD also added that they needed to tell them if the City had rental projects. She indicated that the goal on the Annual Action Plan for 2019 is to “increase the number of rental and owner-occupied units” and the goal description from page 29 of the 2019 Annual Action Plan is to “develop affordable rental housing and assist first time home buyers who are below 80 percent of the area median income with opportunities to purchase affordable housing units also.”

Councilmember Helgeson noted that these items used to go back to CDAC. Ms. Walker noted that the Citizen Participation Plan was revised in 2010. Any substantial amendments come straight to Council.

The motion passed by the following vote:

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

// In the matter of Public Comment, Agenda Item #6, Mr. Gary Taylor addressed Council regarding Bridges to Progress and the Oasis Project. He wanted them to know the value of Bridges to Progress and if it is allowed to evolve, it might be a blueprint for other communities.

// In the matter of Community Development – Rezonings, Agenda Item #7, the discussion continued regarding a request to rezone approximately two and two hundredths (2.02) acres located at 5010 Boonsboro Road from R-1, Low Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a four thousand five hundred (4,500) square foot bank building with associated parking public hearing was conducted regarding the petition of Rush Homes, Inc. for a Conditional Use Permit at 2117 Florida Avenue to allow the construction of a forty-eight (48) unit apartment complex in a B-3, Community Business District.

Councilmember Perrow indicated he had abstained from the discussion at the February 11, 2020 and will be abstaining from the discussion today.

AGENDA ITEM #4:

Ms. Rachel Frischeisen explained to Council that a proffer was added and states: "The area outside of the limits of disturbance as shown on the concept plan and including the 3.294 acre residue area will remain in a forested condition henceforth." This was added in response to comments about protecting the adjoining residential properties. The other proffers remain intact as originally submitted.

Councilmember Helgeson made a motion for approval, which was seconded by Commissioner Perrow. The City Engineer indicated that the public needed to be allowed to have an opportunity to comment on this amended proffer. The Mayor asked if anyone wished to speak to the amended proffer. Councilmember Helgeson asked if they needed a motion to reopen the petition. Mr. Erwin clarified that a new public hearing was not required because this was not a new proffer. It was a clarification of a proffer. No one came forward and the motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	6
Nos:		0
Abstentions:	Perrow	1

// In the matter of Budget, Agenda Item #8, Council considered adopting a resolution approving the use of $16,500 Capital Improvement Program Community Park Investment Fund to match funding for a half-pipe feature at Rotary Centennial Riverfront Skatepark located at 11 9th Street, Lynchburg. The funds were appropriated in a previous fiscal year. They will be replacing a popular skate feature that was self-built and installed by the previous owners. In 2018, Lynchburg lost a beloved member of the skate community, Ryan Massie. Half of the funds for this feature were raised by Ryan's mother, Selena Blankenship and Skatepark Advisory Group Chairperson Tabitha Abbott. She also commended Howard Covey, the project manager and City liaison for this project.

Councilmember Perrow made a motion to approve the resolution, which was seconded by Councilmember Wright. Councilmember Perrow mentioned that he was in the Noon Group of the Rotary Club. They got together with the breakfast group and saw a significant need for this. He thinks this year is the 100th year of the Rotary Club. One of the prime reasons for doing this was to impress upon the user of the skatepark the rotary four-way test. He thinks it is a great lesson to youth and adults across the world. He appreciates them naming it the Rotary Centennial Skatepark to continue and he hopes there is still a plaque that outlines the four-way test. He is so happy they found a way to get the skatepark in active circulation.

Councilmember Wright thinks they are all looking forward to supporting this motion and want to extend our condolences and know that the community grieves with you. Thank you for being here and approaching the City about making this possible. It is a really exciting opportunity for us to honor him in this way. The motion passed by the following vote:

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

Mr. Michael Linthicum who lives near the site spoke in opposition to the petition. He does not think it is a good idea because they are having problems with getting the sidewalks and streets repaired. He has to pick up litter constantly and the traffic is bad. He would prefer to see something like a technical college at this site.

AGENDA ITEM #4:

Mr. B. B. Shavers spoke in opposition of the petition. He did not like the term “these people” being used because it is disrespectful to people at James Crossing.

Ms. Janice Linthicum spoke in opposition to the petition. She would prefer an owner live here than for it to be rental property. She thinks that eventually it will be the same as James Crossing. She thinks everything goes in this neighborhood like the Juvenile Detention Center and a probation and parole office. These types of things do not go in Boonsboro or Ivy Hill.

Dr. Monroe Baldwin, a teacher at University of Lynchburg, spoke in opposition to the petition. They are trying to bring health care into James Crossing. He noted that there are no doctor’s office or clinics in the Campbell Avenue or Florida Avenue area. He thinks it is a better idea to distribute low-income housing around the city and not put them all in one place.

A man spoke in opposition (he did not give his name) to the petition because he thinks there is the potential for the population living here to be victims of people who prey on the most vulnerable. He loves what Rush Homes does in the community but is not sure this is the right location. He knows of a physically challenged person being exploited currently at James Crossing.

Mr. Michael Gillette spoke on behalf of the Projects Committee that has been working on this project. He commented that Rush Homes takes very seriously the idea of integrating its housing throughout the City. It also takes very seriously the need to partner with organizations such as the Housing Authority and Miriam’s House in order to leverage the opportunities to serve an unmet need in the City. Rush Homes has a waiting list for housing for low-income disabled persons. There is on-site support for the individuals who will be living in these units. This will go a long way toward addressing some of the problems expressed by citizens this evening. It is the perfect location because of transportation access, shopping nearby and it is not in an area that is thick with rental units. There is a great deal of single-family housing in the area. When he served on CDAC, they always knew that Rush Homes was a great partner because it would spend the money the way it was supposed to, do it in a timely fashion, create a quality project and not walk away when the project was done.

Mr. Gillette noted that they looked at several locations and that, in fact, Rush Homes has developments all over the City. They have to take sites that are available but if someone knows of a suitable site in Boonsboro, they would be happy to look at it. It is also not Council’s job to decide that it would be better to have a doctor’s office or some other business at a location. What is on the table right now is a proposal to do some very good work for some people who desperately need this opportunity.

Mayor Tweedy closed the public hearing portion of the petition. Councilmember Helgeson asked why the zoning is not being changed from its business zoning to residential zoning. Ms. Glasgow explained that B-3 requires commercial on the first floor and residential above and calls for a conditional use permit (CUP) for any other residential uses. The Campbell Avenue Corridor Study identified this area as a mixed use area. This project would fulfill that requirement in the plan because it is residential near commercial and also fits the *Future Land Use Map (FLUM).* Councilmember Helgeson noted that since it is a CUP, the CUP could be revoked if there is trouble, as opposed to a rezoning. Councilmember Helgeson noted that it seems strange to him that they keep having apartments put in business zones. He is not referring to this project specifically. He is talking about putting residential in a commercial zone without changing the underlying zoning.

In answer to a question from Councilmember Wilder, Mr. Smith said they cannot rent to anyone under the age of 18 and they cannot be a student. The average age is around 55 to 60 years of age. In answer to another question from Councilmember Wilder, Mr. Smith said he was not aware of any problems for the neighborhoods created by their other developments. Whatever problems are presented, they have been able to overcome.

Councilmember Perrow noted that although he and the Mayor serve on the Housing Authority, they do not receive any compensation and do not have a conflict of interest. The City Attorney confirmed that it is correct that they have no conflict of interest as defined in the Conflict of Interest Act. Councilmember Perrow noted that the Housing Authority is in support of this project and the interim director spoke at the Planning Commission meeting with the board's endorsement. Councilmember Perrow noted that he had the same concerns expressed by the citizens here tonight. He has learned a lot about the history of the James Crossing Apartments and the problems that have evolved from it over the years. He noted that a commissioner pointed out that if someone has lived in that area all their life and needs to move into a facility due to accessibility reasons, they would have to move a good bit away and would not be able to stay in their community. That argument really swayed him. He has seen the good work that Rush Homes has done and believes they will manage it very well. This needs to be a good project because this neighborhood needs a quality place for seniors to live. He thinks there is a lot of value in that possibility and he would make a motion to move the resolution. The motion was seconded by Councilmember Nelson.

Councilmember Nelson noted that he agrees with the points made tonight by citizens. He does not think we should concentrate that of low income in certain areas. He noted that James Crossing and this model are completely different. James Crossing is owned by someone all over the East Coast and its investment in the community is minimal, if nothing. This project is different because it has three partners that have a track record of success of bringing forward good housing and quality of life in Lynchburg. He feels confident that the residents will not be preyed upon because of the oversight of these partners. With regard to home ownership, he does not think that these residents have the wherewithal to own their own home. They need affordable and quality housing. It is near a grocery store and not in a food desert. People can find points to criticize about it but he thinks it is a positive decision in terms of location.

Councilmember Wilder noted that this project meets many of the goals of Bridges to Progress such as affordable housing, food deserts and transportation barriers. He has seen Rush Homes' other projects and how they have managed those properties with wraparound services. He has trust in Mr. Smith and Rush Homes. For all these reasons, he does not think that this will be a situation like James Crossing and he will support it.

Councilmember Perrow noted that LRHA is really concentrating efforts to assist the whole area along Florida Avenue and make it a better place for everyone to live and work and play. The Housing Authority is also supporting an interested developer through conduit bond funding, which will completely renovate and redo the James Crossing Apartments with a new management and ownership team. LHRA was able to extract concessions from the developer and established a deep relationship with them.

Vice Mayor Dolan understands the concerns of the neighbors but is so confident about the quality of work that Rush Homes does in the community that she is very comfortable with this project. We are talking about providing affordable housing and this fits right in with our initiatives.

Councilmember Helgeson said he was glad to be reminded by Mr. Gillette that Rush Homes is not an unknown entity. He likes the idea of the on-site personnel and noted that they are granting a CUP and not a rezoning. He also commented that the concept plan says they will preserve trees in the front. From the photo provided, it does not look like there are any trees in the front. Ms. Rachel Frischeisen noted that aerial photos are intentionally taken when the leaves are not on the trees. There are definitely trees in the front of the property and if there are not, there is a requirement for street trees anyway.

Mayor Tweedy is very familiar with this project and this area because she sits on the Housing Authority and has family and friends that have lived in this area for years. She noted that this is the first time that they have had an owner that was willing to sit down and work with the City. Change takes time and the developer has been willing to listen to the City's concerns. The investor is putting in to the tune of $28 million in the bonds. The project may cost as much as $40 million. They are investing in the people as well. Rush Homes is a responsible partner and have proven to do quality projects. She also reminded everyone that Council pledged to invest money into the Florida Avenue sidewalk project in the last budget year discussion. This is an area of town that was not being invested in other than a detention center, but where public investment is, private investment follows. In response to a request for a vocational center, she noted that Virginia Career Works is right next door to the Jubilee Center. Everyone needs to do a better job of educating the community of what and where the opportunities are, as well as do the investment. Council hears "not in my background" often and they have to make their decisions based on the merit of the project, the developers and the plans. For these reasons, she will be supporting it and looks forward to the outcome, the results and the quality that will be in this area.

The motion passed by the following vote:

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

// In the matter of Community Development – Rezonings, Agenda Item #12, a public hearing was conducted regarding the petition of Best Choice Homes Inc. to rezone approximately one and forty-six hundredths (1.46) acres at 1001 Oakmont Circle from R-1, Low Density Residential District, to B-3C, Community Business District (Conditional), to allow the use of the existing structure as an office and to allow the construction of a parking area. Ms. Frischeisen gave a summary of the report to Council. Ms. Amy Seipp of Accupoint Surveying and Design was present to represent the petitioner. The home will be updated and she explained that the petitioner is a realtor and would like to keep his business in Lynchburg. The reason he is requesting B-3 is so that the parking area can be put in front of the building as opposed to the rear right next to single-family homes. This use should create a nice transition from commercial fronting Timberlake Road into the single-family neighborhood. The petitioner has been active in talking to the neighbors and addressing their concerns. They feel that he is the ideal occupant as he is a residential realtor and knows how to protect neighborhoods and will be very aware of the neighbor's needs and concerns.

Mr. John Myers, a resident of Oakmont Circle, spoke in favor of the petition. He is very positive about the project as it will be an update to the property. He does not feel that the few cars that will come to the office each day will create any problem.

Ms. Danielle Ott, a resident of Oakmont Circle, spoke in favor of the petition. Her back yard abuts this property. She cannot imagine a family ever living in this home and she thinks a small business is the best use for the property. The improvements to the property should help the property values in the neighborhood as well.

Ms. Diane Candler, a resident of Oakmont Circle, spoke in opposition of the petition. They have been experiencing drainage problems since developments started going in on Timberlake Road. There are drainage problems at the back of 1001 Oakmont Circle as well. She is concerned with the traffic as there have been several accidents at the intersection with Timberlake Road. She was involved in one that was very serious. It is impossible to get across Timberlake Road during peak hours. She has a problem with it becoming a business because the parking lot will make the existing drainage problems worse.

Ms. Joan Spry spoke in opposition of the petition. She mentioned that the traffic is horrible and it is scary to think of a business going into the property and making it more difficult for people to get down the street. She is concerned about the drainage problem as well. She thinks they need a right hand turn lane on to Oakmont Circle or a traffic light. She would also like to see the issue of people speeding on Oakmont Circle rectified.

Ms. Seipp pointed out that the traffic into this business will be almost as low as a single-family home because as a realtor, he will be out showing homes. The intersection has been studied by VDOT and it is recommended for that crossover to be closed within the next few years. With regard to the drainage issues, they are not allowed to have any more water leave the site than currently does. They will use best management practices to contain all the water that will be coming off the parking lot.

Councilmember Helgeson is concerned with the property being zoned to B-3 because other properties around it are B-1. If this business leaves, something like a McDonalds could go in. Ms. Seipp said the driving reason for the B-3 zoning was to allow for the parking lot to go in the front rather than in the back. From a common sense perspective, that makes more sense than leaving the large expanse in the front. Councilmember Helgeson noted that he appreciates that because it better protects the neighborhood. Ms. Seipp explained that the proffer to be in substantial compliance with the site plan means that a McDonalds could not go in there without coming back to Council. You could not even expand this existing real estate office in the future without coming back to Council because that would not be in substantial compliance with the site plan. Ms. Frischeisen noted that the petitioner added this proffer after the Planning Commission because of concerns from the neighbors.

Councilmember Helgeson suggested that a right hand turn lane on to Oakmont Circle would be a good idea. Ms. Seipp said the City has plenty of right-of-way to do so if they chose. Ms. Frischeisen said a turn lane was not required by the City Engineer. This use did meet the threshold for a right turn taper to be required. If the traffic warrants it, it sounds like it is a something for the City to do rather than this petitioner. The number of daily trips generated by a single-family home is ten and this use will not generate any more trips. He will be out during the day showing homes and there will occasionally be visitors to the office. It might actually generate fewer trips than a busy residential home.

Councilmember Helgeson wondered what could go in here as a B-3 that would be an intensive use. Ms. Frischeisen explained that no matter what goes in here, it has to fit in the existing building and parking lot, so it could only get so intense. A restaurant could go in but it would likely not have enough parking. The biggest assurance the neighbors have is substantial compliance with the site plan. If they deviate much from the footprint of the building or the parking lot, it has to come back to Council. The building is approximately 2,200 square feet.

In response to a question from Councilmember Wilder, Ms. Frischeisen noted that a traffic study was not required because it did not meet the threshold of 50 peak hour trips. She cannot imagine a use that would generate 50 trips in an hour in this small of a building. In response to another question, she said that the response at Planning Commission from neighbors was overwhelming positive. He asked if staff is comfortable with the stormwater plans. She said they are not designed at this time but our Environmental Reviewer will make sure it complies with all DEQ requirements both for quantity and quality. There are inspections to make it is installed and maintained properly.

Councilmember Wright made a motion to approve the resolution for the *FLUM* amendment. The motion was seconded by Councilmember Perrow. Councilmember Wright supports the petition because it will be an improvement to the property, the neighbors are protected from something like a gas station and the low traffic impact. He thinks this is a good use of the property and commended Mr. Miller for his outreach to the neighborhood. He also noted that the neighbors spoke very favorably of the project at the Planning Commission meeting.

Councilmember Perrow noted that if Mr. Miller sells the property and another use goes in, it would likely be a professional office and that is consistent with what is being talked about. It will have to be a low intensity to comply with the concept plan. Most of the properties fronting Timberlake Road have gone to commercial and it makes sense to change the *FLUM* and the zoning. He thinks it offers good protection for the neighbors. If the neighbors are concerned about traffic, he would encourage them to talk to City staff about a traffic management plan. He would be interested to know whether or not VDOT’s traffic study called for a right turn lane here.

The motion passed by the following vote:

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

Councilmember Perrow made motion to approve the rezoning, which was seconded by Councilmember Wright and passed by the following vote:

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

// In the matter of Community Development – Rezonings, Agenda Item #13, a public hearing was conducted regarding the Petition of FNB Property Corp. to amend the Future Land Use Map from Low Density Residential to Neighborhood Commercial and to rezone approximately two and two hundredths (2.02) acres located at 5010 Boonsboro Road from R-1, Low Density Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a four thousand five hundred (4,500) square foot bank building with associated parking.

AGENDA ITEM #4:

Councilmember Perrow announced he would be abstaining from the vote because he owns shares in First National Bank and Bank of the James. He also serves on the Bank of the James advisory board. Since he is a member of a group that has more than three members, the Conflict of Interest Act would allow him to participate. He could participate fairly, objectively and in the public interest but realizes that his impartiality could be called into question. He has never been accused of dodging a vote and takes them all head on. For him, to be put in a binary decision where he may be perceived as being impartial and one of those decisions crosses his ethical line, therefore he is asking Council's permission to abstain. Councilmember Perrow left the dais.

Ms. Frischeisen gave Council a summary of the report. Mr. Doyle Allen of Hurt & Proffitt came forward to represent the petitioner and the owners of the property. He addressed the "ongoing reduction of land for single-family development" concern. The potential for this property is 15 lots. However, due to the topography and sewer availability, it is not possible to get 15 lots on the property. The cost of developing this property for a maximum of three lots would exceed the value of the lots. If the property could truly be developed into 15 single-family residential lots, staff's concern would be valid.

He addressed the *FLUM* designation not supporting the proposed use. He analyzed the rezoning petitions for the last two years and approximately 75 percent of them required a *FLUM* amendment, including the preceding rezoning petition Council just approved.

Another of staff's concerns was that this could set a precedent to expand the commercial uses along the corridor. Since going to Planning Commission, the concept plan has been revised to only include approximately two acres leaving an R-1 buffer on the subject parcel. This is simply a request to expand the existing neighborhood node that already exists and is not spot zoning.

Mr. Todd Hall, president and Chief Executive Officer of First National Bank spoke in favor of the petition. The bank has a vested interest in the City and wants to be part of mutually beneficial opportunities. He mentioned that they constructed their headquarters on Odd Fellows Road and built a branch on Old Forest Road and have also put a branch downtown. They absolutely want to do the right thing and be a good neighbor. They are willing to offer the R-1 area to be perpetual green space. It was suggested that it be conveyed to the neighbors but they think it is better for them to keep it, maintain it and pay the taxes for it.

Mr. Harry Coffee spoke in favor of the petition. He lives on Burnt Bridge Road. He thinks this will be a great improvement to the area and he pointed out that there is a bank across the street. He has spoken to several of his neighbors and they are definitely in favor of this project.

Mr. Harry Flint, who represents the owners of the property, spoke in favor of the petition. He noted that several citizens have written letters of support. He noted that people like to be able to walk to businesses and as a realtor, he knows that banks are great neighbors. They are quiet, do not operate for long hours and take a lot of Mondays off.

Mr. Sam Hubbard, a resident of Boonsboro Road, spoke in favor of the petition. He is part owner of the property and grew up in the house on the property. The area has grown so substantially with a lot of commercial uses in the area and it is no longer suitable for a single-family residence. The owners have been trying to sell this property for some time but they were not comfortable with previous proposals. They are very pleased with what the bank is proposing to do on this site and think it provides a good buffer for the residential properties around it. He still lives in the neighborhood and it is important that this property be developed as a good fit for the residents.

Ms. Jane Blickenstaff of Blickenstaff & Company Realtors spoke in favor of the petition. She thinks this bank will be a wonderful architectural gem into the business 501 corridor. She understands that there are 12,000 trips a day past this site and she does not think that people want to live on such a busy road. She projects that the potential three houses that could be built on the site would probably be rental property. This site is part of a commercial node and is hooked on to Walgreens. She also pointed out the three acres that are being preserved to protect the Royal Oak area. It is a perfect spot to stop future commercial development and keep it all in one particular spot. It will increase taxes and add employment.

Ms. Ellwyn Andrusky spoke in opposition of the petition. Her property adjoins this property. She thinks this will adversely affect her property value. She thinks there will be a lot of lighting at night as well. She does not think that there is a need for another bank in the area and there are rental vacancies at Village Court. She noted that a profession planning company did a study for the City and did not recommend commercial along this corridor. Staff is also not recommending approval of this request for reasons from the *Comprehensive Plan.*

Mr. Alan Andrusky spoke in opposition of the petition. He has interests in the adjoining lots. He thinks this is spot zoning for a use that serves the private interest of a few. It is a 24-hour commercial facility with 24-hour pedestrian public areas, lighting, signs, noise and headlights encroaching on a quiet neighborhood. He has not received any assurance that his property values will not be affected. He does not think it will help anyone to want to purchase and build a single-family residence on the adjoining R-1 vacant lots. The “stop light” to prevent this commercial expansion was set in 1978 and it is unjust to move it now for the residents who have already invested in their residences.

Mr. Maynard Jones spoke on behalf of the Boonsboro/Peakland Neighborhood Association in opposition of the petition. They would them to uphold the decision of the Planning Commission. He sent them a letter last week outlining seven reasons not to support this rezoning. He will not repeat them out of respect for their time but is there to answer any questions they might have for him.

Mr. Doyle Allen pointed out that the R-1 portion they are not requesting to rezone will leave a substantial between this property and Ms. Andrusky’s. This buffer should also ensure there is no decrease in her property value. He confirmed that there are 12,000 vehicles going by this property daily and he does not think anyone wants to live in a house 40 feet off such a busy road.

Mr. Flint pointed out another letter of support he has from someone living on Englewood Street. He said there is no groundswell of opposition to this rezoning. The house has been vacant for 15 years and it is an improvement to a gateway to our City on a U.S. highway.

Councilmember Helgeson noted that this property abuts Walgreens. It has also been well defined that it cannot be used for a bunch of houses. He thinks it is critical to have a branch bank to serve the people of Boonsboro. He also pointed out that this is improving a property that has been vacant for 15 years, grow our tax base and employ people. He appreciates that the bank is asking for the lowest intensive commercial zoning and has removed three acres from its request. When things make sense, we do them. They have received a lot of emails in support of this petition.

Councilmember Helgeson made a motion to approve the *FLUM* amendment. It was seconded by Vice Mayor Dolan. Vice Mayor Dolan agrees with all the comments made by Councilmember Helgeson. She walked the property and listened to traffic whizzing by her. There is no way anyone would want to live there. She thinks it will improve the Scenic Corridor.

Councilmember Nelson agrees that we need to protect our R-1 property. We only have 3,000 acres left. We also need to protect our Scenic Corridor gateways. The topography of this property would require a tremendous investment to make it buildable. He does not think that it will ever get developed and noted that could be a good thing because it is an attractive, natural setting. Ms. Andrusky had mentioned $60 million dollars in residential developments in the area but Councilmember Nelson pointed out the ones she mentioned do not front on a busy highway.

He appreciates Mr. Jones' efforts to preserve the corridor but thinks that it will be better preserved if this bank goes in as opposed to three to five homes being built on Boonsboro Road. That is because all the trees would have to be taken down and you would have front yards and driveways and the face of a house. He does not really consider that a scenic corridor. This concept plan is showing approximately 250 feet of woods that will be preserved, which is better for the scenic corridor, as well as leaving the back of the property preserved. He thinks approving this plan is smart growth and promotes the scenic corridor and he will be supporting it.

Councilmember Wright agrees with the comments made by Councilmember Nelson. He would like to know if the proffer to make the three acres permanent green space has been formally submitted. Ms. Frischeisen said a proffer has not been submitted and the concept plan does not specifically that this will be maintained as permanent green space. Councilmember Wright supports this motion and rezoning because it has this area has had a commercial history for years. It is a good use of the property and it is walkable. There is also a bank across the street. It is not out of character for the neighborhood. They have received many emails and phone calls from people in support which speaks to its approval, generally speaking, in the community.

Councilmember Wilder is in support of this petition for the same reasons already stated. He also walked the property and does not think it is suitable for houses. It has been vacant for years and it will be good to have something there at the gateway to our community.

Ayes:	Dolan, Helgeson, Nelson,Tweedy, Wilder, Wright	6
Nos:		0
Abstentions:	Perrow	1

Councilmember Helgeson made a motion, which was seconded by Vice Mayor Dolan, to rezone the property. Councilmember Nelson asked if the petitioner is prepared to add the proffer about the permanent green space. Much of his support was based on that representation. Mr. Allen said it has not been added but they are willing to do so. He showed them on the concept plan where a line is shown as the limits of disturbance. Ms. Frischeisen said that would not prevent them from clear cutting the trees just disturbing the ground.

Mr. Erwin explained that State Code prevents Council from accepting a brand new proffer at tonight's meeting.

Only an existing proffer can be clarified or tweaked. Council would not have to hold another hearing but would need to bring it back to its next meeting. Councilmember Helgeson does not think it is necessary and we can take the bank's word. The bank would have to be bulldozed to develop something at the rear of the property. Mr. Erwin indicated that they could not accept the proffer at a later date if they approve the rezoning tonight. The rezoning process would have to be done again to amend any proffers. Mr. Allen suggested the language could be added to the proffer about substantial compliance with the concept plan. Mr. Erwin said that would create a risk for the applicant. If the rezoning was challenged and it was found that this additional language was a material change, the rezoning could be set aside. This could tie up the applicant in court for a year. If there are concerns with not delaying the project, the safer course of action is to postpone action.

There was discussion about whether or not this would be considered a material change. Mr. Erwin said if Council is comfortable with the applicant's representation, they could accept the clarification of the proffer. However, if the people who are opposed to this project want to challenge it, the court could rule that it was a material change.

Councilmember Nelson would like to postpone action for two weeks. Mr. Allen said the applicant is able to do that. Councilmember Nelson made a motion to postpone action for two weeks. The motion was seconded by Councilmember Wright. Councilmember Helgeson reiterated that he does not see how anything could be developed in the rear without tearing down the bank. Councilmember Wilder said he would prefer to have it resolved tonight because the petitioner has made concessions already.

The motion passed by the following vote:

Ayes:	Dolan, Nelson, Tweedy, Wright	4
Nos:	Helgeson, Wilder	2
Abstentions:	Perrow	1

// In the matter of Public Comment, Agenda Item #14, Mr. B B Shavers addressed Council regarding the lack of the African American and minority vote in Lynchburg. In 2019, we had an all-white jury. He would like them to speak for him and others like him.

// In the matter of Community Development. Agenda Item #15, Council considered a request got an exemption from the Subdivision Ordinance at 186 Schothum Street. Ms. Frischeisen provided with an overview of the ordinance sections that pertain to this request and the history of this property and request. The options left for the developer (in order to be issued a certificate of occupancy) are to construct the water line, which he does not want to do because of expense or the City could cash in the bond posted for the project, which it is prepared to do, or the developer can request an exception. The City Planner does not feel that there is a hardship and will not grant him an exception. Planning Commission also did not recommend an exception.

On behalf of the Physical Development Committee, Councilmember Perrow explained that this developer wanted to divide a large lot and put in two houses. He committed to putting in two water lines. The first house went fine and then he found out it would be more expensive to put in the second water line. He is hoping the City will cave and give him an exception. The PDC agreed with staff and he makes a motion on behalf of the PDC to deny this request. The motion passed by the following vote:

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

// In the matter of City Code, Agenda Item #15, Council considered adopting an Ordinance to amend and reenact the Code of the City of Lynchburg, 1981, by adding thereto two new sections, to-wit: section 2-363.3 relating to the assessment of a $5 fee in criminal and traffic cases to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system and section 2-363.4 relating to the assessment of a $25 processing fee for persons admitted to the Blue Ridge Regional Jail upon conviction of a felony, misdemeanor, or traffic offense.

Councilmember Nelson pointed out that the words “and convicted” need to be added after “charged” in the first paragraph of Section 2-363.3. He would like to amend the ordinance just to be sure there is no inference that every person that is charged with a violation of any statute or ordinance has to pay this fee. He made a motion to approve the ordinance with his change. Councilmember Wright seconded the motion and it passed by the following vote:

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

// In the matter of Assessor, Agenda Item #16, Council considered adopting a resolution to amend the FY 2020 General Fund budget and appropriate $178,837 with resources from the General Fund Reserve for Contingencies to refund overpayment of real estate taxes for tax years 2017, 2018 and 2019 by LSC Communications Printing Company for property(s) located at 4201 Murray Place. Mr. Jeff Bandy explained LSC filed a grievance in Circuit Court. Mr. Bandy met with their tax representative and agrees with him that the City was in error. They settled on a value based on their broker’s opinion.

// On motion of Vice Mayor Dolan, seconded by Councilmember Helgeson, by the following recorded vote elected to hold a closed meeting to a) consideration of appointments to the Transit Company Board of Directors pursuant to Section 2.2-3711(A.) of the Code of Virginia and b) consultation with legal counsel and briefings by staff members regarding specific legal matters requiring the provision of legal advice: (i) legal matters relating to the Region 2000 Services Authority Member Use Agreement for the disposal of solid waste, and (ii) legal matters relating to the City’s Stormwater Management Ordinance, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia.”

The motion passed by the following vote:

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

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

Councilmember Helgeson made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by

Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

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

// On nomination of Councilmember Perrow, seconded by Councilmember Wilder, Council by the following recorded vote appointed Brenda Nash to the Greater Lynchburg Transit Authority for a term ending October 30, 2022:

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

// The meeting was adjourned at 9:15 p.m.

____

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **7**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Additional City Street Mileage for VDOT Highway Maintenance Payments

KEY ELEMENTS:
___Economic Development ___Excellent Government _X_Natural and Built Environment __Safe Community ___Vibrant Community

RECOMMENDATION: Approve the attached resolution requesting VDOT to increase the official City Street lane mileage for reimbursement of highway maintenance funds for FY 2021.

SUMMARY: The City of Lynchburg receives funds from the Commonwealth of Virginia to assist with the maintenance of City streets. This funding is based upon the total lane miles of streets within the City. Typically each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system. For FY 2021, staff has identified 2.21 lane miles of street segments that need to be added. The following segments will be included in the City street system:

1. Liberty Mountain Drive from the existing roadway to Odd Fellows Road, adding the newly constructed street (1.7 lane miles)
2. A small segment of Logan's Lane to take into account the publicly-maintained cul-de-sac (0.04 lane miles)
3. Segments of Odd Fellows Road resulting from the construction of the interchange with US 460 (0.38 lane miles)
4. An additional lane on Wards Ferry Road resulting from the widening of the street (0.09 lane miles)

City Council action is required by Virginia Department of Transportation (VDOT) to add these segments to the City's street system.

PRIOR ACTION(S): None

FISCAL IMPACT: The City will be reimbursed by VDOT for the maintenance of 2.21 additional lane miles at the approved the lane mileage rate. In total, this addition would add $28,144 in maintenance reimbursement at the present rate.

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

ATTACHMENT(S):
- Resolution
- Form U-1
- Map

REVIEWED BY: raw

041R

RESOLUTION: #R-20-024

WHEREAS, the Virginia Department of Transportation (VDOT) requires action to increase the lane mileage for street maintenance entitlement funds from the Commonwealth; and,

WHEREAS, 2.21 lane miles of local and arterial streets have been identified to be added to the system; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council requests the Commonwealth Transportation Board to approve the addition of lane mileage as enumerated on Form U-1.

Adopted:

Certified: ______________________________
Clerk of Council

Appendix B

Form U-1 (Rev. 10-1-2014)

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITIONS AND DELETIONS
FOR STREET PAYMENTS
SECTION 33.2-319
CODE OF VIRGINIA

MUNICIPALITY: City of Lynchburg

STREET NAME ROUTE NUMBER *	TERMINI FROM	TO	R/W WIDTH (FEET)	PAVEMENT WIDTH (FEET)	CENTER-LANE MILES	NUMBER OF LANES	LANE MILES	FUNC. CLASS. (T&MPD USE ONLY)
Liberty Mountain Dr.	0.93 E Candlers Mtn Rd.	Odd Fellows Road	67’	35’	0.85	2	1.70	
Logans Lane	0.21 N Timberlake Rd.	0.23 N Timberlake Rd.	88’	30’	0.02	2	0.04	
Odd Fellows Road	0.32 N Liberty Mountain Dr.	Liberty Mountain Dr.	67’	38’	0.19	2	0.38	
Wards Ferry Road	Timberlake Road	0.09 S Timberlake Rd.	88’	11’	0.09	1	0.09	

*Council Resolution and Map Attached

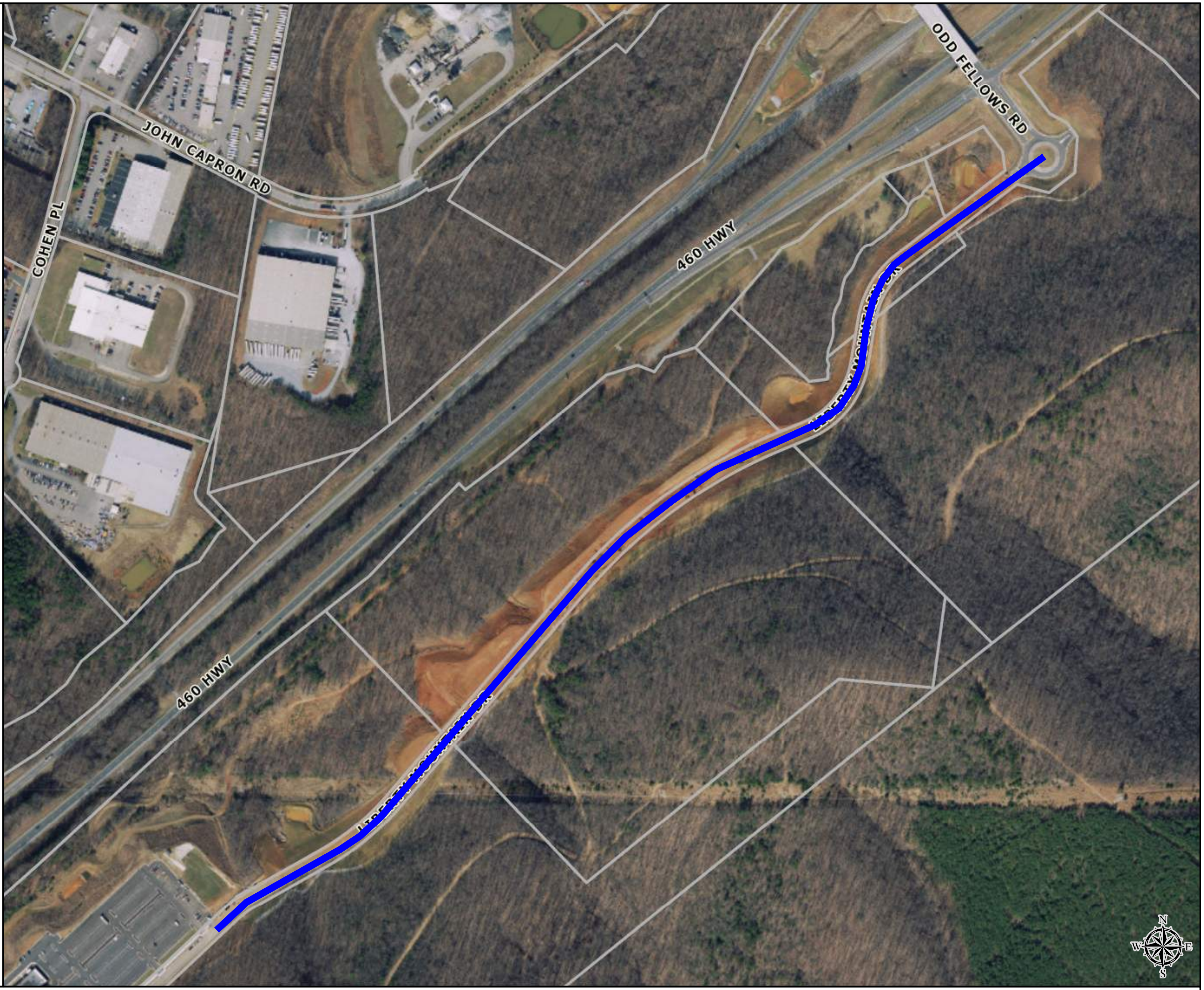
SIGNED ______________________________
AUTHORIZED VDOT OFFICIAL DATE

SIGNED______________________________
MUNICIPAL OFFICIAL DATE

CLASSIFIED BY______________________________
T&MPD ENGINEER DATE

Submit to: District Point of Contact in triplicate

Streets
Parcels
Owner Undetermined
Survey Gap
Assessed By County



Liberty Mountain Drive

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

0 500 1,000 ft
1 inch = 500 feet 1:6,000

PRINTED ON
March 10, 2020

Logans Lane

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

0 50 100 ft
1 inch = 50 feet 1:600

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March 10, 2020

Streets

Addresses

Legal Lot Lines

Vacated Right of Way

Parcels

Owner Undetermined

Survey Gap

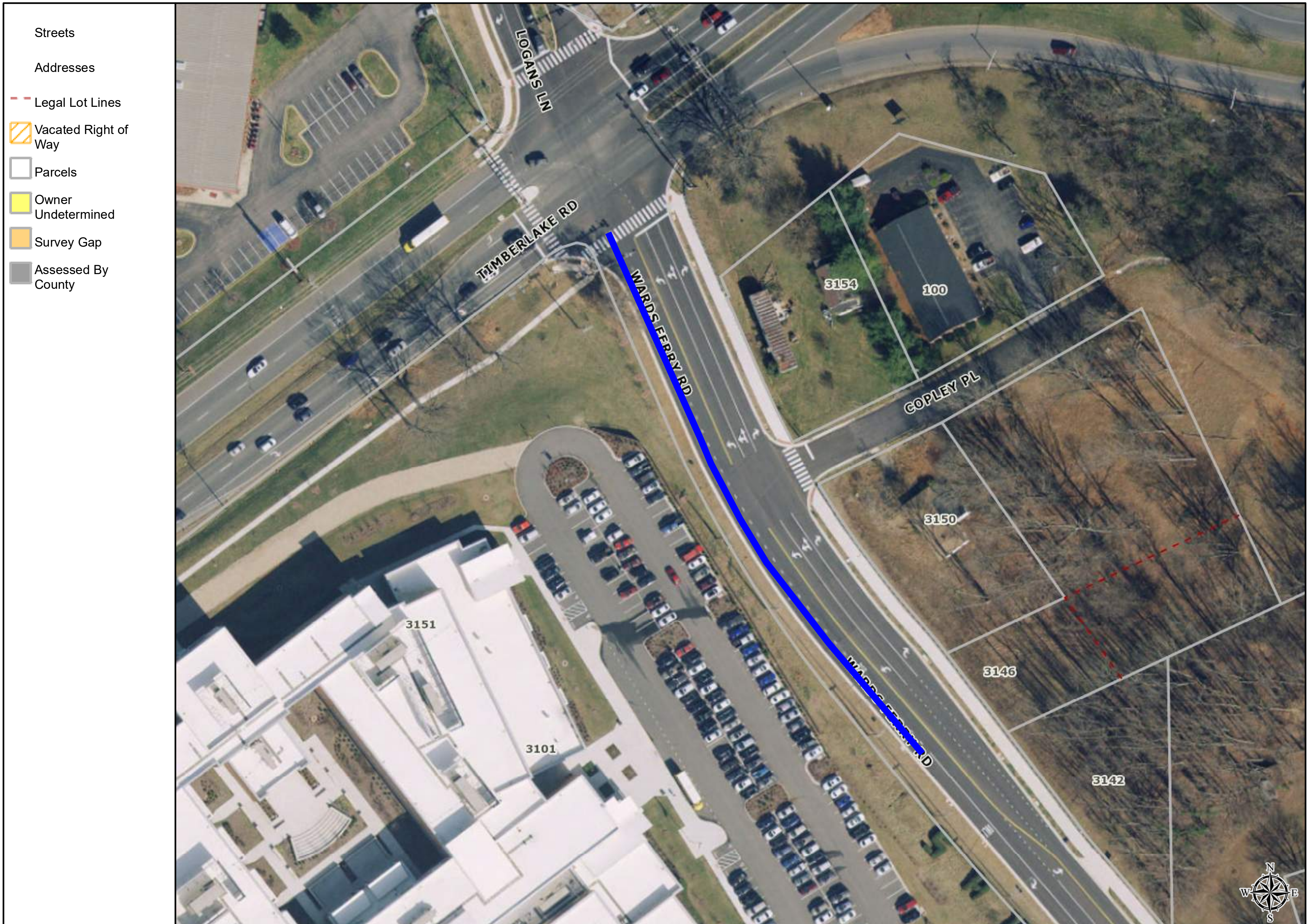
Assessed By County

Odd Fellows Road

0 200 400 ft

1 inch = 200 feet 1:2,400

PRINTED ON
March 10, 2020



Wards Ferry Road

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

0 100 200 ft
1 inch = 100 feet 1:1,200

PRINTED ON
March 10, 2020

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **8**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: Amendment of the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement

KEY ELEMENTS:
__ Economic Development ___Excellent Government __Natural and Built Environment _X Safe Community __ Vibrant Community

RECOMMENDATION: Adoption of the attached resolution approving an amendment to the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement.

SUMMARY: For a number of years the cities, counties, and towns in Central Virginia and their law enforcement agencies have participated in law enforcement mutual aid agreements. These mutual aid agreements (a) help promote regional corporation among law enforcement agencies (b) help participating jurisdictions provide necessary law enforcement services during emergencies and (c) help enhance the overall quality of law enforcement services in Central Virginia. On May 23, 2017, City Council adopted a resolution approving the City's participation in the Law enforcement Regional Mutual Aid Agreement dated May 1, 2017. As a result of the 2019 elections, new sheriffs were elected for Appomattox County, Bedford County, and Campbell County, so it is necessary to amend the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement to add the names of the newly elected sheriffs to the Agreement. The terms of the Law Enforcement Regional Mutual Aid Agreement are not being changed; the Agreement is simply being amended to include the names of the newly elected sheriffs.

PRIOR ACTION(S): On May 23, 2017, City Council adopted a resolution approving the City's participation in the Law Enforcement Regional Mutual Aid Agreement dated May 1, 2017.

FISCAL IMPACT: None

CONTACT(S): Walter C. Erwin, City Attorney's Office 455-3973

ATTACHMENT(S):
Resolution

REVIEWED BY: bms

041R

RESOLUTION: #R-20-023

WHEREAS, for a number of years the cities, counties, and towns in Central Virginia and their law enforcement agencies have participated in mutual aid agreements; and,

WHEREAS, these mutual aid agreements have (a) helped promote regional cooperation among law enforcement agencies (b) helped participating jurisdictions provide necessary law enforcement services during emergencies and (c) helped enhance the overall quality of law enforcement services in Central Virginia; and,

WHEREAS, on May 23, 2017, City Council adopted a resolution approving the City's participation in the Law enforcement Regional Mutual Aid Agreement dated May 1, 2017; and,

WHEREAS, as a result of the 2019 elections, new sheriffs were elected for Appomattox County, Bedford County, and Campbell County, and it is necessary to amend the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement to add the names of the newly elected sheriffs to the Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council hereby approves the amendment of the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement to add the names of the newly elected sheriffs for Appomattox County, Bedford County, and Campbell County to the Agreement and hereby authorizes the City Manager to execute the necessary amendment to the May 1, 2017 Law Enforcement Regional Mutual Aid Agreement on the City's behalf.

Adopted:

Certified: ______________________________
Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **March 24, 2020** AGENDA ITEM #: **9**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: 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

KEY ELEMENTS:
___Economic Development _X_Excellent Government ___Natural and Built Environment _X_Safe Community ___ Vibrant Community

RECOMMENDATION: Adopt the attached resolution regarding the declaration of local emergency and disaster associated with Coronavirus (COVID-19) and implement certain emergency procedures for public meetings and public hearings to ensure the continuity of City government.

SUMMARY: Section 15.2-1413 of the State Code, which is set forth below, allows a locality to adopt an ordinance to provide for the continuity of government during a disaster. This ordinance gives City Council and the City's boards and commissions the flexibility to modify the standard public meeting and public hearing procedures.

§ 15.2-1413. Governing bodies of localities may provide for continuity of government in case of enemy attack, etc. Notwithstanding any contrary provision of law, general or special, any locality may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster. Such ordinance shall be limited in its effect to a period not exceeding six months after any such attack or disaster and shall provide for a method for the resumption of normal governmental authority by the end of the six-month period.

The ordinance would allow electronic public meetings and the receipt of public written comments in lieu of a standard public hearing as long as emergency conditions persist.

PRIOR ACTION(S): Declaration of Local Emergency confirmed by City Council, March 17, 2020.

FISCAL IMPACT: To be determined

CONTACT(S): Walter Erwin, 455-3973
Bonnie Svrcek, 455-3990

ATTACHMENT(S):
Ordinance

REVIEWED BY: bms

043R

#O-20-007

ORDINANCE CONFIRMING THE DECLARATION OF A LOCAL EMERGENCY AND DISASTER FOR THE CITY OF LYNCHBURG AND IMPELEMENTING 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 COVIR-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 CORVID-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 boards and commissions 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.

d. If necessary for the continuity of city government, meetings of the City Council and other city boards and commissions 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:

Certified: ___________________________
Clerk of Council