

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

Tuesday, February 11, 2020
8:00 a.m.

Information Items:

Recent/Pending Contract Awards:

- Lakeside Drive Bridge - English Construction - \$19,768,441.55
 - Presented by Lee Newland

Priority Projects Update:

- Attached
 - Presented by Lee Newland
 -

General Business:

- 1) Downtown Construction Update – Two Way Traffic
 - Presented by Tom Martin/Jim Talian
- 2) Liberty University Street Renaming
 - Presented by Victoria Glasgow
- 3) SMART SCALE Proposed Projects
 - Presented by Lee Newland
- 4) Percival's Island Bridge
 - Presented by Clay Simmons

Roll Call:

Pc: Bonnie Svrcek, City Manager
Reid Wodicka, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: March 10, 2020

Lynchburg Capital Projects Greater Than \$1 Million (General Fund)

February 11, 2020

Projects of Interest		Phase	Phase Completion	US	MD	Notes
Liberty Mountain Drive - Phase 3	*	Construction	August 2019	Yellow	Green	Complete. AEP On-site and Installing Streetlights
John Capron Road		Construction	July 2020	Green	Green	Construction Underway by Counts & Dobyns
Indian Hill Road Bridge	*	Construction	August 2020	Green	Green	Construction Underway by English Construction - Beams Set 2/4
Main Street Renewal Project	*	Construction	November 2021	Green	Green	Construction Underway
Trail From Linkhorne to Ed Page Entrance	*	Construction	September 2020	Green	Green	Construction Underway by Coleman Adams
Lakeside Drive Bridge Over Blackwater - Design-Build	*	Design / Construction	June 2023			Awarded To English / AECOM
One Way Pairs @ 501/221	*	Design	November 2020			NEPA Document Draft Out in October - Expected to be Finalized in March by FHWA - Design Underway
Downtown Watermain Replacement & Streetscape 2		Design	May 2019			Design @ 90%. Project Shelved
Police Department Headquarters	*	Design	Summer 2021			RFP Process Underway
Link Road Bridge	*	Design	October 2020			Started January 2020
Fifth Street Phase 4	*	Design	October 2020			Started January 2020

LEGEND

Schedule -

Green



0-5% Behind

Yellow



5-10% Behind

Red



> 10% Behind

V



VDOT Managed

Budget -

Green



0-10% Over

Yellow



10-20% Over

Red



> 20% Over

V



VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020 PDC**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR: ☒ **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Downtown – Main Street Renewal update and 2-Way Traffic Conversion

KEY ELEMENTS:

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

RECOMMENDATION: Hear an update on the Main Street Renewal project and proceed with conversion of Main & Church Streets to 2-Way as recommended in the *Downtown 2040 Master Plan*.

SUMMARY: The Main Street Renewal Project began construction on September 16, 2019. Upcoming milestones include a switch from street-focused construction to sidewalk-focused construction, and work in the 12th and Main intersection which will have a larger impact to traffic. One factor which will mitigate this impact will be the 12th Street water line replacement project near Dunbar Middle school which will detour much incoming 12th Street traffic over to Park Avenue and then 5th Street thereby reducing the amount of traffic approaching the 12th & Main intersection.

The original project duration was published as 24 to 27 months. Due to the absence of anticipated underground unknowns and the use of more construction crews than anticipated, the project is significantly ahead of that schedule. The current total duration is now anticipated to be 22 months, of which 17 months remain. The currently scheduled completion date is June 2021.

The conversion of Main & Church Streets to a 2-Way configuration has been recommended since the adoption of the *Downtown & Riverfront Master Plan 2000*. This recommendation and the benefits of converting to 2-way have been reaffirmed with the explicit recommendation for conversion in the *Downtown 2040 Master Plan*. The conversion to 2-way is supported by citizens, business owners, past and present City Transportation Engineers, multiple outside engineering studies, Lynchburg Police Department, Lynchburg Fire Department and the Downtown Lynchburg Association. Specific reasons for converting Downtown's travel direction include:

- One-way streets increase out direction of travel and unnecessary turning movements, increasing traffic volumes.
- One-way streets require extra travel routes in order to reach a specific destination.
- One-way streets with multiple lanes enable aggressive motorists to speed.
- One-way streets encourage speeding and create driver "tunnel vision" where they see little around them and are unlikely to stop at businesses.
- Pedestrians walking with traffic at their backs feel less comfortable.
- Two-lane, one-way streets with stop signs create undesirable crossing environments for pedestrians.
- During construction one-way streets are more difficult to detour traffic and provide the same business accessibility as there are 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.

Resolution #R-18-094 was passed by City Council on November 13, 2018 and adopted the *Downtown 2040 Master Plan*. The Resolution states:

"WHEREAS: The Downtown 2040 Master Plan recommends the implementation of 2-Way traffic on Church & Main Streets as a means to improve walkability, slow traffic, promote economic development and improve circulation and promote Downtown and a destination to go 'to' and not 'through.'"

“WHEREAS: The implementation of 2-Way traffic on Church & Main Streets shall occur after the effective designation, use and enforcement of timed and permanent loading zones for deliveries.”

On May 14, 2019, City Council adopted amendments to City Code related to Loading Zones. These amendments updated the language related to the use of loading zones, made it illegal for vehicles to block a lane of travel while engaged in loading or unloading activities on one-way streets and increased fine amounts related to violations. The Code changes allowed for the implementation of a Loading Zone Pilot Program.

On October 22, 2019, City staff reported to City Council the positive changes in the manner and use of loading zones as a result of the ordinance and loading zone changes. Deliveries were still capable of being made to businesses within designated loading zones. Delivery vehicles were no longer parking in a lane of travel, allowing for safer vehicular and pedestrian travel.

As a result of the Main Street Renewal construction, many blocks of Main Street have no parking and no loading zones. During construction, deliveries are still being made effectively with alternate loading zones such as the “all day” loading zone on Commerce Street and loading zones on 9th & 10th Streets. The Loading Zone Pilot Program and effective deliveries during construction indicate the “effective designation, use and enforcement of timed and permanent loading zones for deliveries.”

City staff recommends implementing the conversion of Church & Main Streets to 2-Way as part of the Main Street renewal construction. As part of the construction, signal poles and mast arms must be replaced. There is a minimum of a ten (10) month lead time on ordering these materials. If signals are not replaced in the configuration necessary for the 2-Way conversion, the work would need to be completed a 2nd time at an increased cost.

PRIOR ACTION(S):

May 22, 2001:	City Council adopted <i>Downtown & Riverfront Master Plan 2000</i> .
November 13, 2018:	City Council adopted the <i>Downtown 2040 Master Plan</i> .
May 14, 2019:	City Council adopted amendments to Loading Zone Ordinance.
May 14, 2019:	City staff implemented the Loading Zone Pilot Program.
September 16, 2019:	Main Street Renewal construction begins.
October 22, 2019:	City Council heard a presentation on the success of Loading Zone Pilot program and left the May 14 th amendments to Loading Zone Ordinance intact.

FISCAL IMPACT: Funding for 2-Way Conversion is included in the FY20 CIP.

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

ATTACHMENT(S):

- Task Completion Summary
- Presentation Slides

REVIEWED BY: raw

Main Street Renewal Construction Status Summary

2/4/20

	Counts & Dobyns			Carolina Conduit		JB Moore	English			
	Water Main	Water Services	Storm/Sanitary	AEP Main	AEP Services	FO & Conduit	UG Rooms	Street scape	Land scape	Paving
800 Block North sidewalk Street South sidewalk						DONE	0 of 3	start 4/27		
	DONE	DONE		DONE	DONE					
						fin 2/7	0 of 10	fin 7/20		
9th Street Intersection				DONE						
900 Block North sidewalk Street South sidewalk						2/10 - 2/21	0 of 15			
	DONE	DONE		DONE	DONE					
						DONE	0 of 9			
10th Street Intersection	fin 2/7		DONE							
10th Street	DONE		DONE	DONE						
1000 Block North sidewalk Street South sidewalk							0 of 9			
	DONE	DONE		DONE	fin 2/29					
						DONE	6 of 10			
11th Street Intersection			fin 1/31	DONE						
1100 Block North sidewalk Street South sidewalk							2 of 3			
	DONE	DONE		fin 3/31	fin 3/31					
						started	0 of 3			
12th Street Intersection				start 2/18						



Downtown Construction Update Two-Way Traffic

James Talian, P.E., Special Projects

Tom Martin, AICP, City Planner

Physical Development Committee

February 11, 2020



Purpose and Outline

Purpose: Update on Downtown Construction & Recommendation for Implementing Two-Way Traffic

Outline:

- 1. Downtown Construction Update**
- 2. Timeline**
- 3. Benefits of Implementing**
- 4. Loading Zones**
- 5. Why Now?**
- 6. Discussion**



Downtown Construction Update

Schedule

- **Original Duration – 24 to 27 months**
- **Current Total Duration – 22 months**
- **Current Remaining Duration – 17 months**
- **Reasons for Improvement:**
 - **More Crews than Originally Forecast**
 - **Less Hidden “Surprises” than Forecast**



Downtown Construction Update

Progress to Date: *Includes both AEP & City Tasks*

- **800 Block: 6 of 19 Tasks Complete 32%**
- **900 Block: 5 of 18 Tasks Complete 28%**
- **1000 Block: 4 of 18 Tasks Complete 22%**
- **1100 Block: 2 of 20 Tasks Complete 10%**



Downtown Construction Update

Sequencing Strategy

- **Both sidewalks open when working in the street**
- **Street and opposite sidewalk open when working in a sidewalk.**



Downtown Construction Update

Business Relations

- **Frequent one-on-one communications**
- **Quarterly block meetings**
- **Press releases**
- **E-Mails**
- **Social Media**
- **Banners**
- **Cooperative Advertising**
- **Free two-hour customer parking in Mid-Town Deck**





Downtown Construction Update

Parking

- No on-street parking in any block with construction
- Temporary loss of approximately 60 parking spaces
- Free two-hour customer parking in Mid-Town Deck
- Access maintained to all parking decks





Downtown Construction Update

Deliveries

- **Temporary loading zones on 9th & 10th Streets**
- **Expanded loading zone on Commerce Street**
 - **Using Mid-Town Parking Deck Elevator**



Downtown Construction Update

Issues

- **Traffic Signage**
 - Stop Signs
 - Detour Signs





Downtown Construction Update

Success

- **Cooperation from AEP**
- **Lack of “Surprises”**
- **Site Cleanliness – Numerous Compliments**
- **Pedestrian Fencing**
- **Loading Zone Success**
- **Ability to Maintain Traffic Flow**



Downtown Construction Update

What's Next?

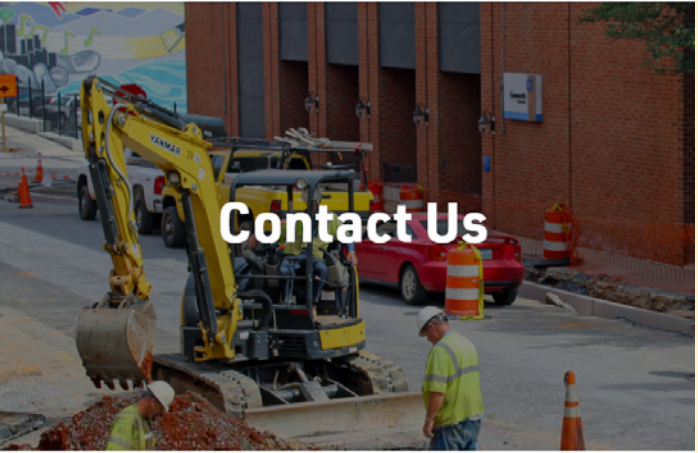
- **Street Construction will be ending**
- **Sidewalk Construction will be beginning**



Downtown Construction Update

Please Keep Communicating

- www.renewlyh.com



Contact Us

IF YOU HAVE ANY QUESTIONS ABOUT THE PROJECT, PLEASE DO NOT HESITATE TO EMAIL US VIA THE CONTACT FORM BELOW:

Name *

First Name Last Name

Email *

Subject *

Message *



History

Text

LYNCHBURG, 1954

Main Street and Church Street were converted to one direction travel in June of 1954. City Council had decided in February of that year, in a 4-3 vote, to conduct a 90-day trial of one-way streets. It was one of three proposals to combat automobile congestion on Downtown streets, but not the one narrowly favored (316-302 votes) by the public according to a survey conducted by the Lynchburg News just before City Council's vote. This decision was one of many that followed the nationwide trend of the era to facilitate automobile use and suburban retail shopping experiences. The construction of the Lynchburg Expressway and the John Lynch Bridge, the removal of parking on 5th Street and the Rivermont Bridge, the routine widening of streets like Memorial Avenue and Langhorne Road, the replacement of time actuated signals with vehicle actuated ones, the increase of curb radii to facilitate quicker turning movements and the conversion of previously two-way streets to one direction all helped decentralize the city and unforgivingly eroded the pedestrian environment in Downtown.



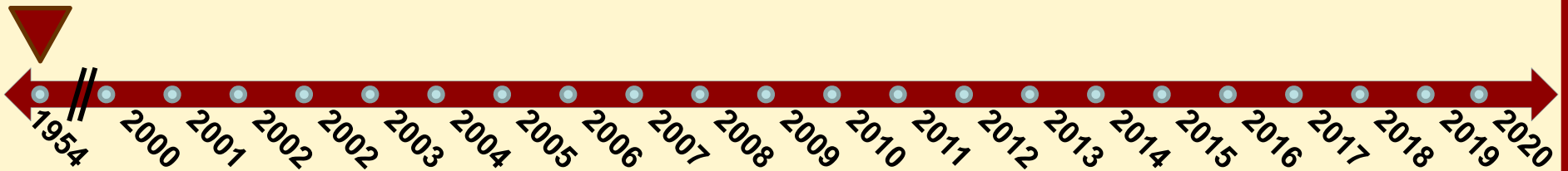
Main Street - Late 1940s



Two-Way Traffic Timeline

1954

- **Council votes (4-3) to change direction of travel for Main & Church Streets to one-way**
 - Premise of combating automobile congestion
 - Followed nationwide trend of favoring automobiles and suburban shopping experience
 - Eroded pedestrian environment
 - Helped decentralize the City

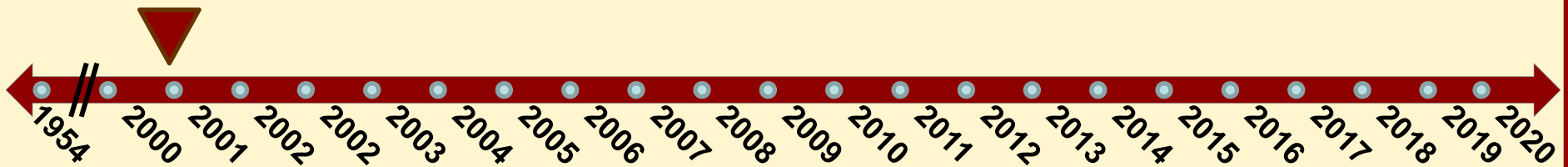




Two-Way Traffic Timeline

2001

- **Downtown & Riverfront Master Plan Adopted**
 - Two-way traffic was requested by retail merchants
 - Slow traffic & double exposure
 - Stop signs in lieu of traffic lights
 - Future decisions to be made by City staff in conjunction with businesses and citizens

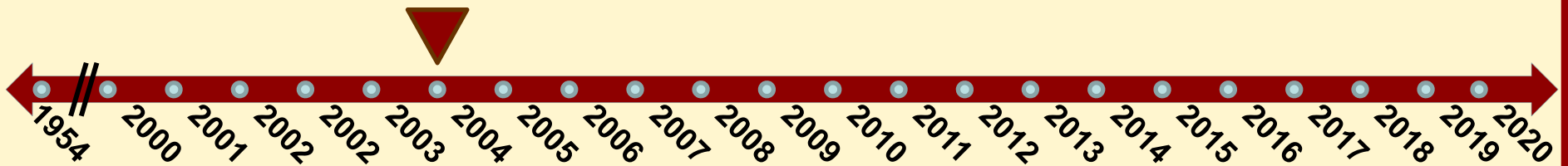




Two-Way Traffic Timeline

2004

- Council Review of Two-Way Traffic Study – 2/24/2004
- City Council directs and funds further study of Two-Way Traffic – 7/13/2004

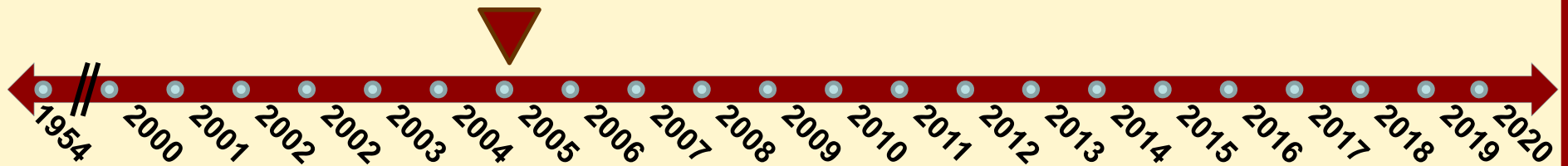




Two-Way Traffic Timeline

2005

- **Two-Way Traffic Study indicates conversion works – 08/23/2005**

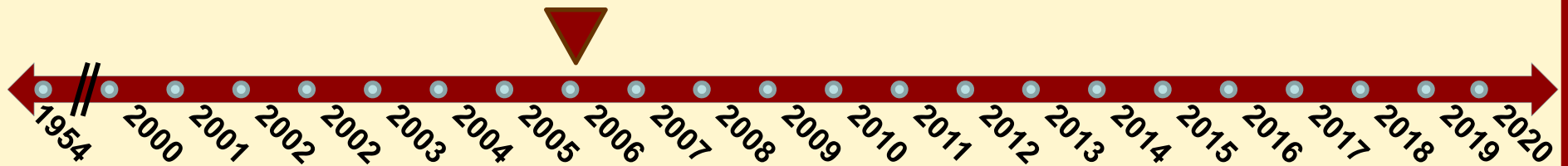




Two-Way Traffic Timeline

2006

- **Downtown merchants support Two-Way Traffic to City Council – 03/28/2006**

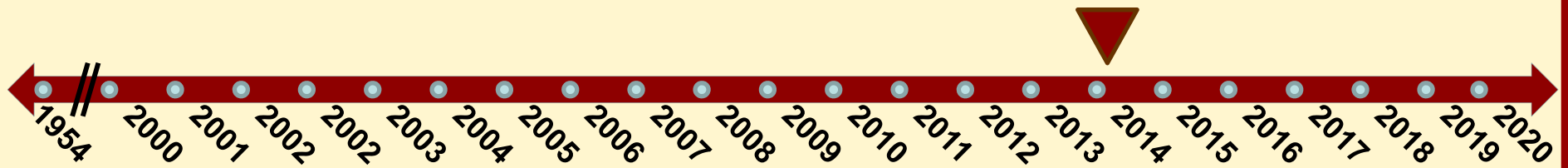




Two-Way Traffic Timeline

2014

- **PDC Meeting on Downtown Improvements / Two-Way – 10/14/2014**

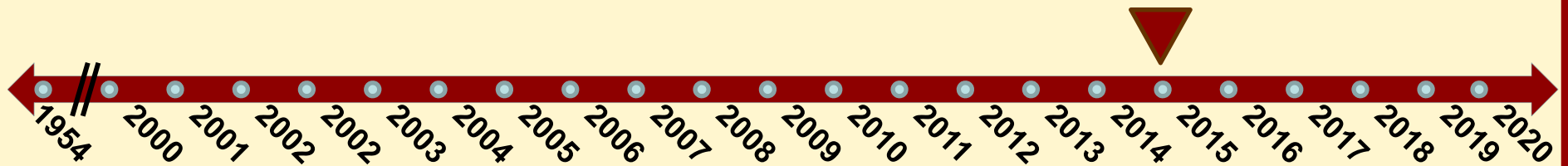




Two-Way Traffic Timeline

2015

- **PDC Meeting on Downtown Improvements / Two-Way – 07/14/2015**
- **Public Meeting on Downtown Improvements – 07/16/2015**
- **EPR Study of Rivermont Intersection – 11/16/2015**
- **Public Meeting – Utility / Streetscape – 11/17/2015**

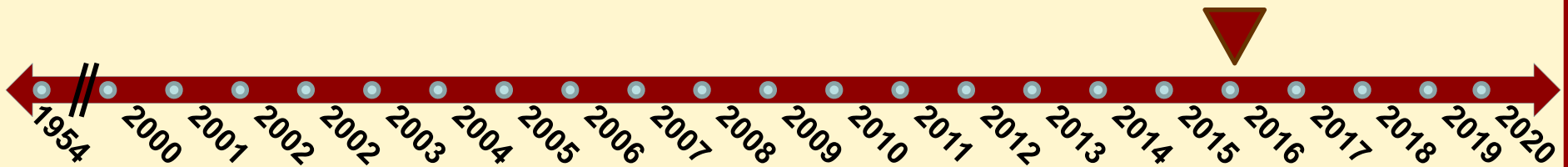




Two-Way Traffic Timeline

2016

- Loading Zone research begins – 02/23/2016
- WRA Study of Loading Zone & turning movements – 04/01/2016
- EPR Study of Rivermont Intersection update – 04/22/2016
- Press release for Two-Way Public Meeting – 05/18/2016
- News Advance Article – 05/18/2016
- City Council Briefing – 06/14/2016
- Public Meeting for Downtown Projects

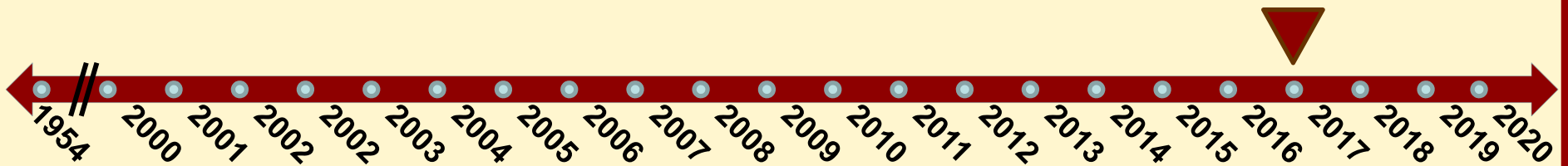




Two-Way Traffic Timeline

2017

- **Implementation Plan Draft for Two-Way Conversion – 01/31/2017**
- **Invitation to Bid – 02/01/2017**
- **Conversion outreach to businesses begins – 02/13/2017**
- **Delivery Company outreach beings – 03/01/2017**

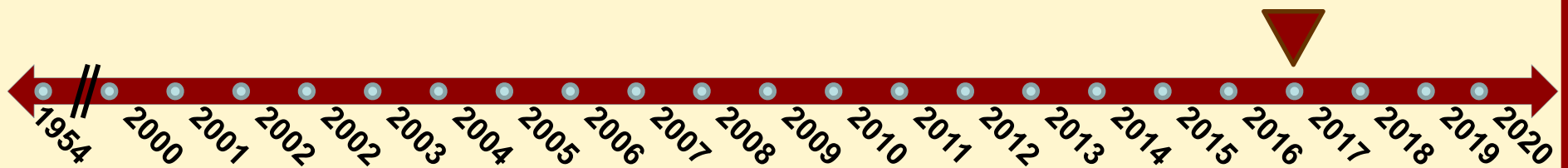




Two-Way Traffic Timeline

2017

- Council votes against Two-Way Conversion – 03/28/2017
- Citizens speak in favor of Two-Way Conversion – 04/11/2017
- Council defers further action on two-way pending outcome of Downtown 2040 Plan – 04/25/2017

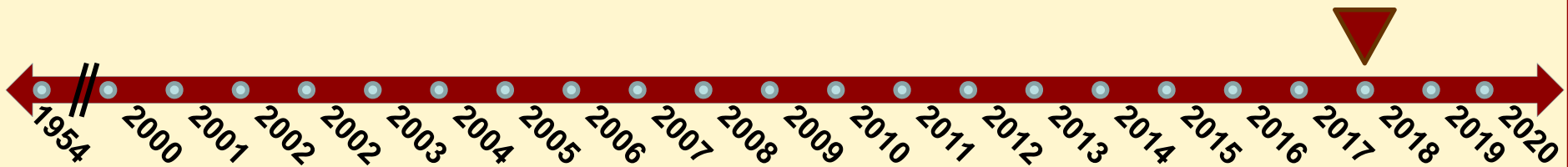




Two-Way Traffic Timeline

2018

- City Council update on Downtown 2040 Master Plan – 06/12/2018
- City Council Work Session Downtown 2040 Master Plan – 09/11/2018
- City Council Public Hearing Downtown 2040 Master Plan – 10/08/2018
- Downtown 2040 Master Plan Adopted – 11/13/2018



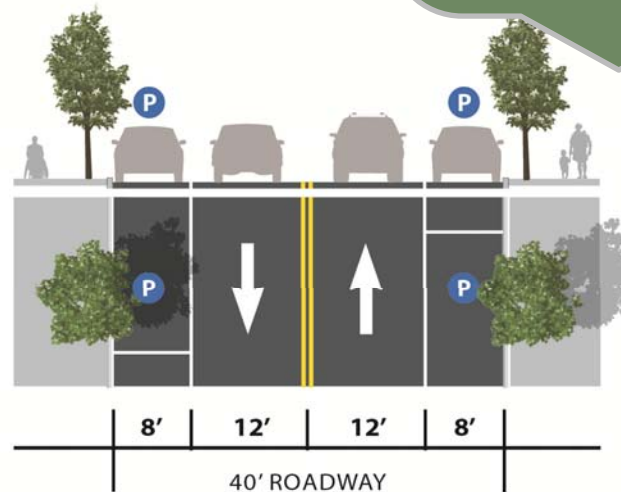


Downtown 2040 Master Plan

MOBILITY & ACCESSIBILITY Short Term Strategies p. 152

- **Convert Main and Church Street from One-way to Two-way**

“Current state of Business Downtown...Parking and access to businesses is a challenge... Time spent trying to find parking. Circling block...Perception is businesses are closed. Hard to get to businesses, and therefore, a decline in business.”



PROPOSED MAX CIRCULATION



Downtown 2040 Master Plan

Specific Reasons to convert Downtown's travel direction

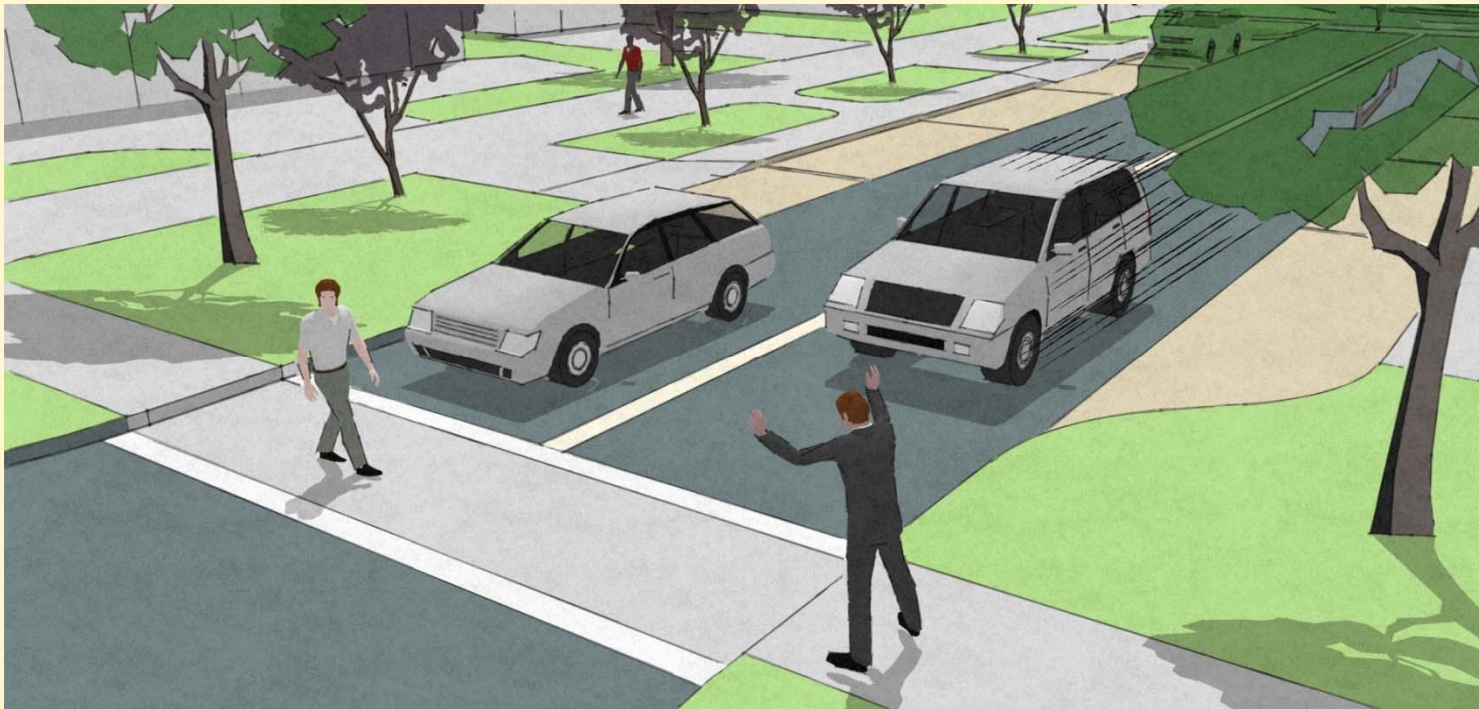
- One-way streets increase out direction travel and unnecessary turning movements, increasing traffic volumes
- One-way streets require extra travel routes for first time visitors trying to reach a specific destination
- Two way streets promote transit use.
- One way streets with multiple lanes enable aggressive motorists to speed
- Pedestrians walking with traffic at their backs feel less comfortable.



Downtown 2040 Master Plan

Specific Reasons to convert Downtown's travel direction

- Two-lane, one-way streets with stop signs create undesirable crossing environments for pedestrians.



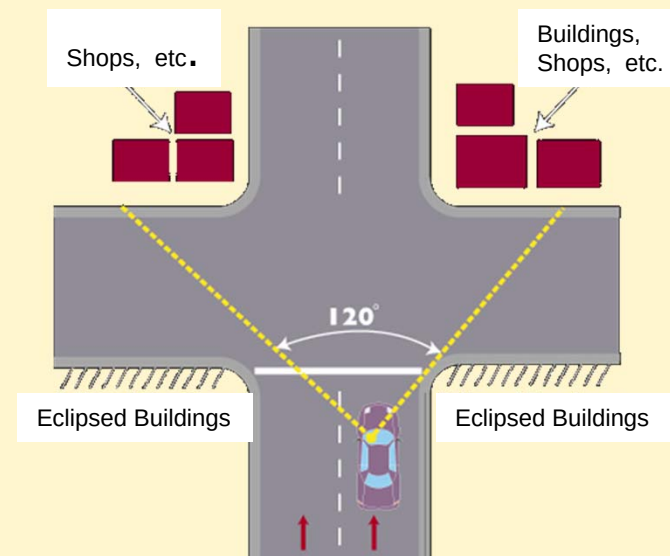
The “Multiple Threat” Pedestrian Conflict



Downtown 2040 Master Plan

Specific Reasons to convert Downtown's travel direction

- **Speeding encouraged on one-way streets creates driver “tunnel vision” where they see little around them and are unlikely to stop at adjacent businesses.**
- **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.**





Downtown 2040 Master Plan

Specific Reasons to convert Downtown's travel direction

- During construction one-way streets are more difficult to detour traffic and provide the same business accessibility as there are fewer options for traffic.



Downtown 2040 Master Plan

Supported by:

- **Citizens**
- **Business Owners**
- **2000 Downtown & Riverfront Master Plan**
- **Past & Present City Transportation Engineers**
- **Several Outside Engineering Studies**
- **Lynchburg Police Department**
- **Lynchburg Fire Department**
- **Downtown Lynchburg Association**



Downtown 2040 Master Plan

Adopted November 13, 2018

WHEREAS: The Downtown 2040 Master Plan recommends the implementation of 2-Way traffic on Church & Main Streets as a means to improve walkability, slow traffic, promote economic development and improve circulation and promote Downtown as a destination to go “to” and not “through”.

WHEREAS: The implementation of 2-Way traffic on Church & Main Streets shall occur after the effective designation, use and enforcement of timed and permanent loading zones for deliveries.

RESOLUTION

#R-18-094

WHEREAS: The Lynchburg *Downtown & Riverfront Master Plan 2000* was adopted by City Council May 22, 2001.

WHEREAS: The Vision established by the Lynchburg *Downtown & Riverfront Master Plan 2000* has led to the successful revitalization of the Downtown with significant public and private investment.

WHEREAS: The Planning Commission initiated amendments to the *Downtown & Riverfront Master Plan 2000* on April 26, 2017.

WHEREAS: The *Downtown 2040 Master Plan* establishes a new Vision, higher goals, integrates previous planning efforts and significant public engagement to ensure the continued success of the Downtown for the next twenty (20) years.

WHEREAS: The Planning Commission recommended adoption of the *Downtown 2040 Master Plan* after a work session on August 8, 2018 and a public hearing on August 22, 2018.

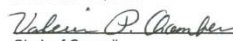
WHEREAS: The *Downtown 2040 Master Plan* recommends the implementation of 2-Way traffic on Church & Main Streets as a means to improve walkability, slow traffic, promote economic development and improve circulation and promote Downtown as a destination to go “to” and not “through”.

WHEREAS: The implementation of 2-Way traffic on Church & Main Streets shall occur after the effective designation, use and enforcement of timed and permanent loading zones for deliveries.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare and good zoning practice as is required by the *Code of Virginia*, the City Council adopts the *Downtown 2040 Master Plan* to replace the *Downtown & Riverfront Master Plan 2000* as part of the City of Lynchburg *Comprehensive Plan 2013-2030*, including amending the Future Land Use Map (FLUM) as shown on page 39 of the *Downtown 2040 Master Plan*.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience and general welfare, the City Council does hereby direct City Staff to prepare amendments to Sections 25-249, 25-250 and Section 25-265 of the City Code to ensure the effective designation, use and enforcement of timed and permanent loading zones for deliveries outside of travel lanes.

Adopted: November 13, 2018

Certified: 
Clerk of Council

132K



Loading Zones

Loading Zones

- **02/26/19 – Loading Zone Ordinance changes discussed with PDC**
- **03/12/19 – Business and delivery company outreach discussed with PDC**
- **04/09/19 – Business and delivery company outreach discussed with PDC**
- **04/23/19 – City Council directs City Staff to amend Loading Zone Ordinance**
- **05/14/19 – City Council adopts amendments to Loading Zone Ordinance**
- **05/14/19 – City Staff proceeds with Loading Zone Pilot Program**
- **09/16/2019 – Main Street Renewal Project Begins**
- **10/22/19 – City Staff reports success with Loading Zone Pilot Program and City Council leaves Loading Zone Ordinance in Place**



Loading Zones

Loading Zones

- **Loading Zones working well during construction**
 - Indicates as previously stated that delivery companies can and will adapt
 - Permanent Loading Zone on Commerce Street is working particularly well



Why Now?

Why Now?

- **20 years of discussion, multiple plans and studies indicating benefits of 2-Way Conversion**
- **Loading Zones have been proven to work**
- **Time to move Downtown forward**
- **Main Street Renewal Construction is ahead of schedule**
 - **Continuing to try and shorten construction duration**
 - **Lead time for ordering signals is 10 months**
 - **If signals are not replaced with appropriate configuration they would have to be replaced a 2nd time**



Recommendation

Recommendation

Proceed with implementation of 2-Way conversion as recommended by Downtown 2040 Master Plan



Discussion

Discussion

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: X

REGULAR:
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Renaming of Tunnel Court and naming of Tunnel Court & City View Lane

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the street naming and renaming.

SUMMARY: Liberty University, Inc. is applying to name and rename the following private streets in the following manner:

- A. The unnamed curve will be connected to the existing Tunnel Court and the entire section will be renamed as Field House Lane.
- B. The unnamed road in between what is currently Tunnel Court and City View Lane and connect to Towns Court will be renamed Tunnel Court.
- C. The currently unnamed segment between what is currently Tunnel Court and City View Lane will be named City View Lane.

PRIOR ACTION(S):

December 17, 2019: The Technical Review Committee (TRC) reviewed this petition.

January 8, 2020: The Planning Commission reviewed this petition and had no comments.

FISCAL IMPACT: None.

CONTACT(S): Victoria Glasgow, Neighborhood Planning Coordinator – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Application
- Liberty University East Campus Garage Map

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the names of one existing street and three unnamed segments located on the Liberty University campus be and the same are hereby changed as follows:

- A. What is currently Tunnel Court and the unnamed curve to be connected to Tunnel Court to be renamed as Field House Lane.
- B. What is the currently unnamed road in between what is currently Tunnel Court and City View Lane to be renamed as Tunnel Court.
- C. What is the currently unnamed segment between what is currently Tunnel Court and City View Lane as to be named City View Lane.

The names of the private streets are hereby changed as depicted on the Liberty University East Campus Garage Map, dated November 12, 2019.

Adopted:

Certified: _____
Clerk of Council

APPLICATION FOR THE RENAMING OF

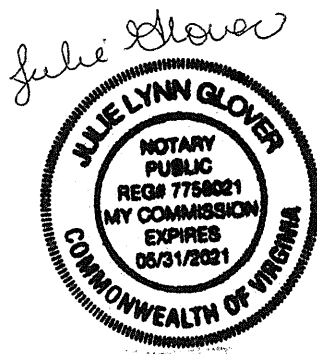
Tunnel Court; naming of Tunnel Court and City View Lane
(Current Street Name)

LOCATED BETWEEN

Liberty Mountain Drive and City View Lane

The undersigned applicant, Liberty University, Inc., pursuant to the provisions of Section 24.1-6 of the City Code, 1959, as amended, respectfully makes application to the City of Lynchburg for the naming of Field House Lane, formerly known as Tunnel Court; naming of the currently unnamed road in between what is currently named Tunnel Court and City View Lane as Tunnel Court; and naming of the currently unnamed segment between what is currently Tunnel Court and City View Lane as City View Lane. The applicant further requests the Lynchburg Physical Development Committee (PDC) to review and provide comment to the City Council on the proposed street naming request in the City Manager's Conference Room, 3rd floor, 900 Church Street, Lynchburg, Virginia, on December 10th, 9:00 A.M., or as soon thereafter as the matter may be heard.

Given under my hand this 25, day of November 2019.



A handwritten signature of the applicant, written in black ink.

Applicant Signature

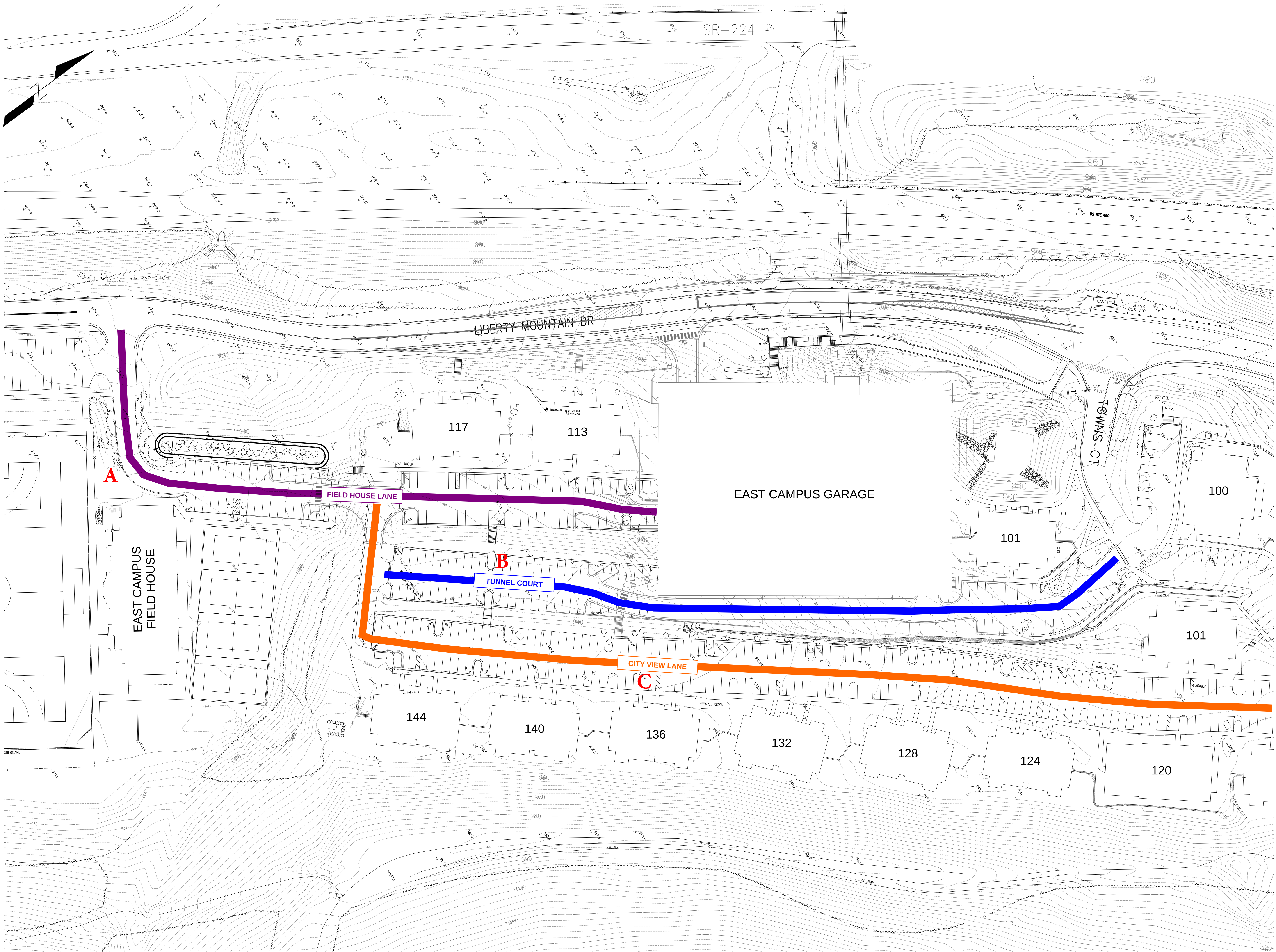
1971 University Blvd

Lynchburg, VA 24515

Address

(434)592-4172

Telephone Number



LIBERTY UNIVERSITY
EAST CAMPUS GARAGE

PHYSICAL ADDRESS:

1971 UNIVERSITY BLVD
LYNCHBURG, VA 24515

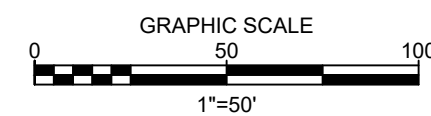
OWNER:



FACILITIES MANAGEMENT
1971 UNIVERSITY BLVD
LYNCHBURG, VA 24515

CONTACT:

STACY DAWSON 434-592-4233



REVISIONS:

ISSUE DATE:

11/12/2019

BLDG. NUMBER:

DRAWN BY:

SSD

CHECKED BY:

DRAWING NUMBER:

C1.1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: SMART SCALE Program Proposed Projects

KEY ELEMENTS:

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

RECOMMENDATION: Review the proposed SMART SCALE projects and advise staff of concurrence in submitting these projects as pre-applications to the Virginia Department of Transportation (VDOT) for funding. If approved, funding would be available in FY2027.

SUMMARY: The following projects are proposed by staff based on discussions with VDOT, needs and previous applications. The pre-application process is a way for VDOT to screen the projects for applicability before the complete application process is submitted by August 3, 2020 with resolutions from the governing bodies made before September 1, 2020. The suggested projects are:

1. Candler's Mountain Road Interchange with Lynchburg Expressway – Construct a new interchange including a new bridge at the intersection of Candler's Mountain Rd. and the Lynchburg Expressway. This project has been identified in two different Strategically Targeted Affordable Roadway Solutions (STARS) studies for safety and along with proposed VDOT State of Good Repair funding for the bridge makes this an opportune time for this submittal. Preliminary cost is \$40M.
2. Roundabout at Wards Ferry Road and CVCC Campus Dr. – Construct a roundabout at the intersection of Wards Ferry Rd. and CVCC Campus Drive as well as 600' of sidewalk to tie into the sidewalk inside the CVCC campus. This project is part of the Wards Ferry Road Corridor Study approved by Council and is complimentary with the Atlanta Ave. Turn Lane project submitted as a Revenue Sharing project last year. Preliminary cost is \$6.5M.

Staff is also recommending support for the MPO's pre-application for the improvements to Timberlake Road at Laxton Rd. and Greenview Dr. in Campbell County due to the close proximity to the City limits and the effects on city streets.

PRIOR ACTION(S): None

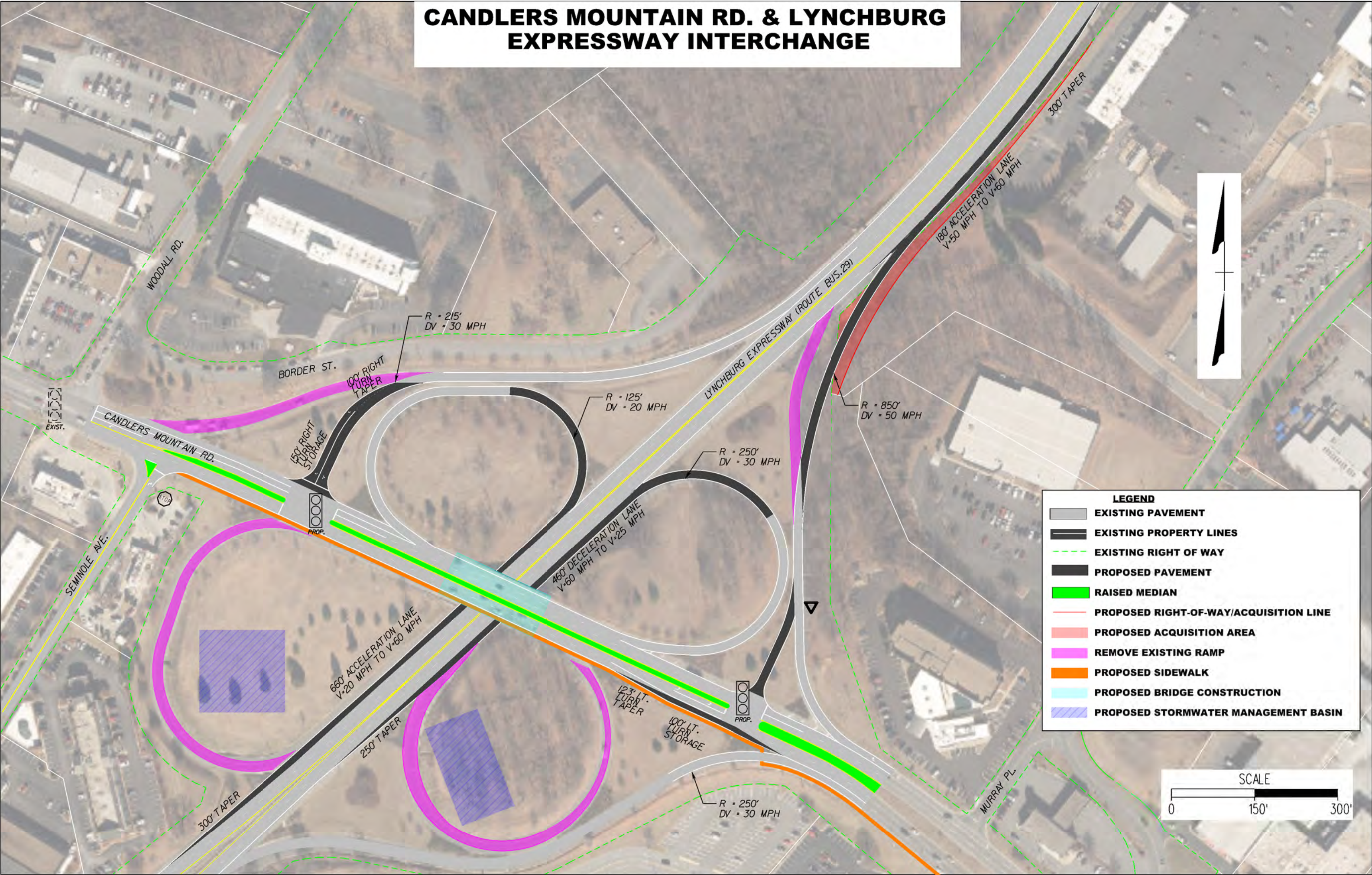
FISCAL IMPACT: None, other than staff involvement time as SMART SCALE is a 100% funded program.

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

ATTACHMENT(S): Project aerial mapping

REVIEWED BY: raw

CANDLERS MOUNTAIN RD. & LYNCHBURG EXPRESSWAY INTERCHANGE





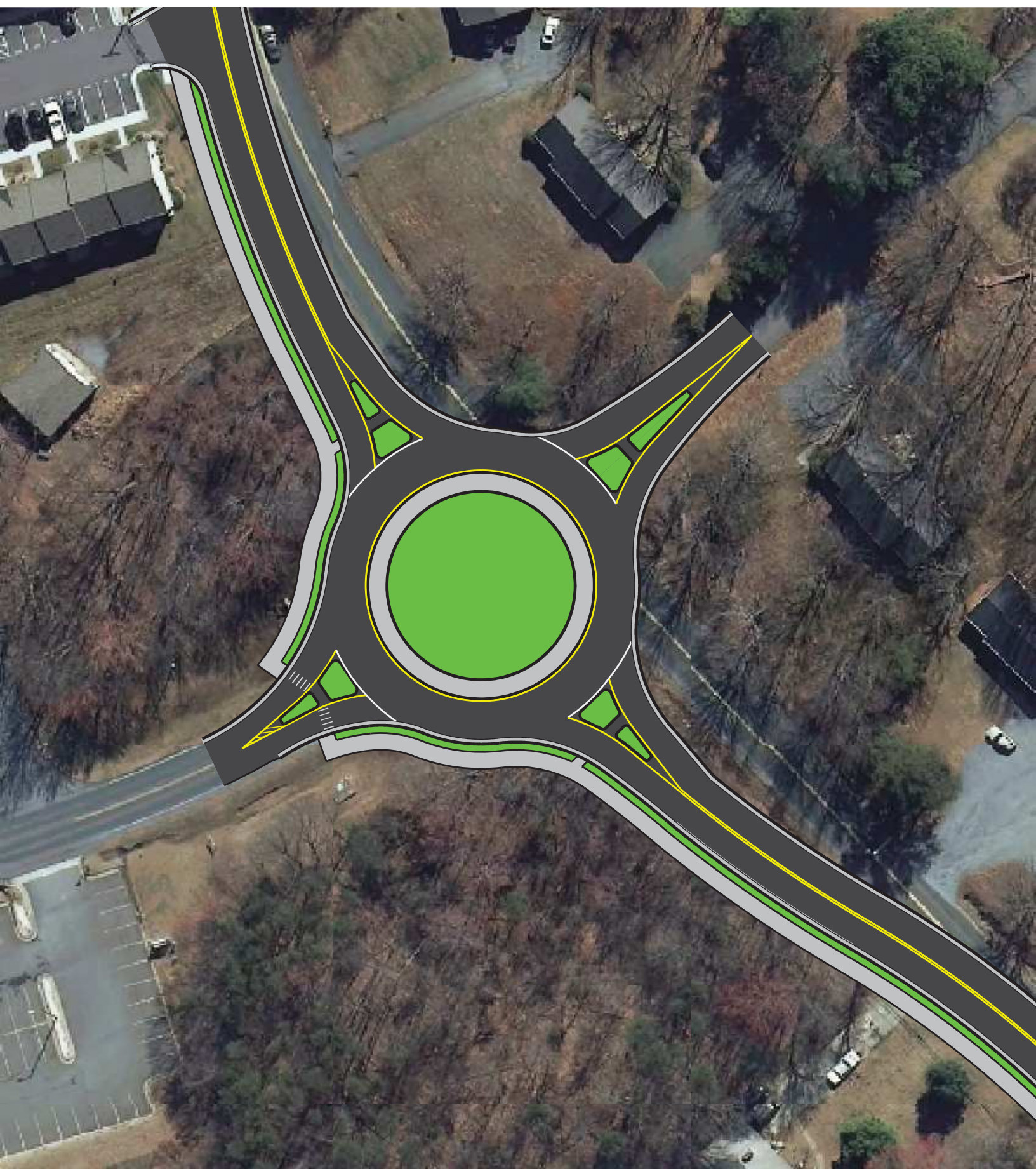
Wards Ferry Roundabout



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.

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1 inch = 400 feet 1:4,800

PRINTED ON
January 28, 2020



Wards Ferry Road Roundabout Concept

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Change Order Approval for the Percival's Island Bridge Rehabilitation Project

KEY ELEMENTS:

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

RECOMMENDATION: For the completion of the rehabilitation of the Percival's Island Bridge project, adopt a resolution to approve a change order up to \$64,010.

SUMMARY: The City is presently rehabilitating the Percival's Island pedestrian bridge. As construction has continued, it had been determined that there will be additional costs associated with the replacement of various structural components of the bridge that were not previously anticipated. The City's Financial Policies require that change orders exceeding 25% of the original contract price require City Council's approval. To keep the project moving, the City Manager has authorized the contractor to proceed with a change order of up to 25% (\$46,140). It is also expected that the additional work will extend the completion date of the project by approximately 20-days.

The initial scope of work for this project included the demolition and reconstruction of the overlook, repair and refinishing of the handrails, and replacement of the upper decking layer that makes up the walking surface on the bridge. The upper decking layer rests on and is attached to the old railroad cross-ties that were original to the bridge when it supported rail traffic. During the design and the structural analysis phases of work, completed by the engineers (Virginia A&E), the railroad ties, as could be seen from the side and bottoms, appeared to be in acceptable condition to be re-used in the project. During the removal of the old decking boards the top center section of a significant number of the railroad ties were discovered to be completely rotted and are in need of replacement. The deteriorated ties were not detectable during the design work as they were covered by the top layer of decking.

In order to replace a single railroad tie, it will be necessary to remove one side of the curbing and loosen the opposite side, replace the structural tie and then reassemble the curbs before finally being able to install the decking boards. This is a very labor intensive process and the contractor predicts only being able to replace 4-6 ties per day.

Fortunately, the architects and engineers were able to design a method to fabricate the replacement ties by reusing the decking boards that are being removed and use an engineered fastener to secure three members to each other to form and create the replacement support. This will save a significant amount of time and money as opposed to ordering new, heavy timber which could delay the project multiple months.

To date the contractor has an estimated 35% of the decking removed and have identified 40 units that are in need of replacement. At this point we expect to discover 90-120 units that will require replacement. In addition, it will require 40 curb sections that will need to be replaced (10 were already included in the original project scope). The unit replacement price of the curbs per the contract is \$500 per unit with 30 units to be in addition to the original contract. In addition, the price to replace the rotted railroad ties is \$408 per unit, which as mentioned is currently identified at 40 units with more anticipated as the project progresses.

If we do discover as many as 120 rotted units to replace, the cost of the ties and curbs could be as much as \$64,010 (34.7% of the original contract of \$184,563).

PRIOR ACTION: February 11, 2020: Change order will be reviewed by the Physical Development Committee

FISCAL IMPACT: Additional \$64,010 to be spent on the additional scope of project; funds for this work are available from savings realized in the Riverside Park Overlook project budget.

CONTACT(S): Clay Simmons, Deputy Director of Public Works - 455-4443
Gaynelle Hart, Director of Public Works - 455-4406
Andy Chamberland, Construction Coordinator - 455-4409

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

BE IT RESOLVED THAT a change order up to the amount of \$64,010 is approved to complete to be spent on the additional scope of project at the Percival's Island Bridge.

Certified: _____
Clerk of Council

AGENDA

City Council Meeting of February 11, 2020

2:00 P.M. – Budget Work Session - 2nd Floor Conference Room, City Hall

- #1. Presentation of Workforce Overview, FY 2021 Major Revenues, Budget Development, FY 2021 - FY 2025 Capital Improvement Plan and Budget Calendar

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

- #1a. Update on citizen feedback from public meetings and survey results on proposed changes to the refuse collection system and discussion of staff recommendations
- #2. Presentation on the 2019 accomplishments of the Lynchburg Parking Authority and the Parking Management Department
- #3. Roll Call

7:30 P.M. City Council Agenda Items

COUNCILMEMBER WRIGHT WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

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

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

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

Recognitions:

➤ Mayor's Youth Council Attendees – Anne Townsend and Landis Thompson

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

- #4. Consideration of approving the minutes of the January 14, 2020 meeting
 - #5. Consideration of approving the minutes of the January 28, 2020 meeting
 - #6. * Consideration of adopting Resolution #R-20-004 authorizing the appropriation of \$114,375 of the available \$142,790 in the FY2020 General Fund Non-Departmental Poverty Initiative Budget. This amount is requested to support projects submitted by the Bridges to Progress (B2P) Task Forces and the City's Department of Parks and Recreation
 - #7. * Consideration of adopting Resolution #R-20-006 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
 - #8. * Consideration of adopting Resolution #R-20-007 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
 - #9. * Consideration of adopting Resolution #R-20-008 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
-

P U B L I C H E A R I N G S

- #10. Conduct a public hearing to receive citizen comments regarding the Community Development Block Grant (CDBG) and HOME Program Housing and Non-Housing Goals for the development of the Program Years 2020-2024 (Fiscal Years 2021-2025) Five-Year Consolidated Plan and adopt a resolution approving the Housing and Non-Housing Goals
(File: Community Development) #R-20-011
- #11. Public hearing 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
(File: Community Development) #R-20-012
- #12. Public hearing regarding the petition of Best Choice Homes Inc. to amend the *Future Land Use Map (FLUM)* from Neighborhood Commercial to Community Commercial and 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
(File: Community Development) #R-20-013
#O-20-004

- #13. 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
(File: Community Development) #R-20-014
#O-20-005
-

PUBLIC COMMENT

- #14. Hear from a citizen regarding a concern (B B Shavers)
-

GENERAL BUSINESS

- #15. Request for an exemption from the Subdivision Ordinance at 186 Schothum Street
(File: Community Development) #R-20-015
- #16. Consideration of 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
(File: City Code) #O-20-006
- #17. Consideration of 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
(File: Assessor) #R-20-016
- #18. Consideration of approving a change order in the amount of \$64.010 for the completion of the rehabilitation of the Percival's Island Bridge project
(File: Public Works) #R-20-017
- #19. Consider options regarding the process for recruiting and hiring a City Manager
(File: City Manager)
- #20. Consideration of a closed meeting for:
- a) the discussion and consideration of prospective candidates for the position of Deputy City Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and;
 - b) 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 and hiring 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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

BUDGET WORK SESSION

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2021 Budget Work Session

KEY ELEMENTS:

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

RECOMMENDATION: Participate in the FY 2021 Operating and FY 2021-FY 2025 Capital Improvement Plan Work Session.

SUMMARY: City Council traditionally participates in an annual budget retreat to review preliminary budget projections for the upcoming budget cycle. Staff will also provide a workforce overview.

PRIOR ACTION(S): None

FISCAL IMPACT: To be determined

CONTACT(S): Bonnie Svrcek, City Manager - 455-3990

ATTACHMENT(S):

- Agenda
- Workforce Overview
- FY 2021 Major Revenues, Budget Development, FY 2021 – FY 2025 Capital Improvement Plan and Budget Calendar Powerpoint Presentation

REVIEWED BY: bms

027R

Lynchburg City Council
FY 2021 Budget Work Session Agenda
City Hall, Second Floor Training Room
Tuesday, February 11, 2020
2:00 p.m. – 3:45 p.m.

2:00 p.m.	Overview of Agenda and Government Finance Officers Association Award for Distinguished Budget Presentation – FY 2020	Treney Tweedy, Mayor
2:05 p.m. – 2:30 p.m.	Calendar Year 2019 Workforce Overview and Medical Insurance Survey Results	James Lowe Director of Human Resources
2:30 p.m. – 3:15 p.m.	Review of Preliminary FY 2021 Major Revenue Projections, Identification of Major Expenditure Requests from Departments, Budget Calendar Overview	Donna Witt Chief Financial Officer
3:15 p.m. – 3:45 p.m.	Big Picture Overview: FY 2021 – FY 2025 Capital Improvement Program	Reid Wodicka Deputy City Manager
3:45 p.m.	Adjourn to Council Chamber for Work Session	

Note: Time allocations are tentative only and dependent upon Council's discussion on each item.



Workforce Overview Calendar Year 2019 City Council Work Session February 11, 2020





Workforce Overview

Purpose of Presentation

Provide Council with an overview of the workforce in preparation for FY 2021 Operating Budget Discussions



Full-time Employees

	2018	2019
General Fund	996	1,000
Water	73	75
Sewer	54	57
Stormwater	9	9
Airport	17	17
TOTAL	1149	1158



Demographics

Average Length of Service

2018	2019
11	11

Average Age

2018	2019
44	44

Gender Distribution

2018	2019
41% Female	41% Female
59% Male	59% Male

Race Distribution

2018	2019
76% Caucasian	75% Caucasian
24% Minority	25% Minority



Hiring Trends?

The public sector is going through a seismic shift.

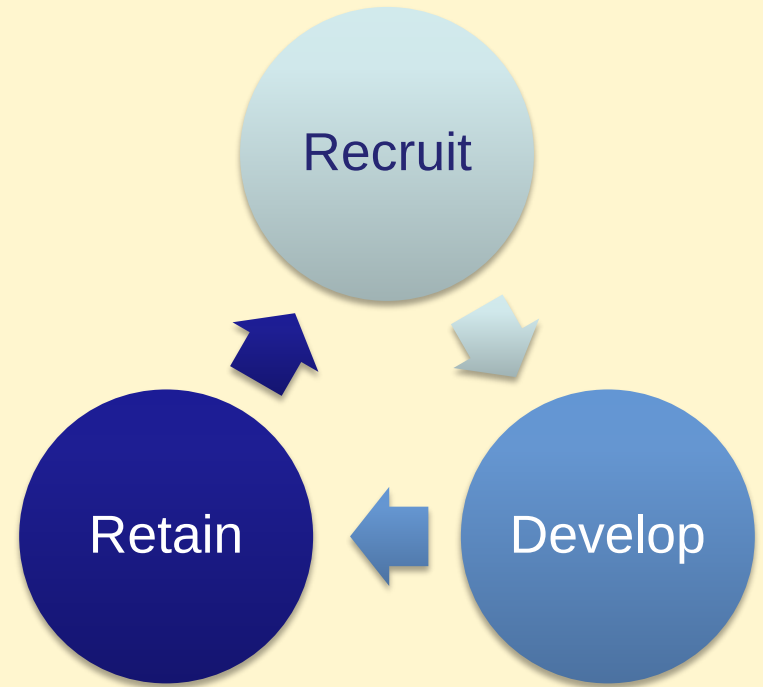
-NeoGov Hiring Trends Report 2019



Workforce Challenges

Number of applicants for public sector jobs has decreased due to:

- Low unemployment rate
- Increased competition for “hot jobs”
- Decreased appeal for public sector jobs





Turnover*

*Corrected 2/10/2020****

	Voluntary Resignations		Total Separations**	
	2018	2019	2018	2019
Citywide	8.09%	6.30%	12.36%	9.67%
Sworn Police	8.05%	9.70%	13.70%	13.70%
Sworn Fire	5.35%***	5.35%***	9.10%***	6.95%
Emergency Services	10.81%	8.10%	18.91%	8.10%

*Full-time Employees Only

**Includes Deceased, Retired, Separated Without Prejudice, Dismissed, Released During Initial Employment Period, Resignation, Resignation in Lieu of Dismissal, & Reduction in Force



Applications Decreased

	Jobs Filled	Number of Applications
2018	93	8,056
2019	113	6,933



Recruitment and Retention Incentives

Pay

- Base Pay
- Overtime Pay
- Certification Pay
- Stand-by Pay
- Call-back Pay/Travel Pay



Benefits

- Paid Time Off
- Retirement Benefits
- Life Insurance
- Medical Coverage
- Dental Coverage
- Vision Coverage
- Near-site Clinic
- Disability Benefits
- Workforce Development (Training, Tuition Assistance, Wellness Programs)
- Employee Assistance Programs
- Employee-funded supplemental benefits (Aflac, Deferred Compensation, Flexible Spending Account, ID Theft Protection, etc.)



Salaries

For the FY 2021 Budget, Korn Ferry recommends a 3.0% to 3.5% increase in salaries:

- 2.7% structure adjustment to minimum – mid – maximum
- Staff is working on prioritization of market adjustments for Phase II implementation of the Korn Ferry Citywide Salary Study



Report Back

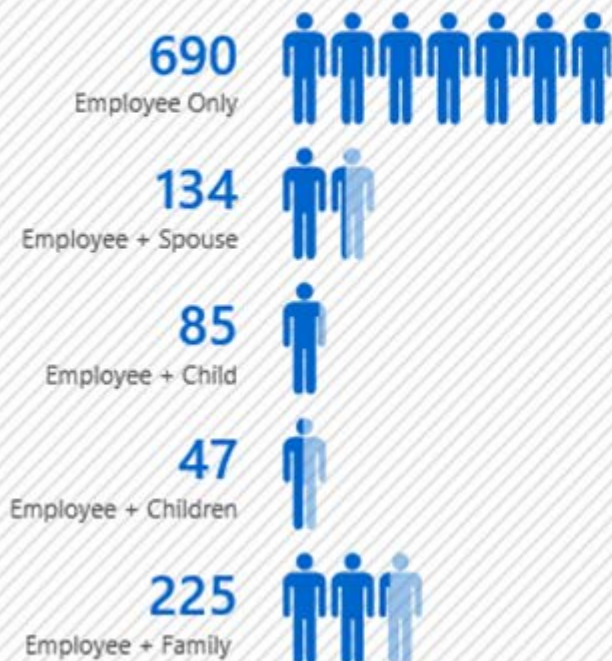
- On October 10, 2019, Council asked staff to take a deeper dive into the City's health insurance program from a comparative perspective





City of Lynchburg Active Employees

Enrollment by Tier



1181 Contracts
(Includes eligible
Part-time
Employees,
Constitutional
Positions, and
COBRA)



City of Lynchburg Premiums

	Contracts	Premium	City Contribution	Total Cost
Employee Only	690	\$26	\$489	\$515
Employee + Spouse	134	\$264	\$561	\$825
Employee + Child	85	\$379	\$806	\$1,185
Employee + Children	47	\$330	\$701	\$1,031
Employee + Family	211	\$544	\$1,156	\$1,700
Family (Both Employees)	14	\$153	\$1,547	\$1,700



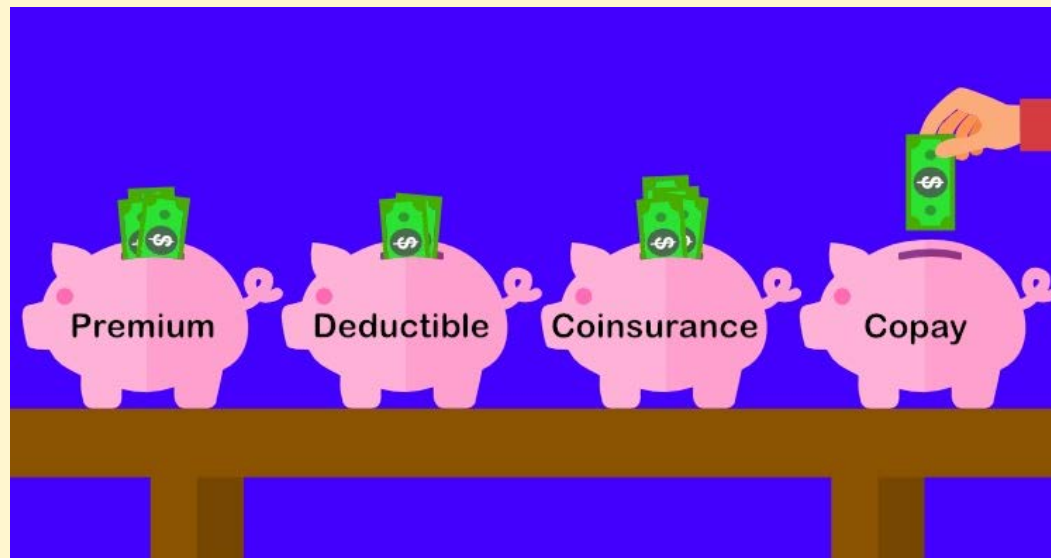
Current Health Insurance Plan Design

Deductible (In-network)	\$750 Individual / \$1,500 Family
Out of Pocket Maximum (In-network)	\$4,500 Individual / \$9,000 Family
Co-pay	\$25 Primary Care Physician / \$45 Specialist



Medical Insurance

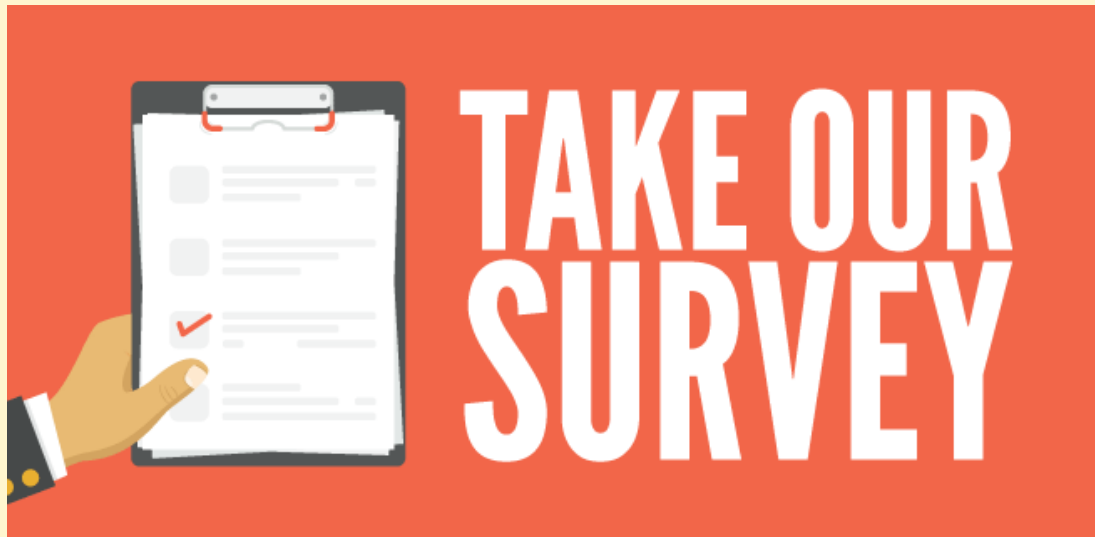
- City has made changes in premiums and deductibles in recent years
- City Council asked to see how the City's Plan compares to that of competing employers





Health Insurance Survey

- Surveyed employers that compete for the same talent as City
- Surveyed Health Insurance Plans





Survey Respondents

- Amherst County
- Bedford County
- Campbell County
- Centra
- City of Charlottesville
- City of Harrisonburg
- City of Roanoke
- Central Virginia Planning District Commission (CVPDC)
- Virginia Department of Transportation (VDOT)

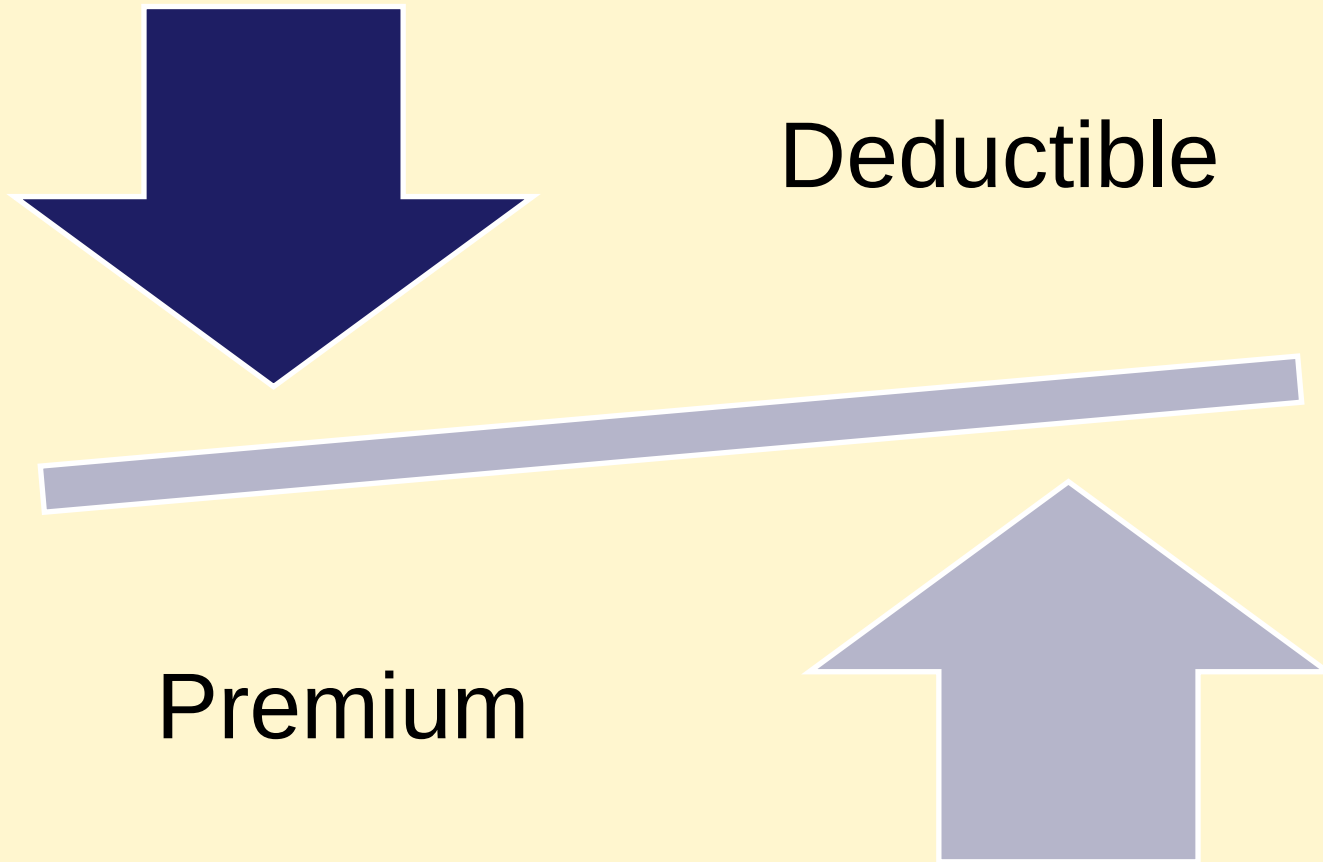


Number of Plans Offered Varies Among Respondents



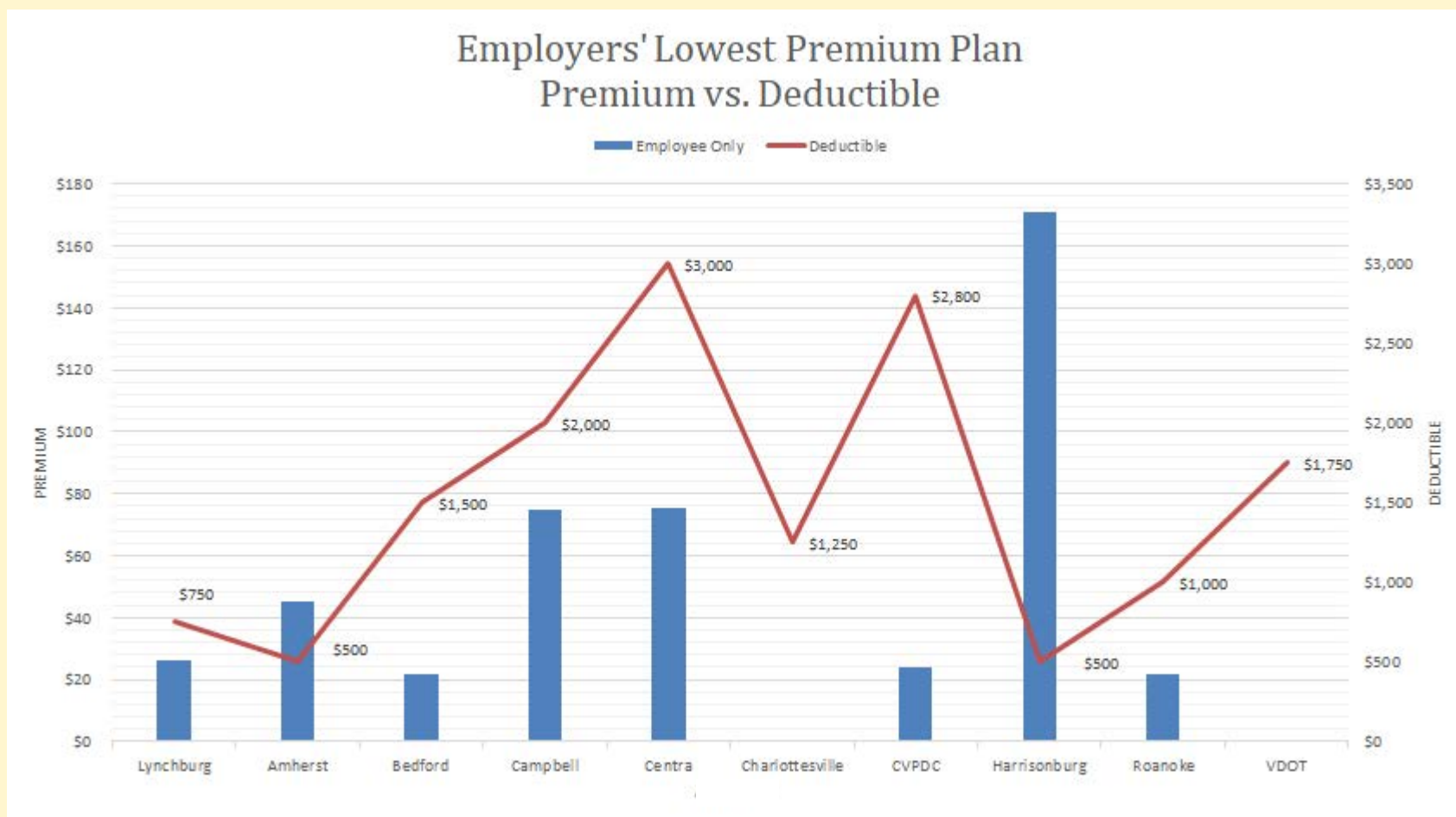


Correlation Between Premium and Deductible





Premium vs. Deductible



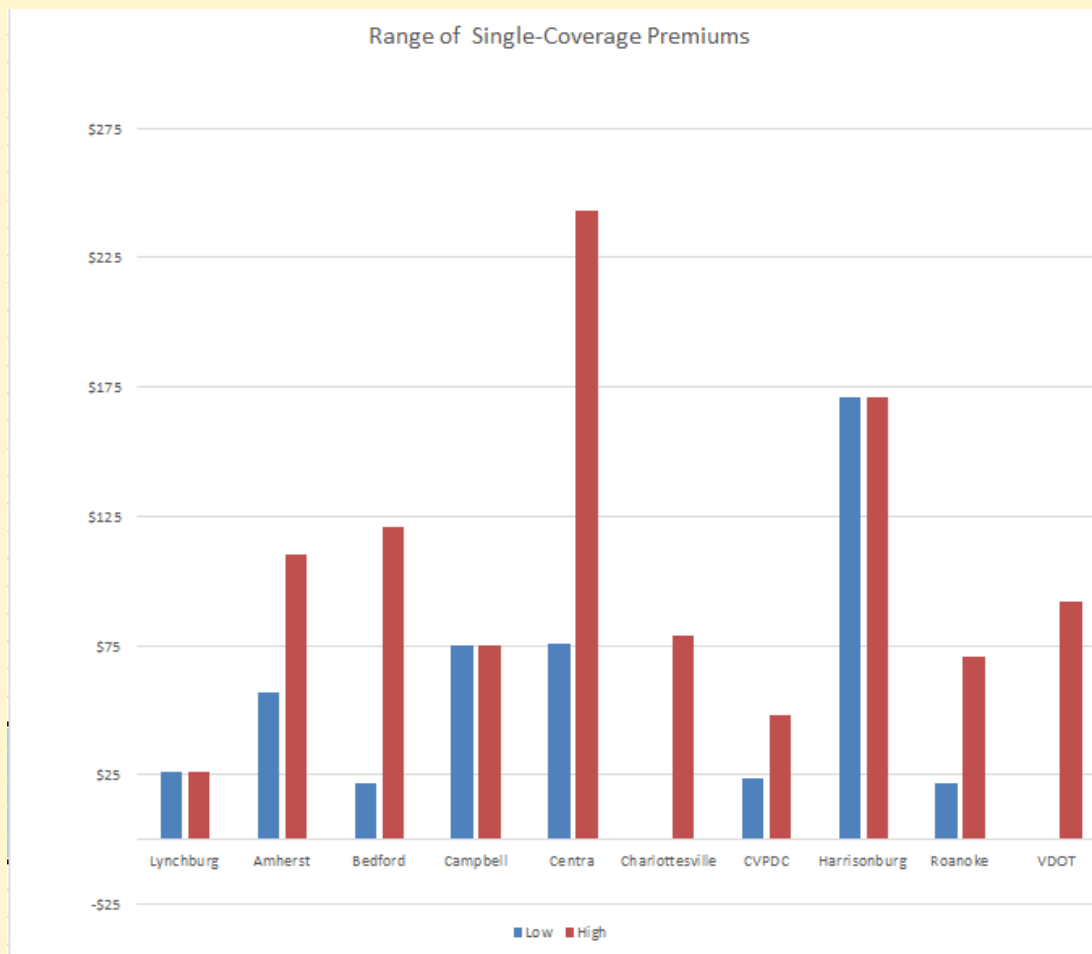


High Deductible Health Plans (HDHP)

Employer	Number of Plans	Number of Plans Employer Contributes to HDHP	Amount (Single Coverage) Employer Contribution to Health Saving Account (HSA)
Lynchburg	1	0	NA
Amherst County	3	0	NA
Bedford County	4	1	\$972
Campbell County	1	1	\$1,000
Centra	3	1	\$500
City of Charlottesville	3	1	\$500
CVPDC	4	2	\$1,700
City of Harrisonburg	1	0	NA
City of Roanoke	3	1	\$1,300
VDOT	3	0	NA
Total	26	7	21

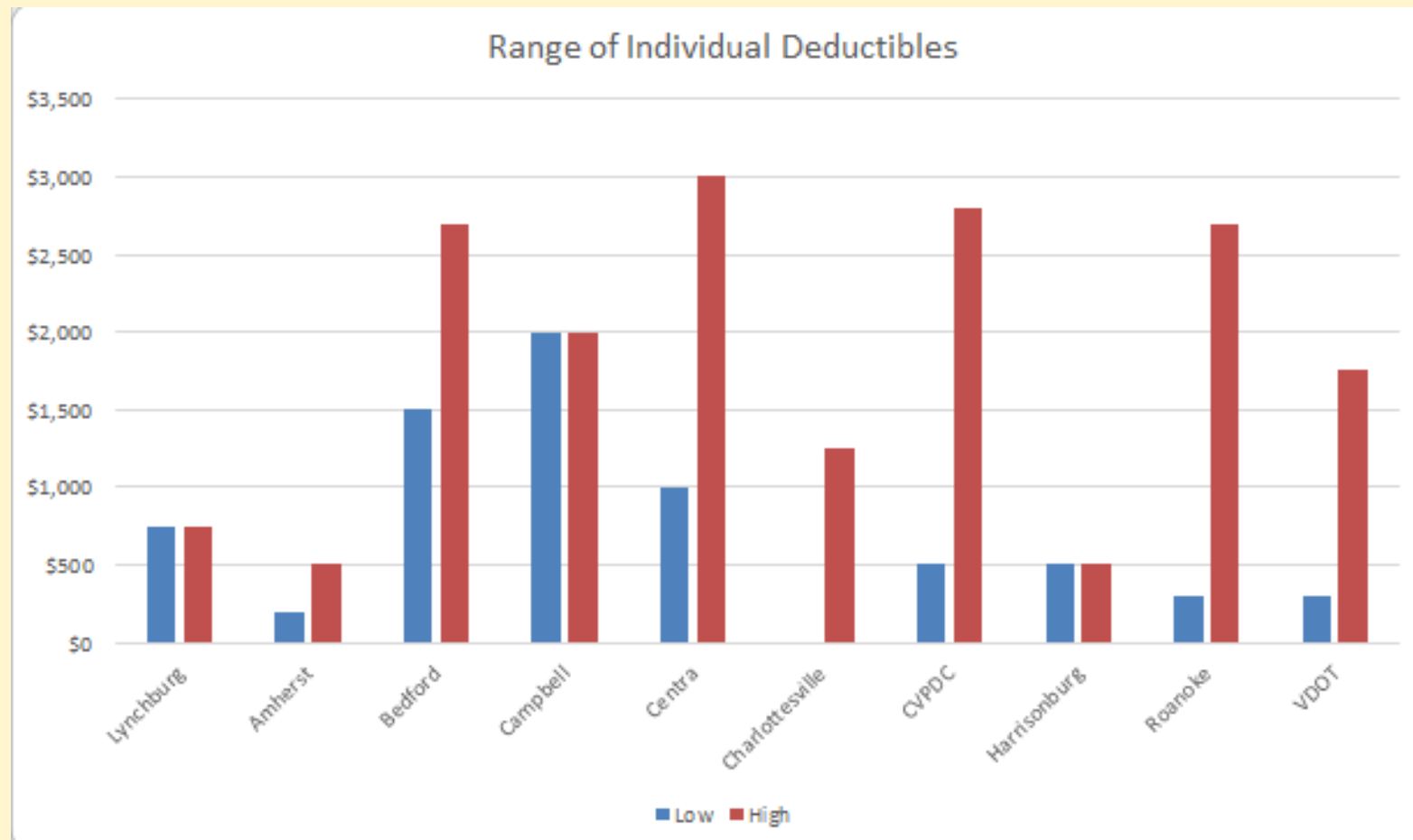


Range of Employee Premiums For Single-Coverage Plans





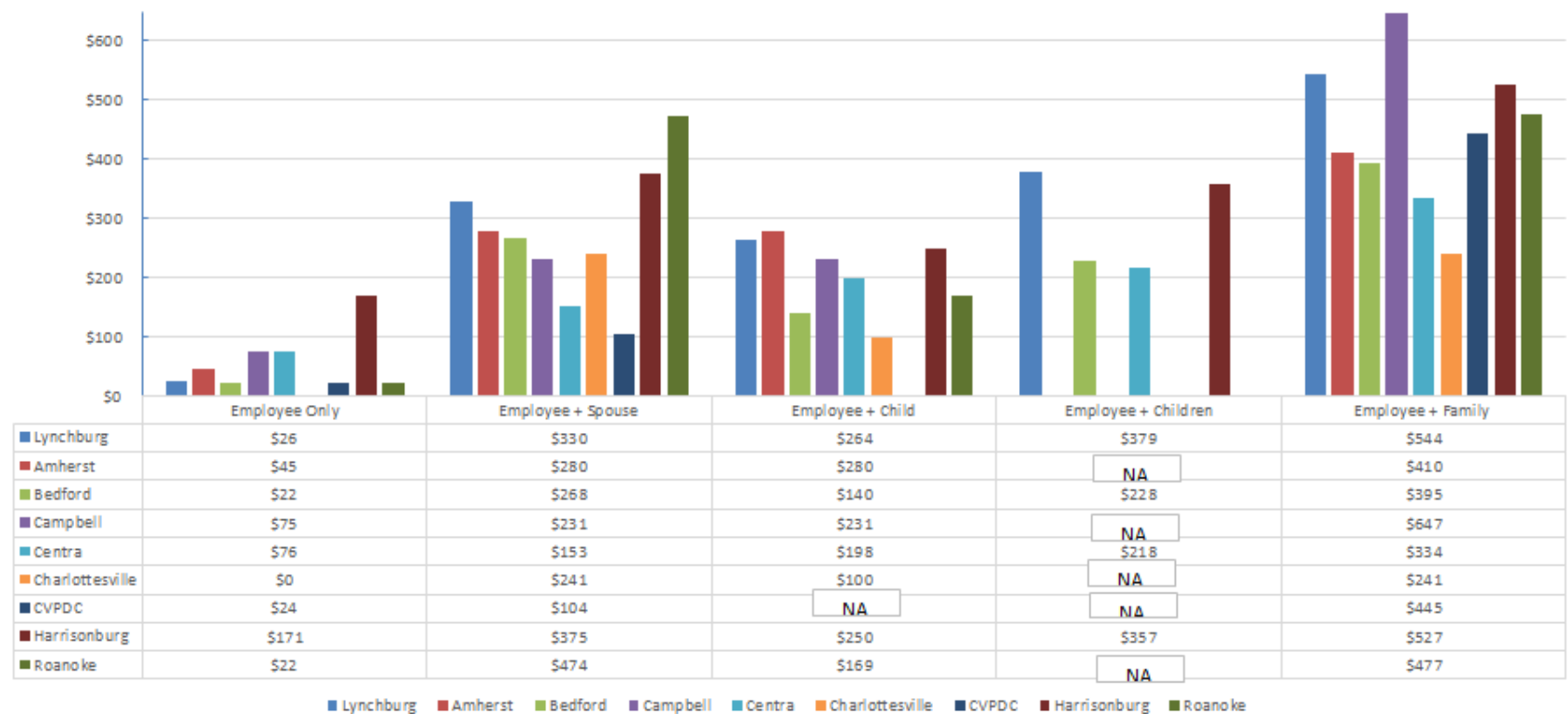
Range of Deductibles For Single-Coverage Plans





Rates for Lowest Premium Plans

Employers' Lowest Premium Plans





Where We Are Today...

- Third Party Audit of Claims
 - Have received quotes
- Researching Health Plan design options
- Continuing internal Wellness Program
- Revisiting how best to help employees manage/advocate for themselves with Medical Providers
- Planning to continue the Employee Health Clinic (no cost/co-pay for employee)



Questions or Concerns





FY 2021

Major Revenues

Budget Development

FY 2021- FY 2025 Capital Improvement Plan

Budget Calendar

City Council Retreat

February 11, 2020



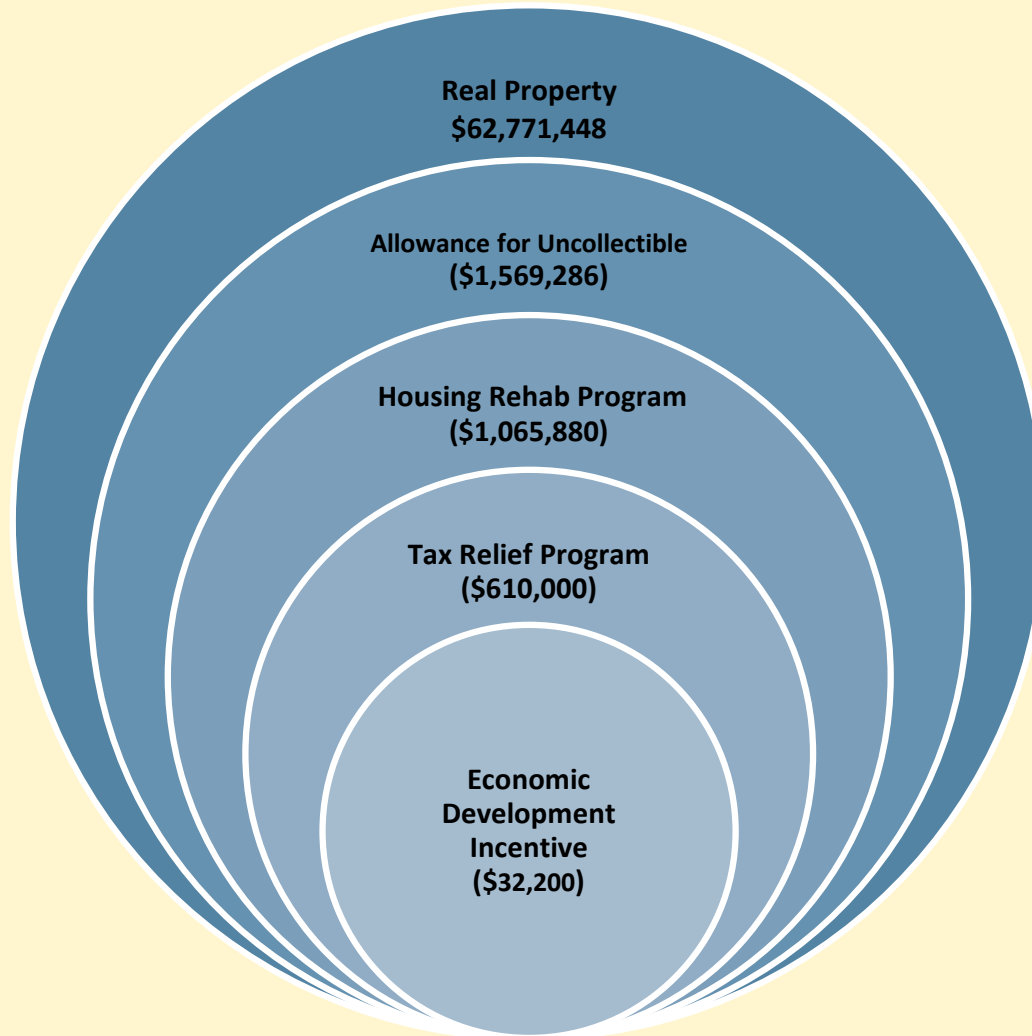
Overview

1. FY 2021 major revenue projections
2. Operating budget challenges
3. Budget Submission Instructions
4. Funding Priorities for Budget Balancing
5. Capital Improvement Program (CIP)
Update
6. FY 2021 Budget Calendar



Major Revenue Net Real Property Tax

FY 2021 \$59,494,082

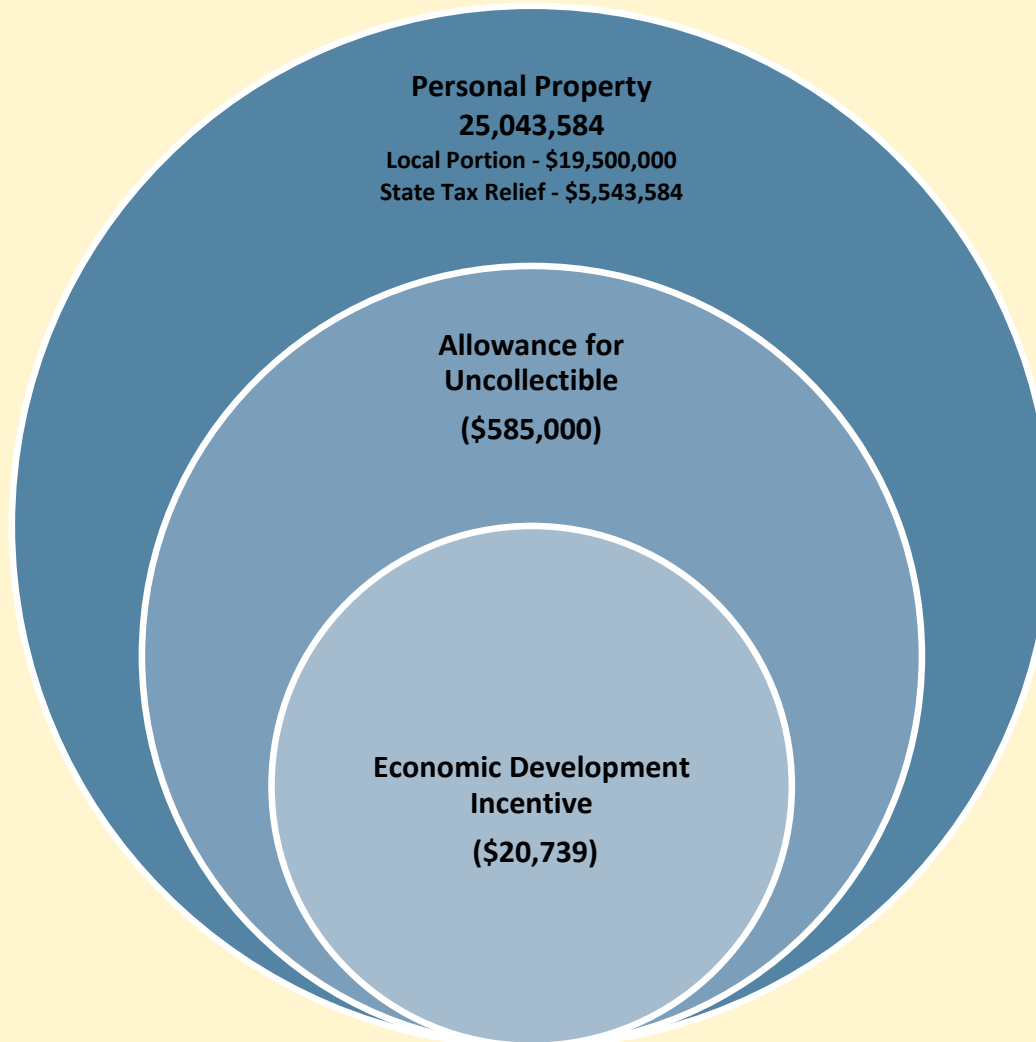


Increase of 6.1%
(\$3,439,433) over
Actual FY 2019
\$56,054,649



Major Revenue Net Personal Property Tax

FY 2021 \$24,437,845



Increase of 0.3%
(\$65,977) above
Actual FY 2019
\$24,371,868



Major Revenues

Motor Vehicle Licenses Tax

FY 2021 Projected \$1,605,000

FY 2020 Adopted \$1,582,555

FY 2019 Actual \$1,601,711



Increase of 0.2%
(\$3,289) over
Actual FY 2019



Major Revenues

Net Local Sales and Use Tax

FY 2021 Projected \$16,121,365

FY 2020 Adopted \$15,598,737

FY 2019 Actual \$15,913,729



Increase of 1.3%
(\$207,636) over
Actual FY 2019

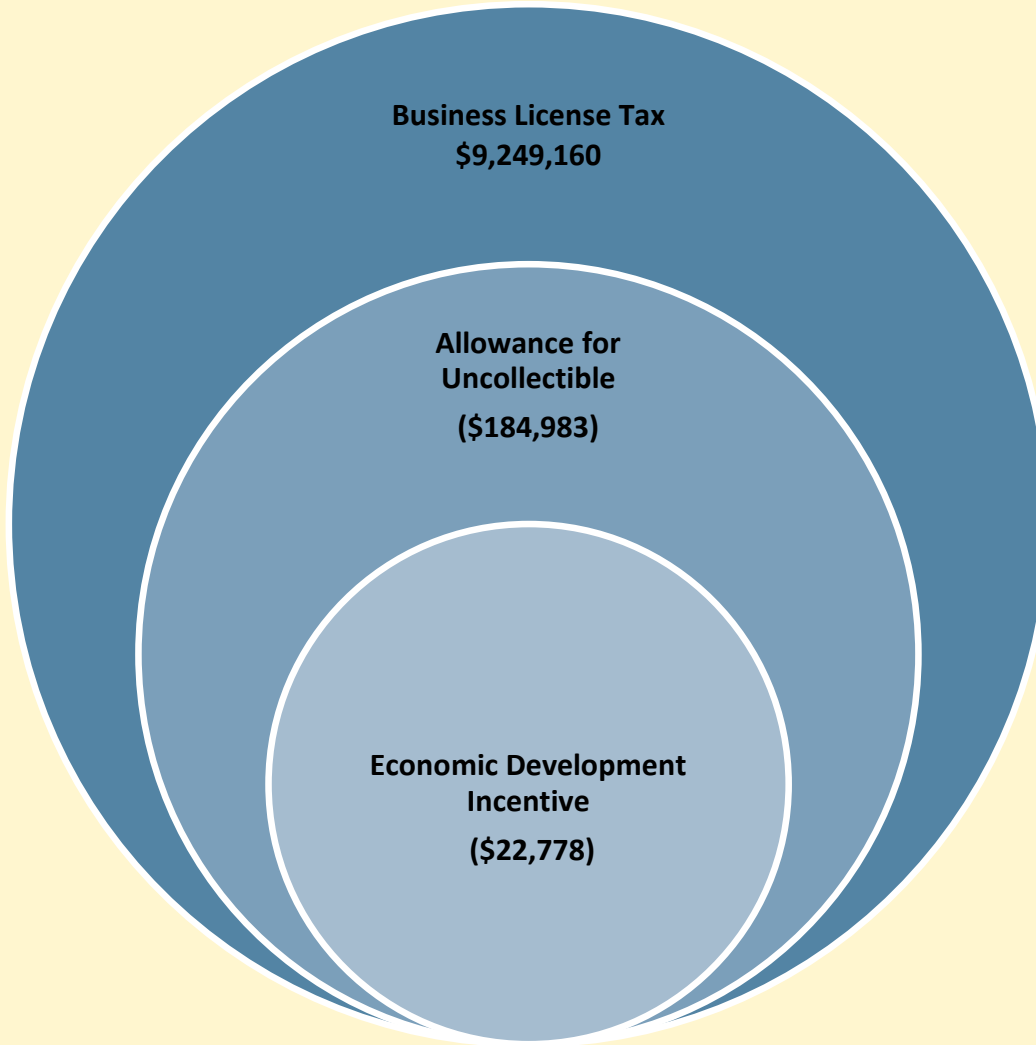
* Net of Economic Development Incentive



Major Revenues

Net Business License Tax

FY 2021 \$9,041,399



Flat 0.1%
(\$5,266) below
Actual FY 2019



Major Revenues Net Lodging Tax

FY 2021 Projected \$2,881,582

FY 2020 Adopted \$2,703,059

FY 2019 Actual \$2,648,042



Increase of 8.8%
(\$233,540) over
Actual FY 2019

* Net of Economic Development Incentive



Major Revenues

Net Meals Tax

FY 2021 Projected \$15,240,866

FY 2020 Adopted \$15,244,749

FY 2019 Actual \$14,893,353



Increase of 2.3%
(\$347,513) over
Actual FY 2019

* Net of Economic Development Incentive



Major Revenues Amusement Tax

FY 2021 Projected \$825,000

FY 2020 Adopted \$850,000

FY 2019 Actual \$820,805



Increase of 0.5%
(\$4,195) above
Actual FY 2019



Current and Future Operating Budget Challenges

- Funding Phase II (FY 2021) and Phase III (FY 2022) Implementation of the Salary Study
- General Wage Increase to stay current with the market
- Virginia Retirement System (VRS) rate increases (18.79% to 19.66%)
- Rising Medical Insurance claims and premiums
- Funding new initiatives for Public Safety
- General Assembly Action for School funding
- Maintaining Greater Lynchburg Transit Company's (GLTC's) current service level



Department Budget Instructions

FY 2021 Department Budget Submissions must be flat (excluding personnel services) or less with the Adopted FY 2020 operating budget minus one-time expenditures.

- Internal service charges (fleet expenditures) should be budgeted flat with Adopted FY 2020. Budget staff will adjust these charges based on Fleet's recommendations.
- Personnel budgets for FY 2021 will be higher due to salary adjustments made in FY 2020, higher health insurance costs, and slight increases in Virginia Retirement System (VRS) retirement and group life rates.
- Position full-time equivalent (FTE) counts should be equal to or less than Adopted FY 2020.
- Any budget request unable to be accommodated in the flat budget submission should be submitted on the *Unfunded Requests Worksheet*.



Major Requests Beyond Flat Funding

Approximately \$3 million requested, including:

- Greater Lynchburg Transit Company (GLTC) maintain current service (\$642,985)
- Communications and Public Engagement - Digital Engagement Specialist (\$72,171)
- Office of the Commonwealth's Attorney – In-House Investigator position (\$48,228)
- Emergency Services – Computer Aided Dispatch Interface for Text to 911 (\$18,000)
- Fire Department
 - 6th Medic Unit (9 Full-Time Firefighters/EMT) (\$510,246)
 - Increase in Certification Pay (\$87,022)
- Lynchburg General District Court
 - Livescan Fingerprint Machine (\$11,000)
 - Salary Supplements (\$36,000)



Major Requests

Beyond Flat Funding *(continued)*

- Parks and Recreation
 - College Hill Neighborhood Center full programming 1 full-time and 2 part-time (\$104,531)
 - Furniture and kitchen equipment upgrades for Fairview and Yoder Neighborhood Centers (\$50,000)
- Police
 - Five (5) additional full-time sworn officers including three vehicles and related equipment (\$523,000)
- Public Works
 - Recycling Contract increase (\$100,000)
 - Mini-sweeper for downtown curbs and sidewalks (\$60,000)
 - Implement reengineering of refuse collection (TBD)
- Registrar - Increase part-time hours (\$21,500)



Budget Balancing Funding Priorities

- Progress on Korn Ferry Salary Study Implementation Phase II
 - move anyone not at new minimum to minimum
 - incremental move to market (85%) based on tenure/performance
- General Wage Increase (Korn Ferry recommends 3-3.5%)
- Fund contractual/maintenance commitments
- Address trash collection fees – phase-in
- Avoid tax increase
- Maintain training at least flat with FY 2020



Current and Future Capital Improvement Budget Challenges

- Police Headquarters
- College Lake Lakebed Improvements, Bridge Construction, and Dam Removal
- Downtown Water Main Replacement and Streetscape Improvements
- Implementation of Downtown 2040 Plan
- Ongoing Building Maintenance (Boilers, Chillers, Roofs, etc.)
- City Schools Building Replacements and Renovations
 - Pending recommendations from the Schools Task Force



Capital Improvement Program (CIP) Update

- Bond Issue provided permanent funding of Line of Credit and Lakeside Drive Bridge
- Recommend accelerating funding for Creekside Trail Bridges and Reconstruction compared to request
- Requested Pay-As-You-Go for FY 2021 projects - \$7,136,008
 - Schools Return of Fund Balance as approved by City Council will reduce pay-as-you-go requests by \$636,914



Capital Improvement Program (CIP) Update

New Projects include:

- Crossroads Lot - Deck Addition
- Downtown Parking Deck Facility
- Memorial Ave. Fuel Site
- Vassar Street at Langhorne Avenue Intersection Improvements
- Lakeside Drive Improvements
- Link Road / Boonsboro Road Intersection Improvements
- Wards Ferry Road / Atlanta Avenue Turn Lanes
- Nationwide Drive Mini-Roundabout
- Liberty Mountain Drive Realignment



Capital Improvement Program (CIP) Update

New Projects include *(continued)*:

- McConville Road / Wyndale Road Realignment
- Rivermont Avenue at Bedford Avenue Intersection Improvements
- Lynchburg Expressway / Candler's Mountain Road Interchange Improvements
- Hollins Mill Road Bridge Replacement with Bikeway Improvements
- Lakeside Drive / Murrell Road Roundabout
- Timberlake Road Bridge, East Bound Lanes
- Wards Ferry Road / Simons Run Pedestrian Accommodations
- Lynchburg Expressway / Grace Street Interchange Improvements
- City Stadium Football Field Turf Replacement



Capital Improvement Program (CIP)

Estimated Resources

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Resources					
Federal: Grants	643,200	5,516,364	19,173,717	3,257,022	42,681,124
Federal: Transportation Alternatives	0	0	300,000	0	0
Local: Line of Credit	4,037,000	7,133,000	37,795,000	18,776,913	15,727,500
Local: Pay-As-You-Go	7,136,008	9,140,753	6,542,733	6,746,983	13,281,140
State: Grants	80,400	689,545	309,025	346,503	585,140
State: Highway Maintenance (VDOT)	2,823,668	3,107,368	3,383,000	3,426,000	3,470,000
State: Revenue Sharing	1,000,000	6,100,000	1,550,000	10,000,000	7,090,000
State: State of Good Repair	3,000,000	0	0	0	0
TOTAL ESTIMATED RESOURCES	\$ 18,720,276	\$ 31,687,030	\$ 69,053,475	\$ 42,553,421	\$ 82,834,904

CAPITAL PROJECTS

Buildings	1,897,400	3,372,000	36,809,500	5,879,480	8,582,000
Transportation	10,273,668	16,557,368	25,119,515	21,679,913	60,327,500
Public Transit	804,000	6,895,454	3,090,252	3,465,028	5,851,404
Economic Development	250,000	250,000	910,000	4,450,000	940,000
Parks and Recreation	1,244,000	1,334,000	903,000	2,718,000	4,598,000
Miscellaneous	211,208	211,208	211,208	100,000	100,000
Reserves	350,000	350,000	350,000	350,000	350,000
Schools	3,690,000	2,717,000	1,660,000	3,911,000	2,086,000
TOTAL PROPOSED CAPITAL PROJECTS	\$ 18,720,276	\$ 31,687,030	\$ 69,053,475	\$ 42,553,421	\$ 82,834,904



FY 2021 Budget Calendar

March 10, 2020	4 - 6 PM	Regular Council Work Session - City Manager Introduces FY 2021 Proposed Budget and Begin Budget Review
March 17, 2020	4 - 6 PM	Council Budget Work Session - Continue to review FY 2021 Proposed Budget
March 24, 2020	4 - 6 PM	Regular Council Work Session - Continue to review FY 2021 Proposed Budget
March 31, 2020	7 PM	FY 2021 Budget Public Hearing
April 7, 2020	4 - 6 PM	Council Budget Work Session - Continue to review FY 2021 Proposed Budget
April 14, 2020	4 - 6 PM	Regular Council Work Session - Review proposed changes; Begin Budget Balancing (Lynchburg City Schools - Spring Break)
April 21, 2020	4 - 6 PM	Council Budget Work Session - Budget Balancing
April 28, 2020	4 - 6 PM	Regular Council Work Session - Budget Balancing
May 12, 2020	7:30 PM	Council Meeting - First Reading of the Budget
May 26, 2020	7:30 PM	Council Meeting - Second Reading and Adoption of the Budget

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **1a**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Refuse Collection-Update on Public Input, Recommendations and Next Steps

KEY ELEMENTS:

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

RECOMMENDATION: Provide an update on citizen feedback from public meetings and survey results on proposed changes to the refuse collection system. Discuss and approve staff recommendations.

SUMMARY: On November 12, 2019, City staff presented the findings from SCS Engineers regarding recommendations for improvements to the City's refuse collection system. After discussion, City Council directed staff to conduct additional public outreach to receive feedback from the public regarding the recommendations. Public meetings were held on January 9, 2020 at the Lynchburg Public Library and on January 16, 2020 at Sandusky Middle School to receive input on proposed refuse collection changes. In total, 81 City residents attended the public meetings. In addition, staff provided the opportunity to complete an online survey, from which we received 69 submissions. In total, the City engaged with 150 City residents.

Though there were a variety of opinions expressed, the following were consistent themes from the citizen sessions and survey responses. Also listed are the associated staff recommendations.

- A choice of cart size is desired
 - o *Recommendation: Maintain the existing 32 and 64 gallon carts, with future phase-in of large 96 gallons carts.*
- Consistent enforcement is needed
 - o *Recommendation: Add one refuse enforcement and education position in the FY 2021 budget.*
- Aesthetic improvements to current recycling sites are needed
 - o *Recommendation: Maintain the existing recycling sites, but make aesthetic improvements, such as improving signs, tidiness, and enforcement, and painting the containers.*
- Brush/bulk collection needs to be clearly scheduled
 - o *Recommendation: Implement the proposed brush and bulk schedule, limit the size and contents, and clarify set-out schedule guidelines. Under the recommended schedule, brush and bulk pickup would be based on the day of the week that normal refuse collection is provided.*

<i>Normal Refuse Collection Day</i>	<i>Bulk/Brush Week</i>
<i>Monday</i>	<i>First week</i>
<i>Tuesday</i>	<i>Second week</i>
<i>Wednesday</i>	<i>Third week</i>
<i>Thursday</i>	<i>Fourth week</i>

- Curbside recycling collection is needed
 - o *Recommendation: Do not add curbside recycling at this time.*

City staff is prepared to implement each of the recommendations, with the exception of curbside recycling as noted. While we agree that this service is highly desirable and should be considered for implementation in the City in coming years, it is not financially feasible at this time. Further, City staff believes it is necessary to make the needed improvements to the existing refuse collection program prior to the addition of a new service. Curbside recycling service is offered by a private company in the event citizens want to pay for such service.

In addition to operational recommendations, generally public input participants were comfortable with a monthly billing structure. As such, City staff recommends charging all refuse customers a flat fee, which will be added to the monthly utility bill, replacing the annual decal fee. This charge should be adjusted over the next decade to ensure the service becomes self-sustaining.

City staff also recommends the reduction of exceptions to billing of residential refuse collection customers. This is a departure from our present practice of not charging residents who are also participants in the Supplemental Nutrition Assistance Program (SNAP) and the Real Property Tax Relief program. Spreading the costs over all residents reduces the increases that are necessary to achieve the financial sustainability of this service.

In prior discussions, City staff has discussed discontinuing the free refuse collection service provided to residents of the Tyreeanna/Pleasant Valley neighborhood. This service was originally provided as a result of the negative effects members of that neighborhood experience as a result of the Concord Turnpike Landfill. Since that landfill has now closed, City staff originally recommended charging for refuse collection services in that neighborhood. After additional research, City staff has reviewed City Council's determination from 1999 (Ordinance 99-045) and based on historical practice, it is not appropriate to recommend charging for the service in the neighborhood.

Finally, a future goal is to create a refuse collection enterprise fund when the service becomes closer to being self-supporting.

PRIOR ACTION: July 10, 2018: City Council Regular Meeting – reviewed major refuse collection concerns
November 12, 2019: City Council Regular Meeting – reviewed recommendations for improvements

FISCAL IMPACT: Various components of these recommendations have the following fiscal impact:

- The addition of one enforcement and education position in the Fiscal Year 2021 Budget will cost \$48,000 annually (including salary and benefits). This will be discussed during the FY 2021 Budget process.
- One-time aesthetic improvements (signage, painting, etc.) to the existing recycling sites are estimated to cost \$5,000. On-going costs for tidiness and enforcement will be absorbed into current operations.
- Proposed bulk/brush pickup schedule will likely result in decreased costs of fuel and vehicle maintenance since collection routes will be more efficient.
- Transition to monthly billing will have no immediate fiscal impact; however, the proposed adjustments to collection fees over the next several years will result in less need for a transfer from the General Fund to supplement costs of the refuse collection service
- Including SNAP and Tax Relief in billing results in reducing the first year fee increases for paying customers. Not requiring all customers to pay would increase the first year fee increases by an additional \$3.00 per month.

CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990
Gaynelle Hart, Director of Public Works – 455-4406
Donna Witt, Chief Financial Officer – 455-3968

ATTACHMENT(S):
Powerpoint Presentation
Ordinance 99-045: Adopted March 9, 1999

REVIEWED BY: bms



Refuse Collection – Update on Public Input, Proposed Recommendations and Next Steps

City Council Work Session
February 11, 2020



Agenda

- Purpose: Review the proposed refuse collection re-engineering recommendations resulting from public input sessions and on-line survey
- Outline
 - Review of prior discussions
 - Report on public meetings
 - Staff recommendations – Operations & Billing
 - Revenue Self-Sufficiency
 - Next steps



Review of Prior Discussions

- Public Works Solid Waste Task Force Report - July 10, 2018 City Council Work Session
- Solid Waste System Evaluation - November 12, 2019 City Council Regular Meeting
 - City Council asked staff to get additional feedback from the community and return with recommendations.



Public Input

Opportunities for Public Input and Feedback

- Lynchburg Public Library, January 9th – 61 Attendees
- Sandusky Middle School, January 16th – 20 Attendees
- Online survey available from January 10th to January 21st – 69 surveys completed



Public Meeting Format

- Opening presentation reviewed:
 - Challenges with current collection system
 - Guiding principles for planning
 - SCS Engineers Solid Waste Evaluation
 - Benchmark with other cities
 - City staff recommendations
- Small group discussions to receive citizen input and feedback
- Next steps



Small Group Discussion/Survey Questions

1. What is the one thing you like/dislike the most about your current trash collection?
2. What do you like the most about the bulk and brush changes? What do you like the least?
3. What are your main concerns with the proposals presented this evening?



Themes from Public Input

- Citizens want:
 - Consistent enforcement
 - Choice of cart size
 - Aesthetic improvements to current recycling sites
 - Enforcement, tidiness of sites, signage/overhauling bins, etc.
- Support for scheduled brush/bulk collection
- Prefer curbside recycling collection



Staff Recommendations - Operations

- Continue to offer 32 & 64 gallon carts – long term offer 96 gallon cart (phased in)
- Add a second education and enforcement position to assist with informing citizens and to bolster the enforcement program
 - Educate citizens on new refuse procedures and regulations
- Continue the six drop-off recycling centers
- Assign schedule by refuse collection day for brush and bulk collection (explained next slide); limit set-out size and eligible contents and clarify set out times
- No curbside recycling collection at this time



Brush and Bulk Schedule

- Schedule brush and bulk collection by refuse collection day
 - Ex: If your refuse collection day is Monday, you get brush/bulk pickup on the first full week of the month; Tuesday is the second week, etc.
(explanation to follow)
- Residents would be able to set out material for the following week's pickup on Saturday
- Materials should be set out by Monday morning to ensure pickup during the week



Proposed Brush and Bulk Collection Schedule - MONDAY

SUN	MON	TUE	WED	THU	FRI	SAT
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Proposed Brush and Bulk Collection Schedule - TUESDAY

SUN	MON	TUE	WED	THU	FRI	SAT
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Proposed Brush and Bulk Collection Schedule - WEDNESDAY

SUN	MON	TUE	WED	THU	FRI	SAT
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Proposed Brush and Bulk Collection Schedule - THURSDAY

SUN	MON	TUE	WED	THU	FRI	SAT
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Staff Recommendations - Billing

- Monthly billing process - Billing in place by January 1, 2021 in lieu of annual decal fee
 - Add fee on the utility bill
 - Same rules apply – service/charge applies to all single family dwellings and structures consisting of up to 4 units



Staff Recommendations – Billing

continued

- Recommend flat fee regardless of cart size
 - Fee pays for all trash services including brush, bulk, recycling, convenience center, pedestrian cans, cart swap and repair, and all other trash services
 - Landfill disposal costs make up less than 17 percent of the refuse costs.
 - Majority of expense is in the fixed cost associated with collection – personnel, equipment and equipment maintenance, fuel, recycling contract, cart replacements, etc.



First Cities Benchmark

CITY	POPULATION 2019	BILLING METHOD	ANNUALIZED FEE	MONTHLY EQUIVALENT*	CURBSIDE RECYCLING by LOCALITY
Lynchburg (current)	82,126	32 Gallon Bag and 32 & 64 Gallon Decals for Carts	\$1.25/\$55/\$110	\$1.25/\$4.58/\$9.17	No
Lynchburg (proposed)	82,126	32 Gallon Bag and 32 & 64 Gallon Decals for Carts	\$1.25/ \$180.24	\$1.25/\$15.02	No
Danville	40,693	Monthly Fee Utility Bill	\$181-\$200	\$15.08 - \$16.67	Yes
Hampton	134,313	Monthly Fee Utility Bill	\$300	\$25.00	Yes
Newport News	178,626	Monthly Fee Utility Bill	\$293.28-\$366.60	\$24.44 - \$30.55	Yes
Staunton	24,453	Monthly Fee Utility Bill	\$181-200	\$15.08 - \$16.67	Yes
Norfolk	244,076	Bi-monthly Fee Utility Bill	\$324.12	\$27.01	Yes
Charlottesville	48,117	13 & 32 Gallon Tags	\$1.05/\$2.10 and \$94.50/\$283.50	\$1.05 / \$2.10 and \$7.88/\$23.63	Yes

*for localities with other than monthly billing, the equivalent monthly rates have been shown



Other Localities Benchmark

CITY	POPULATION 2019	BILLING METHOD	ANNUALIZED FEE	MONTHLY EQUIVALENT*	CURBSIDE RECYCLING by LOCALITY
Lynchburg (current)	82,126	32 Gallon Bag and 32 & 64 Gallon Decals for Carts	\$1.25 per bag /\$55/\$110	\$1.25 per bag/\$4.58/\$9.17	No
Lynchburg (proposed)	82,126	32 Gallon Bag and 32 & 64 Gallon Decals for Carts	\$1.25 per bag/ \$180.24	1.25 per bag/ \$15.02 flat fee	No
Roanoke	99,920	Real Estate Bill	\$96 Single \$192 Multi-Dwelling \$144 Business	\$8.00 Single \$16.00 Multi-Dwelling \$12.00 Business	Yes
Blacksburg	44,678	Individual Solid Waste Bill	\$281.76	\$23.48	Yes
Town of Amherst	2,218	Water/Utility Bill	\$81 - \$100	\$6.75-\$8.33	Yes
Town of Bedford	6,585	Electric Bill	\$216.00	\$18.00	No
Bedford County	78,747	Not Applicable Citizen can: take trash to collection centers or contract out.	Private Collection Est. \$240 -\$264	Private Collection Est. \$20.00 to \$22.00	No

*for localities with other than monthly billing, the equivalent monthly rates have been shown



Existing Exceptions

- Staff recommends expanding the number of customers billed for the service
 - Supplemental Nutrition Assistance Program (SNAP): Free annual service is based on a single snapshot in time; not equitable now; transient nature of the population makes consistency impossible
 - Real Property Tax Relief: Free decals for real property tax relief for elderly and disabled began October 1, 2012
- Not billing these residents would result in a need to bill everyone else approximately \$3 per month more than proposed.
- Pleasant Valley/Tyreeanna: Continue to provide free trash collection in accordance with Council Ordinance R-99-045



Should Refuse Collection be Revenue Self-Sufficient?

- Who pays vs. who benefits?
- Similar to Water, Sewer, and Stormwater, Refuse has a defined customer base (4 units or less) who receive the direct benefit
 - Excludes commercial businesses and apartments that don't receive direct benefit
 - There is some residual benefit to all those who don't receive service (i.e. a clean city for industrial, commercial, and apartments), but primary benefit is to individual customers



Should Refuse Collection be Revenue Self-Sufficient?

- Refuse is more like a utility service than a typical General Fund financed service
 - Like: water and sewer, in which there is a specific customer served who benefits
 - For example: we do not charge people for sewer service if they are not connected to the system
 - Unlike: public safety, in which everyone benefits from the service regardless of who is calling for service
 - For example: everyone benefits from crime reduction even if you're not the one calling the police



Should Refuse Collection be Revenue Self-Sufficient?

- The benefit of refuse collection is mainly felt by the customers who receive service
 - Using General Fund revenue to supplement the service results in those who receive very little benefit from the service to have to pay for it.
- A utility service fee more accurately reflects the cost of the service and the benefit received by the customer
 - Reduces costs to those who do not receive the service



Future Enterprise Fund

- Target FY 2023 to create a Solid Waste Enterprise Fund to include collection and disposal in one Fund
- Needed Steps to create an Enterprise Fund
 - Capture costs associated with fleet and building assets, and related depreciation
 - Calculate indirect costs associated with this service
 - Ensure long-term revenue self-sufficiency
 - Draft financial policies to govern the Enterprise Fund



Council Decisions

- Include Enforcement/Education position in FY 2021 budget?
- Continue multiple cart sizes?
- Transition to monthly billing process?
- Reduce billing exceptions for refuse customers?
 - SNAP recipients, Tax Relief recipients



Next Steps

- Communicate changes to the community
- Present FY 2021 Budget according to the decisions made tonight
- Implement bulk/brush schedules
- Work to create the billing structure needed to implement the recommendations
- Improve recycling sites
- Work towards the creation of a Solid Waste Enterprise Fund



Timeline

- March-June 2020 – Communication and necessary ordinance changes
- July 1, 2020 – Begin new brush/bulk schedule
- By July 1, 2020 – Begin improvements to recycling sites
- January 1, 2021 – Begin new billing structure



Refuse Collection Re-engineering

Questions and comments?

R-99-045

WHEREAS, Section 21.2-31 of the City Code allows City Council to determine it is in the public interest for certain classes of citizens to receive yearly trash decals at no cost; and

WHEREAS, City Council has determined it is in the public interest to issue yearly trash decals at no cost to the homeowners (tenants), small businesses, and churches in the Pleasant Valley/Tyreeanna Neighborhood; and

WHEREAS, City Council has developed the following criteria for issuance of the yearly trash decals at no cost to the homeowners (tenants), small businesses, and churches in the Pleasant Valley/Tyreeanna Neighborhood:

1. Homeowners (tenants), small businesses and churches located in the Pleasant Valley/Tyreeanna Neighborhood (bordered by the City's eastern city limits along Rte. 460, the Campbell Avenue interchange on the southern side and Rockwell Road on the western side) will be eligible.
2. Small businesses and churches will be eligible to receive two (2) trash cans and annual decals.
3. Households will be eligible to receive 1 to 2 trash can(s) and decal(s) depending on their family size. Households of one to four members will be eligible to receive one can and decal with families of five or more members eligible to receive two cans and two decals.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Parking Management 2019 Operations Update

KEY ELEMENTS:

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

RECOMMENDATION: Receive a presentation on the 2019 accomplishments of the Lynchburg Parking Authority and the Parking Management Department.

SUMMARY: Over the past year, the Lynchburg Parking Authority, in cooperation with the Parking Management Department, has made significant progress on a number of long-term initiatives. Most notable has been the Riverfront Paid Parking Project, which was initiated on February 4, 2019 and has resulted in paving several downtown parking lots. Importantly, this has resulted in the creation of an additional revenue source to assist with maintenance and future improvements of parking facilities in downtown Lynchburg. City staff will provide an update on the project, outlining success and challenges, and will review on-going operations.

Additionally, on August 13, 2019, the Lynchburg Parking Authority adopted its 2019-2021 Comprehensive Work Plan. The work plan is the culmination of several work sessions with the Parking Authority designed to identify parking specific strategies focused on continually maintaining, improving, and increasing parking opportunities. The action items within the plan are designed to meet community challenges that are present as the result of growth and development within the City specifically in the central business district. Highlighted in the presentation will be a list of the identified goals to accomplish in the next few years and a description of the current in-progress goals of the work plan.

PRIOR ACTION(S):

June 12, 2018: Lynchburg Parking Authority approval of the Riverfront Paid Parking Program to include the purchase and installation of (4) parking payment stations.

August 14, 2018: City Council hears first reading for appropriation of \$40,500 to purchase four (4) parking payment stations in conjunction with the Riverfront Paid Parking Program.

September 11, 2018: City Council approved an appropriation of \$40,500 to purchase four (4) parking payment stations for the Riverfront Paid Parking Program.

February 4, 2019: Riverfront Paid Parking Program begins operations.

August 13, 2019: Lynchburg Parking Authority approval of the 2019-2021 Comprehensive Work Plan.

FISCAL IMPACT: Riverfront Paid Parking Project has generated \$43,920 in additional revenue since inception on February 4, 2019.

CONTACT(S): David Malewitz, Parking Manager, 455-4240

ATTACHMENT(S):

- Powerpoint Presentation
- Riverfront Parking Facilities Map
- Jefferson Street area mailer to businesses and residents.
- Lynchburg Parking Authority 2019–2021 Comprehensive Work Plan
- Appendix A – Carl Walker Study Recommendations of the Lynchburg Parking Authority 2019–2021 Comprehensive Work Plan
- Lynchburg Parking Authority 2019–2021 Comprehensive Work Plan Timeline Chart

REVIEWED BY: raw
017R



Parking Management 2019 Operations Update

City Council Work Session
February 11, 2020



Purpose and Outline

- Purpose: Provide City Council an update on the Riverfront Parking Project and the 2019 to 2021 Parking Authority Comprehensive Work Plan
- Riverfront Paid Parking Project
 - Background
 - Goals for success
 - Public outreach
 - Challenges and successes
 - Next Steps
- Lynchburg Parking Authority 2019 – 2021 Comprehensive Work Plan
 - Purpose of initiating the plan
 - Mission Statement
 - Vision for parking improvements
 - Goals of the plan
 - Current progress
 - Moving the plan forward

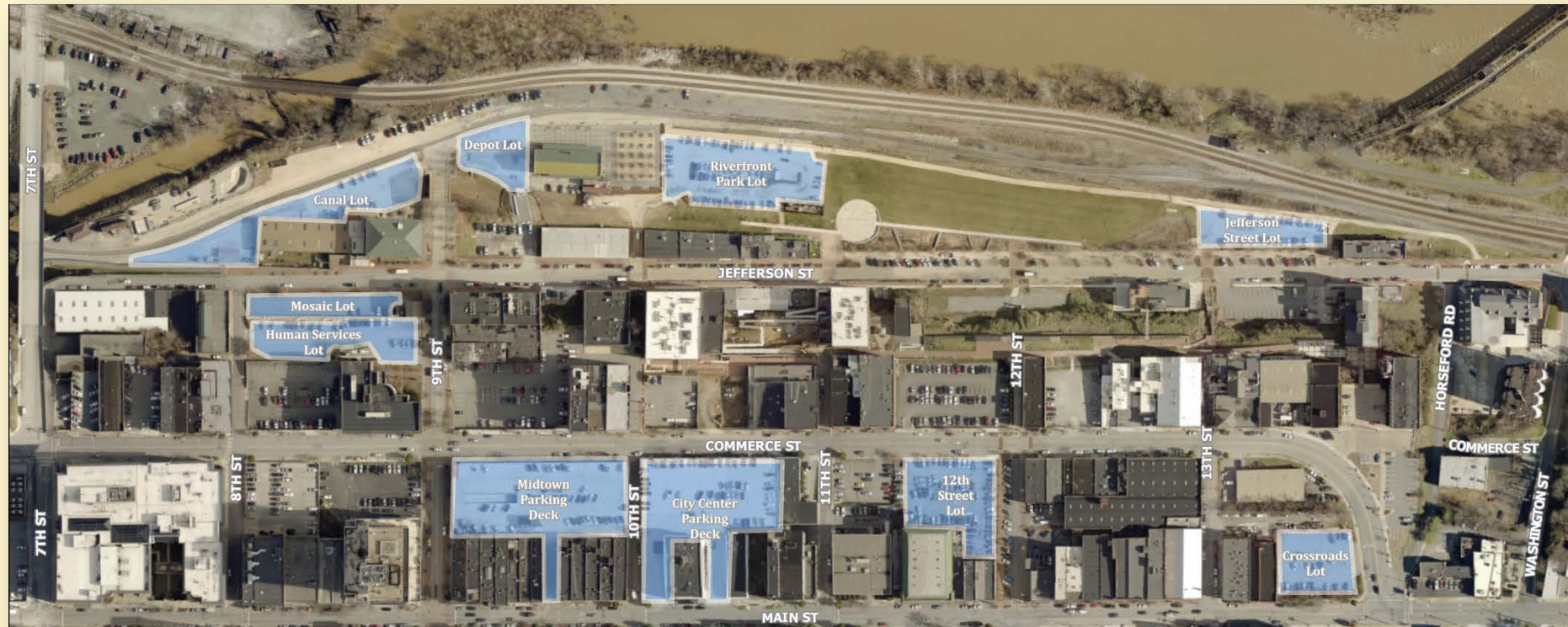


Riverfront Paid Parking Project Background

- On June 12, 2018, the Lynchburg Parking Authority approved the Riverfront Paid Parking Project
 - City Council authorized the purchase of four parking meters the following September
- After the completion of paving in several lots, paid parking operations began in February 2019



Riverfront Parking Lots





Goals for Success

- Implement permit & paid parking for more effective and efficient lot management
 - Create parking space availability
 - Encourage vehicle turnover through hourly time limits and paid parking
- Create a more aesthetically pleasing parking experience through paving & improvements
- Improve parking lot safety



Challenges

- Getting the right message to the public
- Allowing time for education before ending ticket warning period
- Effectively monitoring the whole area
- Responding to business concerns
- Good mix of hourly and permit parking in the off-street lots
- Paving schedule and funding to complete work



Public Outreach *Before Start of Program*

From the City of Lynchburg's Parking Management Office
COMING FEBRUARY 4, 2019
PAID PARKING ON JEFFERSON

Beginning Monday, February 4, several downtown parking lots will be converted to paid lots. They include: **DuPont Lot**, the **Mosaic Lot** (located across from the Amazeement Square school bus) and the **Riverfront Lot** (located behind the Water Dog). Motorists will need to pay to park Monday-Friday, 8:00 a.m.-5:00 p.m. Lots will remain free in the evenings and on weekends. Monthly parking permits can be purchased for the Mosaic and Riverfront lots. Contact Parking Management, or visit the website, for rate information.

According to Parking Manager Dave Malewitz, the goal of the program is to create more public parking during the day for visitors. If a parking lot is free, people tend to park all day, and that makes it difficult for patrons coming downtown to shop, eat or do business. By converting them to paid lots, visitors will have an easier time finding open parking spaces because vehicles will be moving in and out of parking spaces more frequently.

The parking lots will be free after 5:00 p.m. on the weekdays and all day on the weekends.

PARKING RATES

	first hour	each additional hour	all day
\$0.25			
\$1.00			
\$5.00			

JEFFERSON STREET PARKING
Parking along Jefferson Street will remain free with a two-hour limit. Please be aware that Parking Enforcement Officers will be enforcing the time limit. Your compliance and cooperation is appreciated.

COMING SOON...
Later in 2019, the **Canal Lot** (located behind Amazeement Square) and **Jefferson Street Lot** (next to Bikes Unlimited) will be paved and striped. Paid parking will follow after these improvements, so stay tuned for more information.

WANT TO MAKE PAID PARKING EASIER?
Download the FREE PassportParking App today and skip the pay station!
lynchburgva.gov/apps

HOW TO USE THE PARKING STATIONS
Remember Your Space Number!

PAY WITH COINS

- 1 **START** (power button icon)
Press START
- 2 **1**
on the key pad
Press (1) on the key pad
- 3 **Enter Space Number:**
Use **←** to correct
Enter space # and press OK to continue
- 4 **Insert coins**
Quarters, dimes and nickels accepted
Insert payment: coins
- 5 **PRINT**
Push print when done to retrieve ticket. No need to display in vehicle.

PAY WITH CREDIT CARD
(CREDIT CARD MINIMUM \$5.00)

- 1 **START** (power button icon)
Press START
- 2 **1**
on the key pad
Press (1) on the key pad
- 3 **Enter Space Number:**
Use **←** to correct
Enter space # and press OK to continue
- 4 **Insert card**
Visa and MasterCard accepted
Insert payment: credit card
- 5 **MAX** **+** **-**
Select time use **+**/**-** keys to adjust time
- 6 **PRINT**
Push print when done to retrieve ticket. No need to display in vehicle.

For Questions Call Parking Management: (434) 455-4045
www.lynchburgva.gov/parking



INVITES YOU TO A MEETING TO DISCUSS **UPCOMING CHANGES TO DOWNTOWN PARKING**

WHEN: Tuesday, January 29, 2019
WHERE: City Hall Council Chamber, 900 Church Street
TIME: 5:30 p.m. - 6:30 p.m.

City of Lynchburg Parking Manager, David Malewitz will be presenting changes affecting parking on Jefferson Street and several City lots beginning on Monday, February 4, 2019. **Please plan on attending this important meeting, materials will be provided for you to distribute to your tenants.**

For more information, please contact the Parking Management Office at (434) 455-4045.



Public Outreach *During Program*



COURTESY PARKING NOTICE

Welcome to Downtown Lynchburg. We trust your visit with us has been very pleasant.

Today we noted that your vehicle has been parked in violation of the City's parking ordinance. You may have missed the signs that Jefferson Street has a two-hour parking limit. Please see the enclosed parking citation.

WARNING NOTICE

Don't worry, this time we will overlook the violation. We want you to enjoy incredible shopping, great entertainment, and the region's best dining and professional services.

Please note that Jefferson Street has a two-hour parking limit Monday-Friday from 8:00 a.m. - 5:00 p.m.

Please come back soon and often!

For Questions Call Parking Management:
(434) 455-4045
www.lynchburgva.gov/parking



COURTESY PARKING NOTICE

Welcome to Downtown Lynchburg. We trust your visit with us has been very pleasant.

Today we noted that your vehicle has been parked in violation of the City's parking ordinance. You may have overlooked that this lot was converted to a paid parking lot (effective February 4). Please see the enclosed parking citation.

WARNING NOTICE

Don't worry, due to recent changes with this lot becoming a paid parking lot, we will overlook this violation. We want you to enjoy incredible shopping, great entertainment, and the region's best dining and professional services.

Please note that you will need to pay to park in this lot Monday-Friday from 8:00 a.m. - 5:00 p.m. Evenings and weekends are FREE.

Please come back soon and often!

For Questions Call Parking Management:
(434) 455-4045
www.lynchburgva.gov/parking



Public Outreach *During Program*





Successes

- Vehicle turnover and space available for visitors
 - Businesses pleased that parking is available
- Created dedicated permit parking spaces in Riverfront & Depot Lots
- Flyers helped educate drivers on program
- Painted parking spaces have maximized use of parking lot
- Safer parking lots for driving and walking



Successes

Revenues:

- February 4, 2019 - January 31, 2020

	<u>Actual Revenue</u>		<u>Projected Revenue</u>	
	Transient Parking	Monthly Permits	Transient Parking	Monthly Permits
Depot Lot	\$ 3,987	\$ 3,504	\$ 2,400	\$ 2,880
Mosaic Lot	\$ 1,126	\$ 3,273	\$ 3,600	\$ 3,360
Riverfront Lot	\$ 2,773	\$ 29,257	\$ 4,800	\$ 14,400
Totals:	\$ 7,886	\$ 36,034	\$ 10,800	\$ 20,640



Next Steps

- Canal Lot
 - Continue discussions with Amazement Square
 - Pave other half of lot when funding available
- Jefferson Street Lot
 - Review lot operations once CSO 56 project has begun
 - Operate lot as permit and hourly parking
 - Public outreach beforehand



Lynchburg Parking Authority 2019-21 Comprehensive Work Plan

- Outline
 - Purpose of initiating the plan
 - Mission Statement
 - Vision for parking improvements
 - Goals of the plan
 - Current progress
 - Moving the plan forward



Purpose of the Plan

- Refocus priorities on achievable goals for the Parking Authority
- Design goals to complement and build off of Downtown 2040 Master Plan



Mission Statement

To support the growth of parking opportunities for commercial, retail, residential and recreational use in the downtown area while providing a convenient, safe, secure, and aesthetically pleasing parking experience.



Vision for Parking Improvements

- Community engagement
- Communication
- Development impact on parking inventory
- Effective monitoring and enforcement of parking behavior
- Sustainable development and alternative transportation
- Incorporate recommendations from planning studies into parking management operations



Goals

- Strategic parking plans
- Management of monthly parking permits
- Community engagement & communications
- Technology plans for parking operations
- Parking policies examination
- Inventory of private parking lots in the central business district



Goals

- Efficient management of public parking lot operations
- Maintenance program for parking facilities
- Lynchburg Parking Authority Work Plan Update.



Current Progress

- Completed recommendations from 2007 Carl Walker Parking Study
- Parking Permit Management Committee formed and reviewing processes
- Website and brochure communications being updated in-house
- Downtown 2040 Master Plan strategy sessions in progress



Moving the Plan Forward

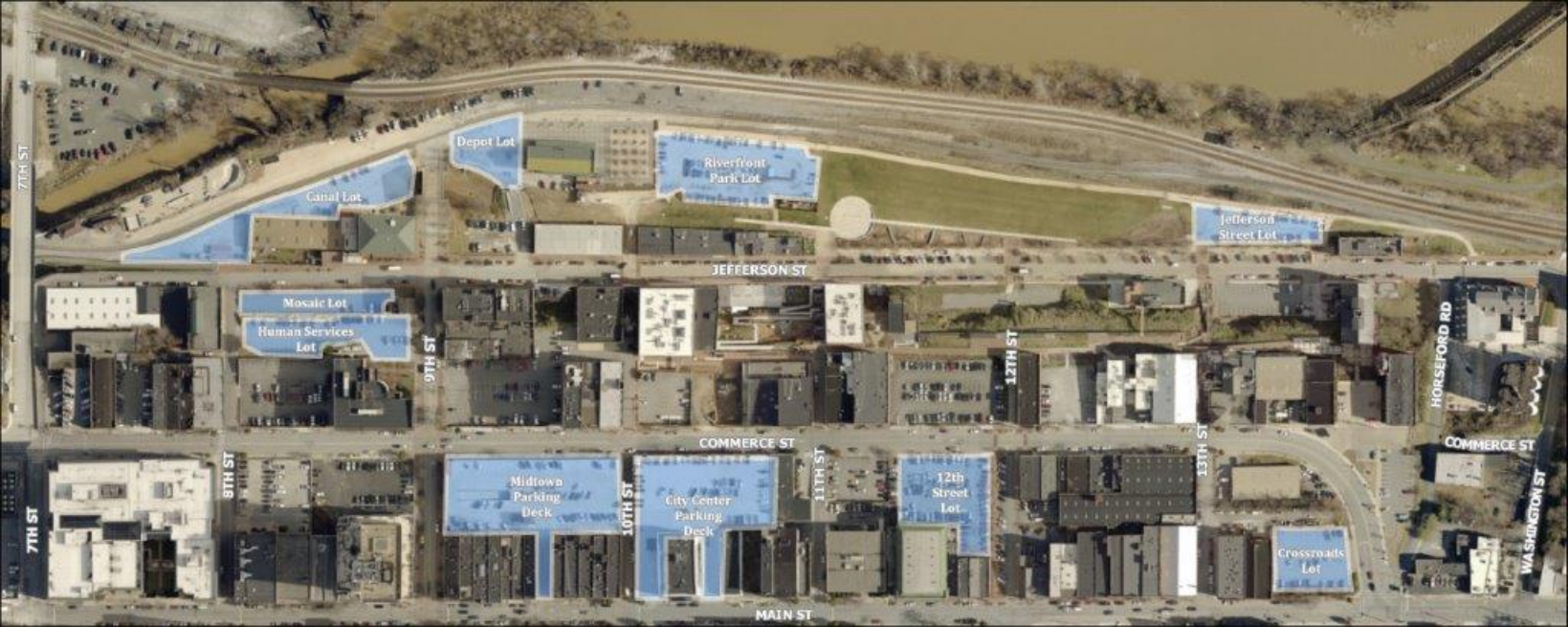
- Established timeline for established goals
- Achievable goals
- Staff resources
- Involvement from community
- Funding opportunities
- Potential public private partnerships



Closing

Thank you!

Questions and/or Comments?



7TH ST

7TH ST

8TH ST

Canal Lot

Mosaic Lot

Human Services Lot

9TH ST

Depot Lot

Riverfront Park Lot

JEFFERSON ST

Jefferson Street Lot

COMMERCE ST

Midtown Parking Deck

City Center Parking Deck

11TH ST

12th Street Lot

12TH ST

13TH ST

Crossroads Lot

MAIN ST

HORSEFORD RD

COMMERCE ST

WASHINGTON ST



From the City of Lynchburg's Parking Management Office

COMING FEBRUARY 4, 2019

PAID PARKING ON JEFFERSON

Beginning Monday, February 4, several downtown parking lots will be converted to paid lots. They include: **Depot Lot**, the **Mosaic Lot** (located across from the Amazement Square school bus) and the **Riverfront Lot** (located behind the Water Dog). Motorists will need to pay to park Monday–Friday, 8:00 a.m.–5:00 p.m. Lots will remain free in the evenings and on weekends. Monthly parking permits can be purchased for the Mosaic and Riverfront lots. Contact Parking Management, or visit the website, for rate information.

According to Parking Manager Dave Malewitz, the goal of the program is to create more public parking during the day for visitors. If a parking lot is free, people tend to park all day, and that makes it difficult for patrons coming downtown to shop, eat or do business. By converting them to paid lots, visitors will have an easier time finding open parking spaces because vehicles will be moving in and out of parking spaces more frequently.

The parking lots will be free after 5:00 p.m. on the weekdays and all day on the weekends.

PARKING RATES

\$0.25 first hour
\$1.00 each additional hour
\$5.00 all day

JEFFERSON STREET PARKING

Parking along Jefferson Street will remain free with a two-hour limit. Please be aware that Parking Enforcement Officers will be enforcing the time limit. Your compliance and cooperation is appreciated.

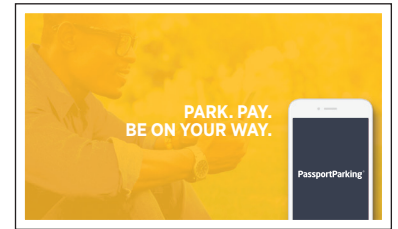
COMING SOON...

Later in 2019, the **Canal Lot** (located behind Amazement Square) and **Jefferson Street Lot** (next to Bikes Unlimited) will be paved and striped. Paid parking will follow after these improvements, so stay tuned for more information.



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- Select time use +/- keys to adjust time
- 6 **PRINT**
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For Questions Call Parking Management: (434) 455-4045
www.lynchburgva.gov/parking

CHANGES TO DOWNTOWN PARKING COMING 2/4/19

FEBRUARY 4, 2019!

**IMPORTANT INFORMATION ENCLOSED
REGARDING CHANGES TO PARKING IN
DOWNTOWN LYNCHBURG EFFECTIVE**

City of Lynchburg
Parking Management
900 Church Street
Lynchburg, VA 24504





Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-4045 • F 434-847-1536

Lynchburg Parking Authority 2019 – 2021 Comprehensive Work Plan Adopted: August 13, 2019

Board Members:

Brandon P. Farmer, Board Chair
MaryJane Dolan, Vice Mayor City of Lynchburg
Ivajoan M. (Tobi) Jaegar
Thorne McCraw
Dr. James Mundy
Todd Swindell

Parking Manager:

David J. Malewitz

Background:

On October 11, 1994, the Lynchburg Parking Authority Act was created by resolution of the Council of the City of Lynchburg in accordance with provisions of the General Assembly of Virginia. The purpose for which the Authority is created:

Section 1 – To develop plans for and to coordinate the development and use of sufficient off-street public owned parking facilities in the City and as necessary to acquire, construct, reconstruct, equip, improve, extend, enlarge, maintain, repair and operate off-street parking facilities.

Section 2 – To acquire on such terms as the City Council may prescribe, and develop, maintain and operate all public parking facilities currently owned by the City of Lynchburg.

Section 3 – No real property or parking facilities shall be acquired or developed by the Authority unless and until such acquisition and development has been submitted to and approved by the Lynchburg City Council.

Today, parking operations have been consolidated into one City department, Parking Management, in order to more efficiently and effectively manage the evolving parking needs in the City of Lynchburg's Central Business District (CBD); more commonly referred to as downtown. The Central Business District is that area defined from Clay St. to the riverfront and 5th Street to the US 29 highway. The Lynchburg Parking Authority (LPA) is responsible for continually maintaining, improving, and increasing parking opportunities to meet the unique challenges that are present as the result of growth and development within the City of Lynchburg CBD and the potential for growth in neighboring commercial districts.

Mission for Success:

The mission and vision for the LPA is organized in a manner that promotes strategic ideas focusing on the benefits to creating a better and more sustainable parking management program in downtown Lynchburg.

MISSION:

To support the growth of parking opportunities for commercial, retail, residential and recreational use in the downtown area while providing a convenient, safe, secure, and aesthetically pleasing parking experience.

Through this mission statement, attention will be given to parking management operations as they are today and their potential for future growth to support opportunities for economic progress and community improvements within the Central Business District. The LPA will continually develop parking strategies and plans in conjunction with recommendations from City of Lynchburg community planning documents, including the Downtown 2040 Master Plan, and will incorporate parking opportunities that coincide with the city's community place making goals.

The realization of the mission will be achieved through the implementation of the following steps:

- Increasing communications with downtown stakeholders.
- Maximizing off-street parking options for downtown visitors, businesses, and residents.
- Determining the most appropriate methods for financing the development and operation of parking facilities.
- Creating parking opportunities that support current downtown growth by
 - Increasing public parking options through public/private parking lot management agreements.
 - Incorporate more paid parking options to encourage vehicle turnover.
 - Provide a simplistic parking system that is adaptable to change and user-friendly to parking patrons.
- Utilize industry best practices and emerging parking technology trends to achieve a more efficient, effective, and consistently managed parking operation.
- Incorporate recommendations from community planning studies into parking management operations wherever possible.

Current Conditions:

The LPA is responsible for the oversight of twelve City owned off-street surface parking lots totaling 595 parking spaces and four parking decks totaling 1,317 parking spaces. Three of the

parking decks are city owned and one is privately owned with a management agreement in place with the City for the control of daily public parking operations. The City owned Holiday Inn Parking Deck is managed through a franchise agreement between the City and the owners of the hotel placing all operational management under their control. All on-street parking in the Central Business District is under the control of the City Manager. The role of the LPA is to advise the City Manager and encourage plans for on-street parking that take into consideration one, the importance of on-street parking as a resource to promote and enhance the economic vitality of downtown Lynchburg and second, to promote effective utilization and management of off-street parking. The LPA is supportive of a phased on-street parking program that identifies key areas in the CBD where the transition to paid parking makes the most sense. Any future plans for the implementation of an on-street paid parking system will be carefully considered and analyzed paying close attention to specific location deployment, parking time limits and hourly fees, financial feasibility, political climate, and timeline of the proposal to not unduly interfere with current project plans in the Central Business District.

At this time, there are 3,276 privately owned parking spaces in the CBD and very few of these parking spaces are available for public use. This amount of privately held and managed parking accounts for nearly 75% of the overall parking space availability in the CBD. Recently, the parking system has come to the forefront of discussions as public attention has been focused on a perceived parking problem. Some of the public frustration can be attributed to construction fatigue resulting from new residential construction and other city construction projects in and around the CBD corridor. Although while there is ample public parking in the CBD, the main point of debate is that parking is not conveniently located. This can be attributed to the topography of downtown that may require a parker to have to walk a block or more to their destination with the possibility that walk may include traversing up or down a hill. In order to alleviate these perceptions, a well-developed and administered public parking outreach initiative will be developed to address community concerns to give stakeholders the appropriate messaging.

In order to improve the overall parking experience for the city's residents and visitors, it is important to continue analyzing parking demands for the downtown community. To achieve this result the LPA and Parking Management Department will work closely to promote the following initiatives:

- Open communication and education with stakeholders on a regular basis.
 - a. Examples may include a new social media account for parking (i.e. Facebook, Twitter or Instagram) or a partnership with Downtown Lynchburg Association to include parking related updates in monthly newsletters and at merchant meetings.
- Maintain and develop consistent and fair parking policies and practices.
 - a. Evaluate current parking policies for accuracy and/or develop revised policies to address parking requirements.
- Cultivate public-private relationships in order to acquire private parking lots for public use.

- Maintain permit and hourly parking fees to be competitive with the fair market value rates for parking in the Central Business District.
- Develop benchmarking standards with comparable communities to demonstrate current operations are consistent with other similar localities.
- Support of best parking practices and initiatives that will foster a more effective and efficient parking operation system for the unique demands present in the CBD.

The ideal parking operation is one designed to respond to on-street, off-street, public and private parking indicators, while remembering that the goal is to get to the point where the spaces in front of the businesses are the most important. Downtown Lynchburg has available parking but it may not be where the parking patron feels it should be readily available, such as close to stores or other businesses. There are specific strategies that are currently being implemented such as,

- Clear signage pointing to all public parking areas.
- Convenient short-term 1 HR and 2 HR parking.
- Options for convenient and affordable long-term parking.
- Convenient and accessible loading zones.
- Increase public parking options
 - a. Better use of existing off-street spaces
 - b. Public/Private Management agreements for privately owned parking

Through effective community involvement and engagement, parking programs can be custom tailored so that they can be successful when implemented. This will stimulate additional community and economic development opportunities centered on the vision for strategic parking operations supporting the continued mixed-use development in downtown Lynchburg. Examining current parking conditions, and future parking requirements, will give perspective on a realistic approach to meeting parking needs in the CBD. A vision for parking improvements and effective vehicle management will take into consideration these important priorities:

- Community engagement
- Communication
- Development impact on parking inventory
- Effective monitoring and enforcement of parking behavior
- Sustainable development and alternative transportation

In order to achieve these priorities, the LPA will integrate its mission statement of “convenient, safe, secure, and aesthetically pleasing parking experience” so that the LPA can continually maintain, improve, and increase parking opportunities to meet the unique challenges that are present as the result of growth and development within the City.

It is important to note that the above statements do not equate to “free” parking. Parking is never free. Even when there is no direct cost to the customer, there are expenses for providing

the parking space, utility costs, maintenance, enforcement, and the management for public parking. Public parking is one of the City's biggest assets. Properly managing this asset will ensure that this resource is available to everyone visiting, living, or doing business in our downtown.

GOALS SECTION:

The proceeding sections represent goals that can be accomplished through LPA action and Parking Management department implementation. It is important to note that these goals represent off- street parking changes that the LPA has the ability to institute through the board approval process. Some of these goals may include impact to on-street parking and that will necessitate a collaborative process with the City Manager's office to enact LPA parking recommendations. As a note, the LPA has no control of on-street parking and serves in the capacity of an advisory committee to the City Manager for on-street parking processes. For the purpose of this document, the goals have been separated between short and long-term goals. Short-term goals are those that can be accomplished in the next two years. Long-term goals are designated as placeholders for on-going discussions with the potential to be integrated into subsequent LPA comprehensive work plans. The goals presented in this document are representative of the parking conditions existing at the time of this document creation. Goals and recommendations presented herein can be amended by the LPA to ensure that the work plan is consistent with parking conditions and operations.

Short-Term Goals:

STRATEGIC PARKING PLANS

Carl Walker, Inc.

- Time Frame to Complete: 2 Months

This plan was presented to the City of Lynchburg in September 2007. It is recommended that a thorough re-examination of the plan should be performed paying particular attention to the "Key Recommendations". See Appendix A. Since the "Key Recommendations" represent the blue print for moving the parking management program forward, the LPA should analyze these recommendations and answer whether the recommendations have been completed, are in progress, have not been met, or should be reworked to match the current parking environment. Reworked goals can be re-entered into this section for future action.

As progress is made through the Carl Walker Strategic Plan, the LPA should be mindful of whether or not substantial improvements have been made from the recommendations of the plan and if so, then an examination to seek proposals from qualified firms to update the parking strategic plan should occur. When that time comes an appropriate committee will be formed

to develop, solicit, and award a contract to a reputable parking consultant firm to perform a comprehensive downtown parking analysis study.

Downtown 2040 Master Plan

- Time Frame to Complete: 12 Months

As the premier guiding document for downtown growth and development for the next twenty years, implementation of parking management practices will be an integral component to future discussions and planning initiatives. It is recommended that the LPA begin to explore options for executing the recommendations presented at the end of Chapter 5: Parking of the Downtown 2040 Master Plan. By understanding the vision of the master plan, parking management operations can be better tailored to evolve within a collaborative planning process for the advancement of downtown projects. Development of new parking strategies will pay close attention to the recommendations presented in the master plan so as to create a cohesive balance between new development opportunities and the role that parking will serve to meet those goals. Additionally, this process should reoccur periodically paying particular attention to current LPA priorities and goals, as well as parking conditions present within the CBD.

MANAGEMENT OF MONTHLY PARKING PERMITS

- Time Frame to Complete: 4 – 7 Months

The sales from monthly parking permits are the largest revenue contributor to the Parking Management operations fund. For Fiscal Year 2020 budget, the Parking Management department has projected parking permit sales to be \$290,000. In addition, the majority of the off-street public parking is currently being used on a daily basis by businesses and residential monthly parking permit customers. It is important to maintain a permit management system that is easy to manage and monitor on the administration side and user friendly to those participating in the permit program. Recent stakeholder input has shed light on the permit pricing disparity between the fees for a monthly residential parking permit and a monthly business parking permit. To date, the price for a monthly parking permit has gone unchanged for nearly ten years; last adopted January 2010.

It is recommended, that the current parking permit policies, ordinance language, and applications for the use and sale of monthly parking permits are reviewed. As part of this review, current monthly fees for a parking permit will be evaluated against the monthly rates of other privately held parking facilities. If permit rates are below market value for the CBD, then a recommendation should be made to bring monthly rates to current market value or another comparable rate. In addition, new policy will be created to mandate a review of fee structures occur every two years to ensure pricing is competitive to the market. Furthermore, an assessment of the administration for parking permit sales will take place examining whether current operational practices are sufficient to meet the public needs and those of the department. For example, an assessment will be conducted as to whether or not switching permit sales to an automatic clearing house (ACH) debit transfer would be a more efficient

method for monthly payments on the customer end, as well as a better method for receiving funds on the operations side.

COMMUNITY ENGAGEMENT & COMMUNICATION

The purpose of this goal is to create parking messages that will effectively communicate parking opportunities to the community. An effective parking management communication plan will be used to gather community support and build stakeholder consensus. In addition, providing more opportunities for engagement and education on parking topics can assist community members in understanding the correlation between parking operations and the ability to manage the demands for parking resulting from successful economic growth.

Communications Plan:

- Time Frame to Complete: 4 Months

It is recommended that the Parking Department work closely with the Communications and Marketing Department, the Economic Development Department and Tourism, the Community Development Department, and the Downtown Lynchburg Association to create a strategic marketing and communications plan. The focus will be to promote parking programs aimed at keeping parking simple through public education and utilization of media outlets such as local news, social media, and other area organizations.

Wayfinding:

- Time Frame to Complete: 5 Months

Through a successful partnership with the Downtown Lynchburg Association and the Public Works Department new branding and parking wayfinding signage has been installed throughout downtown directing patrons to public parking facilities. New branding has created a more user-friendly way finding system that is simplistic and easy for downtown visitors to see and read. The next step in this process is to continue the branding with new interior parking signage within all of the parking facilities. Old signage will be identified and removed while new signage will focus on clarity and pleasing designs.

Website:

- Time Frame to Complete: 5 Months

In addition to way finding, the website for downtown parking should be one our best tools for communication. A visit to the parking web page should give the user all the information that they need with as few clicks as possible. The website will focus on easy to find and understand content, use of links for additional resources, and contain appealing parking maps that are printable for our visitors. The maps section will be the biggest concentration area in which a user can access custom maps tailored around general public parking, residential parking areas, employee parking, and event parking. In order to gauge success, website traffic will be monitored for number of visits per month, pages visited, and email correspondence received.

Long-term goal focus will be to integrate parking information into a custom built mobile friendly City of Lynchburg app with access to real-time parking space availability and payment options for hourly parking, short-term permits, event parking, and other parking options for one-stop hassle-free parking. To reach this goal the Parking Management can either collaborate with the Communications and Marketing Department or outsource the project to a website design firm. The LPA should determine which course of action.

Parking Survey:

- Time Frame to Complete: 2 Months

In the past few years, downtown has experienced a lot of growth and in order to gauge our successes and discover where the weaknesses are, a parking survey will be developed aimed at addressing parking and how well current changes are affecting the downtown perception of parking. A review of past parking surveys, like Downtown 2040 Master Plan survey, will be reviewed and information from those surveys will be incorporated into a final report. A more comprehensive understanding of how parking resonates in the community will assist the visioning process. Answers and suggestions will be incorporated into the overall parking visioning process so that both the LPA and Parking Management department have a clear direction on how to approach our parking objectives. Surveys will be administered bi-annually to gauge program effectiveness and to be tailored to address current environmental conditions.

DEVELOP A TECHNOLOGY PLAN FOR PARKING OPERATIONS

- Time Frame to Complete: 6 Months

Parking and technology go hand-in-hand today as parking services providers continually upgrade amenities to incorporate the next best technological advancement for more effective and efficient parking operations. It is recommended that a committee be formed with the purpose of reviewing technology trends in parking operations with the goal to provide recommendations for operational adoption when applicable. Technology trends to consider could be license plate recognition equipment, in-space parking sensors, mobile phone applications for parking management, mobile phone parking permits, and web based parking lot count monitoring systems to acquire accurate lot usage counts throughout the day. This technology plan should be incorporated into the formation of the request for proposal for the bid on the parking management software system. In October 2020, the current five year contract with T2 Systems, Inc. for the Parking Management departments parking operations software will expire. A new request for proposal is planned to be drafted in the beginning in January 2020 with an anticipated release for qualified bidding in the spring of 2020.

PARKING POLICIES EXAMINATION

- Time Frame to Complete: 8 – 12 Months

Through stakeholder input it has been identified that parking management practices and policies need to be revisited and adjusted to accommodate the current environment of downtown parking. Revisions to the parking policies will focus on the primary mission and

vision of the organization to ensure policy development adheres to parking industry best practices and is consistent and fair to parking habits throughout the Central Business District.

To begin with, the Lynchburg Parking Authority will examine current enacted policies that the board has approved and make recommendations for policy revisions reflecting current downtown parking standards and practices. Moving forward, a full review of current city ordinance language governing parking management practices should be fully evaluated. The LPA will identify ordinances that require re-wording and revise the language within these ordinances to align more closely with current operations. Revisions to procedures, policies, and ordinance language for parking management can alleviate confusion, provide consistent practices, and enable proper management of parking resources to occur that prevent potential for abuse. All recommendations for changes will be approved by the LPA where applicable and supported by board action when revisions require City Council approval. To ensure policies are reflective of current operations and environmental conditions in the CBD, a review of all policies will occur every two years with appropriate amendments being recommended to the board.

IDENTIFICATION OF PRIVATE LOTS FOR PUBLIC PARKING MANAGEMENT AGREEMENTS

- Time Frame to Complete: 9 Months

Studies over the past ten plus years have identified that there is adequate parking accommodations in downtown Lynchburg. Unfortunately, most available parking inventory is in the hands of private parking lot owners who have historically been hesitant to enter into management agreements with the city. In order to overcome this obstacle, it is recommended that a current inventory of all privately-owned parking lots and ownership in the CBD be conducted to accurately determine the exact percentage of city owned/managed public parking against privately owned parking facilities. Additionally, key off-street private parking lots that would fill gaps in areas of downtown that would benefit from having close-by publicly managed parking will be identified. Once this step is completed, the Parking Management department and LPA can collaborate with other city departments, like the Office of Economic Development, to develop proposals that can be presented to identify private lot owners with the goal entering into a mutually beneficial public/private management agreement.

EFFICIENT MANAGEMENT OF CURRENT PUBLIC PARKING LOT OPERATIONS

- Time Frame to Complete: 6 Months

Efficiently managing the parking lot inventory that we currently have will create parking availability where we need it most and make better use of off-street facilities that are currently underutilized. To begin, a comprehensive list of current public parking facilities and the specific operations that exist in those parking lots will be created for review. When completed, the Parking Management department will identify key parking lots and recommendations for any changes to parking operations. For example, a discussion on whether or not to re-institute paid parking in the Community Market Lot has been a discussion topic due to the pending Main St. Renewal project. As downtown continues to grow and expand constraints on parking will certainly be an ongoing topic. It will become necessary to rely on best parking practices and

stakeholder input to manage a parking system that can respond to changes while still adhering to the mission of the Parking Authority. Any implications that may arise from operational decisions must be considered thoroughly.

MAINTENANCE PROGRAM FOR PARKING FACILITIES

- Time Frame to Complete: 4 Months

Providing a convenient, safe, secure, and aesthetically pleasing parking experience is a key part of the LPA mission statement. As more vehicles continually use public parking facilities, the daily wear and tear is beginning to take its toll. Each year around \$38,000 is transferred from the parking budget to Public Works to fund the expense of half the salary and benefits for a full-time maintenance position. It is recommended that Parking Management work with Public Works to establish a maintenance program for all parking facilities, which will assist in identifying key capital improvement projects such as lighting. Working together with the Public Works department, the LPA will establish a program for evaluating current and future parking maintenance projects as well as ways to allocate funding whether through the capital improvements fund or from the parking budget to assist in project expenses.

Long-Term Goals:

- Implementation of mid and long-term parking strategies as identified in the Downtown 2040 Master Plan.
- Extending the role of parking management past the Central Business District to other areas of the city, such as the 5th St. business district and Rivermont Ave. by Randolph College.
- Examine the feasibility for the construction of a parking deck in the Community Market area of the CBD.
- Develop a plan for managing special event parking in downtown.
- Develop a 'green plan' for incorporation of alternative transportation methods, such as the installation of charging stations in off-street parking facilities, bike and scooter rentals, and ride-share programs in parking facilities.
- Commit to allocating 10% of budgeted parking revenues into the Assigned Parking Operations account for parking projects.
- Examine other potential revenue sources that could contribute to developing the Parking Authority as a self-sustaining entity.
- Partner with the Downtown Lynchburg Association for funding assistance on community approved projects.
- Re-examine parking citation fines and determine whether fine amounts should be altered to include escalation amounts or reductions in amounts due if paid within a certain time frame as a way to encourage prompt payments lessening time spent on collection efforts.

Conclusion:

The message in this document represents parking challenges and opportunities for developing a better-rounded and financially successful parking operation. Setting forth a plan to accomplish these goals will take the collaboration of the Lynchburg Parking Authority board, Parking Management department personnel, City of Lynchburg management staff and members of the City Council. One commonality that exists is that parking success will occur when everyone is on the same page and proper communication to downtown stakeholders takes place. Making changes to people's normal routines and thoughts about how it should be done will most definitely be met with hesitation. Open communication, consistency, a well-developed action plan and fairness will have to be at the forefront of all discussions. A successful parking operation helps create and foster other downtown economic growth initiatives and spurs energy that leads to shaping the future of downtown Lynchburg.

Recommendation	Completed	Notes
Initiate paid on-street parking to Increase the Availability of this Critical Resource by Customers and Visitors	<u>NO</u>	Funding availability, political constraints, and downtown projects hindering progress
<u>City to Expand the Role of the Lynchburg Parking Authority</u>		
(a) Active involvement in the acquisition of parking management contracts with private property owners	Ongoing	Discussions continue but no progress due to private lot owners citing no need to compete with free
(b) Management of on-street parking	<u>NO</u>	Currently in control of the City Manager & Council; Requires amendment to LPA Charter to grant powers
(c) Revenues used to purchase a parking management system	YES	
(d) City places responsibility for all of the City's public parking facilities with the Authority	<u>NO</u>	Lack of self-sustainability resulting from limited revenues requires functions to remain in Public Works
(e) Development of a professional parking staff to manage a broader parking program	YES	
(f) Create a Lynchburg Parking Authority webpage	YES	
Establish a Recognizable Brand for the Authority to be Used on All Parking Facilities	YES	Use the City of Lynchburg branding
Dedicate Revenues to Support the Parking Program and Improvements in Parking Assets	Ongoing	Less than 10% of budget revenues placed into a reserve fund balance
<u>Responses to New Development</u>		
(a) Establish parking minimums for new residential development either on-site, or within close proximity	<u>NO</u>	CBD zoned B4 with no parking requirements by the City Planning and Zoning Commission
(b) Look for opportunities to encourage or subsidize the development of excess parking capacity in new private developments	<u>NO</u>	CBD zoned B4 with no parking requirements by the City Planning and Zoning Commission
(c) Identify appropriate sites in areas of coming development that can be land-banked for future parking development	Ongoing	Access to adequate funding to secure possible sites does not exist
(d) Establish an "in-lieu" program to give residential developers the opportunity to have parking requirements waived in exchange for contributing to a common parking development fund	<u>NO</u>	CBD zoned B4 with no parking requirements by the City Planning and Zoning Commission
(e) Provide an opportunity for developers to voluntarily secure parking in a shared facility	<u>NO</u>	
Provide Information About Parking Capacities and Parking Availability	YES	
<u>Act as a Consolidator of Land and Funds for Development</u>		
(a) Initiate a full site feasibility analysis for development of a new 300-500 space parking structure	YES	Completed by Desman & Assoc. in 2013
(b) Secure the property located on the SW corner of 12th & Commerce St. as a public parking lot	<u>NO</u>	Criminal Justice Academy secured site before City
(c) Provide opportunity for developers who cannot accommodate on-site parking to voluntarily secure parking in a shared facility	<u>NO</u>	CBD zoned B4 with no parking requirements by the City Planning and Zoning Commission
(d) Identify future development sites where additional public parking can be provided as part of the project	Ongoing	

Implement Facility Improvements:

Discontinue the practice of offering individually reserved parking spaces at parking facilities	YES	
Convert parking spaces on the top of the Midtown Garage to paid hourly	YES	
Improve overall signage program	YES	2018 partnership with DLA to complete new branding for a downtown wayfinding system; including parking lots
Correction in the configuration of existing ADA parking spaces	<u>NO</u>	
Implementation of a consistent, ongoing maintenance and repair program	Ongoing	Identified goal in the comprehensive work plan

Review Current Provisions for ADA Parking

Both on and off-street parking facilities to bring ADA spaces in conformance to standards	Ongoing	Efforts are underway to place handicap spaces in all off-street lots. Public Works responsible for on-street.
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LYNCHBURG PARKING AUTHORITY
2019 - 2021 Comprehensive Work Plan Goals

						DELIVERABLE TIMELINE																												
Goal #	GOAL DESCRIPTION	SUBGOAL	ASSIGNED TO	PROGRESS STATUS	TIMELINE STATUS	S	O	N	D	Jan-20	F	M	A	M	J	J	A	S	O	N	D	Jan-21	F	M	A	M	J	J	A	S	O	N	D	COMMENTS
1	Strategic Parking Plans	Review Carl Walker Plan and Determine If Plan is Substantially Completed	LPA Strategic Plan Team	Completed																														If determined substantially complete, then focus of LPA shifts to recommendation strategies presented in the Downtown 2040 Master Plan.
		Review Downtown 2040 Master Plan and Develop Solutions to Begin Enacting Parking Recommendations																																Implementation of plan recommendations need to be identified and will require budget feasibility analysis prior to implementation.
2	Management of Monthly Parking Permits	Assess Current Procedures for the Sale and Distribution of Monthly Parking Permits	Permit Committee	Committee Meeting																														
		Develop Recommendations for Streamlining Process	Permit Committee	Committee Meeting																														Recommendations may include price increases which could be implemented beginning of new fiscal year July 2020.
3	Community Engagement & Communication	Communications Plan for Parking Outreach																																Review plan each year to coincide with annual survey. Make adjustments as needed to ensure audiences are being reached and issues are addressed.
		Update Parking Facility Signage to Match Current Wayfinding Branded Signage	D. Malewitz	In Progress																														On-going signage review, maintenance and updates to occur as chagnes in operations may be proposed by LPA board.
		Update Website Content and Create Easier User Interface	Parking Mgmt. Office	In Progress																														
		Conduct Parking Survey to Assess Current Operations																																
4	Technology Plan for Parking Operations	Identify Emerging Parking Technology that can be Integrated into Operations		Not Started																														Coincides with RFP for parking management software; contract expires in October 2020. Second review in 2021 for upcoming considerations in FY22.
5	Parking Policies Examination	Review LPA Enacted Parking Policies and City of Lynchburg Parking Ordinances		Not Started																														Ordinance revisions will be drafted, approved by City Attorney, reviewed by the Physical Development Committee and approved by City Council action before implementation.
		Develop Recommendations for Revisions to Align with Current Operations																																
6	Inventory of Private Parking Lots in the Central Business District	Identify Private Lots for Management Agreements																																
		Develop Proposals for Management Agreements																																
7	Efficient Management of Public Parking Lot Operations	Review Operations in Public Facilities																																
		Develop Recommendations for Potential Changes in Operations																																On-going process with defined review periods for recommendations to LPA board.
8	Maintenance Program for Parking Facilities	In Partnership with Public Works Develop an Ongoing Schedule for Facility Maintenance																																Secondary timeline for review of operations and adjustments as needed.
		Identify Key Maintenance & Upgrade Projects for CIP Plan																																Project list to coincide with fiscal year budget preparations and are funding dependent. Final departmental budgets due middle of December.
9	LPA Work Plan	Review & Update Plan with Appropriate Recommendations Moving Forward																																Begin steps to create new work plan based off of current parking priorities and initiatives

// A regular meeting of the Council of the City of Lynchburg was held on the 11th 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, Update on citizen feedback from public meetings and survey results on proposed changes to the refuse collection system and discussion of staff recommendations, Agenda Item #1a, Ms. Gaynelle Hart began the discussion with a presentation on the public meetings. There were two public meetings held in January 2020 and there was an online survey as well. The outline of the public meeting format was to discuss the challenges with the current operating system, guiding principles for planning, discuss SCS Engineers' Solid Waste Evaluation, discuss benchmarks with other cities and give City staff's recommendations. There were small group discussions to receive citizen input and feedback. They discussed next steps.

Ms. Hart reported that citizens were very positive regarding their refuse collectors. Citizens wanted to see more consistent enforcement, a choice of cart size and aesthetic improvements to current recycling sites. There was support for scheduled brush/bulk collection and citizens said they would prefer curbside recycling.

Staff's recommendation were as follows: 1) continue to offer 32 & 64 gallon carts – long term offer 96 gallon cart (phased in); 2) add a second education and enforcement position to assist with informing citizens and to bolster the enforcement program; 3) educate citizens on new refuse procedures and regulations; 4) continue the six drop-off recycling centers; 5) assign schedule by refuse collection day for brush and bulk collection with limits set-out size and eligible contents and clarify set out times and 6) no curbside recycling collection at this time.

The schedule for brush and bulk collection would be by refuse collection day. Example: If your refuse collection day is Monday, you get brush/bulk pickup on the first full week of the month; Tuesday is the second week, etc. Residents would be able to set out material for the following week's pickup on Saturday. Materials should be set out by Monday morning to ensure pickup during the week. The citizens had very positive comments about this recommendation.

Ms. Donna Witt talked about the billing changes. The recommendation is to do away with the cumbersome decal process and put a monthly fee on the user's water bill. The monthly billing would start on January 1, 2021. The fee would apply to all single-family dwellings and structures up to four units. Staff is recommending a flat fee regardless of cart size. The fee pays for all trash services including brush, bulk, recycling, convenience center, pedestrian cans, cart swap and repair, and all other trash services. Landfill disposal costs make up less than 17 percent of the refuse costs. The majority of expense is in the fixed cost associated with collection – personnel, equipment and equipment maintenance, fuel, recycling contract, cart replacements, etc.

Councilmember Wright asked how staff would explain why a person should pay the same amount regardless of cart size. Ms. Witt said a citizen is paying for the full trash service. It costs the same amount to stop at a house no matter how much a person throws away, especially in light of the fact that the landfill cost is only 17 percent of refuse expenses. Councilmember Perrow noted that if people fill up two carts, for example, the truck would fill up

twice as fast and there would be twice as many trips despite the actual disposal tonnage cost. He would argue that heavier users cost more for the system. Ms. Witt said they do not anticipate that people's habits will change. Councilmember Perrow would agree but noted that the 17 percent landfill cost could go up depending on the future disposition of the regional landfill authority. He thinks there is a long-term risk there and Ms. Witt said she did not disagree.

Councilmember Helgeson thinks this is not new uncharted territory but where we originally came from. It used to be done based upon people's real estate taxes. Trash was picked up and the City was beautiful. Then we started monkeying around with the decal system. It used to be a service and was not based on how much trash you threw away or tonnage. He thinks we have done a complete full circle except that it is not in people's real estate taxes. They are paying a whole lot extra for something they used to get as a service. He pointed out that interviewing approximately 150 people is not by any means a true sampling of the 82,000 people in the City. It is not really a utility because a utility would be based on usage. He does not think this system will be good for neighbors. It would be better if people could just set out their trash and have it picked up as a service and we had a clean city. From a fairness standpoint, he thinks we need to look at this a little bit better and think about the long-term history of it and learn from it.

Ms. Witt pointed out that we used to own the landfill and it generated a lot of revenue. Now we are part of the regional landfill authority. Councilmember Helgeson said we could pay them out of the real estate taxes collected. Mayor Tweedy noted we have to generate the additional funds it costs to dump the trash and Councilmember Helgeson is suggesting they take it out of the \$1.11 collected with no tax increase. Councilmember Helgeson noted they did it for years. Citizens utilize some services, for instance, public schools. Mayor Tweedy commented that he is suggesting making a cut somewhere to supplement trash pickup. Councilmember Helgeson noted this is saying that we raise fees for citizens without a corresponding reduction in real estate taxes. Mayor Tweedy noted that would lower the real estate tax base and keep it from going somewhere else. Councilmember Helgeson noted this is a service that is used by 100 percent of the citizens. Not 100 percent of citizens use other services such as public schools or the library, for example. Ms. Witt noted that not all citizens pay real estate taxes. She also noted that it was not sustainable because the landfill was filling up. She thinks that triggered a change that had to happen. Councilmember Helgeson noted that the trash fee went up 37 percent last year and he heard from a lot of citizens.

Ms. Witt noted that they compared the City to other First Cities and cities that are similar to Lynchburg in size. The current monthly equivalent fee is \$9.17 for a 64-gallon container and staff is proposing we charge a \$15.02 monthly fee for the next 18 months beginning January 1, 2021. She noted that is still relatively low compared to surrounding cities and other cities our size. She also noted that the other comparable localities offer curbside recycling except Bedford and Bedford County. It was also noted that the \$1.25 bag will remain.

Councilmember Wright asked if this fee is per cart and was told that it is per cart. He wondered if a business has three carts if they have to pay three fees. Ms. Witt noted that businesses are privatized. Ms. Hart noted that they pick up some business refuse but they are termed as small businesses, for instance, an attorney that has converted a single-family home into an office. She acknowledged there probably needs to be a better definition in the ordinance because right now it falls on her to decide if they qualify and they try to hold the business to one cart.

Councilmember Wright thinks they should have staff come up with a definition because otherwise it could open up claims that the City is being unfair. Dr. Reid Wodicka commented that staff will be coming back with ordinance changes at a later date.

Ms. Witt remarked that they recommend expanding the customer base by removing the free decals for SNAP and tax relief program recipients. Not billing these residents would result in a need to bill everyone else approximately \$3 per month more than proposed. They propose continuing the exception for Pleasant Valley/Tyreeanna residents because it was commitment made to them in 1999. The SNAP recipients change every month and it will be difficult to enforce. She noted that they and the college population are very transient as well and mentioned that there are approximately 100 to 200 moves a month. She commented that there are approximately 3,000 SNAP recipients and approximately 400 elderly and disabled persons in the tax relief program.

Councilmember Helgeson noted that the Tyreeanna residents were compensated because they were close to the landfill. He is not sure they should still get something for free that everyone else is paying for when the landfill is gone. Ms. Witt noted that there are 200 residents in that neighborhood that are getting free trash pickup.

Dr. Wodicka acknowledged that the amount needed from the general fund for trash service will decrease over time. Because of the timing next year, the effect will be pretty minimal for the next budget year. Over time, there will be between \$1.7 and \$2.2 million that becomes available for typical governmental services and it will be a Council decision how to spend that money. There was some discussion about how this would be defined. Councilmember Helgeson noted it cannot be called a utility fee because it has nothing to do with the amount of use. Dr. Wodicka had some answers for the question "Should refuse collection be revenue self-sufficient?" because it is staff's recommendation is that this service should be self-supporting. Similar to water, sewer, and stormwater, refuse has a defined customer base (four units or less) who receive the direct benefit. Commercial businesses and apartments do not receive direct benefit and are paying taxes to subsidize residential owners having their trash picked up. He acknowledged there is some residual benefit to all those who do not receive service (i.e. a clean city for industrial, commercial, and apartments), but the primary benefit is to individual customers. Refuse is more like a utility service than a typical General Fund financed service. It is more like water and sewer, in which there is a specific customer served who benefits. For example: we do not charge people for sewer service if they are not connected to the system. It is unlike public safety, in which everyone benefits from the service regardless of who is calling for service because everyone benefits from crime reduction even if you are not the one calling the police. The benefit of refuse collection is mainly felt by the customers who receive service. Using General Fund revenue to supplement the service results in those who receive very little benefit from the service still having to pay for it. A utility service fee more accurately reflects the cost of the service and the benefit received by the customer and reduces costs to those who do not receive the service.

Councilmember Helgeson noted that water and sewer are based on consumption. The proposed trash fee is categorically exempt because it is not based on how much trash a person generates. Dr. Wodicka noted that if a person has four cans, they will pay four fees. The only way to charge per amount of trash would be to have a scale on the truck. He agrees with Councilmember Helgeson that it is not a perfect model but it is certainly better than having everyone pay even when they are not receiving any benefit.

With regard to eventually creating an Enterprise Fund for this service, Dr. Wodicka had the following summary: Target FY 2023 to create a Solid Waste Enterprise Fund to include collection and disposal in one fund. There are steps needed to create an Enterprise Fund such as capturing costs associated with fleet and building assets, and related depreciation, calculating indirect costs associated with this service, ensuring long-term revenue self-sufficiency and drafting financial policies to govern the Enterprise Fund.

Staff needs Council to make some decisions today such as whether or not to include the enforcement/education position in the FY2021 budget, whether or not to continue multiple cart sizes, whether or not to transition to a monthly billing process and whether or not to reduce billing exceptions for SNAP recipients and tax relief recipients.

With regard to next steps, staff will communicate changes to the community, present the FY 2021 Budget according to the decisions made tonight, implement bulk/brush schedules, work to create the billing structure needed to implement the recommendations, improve recycling sites and work towards the creation of a Solid Waste Enterprise Fund.

With regard to a proposed timeline: March-June 2020 – Communication and necessary ordinance changes; July 1, 2020 -- begin new brush/bulk schedule; by July 1, 2020 -- begin improvements to recycling sites and January 1, 2021 -- begin new billing structure.

Councilmember Wright asked if the public had any input on reducing the exceptions for SNAP and tax relief recipients. Ms. Hart said this was not brought up at the public meeting. She has received feedback both for and against it. He is not sure how he feels about this but is in favor of the first three decisions that need to be made.

Councilmember Wilder likes the idea of maintaining two cart sizes. He also likes the bulk and brush pickup being done on a scheduled day once a month. Dr. Wodicka clarified for him that the reason they are requesting SNAP recipients no longer be given free trash decals is that it is very burdensome to make sure they are keeping the list accurate. None of them love the idea of taking away the exceptions but feel a little better because it may be easier for a person to come up with \$15 a month as opposed to \$80 or \$110 at one time.

Ms. Svrcek clarified for him that in 1999 Council passed a resolution to give Tyreeanna residents free trash service. She does believe there was a sunset on it and they do not want to break a promise at this point unless Council would like to change it because the environment has changed. Councilmember Wilder thinks they need to continue to honor it because the water treatment plant is still in the area.

Vice Mayor Dolan would support the first three decisions that need to be made. She is not sure about the SNAP recipient exception because it might be hard for them to come up with \$15 a month. Dr. Wodicka reiterated that none of them love it but there is reasoning behind it. Councilmember Helgeson noted it is giving a benefit to a select group at the expense of others.

Councilmember Nelson understands all the points and agrees with the recommendations. He is grappling with not being environmentally conscious when we are offering no incentive for people to conserve and be efficient and lower their use. There is no practical limitation to the average person. It encourages waste and discourages recycling and incentivizes the quicker exhaustion of our landfill. Now everything discarded has a consequence to it. If people do not need to recycle, they probably will not recycle if it does not affect their pocketbook. He would like

a good answer for that to be able to justify saying that Lynchburg is not environmentally conscious when it comes to our landfills and our waste.

He understands why the residents of Tyreeanna were given free trash service. They were convenient to the landfill and they had to endure the smell. The landfill is no longer there and there is the 17 percent cost now of picking up their trash and taking it to the regional landfill. He would need to know the rationale for the exemption before he would vote to continue it. He would like to see the minutes from the meeting where it was discussed. Ms. Hart indicated that it was the truck traffic and the landfill odor that was the theory behind giving those residents free trash service.

Councilmember Perrow thinks they are missing the big question and that is whether we want to move this to a utility or keep it as a service. He is not sure how he feels about the education position. He needs to look at that in the overall budget. He likes the multiple cart sizes. He thinks they should go to monthly billing no matter how this goes. He is hopeful they will generate a lot more revenue through a monthly billing process. He asked if there are any residences that have reductions in their utility bills or waivers. Dr. Wodicka said there are none. He said the recommendation is not being made because of the administrative hurdle. They feel there needs to be a wide net cast for who is paying for the fee and that it needs to be fair. Councilmember Perrow said he agrees it needs to be fair. If we go to this system, everyone needs to pay into the system. Maybe some people pay at a reduced rate.

Dr. Wodicka explained that the way that population exists makes it very difficult to track and know where they are because the transiency rate is so high. In order to keep it fair, you would need to add people just to track down folks and that is not a reasonable thing. Councilmember Perrow suggested staff not actively pursue them but a person would have to apply for a reduced rate. Dr. Wodicka indicated all these options were discussed but they kept coming back to the same thing.

Councilmember Perrow asked for more explanation on the slide showing the projected revenue. Dr. Wodicka explained that if Council adopts this revenue and fee structure that over time, the amount of money that would typically be used for other governmental services reduces over time rather than going to refuse collection. Councilmember Perrow would like to know what the budget is for trash now and what is it estimated to be going forward and how are we going to pay for it. Dr. Wodicka said these numbers are based on the SCS study. He cannot quote them exactly but they will go approximately 5 percent a year after the initial 18 month period at \$15.02. Councilmember Perrow would like to know what the cost to citizens is now and how that will carry forward so we can accurately understand. How many pennies on the dollar are being spent from real estate taxes for trash service? Dr. Wodicka said it would be somewhere close to the third column. Councilmember Perrow estimated it is approximately 3 cents of the tax rate in year 2022 and going forward it jumps up to around 4 cents. He wants to be clear because this is effectively a tax increase through fees to our constituents.

Councilmember Helgeson thinks that if everyone has to pay the same amount that they will not spend money on gasoline to recycle. They will just throw it all in the can. He would like to them to think about how they can treat this as fairly as possible as a service to our citizens. He does not think hiring another enforcement person is a good thing because it is going to raise the eventual cost of the utility fund. He does like the choices for cart sizes. He does not know how they can call this a utility fund because if he uses less water and sewer, he pays less for it. He

does not think it is a good element to fairness if some people have to pay more so some people can pay less. He would like to look at going back to how it used to be.

Councilmember Nelson noted it is being suggested that there will be a savings that will benefit the general fund. Dr. Wodicka said that would be a reasonable way to read it and that is what they were trying to say in the footnote on slide #19: "Surplus from General Fund savings from FY2026-2029 will be applied to future refuse capital costs." Councilmember Nelson asked for clarification that it would not go toward operating costs or to schools but will go to refuse capital. Dr. Wodicka said that is the importance of eventually creating an Enterprise Fund similar to the water or sewer funds.

Councilmember Wright asked if it is sort of being acknowledged that people overfill their trash cans anyway and we are just recognizing reality by providing a bigger container (possibly later). He agrees that they may be disincentivizing people from conserving and throwing away less. Mayor Tweedy asked why the 96-gallon can is being phased in later. If people overtop the 64 gallon container, are we just kicking the can down the road?

Mayor Tweedy said giving people on SNAP free trash service is counter to what we are trying to do as a City's goal of increasing people's incomes, behaviors and opportunities. She thinks this ties into the financial management and financial literacy piece we are pushing through other programs. For her, the key is that a person is not going to be on SNAP indefinitely. She is interested in what qualifies someone to be on the tax relief program. Ms. Witt those on that program have to own their own home and cannot have additional persons living with them that would have additional income. It is also based on income and investments. Ms. Witt said it would create an administrative nightmare to try and keep track of who is living in that property when it comes to utility billing. She acknowledged it would be easier for those on the tax relief program because they own their own homes.

Councilmember Perrow made a motion, which was seconded by Councilmember Nelson, to begin the process of going to a monthly utility billing system. Councilmember Helgeson is not sure why they would need an education and enforcement position added then. Other members of Council and Dr. Wodicka said the enforcement and education person will be needed mainly for the bulk and brush pickup piece. Ms. Svrcek said it is important to how you want the City to look and Councilmember Helgeson said he would love it to look clean like it used to be. Ms. Svrcek said our population used to be a lot less than it is now and our environment has totally changed. Councilmember Helgeson noted that density has been pushed for the last twenty years. Mayor Tweedy said we are here now and we are projected to grow to 92,000. The motion passed by the following vote:

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

Mayor Tweedy and Ms. Svrcek clarified that the education position does not need to be voted on tonight and it is mainly needed because they will be going to a new bulk and brush program. Ms. Svrcek said it will come back to them for consideration in the budget one way or another.

Councilmember Wright made a motion to move forward with multiple cart sizes (32 and 64 gallon). The motion was seconded by Councilmember Nelson. He asked for clarification that the fees are not being set at this point because he did not wish to second the motion if is setting the same fee no matter the cart size. Dr. Wodicka clarified that the fees will be set during the budget process. Mayor Tweedy wondered if that is going to keep our

City clean if we are continuing to use the same size carts. Ms. Svrcek said that is another reason we need another enforcement person. Dr. Wodicka noted that based on citizen feedback, they did not want a 96 gallon cart, especially if there would only be one cart size. Ms. Hart said one reason we would not offer a 32 and a 96 gallon cart at this time is that they need to phase in the purchase of the 96 gallon carts. Councilmember Nelson pointed out that a person could pay for a 32 and 64 gallon cart and end up with 96 gallons. It was clarified for Council that a person will have to pay the monthly fee per cart. Councilmember Perrow thanked them for listening to the citizens because some people only need a 32 gallon container and the topography in Lynchburg presents many challenges for citizens to get their cart to the curb. Councilmember Helgeson agrees with having different cart sizes but this has no bearing on charging the same fee for either size container or going to a utility fee in general because he does not agree with that. The motion passed by the following vote:

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

Councilmember Perrow made a motion to remove the exception for SNAP and tax relief recipients. The motion was seconded by Councilmember Helgeson. Councilmember Perrow said he made this motion to support staff. If Council is not going to support staff's recommendation, he would suggest staff come back to them with some options. Councilmember Helgeson said he seconded this motion out of fairness and equality. Some people should not have to pay more so some people can have free trash service. The motion passed by the following vote:

Ayes:	Helgeson, Nelson, Perrow, Wilder, Wright	5
Noes:	Dolan, Tweedy	2

Mayor Tweedy clarified that she voted no because she wanted more information on the tax relief recipients. Councilmember Wright noted they can revisit this issue during the budget process if someone would like to make a motion to reconsider it at a later time.

With regard to discussion of the Tyreeanna neighborhood exception, staff will bring this back to them for discussion at a later meeting.

// In the matter of Parking, Agenda Item #2., Mr. Dave Malewitz gave a Presentation on the 2019 accomplishments of the Lynchburg Parking Authority and the Parking Management Department. On June 12, 2018, the Lynchburg Parking Authority approved the Riverfront Paid Parking Project. City Council authorized the purchase of four parking meters the following September. After the completion of paving in several lots, paid parking operations began in February 2019. Some goals for success were to implement permit and paid parking for more effective and efficient lot management; create parking space availability; encourage vehicle turnover through hourly time limits and paid parking; create a more aesthetically pleasing parking experience through paving and improvements and improve parking lot safety.

Some of the forecasted initiatives were getting the right message to the public; allowing time for education before ending ticket warning period; effectively monitoring the whole area; responding to business concerns; having a good mix of hourly and permit parking in the off-street lots and a paving schedule and funding to complete work. He showed them some examples of the outreach and signage done for the public. Parking staff received a lot of positive feedback from these efforts.

Mr. Malewitz reported the following successes: vehicle turnover and space available for visitors; businesses pleased that parking is available; created dedicated permit parking spaces in Riverfront and Depot Lots; flyers helped educate drivers on program; painted parking spaces have maximized use of parking lot and safer parking lots for driving and walking.

Councilmember Perrow what the plans are to increase transient parking or incentivize the use of it. Mr. Malewitz said permit parking seems to be successful in the Mosaic Lot so they may want to turn it back into a permit only lot. He also commented that 55 parking spaces in the Riverfront Lot were dedicated for business use. A lot of the visits are at night, so you may not see a lot more revenue until there are more daytime activities occurring in the area. Councilmember Perrow asked for clarification that a person can park anywhere in the Riverfront Lot on the weekends and evenings and was told yes.

Some next steps will be the Canal Lot – currently continuing discussions with Amazement Square; paving other half of lot when funding available and the Jefferson Street Lot – reviewing lot operations once CSO 56 project has Begun and then operate lot as permit and hourly parking. There will be public outreach beforehand.

Councilmember Nelson asked Mr. Malewitz if the busses dropping off children at Amazement Square and being allowed to stay there during the visit is being resolved. Mr. Malewitz said they worked with Amazement Square and resolved the issue so the children can be dropped directly in front of the door and the busses can pull to the back of lot during the visit.

In answer to a question from Councilmember Helgeson, Mr. Malewitz said the downtown parking budget is approximately \$560,000 and they are net zero because they are bringing in \$560,000 in revenue. Councilmember Helgeson asked if they are getting a lot for that money. Mr. Malewitz said he believes so because the enforcement piece is huge and it pays for the enforcement personnel. The turnover helps our downtown businesses thrive and succeed. The turnover would not happen without enforcement.

Mr. Malewitz went over the goals of the Lynchburg Parking Authority 2019-21 Comprehensive Work Plan, which were to refocus priorities on achievable goals for the Parking Authority and design goals to complement and build off of the Downtown 2040 Master Plan. Its vision included community engagement; communication; development impact on parking inventory; effective monitoring and enforcement of parking behavior; sustainable development and alternative transportation and incorporate recommendations from planning studies into parking management operations.

Some of its goals are strategic parking plans; management of monthly parking permits; community engagement and communications; technology plans for parking operations; parking policies examination and an inventory of private parking lots in the central business district; efficient management of public parking lot operations; maintenance program for parking facilities and Lynchburg Parking Authority Work Plan Update.

He outlined some of the current progress: completed recommendations from 2007 Carl Walker Parking Study; Parking Permit Management Committee formed and reviewing processes; Website and brochure communications being updated in-house and Downtown 2040 Master Plan strategy sessions are in progress.

Some steps to move the plan forward are an established timeline for established goals; achievable goals; staff resources, involvement from community, funding opportunities and potential public private partnerships.

Councilmember Perrow thanked Mr. Brandon Farmer and all the other members of the Parking Authority. It is a thankless job and he noted that the parking enforcement personnel are not people that citizens look forward to seeing. It is a tough job. Councilmember Nelson echoed those comments. He noted he served on the authority for six jobs and one does not hear a lot of happy comments from constituents. He thinks it is impressive as to where we have come through so many challenges and they are doing a great job. Councilmember Wilder asked if we are having good utilization of the Passport parking app. Mr. Malewitz said there is good utilization, especially at the Midtown and Crossroads parking lots.

// In the matter of Roll Call, Agenda Item #3, Councilmember Wright congratulated the City on the ribbon cutting and reopening of the Jefferson Park Community Center. He thinks making these centers more usable and pleasant for the neighbors is one of the coolest projects the City does.

Councilmember Wright went to a Tinbridge Hill neighborhood meeting recently and he appreciates all the staff and public coming out to give their input. He will also be attending a Daniels Hill historic community meeting on Thursday at 7:00 p.m. He would like a staff member to attend as they have some concerns with the new development coming on Cabell Street and some parking challenges.

Councilmember Nelson said he attended Ms. Dominique Nelson's Civics class last week at Dunbar Middle School. It was a delightful experience with very sharp students and he showed the card they made for him.

Councilmember Perrow noted we had one of the best Physical Development Committee meetings today that we have had in a long time. Staff prepared for it very well and we went through a lot of information.

Councilmember Nelson and Vice Mayor Dolan had no items.

Mayor Tweedy reiterated that the Jefferson Park Community Center was a great event and it is the fourth center to be renovated. She had a great time with Ms. Nelson's class as well. She also mentioned that she attended the Virginia First Cities meeting in Richmond recently. Councilmember Perrow attended as well. He has served as our representative on that and she thanked him for his time on that committee.

// The meeting was recessed at 6:01 p.m.

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

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

Absent:		0
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// Councilmember Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, 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 Peakview Park.

// In the matter of Consent Agenda, Agenda Items #4, 5, 7, 8 and 9 (six removed because Vice Mayor Dolan had abstained), Councilmember Perrow made a motion to approve the consent agenda, which was seconded by Councilman Helgeson and passed by the following vote:

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

// In the matter of Consent Agenda, Agenda Item #6, Councilmember Perrow made a motion, which was seconded by Councilmember Helgeson to approve. The motion passed by the following vote:

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

// In the matter of Community Development, Agenda Item #10, a public hearing was conducted to receive citizen comments regarding the Community Development Block Grant (CDBG) and HOME Program Housing and Non-Housing Goals for the development of the Program Years 2020-2024 (Fiscal Years 2021-2025) Five-Year Consolidated Plan and adopt a resolution approving the Housing and Non-Housing Goals. 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 plan. He fully supports the housing and non-housing goals of the plan. The issue of affordable housing came up over and over again in the stakeholder meetings. They support family stability and believe that affordable, appropriate and decent housing is the basis for it. He would like to caution them on mixed income housing. It only takes one or two instances in mixed housing to give that housing a problematic reputation. It needs to be done carefully and cautiously.

There was no one else that wished to speak either in favor or in opposition to the agenda item and she closed the public hearing portion. She turned to Councilmember Wright, the chair of the Community Development Advisory Committee (CDAC). He thanked the City staff for its really diligent and skillful administration of the City's CDBG and HOME funds. CDAC made one change to goal four to align it with Economic Development's Blueprint for Opportunity. CDAC recommended approval of the goal and he made that in the form of a motion. Councilmember Wilder seconded the motion and said he is so thankful that we have these funds to help people transition into more stable housing.

Councilmember Helgeson noted that he and the former Mayor Gillette crafted these goals and they talked about home ownership and now those are being stricken with these new goals. Rehabilitation and homeownership goals are being replaced with having permanent rentals. He does not think that having a goal of permanent rentals as opposed to home ownership is the direction that we want for the City. He cannot support these proposed goals and would like the previous ones to remain in place.

Ms. Walker explained that the term "sales market" certainly refers to home ownership. They worked with a consultant to revamp the goals but they have not taken away the home ownership component. She does not think revising the two goals takes away home ownership in any way, shape or form.

Speaking as the Chair of the Lynchburg Redevelopment and Housing Authority, Councilmember Perrow thinks these goals that the authority could get behind and support. He would suggest editing the first goal to: "Support initiatives to increase permanent affordable housing in ~~both the rental and sales~~ markets. Increase the number of owner-occupied units. Emphasis to be placed on mixed income and inclusive communities." Councilmember Wright accepted that amendment to his motion.

Councilmember Helgeson wanted to know what was meant by "Support the improvement to public facilities

and infrastructure.” Other members of Council said it would be a community center, for example. Councilmember Helgeson wondered if this should go under non-housing goals. Councilmember Perrow felt it should be under housing goals because there is public housing that is owned by the housing authority.

The motion passed by the following vote:

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

7

Nos:

0

// In the matter of Community Development – Conditional Use Permits, Agenda Item #11, a 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. Ms. Victoria Glasgow provided Council with a summary of the agenda item. Mr. Bill Berkley of Cardinal Survey & Design was present to represent the petition. He does not think Rush Homes needs much introduction in providing housing for unique populations in the City. He pointed out that there is a bus stop and shopping close by, which is important to the population it will be serving.

Mr. Jeff Smith of Rush Homes explained that they reviewed ten sites in partnership with LRHA and found this one to be the most suitable. Rush Homes will be the developer and property manager. LRHA will provide project based vouchers and will provide some construction management during the project. A community meeting was held and the biggest fear expressed by the 16 attendees is that this would become another James Crossing. Rush Homes is a local property manager. Mr. Smith lives here and it is important to him that this works for our community. He gave them an overview of the type of units and the type of users it will serve and assured them that there were so many things about the site that made it the perfect choice for what they are trying to accomplish.

Mr. Nick Pontius from Ward IV spoke in favor of the petition. He is a volunteer for Rush Homes and he really feels this site is a great site and a great opportunity for Rush Homes.

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.

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 – Rezoning, 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 – Rezoning, 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.

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 professional 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 behalf of the Finance Committee, Councilmember Helgeson noted the building has limited use but is huge. It has limited buyers and very little ability to sell at that price. The Committee felt it was justified to pay it from the fund. Mr. Bandy said he will try to address these types of issues a little beforehand so we do not have to be taking out the money from our reserve. Councilmember Helgeson made a motion to approve the resolution on behalf of the Finance Committee and it passed by the following vote:

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

// In the matter of Budget, Agenda Item #17, Council considered approving a change order in the amount of \$64,010 for the completion of the rehabilitation of the Percival's Island Bridge project. Mr. Clay Simmons noted that this change order is needed because the contractor started finding railroad ties that were completely rotted. It was not foreseen in the design.

On behalf of the Physical Development Committee, Councilmember Perrow commented that he is satisfied that City staff and the engineers did their due diligence in coming up with the best possible solution. He does not see another way to do it. He is disappointed that this project exceeds the contract by 25% but is pleased that we have had other projects that have been well within the budget. He makes a motion on behalf of the PDC to approve the resolution. It passed by the following vote:

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

// In the matter of City Council, Agenda Item #18, Council considered options for the recruitment of a City Manager. Councilmember Perrow thinks a national search would be the best thing to do for our citizens so we can have the best candidates come forward. He also thinks it would be very wise to use an expert service. There are a lot of benefits of having someone shepherd us through that is familiar with the process but not in the organizational network.

Councilmember Wright agrees and feels they should lean on expertise that exists in the marketplace to ensure that we find the best possible candidate for our community.

Councilmember Helgeson agrees with the national search and using an expert service. He would suggest they widen the net by not limiting the candidates to having governmental experience or have a certain type of degree or have experience in Virginia, for example. We are looking for a chief executive that can execute Council's policies.

Councilmember Wilder agrees with using an expert service. It shows our citizens that we are taking this seriously.

Councilmember Perrow noted that timeline is an aggressive one. Councilmember Wright does not want them to

be compelled to choose someone just because we want to get someone in there. We need to be rigorous about choosing the right person and not be pushed into it by an arbitrary timeline.

Councilmember Helgeson was not sure what they would be discussing in closed session because they only receive some of this information this afternoon and he does not think they can be prepared to pick a firm. Councilmember Perrow would still like to discuss this item. It does not mean that they have to make a decision tonight about which firm it is choosing. There was discussion about whether it was allowable to go in to closed session to discuss the candidates if they are not ready to choose one. Mr. Erwin clarified that it would be an acceptable topic for a closed session. It was clarified that there was consensus from Council to do a national search and to use an outside recruitment firm.

// On motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote elected to hold a closed meeting to d a) the discussion and consideration of prospective candidates for the position of Deputy City Attorney pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and; b) 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 and hiring 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. 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 Perrow 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 Wright, and Council by the following recorded vote adopted the motion:

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

// The meeting was adjourned at 9:20 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of January 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 the Citizen Survey, Agenda Item #1, Ms. Bonnie Svrcek remarked that the City has been utilizing the National Research Center (NRC) to conduct the National Community Survey (NCS) every other year since 2004. This is citizen survey number seven. Ms. Joann Martin has been the lead staff person working with citizens and the staff person at NRC. Ms. Joann Martin introduced Ms. Morgan Adams, the senior research analyst with NRC. Tomorrow she will also be meeting with members of the senior leadership team and senior staff members for the City of Lynchburg. It will be a next steps workshop to make this report useful.

Ms. Adams thanked Ms. Martin for being great to work and doing a great job of getting the word out about these surveys, which is immeasurable. The NCS was developed by NRC with the ICMA. It is templated so it is less costly and also provides them with the greatest number of benchmark comparisons. They have over 600 jurisdictions in their benchmarking database. They have discovered that there are three main pillars of community livability that exist and they are community characteristics, governance and participation and within those pillars they have derived eight facets of community livability from models.

This year they sent out a scientific sampling to 1,700 households and received 377 surveys, which is a 24 percent response rate with +/- a 5 percent margin of error. They also received 82 responses on their open online survey. Those results are in a supplemental report.

Councilmember Helgeson asked about the response rate and how it compares with other years. She said it has declined and overall they have seen response rates as an industry and even out over the last five years or so. A response rate like 24 percent is very common for citizen surveys. He is concerned because if we do not address what comes out of a survey, eventually people stop answering the survey. Ms. Adams would guess that initially the City had a response rate in the mid 30 percent range. Councilmember Helgeson noted that might be what is happening then. Ms. Adams said in general she thinks people are feeling survey fatigue. If a community sees a response rate staying somewhat level, it shows that the community sees that leadership cares about the results and cares about how they feel about their City and are willing to make changes based upon their feedback.

Mayor Tweedy asked if she thinks that people feel they are being heard and are satisfied with some things. Ms. Adams said definitely. Vice Mayor Dolan would think that 24 percent response rate is pretty good and Ms. Adams said yes. NRC has been starting to see things as low as the mid teens. Smaller communities tend to have higher responses but demographics also play a very large role. Young people are less likely to respond in general.

133 of the national benchmark comparisons were available this year. 121 received similar ratings. Four received higher ratings and eight received lower ratings. The four that were higher included cost of living, the percentage of residents that work here in the community participation in religious or spiritual events and rates of volunteerism. The lower ratings tended to be related to the natural environment and a couple of mobility items. She

explained that this means that there is at least a ten point spread between the national average and the Lynchburg average for these higher or lower benchmarks.

With regard to comparing to other southern regional communities with similar populations, Lynchburg scored higher on three areas and scored lower on 11 areas. The three higher were cost of living, opportunities for religious events and working in the community. 119 received similar ratings.

Comparing our ratings between 2019 and 2017, nine received higher ratings and nine received lower ratings. 115 received similar ratings. They saw ups and down with mobility and increases in recreation and wellness. The lower ones tended to be with community engagement and natural environment.

Residents picked safety and economy as their two top priorities. Councilmember Perrow noted it is great to see people rated employment opportunities as going up. Ms. Adams explained this is obtained by asking people to rate job opportunities on a scale from excellent to poor. She explained that they should not be comparing the 47 percent satisfaction rate to other communities. They should be looking at the fact that since 2004 employment opportunities has hit an all time high. Councilmember Perrow noted that it is not where he thinks it should be, which would be something 50 percent or greater. She clarified for Councilmember Helgeson that the other economic benchmarks were consistent with their results over time. She did not want to underplay what it means to stay stable because maintaining those high services definitely speaks volumes as well.

One in two people felt the variety of housing options was excellent or good, as well as the availability of affordable quality housing. 85 percent thought that providing quality affordable housing for all income levels should be a high or medium priority. Councilmember Perrow said that seem to be conflicting and Ms. Adams commented that as a trend, they have seen these numbers plummeting, so she thinks it is great that we are still seeing some stability here in Lynchburg.

One in two people felt the City had made some or significant progress in providing housing for all income levels in the past two years. As far as housing availability options, the two areas found the most lacking were housing options for seniors and young residents.

Another key finding is that residents have mixed feelings about mobility. The overall ease of travel and ease of travel by car increased since 2017. Half were pleased with the travel by walking. She noted that public parking and traffic flow marks both increased this year as well and not by small amounts. The rest of the benchmarks measured were good and stable over time and similar to other communities.

They saw a decrease in availability of paths and walking trails. Ms. Adams said some of that could probably be attributed to construction. Councilmember Helgeson noted some of the trails are still not quite open yet from damage caused by storms. Ms. Adams said it has not been a huge decrease over time.

Residents were less pleased with alternative modes of transportation, particularly travel by bicycle. This was lower than benchmark communities. Four in ten said that transportation overall was a high priority and 55 percent said there had been some progress and 17 percent said the City had made significant progress.

The final key finding was that the natural environment presents opportunities for improvement. The residents gave high marks for air quality, garbage collection, drinking water, cleanliness, natural areas preservation and open space. Noteworthy is that the quality of drinking water has remained high over time but yard waste pickup and

recycling have gone down. The last two are lower than the benchmarks. About two-thirds of the participants said they had conserved water and recycled at home. Both of these fell below national and peer cities and conserving water decreased from 2017.

She noted that the responses to where people are getting their information remained stable since 2017. That speaks highly of the City's communications department. The results are also quite a bit higher than you normally see, especially for public meetings and the cable channel.

The highest resident priorities were treating all residents fairly and employment opportunities. The lowest resident priorities were kindergarten ready children and building partnerships. Residents said we had made a great deal of progress in these areas. Councilmember Helgeson asked if there is a disconnect then. Ms. Adams said that some of the trends they have been seeing is that as things are progressing, they become less and less a priority over time. Fewer people are saying reducing poverty is a priority because they feel like the City has been making more progress on it, for example. She clarified also that they are separate questions.

Councilmember Wilder asked Ms. Adams what they are seeing nationally as far as the housing market. He felt like the trend is people going toward single-family housing and wondered if that is what she is seeing nationally. She said in general people tend to prioritize single-family detached homes over multi-family housing. It has also been a trend that housing for seniors has become quite a hot topic. She thinks it is great that Lynchburg is maintaining that quality housing as well as its cost of living because sometimes those things do not go hand in hand. Mayor Tweedy thanked her for her presentation and said she is very encouraged. Ms. Svrcek noted they want to link this to performance measures and make our performance measures and data more in alignment with our budget decisions.

// In the matter of Roll Call, Councilmember Wright had no items. Councilmember Wilder thanked all the men in our community that came out for Men to School again. It is such a caring community. When there is a call, they always rally to it. Councilmembers Nelson, Perrow and Helgeson had no items.

// Mayor Tweedy had the following announcements: a. On Thursday, January 16th at 6:30 p.m. at Sandusky Middle School, Public Works will conduct a public meeting to discuss proposed changes to trash collection system, including bulk and brush. The meeting gives citizens an opportunity to learn about the proposed changes and provide feedback before the department presents a report to City Council on Tuesday, January 28th. b. A portion of Commerce Street will be reduced to one lane from Wednesday, January 15th through Friday, January 17th - 7:30 a.m. - 4:00 p.m. daily, the 1200 block of Commerce Street will be reduced to one lane of traffic while crews from Lynchburg Water Resources install water services for new condominiums at 1208 Commerce Street. During the work, flaggers will direct traffic. The street will remain open to all through traffic, including emergency vehicles. c. Lynchburg Parks & Recreation will host a community health event on Tuesday, January 21st in partnership with the Lynchburg Fire Department, Centra Health Trauma Services and the Diamond Hill Community Center, will host a community health event at the Diamond Hill Community Center, 1005 17th Street. At this event, basic medical and life safety techniques will be taught, including hands-only CPR training & emergency bleeding control. The event is free & open to the public and done in an open house format. d. The Community Development Advisory Committee will meet on Wednesday, January 15th at 7:00 p.m. at the Miller Center located at 301 Grove Street;

Room 304 to accept public comments prior to preparation of the City's 2020-2025 Consolidated Plan. Specifically, the public is invited to comment on the housing and non-housing community development needs common to low and moderate income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-AIDS, persons that are homeless and elderly persons. e. The Annual Martin Luther King Breakfast is planned for Monday, January 20th at the Virginia Hotel beginning at 8:30 am. You may get tickets on line at Eventbrite or at the Main Branch Public Library. Tickets are \$30. f. The Bridges to Progress 90-day meeting and report out is scheduled for Thursday, January 23rd at the Miller Center at 9:00 a.m.

// The meeting was recessed at 4:36 p.m.

// City Council reconvened the meeting at 7:30 p.m. in the auditorium of E. C. Glass High School at 2111 Memorial Avenue. 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 Perrow asked for a moment of silence to recognize the News & Advance reporter assigned to report on City matters, Olivia Johnson, who tragically died in a car accident on December 30, 2019. The moment of silence was followed by the invocation and the Pledge of Allegiance.

// Copies of the minutes of the November 7, 2019 Council Retreat, Agenda Item #7, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dolan, seconded by Councilmember Wilder, by the following recorded vote, approved the minutes as presented.

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

Noes: 0

// Councilmember Nelson made a statement that his wife is the principal of one of the City's elementary schools. He has been advised by both the City and Commonwealth attorneys that this does not legally create a conflict of interest and he affirms that he can vote on the issues before them tonight objectively and impartially.

// Copies of the minutes of the December 10, 2019 meeting, Agenda Item #3, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote, approved the minutes as presented.

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

Noes: 0

// In the matter of Budget, Agenda Item #4, Resolution #R-19-097, laid over from the December 10, 2019 meeting, was again presented and read, on motion of Councilmember Perrow and seconded by Councilmember Wilder, the FY 2020 General Fund budget was amended and \$2,652,092 was appropriated with resources from unexpended FY 2019 Schools Operating Fund for transfer to the FY 2020 Schools Operating Fund (\$990,178) and to the Schools Capital Fund (\$1,661,914) to fund needs as approved by the School Board. Also, amend the FY 2020 General Fund budget and appropriate \$33,075 to the Council/Manager Offices budget with resources from unexpended FY 2019 Schools Operating Fund for expenses associated with the work of the Task Force on the Future of PreK-12 Education and Beyond. Also, amend the FY 2020 General Fund budget and authorize \$2,322,972 with resources

from unexpended FY 2019 Schools Operating Fund to increase the Schools Textbook Reserve (\$1,122,972) and establish a Reserve for Implementing Recommendations from the Task Force on the Future of PreK-12 Education and Beyond (\$1,200,000).

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

Noes: 0

// In the matter of Budget, Agenda Item #5, Resolution #R-19-098, laid over from the December 10, 2019 meeting, was again presented and read, on motion of Councilmember Perrow and seconded by Councilmember Wilder, the FY 2020 General, Water, Sewer, and Stormwater Funds' Operating Budgets was amended and \$350,000 was appropriated with resources from the General Obligation Public Improvement Bonds, Series 2020 for costs associated with the issuance of \$32,000,000 General Obligation Public Improvement Bonds.

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

Noes: 0

// In the matter of Budget, Agenda Item #6, Resolution #R-19-101, laid over from the December 10, 2019 meeting, was again presented and read, on motion of Councilmember Perrow and seconded by Councilmember Wilder, the FY 2020 General Fund budget was amended and \$32,585 was appropriated with resources from the General Fund Reserve for Contingencies to provide funding to the Electoral Board/Registrar's Office for estimated costs associated with the March 3, 2019 Democratic Presidential and City Council Primary. A third quarter budget request may occur due to a possible U.S. Senate or U.S. House of Representative Primary in June.

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

Noes: 0

// In the matter of Budget, Agenda Item #7, Resolution #R-19-103, laid over from the December 10, 2019 meeting, was again presented and read, on motion of Councilmember Perrow and seconded by Councilmember Wilder, the FY 2020 City/Federal/State Aid Fund budget was amended and \$215,474 was appropriated with resources from the Commonwealth of Virginia Department of Social Services (VDSS) through the Employment Advancement for Temporary Assistance for Needy Families (TANF) Participants Community Wealth Building (CWB) Grant.

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

Noes: 0

// In the matter of Public Hearings, Agenda Item #8, a Public hearing was conducted to consider adopting a Resolution designating the City of Lynchburg a Second Amendment Sanctuary. Before beginning the public hearing, Councilmembers discussed establishing some special rules of procedure for the meeting, as outlined in Section 8.5 of Council's rules of procedure. Mayor Tweedy made a motion, which was seconded by Councilmember Wilder to limit the speakers to those that had signed up by 7:30 p.m. Councilmember Helgeson objected and cited an email from the Mayor where she had said that regular procedures would be followed. He objected to closing a public hearing before the public hearing is even opened. Mayor Tweedy commented that she has the prerogative to change her mind and indicated that Council has the right to change its rules of procedure before a public hearing. Councilmember Perrow objected to bar people from speaking that had not signed. It is against Council's normal rules of procedures and he noted that the sign-up sheet is a way to effect order. Council has traditionally allowed people to speak before a public

hearing is closed. There may be someone who was not able to get here by 7:30 p.m. to sign up to speak. He does not think it is fair to our citizens to change something abruptly. Councilmember Nelson commented that up until tonight he thinks the public thought that Council's normal rules of procedure would be followed. Normally, a person who has not had a chance to sign up to speak in a timely manner can have a chance to speak at the end. In looking at history, no government has encountered difficulties by listening to their citizens too much. The problems arise when government leaders do not listen enough.

Mayor Tweedy went over the rules of conduct for City Council meetings, which included time limits for the speakers and requesting that the audience does not applaud, jeer or cheer. She also explained to the audience that it is within Council's right to call for a vote at any time during the hearing. Councilmember Wilder asked how many people had signed up to speak and Mayor Tweedy indicated it was over 120 speakers. The City Attorney provided clarification that Council's rules of procedure do allow for Council to add special rules of procedure at any time it feels it is appropriate to do so. Due to the size of the meeting, Council is within its rights to implement some special rules of procedure that it would not normally have for a public hearing.

The motion to limit speakers to those that had signed up by 7:30 p.m. passed by the following vote:

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

Councilmember Helgeson made a motion to allow applause, cheers and jeers because they were in an auditorium where applause is normal and tonight's topic is an emotional one. The motion was seconded by Councilmember Perrow. Councilmember Perrow added that he would like the applause, cheers and jeers to be directed to the councilmembers but when people are speaking that the audience would show them courtesy. Councilmember Helgeson accepted that as a friendly amendment. Councilmember Nelson does not disagree with Councilmembers Helgeson and Perrow but he would like to hear what everyone has to say and thinks that applause, cheers and other outbursts will just prolong the night and interfere with Council's ability to hear everyone in an expeditious manner. The motion failed by the following vote:

Ayes:	Helgeson, Perrow	2
Noes:	Dolan, Nelson, Tweedy, Wilder, Wright	5

Mayor Tweedy made a motion, which was seconded by Councilmember Wright, to limit speakers to Lynchburg residents only. Councilmember Wright noted that they are there to hear from residents of Lynchburg, to do their work and it is fully appropriate that we make space for them here tonight. They are their concern and he is fully in favor of this motion. Councilmember Helgeson noted that there have been several announcements made since the December 10, 2019 meeting and there were several errors in them that had to be corrected. None of these things were in those announcements. He noted that there are a lot of people that own property in Lynchburg or have invested in Lynchburg or work and shop in Lynchburg that are not City residents. He will not support this motion because he thinks they should hear from people and if the rules are to be changed, they should not be changed mid game. The rules should have been changed ahead of time. Councilmember Nelson stated that he would like to hear first and foremost from the citizens of Lynchburg. There are people that have a vital interest in the City that are not residents that he would like to hear from as well. He thinks it would be appropriate to hear from City residents first

and then from those outside of the City. Mayor Tweedy accepted that as a friendly amendment. Councilmember Perrow asked for clarification on outside residents that represent a group. Mayor Tweedy indicated they will receive five minutes to speak but they will hear from Lynchburg residents first. Councilmember Perrow commented that as representatives of Lynchburg, he feels he can support the amendment that Councilmember Nelson proposed. He would like to hear from all residents though tonight, no matter where they are from. The motion passed by the following vote:

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

Mayor Tweedy noted that there are elected officials that have signed up to speak tonight. She asked Council if they would like to give any preference to allow elected officials or their representative to speak first.

Councilmember Wright did not think they needed to consider this item. He applauds the elected officials that have said they will speak in the order in which they signed up. He applauds them and thinks that makes sense. Mayor Tweedy thanked Council and indicated she had wanted to bring that as a matter for them to consider.

// Mr. Chris Feraldi spoke in favor of the City becoming a Second Amendment sanctuary city. He encouraged them to vote in favor of the resolution and to uphold their oath as elected officials wherein they swore to uphold the U.S. and Virginia Constitutions. He asked those in favor to stand. After they stood, he indicated it is the majority.

// Ms. Liz Corrales spoke in favor of the City becoming a Second Amendment sanctuary city. She is a stay-at-home mother and does not want her ability to arm herself and defend herself and her family to be limited. It is not only unconstitutional but also dangerous and irresponsible. Their guns are also needed to defend their rights from a government that may one day act out in tyranny against its own people.

// Ms. Meredith Sommers spoke in favor of the City becoming a Second Amendment sanctuary city. She said she will not feel safe in Lynchburg if she is not allowed to carry her gun. Taking away her and other women's Second Amendment rights will leave them powerless. She also pointed out the economic impacts that enforcing these laws will have on the City in terms of expensive software, added personnel and added police officers.

// Ms. Laura Pezzulo spoke in favor of the City becoming a Second Amendment sanctuary city. She asked that Council not make her a victim. She has 12 years as a law enforcement officer and has heard many horrible stories from women that were raped or beaten and she has heard from many who thought they were going to die while being robbed. She cannot rely on anyone else, including the police, to protect her if someone breaks into her home. She urged Council to stand up for their rights even if it goes against their own personal beliefs.

// Mr. Demetrius Alexander spoke in favor of the City becoming a Second Amendment sanctuary city. He read an article of the Virginia constitution regarding the right of people to bear arms not being infringed upon and some court cases that upheld this article. He also provided some statistics indicating that automatic rifles are infrequently used to commit murder. He urged them to vote in the general public's interest and vote accordingly.

// Mr. Michael Racanelli came forward to speak. He demanded Vice Mayor Dolan apologize to every veteran in the room. He noted he was from Bedford County and Mayor Tweedy noted that he signed up as a City of Lynchburg resident.

// Ms. Angie Arthur spoke in favor of the City becoming a Second Amendment sanctuary city. She feels that some members of Council already had their minds made up at the December 10, 2019 meeting. She would like them to stop passing the buck and support the constitution they are supposed to love. She said there are people in the room that have what it takes to take their seats if they are not willing to support their people. These people display the qualities of fairness, honesty and integrity and an open mind. She is having trouble finding those qualities here.

// Mr. Ben Castle spoke in favor of the City becoming a Second Amendment sanctuary city. He quoted from the Bible and mentioned that he is a pastor. Virginia is his home state but he is fearful for his state with the laws being contemplated by the state government because they will be a punishment of the good and an encouragement to the evil. That is the opposite of what civil government is supposed to do.

// Mr. Steve Timmons spoke in opposition of the City becoming a Second Amendment sanctuary city. We are a republic and rulers should base decisions on rational thought not emotional appeal. This is an emotional reaction to perceived threats that in fact do not yet exist. It is not Council's role to represent them in Richmond or make determinations of constitutionality. He would beg them to let the systems in place to work as they are designed and have worked for them thus far. He also thinks this resolution inhibits the discovery of reasonable solutions through thoughtful efforts. It also poses a potentially serious threat to public order in the future.

// Ms. Katie Cyphert spoke in opposition of the City becoming a Second Amendment sanctuary city. She is heartened by moderate Democrats in Richmond who are expressing their skepticism and reservation about certain pieces of legislation. The process is working in Richmond and that is where the process should work. She is also concerned with the words "all citizens" in the resolution and wondered if it includes those prevented from owning firearms due to violent felony convictions, unsupervised minor children or adjudicated mentally incapacitated. She was also concerned with the language regarding expending funds because there is no end date and no fiscal impact statement.

// Ms. Shirley Arthur spoke in favor of the City becoming a Second Amendment sanctuary city. She can think of no greater right than the right to defend herself. She thinks passing this resolution sends a clear message to the General Assembly that a woman's right protect herself, if need be, is being protected. She thinks if these bills are passed that law enforcement officials will have to spend their time taking away guns from law abiding citizens and risking their lives to do so. Their time would be better spent investigating and fighting real crimes and protecting the City's residents.

// Mr. Curt Dimer spoke in favor of the City becoming a Second Amendment sanctuary city. He told Council that the people are the sovereigns and they loaned Council the right to sit up there. They are asking them to represent them by passing this resolution. He had a petition to present to them with over 2,000 names on it but is not sure they read the last one he presented to them. He also spoke for a woman who lives in Ward 2 that is counting on them to continue to defend her rights and pass the Second Amendment resolution unchanged.

// Mr. Dan Keeney spoke in favor of the City becoming a Second Amendment sanctuary city. He said he witnessed the General Assembly passing on to the senate floor unconstitutional bills yesterday that trample our rights. The Second Amendment confirms and ensures that we will be able to protect all of the United States Bill of Rights. He asked Council to do the right thing and make Lynchburg a Second Amendment sanctuary city.

// Mr. Dustin Childress spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that the first infringement on the Second Amendment was the National Firearms Act of 1934. These stipulations and regulations only stop law-abiding and caring citizens from exercising their rights. We have the right to protect and preserve our lives. The definition of infringe is to limit or undermine something or to encroach on it. It was recognized by our forefathers that we are to be stronger than our government as to not be taken over by the government. He also pointed out that criminals will ignore gun laws and law-abiding citizens should have their rights protected.

// Ms. Nicole Childress spoke in favor of the City becoming a Second Amendment sanctuary city. Statements that say this resolution is meaningless leave them helpless, voiceless and ineffective as a city. They have the right to appeal to their government when unconstitutional laws are being forced on them. Councilmembers are the representatives of the City and the people here tonight have come to express opposition to these constitutionally invalid laws. Council is bound to uphold the U.S. and Virginia Constitutions not the agenda of Richmond.

// Mr. Robert Flint spoke in opposition of the City becoming a Second Amendment sanctuary city. He said he left his M16 behind when he left Vietnam. He does not need an assault rifle whose only purpose is to kill lots of people. He does not need bump stocks or silencers or large capacity magazines. He has hunted all his life and has rifles and shotguns and no one is proposing to take those away from him.

// Mr. Tim Yonts spoke in favor of the City becoming a Second Amendment sanctuary city. He noted that they will not find a group of people more concerned with public safety than Second Amendment advocates because they understand the inherent connection between public safety and the right of every individual to keep and bear arms. The laws proposed by the General Assembly would turn law abiding citizens into felons for possessing firearms and accessories that they lawfully obtained. The laws do not exhibit moderation or a spirit of compromise but rather exude a spirit of elitism and jackbooted thuggery stopped only by the momentum of the sanctuary movement. When local political leaders allow state political leaders to criminalize their constituents, they surrender the moral authority to lead. If they do not pass the Second Amendment resolution, he would like them to reconsider the moderate proposal put forward by Councilmember Nelson at the December 10, 2019 meeting.

// Mr. David Zilles spoke in opposition to the City becoming a Second Amendment sanctuary city. He is concerned with the resolution because it would give Lynchburg the unfounded power to not enforce potentially lifesaving gun laws that it deems unconstitutional. They cannot deem a state law unconstitutional because that is a blatant disregard for the rule of law and our State's Constitution. These matters need to be decided by litigation in the courts and ultimately the Supreme Court. He would like them to use the democratic processes our founding fathers provided us to vote for the state representatives we think represent us the best and to meet and work with our state lawmakers or run for a state legislative seat ourselves to serve the will of the people.

// Ms. Carrie Riddle spoke in opposition of the City becoming a Second Amendment sanctuary city. She told a personal story about her encounter with an abusive man. She feels that common sense gun reform such as extreme risk protective orders or "red flag laws" should be considered. Several laws, such as HB240 are the beginning step forward to accomplish this method and it is unfair to assume all bills currently proposed in the General Assembly are unconstitutional and strictly against the everyday gun owner.

// Mr. Michael Graham spoke in favor of the City becoming a Second Amendment sanctuary city. He addressed Vice Mayor Dolan directly regarding emails that he had sent her and she had forwarded to others. He provided Council an estimate of how much it would cost them to house the people that would need to be jailed because they would be breaking the law and stipulated that the City does not have that much money. He estimated that 25 percent of the population would be breaking the law and Council would have to build more jails and hire more clerks and more police officers.

// Mr. William Jennings spoke in favor of the City becoming a Second Amendment sanctuary city. He saw in Afghanistan what the abuse of power can do. The citizens had no way to defend themselves because the average Iraqi citizen had no gun. These steps are only a first step and the right to bear arms was put in the Constitution for a reason. For people that do not believe it, spend some time reading the Federalist Papers. We need to make a statement to Richmond that we will not follow.

// Mr. Steve Troxel spoke in favor of the City becoming a Second Amendment sanctuary city and on behalf of the Freedom Caucus of 6th Congressional District. He mentioned that they won a case in Federal District Court and the Federal Court of Appeals regarding an unconstitutional law called the Incumbent Protection Act. The State declined to take it to the U.S. Supreme Court. This case cost the State a lot of money. The gun laws are unconstitutional and will be challenged in court and the state will have to pay attorney fees for both sides when it loses. The City of Lynchburg could be financially liable as well if it supports these laws with its silence. In order to save a lot of money, Lynchburg needs to pass this ordinance. The General Assembly passed House Bill 1160, which prohibited Virginia from assisting the federal government in the unlawful detention of U.S. citizens under the 2012 National Defense Authorization Act, establishing the principle that a subordinate level of government has the authority and indeed the responsibility to refuse to cooperate with a higher level of government when the higher government enacts a law which violates the Constitution of the United States.

// Mr. Richard Burke spoke in opposition of the City becoming a Second Amendment sanctuary city. The outcry for this measure appears to be a rejection both of facts and of reason. No one is seriously expecting the banning of all firearms in Virginia. No reasonable person is seriously anticipating the forced confiscation of firearms. Gun right advocates have made these claims for decades to justify their opposition to even the most reasonable legislation. Extremists on either side of an issue are always a danger to society. He would like them to side against extremism and make the judgment that Lynchburg benefits from common sense gun laws.

// Ms. Corey Thomas spoke in favor of the City becoming a Second Amendment sanctuary city. She thinks they are at a crossroads for how our citizens will be allowed by law to arm and defend themselves. She feels women are underrepresented in this issue. She had statistics to provide Council regarding higher numbers of crimes against women versus men. The practical outcome of these laws will make the citizens of Virginia more vulnerable in situations and women will be the most vulnerable of all. The women of Lynchburg are counting on Council to support their right to defend themselves.

// Mr. Lorenzo Saenz spoke in favor of the City becoming a Second Amendment sanctuary city. He noted that it is our unalienable right to have freedom of speech and to be able to protect ourselves. He asked if he is supposed to

wait for the police who have astounding response times when he needs to defend himself. He also asked Council what they would do if someone came to harm their family.

// Mr. Evan Murch spoke in favor of the City becoming a Second Amendment sanctuary city. He pointed out that laws do not create an ethical people. Only the fear of God can create an ethical people. The answer is always to bring the fear of God back into the public square. The Second Amendment was put in place so they can defend themselves against evil criminals whether they are among us as thugs or in Richmond so they cannot tyrannize us.

// Ms. Aleta Robertson spoke in favor of the City becoming a Second Amendment sanctuary city. She no longer feels safe in her neighborhood. She got her concealment permit and feels safer. She needs Council to support her and to support this resolution.

// Mr. Early Bryant spoke in favor of the City becoming a Second Amendment sanctuary city. He does not support these new gun laws because they will make citizens felons and they will lose their jobs and their right to vote. Mr. Bryant wished to yield his time to another citizen. Mayor Tweedy indicated she was not signed up on the speaker list and called the next person.

// Delegate Wendell Walker spoke in favor of the City becoming a Second Amendment sanctuary city. He has a great concern regarding the direction Virginia is headed concerning public safety and our ability to protect ourselves. If we lose our Second Amendment rights, then we know the First Amendment will be next. The ballot box is the place for this battle. He fears we are on a slippery slope to tyranny. He read a portion of the Declaration of Independence. He commented that the answer is not in our government but in our faith in the Word of God and he read a passage from the Bible.

// Ms. Jennifer Brown spoke in favor of the City becoming a Second Amendment sanctuary city. She represents the 6th District Republican Committee and is also the president of Second Amendment Alliance. The Second Amendment is not negotiable. We are fighting for a right that has already been guaranteed. She implores every single conservative constitutional patriot here today to join their local Republican Committee so we can vote those that are going to infringe on our constitutional freedoms out. She is an attorney and acknowledged we are a nation of laws but the Constitution is the law of the land by which all other laws shall abide. Criminals will not abide by these laws and the only ones who will suffer are those of us who will no longer be able to defend ourselves. This is not about gun control. It is about control of the people and silencing those that do not agree.

// Mr. Ryan Thomas spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that if a law is unethical, the moral failure lies not only with those that wrote it but with also with all who enforce it. We were just doing our jobs has never been and never will be an acceptable defense for carrying out unethical orders. This cannot be punted to the courts because the courts have upheld contemptible legislation in the past. Council's moral duties transcend their legal ones and they have the power to act.

// Mr. Landon Rigglesman spoke in favor of the City becoming a Second Amendment sanctuary city. Some Councilmembers expressed that this is not a local issue but it is Council that will enforce these laws and will tell our sheriff and police chief to go around and collect firearms. It is Council that will say they must go and it is putting them in harm's way. He commented that the founding fathers trusted the American people with the right and

responsibility to bear arms. He asks Council to give them that same right and to trust their constituency. If Council will not, they can certainly elect members of Council who will.

// Ms. Mary Ellen Gordon-Scudder spoke in opposition of the City becoming a Second Amendment sanctuary city. Her minister and others are praying for a peaceful resolution of this painful gun safety issue. She also speaks for other citizens of Lynchburg that could not be there but share her concern. She would propose that we show respect for our system of state government. If you object to the laws, you should contact your state representatives and you should go to lobby day next week. She thinks many of the proposed gun laws seem reasonable such as universal background checks.

// Mr. Jordan Olacha spoke in favor of the City becoming a Second Amendment sanctuary city. People have the right to be alive and that is closely married to the idea of liberty. The idea of people being killed by others or a government killing its people is what we are protecting ourselves from by ensuring that life is a right. We are not talking about a society of just us and the military and the idea that it is just going to be people fighting the military is just ridiculous. It is Council's job to represent the people and the people want you to protect their rights not to protect some weird agenda that attacks the premise of the country.

// Mr. Tim Wiger spoke in favor of the City becoming a Second Amendment sanctuary city. He does not the three categories of sheep, wolves and sheepdogs are sufficient to include everyone. Where do the leftist lawmakers fit? He believes they see themselves as ranchers and have dominion over the sheep and sheepdogs and act as if they have dominion over the wolves. These arbitrary rules are the first step down the path of disarmament. He asked them to remember the relationship between the sheep and the rancher and that it never ends well for the sheep.

// Reverend Dr. Richard Helein spoke in favor of the City becoming a Second Amendment sanctuary city. This is not about gun safety. This is about power grabbing and it is starting in Richmond. This is a national issue and Council took the same oath. If you cannot vote to protect them from Richmond, then the next thing you should do after your no vote is to furnish your resignation. This is exactly the moment that our founding fathers feared. Pass laws that convict and deal with criminals and behavioral health.

// Mr. Joshua Worley spoke in favor of the City becoming a Second Amendment sanctuary city. Most mass shootings have occurred in gun free zones where citizens have not been able to properly defend themselves. People are not going to easily surrender their guns. Why would anyone expect cooperation with an outright ban of previously legal weapons without compensation and with such a ban already prohibited by the Second Amendment? Gun control has also had a history of disproportionately affecting poor black and minority communities leaving them more vulnerable to crime including voter intimidation and hate crimes.

// A representative for Senator Steve Newman read a statement from him. He does not presume to tell elected officials what to do in their elected capacity so he will not start tonight. We are a critical time in our commonwealth's history and the next 53 days will determine if our constitutional freedoms remain intact. The Second Amendment is under attack today but tomorrow it could be the First Amendment or the Fourth Amendment.

// Mr. John Miska spoke in favor of the City becoming a Second Amendment sanctuary city. He asserts that outside individuals have bought and paid for a General Assembly that does not represent all of the people. We as a free people are not subjects.

// Mr. Roger Fons spoke in favor of the City becoming a Second Amendment sanctuary city. He is not sure if Council knows how powerful the words “shall not be infringed on” really are. He comes from Detroit where citizens were asked by the Chief of Police to get concealed permits and violence went down 25 percent.

// Mr. Jack Gary Underwood spoke in opposition of the City becoming a Second Amendment sanctuary city. The U.S. Supreme Court holds the ultimate power to interpret the Second Amendment. We all think our opinions are right regarding the Second Amendment but they have no legal weight. The Supreme Court has protected our Second Amendment rights very strongly but has said they are not unlimited. City Council does not have the right to impose its interpretation of the Second Amendment on state legislation and is preempted from passing any resolution that conflicts with state law. Local government also does not have the right to regulate firearms. That right is restricted to Virginia code. He also mentioned that Virginia is a Dillon Rule state.

// Mr. Josiah Wyble spoke in favor of the City becoming a Second Amendment sanctuary city. He cited moments in history when people have rebelled and fought because there was a high governing authority oppressing and violating people’s rights. This is what we call tyranny. He does not want himself or his children or future generations to live in a country subject to tyranny. The governmental courts are not infallible and it is unwise and ignorant to believe so. It is the people’s responsibility and duty to correct the government when it overreaches or seeks to take away rights clearly laid out in the Constitution.

// Mr. Zechariah Pratt spoke in favor of the City becoming a Second Amendment sanctuary city. He implored Council to not let their right to keep and bear arms to be infringed. He stands before them as one of the many youth in the City and State. They do not know war and do not fully understand the cost at which freedom is bought but he will pursue every legislative, diplomatic and persuasive avenue to stand against tyranny.

// Mr. Stephen Semuienick spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that we have come to recognize that great differentials in power can negate one’s ability to give consent and once given, can be withdrawn. The inability to say no equals the inability to say yes. It is so with our political and legal relationships as well. Our rights are unalienable and cannot be bargained away, sold or traded. No one can consent in our name should we say otherwise no matter how valid their elected status.

// Mr. George Caylor spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that this is a national issue because it is microcosm of what is going on in America and whether we are going to support tyranny or freedom. He mentioned the Jim Crow laws, which are now called the “red flag laws.” They are going to pick out certain people that are not going to be able to carry guns. We are hard pressed to find a historical precedent where a government did not register and then eradicate the people. This is an opportunity that is not likely to come again. People can see who voted for it and who did not and say those people were brave and supported Lynchburg.

// Ms. Gladys Helein spoke in favor of the City becoming a Second Amendment sanctuary city. She directly spoke to the Mayor and Vice Mayor and said they have not provided the same respect to citizens that they demanded and voted this evening to silence citizens and disrespecting their citizens and infringing upon their First Amendment rights. She finds their actions disgusting, embarrassing and appalling to the City. She wants to walk away tonight a proud citizen and wants them to respect their citizens by voting to defend them and the ultimate law of the land, the U.S. Constitution.

// Mr. Craig Delucca spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that what Richmond is doing is subordinate to the supreme law of the land, which is the U.S. Constitution. He is sure they would not be okay with ripping apart other amendments, such as the First or the Nineteenth Amendment. To those that are outraged by the way Council is treating us and our rights, we need to get serious about elections and stop avoiding political conversations look into those running for office and make sure they are going to represent you. If we continue to be apathetic, then we will continue to lose our rights.

// Mr. Jonathan McMillan spoke in favor of the City becoming a Second Amendment sanctuary city. He feels led to speak up for unlawful oppression on people's liberties to protect and train themselves while building a safer community. The common sense gun law rhetoric claiming to make Virginia safer is a persuasive narrative that sounds attractive on its face but has a nasty authoritarian backbone because they target law abiding citizens. They are not asking them to disobey the law but not to use taxpayers to take away our Second Amendment and other rights. It is a symbolic resolution that he urges them to take tonight.

// Mr. Tomas Straka spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that every leftist regime's goal was to disarm for total control. He can trust him because he came from one of those countries. If gun control worked, places like Los Angeles, Chicago and Baltimore would be the safest places and they are not. Law enforcement without the support of community cannot work well. City Council has the police under its command and their weapons could be turned against the citizens for exercising their rights. That cannot be tolerated. He asked Council to do its job and its duty and protect the constitution.

// Ms. Breana Rock spoke in favor of the City becoming a Second Amendment sanctuary city. She outlined some history regarding Adolf Hitler and said this is what can happen when the government has too much power and that is what we are facing in the State of Virginia. Elected officials will not always look out for our best interest. They are looking out for their own. She mentioned a report from Freedom in the World that analyzes global political rights and civil liberties, 2018 marked the 13th year consecutive year of global freedom decline. It may have no legal precedent but it does send a clear message to our General Assembly that we the people of Virginia will not accept tyranny, as is being demonstrated in Richmond.

// Mr. Nate Rock spoke in favor of the City becoming a Second Amendment sanctuary city. He is asking Council to sacrifice and actively stand in defiance of the misguided will of the General Assembly. He thinks that the question of losing comforts is at the heart of the matter. It is not comfortable to resist something whether it is just or unjust and requires effort, stress and uncertainty and even fear and loss. In times like this, the law is the dividing and for our nation, a set of laws were implemented for our wellbeing. They are not asking Council to legally rebel against the General Assembly. They are asking Council to abide by the law that is over the General Assembly, which forbids them from stopping that law's use. Richmond may try to take things from Lynchburg because of this action and this means sacrifice in some manner may be required.

// Mr. John Sines spoke in favor of the City becoming a Second Amendment sanctuary city. He is asked as a pastor if Jesus would have a gun and he says no but He did tell us to be armed and quoted from the Bible. He discussed the events of a shooting at E. C. Glass recently that involved students illegally purchasing guns. He asked them how more gun control would have prevented these illegal activities. He quoted some statistics regarding deaths from

handguns and asserted that using cell phones while driving is a great threat to our society. If Council thinks this is an oppressive crowd tonight and does not make this a sanctuary city, wait until the next election.

// Mr. Mike Sharrett spoke in favor of the City becoming a Second Amendment sanctuary city. He is there to say that good people stop evil people with guns. He does not look at people here that are opposed to this as against his views. He looks at them like a human being and he values their life. There are people that will be sheepdogs for them and step up to protect them just as that person in Texas. He is suggesting they press “pause” and then seeing what happens with these laws as they are challenged in the courts. It will be a huge relief on our law enforcement, which is already understaffed. If most of the people in the room tonight say that they would like the City to be an “orange” City, that is how he would like them to vote tonight.

// Mr. Hoyt Alford spoke in favor of the City becoming a Second Amendment sanctuary City. No matter how they vote, he would like to take this opportunity to see what we did wrong last time to allow this to happen. Only 48 percent of the population voted last time, which is a sad state for all of us. We should have civil discourse with those that disagree and should inform them when they are under incorrect statements if we believe it and then listen to them when we may disagree with them. He has lived in dictatorships around the world and their governments treat their people in the most appalling ways. People are concerned that we go down that path and though unlikely, there is that chance.

// Mr. Walt Carey spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that if you allow the politicians to go through their agenda, it will not be long before no one is safe. If you think they will stop with assault weapons, you are sadly mistaken. If someone wants to do you bodily harm, he or she will find a way to do it. If Lynchburg does not become a sanctuary city, he sees an economic downturn because people will not come here to live or shop. He thinks their vote will determine whether they really love the people in your districts.

// Mr. Harrison Wiger spoke in favor of the City becoming a Second Amendment sanctuary city. He thinks they should be looking at the data to see if these laws actually achieve their desired intent. There is data that says that these proposed policies will actually increase violent crime in the state. Gun bans have been proven extremely ineffective in reducing mass shootings and violent crimes as a whole in the regions in which they are implemented. If we want to look at solving this issue, we need to be willing to look at multiple possible solutions, such as arming teachers that are willing to do so. We can be sure that when the laws fail to lower homicide, then the lawmakers will be back to impose further restrictions that will only make matters worse.

// Mr. Jim Meredith spoke in favor of the City becoming a Second Amendment sanctuary city. He mentioned several great leaders and said great men and women are not born. They rise to the moment. People who capitulate are forgotten. Laws are granted to us by the Constitution and have been guaranteed by the blood of patriots. As elected officials, their primary role is to defend and protect our rights from those who would take them from us. Those in Richmond do not care about Virginia history because they are elitists. An elitist supports the concept of a government run by a small group of people. Council’s legacy will be established by what they do with the big issues in their tenure.

// Ms. Hope McRorie spoke in favor of the City becoming a Second Amendment City. It seems to her that we are allowing fewer and fewer people to push their will on the rest of us. Liberty as envisioned by our founding fathers

has been slowly moving away from us. She thinks the Democrats in the General Assembly want to control all law abiding citizens, both black and white. She thinks they thought citizens would be too busy to notice. They trusted government to look after them but they are attacking. If Council supports measures that hurt people physically, mentally or financially, you will be held responsible.

// A lady who did not identify herself spoke on behalf of Kathy Gerber and in opposition of the City becoming a Second Amendment sanctuary city. She feels it is necessary to be armed sometimes but fails to see how the founding fathers could have envisioned a weapon such as an AK-47. She pointed out that “all men” in the Constitution has been expanded to include women and black people. We have wised up some and we do not live in a colonial society. The fact that people here lack faith in the government because they do not agree with the people that were duly elected scares her.

// Mr. Andy Langeland spoke in favor of the City becoming a Second Amendment sanctuary city. He is concerned that a shooter recently got away from the McDonald’s on Wards Road and could have come to his house. He is concerned that his wife might not be able to protect herself with the guns she would be allowed to have and might need more rounds than they allow. He is from California and recently moved to Lynchburg and is happy that he is able to exercise his Second Amendment rights thanks to the current laws of Virginia. He knows firsthand from living in California that gun laws do not limit violent crime.

// Mr. Barry Waltz spoke in favor of the City becoming a Second Amendment sanctuary city. He supports this, although he does not like calling it a sanctuary. He does not think it goes far enough but he will take what he can get and that is the City will use its prosecutorial discretion to not enforce any of the new gun laws. He has seen dumb things done by the smartest people when he was in the Navy and it has reinforced for him that common sense is not very common. If you want to talk about common sense, let’s start talking about doing mental health reform.

// Ms. Luchy Alvarado spoke in opposition of the City becoming a Second Amendment sanctuary city because it is outside the scope of City Council and has no legal significance. We should not use our local government and limited resources to pick and choose the laws we abide by. We need to take the conversation to Richmond so that new legislation takes into consideration responsible gun ownership and the voices of our City.

// Mr. Jason Burger spoke in favor of the City becoming a Second Amendment sanctuary city. He said he carries a gun to protect his family and will protect others that are not armed if evil shows up. He is a patriot and a warrior and a citizen of Lynchburg and he will not bow to any so called laws that threaten his freedoms or ability to protect his family or way of life. Our freedoms and rights are in the balance and being challenged and he remains ready to defend. He asked Council to do the right thing.

// Mr. Jeffrey Rosner spoke in opposition of the City becoming a Second Amendment sanctuary city. The agenda summary says there is no fiscal impact but the resolution includes the possibility of court action. The resolution is not properly presented because there could be a fiscal impact from court action. The words “all citizens” would include convicted felons, those judged mentally incompetent by the court and small children. If passed, the City would be in conflict with existing laws not just proposed ones. He commented that we have several rights that are guaranteed by the Constitution but they are still limited. Passing common sense limitations on the right to bear arms

does not take that right away. He also mentioned that much of the conversation has focused on Senate Bill 16, which was withdrawn yesterday.

// Mr. John Maunder spoke in favor of the City becoming a Second Amendment sanctuary city. He lives in California for 45 years and saw the state begin to implement tyrannical laws and he watched the citizens of California let it happen. He came to a place of freedom and a place where the things he believes are celebrate. He sees in Virginia a people that are willing to rise up, look people who are wrong in the eye and say no and he proud to be in Virginia and encourages everyone to keep standing up to the evil that is encroaching in their lives right now.

// Ms. Sandra Bowen spoke in favor of the City becoming a Second Amendment sanctuary city because she wants to stand up when our constitutional rights are being viciously violated. They want to stand with our state and say no to the governor. They need City Council to stand with them and protest this atrocity because with the stroke of a pen overnight the citizens of Virginia will become criminals. Our governor wants to disarm us as Germany did to their citizens. The governor is anticipating arresting thousands of people who do not give up their constitutional rights.

// Mr. Josh Duffy spoke. He did not specify if he was in favor or opposition of the City becoming a Second Amendment sanctuary city. He commented that they don't have just two options. We can do things as leaders that are outside of those two kind of binary decisions. Regardless of their decision, there is more that can be done and he personally looks to them as leaders to think outside the box and show them those opportunities that they might be aware of other than the flip of a coin.

// Ms. Megan Phillips spoke and addressed some of the comments that have been made tonight. She pointed out that first machine gun was invented in 1718. She thinks our founding fathers were smart and knew that things were not always going to stay the same. Someone said that guns take lives and Ms. Phillips said people take lives and do not always use a gun. Evil people take lives and guns can also save lives when good people use them as happened in the church in Texas. She pointed out that people that want to commit suicide will find a way to do it even if their firearms are taken away because of "red flag laws."

// Ms. Amber Haskew spoke in favor of the City becoming a Second Amendment sanctuary city and represented the organization called Lynchburg Republican City Committee. She shared a personal story where she was in fear of being abducted and hopes they will listen to her story and stand up for the women whose stories did not end up like hers. She signed up for a gun class so she could protect herself. She would like to know if they will side with someone in Richmond who has never met her and whose legislation would only embolden these kinds of attacks or will they will side with her and defend her right to protect her own life and her children's lives. The LRCC believes women should have the right to protect themselves and it should not be a partisan issue.

// Ms. Jennifer Staten spoke in opposition of the City becoming a Second Amendment sanctuary city. She asked Council to continue doing the business of the City of Lynchburg and focus on our public schools and public services and continue to make our City a great place to raise a family. They need to know that when they call the police that they will uphold the common sense gun laws that will pass. She thanked them for opposing this resolution.

// Ms. AJ Richards spoke in faovr of the City becoming a Second Amendment sanctuary city. She owns a company run by women and they have the need to protect themselves. She is going to use any gun that she owns that is legal to protect herself, her female employees and her possessions. Law enforcement is rarely there when the crime is

happening. She does not trust the governor with her safety as a black/white/Native American woman and she hopes Council does not either.

// Mr. Hart Green spoke in favor of the City becoming a Second Amendment sanctuary city. He is not sure about the legalities of Council being able to stop these laws from being prosecuted. It seems to him the Commonwealth Attorney would be pressing charges and not Council. To him, it is a symbolic gesture to stand with the rest of the counties around them. Do we want to stand apart from the approximately 98 percent of Virginia counties and cities have become sanctuaries? He thinks if Council is not careful and does not listen to the ones with the orange stickers tonight, they are going to get voted out. There are plenty of people that will take their seat.

// Mr. Brad Bullock spoke in opposition of the City becoming a Second Amendment sanctuary city. He appreciates very much the passion of those speaking tonight and he thinks we can all agree that we have been able to exercise the rights that in the Bill of Rights. He would encourage them to vote and put into power people that they think will represent them best. This resolution seems to skip a constitutional procedure and wants to preempt due process. We have a legal process to challenge unconstitutional laws. He does not think our City should pass resolutions based on fear of what state or federal lawmakers might do.

// Ms. Sarita Manian spoke in opposition of the City becoming a Second Amendment sanctuary city. She said she believes in the Constitution's strengths and processes and this country's democracy that allows for this diversity of opinions here. We are not an Iraq or an Afghanistan and it is this rule of law that preserves us in terms of our democratic values. She acknowledged those that had shared their fears but does not share in the emotional fear of the repetition of a tyranny from centuries ago. She fears that if citizens are armed as a militia against our state representatives, then we would become an Iraq or an Afghanistan and it would be a tragic place to be. She would like to see the City enshrine the democratic values in continuing to respect a variety of views and perspectives.

// Mr. Joel Fernando spoke in favor of the City becoming a Second Amendment sanctuary city. He believes tyranny does happen because his parents faced tyranny in Sri Lanka to the point where they saw family members killed right before their eyes. The longer he lives in America, the more he understands the importance of the right to bear arms. He urged them not to make this about mistakes from the past long ago. These are mistakes that are currently made in countries all over the world.

// M. Larry Lansing spoke against the City becoming a Second Amendment sanctuary city. He thinks it is a really sad and scary state of affairs when our civil discourse is reduced to threats and intimidation. It is even sadder and scarier when our President encourages this type of thuggish behavior. He believes that the Constitution allows elected bodies in this country to legislate common sense gun control laws with a reasonable expectation that the local authorities will enforce them. He trusts that the majority of the City Council will not be intimidated by the vocal minority of the constituents and the vocal majority of non-constituents and vote against this resolution.

// Mr. Clint Hunter spoke in favor of the City becoming a Second Amendment sanctuary city. He asserted that the City already takes a position on state and federal issues. The legislative agenda that Council approves every year is a wish list of what it thinks the state government should be doing. Taking an official position on this issue tonight is no different. He would like Council to listen to the clear majority of this City that elected you and vote in favor of the resolution.

// Mr. Jamie Cash spoke in favor of the City becoming a Second Amendment sanctuary city. The Second Amendment should not be up for debate. It is not the gun that is good or bad but the person wielding it and his heart that is good or bad. He attributes a lot of the fear to the fact that people do not know about guns. They will listen to politicians and think they are right when in actuality they do not know the first thing about guns. He is so offended and flabbergasted because we should not even be here tonight.

// Mr. Noah Trevi spoke in favor of the City becoming a Second Amendment sanctuary city. He does not think Council is the next Hitler or Stalin but he also thinks they are only men and women and not angels (referring to a quote in the Federalist Papers). The Second Amendment is the only thing that keeps citizens from becoming loyal subjects and our governors from being our rulers. Before they take his guns, they need to prove the angelic status of their person. This resolution would put up another line of defense between your citizens and the next Hitler, Stalin or Mao who were also only men. Making this a sanctuary city for gun rights would also make this city a sanctuary for human right.

// Ms. Samantha Burns spoke in favor of the City becoming a Second Amendment sanctuary city. Quoting some statistics from the FBI, she stated that guns are not a problem in terms of the percentage of crimes being committed with guns. According to the FBI, there is 38 percent less violent crimes being committed than in the year 2000. She would like to know why we are not passing laws against the criminals.

// Ms. Tim Fletcher spoke in favor of the City becoming a Second Amendment sanctuary city. The current laws seek to limit law abiding citizens the access to weapons in an effort to stop or inhibit the evil deeds of others but the real issue is the heart of the criminal. True freedom comes from having the ability to resist but choosing not to do so. These laws are at best well-meaning but extremely misguided attempts to stop evil and at worst are tyrannical. The doctrine of the lesser magistrates declares that when a higher authority makes an unjust or immoral law, the lower ranking civil authority has both the right and duty to refuse obedience to that superior authority. Upholding the rights of your citizens is not meaningless.

// Mr. Michael Maunder spoke in favor of the City becoming a Second Amendment sanctuary city. He came here from California and was hoping to escape the kind of tyrannical laws that have been passed there. The doctrine of the lesser magistrates has been part of our Western legal and political tradition for hundreds of years. Council has 500 years of legal and political tradition standing behind it saying that not only do they have the right but the responsibility to take action to protect our rights when another power is trying to take those rights away. He hopes Council has the courage to match that authority.

// Mr. Tim Griffin spoke in favor of the City becoming a Second Amendment sanctuary city. What they are asking tonight is for Council to reaffirm the law, to reaffirm the Constitution, to reaffirm what our founding fathers put forward for us. It is our birthright and always has been. He knows most people on Council and they are good people and are looking to do the right thing. The Constitution has a prohibition on what we call ex post facto laws, which basically means that if it is legal to do it today, you cannot make it illegal tomorrow and make a criminal out of a law abiding citizen. We are not asking them to change anything or to change the status quo. We are not asking them to repeal any laws or change any laws. We are asking Council to keep things as they are.

// Ms. Kate Staton spoke in favor of the City enforcing the common sense gun laws that will soon be passed in Virginia. She wants the police and the Commonwealth Attorney to be able to prosecute parents that allow their minor children access to their unsecured firearms. She asks them to vote against this resolution in memory of her friend Biggs who is a victim of gun violence. The gun laws are personal to her because she does not want any more gun violence like this again in Lynchburg.

// Mr. Peter Alexander spoke in favor of the City becoming a Second Amendment sanctuary city. He does not think that this Council should have any question about what their duty is to the residents and citizens. He has taken an oath to uphold the Constitution several times in his life. Guns do not kill people. People kill people. He read a quote from Justice John Marshall, U.S. Supreme Court Justice, “a law repugnant to the Constitution is void and that courts, as well as other departments, are bound by that instrument.” Politicians have wasted no time attempting to create repugnant laws.

// Reverend T. C. Hynard spoke in favor of the City becoming a Second Amendment sanctuary city. He said Virginia is where California was when he was a kid when he watched little by little the gun rights being stripped away. Crime increased as they were stripped away. Gun control laws do not work because they do not affect criminals. The Constitution does not grant us the right to bear arms. It simply affirms that right and implies that it is an inherent right. They are not asking Council to create anything new; just uphold the Constitution and support the laws we already have and support your constituency and we will support you.

// Ms. Niro Rasanayagam spoke in opposition of the City becoming a Second Amendment sanctuary city. She also emigrated from Sri Lanka and she saw the violence a previous speaker mentioned. What he neglected to tell you is that after the ethnic violence erupted, Sri Lanka descended into 30 years of civil war. Both sides had guns so guns and arms are not the way to achieve peace and justice. That is achieved through democratic means such as the one we are having right now. Since we are a Dillon Rule state, local municipalities must abide by and defer to state laws and legislation. She thinks each of them deep down knows that this debate belongs in Richmond and not here. This resolution will be confusing and will put our local law enforcement in a compromised position.

// Mr. Josh McCracken spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that apart from the right to life, the right to defense is the most important human right. Council is not elected to represent interests in other states or other parts of Virginia or appointed by the General Assembly. They are elected by the citizens of Lynchburg to pursue policies that we want. If Richmond wants to pass laws, Lynchburg citizens do not agree with, then the Commonwealth should be forced to enforce their own laws.

// Mr. Jared Proffitt spoke in favor of the City becoming a Second Amendment sanctuary city. Typically this would not be something for local government but he believes our state government has been compromised by people outside of Virginia with money. People here tonight have been seeing our rights being taken away for 50 years. He does not think it is a coincidence that we live in the best country. He thinks it was designed and we have a foundation that needs to be upheld. He told Council this is not just a regular thing. It is serious.

// Mr. William Kerr spoke in favor of the City becoming a Second Amendment sanctuary city. This is not a matter of just policy. It is a matter of right and wrong and the councilmembers will be held accountable for the choice they made. There are merits to all the arguments made here tonight but this is about obedience or disobedience to the

will of God. God has revealed in his Word that the proper exercise of civil justice by the civil magistrate be explicitly limited to the punishment of the evildoer for the defense of innocent. Legislative force outside of this singular focus is unjust and abusive. To comply with an unjust imposition is to bring guilt on yourself and he asked them to do what God requires of them and uphold justice and defend and do not comply with tyranny.

// Ms. Merry Joy DeCarmo spoke in opposition of the City becoming a Second Amendment sanctuary city. She trusts the veracity of the Constitution and our government process. She does not think that the Constitution is so weak that we would need to break the law in order to support it. She is a gun owner and is no afraid of common sense gun laws. The laws will keep the guns out of the hands of women's would be abusers and not take away the rights of women to defend themselves. This resolution would not protect but instead would give in to unfounded fears. She asked Council to recognize that one side has been very rude and another side has been very polite.

// Mr. Jerry Coffey spoke in favor of the City becoming a Second Amendment sanctuary city. Some of the localities that have become Second Amendment sanctuary cities are in the most liberal areas such as Virginia Beach. Elected officials in other localities have listened to their citizens and passed the resolutions because they wished to support their voters. They acted, perhaps even against what they personally wanted and perhaps even when they felt it was not their organization's purpose. They ask Council to support its citizens and pass a resolution against any law that infringes on any of their constitutional rights.

// Ms. Carol Sosnoski spoke in favor of the City becoming a Second Amendment sanctuary city. She mentioned a situation recently where there was a manhunt in her neighborhood for a violent criminal. She slept fine because she has her concealed permit but this is something that Richmond is trying to take away from them. The laws purport to be about safety but if passed, they will endanger everyone and cause us all to live in fear. It is our duty and the duty of our local government authorities to resist this encroachment on our liberty.

// Mr. Jonathan Eagle spoke in favor of the City becoming a Second Amendment sanctuary city. He wanted to focus on the word "shall." Webster's says it means to express what is inevitable or to express a command. When used in law, regulations or directive, it means to express what is mandatory. The law is not expressly aware of the grave consequences when shall is used within the code but often uses "shall" to equally qualify the severe and necessary ramifications of violations of that code. The right of the people to keep and bear arms shall not be infringed.

// Dr. Zachariah Jensen spoke in favor of the City becoming a Second Amendment sanctuary city. He moved here from California and like Virginia because he likes moving to a free state. He is encouraged by the 2A sanctuary movement because it is a voice telling Richmond where we stand. We can argue the common sense gun laws, which are based off of flawed studies and not much discourse. There is a lot of emotion that goes into it. He asks to be representative and asks that Virginia not go down this path and that we send a message.

// Mr. Jim Whitaker spoke in favor of the City becoming a Second Amendment sanctuary city. He has sat in their seat and has listened to what citizens have to say. It is easy to sit there and legislate but it is more important to get out into the community and see what is really going on. He is out and about as a chaplain and a restoration officer with heroes every day. He encouraged them to do the same. To make informed decisions, they need to be informed and the best way is to be on the street with our police officers. Tonight is about speaking loud and clear to legislators before they pass laws that may take away our constitutional rights.

// Sheriff Don Sloan spoke as a constitutional officer. He swore an oath to support and defend the U.S. and State Constitutions and the Constitutional Amendments. He will do anything to protect his family. It is very important to him that people know that he cares and that he loves the community of Lynchburg. He wants all of the citizens of Lynchburg to know that he does not take his liberties lightly and he supports them. He is able to do what he does because of what the military has done for us. He wants them to know that he will support the Constitution and its amendments.

// Dr. Jeff Widmeyer spoke in favor of the City becoming a Second Amendment sanctuary city. He and the others that are following the law with regard to their firearms are not the people that anybody needs to worry about. We are the safe ones and he is sure many in this room would be running towards the trouble and putting themselves in danger for it. The resolution may be symbolic and that is okay. He would Council to pass the symbol and let Richmond know Lynchburg opposes what they are trying to do. Council can reflect that they have listened to us and the majority that has shown up to voice their opinion is in favor of this even if it is just symbolic.

// Mr. Stephen Redmond spoke in favor of the City becoming a Second Amendment sanctuary city. He believes the guise that these laws are for public safety measures is false and it is setting a dangerous precedent. He is asking his local representatives take a stand alongside the over 100 other localities that have pledged to support and defend the Second Amendment. This is a polarizing issue and passions run high on both sides. When you look at the issue in terms of our rights as citizens of the United States and Virginia, it becomes rather simple. We live in a country that is clearly defined by the law of our Constitution. It is a short and simple principle that our right to bear arms shall not be infringed that our founders, particularly those from Virginia, fought to pass to everyone in this room.

// Mr. Jim Petrey spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that the Voting Rights Act happened in 1965. It was almost a hundred years of trying to get the voting rights back to where our country thought it should be. The surrounding counties have had a chance to stand up for something by becoming Second Amendment sanctuary cities. By agreeing to support the Second Amendment, even though everyone does not agree on what it means, we are setting a precedent that people ever had. This will say that we support the Constitution and it will be a way to stand up for it.

// Mr. Don Good spoke in favor of the City becoming a Second Amendment sanctuary city. He commented that this country is the longest standing democracy or representative democracy in the history of the world because of our Constitution and because we have honored the Constitution. If we destroy the Constitution or interpret it as a living, breathing document, we will no longer be the nation that we have been. The Second Amendment is supposed to protect us from a tyrannical government. No one thought that Iran would become like it is today.

// Speakers from other localities were Mr. Patrick Moneta of Appomattox (in favor), Mr. Wes Gardner of Campbell County (in favor), Mr. Koddie Staples of Campbell County (in favor), Mr. Damian Miller of Bedford County (in favor), Mr. Damien Miller of Bedford County (in favor), Mr. Randy Mills of Campbell County (in favor), Mr. Isaiah Knight of Bedford County (in favor), Ms. Wendy Wilson of Bedford County (in favor), Mr. Robert Davies of Campbell County (in favor), Mr. Cody Wright of Campbell County (in favor), Mr. Travis Pool of Halifax County (in favor), Mr. Bo Traywick of Richmond (in favor), Mr. Benjamin Summers of Bedford County (in favor) and Ms. Neli Anderson of Bedford County (in favor).

// Mayor Tweedy closed the public speaker portion of the public hearing and the matter rests with Council.

Councilmember Helgeson made a motion to approve the resolution presented to Council to become a Second Amendment sanctuary city. The motion was seconded by Councilmember Perrow. Councilmember Helgeson said he was glad to see so many patriots and this was inspiring and encouraging. Our job is not to dissect the different bills and legislation but to represent the citizens. It is pretty clear that the citizens want them to put forward and vote for the Second Amendment sanctuary resolution. He hopes that the rest of Council will also vote in favor of this. You may not like guns or the issue but our job is to represent citizens and we heard pretty loud and clear what the citizens want. He thinks it makes sense constitutionally and let's represent them and vote for this.

// Councilmember Perrow had the following remarks. First, I want to thank everyone for attending tonight. This meeting has been long, there have been some unexpected modifications to it, and you have been stalwart in your participation. Thank you.

I am proud to second and support the resolution presented. I have heard from both sides of the arguments and have heard reasonable opinions both for and against this resolution, and I'd like to address those reasons against that I find compelling. Like you, I believe in the rule of law. If you didn't, you would not be here tonight; you would not have left any firearms in the car, and you would not have participated in this public process. It is the reason you are here. You, as law abiding citizens, will follow the laws passed by the Commonwealth. It is the reason you are so concerned about the proposed legislative action. [Frankly, if you planned to disregard the law, you wouldn't care about what laws they passed.] Yes, I'm sure any laws passed will face a significant legal challenge, which is also in keeping with the Constitution and our rule of law. This is what keeps our society functioning and not falling into anarchy.

There is an argument that this resolution does not fit the rule of law, and I agree with that argument. I acknowledge that the legal standing of this resolution is tenuous; however, this resolution, although somewhat flawed, is a clear and important symbol that has real meaning to many participants here tonight, most our my constituents in Ward IV, thousands of citizens of the City of Lynchburg, and to me, as an individual. I stand with you, I represent your interest, and I will engage in the debate, both legislative and legal, to prohibit the infringement of our 2nd amendment rights. This is a much broader issue than the 2nd Amendment. This is about the differences between urban and rural cultures.

This new legislative body has six leadership positions. One of the leaders lives in Portsmouth and the other five live in Fairfax. What concern or understanding do any of these leaders have for the City of Lynchburg or any area outside of northern Virginia? They would be shocked to hear that many rural school districts offer excused absences on the first day of hunting season, if the school isn't closed outright. I grew up in Amherst County, this is part of our culture and our identity, and those in power in Richmond appear to have no concern for it whatsoever.

What you are doing tonight is the correct approach. Appeal to your elected representatives, see if they align with your beliefs or not, and work to get representatives of our values into elected office. The way to do that is to show up and vote. Assist those in other districts who support your values. And, work hard to increase our turnout to offset the impact of urban northern Virginia.

Lastly, in a quote, frequently misattributed to Lincoln, made by Ulysses S. Grant at his first inaugural address on March 4, 1869: “I shall on all subjects have a policy to recommend, but none to enforce against the will of the people. Laws are to govern all alike—those opposed as well as those who favor them. I know no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution.”

To our Commonwealth’s executive and legislative branches: you are getting ready to grab the tiger by the tail. I know of few issues that fuel such political emotions as this, are you sure you want to go down this path? Because if you do, you will mobilize a sleeping political force that will work tirelessly to unseat you in the next election.

// Councilmember Nelson had the following remarks. I greatly appreciate the messages received from all who advocate for the “2nd Amendment Sanctuary Resolution” and from those who oppose it. Constructive civic participation is so valuable. I have listened to all voices, read all messages, and applaud courteous civic advocacy.

My core instincts oppose any and all legislative restrictions on fundamental Constitutional liberties. I equally believe the liberties guaranteed by the “2nd Amendment” are as important as any other liberty guaranteed in the Bill of Rights to the U. S. Constitution. I agree with you about the value of firearms and their value in the hands of responsible citizens.

However, it is undeniable that reasonable limitations have repeatedly been imposed on each and all Constitutional liberties for more than two centuries.

For example; in writing the majority opinion of the 2008 *Heller* decision, referenced in this “2nd Amendment Sanctuary Resolution,” Supreme Court Justice Antonin Scalia recognized that limitations have been appropriately imposed on 2nd Amendment liberties. In that *Heller* opinion, Justice *Scalia* wrote:

“Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th-century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose. Nothing in our [court’s] opinion should be taken to cast doubt on long standing prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualification on the commercial sale of arms.”

Justice *Scalia* went on to state: “We also recognize another important limitation on the right to keep and carry arms. As we have explained, the sorts of weapons protected [by the 2nd Amendment] were those “in common use at the time.” [That] limitation is fairly supported by the historical tradition of prohibiting the carrying of “dangerous and unusual weapons.” - Justice *Scalia*.

The recitals in the 11th paragraph of this proposed “Sanctuary Resolution” declare that Lynchburg City Council expresses “opposition to any law that would *unconstitutionally restrict the right of citizens* of Lynchburg to keep and bear arms.”

And, this Sanctuary Resolution’s final declaration states: “Lynchburg City Council hereby declares its intent to oppose any infringement on the right of law-abiding citizens to keep and bear arms. . .”

So, the question is: If restrictions have been lawfully placed on the 2nd Amendment for centuries, who decides whether a new Virginia law unconstitutionally restricts or infringes on a law-abiding citizen’s right to keep and bear arms?

If a court decides that a new Virginia law's restriction on the 2nd Amendment's right to keep and bear arms is constitutional, then Lynchburg must enforce that new law. If a court decides that a new Virginia law's restriction on the 2nd Amendment is unconstitutional, then Lynchburg cannot enforce it. When courts determine the constitutionality of a law, then Lynchburg must follow the court's decisions.

So, if this resolution is merely symbolic and merely declares that Lynchburg respects court decisions, then this resolution is irrelevant and meaningless, since Lynchburg must and always will honor court decisions and cannot enforce a Virginia law that a court declares to be unconstitutional.

Or, if this Resolution is symbolic and merely intended to loudly and clearly "ask" Virginia state legislators and government leaders to not impose further restrictions on 2nd Amendment liberties, then this Resolution is not well written and needs revision.

But, from all appearances, this Resolution implies that *Lynchburg* has the authority to determine the constitutionality of any new Virginia law affecting the 2nd Amendment, and that *Lynchburg* can and will refuse to enforce any new Virginia law that *Lynchburg* decides to be unconstitutional. If that is the case, then this Resolution directly conflicts with the U.S. Constitution and Lynchburg's state corporate Charter.

Let us be reminded that Lynchburg is a subdivision of the Commonwealth of Virginia. As a subdivision of Virginia, Lynchburg must respect and enforce all Virginia laws unless and until a higher legal authority says it does not.

Virginia's Commonwealth's Attorneys and local Law Enforcement Officers have discretion to not prosecute a case or to not make an arrest if they conclude that the case or charge lacks merit. On the other hand, Lynchburg City Council does not have that blanket discretion when enforcing state laws. The City of Lynchburg has no legal authority to "categorically" ignore the laws of its sovereign,...the Commonwealth of Virginia.

Those who sincerely claim to honor the U. S. Constitution, as do most of you, must respect Article III of the U. S. Constitution, which designates the courts as the third branch of government, and delegates to the Courts the authority to resolve conflicts between any laws and the U.S. Constitution.

Alexander Hamilton emphasized this when he wrote "Federalist No. 78," and Chief Justice John Marshall confirmed it in the landmark decision of *Marbury vs. Madison*. If City Council were to enact a "2nd Amendment Sanctuary Resolution," that asserts that Lynchburg can determine the constitutionality of a Va. state law, we would ignore the primary mandate of Article III in the U.S. Constitution; that the courts have the ultimate authority to interpret the Constitution; NOT the President, NOT Congress, NOT state legislatures or state Governors; NOT County Boards of Supervisors, and most certainly NOT THE LYNCHBURG CITY COUNCIL.

If Lynchburg City Council were to adopt this Resolution, I believe we would *dishonor* and *disrespect* the U. S. Constitution's foremost principles, by claiming that a state locality has the authority to overrule the sovereignty of its own state.

Neither the "Founding Fathers" nor the authors of "The Federalist" recognized the authority of a locality to be superior to the authority and sovereignty of any state. Yet, that insubordination is what this "2nd Amendment Sanctuary Resolution" seems to propose.

Throughout my legal career, I have zealously advocated for the “Rule of Law” and for “Law and Order.” Yet, how do we respect the “Rule of Law” or promote “Law and Order” if every locality can pick and choose which laws each will comply with and which laws each will disobey? I think we cannot! Until and unless a court declares a Virginia law to be unconstitutional, then Lynchburg must respect and enforce that law.

I also point out that all Lynchburg City Council members took an oath, the effect being to obey laws of this Commonwealth. Each of us would violate our oath if we advocated for disobedience of State laws.

And personally, as an attorney-at-law, my own professional ethics prohibit me from advocating that anyone disobey a state law.

On a related note, this 2nd Amendment Sanctuary initiative imitates declarations made by some Virginia localities from 1958 and into the early 1960’s, when those localities adopted the infamous practice of “Massive Resistance” to laws requiring Virginia to racially integrate its public schools. Those acts of “nullification and interposition” were found to be unconstitutional. I think it just as unlawful for Lynchburg to adopt a similar policy of “massive resistance” and unilateral interposition to Virginia’s laws affecting firearms and the 2nd Amendment.

And finally, this City Council has a long-established policy of not passing resolutions on matters beyond City Council’s direct authority. These issues are beyond the authority of this City Council. Your voices should be directed to the ears of the General Assembly and Governor, not to City Council.

Therefore, if Lynchburg or any locality disputes a state law, it has two appropriate and lawful options: 1st - Ask the General Assembly to change the law or to repeal it, or 2nd – To litigate the issue in a court of law.

As for the first option, I supported that approach when we last met on December 10, 2019. That proposal, for City Council to amend its Legislative Agenda, was defeated 4-3. Still now, I would like for City Council to send that message to Richmond in our “Legislative Agenda.” City Council’s Rules prohibit a motion that has been defeated from being reconsidered within the short time period that has elapsed since that December meeting, unless a councilmember who voted in opposition of that motion asks that it be reconsidered. Since that may be very unlikely tonight, that first option seems moot.

Thus, Lynchburg’s only other option is to litigate the constitutionality of any new law once it is enacted, but I certainly would like to capture the video of tonight’s session and send it to each member of the General Assembly and to Governor Northam, so they and he can see, and hear, and feel the sentiments that have been expressed here tonight. However, for these reasons, I regret that I cannot support the motion as presented and am compelled to vote against the motion to approve this Resolution.

// Councilmember Wilder thanked all the citizens for coming tonight. We appreciate the voice and your voice has been heard. He wished to be clear that he believes everyone has the right to bear arms. He does not know enough about the legislation that has been proposed so he is not in a position to say he will support this resolution if he has not seen all the information coming from Richmond. He understands the points Councilmember Nelson made. He heard a gentleman say that some of the policies were racially based and made indications. When we talk about racial issues, it took it for him to another level. If we would like to talk about whether this is a racial issue or talk about racial issues, he has a whole list from economic to education to housing. He appreciates all of them coming out tonight. He appreciates being a member of this community and City Council. He respects all the

Councilmembers even though they may disagree sometimes. He respects all the people's voices as well. He cannot support the motion the way it is written.

// Councilmember Wright noted that his family has been in Lynchburg and the surrounding area for almost 340 years. Folks on both sides of his family own firearms. Councilmember Nelson laid out very well the legal constriction on City Council authority and our long standing practice not to engage in state and national debates over which we have no authority. The resolution, as presented, suggests that we think that we can arbitrate here in this room the constitutionality of whatever passes in Richmond, which is not the case. It is important, of course, that we voice our opinions to folks in Richmond, to the governor, to our members of Congress. That is as it should and the way the system is designed to work. He will be doing this and he hopes they will too. He is grateful for everyone that came out this evening.

// Vice Mayor Dolan expressed appreciation for so many citizens coming out to share their thoughts and concerns regarding this issue. This is a serious issue for sure. She is concerned, however, that if Lynchburg City Council adopts formal action on this matter, it will set a dangerous precedent of distracting our attention and dividing our community on a number of issues over which we have no local governing body jurisdiction. Were we to pass this resolution we would open the door to petitioners to ask us to weigh in on matters about which we have no legal standing and no authority to act. Should we have a public hearing on impeaching the President? Should we have a public hearing on abortion rights? On marijuana legalization? She does not diminish the point of view of those who want a sanctuary city; however, she still believes that this conversation belongs at the state and national level. Our General Assembly and the U.S. Congress have a long history of protecting citizens on the Second Amendment as a fundamental right. These bodies interpret the Constitution as they write and pass laws. Local law enforcement will be and must be guided by these laws. We also must remember we are a Dillon state. Our local government has limited authority to pass laws. Our highest priority is to attend to the needs of our citizens within the power that we are authorized to act. Any discussion of state or federal issues over which we have no legislative control serves only to set ourselves against one another needlessly and to detract ourselves from our ability to best serve our local citizens. Thank you all for coming tonight and for your participation.

// Mayor Tweedy thanked everyone for coming out to express their opinions. She thanked the councilmembers as well. Passions and opinions run high on both sides of the debate. When voices are equal on the issue or there comes a time when you must weigh both perspectives, as councilmembers or leaders, you have to then reach within your own decision making process and perspective and represent the right thing that you know to do for your City. We all have our background and experiences that we bring to this debate. I am an American citizen. I am a woman of color. I am a caretaker, a mother and grandmother and the only veteran on City Council. I am a concealed weapon carrier. I am a gun advocate and a child of the Most High. So I think I check many boxes in this discussion tonight. I have been serving my country and my community since I was 17 years old when I entered the U.S. Navy voluntarily. She and another veteran disagreed recently at an event but agreed to disagree on this topic. She has been a volunteer servant and leader in the community for the past 12 years. She has no problem listening to citizens and varying perspectives. She is an at large councilmember and represents citizens throughout Lynchburg, a city of 82,000 people. Many have sent them emails, phone calls, letters or come up to them personally. She will defer her

comments to Councilmember Nelson's comments, which were thorough, complete and represented previous history for Councils. We have a quality of life here and we are prospering and people can see themselves and their families, businesses and organizations being a part of. She wants to continue the progress and is going to make the decisions that she believes will prosper our City and residents, listening to the perspectives of others. She expects everyone to share their views and perspectives around this issue with our legislators in Richmond, Representatives Byron and Walker, Senators Newman and Peake. She expects City Council to continue handling the business that makes our City a great place for people to call home and she will not be supporting the motion.

// The motion failed by the following vote:

Ayes:	Helgeson, Perrow	2
Noes:	Dolan, Nelson, Tweedy, Wilder, Wright	5

// The meeting was adjourned at 1:47 a.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of January 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 Community Development, Long-term Rentals, Agenda Item #1, Mr. Tom Martin provided Council with an overview of long-term rentals in the City. He explained the Zoning Ordinance does not define a long-term rental but it can be interpreted as being longer than 30 days since the Zoning Ordinance does define a short-term rental as being less than 30 days. The Zoning Ordinance does not prohibit the long-term rental of any permitted residential unit. Certain zoning districts promote rental of permitted residential units. R-3, Medium Density Residential R-4, High Density Residential and Commercial Districts allow higher densities of units on one lot.

The state allows a locality to impose a transient tax for occupancy of few than 30 days but prohibits localities from imposing a tax for the rental of real property other than transient style accommodations other than normal real estate taxes. Mr. Martin showed Council a map of where rental units are located in the City. This data was gathered by identifying properties that had a different mailing address from the property address. Information from the 2017 American Community Survey data confirms this distribution and it is roughly a 50/50 split in the City of owner-occupied units versus rental units. There is approximately an 80/20 split in the single-household units; 80 percent owner-occupied and 20 percent rental units. Councilmember Perrow noted his home is listed as a rental unit because he gets his mail at a post office box but noted that the data had been correlated with two different sources and was about the same and he felt it was good data.

Mr. Martin noted that the Zoning Ordinance allowed five unrelated persons to occupy a residential dwelling up until 1990 when it was changed to no more than three unrelated persons. This amendment was in response to citizen complaints regarding large number of unrelated persons living together in residential neighborhoods. During the rewrite of the Zoning Ordinance adopted in 2016, Council spent a great deal of time discussing occupancy. It decided to leave the occupancy at no more than three unrelated persons but did change the definition of related people to “related individuals include people who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.”

Mr. Martin pointed out page 93 of the *Comprehensive Plan* recognizes the impact of college students on the City’s housing needs. “The number of and projected growth of colleges and universities in the City will continue to generate demand for rental property throughout the City. As described in Chapter 5, students are projected to comprise a significant proportion of the City’s projected growth over the next twenty years. While many will live on campus, a significant proportion will seek rental housing off-campus and will compete with lower and moderate income families for affordable units.” In addition on page 93, “Citizens are concerned about the proliferation of rental housing, particularly properties that are poorly managed, which can damage neighborhood integrity. These concerns can taint the reputation of all rental housing in the City. In collaboration with the schools and landlords, the City should continue to explore opportunities that encourage the upkeep and rehabilitation of rental properties.

The rental housing registration and inspection program has worked well in the City's historic neighborhoods and offers potential benefits in other areas."

Housing goals from the *Comprehensive Plan*, page 95 are: to provide diverse housing choices; to increase the number of owner-occupied units; rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources; to support initiatives to increase permanent affordable rental and housing ownership opportunities; to support programs that assist individuals in retaining their homes in challenging economic times and to eliminate neighborhood deterioration, blight and blighting influence.

Mr. Martin outlined that in 1991 Council directed Community Development to begin a rental inspection program and an ordinance outlining the program was adopted in 1994. An amendment including a \$50 inspection fee was adopted in 2005. Mr. Martin showed Council a map with the approximately 3,800 rental units in the program. They are located in the older parts of the City. In 2018 there were 445 rental inspections conducted and in 2019 staff conducted 790 rental inspections. The rental inspection program is important because the rental inspection districts have the highest ratios of renters and the oldest housing stock in the City; staff is certified by the Department of Virginia Housing and Community Development in Property Maintenance and serve as an important resource to landlords and tenants and the program is proactive and provides a means to identify property maintenance issues and ensure compliance with the minimum standards of the Virginia Maintenance Code.

Councilmember Helgeson noted that the goal of increasing density is totally the opposite of the goals of increasing owner occupied residences and rehabilitating substandard units. He pointed out that when there is a bigger supply of rental units (like when property is rezoned from R-1 to R-3), there is not an incentive to rehab some of the older units. It is difficult for an older property that needs to be fixed up to compete against a brand new one. He thinks as a City they would do a whole lot better if they did not keep approving or getting recommendations for approval for more densely populated areas of land.

Mr. Martin noted that there are goals throughout the *Comprehensive Plan* that compete with one another. You also have to look at what the market is doing and how it is changing. A lot of people do not want to maintain a home and yard. Mr. Martin commented that there is a petition coming before them tonight that involves rehabbing an old vacant building for apartments and that is definitely something that we definitely support and we should be supporting. He pointed out that if Council wants the City to grow, it is going to have to become denser. Councilmember Helgeson thinks that is an improperly presented goal. It is an artificial goal if it is to grow just for growth's sake. We want to grow reasonably and grow our tax base. It means to have things that are more productive and do not cost more than we take in. For instance, if we take in \$1,000 for a rental but spend \$14,400 for every child of theirs that goes to public school, he does not think we make it up on volume. He would like them to be more fiscally responsible as they grow and not grow just for the sake of it.

Mr. Martin remarked that the housing around downtown has developed at a much denser rate than your typical R-1 developments of 15,000 square foot lots. Mr. Martin said Councilmember Helgeson is right about responsible growth yet if we want to continue to see a commercial growth—"retail follows rooftops" is an age old saying. If we want to grow our commercial and industrial bases, we have to have the employment base to support that. He also

pointed out that Council controls where the higher density development go by the *Future Land Use Map* and what it chooses to rezone or not to rezone.

Councilmember Helgeson noted that when Council considers rezoning R-1 properties, he hopes it will consider protecting the neighborhood and protecting people that like to live in R-1 neighborhoods because lots of them have moved to the county.

Councilmember Perrow interprets what Councilmember Helgeson has said is that he is worried about our neighborhoods. He thinks Councilmember Helgeson is alluding to the fear of hitting a tipping point where we have more renters living in the City than we have owners and Councilmember Perrow thinks that is a valid fear and concern. We want the City to have an invested population that believes in the City and is motivated long-term to maintain their houses and make sure their neighborhoods are safe and attractive. If you are a renter and do not like your neighborhood, you can easily move. If you own the property, you are going to invest in the neighborhood because it means a lot to you.

Councilmember Perrow has real concerns with how development is occurring in B-1 districts. He is concerned that developers are using B-1 as a “Trojan horse” or a “straw man” in order to bring in basically R-4 development into a business area. B-1 development is mixed use and requires business use on the first floor with multiple floors of apartments above it. He thinks we need to be wary of this because it happened in Cornerstone. There was supposed to be a certain percentage of commercial units and the developer came back and said the market did not support it and they needed more apartments. Mr. Martin had suggested that maybe they could look at is a ratio between the number of apartments versus property size or something that would be scalable so we could make sure it is an appropriate development for the area. If Council does not object, he would ask staff to look into that a little bit and make sure that the B-1 developments are constructed in such a way that it the business integrity of the B-1 district is maintained while allowing for some housing.

Mr. Martin thinks he might be talking about when the ordinance was rewritten, we were trying to promote mixed use within our commercial developments. Mixed use is good because it tries to get people to live, work and shop in the same place, which theoretically reduces the number of vehicle trips. Mr. Martin would hate to see someone come back and say the retail is not working and ask for the property to be rezoned because it is mostly apartments anyway. That is counterintuitive to what we are trying to accomplish.

Councilmember Perrow asked if it still true that the rental inspection districts have the highest ratio of renters and oldest housing stock in the City, since this program was first implemented in 1990. Staff clarified that it is still correct and Mr. Martin clarified it is based on census tracts.

Mayor Tweedy asked how the map correlates with the redlining that was done in our City years ago. Mayor Tweedy explained that redlining was the encircling of housing stock for certain races. It was a common practice across the country but Lynchburg has been on recent reports that we have low home ownership in some of our highest poverty census tracts but they were also areas of redlining in the City years ago. Mr. Martin asked if she was talking about lending practices and she said yes. Mr. Martin said he could not answer that and Mr. Kevin Henry, the Zoning Administrator, said it is the same area. Mayor Tweedy noted she has seen presentations at various meetings and we can see a theme or pattern to how we got to so many renters and less home ownership.

Vice Mayor Dolan wondered if we had any national information because there are reports that home ownership is on the decline due to the mobility of younger people. Mr. Martin noted that there are a lot of things driving the number of apartments we have in the City such as the number of college students and the market conditions are changing. He would humbly offer that the renters are no less of a citizen than anyone else. These are our nurses, doctors and police officers. The renters definitely have a stake in this City. Some people just do not want to buy a house and it also depends on what people can afford.

Councilmember Wright noted that he was a renter until recently and pleased to be one. He asked Mr. Martin what the occupancy rates are in the City. Mr. Martin said he did not have it with him but could get him the exact numbers. He thinks there are about 32,000 units in the City and about 28,000 to 29,000 are actually inhabited.

Councilmember Helgeson thinks the redlining happened 80 to 90 years ago. If we really want to look at cause and effect, he thinks they have to look at what we are doing today in order to make this relative. With respect to rental inspection program, he initially heard lots of pushback and then lately he has heard nothing, so he is wondering about its effectiveness. Mr. Keith Wright came forward to address this question. He noted that the census tracts in the program are consistent with the CDBG boundaries. Mr. Wright showed them a slide that shows the relationship of rental inspections to property maintenance cases over the last ten years. There is a significant trend happening. The more rental inspections they do, the less housing complaints they are receiving. It seems to show that the program is working. Mr. Wright noted there is a big educational piece to the program and the program is proactive. Mr. Wright commented that 80 percent of the units obtain a four-year waiver, which means the unit is considered so acceptable that staff does not need to reinspect it for four years.

Mr. Wright went on to say that there are five inspectors doing rental inspections now where there used to be just one. The communication piece is huge and they are really getting to know the landlords and forming relationships with them. He said people are getting on board with it. Councilmember Helgeson asked how the data could be correlated with more people wanting to rent these units. Mr. Wright said to answer that he would say that they are seeing a lot of people complying before the inspectors get there, which tells him they are getting the message.

Councilmember Helgeson wondered if they are seeing less rental affordability because people are putting in amenities like granite countertops and having to do more things to meet the code and being able to ask for more rent. Mr. Wright said their requirements are minimum standards but the landlords might be choosing to put in more energy efficient windows, for example.

Councilmember Wilder asked Mr. Martin if we have ever compared ourselves to other cities to see if there is the same trend in rentals (50/50) but staff could look at other Virginia First Cities if Council would like. Councilmember Helgeson suggested they might look at their own trend and see if it is getting them closer to their goal of more owner-occupied units. Mr. Martin said there are many variables such as how many colleges are in another locality but staff can definitely look at it.

Mayor Tweedy said she would like a presentation on redlining. There is a local professor that does a very good job of explaining it. The reason it is relevant is to look at generational ownership in certain areas of our City that may have limited ownership to a more majority community that is still living in these neighborhoods where we have the high rental populations. She would like to see the historical piece that has culminated to us seeing such a heavy

presence in certain areas of town. She thinks it is an important educational piece and said this is the second or third time that redlining has come up and some on Council and in the general public do not know what it is.

Councilmember Wright said he would second the call for that presentation. He does not the strength of the lingering effects of redlining are in our community and that is certainly up for discussion. He would be interested in hearing what the Randolph College professor has to say because he has done a lot of study on this topic. He thinks it is incumbent on them as policymakers to think about it even though it may have happened 80 or 90 years ago. He looked up some of the research regarding redlining and the Federal Reserve of the Bank of Chicago commissioned a study on redlining and found that “redlining had an economically meaningful and lasting effect on the development of urban neighborhoods to reduce credit access and subsequent disinvestment.” He thinks if we are going to be serious about this issue then we need to consider how our neighborhoods have developed and it is being responsible policymakers.

Councilmember Nelson discussed the gymnastics they go through with a property owner asking for a rezoning so he can maximize his asset and the argument made regarding topography that interferes with building nice single-family lots and they should be able to maximize the density of the occupants according to what can built there. Conflicting with that is the desire to allow affordable housing to persons who cannot afford to own their own home. He wanted to mention it because we deal with it all time but with regard to the redlining, as a teenager he saw the effects of redlining in the City. It was bothersome to him with the volunteer groups he works with to help rehab homes, some of them very expansive mansions that had been abandoned. The owners had moved and made them into apartments simply because they were so old and so expensive to maintain and they could not be used for anything else. Some of the homes annexed near downtown were modest homes but also required a great deal of financial investment. It was not a racial issue. It was not economical to make a loan on a house that was 60 years old and needed to be greatly rehabbed. If we are going to look at redlining, they need to look at all of the factors that come into play in dealing with why some neighborhoods declined. Included with that should be the conversation of what the City has done since the 1970s at least to incentivize home ownership or home rehabilitation. All of that is relevant rather than just focusing on one abhorrent policy that existed in the 1930s and 1940s. Mayor Tweedy noted she agreed with that.

Councilmember Perrow noted he is a big believer in learning from history and he would absolutely embrace the opportunity to learn about redlining. However, with their busy slate for this spring he was wondering if it is something which they could read about because he thinks that would be a better use of Council’s time.

Councilmember Perrow would bet that the rental mix was completely different 15 years ago. We have had an explosion of apartments because the growth of Liberty has brought in so many students and created such a demand for apartments. He thinks that has skewed the ratio in the last 15 years, maybe even in just the last eight years. He thinks it is a stretch to say this rental ratio is due to something that was done in 1940 or 1950 and most of the impacts are from decisions made in the last decade.

Mayor Tweedy thinks it is relevant to learn and people can choose to spend an hour with a presentation. She still requests they have that presentation.

Councilmember Helgeson noted the explosion of apartments is probably an anomaly. We cannot prospectively say an anomaly is going to continue. When you do that, you are making some pretty false assumptions. When we make rezoning decisions, we want to learn from our recent history and realize that it may not continue for infinity. We do not need to keep on building apartments because there is plenty of room in the counties. If you keep building and then there is a glut, you will be taking property values that were increasing and you have increased the supply, you all of a sudden knock out the value of the property because you oversupplied.

He mentioned Mr. Martin's comment that "retail follows rooftops" and he thinks Amazon has a little different story about that and lots of things about retail have changed dramatically. Mr. Martin acknowledge that retail has definitely changed but he would offer that the reason Lynchburg has maintained so well and did not see the downtown several years ago is because we had a stable population base. If you look at the retail growth that is occurring, it is occurring in the City because that is where the population center is. It is not occurring in the counties and he thinks a lot of the counties would love to see some of it.

Mayor Tweedy mentioned the Housing Authority has had conversations about the redevelopment of properties in the neighborhoods. She asked if there is something we do more of together to encourage that some of the neglected properties are available such as other places have land banks. She thought a number of properties like around 3,000 properties are tied up with different multiple owners or are just abandoned properties. We do not have an avenue to facilitate ownership or do the improvements. Mr. Martin thinks there are mechanisms that are enabled by state code but we have not implemented any of them. Mr. Erwin said there is not really any convenient way to get the property out of the hands of the owner. We do sell properties that have delinquent taxes. There was also a spot blight program where we partnered with the Housing Authority. Sometimes just reaching out to the owner would encourage them to sell the property or the Housing Authority would actually acquire the property. That spot blight program has not been used for a number of years but is a program that could be reinstated. The problem is that someone has to put up the money to acquire those properties at a fair value.

Councilmember Perrow also pointed out that there a change in the Virginia Constitution regarding eminent domain had a significant impact on the Housing Authority being able to do that. Councilmember Perrow noted the authority has revamped the program with a different acronym and it is a neighborhood improvement program.

Mr. Martin noted he had four takeaways. 1) share the American Community Survey data with Council; 2) staff will compare the City to other Virginia First Cities; 3) staff will set up a presentation regarding redlining in the City; 4) Council would like to discuss standards for mixed use and commercial districts.

Councilmember Helgeson noted that there is also the issue of seeing rezonings because it is economically unfeasible for people to build single-family homes because of all the requirements. Mr. Martin does not think that is true. They discussed this in December 2019 and presented what the City does to offset that and has done to offset that for many, many years. Mr. Martin thinks that what is driving that is what people see as the value of their property. Councilmember Helgeson asked if the economic unfeasibility is a false reason and Mr. Martin would argue that it is not the only reason and he would be happy to share that presentation with them. Mayor Tweedy thanked staff for the presentation.

// In the matter of Roll Call, Agenda Item #2, Councilmember Nelson had no items.

Councilmember Perrow noted that Ms. Donna Witt had provided them with the bond document regarding the issuance of \$49,425,000 in general obligation public improvement bonds. He wants to congratulate the City on such an extraordinary interest rate. He also thought their bond ratings looked excellent. It is about as close as you can get to AAA. He congratulated the City on a very well done GO release.

Councilmembers Helgeson and Wright had no items.

Councilmember Wilder had the privilege of going to the 100th celebration for the Kiwanis Club. They are going to be building a playground at Riverfront Park. It was exciting to be at the event and see what they are doing for our community and our children. He also attended a forum regarding Rush Homes and their proposed development on Florida Avenue. The representatives were able to explain the project to the residents that had concerns.

Vice Mayor Dolan had no items. Mayor Tweedy had the following announcements:

a. There is an open house and ribbon cutting ceremony for the Jefferson Park Neighborhood Center, 405 N. York Street. The Open House begins at 11:00 a.m. and ends at 6:00 p.m. The ribbon cutting ceremony is at 5:00 p.m.

b. A "First Fridays" mini-exhibit will be on Friday, February 7, from 5:00 to 8:00 p.m. at the Lynchburg Museum (901 Court Street). The topic is "Lynchburg Places in the Green Books," which we chose especially for Black History Month. Displays will include copies of several Green Books, a map of the city showing Green Book stops, and historical and contemporary photographs of the businesses.

Mayor Tweedy asked Mr. Erwin if they could discuss the process for recruiting a new City Manager in closed session, as Ms. Bonnie Svrcek has announced her pending retirement in June 2020. Councilmember Helgeson did not think that should be discussed today as she just announced it today and that would not be respectful. Mr. Erwin said Council cannot go into closed session to discuss process it will use to select a new manager. The only things it can discuss in closed session are the interviewing of and selection of applicants. The process discussion needs to happen at a public meeting. Mayor Tweedy wanted to bring it up because we have newer Councilmembers who have not been on the process before. Councilmember Perrow thinks it is important that we start this process soon and would like it discussed at the very next work session. Mayor Tweedy noted that although they are happy for Ms. Svrcek, this is a time to reflect on the job she has done.

// On motion of Vice Mayor Dolan, seconded by Councilmember Wilder, by the following recorded vote elected to hold a closed meeting to discuss appointments to the LYNCAAG Board and the Lynchburg Regional Airport Commission, Planning Commission, Transit Company Board of Directors and Youth Services Citizens Board:

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

// On nomination of Councilmember Wright, seconded by Councilmember Wilder, Council by the following recorded vote appointed Andrew Mueller to the Lynchburg Regional Airport Commission for a term ending December 31, 2022:

January 28, 2020

AGENDA ITEM #: 5

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

Noes: 0

// On nomination of Councilmember Wright, seconded by Councilmember Wilder, Council by the following recorded vote reappointed Mayor Treney Tweedy and Vice Mayor MaryJane Dolan to the LYNCAAG Board for terms to expire December 31, 2021:

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

Noes: 0

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

Councilmember Wright made the following motion:

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

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

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

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

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

Noes: 0

// The meeting was recessed at 5:30 p.m.

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

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

Absent: 0

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

// In the matter of Recognitions, the Lynchburg Fire Department was recognized by Diane Boardman with the Muscular Dystrophy Association for raising over \$50,000 in one week.

// In the matter of Recognitions, Mayor Tweedy recognized a member of the Mayor's Youth Council who is attending the meeting tonight, Aiden White.

// In the matter of Consent Agenda, Agenda Item #4, Councilmember Helgeson requested it be tabled until the February 11, 2020 meeting as he has not had a chance to read them completely. Council was in consensus to table the approval of the January 14, 2020 minutes.

// In the matter of Citizen Comment, Agenda Item #5, Curt Diemer addressed Council regarding polarization in civil discourse.

// In the matter of Community Development – Rezoning, Agenda Item #6, a public hearing was conducted regarding the petition of Victoria’s Inventory, LLC to rezone approximately four tenths (0.4) of an acre located at 1151 D Street, 401 & 405 Rivermont Avenue from R-4, High Density Residential District to B-4, Urban Commercial District to allow the reuse of the existing buildings as seventeen (17) apartments. Councilmember Nelson disclosed that he represents the petitioner in this action and was directly involved in this project. For that reason he cannot be objective and must abstain.

Mr. Tom Martin, City Planner, summarized the petition for Council. Mr. Casey Servis from Architecture Design Office was present to represent the petitioner. Mr. Servis explained that the large building at 401 Rivermont Avenue was built to the property lines. The three parcels will be combined into one in order to help with ingress and egress. He mentioned that the building is a historic trolley barn. They believe the adaptive reuse saves the historic structure and will bring it into compliance with the Zoning Ordinance. Without this rezoning, only three apartments would be allowed in the approximately 10,000 square foot building. This rezoning would make it more a financially feasible project.

There was no one who wished either in favor or in opposition to the petition and Mayor Tweedy closed the public hearing portion of the petition. Councilmember Helgeson mentioned that the suggested density if extrapolated would be 42.5 units an acre, which is really high density. He also questioned going from an R-4 zoning, which is residential to a B-4 zoning, which is commercial. He can appreciate the adaptive reuse but it does not make comment sense to him. Mr. Martin noted that this building was built in 1927 and has never been used for a residential use. It is a large building on a small lot, which is what is justifying the rezoning. If the R-4 district standards were used, there could only be six or seven units in the building. Mr. Martin thinks that in order to have these older historic buildings rehabilitated, the City is going to have to allow a certain amount of density in them.

Mr. Martin clarified for Councilmember Helgeson that there will be 17 apartments between two buildings, three in the house and 14 in the garage building. Mr. Martin explained that B-4 is Urban Commercial and is a downtown zoning, which does not require minimum lot sizes. That is the problem with trying to apply a suburban style ordinance in an R-4 district, which requires a minimum 4,000 lot size to start with and an additional 2,000 square feet for each unit. It would not be financially feasible to rehabilitate this building with fewer units. Councilmember Helgeson said it still does not go with normal common sense to him to take this to a commercial zoning just to put a residential use in it.

Councilmember Perrow commented that he would like to see them do something with the Zoning Ordinance so we do not have to go through these zoning changes. Mr. Martin clarified for him that anything that can be done downtown would be permitted with a B-4 zoning and also clarified the buildings are in the historic district. Mr. Martin noted that it could become a different B-4 use in the future because the petitioner chose not to offer

proffers. That concerns Councilmember Perrow. Mr. Martin said from a planning perspective, staff would like to see this building rehabilitated. It concerns him because if the property is sold, the building could be demolished and a five-story office building built. Councilmember Perrow has no concerns with this project and thinks it is a great one.

Councilmember Wilder asked what the concerns were of a citizen that came to the Planning Commission meeting. Mr. Martin said they were with traffic and parking but this did not rise to the level of needing a traffic study and adequate parking is being provided. It is a bus line and the B-4 zoning does not have a minimum parking requirement. If there is not adequate parking, it is only detrimental to the developer. The Planning Commission had no concerns and vote to approve it unanimously.

Vice Mayor Dolan asked what is going to be done with the intersection of Rivermont Avenue and D Street. Mr. Martin said the City is currently conducting and has not determined what improvement will be made yet.

Councilmember Perrow said he is worried about a similar situation to what they have in the area of Mayflower Drive where a property was rezoned for a hotel but the project has not broken ground yet and it is now a rezoned piece of property without any proffers attached to it. The risk with this project is really negligible because of the lot size and where its proximity. He would like to see staff try to work out something so we do not have to do these changes. Mr. Martin said that is what they attempted to do when the B-4 zoning district was developed. Council could talk petitioners about proffers if they have concerns. Mr. Martin pointed out that this building is located in a local historic district. The Historic Preservation Commission would have input on both a demolition and if a demolition were approved, any new construction. Councilmember Perrow noted that is why he thinks the risk is minimal with this project. He does not want to jeopardize a project for a philosophical point. He also mentioned that he has brought up the idea of where we could put investments in infrastructure on the edge of our growing areas. This is a good example because he would love to see increased development going up that lower section of Rivermont Avenue.

Councilmember Perrow made a motion to approve the ordinance, which was seconded by Vice Mayor Dolan. Vice Mayor Dolan noted that the fact that this building is located in a historic district lessens her concerns. Councilmember Helgeson asked Mr. Martin to pull up the zoning map and pointed out how many different colors there are in this area and it almost looks like spot zoning. It is nice when things make sense. He does not think this makes sense but since he thinks the development is going to be good and Mr. Tony West has done some fabulous things in the past, he will be supporting the project.

The motion passed by the following vote:

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

// In the matter of Public Works, Agenda Item #7, a public hearing was conducted to consider a request to authorize the City Manager and/or designees, to execute a right-of-way and easement agreement with Appalachian Power Company for the installation and maintenance of a power line to serve Bedford Hills Elementary School, Tax Parcel Number 18005001. Mr. Lee Newland explained the power line is needed to serve a new gymnasium. There was no

one to speak either in favor or in opposition of the petition. Councilmember Perrow made a motion on behalf of the Physical Development Committee to approve the request.

The motion passed by the following vote:

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

// In the matter of Public Works, Agenda Item #8, a public hearing was conducted to consider an ordinance to vacate a portion of City right-of-way which is no longer needed by the City, located at the northeastern end of John Capron Road near its intersection with Odd Fellows Road. Mr. Newland explained that the right-of-way is no longer needed by VDOT. Bradley Thornhill had given it up for road construction. The road was relocated and Mr. Thornhill would like to acquire the right-of-way back from the City. There was no one to speak either in favor or opposition of the petition. Councilmember Perrow noted that the citizen gave a different piece of right-of-way to the City at no cost. This piece of right-of-way is approximately the same size and it is a pretty fair swap. He made a motion on behalf of the Physical Development Committee to approve the request. Councilmember Helgeson gave glowing remarks about the completion of the Odd Fellows Road project and the bank that is located there. Hopefully, the bank is a good indication of the type of investment that will be going on in that area.

The motion passed by the following vote:

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

// In the matter of Streets, Agenda Item #9, Council considered accepting a portion of Liberty Mountain Drive from Candler's Mountain Road out toward the Campbell County line. It was a frontage road for VDOT and is now functioning more as a City street. The City would be responsible for maintenance but would also receive maintenance payments from VDOT. Councilmember Perrow noted there will be a fiscal impact to the City of an additional \$42,000 in maintenance reimbursement. It makes sense to have it in our inventory and will allow police to patrol it. The construction of the new road should start in the spring. He made a motion on behalf of the Physical Development Committee to approve the request.

The motion passed by the following vote:

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

// In the matter of Council, Agenda Item #10, Council considered adopting a resolution endorsing the draft vision statement and guiding principles for affordable housing policies in the City of Lynchburg and the expansion of the Housing Collaborative. Dr. Reid Wodicka reminded them that a number of City staff members were asked to make recommendations for policy options if the City decided to address affordable housing issues in the City. The recommendations were based on leading practices research from cities and counties throughout the United States. The first two recommendations were that Council should establish a consistent vision for housing policy issues in our community and existing Housing Collaborative should be expanded to take into account a number of professions and organizations that have major impacts on housing issues in the City.

The City held a joint meeting with the Housing Authority to review the proposed vision statement that was drafted by the Housing Collaborative and brainstorm about other partners that could be a part of the Housing Collaborative. The draft statement has been revised and a number of guiding principles have been added. They also wanted to make sure that the goals that had been established were consistent with our CDBG housing and non-housing goals.

Councilmember Wright proposes they adopt the vision statement as presented. We had a lot of community partners come together with Council and the Housing Authority to draft this document. He thinks it is a strong one and sets the right vision for our community. Councilmember Wilder seconded the motion. He said he is glad the goals are looking to strengthen families and are addressing poverty. Councilmember Helgeson noted that there is no immediate fiscal impact. However, if policies and programs are enacted, there will be costs associated with them and he hopes Council will be given a fiscal impact analysis. Dr. Wodicka said absolutely. Councilmember Helgeson said a lot of issues surrounding affordable housing are a function of the market and economic development. He is afraid that when we get into other things we are fighting a war on poverty that is older than him. Sometimes when government starts a war on something the opposite happens and it exacerbates the situation.

Dr. Wodicka thinks that if you take a look at the work that they did, you will note that housing issues are complicated and there are no simple solutions. The document attempts to look at these issues from a holistic perspective. There are challenges we can create by doing certain things but hopefully as we do fiscal impact statements and evaluations, those challenges will be identified. Councilmember Helgeson asked if the City is spearheading this. Dr. Wodicka explained that the Housing Collaborative is made up of both nonprofit organizations and for profit organizations. They think a diversity of voices can really help us make better policy decisions and recommendations. Councilmember Helgeson is wondering what policies may come later that would have a fiscal impact. Dr. Wodicka said a housing trust fund was discussed. Councilmember Helgeson had brought up long-term rentals and Dr. Wodicka cannot really speak to that but there is little they can do to regulate it. They are going to make a lot of different options available throughout the City and not focus on one area. There are a lot of options out there a lot of opportunities for people to succeed.

Councilmember Perrow is fine with the vision statement but hung up a little with the expansion of the committee. Since Council does not appoint the members he is not sure why they need to approve the membership composition. Dr. Wodicka does not think Council is approving the membership but we are saying that as a community this is the vision that we are casting and stating which organizations they think are very important to housing. As Councilmember Helgeson said before "these are words," but they think they are important words. They think the membership has major impacts on a number of housing options in our community. Councilmember Perrow does not disagree but knows it is hard to find people to volunteer for this sort of work. This group needs to be able to get something done and have good quality people that can provide great input but be small enough to be effective. He suggested we say "endorses the expansion of membership" rather than "approves." Councilmember Wright accepted that as an amendment to his motion.

Councilmember Nelson thinks the holistic approach is the most exciting part. The City needs everyone that has an expertise or perspective to focus on how the problem can be solved. He wants to mention for the public that the

expansion is adding private developers, real estate attorney or realtor, a private lending institution, a large employer, faith communities, charities and nonprofits. All of them have a perspective that he thinks can benefit the solution. That is the most important part and that is what Bridges to Progress is doing, drawing all the resources of our community together to solve a problem that has many parts that affect other parts of the community. He thinks this is very exciting.

Mayor Tweedy thanked everyone who is a partner at the table and it does take many people coming together that are dealing with this every day. She appreciates this is a statement and words but the action will come behind it.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Council, Agenda Item #11, Council considered introducing a resolution authorizing the appropriation of \$112,875 of the available \$142,790 in the FY2020 General Fund Non-Departmental Poverty Initiative Budget. This amount is requested to support projects submitted by the Bridges to Progress (B2P) Task Forces and the City's Department of Parks and Recreation.

Vice Mayor Dolan noted that she serves on the steering committee for Bridges to Progress and is liaison to the Early Childhood and serves on the Faith Based Task Force. Although she does not have a personal interest or receive any benefit from these relationships, she feels that in order to avoid the appearance of any impropriety or bias, and with the consent of the other councilmembers, she will be abstaining from voting on this matter.

Mr. John Hughes noted that the resolution would utilize funds to support projects submitted by the Bridges to Progress task forces and the City's Parks & Recreation department. Bridges to Progress is a Lynchburg centered effort to reduce poverty and increase median household income. Nine funding project applications were reviewed by the Community Development Advisory Committee (CDAC) in November 2019. Mr. Hughes asked everyone present tonight that was involved to stand and he thanked them for their participation.

Councilmember Nelson spoke as the chair of CDAC. It was charged with making a determination as to how the funds would be spent that City Council authorized. They spent several hours discussing the applications. They recommended approving all but one application and it was for the smallest amount. The presentations from each group were focused on a specific task that would achieve the goal of their particular subcommittee. Councilmember Wright served as the co-chair of CDAC. He recommended that the smallest request of \$1,500 be added to the resolution. It was not clear to him at the time the value of the project but in subsequent conversations with the subcommittee members, he sees that it does have a lot of value. The \$1,500 seems like a reasonable request and he is proud to reverse himself and endorse it. Councilmember Nelson noted that the item that was excluded was Early Childhood Education daycare number two. It is a program that seeks to provide daycare funded by private contributions to support employees of local businesses. The purpose of the funding is to have a kickoff event to bring major employers together. The resistance to funding it was based on the fact that a private donor could give that amount. But to try to get that amount of money, there would be a lot of meeting and delays and it would be better to have a single event at a single place. Councilmember Nelson would thoroughly endorse adding the \$1,500.

Councilmember Wright had made the motion previously to adopt the resolution with the additional \$1,500 and Councilmember Nelson seconded it.

Councilmember Wilder is glad to see the funds are being used to address poverty issues in our community and supports the motion.

Councilmember Helgeson asked about the item under the Food Task Force that is requesting money for food carts that can carry up to 200 pounds of groceries. Councilmember Nelson noted that these carts are for people that do not have transportation to go to the store. Research indicates that having a durable and reliable shopping cart allows a person to purchase items when it is appropriate or when they are on sale and get them home without having to pay cab fare or lug a lot of bags on the bus. These carts are engineered to allow a person of any age or physical ability to accomplish shopping. Councilmember Wright noted that the individuals needing the carts would be identified by local area agencies that serve underserved populations and it will be a thoughtful implementation of the program.

Councilmember Perrow appreciated the dialogue that CDAC had with the representatives. He noted they are getting ready to entrust \$114,375 in tax dollars to individual groups. They need to make sure those tax dollars are spent effectively and in accordance with what they said. There need to be measurable results. City Council and City staff need to review the metrics and he would like the organizations to report those metrics truthfully and in a straightforward manner. We are never going to be able to solve the problem but how can we make it better in the long run. He admires the concepts they came up and would like to have data on how they work and that will better inform them on how they can do a better job next time. He asked them to be good stewards of the tax dollars and hopes they have enormous success with their programs.

Mayor Tweedy thanked them for their ideas and for helping the citizens that will benefit from each of the programs.

The motion passed by the following vote:

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

// In the matter of City Code, Agenda Item #12, Council considered repealing sections 17-2, 17-3, 17-4, 17-5, 17-6, 17-18, and 17-19 (Fences and Walls) of City Code due to conflicting regulations with the zoning ordinance and Virginia state code. Mr. Erwin explained that when the Zoning Ordinance was amended in 2016, it included a lot more specificity regarding the construction of fences. The provisions in the Zoning Ordinance are conflicting with the provisions in the City Code. Fencing will be regulated by the Zoning Ordinance.

Councilmember Perrow made a motion to approve the ordinance and the motion was seconded by Councilmember Wilder.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #13, Council considered adopting a resolution approving the use of \$3,184 of the Capital Improvement Program Community Park Investment Fund to match funding for a Youth Remembrance Trail along the James River. The funds were appropriated in a previous fiscal year. Ms. Jenny Jones provided them with an overview of the project. The project creator is a Brookville High School student named Maggie Mace and she has raised over \$3,100 for the project. She has been working with City staff on this project for over a year.

Councilmember Wright made a motion to approve the resolution and thanked the Parks & Recreation department and Ms. Mace. The motion was seconded by Councilmember Wilder.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #14, Council considered introducing 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. Ms. Jenny Jones explained that the program targets low-income seniors who may not be able to afford other fitness and rehab programs. It is a pilot program and is already at capacity. The funds were made possible through Centra and funneled through the Friends of Lynchburg Parks & Recreation. She explained that assessments have to be done at the beginning and end of each cycle of classes and have to be reported to both Centra and the University of Illinois.

On behalf of the Finance Committee, Councilmember Helgeson made a motion to approve the resolution.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #15, Council considered introducing 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. Ms. Melissa Foster explained that the 911 system in Virginia is being transformed in to a digital network that is faster, more efficient and with capabilities to better serve our citizens and visitors for years to come. The project is scheduled to be finished in the second quarter of calendar year 2021. The first phase will be to implement texting to 911. It will also help people with TTD and TTY devices to contact 911.

On behalf of the Finance Committee, Councilmember Helgeson noted the grant is 100% reimbursable. Ms. Foster noted that the project will go across multiple fiscal years. The costs will change and the State will be picking up those costs for two years. Councilmember Helgeson made a motion on behalf of the Finance Committee to approve the resolution.

Councilmember Perrow commented that he has been involved with this project through the Virginia Geographic Information Network Advisory Board. As the local elected officer liaison, Virginia First Cities reached out to him to fill the role. He will not be qualified to sit on the board effective July 1, 2020. He is the westernmost person who sits on the board and it is a very interesting board. He noted that the new system will rely on cell phone GIS pinpointing and the work Ms. Foster is doing is helping to define those parameters and determine which county or City can get to the location easiest. Virginia is very far ahead of other states in rolling this out. If anyone is interested in serving on the board, he would be happy to make the proper introductions. He mentioned they are quarterly meetings in Richmond and he has one left. Ms. Foster thanked the City's GIS staff for their hard work on this project as well.

The motion passed by the following vote:

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

// In the matter of Budget, Agenda Item #16, Council considered introducing 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. Chief Greg Wormser commented that they typically apply for these funds several times a year and in this case it is a 50/50 match.

On behalf of the Finance Committee, Councilmember Helgeson commented that he appreciates that the fire department budgets for aging equipment rather than taking the reserve. He made the motion to approve the resolution on behalf of the Finance Committee.

The motion passed by the following vote:

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

// In the matter of Emergency Services, Agenda Item #17, Council considered of adopting the revised Emergency Operations Plan. Ms. Piper VanDePerre explained that every City department and every partner agency is part of our coordinated emergency management effort. Emergency management is a shared responsibility and a shared obligation of local government, community members, businesses, nonprofits, etc. Harnessing the opportunity for better community outcomes requires an inclusive and diverse approach. The plan outlines exactly how City departments work together during times of emergency. It assigns responsibilities to lead and support agencies for various emergency functions. The plan sets guidelines to allow the City to manage a disaster in the most effective, efficient and timely manner. The system can also be used for planned events.

Noteworthy changes to the plan are Damage Assessment and Long Term Community Recovery ESFs were combined since Community Development was the lead agency. Volunteer and Donation Management responsibilities transitioned from Communications & Marketing to Parks & Recreation. There is the inclusion of a newly formed City of Lynchburg Disaster Recovery Group. Greater emphasis was placed on Information Technology. Additional policies and information were added as a result of lessons learned since the last update.

Councilmember Helgeson asked about the Emergency Response Manager and who is in charge when there is an emergency. Ms. DePerre explained that the City Manager is the Emergency Management Director. Ms. Melissa Foster is the Emergency Management Coordinator. Councilmember Helgeson noted that a lot of the Local Emergency Managers are fire chiefs. He asked about Council's role. He is also thinking about what happens across Virginia during emergencies and it seems like the person in charge is normally someone that worked up through the ranks of the fire department.

Ms. Svrcek explained that Council's role is to declare an emergency is the City Manager requests it. This is a practice that has worked in the past and she continued it from the prior City Manager because it is not broken.

Ms. Foster understands his point and there are a lot of localities where emergency management is still part of either the police or fire department. What they have found through the years is that you do not necessarily need someone who has been on the street to be the one coordinating resources. She has not been a fire fighter or police officer but she did come up through the ranks of a public safety agency and she thinks that prepared her very well to be the emergency coordinator. When the Emergency Operations Plan is activated the Emergency Operations Center is the communication center for that particular event. She understands there are some in fire service that do not like that model but it was a decision made years ago. She mentioned Les Puckett who worked at the fire department and that was before Ms. Foster was involved in the emergency management side of things. Emergency management is really about managing the resources. Sometimes the front line responders have thought that the EOC is trying to take command. That is not what the EOC is for. They are there to support the incident commander that is in the street or in the field dealing with the emergency. Dr. Wodicka noted that he has been through a couple of emergencies and Ms. Foster is the one that you want running the EOC when they happen. Mayor Tweedy said she would have to echo that. Mayor Tweedy was in the room during the potential dam break and those in the room included public safety personnel. To have that coordination and communication is key.

Councilmember Helgeson asked what happened February 14, 2014. Ms. Foster said the original EOP was written in 2002 but then they brought it back and had it adopted in 2012 and 2016. She thinks the one in 2014 version contained administrative minor changes that Kim Payne approved.

Councilmember Perrow noted that Ms. Foster has been to manage small disasters in her role with LYNCOM. It seems natural to him that she would be coordinating the response to a large disaster. He mentioned the train derailment and someone coordinated closing the John Lynch bridge. That is not the person on the scene. That is part of the role of the support team. Ms. Foster said they feel that is a natural fit because of what her employees are doing every day. Some localities do not see emergency communications as true public safety. That is something they are seeing changing across the nation but she understands that some people feel that communications staff do not have response experience but they do. Councilmember Perrow pointed out they are really the first responder because they pick up the phone. Sometimes they provide medical care across the phone until the on-site first responders can get there.

Councilmember Perrow made a motion to approve the resolution, which was seconded by Councilmember Nelson. Councilmember Nelson appreciates the update and the fact that they have added cyber security to the plan. He noted that the City has had a good EOP for years and it was demonstrated well during the derecho and the railcar

derailment, the tornado and the flooding. He thinks it is good that we keep our eyes open and are not afraid to assess ourselves and revise it.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Council, Agenda Item #18, Council considered adopting a resolution endorsing the framework identified in *The Lynchburg Plan* for Fiscal Years 2020-2024. Dr. Wodicka reviewed the changes that have been made to the plan. The plan focuses on the City's growing and redeveloping economy, exceptional neighborhoods and strong families and a resilient, agile and innovative organization. Each has a number of associated goals and operational initiatives, an assigned fiscal year and a key owner. Each goal has metrics that are intended to be tracked over time and reported to Council twice a year. He mentioned that Council also identified exceptional schools as a priority. This plan identifies the school task force that was recently initiated by Council as the conduit for the variety of school goals that might relate to exceptional schools. The goals in the plan will really guide the City's actions and have major impacts over the planning period and most importantly, will greatly affect the long-term success of the City.

Councilmember Helgeson asked about the \$1.2 million Council appropriated to support the future funding requirements related to the recommendations of the task force. Dr. Wodicka clarified that money was set aside last year when the school returned some of its fund balance.

Councilmember Perrow made a motion to approve the resolution and recommends they come back to Council with a report at the beginning of 2021. The motion was seconded by Councilmember Wilder. Dr. Wodicka noted they have built in an internal structure for tracking their progress. Ms. Svrcek noted that some of the plan goals will be reflected in the performance measures in the FY2021 budget.

The motion passed by the following vote:

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

Noes: 0

// Mayor Tweedy recognized the Clerk of Council, Robin Craig, with a Certificate of Service for 15 years of service to the City of Lynchburg.

// The meeting was adjourned at 9:20 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

For reference for Agenda Items
#6 through #9

MEETING DATE: **January 28, 2020**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Poverty Reduction Appropriation Request for Bridges to Progress Initiatives

KEY ELEMENTS:

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

RECOMMENDATION: Authorize the appropriation of \$112,875 of the available \$142,790 in the FY 2020 General Fund Non-Departmental Poverty Initiative Budget. This amount is requested to support projects submitted by the Bridges to Progress (B2P) Task Forces and the City's Department of Parks and Recreation.

SUMMARY: Bridges to Progress is a Lynchburg-centered effort to reduce poverty and increase median household income . Bridges to Progress is the result of meshing the Bridges of Central Virginia (BOCV) and From Poverty to Progress (P2P) initiatives in 2018. A Steering Committee comprised of ten (10) leaders from BOCV and P2P act as liaisons to ten (10) Task Forces focused tackling the major barriers to residents moving out of poverty and working towards increasing household income. B2P Task Forces, along with the City's Department of Parks and Recreation, worked diligently to draft nine (9) funding proposals presented in this summary.

The Community Development Advisory Committee (CDAC) was determined to be the most appropriate body for evaluation of grant applications. On November 20, 2019, the CDAC reviewed all applications and made recommendations to fund projects as presented.

PRIOR ACTION(S):

May 14, 2019: Council adopted Resolution #R-19-043 specifying that FY 2020 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council.

November 20, 2019: Community Development Advisory Committee (CDAC) review of applications.

FISCAL IMPACT: Use of \$112,875 of the FY 2020 allocation for poverty reduction will leave a remaining balance of \$29,915 in the poverty reduction budget.

CONTACT(S): John H. Hughes, IV, Assistant City Manager, 434-455-3990

ATTACHMENT(S):

Community Development Advisory Committee (CDAC) Minutes
CDAC B2P/COL Grant application recommendations spreadsheet
Bridges to Progress and City Department of Parks and Recreation funding proposals

REVIEWED BY: bms

RESOLUTION:

#R-20-004

BE IT RESOLVED THAT The Lynchburg City Council does hereby authorizes staff to appropriate \$112,875 of the available FY 2020 General Fund Non-Departmental Poverty Initiative Budget. This amount is allocated as follows to support the Bridges to Progress Task Forces and the Department of Parks and Recreation to support poverty reduction initiatives as recommended by the Community Development Advisory Committee on November 20, 2019:

Community	\$21,400
Early Childhood Care and Education	\$6,900
Education	\$19,000
Faith	\$7,700
Food	\$7,000
Health/Mental Health	\$15,000
Parks and Recreation/Early Childhood	\$4,500
Transportation	\$31,375

Adopted:

Certified: _____
Clerk of Council

008R

Community Development Advisory Committee (CDAC) Meeting
November 20, 2019
City Hall, Second Floor Training Room
10:00 a.m.

Meeting Notes

CDAC Members

in attendance: Chair; Council Member Randy Nelson, Vice Chair; Council Member Beau Wright; Ms. Kimberly Dyke-Harsley (Daniel's Hill Representative); Mr. John H. Hughes, III (College Hill Representative); Ms. Susan E. Murray (Garland Hill Representative); Mr. Dennis G. Newton (Diamond Hill-Historic District Representative)

City Staff

in attendance: John Hughes, IV (Assistant City Manager); Alicia Campbell (Administrative Support); Melva Walker (Grants Manager); Angie Shepard (Community Development Program Coordinator)

Unable to attend: Ms. Valerie Harris (Tinbridge Hill Representative)

Mr. John Hughes, IV welcomed attendees to the Community Development Advisory Committee meeting where the Bridges to Progress/City of Lynchburg funding applications were reviewed. Applicants gave a brief overview of their request, and CDAC member recommendations will be presented to City Council at the December 10th City Council meeting.

Council Member Nelson addressed the available funds in the Poverty Reduction budget as well as the total amount requested from applicants. A total of nine applications were submitted for a grand total of \$114,375 in requests. The available Poverty Reduction budget totals \$142,790.

Council Member Wright asked for some clarification regarding overall metrics at the end of the year and how the community will know if programs have been successful. Mr. Hughes, IV responded that the Bridges to Progress groups will provide him with a report-out which he will then present to City Council. Mr. Hughes, IV elaborated on the timeline, indicating the first report to Council will be scheduled for March and then again every quarter.

Council Member Nelson asked the members of CDAC if they wanted to hear all the overviews of the Bridges to Progress funding applications and then make decisions, or to hear each application one at a time and decide. CDAC members all agreed to hear the applications individually and make decisions about funding after each presentation.

Ms. Lindsay Cawood, Mr. Neal Massey, and Ms. Shawne Farmer from the Community Task Force came forward to discuss the project, Getting Ahead Pipeline: Breaking the Chain of Poverty. Ms. Cawood stated that this project, which is designed to be an extenuating mentorship for graduates of the Getting Ahead program, is to reduce poverty within the City of Lynchburg by coordinating educational, relationship, and employment-based services. Once done with the

class, participants will choose one of two social support choices: Interfaith Outreach (Ms. Farmer) or Open Table (Mr. Massey). The group is requesting a total of \$21,400 for the training of mentors and materials.

Council Member Wright inquired about how success will be measured with this project. Ms. Farmer clarified that this program is for returning participants of the Getting Ahead class and that the success is based on completion of the program, and then measuring participants' goals after one year.

Council Member Nelson noted that the breakdown of expenses is the training of the mentors and questioned if this project would be sustainable or if the mentors will have to be retrained again. Mr. Massey responded that although the mentors have no obligation to sign-up for additional years, they are allowed to, potentially creating a cost savings in future years.

Ms. Murray wondered about the selection of participants. Ms. Cawood noted that the group is looking for individuals with a high chance of employment and advertise the project through the Getting Ahead classes.

Council Member Nelson stated he was in favor of funding this application for the full amount, with Mr. Hughes, III seconding the motion. All CDAC members agreed to fund the project for the full amount.

Ms. Karen Wesley presented for Early Childhood Care and Education Task Force #1. The project Improving Child Outcomes within Head Start and Early Learning Programs, aims to provide classroom-based coaching and professional development to teachers, thus benefiting the relationships between students and teachers. The \$6,900 of requested funds will go toward Early Learning Coaches at White Rock Head Start and at Rivermont Early Learning Center/Rhema's Gentle Care.

Council Member Nelson inquired if the teachers who are in care centers are certified. Ms. Wesley reiterated that the centers are required to have a Child Development Associate certificate, and one trained teacher in each center.

Council Member Wright stated he was in favor of funding this application for the full amount, with Mr. Hughes, III seconding the motion. All CDAC members agreed to fund the project for the full amount.

Ms. Wesley also presented for the Early Childhood Care and Education Task Force #2. The project, Lynchburg Childcare Alliance, is requesting \$1,500 to cover costs for an event at Lynchburg Regional Business Alliance to present data that informs on the impact when childcare is available to employees and to potential workforce contributors. This event is a continuation of efforts by the previous Lynchburg Childcare Alliance which researched how to engage Lynchburg businesses in how to support daycares.

Council Member Wright stated reservations about this project being an effective use of requested funds. Ms. Wesley indicated that the intent of this event will be to springboard into future action.

Council Member Nelson commented that the amount requested wasn't substantial but thought it would be better for businesses to fund this venture instead of utilizing the Poverty Reduction funds.

Mr. Hughes, III agreed stating that the business community is available and could participate by funding this event. He further commented that if one business were to get involved, this could be used as a catalyst to get other businesses involved.

Ms. Murray stated that the conversation on childcare with businesses needs to begin, but could not support the use of the Poverty Reduction Funds for an event.

Ms. Murray further discussed the possibility of reallocating of the \$1,500 funds to the Early Childhood Care and Education Task Force #1. Council Member Nelson responded stating that it is unusual to give applicants more than originally requested but was a topic that City Council could discuss.

Ms. Murray stated she was not in favor of funding this application and moved to deny the request, with Council Member Wright seconding the motion. All were in favor of the motion to deny the request except for Council Member Nelson and Mr. Newton, who opposed.

Dr. Owen Cardwell presented on behalf of the Education Task Force which is requesting \$19,000 for the project Keep Connected. This initiative aims to provide families with relationship building resources by training 20 community- and faith-based organizations on how to properly facilitate family relationship building sessions that focus on five areas of relationship development: expressing care, challenging growth, providing support, sharing power, and expanding possibilities. This 'train-the-trainer' style workshop will be hosted by the Center of Education and Leadership at the University of Lynchburg and conducted by Search Institute. The funds requested will go towards two Search Institute facilitators and meals for participants. Dr. Cardwell emphasized that each organization will be required to train 12-15 families, equating to 200-300 families being helped.

Ms. Murray stated that she is in favor of this project and noted that the amount requested is not much considering the material and resources acquired.

Council Member Nelson asked for clarification on the future sustainability of this project in regards to allocation of funds in future years. Dr. Cardwell stated that there is no additional cost to recertify the participating organizations. Council Member Nelson questioned the replication of the training for future organizations. Dr. Cardwell clarified that the Education Task Force will be able to freely use the training, as long as others are in network/organization. Council Member Nelson inquired about the requirement of 12-15 families. Dr. Cardwell noted that there will be leniency as to the number of participating families for each organization.

Council Member Wright inquired about how organizations would self-select participants. Dr. Cardwell clarified that there will be thresholds created that organizations would need to meet, an application process, and a signed Memorandum of Agreement.

Ms. Dyke-Harsley inquired about a timeframe for this project. Dr. Cardwell explained that if funds are approved in January, the Education Task Force group will need 30 days for the recruitment of organizations and then roughly 10-12 months of facilitation.

Council Member Wright stated that he was looking forward to the added metrics referencing the quarterly reports that are required to track the progress of the families. Dr. Cardwell stated that this is the framework for creating a collective impact model.

Mr. Hughes, III stated that he was in favor of the project, seconded by Ms. Dyke-Harsley. All CDAC members agreed to fund the project for the full amount.

Ms. Lisa Taylor and Ms. Debra Jefferson from the Health/Mental Health Task Force presented the project Partnership for Healthy Communities Awareness Campaign. This task force is requesting \$15,000 in funding to advertise the mental health resources available in the area through radio, billboards, social media, and bus advertisement. The main goals for the Healthy Communities Awareness Campaign are to increase awareness of community resources and ease the stigma around seeking help. Targeted areas will be that of highest poverty rates.

Ms. Dyke-Harsley inquired about the choice of radio station. Ms. Taylor responded that they will be utilizing local community stations.

Council Member Nelson inquired about how this group will identify appropriate radio stations and billboards for advertising. He furthered his statement saying that advertising dollars deplete quickly. Ms. Taylor responded that her group has a level of confidence in the demographic data already collected.

Mr. Newton stated that the hope of the message will be a call for citizens to act, but questioned if this project will in fact stimulate people to act.

Ms. Murray noted that advertising a call to act could lack potential to be affective and would be hard to track.

Mr. Hughes, III agreed stating that this is a much needed service but will be incredibly hard to measure.

Council Member Nelson asked if this budget is subject to be modified to stretch the funding to allow for repetitive advertisement. Ms. Taylor responded that the group remains flexible and the scope of advertising is open to modifications.

Council Member Wright stated he was in favor of funding this application for the full amount, with Ms. Murray seconding the motion. All CDAC members agreed to fund the project for the full amount.

Ms. Shawne Farmer from the Faith Task Force presented the project, 4\$ucce\$\$\$. The goal for the project is to help families improve soft skills and money management abilities. The Faith Task Force is requesting \$7,700 in funding to conduct a 4-week pilot program. Each week, participating families will start with community meal and then the adults and children will separate to conduct training. The first two weeks will be spent on budgeting while the second

two weeks will be spent on soft skills. These meetings will take place in the City of Lynchburg's neighborhood centers and have age appropriate activities for both children and adults.

Council Member Nelson noted that he liked that the program is centered in the community neighborhood centers. He stated that he understood the need for incentivizing the program for participants with the gift cards, but questioned the relevancy stating that he hoped confidence and fulfillment would be the primary driver. Ms. Farmer clarified that the gift cards are for reimbursement for the families' time during this pilot program, but may not be the direction the group takes with future programs.

Mr. Newton suggested that they be referred to as money cards instead of gift cards.

Ms. Dyke-Harsley questioned how the families will be chosen. Ms. Farmer stated that the families will be based on interactions in neighborhoods, and by children enrolled in after school programs.

Council Member Wright stated he was in favor of funding this application for the full amount, with Mr. Newton seconding the motion. All CDAC members agreed to fund the project for the full amount.

Ms. Ruth Talian with the Food Task Force presented the project, Grocery Go Carts. The group is requesting \$7,000 for the purchase of 100 portable carts. Individuals will be selected from food agencies to receive a cart, which can carry up to 200 pounds, to help transport free groceries to their homes.

Council Member Wright agreed but noted that the survey issued at the end of the program seemed unnecessary.

Council Member Nelson commented that the recipients receiving the cart will be the ones who frequent food banks and will already meet qualifying income requirements.

The CDAC members asked Brain Booth, director of the Greater Lynchburg Transit Company, who was in attendance, if all GLTC buses have the means to transport the carts. Mr. Booth clarified that all buses are either equipped with a ramp or a lift.

Ms. Murray questioned the sustainability of the project, stating that after the 100 carts have been distributed, there could potentially be another request.

Council Member Wright stated he was in favor of funding this application, with Mr. Newton seconding the motion. All CDAC members agreed to fully fund the project.

Ms. Jamey Love from the Parks and Recreation and Early Childhood Care and Education presented the project, Zumbini. This Zumba style class is for small children and their caregivers and helps support the critical development of social, emotional, cognitive, and motor and language in young children.

Mr. Newton asked if this pilot program had the potential to move to all neighborhood centers, and if there would be more funds associated with any expansion. Ms. Love clarified that the intent is to move this program to all centers and the requested funds are for the purchase of equipment which can travel to each center as necessary.

Ms. Dyke-Harsley commented on proper contingency plans for possible extreme weather conditions during winter months. Ms. Love reiterated that there will be inclement weather plans in place, following standard Parks and Recreation protocol.

Mr. Newton stated he was in favor of funding this application, with Council Member Wright seconding the motion. All CDAC members agreed to fully fund the project.

Mr. Brian Booth, Ms. Jennifer Martin, and Ms. Anna Jones presented on behalf of the Transportation Task Force. The project, Accessing Reliable Transportation, are requesting \$31,375 in funds to split between two programs, Ways to Work, which helps qualifying individuals obtain low interest car loans (Ms. Jones), and Lynchburg Area Center for Independent Living, which helps individuals with disabilities obtain funds for adequate transportation (Ms. Martin).

Ms. Dyke-Harsley asked Ms. Jones for clarification on the amount requested for Ways2Work; specifically the amount that helps individuals with Department of Motor Vehicle and insurance costs. Ms. Jones clarified that they are requesting \$125 for 80 individuals to assist with these costs.

Mr. Hughes, III stated he was in favor of funding this application, with Mr. Newton seconding the motion. All CDAC members agreed to fully fund the project.

Council Member Nelson closed with a presentation of Certificates of Appreciation for Community Service to Mr. Dennis Newton and Ms. Kimberly Dyke-Harsley whose terms will be ending December 2019. Ms. Walker honored Council Member Nelson whose term will also be expiring at the end of 2019.

Adjourned: 12:40pm

Meeting Notes prepared by: Alicia Campbell, Administrative Support



Poverty Reduction Budget Available \$ 142,790.00

Project Name	Task Force or Department	Amount Requested	CDAC Recommendation
Getting Ahead Pipeline	Community	\$ 21,400.00	\$ 21,400.00
Improving Child Outcomes	Early Childhood #1	\$ 6,900.00	\$ 6,900.00
Lynchburg Childcare Alliance	Early Childhood #2	\$ 1,500.00	\$ 0.00
Keep Connected	Education	\$ 19,000.00	\$ 19,000.00
4\$ucce\$\$	Faith	\$ 7,700.00	\$ 7,700.00
Grocery Go Carts	Food	\$ 7,000.00	\$ 7,000.00
Partnership for Healthy Community Awareness	Health/Mental Health	\$ 15,000.00	\$ 15,000.00
Zumbini	Parks and Rec/Early Child	\$ 4,500.00	\$ 4,500.00
Accessing Reliable Transportation	Transportation	\$ 31,375.00	\$ 31,375.00
	Totals	\$ 114,375.00	\$ 112,875.00
	Remaining Balance	\$ 28,415.00	\$ 29,915.00

COMMUNITY TASK FORCE

I. APPLICANT INFORMATION

1. **Amount of Funds Requested:** \$21,400

2. **Task Force Information:**

Check the designated taskforce associated with your project

- | | |
|---|---|
| ☐ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☒ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Lindsey Cawood

Identified Action Item/Goal: Reduce poverty within the City of Lynchburg by coordinating educational, relationship, and employment-based services.

Project Name: Getting Ahead Pipeline: Breaking the Chain of Poverty

Project Contact Person: Lindsey Cawood

Phone: (434) 477-5908

Email: Lindsey.Cawood@vdh.virginia.gov

Name of Application Preparer: Lindsey Cawood

II. PROJECT INFORMATION

Total Project/Program Cost: Please see the attached document for Section II.

Amount of Funding Requested:

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
Click here to enter text.

2. What is the expected outcome to be achieved with receipt of these funds?
Click here to enter text.

3. What will be the measure of success?
Click here to enter text.

4. What activities will be performed?
Click here to enter text.

5. What is the proposed timeline to complete the project?
Click here to enter text.

6. List all participants who will be involved with the project and their tasks.
Click here to enter text.

7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?
Click here to enter text.

8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.
Click here to enter text.

9. How will your request reduce the poverty rate and increase the median income of citizens?
Click here to enter text.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
Open Table part-time coordinator (20 hours per week)	\$14.50/hour	1,040	16,000
Open Table training materials	\$120	6	800
Program director for Getting Ahead graduates (one-on-one mentoring)	\$19/hour	240 (30 hours for 8 participants)	4600
TOTAL			21,400
Total			

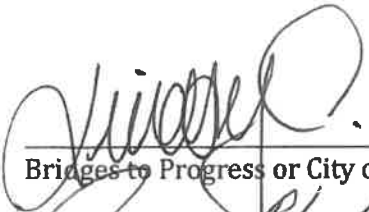
V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

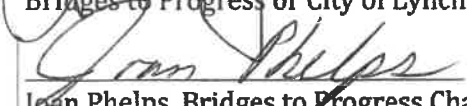
Neal Massey, Executive Director, Community Connected; Lindsey Cawood, Population Health Manager, Central Virginia Health District; Shawne Farmer, Executive Director, Interfaith Outreach Association

Lindsey Cawood

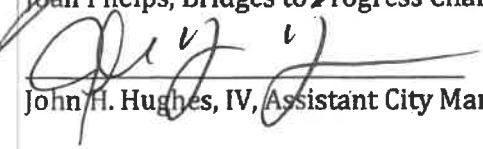
Bridges to Progress or City of Lynchburg Facilitator Name (printed)


Bridges to Progress or City of Lynchburg Facilitator Signature

11/8/19
Date


Joan Phelps, Bridges to Progress Chair

11/12/19
Date


John H. Hughes, IV, Assistant City Manager

11/14/19
Date

II. PROJECT INFORMATION

Total Project/Program Cost: \$29,905

An estimated \$4,320 will be donated in health department staff time for the Getting Ahead sessions alone (16 Getting Ahead sessions, each 3 hours, 1.5 hours prep, 2 people). All supplies (flip chart, markers, etc.) will also be donated by the health department. Open Table model training fees, \$4,800 for the remaining 4 tables, will be sourced elsewhere as well as all efforts of Virginia Career Works. Interfaith Outreach Association is also sponsoring all activities related to promotional programming and recruitment of mentors.

Amount of Funding Requested: \$21,400

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.

The Idea In-brief: A pipeline of services will be established to offer Getting Ahead participants the mental, emotional, social, and employment-based resources they need to gain financial security. Once in Getting Ahead, participants will be linked with year-long social support—either one-on-one mentoring through Interfaith Outreach Association or group relationship-building through Community Connected. On the last day of Getting Ahead class, participants will visit Virginia Career Works to enroll in the Career Essentials program (or other if ineligible), a developing initiative that aims to offer guaranteed employment to all who graduate. Eligibility for programs sponsored with this funding will be restricted to City of Lynchburg residents only.

Getting Ahead Classes: Mental & Emotional Readiness

Getting Ahead classes are an approach to poverty that seeks to leverage education and self-exploration to change one's way of viewing the world. The classes enable participants to objectively analyze their financial situation, set future goals, and construct a plan to see them achieved. Through the classes, participants learn topics such as the importance of building resources, enhancing social capital, and "code switching," changing one's dialect to suit the social/environmental context. While the Getting Ahead classes are a useful tool, they are not sufficient alone to reduce poverty. While the classes change individuals' perception about their situation and ability to advance, they do not provide the ongoing employment or social connections necessary to sustain long-term improvement.

Virginia Career Works: Employment

To that end, Virginia Career Works will be starting a new program, Career Essentials, in early 2020. Through in-class instruction and home-based application, the program aims to provide individuals with the skills necessary to obtain local employment. While the program is still in development, its goal is to provide guaranteed employment to all participants who complete the requirements. While Virginia Career Works is a partner of this project and will provide the next step after Getting Ahead classes, the agency is not seeking funding through this application.

Community Connected/The Open Table: Social Capital

Aside from pairing with employment services, Getting Ahead graduates need social supports as well. Most Getting Ahead graduates lack ample ties to family, friends, colleagues, and others who might provide opportunities for advancement as well as support when difficulties are encountered. This fact leads many Getting Ahead graduates to be mentally ready for change yet unable to sustain measured progress.

When Getting Ahead classes are combined with ongoing social support, the preliminary results have been much more optimistic. The two Getting Ahead graduates who also graduated from The Open Table have advanced far beyond those who completed Getting Ahead only. The two graduates of both classes have increased their incomes at least 75%, improved their housing situations, and have overall created a more stable life (please see the testimonials for more information). A third Getting Ahead graduate who began with The Open Table several months ago is on track to achieve similar results.

The Open Table model supports Getting Ahead by enabling participants to apply the education and coaching they have received to behaviors that create sustainable change. Its system of natural support brings together community volunteers to serve an individual or family. Meeting once a week for a year, the volunteers and the individual build relationship as they offer their mental, emotional, and social capital to meet the individual's needs and achieve self-identified goals. Through the building of relationships and community contacts, the individual served establishes a professional—and personal—network of community members whose bonds and support last well beyond the end of the program.

In addition to the added support, the Open Table model also provides long-term tracking of objectives. Frequently, Getting Ahead graduates have multiple phone number or address changes, making evaluation efforts difficult. With the Open Table model, participants stay engaged for a minimum of one year, a term of measurement nearly impossible with the Getting Ahead classes alone.

Evaluation is also enhanced in that the Community Connected volunteers visibly see the progress being made, as opposed to relying on single-measurement indicators that often do not relay the full scope of success. For example, this constant relationship makes it possible to see progress such as leaving an abusive roommate or advancement toward child custody—events that may not be apparent using standard pre- and post-intervention analysis.

While social support is undoubtedly important in maintaining success, Lynchburg does not have enough Open Table openings to accept all Getting Ahead graduates. Thus far, roughly one Open Table spot has been available for every 10 Getting Ahead graduates. Therefore, funding is sought to increase Community Connected's capacity to launch additional tables. A part-time coordinator will expand volunteer recruitment, assist with program management, and increase community engagement. The coordinator

selected will be retained from those who are currently volunteering or being served in the Open Table model.

Interfaith Outreach: Community Mentoring Program

The mission of the Interfaith Outreach Community Mentoring program is to foster the development of constructive relationships between mentors and participants, in order to strengthen the latter's ability to overcome adverse circumstances. Throughout the one-year program, mentors empower participants to achieve the goals determined in his/her one-year plan, including those related to basic needs, life skills, and employment. This program is based on a successful model created and used by the Office of Assistance in Richmond as well as the Norfolk Department of Human Services. It has been modified to meet the needs of those in Getting Ahead.

Program participants will consist of Lynchburg residents in (or graduating from) Getting Ahead who have requested a one-on-one mentor. Mentors are individuals within our community who are great listeners and responsible community members. They agree to provide support, guidance, and a positive perspective on life to individuals committed to improving their lives.

The mentors will have four hours of formal training by the program director, to include an introduction to the Bridges out of Poverty model, an overview of the community mentoring program, and detailed mentor training corresponding to the one-on-one relationship. In addition, mentors receive constant on-the-job training as they interact with the director and submit their monthly activity reports for feedback.

The mentor will agree to meet with the mentee for a minimum of several times per month for 12 months as well as be available for telephone calls and texts as needed. As part of their service commitment, mentors are required to maintain open and regular communication with the program director, to include telephone contacts and meetings. Mentors must also submit a monthly activity report to the program director detailing the date of volunteer service (which includes telephone contacts and meetings with the program director and community partners), type of activity, and time involved as well as receive monthly feedback on this report. Mentors will also refer mentees to resources in the community to further support and enhance the mentees' goals.

The funds requested will support the time necessary for the program director to train mentors and manage the program, once a mentor and mentee are matched, for a period of one year. Time spent includes the provision of training and record keeping as well as miscellaneous support and meetings with mentors and mentees. Please note that funding has not been requested for promotional programming or recruitment of mentors, as this is being facilitated and funded by Interfaith Outreach Association.

The benefit of this program is that it is flexible, as the mentor and the mentee determine their own schedule. It also allows for the flexibility of phone calls and texting between mentee, mentor, and director, in the event an urgent need arises that requires immediate attention to keep the mentee on a successful track.

At the end of the 12-month program, success will be measured based on the completion of the goals set by the mentee in their one-year plan, including components for basic needs, life skills, and employment.

The Interfaith Outreach Community Mentoring program is designed specifically for Getting Ahead graduates. It will be facilitated by our director of progressive release, who coordinates a similar program for returning citizens. These funds will allow our director to spend additional time facilitating the Community Mentoring program specifically for Getting Ahead graduates, which is not part of his regular employment duties. This is an hourly position that will require more hours for facilitation of the Community Mentoring program.

2. What is the expected outcome to be achieved with receipt of these funds?

Five Open Table groups will serve individuals/families in poverty and those transitioning from foster care or incarceration. Those five tables will produce five individuals or families who have experienced transformational change. All volunteers will have a deeper understanding and appreciation of those in poverty and how they can be part of the solution. The selected coordinator will also improve current skills, obtain new employment skills, and become more marketable for future employment in program and administrative support.

In addition, eight individuals from the Getting Ahead program will have one-on-one mentoring support for one year, allowing them to meet their one-year plan goals for improvement in meeting basic needs, life skills, and employment.

3. What will be the measure of success?

Success of the Open Table coordinator will be measured by adequate performance of all job duties, monitored through ongoing feedback and periodic review of outcomes. The coordinator's main measure of success will be recruitment of approximately 50 community volunteers to serve as table members and the completion of five individuals through the Open Table model.

Success of the participants will be measured by progress made in their life plan, a self-constructed document of specific goals to be attained. While it is difficult to apply exact levels of improvement, we expect to see significant advancement in:

- Employment (hours, wages, type of work, opportunity for advancement)
- Life skills
- Basic needs
- Transportation (ability to afford, working vehicle)
- Living situation (stable housing, cost of rent)
- Relationships (addition of social capital, repaired relationships with loved ones)
- Access to healthcare (health insurance, maintenance/treatment of conditions)
- Resolution of debt or legal issues, if applicable

4. What activities will be performed?

The health department will offer a Getting Ahead class in 2020 to help reduce the wait list that currently exists to enroll in Getting Ahead; the health department, while a project partner, is not seeking funding for the class through this request. These Getting Ahead participants, along with others, will be paired with the appropriate social and employment-based supports.

- Activities will include recruitment/selection of Getting Ahead participants, class preparation, instruction, evaluation, and coordination with other partners.
- Virginia Career Works plans to provide training to teach Career Essentials, class instruction, provision of materials, and job placement services.
- The Community Connected coordinator will perform all tasks in support of volunteer training (six to eight hours for each volunteer through Open Table University), and recruitment. S/he will assist in the activities that enhance program management, such as volunteer record keeping and skill inventories. Community engagement activities will include monitoring and refining the community mailing list, assisting with event planning, developing written materials for public relations, advertising and following-up with contacts in the community.
- Activities for the Interfaith Outreach Community Mentoring program include the recruitment and training of mentors, matching between mentors and mentees, provision of feedback to mentors, program management and recordkeeping, ongoing communication and coordination with community partners, facilitation of the mentor/mentee relationship, documentation of program activities, and provision of year-round support to program participants and mentors.

5. What is the proposed timeline to complete the project?

Getting Ahead classes, which last eight weeks, will start in early 2020. Preparation for the classes as well as recruitment of mentors and volunteers will be ongoing.

While in class, participants will be linked with the social support program of their choice, with tracking to last at least one year. Upon completion of Getting Ahead, participants will enroll with Virginia Career Works' Career Essentials program.

6. List all participants who will be involved with the project and their tasks.

1. Shawne Farmer, Interfaith Outreach Association: Ensure provision of mentoring program for participants interested in one-on-one coaching.
2. Lindsey Cawood, Central Virginia Health District: Ensure provision of Getting Ahead class and coordination between project partners.
3. Kim Foster, Central Virginia Health District: Ensure provision of Getting Ahead class and coordination between project partners.
4. Neal Massey, Community Connected: Hire coordinator, ensure provision of Open Table model for participants, and track advancement toward goals.
5. Keith Cook: Link and guide participants through Virginia Career Works/Career Essentials. Provide referrals to Getting Ahead.
6. Shannon Brennan: Provide Getting Ahead classes, share outcomes, and coordinate with other project partners on Getting Ahead graduates' advancement through Virginia Career Works/Career Essentials and the Open Table model.

7. Jerry Gibson: Provide Getting Ahead classes, share outcomes, and coordinate with other project partners on Getting Ahead graduates' advancement through Virginia Career Works/Career Essentials and the Open Table model.

7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?

No, these project partners are the only ones who would be teaching Getting Ahead, linking with Career Essentials, and/or adding long-term social support and evaluation.

8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.

This project will directly impact intergenerational poverty by providing social, mental, emotional, and employment-based services to the city's Getting Ahead participants. By coordinating multiple, mutually reinforcing supports, Getting Ahead participants gain access to a holistic system that can better address their multiple needs.

This partnership addresses the fact that meeting one need alone is not enough to create the sustainable change that can alter one's life. By addressing multiple causes and effects of poverty, the city's Getting Ahead participants will be better able to achieve their goals, obtain secure employment, and increase their income, while building a network of social support that will reinforce and sustain their progress.

**Please see the testimonials on pages 7 and 8 to see the results possible when Getting Ahead is combined with long-term social supports and relationship building.*

9. How will your request reduce the poverty rate and increase the median income of citizens?

Median income of all participants will be increased through knowledge of what behaviors are necessary to be successful in the workplace, enhanced social support, improved decision-making, and access to better-paying jobs and housing opportunities. The two Getting Ahead graduates who also received social support (through Open Table) both increased their income by approximately 75%, and their prospects for future job growth are promising.

Testimonial: Christina's Story

Christina's early life was filled with challenges and broken family relationships. Even so, she worked hard in school and studied to become a registered nurse. After several years in a successful career caring for seniors and others who needed help, Christina experienced a painful foot injury that resulted in addiction to prescription opioids. She lost her job, then her nursing license, and within a few months, she found herself in jail, something she never could have imagined only a short time prior.

While Christina grieved the loss of her former life, she found herself about to experience what she calls the greatest pain she has ever known: losing custody of her children. Fearful of what would happen to them, Christina asked her best friend to take care of them until she was released.

After her release, Christina endured more hardships, having no driver's license and living in an abusive situation. She worked hard as a restaurant hostess, but with few hours and difficult transportation, she was just able to make ends meet. Worse yet, her relationship with her best friend had dissolved; she no longer agreed to return Christina's children once she was back on her feet.

With focused determination to improve her life, Christina completed the Getting Ahead program. Upon graduation, her instructors—seeing her drive, personality, and intelligence—recommended her for Community Connected's Open Table model. Through Christina's strong will to make positive change, the support of the team, and the sharing of social capital, new and healthier living arrangements were made; she now has a full-time job caring for an elderly person in the home where she lives. She has regained her driver's license, acquired reliable transportation, and is on the path of gaining custody of her son, all while returning to her career in helping others.

Christina has now graduated and is in the After-plan Phase of the Open Table model. She continues to maintain relationship with her table team and Getting Ahead instructor, who provide a constant source of stability and support throughout life's setbacks. The social, spiritual, and emotional support gained from the Open Table model has helped Christina find the road back to a better life. And, as much as Christina has learned from the Open Table members, they have learned an equal amount from her. Christina is a living testament to the power of relationship-building as a force for positive change.

Testimonial: RJ's Story

R.J. was born into third-generation poverty. Neither parents had completed high school and both lacked employable skills. However, they were determined to make a better life for R.J. and his sister. His parents worked tirelessly to provide shelter and food, while encouraging the children to do well in school and stay involved in a local church. After the family qualified and acquired a home through Habitat for Humanity, they inched closer to financial independence and security.

Following high school, R.J. attended community college, earning an associate's degree in general studies. He found full-time work as an accountant, moved into his own apartment, and to use his words, "Life was great!" Tragically, R.J.'s father suddenly died of an apparent heart attack. R.J. and his mother were devastated, triggering a downward spiral for R.J. Within months, R.J. lost his job and his apartment. After moving back home, he fell into the 'wrong crowd,' running the streets and drifting into a dark place. His mother managed to hang onto the home, but food, utilities and transportation were daily challenges.

One afternoon, waiting to get a free lunch at the Parkview Center, R.J. read a notice on the wall about a program called "Getting Ahead." But what caught R.J.'s eye was that each week you attended, you received a free Walmart gift card. R.J. signed up that day. When the class ended, the instructor encouraged R.J. to contact Community Connected to see if the Open Table model might be right for him. Not wanting to disappoint the instructor, R.J. agreed to the meeting.

R.J. met his table members for the first time in late October 2018. He shared that he would like the table to help him:

- Pursue his dream to be a middle-school educator
- Get his car running again to provide needed transportation
- Develop a plan to get out of debt
- Enter into a degree program in education
- Become involved in mentoring youth and working in the local church.

With the help of Community Connected and the Open Table model, R.J. has:

- Secured a full-time position as an assistant teacher with Lynchburg City Schools
- Paid off his outstanding property tax bill, got his tags and registration, and has his car back on the road
- Enrolled in classes at a local university
- Developed a savings and debt relief plan
- Started helping out with youth in his church

R.J. recently shared with his table members, *"You have blessed me beyond measure. I now have hope, confidence, purpose, and direction. I know I have a long way to go, but it just feels good to be on this road with people I love and trust."*

EARLY CHILDHOOD CARE AND EDUCATION TASK FORCE #1

I. APPLICANT INFORMATION

1. **Amount of Funds Requested:** \$6,900.00

2. **Task Force Information:**

Check the designated taskforce associated with your project

- | | |
|--|------------------------------------|
| ☒ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Dr. Terry Brennan

Identified Action Item/Goal: Alignment of Head Start

Project Name: Improving Child Outcomes Within Head Start and Early Learning Programs Serving High Risk Populations

Project Contact Person: Karen Wesley

Phone: 1434.455.6914

Email: Karen.Wesley@unitedwaycv.org

Name of Application Preparer: Karen Wesley

II. PROJECT INFORMATION

Total Project/Program Cost: \$10,900.00

Amount of Funding Requested: 6,900.00

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
Smart Beginnings Central Virginia, a partner in the Early Childhood Care and Education Workgroup, will provide intensive classroom-based coaching at the White Rock Head Start Center. This will entail approximately 23 hours per month of on-site assistance to new teachers. White Rock Head Start has the capacity to house 160 students (three and four year old) within its eight classrooms. In addition, coaching will be conducted (3 hours per month) at Rivermont Early Learning Center, and/or Rhema's Gentle Care, in partnership with Amazement Square (the Amazing Kids/Smart Beginnings collaborative, combining children's programming with reflective teacher coaching).
2. What is the expected outcome to be achieved with receipt of these funds?
Using the evidence based CLASS Observation assessment tool (described below) at the onset of this project and again in Spring 2020, and fall 2021, we expect to see that the skills of new teachers improve dramatically, and that teacher-child interactions will improve across all CLASS domains including Classroom Management, Emotional Support, and the dimensions

falling under Instructional Support (Concept Development, Quality of Feedback, Language Modeling).

3. What will be the measure of success?

Smart Beginnings' Certified Observers will utilize the Classroom Assessment Scoring System (CLASS), an observation tool that focuses on the effectiveness of classroom interactions among teachers and children, because it is these daily interactions that promote children's social and cognitive development. The CLASS tool describes three broad domains of effective teacher-child interactions: Emotional Support, Classroom Organization and Instructional Support. Within those domains are measurable dimensions including Positive/Negative Climate; Teacher Sensitivity, Regard for Student Perspectives, Behavior Management, Productivity, Learning Formats, Concept Development, Language Modeling. Children thrive when teachers create nurturing, well-managed settings and provide frequent and engaging opportunities to learn. Research has also shown that children from classrooms with high CLASS scores tend to be better prepared for kindergarten and beyond when compared to their peers from lower quality programs. Pre and Post CLASS Observation Scores will be used to demonstrate gains as a result of this program. The second method for measurement is the Pre-K PALS Assessment (child-level assessment). PreK PALS (Phonological Awareness Literacy Screening) is a scientifically-based screening that measures preschoolers' developing knowledge of important literacy fundamentals, and offers guidance to teachers so that they can tailor instruction to each child's specific needs. The assessment reflects skills that are predictive of future reading success. The tool measures name writing ability, upper-case and lower-case alphabet recognition, letter sound and beginning sound production, print and word awareness, rhyme awareness and nursery rhyme knowledge.

4. What activities will be performed?

Onsite coaching to include observation, assistance, modeling of best practices, video recording and review, and formal CLASS Observations conducted by Certified CLASS Observers. Goals will be set with teacher and coach; progress will be updated monthly to SBCV and to Head Start Education Administrators.

5. What is the proposed timeline to complete the project?

January 2020 through October 2020.

6. List all participants who will be involved with the project and their tasks.

Smart Beginnings Director: collect data; create reports; share reports with the Early Care and Education Workgroup regularly and report to the City of Lynchburg as required; Fiscal management.

Amazement Square Children's Museum: Amazement Square will provide quarterly professional development to teachers at selected sites, and bi-weekly children's programming. This will be completed simultaneously with SBCV Teacher Coaching to ensure that teachers are learning along with the children in their classrooms.

Early Learning Coach: work with new teacher(s) at the White Rock Head Start, Rhema's Gentle Care, Rivermont Early Learning Center(possibly at the Old Forest Road Head Start if the need is indicated). Observe and document. Work with teacher to establish goals for quality improvement. Model / lead lessons to demonstrate best practices and effective instruction and classroom management. Attend Amazement Square quarterly professional development and reflect and review content with teachers at two monthly Amazement Square site visits.

7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?
Smart Beginnings leverages other resources to assist preschool programs in ongoing quality improvement and alignment with other public and private programs in Lynchburg and the region. Amazement Square has a grant to provide the children's programming referenced above as part of our partnership.
8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.
Early Care and Education is vital to the city's economic growth and development. High quality early learning prepares our children for formal education and to be productive citizens in the future, benefitting Lynchburg in the future in multiple ways. Head Start programming also helps families to access other support services (health and wellness) and helps connect the city's many resources geared to families. An abundance of research shows that the first five years of life are the most important in terms of preparing for success, in school and in life. Education is the most direct path out of generational poverty. The Virginia Department of Education recognizes the importance of early education, and now requires that all public preschool classrooms are observed using the CLASS tool, which SBCV has been promoting for several years as well as assisting public schools as they transition to using CLASS. As part of this project, SBCV will introduce this powerful tool to private centers as well.
9. How will your request reduce the poverty rate and increase the median income of citizens?
Head Start, Rhema's Gentle Care and Rivermont ELC serve children from families in poverty. Additionally, many of the teachers at these programs are from similar backgrounds and benefit as well from the training that is provided. Improving the skills of teachers in a culturally sensitive manner will benefit all the children they will serve in the future. Teachers are encouraged to continue their own education by completing the Child Development Accreditation (CDA) program. SBCV partners with other organizations (examples: National Association for the Education of Young Children and our local chapter, Virginia Early Childhood Foundation) to elevate the profession of early childhood educator, and encourage a well trained, well educated workforce.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
Early Learning Coach at White Rock Head Start	24.00 per hour	208	5000.00
CLASS Observations	250.00	4	1000
Early Learning Coach at Rivermont /Rhema's	24.00	37	900.00
	TOTAL		6900

- 2 classrooms

Total			
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V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Karen Wesley, Director Smart Beginnings Central Virginia

Teresa L Brennan

Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Teresa Lynn Brennan

Bridges to Progress or City of Lynchburg Facilitator Signature

11/11/19
Date

Joan Phelps

Joan Phelps, Bridges to Progress Chair

11/12/19
Date

John H. Hughes, IV

John H. Hughes, IV, Assistant City Manager

11/11/19
Date

EARLY CHILDHOOD CARE AND EDUCATION TASK FORCE #2

I. APPLICANT INFORMATION

1. Amount of Funds Requested: \$1,500.00

2. Task Force Information:

Check the designated taskforce associated with your project

- | | |
|--|------------------------------------|
| ☒ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Dr. Terry Brennan

Identified Action Item/Goal: Quality Preschool Programs and Community Awareness

Project Name: Lynchburg Child Care Alliance

Project Contact Person: Karen Wesley

Phone: 1434.455.6914

Email: Karen.Wesley@unitedwaycv.org

Name of Application Preparer: Karen Wesley

II. PROJECT INFORMATION

Total Project/Program Cost: \$1,500.00

Amount of Funding Requested: \$1,500.00

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
In 2018, as part of what was formerly called the Poverty to Progress Initiative, Mr. Anthony Andrews, with support from the childcare subcommittee, prepared a study and strategic plan to increase access to affordable, high quality early learning programs for Lynchburg families in poverty-affected communities. A key strategy in the plan is to provide information to business organizations and invite their support of the Child Care Alliance, and work toward an employer-sponsored collaborative to provide early care and education.
2. What is the expected outcome to be achieved with receipt of these funds?
Support is requested to host an event for Lynchburg business and corporate leaders and local government officials. The committee will seek advice from Christine Kennedy at the Lynchburg Regional Business Alliance to determine appropriate businesses to be included. The purpose of the event will be to present data that informs on the impact, to them and the community as a whole, when childcare is available to employees and to potential workforce contributors. Desired Outcomes: statistical report on the cost of missed work days; on

availability of care in Lynchburg; the benefits to local economies; an informed business community; commitment to support a Lynchburg Childcare Alliance.

3. What will be the measure of success?
Participation and support of the Lynchburg business community and advancement of the strategic plan.
4. What activities will be performed?
Approximately 40 contractual hours for data collection and visualization; collaboration with the Lynchburg Business Alliance to plan and implement event; presentation to business alliance members and other invited guests; survey of participants; follow up report to attendees and to the Early Care and Education Workgroup.
5. What is the proposed timeline to complete the project?
February 2020 through April 2020.
6. List all participants who will be involved with the project and their tasks.
Anthony Andrews, along with the Early Childhood Care and Education Committee, will be involved in developing and implementing the presentation to the business community.
7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?
To the best of our knowledge, no other organization is addressing the need for employer-supported child care and early education services in Lynchburg.
8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.
Early Care and Education programs are key factors in keeping economic resources within a low-income community, capturing the funding of government subsidy programs, employing childcare professionals, and purchasing goods and services locally.
9. How will your request reduce the poverty rate and increase the median income of citizens?
An employer-sponsored Child Care Alliance will increase opportunities for citizens in poverty, in addition to improving business outcomes by reducing staff turn-over and absenteeism, adding to a robust local economy.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
Data Collection and Reporting	15.00	40	600
Presentation to Lynchburg Business, Corporate and Legislative Leaders	(900.00)	1	900.00

(breakfast/materials/ handouts			
TOTAL			1,500.00
Total			

V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Teresa L Brennan

Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Teresa L Brennan

Bridges to Progress or City of Lynchburg Facilitator Signature

11/11/19

Date

Joan Phelps

Joan Phelps, Bridges to Progress Chair

11/12/19

Date

John H. Hughes, IV

John H. Hughes, IV, Assistant City Manager

11/11/19

Date

EDUCATION TASK FORCE

I. APPLICANT INFORMATION

1. Amount of Funds Requested: \$19000

2. Task Force Information:

Check the designated taskforce associated with your project

- | | |
|---|---|
| ☐ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☒ Education |

Bridges to Progress Facilitator: Dr. Owen Cardwell

Identified Action Item/Goal: Provide families with relationship building resources

Project Name: Keep Connected

Project Contact Person: Dr. Owen Cardwell

Phone: 804-651-1169

Email: cardwell_oc@lynchburg.edu

Name of Application Preparer: Click here to enter text.

II. PROJECT INFORMATION

Total Project/Program Cost: \$19,000

Amount of Funding Requested: 19,0000

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
The purpose of the funding request is capacity-building: 20 community- and faith-based organizations will participate in a training-the-trainer workshop hosted by the Center of Education and Leadership at the University of Lynchburg. Each organization will be allowed 2 facilitators for the training event. Once the training is completed, participating organizations will be able to facilitate family relationship building sessions (Keep Connected). Free online resources will then be made available to participating families. The training event will be conducted by Search Institute. Keep Connected builds on five areas of outcome for relationship development: expressing care, challenging growth, providing support, sharing power, an expanding possibilities.
2. What is the expected outcome to be achieved with receipt of these funds?
Twenty (20) community- and faith-based organizations will have the capacity to facilitate family relationship building sessions through the Keep Connected curriculum. Each participating organization will be required to outreach to 12-15 families. That equates to

240-300 families trained in relationship-building. Each participating organization will be required to sign a Memorandum of Agreement (MOA).

3. What will be the measure of success?
Quarterly reports will be required from each participating organization quantifying the number of families served during the quarter and survey sourced reports on impacts. The goal is to empower 240-300 families to develop relationship building strategies within the family. Additionally 20 community- and faith-based organizations will have a new resource.
4. What activities will be performed?
A six-session family relationship building will be conducted by participating organizations, followed by a satisfaction survey of 12-15 participating families. The session build on five areas of relationship development: expressing care, challenging growth, providing support, sharing power, an expanding possibilities.
5. What is the proposed timeline to complete the project?
One year with quarterly reporting.
6. List all participants who will be involved with the project and their tasks.
Participants have yet to be identified. Organizations will self-select until 20 have been selected
7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?
There are no other organizations directly involved in family relationship building
8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.
Poverty is not simply a lack of financial resources, but also involves a lack of networking capacity. Family connections are the most basic unit of the network.
9. How will your request reduce the poverty rate and increase the median income of citizens?
Studies indicate when social networks are increased, poverty rates decrease

IV. BUDGET ITEMS

Complete the table below.

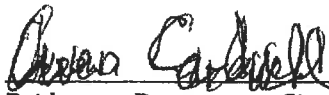
Item	Cost (\$)	Quantity	Subtotal (\$)
Search Institute facilitators @ 2	\$17,000	1	\$17000
Food	\$2000	40 participants/4 meals	\$2000
Total			19000

Total			
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V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Dr. Owen Cardwell, Director, Center for Education and Leadership, University of Lynchburg



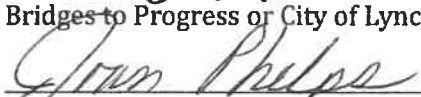
Bridges to Progress or City of Lynchburg Facilitator Name (printed)



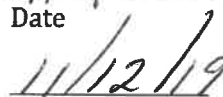
Bridges to Progress or City of Lynchburg Facilitator Signature



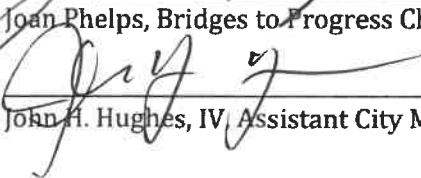
Date



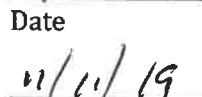
Joan Phelps, Bridges to Progress Chair



Date



John H. Hughes, IV, Assistant City Manager



Date

FAITH TASK FORCE

I. APPLICANT INFORMATION

1. **Amount of Funds Requested:** \$7,700.00

2. **Task Force Information:**

Check the designated taskforce associated with your project

- | | |
|---|------------------------------------|
| ☐ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☒ Faith | ☐ Education |

Bridges to Progress Facilitator: Shawne Farmer/Keith Anderson

Identified Action Item/Goal: Families will create balanced budgets to manage their income. Families will enhance soft skills necessary for securing and maintaining gainful careers.

Project Name: 4\$UCCE\$\$

Project Contact Person: Shawne Farmer

Phone: 434-258-3177

Email: loashawne@ntelos.net

Name of Application Preparer: Shawne Farmer

II. PROJECT INFORMATION

Total Project/Program Cost: 4\$UCCE\$\$, \$7,700

Amount of Funding Requested: \$7700.00

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
After the Bridges to Progress faith taskforce partnered with the Fairview Community Center for a successful community dinner in August of 2019, the staff of the Fairview Community Center requested that the faith taskforce consider partnering with the center to provide family programming on the topics of budgeting and soft skills. Fairview Center staff felt that those two topics were critical needs areas for neighborhood families. To respond to this need, members of the faith taskforce will partner with approximately 25 families of the Fairview Community Center to offer 3 sessions of a 4 week secular program to enhance family money management skills as well as family soft skills necessary to secure and maintain gainful careers. Each weekly sessions will begin with a community meal for volunteers and participating families. Next adults and children will be separated for lessons and activities on money management and soft skills over a series of 4 classes. Childcare for children too young to participate will be provided. This program is structured along the lines of the very accomplished proven model FAST (Families and Schools Together) that has been successfully

implemented in the city of Lynchburg for over 20 years. Funds will be used for class meals, class supplies, and family graduation incentives.

2. What is the expected outcome to be achieved with receipt of these funds?
Adults will be able to create their own individual household budgets using their actual income and expenses as well as an emergency financial plan and a financial improvement plan. Adults will also conduct an inventory of soft skills and will create plans of action to enhance select soft skills. Adults can also be referred to other programs for in depth/significant development such as CareerWorks, Getting Ahead Program, and other programming. Children will be able to create a simple personal budget along with a future career project. Children will conduct a soft skills inventory and create home and school soft skills plans. Children can be referred to other programs for in depth/significant development such as the Freedom School, Beacon of Hope, and other programming.
3. What will be the measure of success?
Success will be measured by the number of adults that are able to create balanced household budgets, emergency plans, and improvement plans as well as creating soft skill plans of action, with the ultimate goal being to refer people into programs such as CareerWorks, Adult Ed, Getting Ahead Classes and other programming for further development. Success for the children will be based on the number of children who create simple personal budgets and future career projects as well as home and school soft skills plans.
4. What activities will be performed?
Adults- After an introduction to basic income and expense household budgeting, individuals will create personal balanced household budgets, along with an emergency plan, and improvement plan. Adults will bring proof of their household income and expenses to create budget. Volunteers will work with individuals to emergency plans and improvement plans. Next adults will participate in a soft skills inventory and program as well as creating a soft skills plan of action. Children- Each lesson will begin with an appropriate story followed by an activity. The 4 topics and activities will be based on personal budget, planning a career, soft skills at school, and soft skills at home. Children will create a personal budget, a future career project, as well as a soft skills plan for home and school.
5. What is the proposed timeline to complete the project?
Three - 4 week sessions will take place in 2020.
6. List all participants who will be involved with the project and their tasks.
Co- Program Directors-Shawne Farmer/ Interfaith Outreach Association & Rev. Dr. Keith Anderson/Hilifavrd Ministries. Co- Facilitators- Rev. Dr. Carl Hutcherson/ First Baptist Church of South Lynchburg, Rev. Dr. Diane Vie/St. Paul's Episcopal Church, Rev. Paul Kee/ Fellowship Church of Christ, A kingdom life ministry, Rev. Dennis Roberts/ Holy Trinity Lutheran Church, Rev. Dr. Martha Kearse/ Peakland Baptist Church, Rev. Reason Chandler/ Jackson Street United Methodist Church, Finny Mathew/Lighthouse Community Center Rabbi John Nimon/ Agudath Sholom Synagogue, Rev. Jennifer Williams/ Centra Dept. of Spiritual care and Education. Participant Recruiters/Advisers- Sue Downs-Loyd & Travis Creasy/Fairview Community Center. Soft Skills/Career Advisers- Keith Cook/CareerWorks, Renee Chalmers/Youth Futures Coordinator.
7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?

The most unique characteristic of this program is the fact that it is multigenerational educational programming for both children and adults who will be working on the same topic at the same time which will result in family dialogue and teamwork regarding programming ideas and activities. This family educational programming on the same topic is a dynamic approach to decreasing multigenerational poverty. The budgeting classes will create monthly personal budgets using participants own personal detailed actual expenses and income which most groups do not use. Budgeting classes will be based on real income and consumption trends in our community. We also will be doing our classes in the neighborhoods in the evenings once a week only for 4 weeks which will make it easier for participants to commit, especially if their children are in the center for the after school program. Participants and topics are recommended by neighborhood center staff who work within the community on a daily basis. We will do this 4 week program on 3 different cycles throughout 2020. It is our intent that this is a simple introduction which will inspire participants to make a longer commitment to programs such as CareerWorks, Getting Ahead, Freedom School, Beacon of Hope and other programming.

8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.
Some of the greatest life skills teachers are our family members. For many people who have grown up in poverty, they do not know how to create and manage budgets, whether personal or household. They also might not have considered the importance of training and post secondary education in obtaining a career that results in an income that can comfortably support a family. They also might not be aware of the importance of soft skills required for lucrative careers. Many of our program directors and facilitators have worked with people in need who state that they have never learned to do things such as personal budgeting. They also are not aware of the importance of soft skills in career sustainability and advancement. People appreciate learning new things once they are introduced to it and realize how important these skills are to being successful. We believe these sessions can inspire participants to commit to more programming that will improve their lives resulting in playing a role in breaking the cycle of multigenerational poverty and raising median incomes.
9. How will your request reduce the poverty rate and increase the median income of citizens?
Families will be able to create monthly budgets to better live within their means as well as a budget emergency plan and a budget improvement plan allowing them to avoid expensive debilitating financial crises. Children will learn the value of opportunity costs, scarcity and budgeting as well as planning for a successful career that can increase incomes. CareerWorks states that many employers in Region 2000 see deficits in the soft skills that workers need to be able to sustain a successful career. Soft skills activities will increase self awareness about individual skills and allow participants to be able to create a plan of action for enhancing their soft skills. It is our intent that participants will be inspired in these short workshops in their neighborhoods to commit to more in-depth programming to increase their income.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
community dinners	\$150	12	1800
gift cards for graduates	\$100	25	2500
budget supplies	20	25	500
soft skills workbook	20	25	500
children's enrichment supplies	200	12	2400
			7700
Total			

V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Shawne Farmer, Executive Director/Interfaith Outreach Association and The Rev. Dr. Keith Anderson, CEO/Founder Hillfavrd Ministries

Shawne Farmer

Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Shawne Farmer

Bridges to Progress or City of Lynchburg Facilitator Signature

11-1-19

Date

Joan Phelps

Joan Phelps, Bridges to Progress Chair

11/12/19

Date

John H. Hughes, IV

John H. Hughes, IV, Assistant City Manager

11/21/19

Date

FOOD TASK FORCE

I. APPLICANT INFORMATION

1. Amount of Funds Requested: \$7,000

2. Task Force Information:

Check the designated taskforce associated with your project

- | | |
|---|--|
| ☐ Early Childhood Care and Education | ☒ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Ruth Talian

Identified Action Item/Goal: Purchase 100 Collapsible Portable Carts to carry up to 200 lbs. of groceries

Project Name: Grocery Go Carts

Project Contact Person: Ruth Talian

Phone: 434-455-5715

Email: ruth.talian@lynchburgva.gov

Name of Application Preparer: Ruth Talian

II. PROJECT INFORMATION

Total Project/Program Cost: \$7,000

Amount of Funding Requested: \$7,000

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
The Food taskforce would like to purchase 100 transit folding shopping carts for citizens regularly utilizing food agencies that are challenged with transporting groceries via walking or public transportation. Weight capacity of cart is 120 lbs. to 200 lbs. depending on the cart selected. Recipients of the carts will be selected by the food agencies who are familiar with the population choosing those participants who would most benefit from using the cart and would be responsible with its care. Recipients will be asked to participate in a confidential survey study in exchange for the cart.
2. What is the expected outcome to be achieved with receipt of these funds?
The expected outcome will be improved finances for low income citizens and families. Many citizens who utilize food agencies walk or take the bus to get to the agency. However, due to the amount of food acquired, the citizen usually has to pay money for a cab or a ride to get their groceries home. The carts will allow citizens to walk their groceries home or to be able to ride the bus instead of paying for a cab. Disposable income used for transportation costs

can be diverted to pay bills. Having a reliable way to carry groceries each week will facilitate regular use of the food agencies and allow citizens to bring home more groceries instead of what they can carry. This will result in reduced need to purchase more expensive and less nutritious food at the corner convenience store to fill in what they weren't able to carry home from the agency.

3. What will be the measure of success?

The results of the survey will track amount of money spent on transportation before and after receipt of the cart and track the side benefits of improved nutrition through better access to healthy food.

4. What activities will be performed?

An initial survey will be conducted when the cart is distributed. The survey will be taken by a member of the Food Taskforce who will ask the participant the questions. Questions will gather information about the amount of income used to pay for transportation for access to food, the number of meals currently eaten, and health status of household members. During the survey, the survey taker will also have the opportunity to inform citizens about existing services and resources that they could use to help their current situation. A follow up survey will be taken to measure the results of having the cart (increased disposable income saved to pay for other needs, improved health, improved stability due to food security).

5. What is the proposed timeline to complete the project?

A year.

6. List all participants who will be involved with the project and their tasks.

Food Taskforce, Area Food Banks (Blue Ridge Area Food Bank and their partners, Red Truck Ministry, Parkview Community Missions, Lyn-Cag)

7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?

Yes, food agencies. This action item will add value to the experience of the citizen's use of the food agency by allowing them to access more food and encounter less stress transporting the food and to save money previously used for transportation. It will also foster the building of relationships and trust between low income citizens and the City of Lynchburg.

8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.

Citizens in inter-generational poverty will have more disposable income available to pay bills providing a more stable existence, will have improved health outcomes as the carts promote more nutritious eating and walking as a regular means of transportation, and an improved outlook about their future.

9. How will your request reduce the poverty rate and increase the median income of citizens?

Citizens will be better able to pay their bills providing financial stability, citizens will have improved health outcomes resulting in better performance for working and schooling leading to promotion, and the resulting improved outlook will help them achieve a better future.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
Portable Carts	\$65-\$70 each	100	\$6,500-\$7,000
Total			

V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Ruth Talian, Liaison and Facilitator for Food Taskforce.

Ruth Talian

Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Ruth M. Talian

Bridges to Progress or City of Lynchburg Facilitator Signature

11/10/19
Date

Joan Phelps
Joan Phelps, Bridges to Progress Chair

11/12/19
Date

John H. Hughes, IV
John H. Hughes, IV, Assistant City Manager

11/11/19
Date



\$65.00



\$67.50

HEALTH/MENTAL HEALTH TASK FORCE

I. APPLICANT INFORMATION

1. **Amount of Funds Requested:** ~~\$14,999.97~~
15,000.00

2. **Task Force Information:**

Check the designated taskforce associated with your project

- | | |
|---|------------------------------------|
| ☐ Early Childhood Care and Education | ☐ Food |
| ☒ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Debra Jefferson

Identified Action Item/Goal: Improve knowledge of community resources and decrease stigma around seeking help for mental health challenges in 3 zip codes with highest rates of poverty

Project Name: B2P/Partnership for Healthy Communities (PHC) Awareness Campaign

Project Contact Person: Lisa Taylor/Debra Jefferson/Jan Davis

Phone: 434-944-9694

Email: lisa.taylor@communityaccessnetwork.org

Name of Application Preparer: Lisa Taylor

II. PROJECT INFORMATION

Total Project/Program Cost: Project leaders Lisa, Debra, and Jan will provide in-kind support to the oversight and implementation of the project. Assigning a dollar amount to the this contribution is difficult but the CDAC members should be assured that they will spend whatever time necessary to accomplish the identified scope of the project, including the exploration of centralized information/referral resource as referenced in the following responses. The approximate \$15,000 will be specifically for the creation and placement of the media activities.

Amount of Funding Requested: ~~\$14,999.97~~
15,000.00

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.

Based on the findings of the 2018-2021 Community Health Needs Assessment, there is a clear lack of knowledge of the mental health resources available in our area, particularly in the 3 zip codes with the highest poverty rates. We will also consider targeting a specific age range in addition to the geographic target area. Additionally, there is a considerable amount of fear/stigma within this demographic around seeking help for mental health issues. We are proposing a multi-tiered, 3-month media campaign to address both of these issues, targeting the timeline surrounding Mental Health Awareness Month, which is May. Prior to the

2. What is the expected outcome to be achieved with receipt of these funds?
Increased awareness of the resources available in our community, decreased stigma/fear around seeking these resources, and improved utilization of these resources based on a call-to-action within the campaign.
3. What will be the measure of success?
We will create a call-to-action within the campaign, such as a hashtag and web and/or phone resource and will track responses/visits/calls. We will also track bus ridership, billboard views, and PSA spots. Additionally, we will compare inquiry, referral, and appointment data from 3 providers (Community Access Network, Horizon Behavioral Health, and Johnson Health Center) for 60 days prior to the campaign, during the campaign, and for the 60 days following the campaign.
4. What activities will be performed?
See budget attachment for a line-item description of the activities. Lisa, Debra, and Jan, along with B2P and PHC workgroups will oversee development of the media placements, design, and messaging.
5. What is the proposed timeline to complete the project?
Light planning in early spring with the actual campaign taking place in April, May and June of 2020.
6. List all participants who will be involved with the project and their tasks.
Debra Jefferson, Jan Davis, and Lisa Taylor will oversee the project and include membership of both B2P and PHC Mental Health Task Force and Work Group.
7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?
There is a concerted and targeted effort regarding opioid addiction and recovery, but nothing as targeted or substantial regarding more generalized mental health challenges and attending resources.
8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.
City residents who live in poverty as well as suffer from any type of mental health challenge have much greater difficulty managing other socioeconomic issues when they are undiagnosed or untreated. Those suffering from chronic mental health diagnoses, even mild ones, struggle to get and keep a living wage job which then begins the unraveling of the ability to manage basic needs. As a part of the planning phase of this project, we will also work with the Centra data team to tease out the responses around mental health issues in the specified zip codes of the campaign in order to better understand the specifics of these issues in the targeted high poverty zones.
9. How will your request reduce the poverty rate and increase the median income of citizens?
As stated above, those with the overwhelming combination of living both in poverty and with a mental health issue have a much more difficult time even acquiring a job, much less retaining one. Without treatment and support, many of these individuals will continue to be under- or unemployed and thus continue to live within the income levels identified by the Federal Poverty Guidelines.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
Creative design	3500		
Radio - 3 months	5035.50		
Billboards (2)- 2.5 months	3382.35		
Social media - 2.5 months	1708.00		
Bus ads - 6 rear ads for 3 months (3 bought, 3 BOGO	595.62		
Bus and billboard ad production	778.50		14999 15,000
Total			

V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Lisa Taylor, Debra Jefferson, Jan Davis

Lisa Taylor for Debra Jefferson
Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Lisa
Bridges to Progress or City of Lynchburg Facilitator Signature

11/11/19
Date

Joan Phelps
Joan Phelps, Bridges to Progress Chair

11/12/19
Date

John H. Hughes, IV
John H. Hughes, IV, Assistant City Manager

11/11/19
Date

PARKS AND RECREATION & EARLY CHILDHOOD CARE AND EDUCATION

I. APPLICANT INFORMATION

1. Amount of Funds Requested: \$4,500

2. Task Force Information:

Check the designated taskforce associated with your project

- | | |
|--|------------------------------------|
| ☒ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☐ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Terry Brennan

Identified Action Item/Goal: The Early Childhood Care and Education Workgroup's goal is to improve kindergarten readiness by increasing access to quality Pre-K programs and promoting preschool literacy.

Project Name: Zumbini

Project Contact Person: Jamey Love

Phone: 434-455-5865

Email: Jamey.love@lynchburg.va

Name of Application Preparer: Charlotte Lester and Jamey Love

II. PROJECT INFORMATION

Total Project/Program Cost: \$5,000

Amount of Funding Requested: \$4,500

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.
This Zumbini project is designed to engage low-to-moderate income families with early childhood education in an accessible setting – the City of Lynchburg Neighborhood Centers. Zumbini is a whole-child music and movement education program, designed for children birth to four years old with a caregiver. Through music and movement, Zumbini supports the critical development of social, emotional, cognitive, motor and language in young children. A Zumbini class is a celebration of the power of music to enhance our lives, stimulate learning, inspire dance and movement, and strengthen the bond between caregiver and child. The mixed-age class reflects natural family and community structure and draws upon the rich heritage of traditional cultures, which have collectively engaged in community music and dance as a natural part of the life cycle. Zumbini fosters valuable bonding experiences for all involved, including caregiver-to-child, child-to-child, and caregiver-to-caregiver.
2. What is the expected outcome to be achieved with receipt of these funds?

The funds would be used to purchase the equipment necessary to establish the Zumbini project, with the goal of serving 100 child/caregiver units over the course of 24-36 months. Instructor training will be absorbed by the Parks and Recreation Department's operating budget. The Zumbini project will positively impact early childhood care and education for 100 participating families and will foster investment in early childhood education for low-income families by increasing early childhood learning opportunities. This project will provide a structured preschool activity to families who would not have access without this grant-sponsored program.

3. What will be the measure of success?

Success will be measured by regular attendance in the Zumbini class series, participant feedback, and also subsequent enrollment in quality Pre-K 3 and Pre-K 4 programs. Seventy-five percent of the children registered will attend seventy-five percent of the sessions. Exposure to structure, education, and a social interaction through participation in the Zumbini project, could support continued investment in early childhood care and education by the caregiver. The Zumbini program does not impose upon participants any specific, measurable goal outside of the most basic program intentions: joyful participation! The Zumbini program was developed by a team of experts to create an enjoyable program for caregivers and their children to learn, bond, and grow in an upbeat, happy, musical environment. Caregiver participation is key. Active participation by caregiver sets them up as role models. Participation is an integral part of the bonding that occurs during the class. It also helps develop a sense of community with the other children and caregivers. This project can help ensure that low-income parents can get guidance to enhance their children's social, physical, and cognitive growth. Success will be measured by participant feedback with regard to bonding, learning, and an upbeat environment. Pre-K educational references will be available during each session. Seventy-five percent of age-eligible participants will file an application for Pre-K services.

4. What activities will be performed?

Families will be recruited to participate in the Zumbini project, with up to 10 families participating in each class series. The series will consist of 12 to 16 classes, which meet on a weekly basis and are taught by a Parks and Recreation staff member, who is a certified Zumbini instructor. At no cost to the participants, the classes include dancing, singing and the playing of instruments. The focus is on energy, fun and play, factors which contribute toward the natural development of cognitive, social, emotional and physical skills.

5. What is the proposed timeline to complete the project?

In November of 2019, Jamey Love, a Neighborhood Centers staff member with current Zumba certification, will attend Zumbini instructor training. Project funding must be secured by January 2020, in order to purchase the equipment necessary to pilot the program in the Spring. In January, we plan to offer Zumbini demonstration classes and begin recruitment of low-to-moderate income program participants, targeting College Hill and/or Dearington Neighborhood residents. Class series would be offered over the next 24 to 36 months in order to serve 100 children/families. The project would begin in the Winter of 2020 and conclude in the Fall of 2022, by which time it may be established as an ongoing core program of neighborhood centers.

6. List all participants who will be involved with the project and their tasks.

Charlotte Lester, Neighborhood Centers Coordinator, will manage the Zumbini project. Jamey Love, Senior Recreation Specialist/Zumbini Instructor, will schedule and instruct the Zumbini

classes. Senior Neighborhood staff will recruit and refer families to participate in the project. Brian Wallace, Marketing Coordinator, will develop the communication plan for the target audience. Wyllys VanDerwerker, Director for Special Education; Polly Smith, Hutcherson Early Learning Center Principal; Jane Gerdy, Director of Elizabeth's Early Learning Center; Mary Jane Dolan, City Liaison; and other members of the Early Childhood Care and Education Committee will serve as early childhood education consultants for this project.

7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?

There are fee-based music and dance classes offered for preschool age children in the greater Lynchburg community. This project is distinct in that it removes the barriers of both cost and accessibility, as we seek to serve low-to-moderate income families in the College Hill and/or Dearington Neighborhoods, with this free neighborhood-based program.

8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.

According to the American Enterprise Institute and Brookings Institute Working Group on Poverty and Opportunity, three broad trends are preventing greater progress against poverty and mobility in America. These trends lie in family composition, work and wages, and educational attainment and achievement. With regard to education: For much of the 20th century, a cornerstone of the American Dream has been the belief that, with hard work, all adults should be able to lift themselves, and their families out of poverty. But over the last several decades, it has become clear that achieving the American Dream now takes both hard work and a good education – good enough to command a job that pays a non-poverty wage. The education level of the adult heads of households has been increasingly associated with their income as the income gap between the well-educated and the less educated has grown steadily over the last four decades. The gap in learning – specifically in cognitive-language development and in social-emotional development – opens up well before children enter preschool or the K-12 system. Studies show that as early as 9 months of age, infants from low-income families score below those of their higher-income peers on measures of cognitive and social-emotional development. By 24 months, this early learning gap has at least doubled. *See "Opportunity, Responsibility, and Security: A Consensus Plan for Addressing Poverty and Restoring the American Dream"

9. How will your request reduce the poverty rate and increase the median income of citizens? This Zumbini project will foster investment in early childhood education for low-income families, increasing early childhood learning opportunities. Compared with wealthier families, low-income families are at a disadvantage in promoting their children's learning at the preschool age. This project would invest in low-income families during the early childhood development stage of life to help with cognitive-language and social-emotional development of infants and toddlers. The Working Group suggests that differences in parenting explain roughly a third of the income-related gaps in child development. This Zumbini project would help to reduce the growing gap in educational achievement between children from wealthy families and poor families. That means not just closing a gap in years of schooling, but in cognitive academic skills and social-emotional skills as well. Gaps in early learning and quality of care open and grow before children enter the formal K-12 education system. With this, we must invest resources to promote early learning as early as possible in the child's life. The Working Group recognizes that because low income and low maternal education are such pervasive risk factors for falling

behind in early cognitive and social-emotional development. Low-income infants and toddlers are more likely to experience lower-quality child care, and because lower-quality child care contributes to poor cognitive and social-emotional learning, we must target resources to improve the quality of early child care settings for low-income children.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
Instructor Training and Travel	500	1	500
Zumbini Instructor Ultimate Instrument Pack (to remain on site)	650	1	650
Zumbini Equipment - Family Bundles (for participants to keep)	35	100	3500
Consumable supplies	35	10	350
TOTAL			5,000
Total			

V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Charlotte Lester/Jamey Love | The Early Childhood Care and Education Committee endorsed this application at its meeting on 10/04/2019.

Teresa L Brennan

Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Teresa L Brennan

Bridges to Progress or City of Lynchburg Facilitator Signature

11/11/19
Date

Joan Phelps, Bridges to Progress Chair

Date

John H. Hughes, IV, Assistant City Manager

11/11/19
Date

TRANSPORTATION TASK FORCE

I. APPLICANT INFORMATION

1. Amount of Funds Requested: \$31,375

2. Task Force Information:

Check the designated taskforce associated with your project

- | | |
|---|------------------------------------|
| ☐ Early Childhood Care and Education | ☐ Food |
| ☐ Health & Mental Health | ☐ Housing |
| ☐ Legal | ☐ Community |
| ☒ Transportation | ☐ Workforce |
| ☐ Faith | ☐ Education |

Bridges to Progress Facilitator: Brian Booth

Identified Action Item/Goal: Expand Resources for Existing Transportation Support Programs for the Education and Provision of Services

Project Name: Accessing Reliable Transportation

Project Contact Person: Anna Jones – Ways to Work, Jennifer Martin – LACIL, Brian Booth – GLTC.

Phone: A. Jones – 434-845-5944 x 241, J. Martin – 434-528-4971 x 1007, B. Booth 434-455-5084
Email: ajones@humankind.org, jmartin@lacil.org, bbooth@gltconline.com

Name of Application Preparer: Brian Booth

II. PROJECT INFORMATION

Total Project/Program Cost: Ways to Work Program Budget - \$ 455,028 LACIL Agency/Program Budget - \$ 500,891

Amount of Funding Requested: \$ 31,375

1. Provide a concise description of the proposed project. Include the clients to be served and how services will be provided as a result of this funding.

The project is to provide additional funding for the Ways to Work and the Lynchburg Area Center for Independent Living programs. Ways to Work works one on one with individuals to facilitate obtaining low interest vehicle loans and provide case management support for individuals to successfully budget and manages the financial burden of owning/operating a vehicle. Their target population is low to moderate income working families within the Lynchburg area. Currently 64 % of their current case load are with clients who reside within the city of Lynchburg. The Lynchburg Area Center for Independent Living (LACIL) serves individuals with disabilities with the goal of assisting them to live independently within their homes and communities. Approximately one-third (165) of their consumers reside within the City of Lynchburg and of this number, almost two-thirds rely on public transportation or a combination of other means of transportation to live independently. The funds from this

grant would assist clients with obtaining and receiving adequate/sustainable transportation during times of hardship from unforeseen circumstances.

2. What is the expected outcome to be achieved with receipt of these funds?
The ability to serve more clients with Transportation needs that reside in Lynchburg City. The Ways to Work program allows participants to build their credit, gain better employment with higher income, utilize less public assistance, and improve their long-term financial stability. For the Lynchburg Area Center for Independent Living (LACIL), these funds would work toward addressing the unexpected transportation gaps, such as an emergency vehicle repair, lack of funds for transportation due to other financial hardship, etc. These funds would be used to ensure that the consumer is supported financially to prevent them from regressing in their endeavor to live independently.
3. What will be the measure of success?
Success will be measured through the improved quality of life for individuals within the programs. Ways to Work will send out a survey to all clients served which will ask questions of whether areas of interest have improved to include (but not limited to): income level, credit score, absenteeism from work, reliance on public assistance, quality of life, financial stability, employment promotions, children's well being/care, etc. An increase in these scores would be a measure of success. LACIL provides an annual consumer satisfaction survey which allows consumers to submit feedback on services provided and to prioritize which needs are the most important for them. This annual survey has indicated that transportation is ranked as a high priority for individuals served; so any decrease in that ranking would be a measure of success.
4. What activities will be performed?
Ways to Work anticipates being able to approve 70 loans for Lynchburg City residents and over 600 city residents will be served through other programs services, such as referrals to additional resources and financial education. Funding will assist the team to market more within Lynchburg, to provide additional workshops, and to help more Lynchburg City residents become financially stable through case management services. LACIL will be able to distribute bus passes and Uber/Lyft gift cards to consumers who find themselves in an unexpected hardship situation which could ultimately result in the consumer making a choice between two basic essential human needs.
5. What is the proposed timeline to complete the project?
This project is a continual ongoing project as these two entities are currently providing services to individuals and would continue to provide services after this project is complete to the extent funds allow. The funds received through this grant are planned to be utilized within the required 12 month allocation period.
6. List all participants who will be involved with the project and their tasks.
Anna Jones – Way To Work/Vehicles for Change Site Manager – HumanKind
Christine Black – Ways To Work/Vehicles for Change Loan Coordinator – HumanKind
Jennifer Martin - Independent Living Supervisor – Lynchburg Area Center for Independent Living
7. Are any other organizations or individuals addressing this action item in the Lynchburg community? If so, what added value will your project bring?

There are many programs in Lynchburg that try to assist individuals with transportation needs, but these two programs go a step further in not only assisting to provide a means for the transportation need but also work to ensure the sustainability of meeting those needs long-term. Ways to Work is the only program of it's kind in Lynchburg offering low interest loans to individuals. Lynchburg Area Center for Independent Living is the only program in the Lynchburg area that focuses solely on individuals with disabilities in assisting them to live independently.

8. Describe how this project will directly impact Lynchburg City residents in inter-generational poverty.

"Children born to parents in the lowest fifth of the income scale are very likely (42 %) to end up there as adults" (Annie E. Casey Foundation (n.d.) "About Casey"). This is in part due to the emotional stress that is a result of living in poverty. In the constant influence of this stress, children struggle to develop the 21st century skills that are necessary for succeeding in today's fast-paced job market. The Ways to Work program focuses on this demographic for income level and works with the clients to move them beyond financial crisis to financial stability and resilience. By getting individuals into a state of financial stability (through continued case management by Ways to Work), you reduce the emotional stress which is harmful to the development of the children which changes the trajectory of the next generation. LACIL works with individual consumers to build financial stability by assisting them with developing and managing a personal budget and provides them guidance on practices that can be employed to control expenses to allow them to meet their budget and sustain financial sustainability.

9. How will your request reduce the poverty rate and increase the median income of citizens? This request will work toward reducing the poverty rate and increasing the median income of citizens by providing reliable means of transportation for individuals to get to and from their employment. One stipulation for qualifying for the Ways to Work program is that the individual earn less than 80 % of the area's median income. The Ways to Work program saw the following statistics for their 2018 loan recipients: 88 % increased their income; 86 % were tardy or absent from work less often; 81 % have less need for public assistance; 98 % improved their quality of life; 88 % increased their financial stability; 72 % were promoted or received better employment. Additionally, LACIL provides interim short-term support for transportation to allow individuals to maintain their employment when an unexpected hardship presents itself; which keeps individuals from regressing.

IV. BUDGET ITEMS

Complete the table below.

Item	Cost (\$)	Quantity	Subtotal (\$)
LACIL - GLTC Bus Passes	\$ 50.00	85	\$ 4,250
LACIL - Uber/Lyft Gift Cards	\$ 25.00	85	\$ 2,125
Ways To Work	\$ 25,000	1	\$ 25,000

			\$ 31,375
Total			

V. INDIVIDUAL/ORGANIZATIONAL CAPACITY

Provide the name and title of the individual(s) responsible for the oversight and management of this project/program.

Anna Jones – Site Manager – Ways to Work/Vehicles for Change

Jennifer Martin – Independent Living Supervisor – Lynchburg Area Center for Independent Living

Brian Booth

Bridges to Progress or City of Lynchburg Facilitator Name (printed)

Brian Booth

11/1/2019

Bridges to Progress or City of Lynchburg Facilitator Signature

Date

Joan Phelps

11/12/19

Joan Phelps, Bridges to Progress Chair

Date

John N. Hughes, IV

11/11/19

John N. Hughes, IV, Assistant City Manager

Date

Bridges to Progress/City of Lynchburg Funding Application Addendum # 1

Transportation Focus Group

Feedback after the Bridges to Progress Steering Committee review on Wednesday November 6th, 2019 indicated that additional information needed to be provided for what the \$ 25,000 request from Ways to Work would be used for. Below is additional information to add to question # 4 for “what activities will be performed” as well as an itemized grant expenses from Ways to Work. (Note, the request from LACIL isn’t included in the information below and should refer to the original application)

Funding through this grant program will be utilized for the below program costs for Ways to Work, summarized in Table 1:

Software Transition Costs

The ongoing management and tracking of Ways to Work loans and clients requires specialized software that is designed specifically for the Ways to Work program. When Lynchburg’s Ways to Work program was a subsidiary program of Ways to Work National, this software was provided by them. Currently, Ways to Work Lynchburg must pay for the data mapping and programming of the system to be converted to our specific location. This will enable Ways to Work Lynchburg to gather the statistical data that was originally held by Ways to Work National.

Client DMV/Insurance Costs

Funds will be used on an as-needed basis to assist new clients with vehicle registration and/or insurance down payments. The total cost is estimated based on an average per occurrence cost of \$125 for 80 clients annually.

Barrier Removal Funds

Each year, a portion of the 183 clients who have active loans with Ways to Work experience sudden, unexpected hardships that jeopardize their ability to fulfill their vehicle loan obligations. These hardships put their hard-earned credit score, their jobs, and even their housing at-risk. With a small amount of financial assistance, however, they can get back on their feet and back on track with their loan. These funds are used to help clients with high car repair costs, exorbitantly high utility bills due to extreme heat or cold, and other similar emergency costs.

Table 1: Ways to Work Itemized Grant Expenses

Item	Cost (\$)	Quantity	Subtotal (\$)
Software Transition Costs	\$4,000	1	\$4,000
DMV/Insurance Costs	\$125 on avg./loan closing	80	\$10,000
Client Barrier Removal Funds (ex: unexpected family life events, car repair, etc.)	\$11,000 (costs vary per client assisted)	1	\$11,000
Total			\$25,000

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 28, 2020**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Parks and Recreation Fit and Strong Initiative

KEY ELEMENTS:

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

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

SUMMARY: The Friends of Lynchburg Parks and Recreation (FLPR) is a 501c3 organized to support, promote, and enhance the parks and recreation opportunities in Lynchburg. The FLPR has supported numerous Lynchburg Parks and Recreation special events and served as a fiscal agent for various grant funding disbursements. These funds were made possible by a Centra Foundation Grant for the implementation of the Fit and Strong initiative implemented by the Lynchburg Parks and Recreation Department. The budget includes expenses such as instructor training and certification, materials and supplies, Fit and Strong instructor fees, Fit and Strong License and administrative costs.

Fit and Strong is an evidenced-based multi-component physical activity and behavior change program designed for people with osteoarthritis (OA) and lower extremity mobility issues. It meets three times per week for 8 weeks or 24 total sessions. Each session lasts 90 minutes. The first 60 minutes are devoted to physical activity, including flexibility, low-impact aerobics, strength training, and balance exercise focusing on lower body function. The remaining 30 minutes addresses health education. Participants meet with instructors to develop a personalized action plan. This program will focus on providing this health and wellness initiative to low-income OA Lynchburg citizens free of charge. It will start as a pilot project at one of two Lynchburg facilities –Neighborhood Center or Miller Center. Maximum capacity is 20-25 persons per program. Progress and results will be tracked to determine the success and need for program expansion. This program is a collaboration of several entities including Live Healthy Lynchburg, Lynchburg Parks and Recreation, Liberty University Community Health Department, YMCA, Virginia Department of Health and many other organizations falling under the umbrella of Live Healthy Lynchburg. This health and wellness initiative is part of the Play Healthy Pillar of Live Healthy Lynchburg.

PRIOR ACTION(S): Finance Committee, January 28, 2020

FISCAL IMPACT: None, the funding is provided from a donation made by the Friends of Lynchburg Parks and Recreation to the City of Lynchburg Parks and Recreation Department.

CONTACT(S): Jennifer Jones, Director of Parks and Recreation, 455-5868
John Ramsey, Parks and Recreation, 455-5869
Tamara Reynolds, Parks and Recreation, 455-5886

ATTACHMENT(S):
Resolution

REVIEWED BY: bms

RESOLUTION:

#R-20-006

BE IT RESOLVED that the FY 2020 General Fund budget is amended and \$11,462 is appropriated with resources 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.

Introduced:

Adopted:

Certified: _____
Clerk of Council

011R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 28, 2020**

AGENDA ITEM #: **15**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Next Generation 9-1-1 Budget Amendment and Appropriation

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$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.

SUMMARY: Public Safety Answering Points (PSAPs) across the Commonwealth of Virginia are in the process of transitioning to Next Generation 9-1-1, which is an effort to address the evolution of communications technologies. Next Generation 9-1-1 will ensure that local PSAPs can accept information from new communications technologies, such as text messages and Voice over Internet Protocol devices (VoIP). This effort is being led by the Commonwealth's 9-1-1 Services Board per State Code § 56-484.13, which is providing funding to the localities to complete these efforts. This project will be completed in several phases that may stretch across multiple fiscal years.

PRIOR ACTION(S): January 28, 2020: Finance Committee review

FISCAL IMPACT: None, funds for the project are 100% reimbursable through the Virginia 9-1-1 Services Board.

CONTACT(S): Melissa Foster, Director, Emergency Services, (434) 455-4285
Amy McDaniel, Deputy Director, Emergency Services (434)455-4149

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

RESOLUTION:

#R-20-007

BE IT RESOLVED THAT the FY 2020 City/Federal/State Aid Fund budget is amended and \$631,921 is appropriated with resources from the Virginia 9-1-1 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.

Introduced:

Adopted:

Certified:

Clerk of Council

012R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 28, 2020**

AGENDA ITEM #: **16**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant to purchase three LifePak 15 cardiac monitors.

KEY ELEMENTS:

___Economic Development ___Excellent Government ___Natural and Built Environment **X**Safe Community ___Vibrant Community

RECOMMENDATION: Adopt a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$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.

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 has been awarded RSAF grant funds to purchase (3) LifePak 15 cardiac monitors. The LifePak 15 cardiac monitors will replace three LifePak 12 in-service units purchased in 2008 and 2009. The monitors have remained in service through a preventative maintenance contract; however, they have significantly exceeded the useful life recommended by the manufacturer. The LifePak 12 monitors are no longer supported.

The grant requires a local match. The Fire Department applied for these funds under a Hardship Request, which would have required the locality to pay 20 percent and RSAF would have paid 80 percent. However, the RSAF funds were awarded with a required 50 percent match. One LifePak 15 cardiac monitor costs \$34,651. With a total cost of \$103,953, the required local match is \$51,977. The match will be funded from the FY 2020 Fire Department budget.

PRIOR ACTION(S): September 24, 2019: Finance Committee approved grant application
January 28, 2020: Finance Committee reviewed grant award

FISCAL IMPACT: \$51,977 in matching funds will be provided from the Fire Department's FY 2020 budget; 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):
Resolution

REVIEWED BY: raw

RESOLUTION:

#R-20-008

BE IT RESOLVED that the FY 2020 City/Federal/State Aid Fund budget is amended and \$103,953 is appropriated 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.

Introduced:

Adopted:

Certified:

Clerk of Council

013R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Community Development Block Grant (CDBG) and HOME Program – Public Hearing Regarding Proposed Housing and Non-Housing Goals for Program Years 2020-2024 (Fiscal Years 2021-2025) Consolidated Plan and Adopt a Resolution Approving the Housing and Non-Housing Goals for Program Years 2020-2024 (Fiscal Years 2021-2025)

KEY ELEMENTS:

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

RECOMMENDATION: Conduct a public hearing to receive citizen comments regarding the Community Development Block Grant (CDBG) and HOME Program Housing and Non-Housing Goals for the development of the Program Years 2020-2024 (Fiscal Years 2021-2025) Five-Year Consolidated Plan and adopt a resolution approving the Housing and Non-Housing Goals.

SUMMARY: The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal Community Development Block Grant and HOME Program funds, to prepare a Consolidated Plan. The previous Consolidated Plan for Lynchburg was submitted in May 2015 and covered the period from July 1, 2015 through June 30, 2020. With the submittal of the annual Community Development Block Grant (CDBG) and HOME Program Action Plan in May 2020, another five-year plan must be prepared and submitted for the period of July 1, 2020 through June 30, 2025. This plan will outline the City's needs, goals, and objectives for community development (both housing and non-housing areas). City Council is seeking the input of citizens and other interested parties regarding the proposed goals.

City staff prepared and published through various forms of media the Housing and Non-Housing proposed goals for the Program Years (PYs) 2020-2024 (Fiscal Years [FYs] 2021-2025) Consolidated Plan. On January 15, 2020 the CDAC conducted a public meeting to hear citizens' comments on the proposed goals for the Consolidated Plan. At the meeting the citizens and staff spoke to the Committee regarding the proposed goals. The comments made to the Committee carried general themes of the need for goals that would provide programs and activities that support housing affordability in both rental and homeownership markets; services that help youth, adults, and families with housing and economic opportunities; services for homeless citizens; and improvements to public facilities and infrastructure.

At the conclusion of the public comment period the members of the CDAC discussed the comments presented to them in relation to the proposed goals. The Committee's discussion included wanting to ensure that the proposed goals would provide a funding avenue for programs that would support affordable housing and economic opportunities for low-to-moderate income persons; improved neighborhood centers and public infrastructure; supportive services for homeless persons; and support efforts for improvements to rental housing and blighted properties. City staff stated that these goals lay a foundation for projects/activities that could be recommended for funding through the CDBG and HOME Program. While not all programs can be funded through these grant programs, the proposed goals support similar types of programs offered within the community by the nonprofit agencies, Lynchburg Redevelopment and Housing Authority, and the City's Office of Economic Development within the City. At the end of the discussion the Committee members unanimously agreed to recommend to City Council that the proposed goals be approved as discussed.

The proposed goals mirror the housing **Vision Statement** that was approved by City Council on January 28, 2020 and reflects the goals and objectives within the **Guiding Principles** associated with the **Vision Statement**.

Once the Consolidated Plan has been prepared, reviewed by CDAC, and approved by City Council it will influence the expenditures of CDBG, HOME, and other state and federal community development grant funds. This plan will cover a five-year period, but will be considered for minor revisions on an annual basis along with the annual action plan for the CDBG and HOME Program.

PRIOR ACTION(S): January 15, 2020: Public meeting held by Community Development Advisory Committee and approval of proposed Housing and Non-Housing Goals

FISCAL IMPACT: To be determined through CDBG and HOME funding allocations.

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

ATTACHMENT(S):
Proposed 2020-2024 Consolidated Plan Goals as approved by CDAC Resolution
Minutes of CDAC Meeting – January 15, 2020

REVIEWED BY: bms

2015-2024 DRAFT CONSOLIDATED PLAN GOALS

The goals listed below are intended to provide broad guidance in the allocation of Community Development Block Grant (CDBG) and HOME Program funds granted to the City by the United States Department of Housing and Urban Development for the five years beginning July 1, 2020 and ending June 30, 2025. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals.

The primary objective of the CDBG and HOME Program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

PYs 2015-2019 vs. PYs 2020-2024 – Housing and Non-Housing Goals

Housing Goals

- ~~Increase the number of owner-occupied units.~~ Support initiatives to increase permanent affordable housing in both the rental and sales markets. Emphasis to be placed on mixed income and inclusive communities.
- ~~Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.~~ Support the preservation of affordable housing in both the rental and sales markets, including the rehabilitation of substandard housing.
- ~~Support initiatives to increase permanent affordable rental and housing ownership opportunities.~~
- ~~Promote programs that assist eligible individuals in retaining their homes.~~
- Support the improvements to public facilities and infrastructure.

Non-Housing Goals

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support efforts for the identification and remediation of rental housing in substandard conditions.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support efforts that align with the goals of the City's Blueprint for Opportunity: Building Tomorrow's City of Lynchburg 2019-2023 to economic development initiatives that improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

Prepared by the Community Development Advisory Committee: January 15, 2020

RESOLUTION:

#R-20-011

BE IT RESOLVED that City Council approves the Community Development Block Grant (CDBG) and HOME Program Housing and Non-Housing Goals for the development of the Program Years 2020-2024 (Fiscal Years 2021-2025) Five-Year Consolidated Plan.

Adopted:

Certified: _____
Clerk of Council

Community Development Advisory Committee (CDAC) Meeting
January 15, 2020
Miller Center, 301 Grove Street
7:00 p.m.

Meeting Notes

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

Attendance included:

CDAC Members: Council Member Beau Wright, Chair; Council Member, Sterling Wilder, Vice Chair; Ms. Valerie Harris (Tinbridge Hill Representative); Ms. Mandze Dyke (Daniel's Hill Representative); Ms. Susan E. Murray (Garland Hill Representative); Mr. Leonard "Rad" Briley (Diamond Hill-Historic District Representative) Note: Mr. John H. Hughes, III representing College Hill was unable to attend the meeting.

City Staff: Melva Walker (Grants Manager); Bonnie Svrcek (City Manager); John Hughes IV (Assistant City Manager); Kevin Henry (Zoning Administrator); Kent White (Director of Community Development); Angie Shepard (Community Development Program Coordinator)

Guests: April Shepherd, Lynchburg Redevelopment and Housing Authority (LRHA); Kimberly Dyke-Harsley; Jennie Dyke; Mari Smallshaw (Diamond Hill Historical Society); Lisa Taylor (Community Access Network); Kelly Hitchcock (Central Virginia Planning District Commission); Ricky Hailstock (White Rock Baptist Church);

The Committee Chair, Council Member Beau Wright, called the meeting to order at 7:00 p.m. Mr. Wright welcomed everyone attending the meeting. He thanked the members and audience for being present. Council Member Wright asked members to introduce themselves. Each member introduced themselves and the neighborhood they represented. After introductions, Council Member Wright turned the meeting over to City staff member, Melva Walker, Grants Manager. Ms. Walker welcomed everyone and introduced the City staff who were present.

Ms. Walker thanked everyone for being present and presented an overview of the Agenda for the evening. She explained the purpose of this meeting was to receive input from the public regarding the proposed goals and priorities for the 2020-2024 Five-Year Consolidated Plan and Fiscal Year

(FY) 2021 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program.

Ms. Walker explained that the primary objective of the CDBG and HOME Program is to continue to develop viable urban communities through decent housing, suitable living environments, and expanded economic opportunities for low- and moderate-income persons.

Once every five years the City is required by the U.S Department of Housing and Urban Development (HUD) to complete a Consolidated Plan for the CDBG and HOME Program. This is the year for the completion/submission of that plan. The Consolidated Plan is an assessment of housing, homelessness, and community development needs in the community. Through analysis and community input the City determines the needs in the community. This determines the goals and priorities and outlines a strategy to address the needs.

Stakeholder sessions were held on December 17 – 18, 2019 to receive input on the Housing and Community Development needs in the City. The greatest needs were identified as:

- Housing- Affordable, Safe and Decent
- Neighborhoods – Improved neighborhood centers, access to food and drug stores, and public infrastructure
- Transportation- More accessible medical and public transportation
- Homelessness- Supportive services
- Workforce Development- Strengthen barriers to escape poverty in low-income households (transportation, childcare, job skills, health services)

Ms. Walker displayed the 2020-2024 Proposed Consolidated Plan Goals- Fiscal Year (FY) 2021 Annual Action Plan Goals for the CDAC members and public to view.

The 2020-2024 Proposed Goals for the Five-Year Consolidated Plan:

- Housing Goals
 1. ~~Increase the number of owner-occupied units.~~ **Support initiatives to increase permanent affordable housing in both the rental and sales markets. Emphasis to be placed on mixed income and inclusive communities.**
 2. ~~Rehabilitate substandard housing units. Emphasis to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.~~ **Support the preservation of affordable housing in both the rental and sales markets, including the rehabilitation of substandard housing.**
 3. ~~Support initiatives to increase permanent affordable rental and housing ownership opportunities.~~
 4. ~~Promote programs that assist eligible individuals in retaining their homes.~~
- 3. **Support the improvements to public facilities and infrastructure.**

- Non-Housing Goals

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

Ms. Walker went through each goal and asked if there were any edits or additions that the public would like to make with the housing and non-housing goals. The public did not have any changes to make to the goals. Questions were raised about the process. Ms. Walker explained the goals being set forth from public meetings and in this meeting, then after City Council approval, would be the guidance for the goals and priorities set forth over the next five years as to the projects the City would focus on for CDBG and HOME Program funding (neighborhood centers, infrastructure, public service, etc.) Pastor Ricky Hailstock of White Rock Baptist Church raised the question of how to/or who to partner with for properties or programs with his church, in reference to Goal #3 of Non-Housing goals. It was suggested his interest may apply more to Goal #5 in regards to public service. Ms. Svrcek responded that she had received Mr. Hailstock's voicemail and would be putting him in contact with the correct people regarding this.

Ms. Walker asked CDAC members what comments they had in regards to the current proposed goals. No edits or changes were made to the proposed housing goals. Ms. Dyke made one suggestion of possibly changing the term "partnerships" in Non-Housing Goal #3. Discussion was had among CDAC members and the proposed goal remained.

Ms. Svrcek noted that with the Non-Housing Goal #4 she would suggest CDAC support Economic Development's Blueprint for Opportunity. Discussion was had among members, with contributions from the public, as to whether the term "support" would obligate CDAC to advocate the goals of Economic Development or would they be able to act independently of those goals. Ms. Murray suggested aligning the efforts but that does not mean to support all efforts. Council Member Wright led discussion among members as to what direction and guidance this proposed goal should give.

After some discussion, the members agreed upon a revision to the proposed Goal #4 (Non-Housing Goals) as:

Support efforts that align with the goals of the City's Blueprint for Opportunity to improve the economic base, job skills, and health of the community.

Council Member Wright called for a motion on the proposed Housing and Non-Housing Goals. Mr. Briley motioned that the proposed goals be accepted as is. Ms. Murray seconded that motion.

Ms. Walker then summarized the goals as proposed and these would be presented to City Council at a public hearing on Tuesday, February 11, 2020. She then reviewed the remaining schedule for the Consolidated Plan. The application process will begin after City Council's approval of the goals, on February 12, 2020 with applications due to Grants Administration staff on March 4, 2020. The next CDAC meeting to review applications is scheduled for March 18, 2020, with a review of the draft Consolidated Plan proposed for May 6, 2020 and a submittal to HUD at the end of May.

Ms. Walker asked if there were any other comments or questions from the public or CDAC. Assistant City Manager, John Hughes IV, noted that his father, John H. Hughes III, CDAC member, was sorry that he was unable to attend tonight's meeting and he wanted to pass along that his father had reviewed the proposed goals that were sent out in an email and did not have any further suggestions or comments to make regarding the goals. He also expressed his father's appreciation to the work of the committee members.

Ms. Walker thanked everyone for their attendance and their comments in the review and development of the goals. The meeting was adjourned at 7:45 p.m.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit – Apartments – 2117 Florida Avenue

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the Conditional Use Permit to allow the construction of apartments.

SUMMARY: Rush Homes, Inc. is petitioning for a Conditional Use Permit at 2117 Florida Avenue to allow the construction of a forty-eight (48) unit apartment complex, community building, and associated parking in a B-3, Community Business District.

The *Campbell Avenue | Odd Fellows Road Land Use and Corridor Master Plan* as adopted by Council on October 8, 2013 identified the existing Fairview Shopping Center (adjoining this property) and surrounding property as a “Major Center”. This area was recommended for a mix of uses with infill development of commercial, office, residential, and institutional uses to complement the existing development. The proposed apartments align with the use as recommended in the plan.

PRIOR ACTION(S):

January 8, 2020: The Planning Division recommended approval of the Conditional Use Permit.
The Planning Commission recommended approval of the Conditional Use Permit (4-0; with 2 abstentions -- Marion and Light, and 1 absence – Perault)

FISCAL IMPACT: To be determined; the value of the property will be determined after construction.

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

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – January 8, 2020
- Planning Commission Packet – January 8, 2020
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Property Photograph
 - o Speaker Sign in Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-012

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO RUSH HOMES, INC. IN THE B-3, COMMUNITY BUSINESS DISTRICT AT 2117 FLORIDA AVENUE TO ALLOW THE CONSTRUCTION OF A FORTY-EIGHT (48) UNIT APARTMENT COMPLEX, COMMUNITY BUILDING AND ASSOCIATED PARKING.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that 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, community building and associated parking in the B-3, Community Business District is hereby approved subject to the following conditions:

1. The site will be developed in substantial compliance with the conceptual site plan.
2. The maximum number of units shall be forty-eight (48).

Adopted:

Certified: _____
Clerk of Council

018R

MINUTES OF THE JANUARY 8, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND MEETING IN JANUARY):

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.

Mr. Tom Martin, City Planner provided the following summary to the Commission. The petition proposes the construction of forty-eight (48) apartment units, a community building, and associated parking at 2117 Florida Avenue. If approved, the existing dwelling that was constructed in 1925 would be demolished. This plan is in keeping with the *Campbell Avenue / Odd Fellows Road Land Use and Corridor Study Master Plan*, which recommends a mixed-use for the area. Stormwater management for the proposed development would be addressed by the use of a stormwater management area in the northwestern portion of the site. Water quality would be addressed by a variety of best management practices and all of these things would be subject to approval of an erosion and sediment control/stormwater plan by the City's Environmental Reviewer. The City Traffic Engineer did not require a traffic analysis for the proposed use. The property is served by the Greater Lynchburg Transit Company, route two (2), approximately forty (40) feet from the property line. A total of forty-eight (48) parking spaces would be required for the forty-eight (48) units and forty-three (43) are shown on the submitted concept plan. A reduction in five (5) spaces is being requested due to the proximity of mass transit, which is permitted by the Zoning Ordinance when a bus stop is within one thousand (1,000) feet and contains either a bus shelter or bench. The proximity of the proposed use to the existing shopping center and the bus line should fit well into the area. The Planning Division recommends approval of the Conditional Use Permit with the two (2) conditions that are outlined in the report.

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

Mr. Bill Berkley, with Cardinal Survey and Design, addressed the Commission. He is representing Rush Homes, Inc. This site is at 2117 Florida Avenue and forty-eight (48) apartment units are proposed. All of the units are handicap accessible and there will be elevators in each of the buildings. The site has been designed with fire department access in mind. Stormwater management is on the northwest end of the site. This property will be served by a sanitary sewer that will go down to the existing City sewer along Fishing Creek. Stormwater will be carried from the stormwater management facilities down to Fishing Creek as well since that is an adequate channel. Mr. Jeff Smith will talk more about what happens in these buildings and what they're there for.

Mr. Jeff Smith, the executive director of Rush Homes, Inc., addressed the Commission. Rush Homes provides housing opportunities for people with disabilities and low incomes. They are working on this project in partnership with Lynchburg Redevelopment and Housing Authority. The agreement is that they will provide some manpower support during the construction of the project and Rush Homes will provide project-based vouchers to a portion of the project and will serve as the developer and the property manager once it is built. This project will serve forty-eight (48) families or individuals. Not all will have disabilities, which is new for Rush Homes. Fifty (50) percent will have disabilities and fifty (50) percent will not. Thirteen (13) units will serve people in the general population of disabilities. Five (5) units will be set aside, as per low-income housing tax credit requirements, for people with developmental disabilities who meet the Department of Justice requirements of the State of Virginia. Seven (7) to eight (8) units will have permanent supportive housing that will provide housing for people exiting homelessness who have disabilities. Case management for those individuals will come from an agreement with Miriam's House. Funding for that support will come out of the operating fund for the project. Some funding sources for this are low-income housing tax credits, HOME program funds from both the City of Lynchburg and State of Virginia, along with other sources. These projects usually take about six (6) or seven (7) different funding sources. These buildings were designed and brought forth as a result of some work with the Housing Authority. This site is preferable because it is relatively flat and next to a shopping

center, which is perfect, especially with the grocery store. Most of the tenants served by Rush Homes do not have cars and generally walk everywhere or take the bus if they can afford it. This site is also very close to the Greater Lynchburg Transit Company transportation, which is also really important. The site is also within a quarter of a mile of Campbell Avenue and a half to three quarters of a mile from James Crossing. Rush Homes is answering the call for more affordable housing. The housing study was performed last year and brought to the attention of Council and shows a shortage of affordable housing. Sixty-five (65) to seventy (70) percent of the people served by Rush Homes are at thirty (30) percent of the area median income or less. For an individual person that means a year income of about thirteen thousand (13,000) dollars or less but really the vast majority of the tenants served by Rush Homes have a yearly income of ten thousand (10,000) dollars or less. Rush Homes is trying to serve these individuals with housing and help create stable families, stable opportunities to live, and opportunities for people to achieve a greater potential in their lives.

Commissioner Marion recused herself because Rush Homes, Inc. is a client of hers.

Commissioner Light recused himself because his law firm, Gentry Locke, does work for the Redevelopment Housing Authority.

Chair Rogers asked if there was anyone present who wished to speak in favor of the petition.

Mr. William "Buck" Sydnor, the interim Director of the Lynchburg Redevelopment and Housing Authority, addressed the Commission. He has many years of experience as part of the board. The Redevelopment and Housing Authority is excited to work with Rush Homes. There is a need for housing and more specifically a need for the housing offered by Rush Homes who have had success with other projects. This is a great site with convenient access. The Redevelopment and Housing Authority strongly supports this project and will be providing manpower and oversight for maintenance of the project.

Mr. Wayne Ferguson addressed the Commission. He lives across the street from this site and is in favor of the project as long as it is kept up nicely. Further up Florida Avenue, there are some properties that are not well maintained and he doesn't want that to happen near his property. He reiterated that he is in favor of the project but the owners need to maintain the site. He then asked if it will slope downward.

Chair Rogers responded that it was mentioned that the site is relatively flat.

Mr. Harry Barnett addressed the Commission. He is a homeowner in the area and agrees with what was previously stated. The owners need to be responsible for maintaining the property in addition to the tenants. Affordable housing is needed. Sometimes low-income people get a bad reputation but they should be given the opportunity to have good living conditions. The owners of the property should make sure it is kept in a safe and orderly fashion. Overall, he supports the project.

Mr. Charles Hamlett addressed the Commission. He lives next door to the property. The project is a good idea and is in a good location for people who are not as mobile. He supports it. There are so many people who are disabled and not able to get around as easily. This site is close to stores and has good access. He reiterated that he supports the project.

Mr. Troy Nowlin addressed the Commission. He shared agreement with the previous statements. He owns property nearby and is in favor of the project.

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

Chair Rogers asked what the maintenance of the property will be like and how this property will interact with the other properties owned by Rush Homes.

Mr. Smith responded that Rush Homes has a contract maintenance person who also has his own employees. There is an online work order system and issues are responded to within forty-eight (48) hours. Rush Homes treats their properties well and is part of the community. He wants it to be as good as it can possibly be.

Commissioner Bowden stated that he has seen Rush Homes' other properties and they look great. He then asked if the staff size would increase with the addition of this property.

Mr. Smith responded that Rush Homes is at the end of a strategic planning process and part of that is to look at the staffing. To develop this property there will have to be, at the least, a part-time tax credit certified property manager. The extra community building will have an office for the property manager to be there at least part of the day and week. It will have full internet access for the online work order system. There will also be a community room for community activities.

Commissioner Bowden suggested that it be combined for the other properties in the area and noted that Rush Homes has set a standard.

Commissioner Lowe stated that when he learned it was going to be Rush Homes developing the property he felt it was a "no brainer". He is familiar with their other properties. There is no reason to be concerned about the tenants. They are good people who all have the need and the expectation to have quality living options. Rush Homes provides this option. This location makes the most sense and answers a lot of needs because it is right next to a bus line and it is possible to walk to the grocery store or pharmacy.

Mr. Barnett asked if there was a sidewalk connecting the development and the nearby stores.

Mr. Smith responded that there was.

Mr. Ferguson asked if the sidewalk was level and noted that it can get slick in snow or sleet.

Mr. Smith responded that the sidewalk may not be perfectly level but Rush Homes cannot control the conditions outside of the property that they own.

A citizen, who had not previously spoken, asked what the age restrictions for tenants will be.

Mr. Smith responded that tenants must be eighteen (18) years or older and have the appropriate income to be able to pay the rent. There will not be a maximum age limit.

Chair Rogers reiterated that the public hearing is closed and noted that he thinks this project is a great thing. He also thinks it is great that the neighbors are so welcoming as well.

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

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rush Homes, Inc. for a conditional use permit at 2117 Florida Avenue to allow the construction of a forty-eight (48) unit apartment development subject to the following conditions.

1. The site will be developed in substantial compliance with the conceptual site plan.

2. The maximum number of units shall be forty-eight (48)."

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

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: January 8, 2020
Re: **Conditional Use Permit (CUP) – 2117 Florida Avenue - Apartments**

I. PETITIONER

Rush Homes, Inc., 1721 Monsview Place, Lynchburg, Virginia 24504

Representative: Mr. William Berkley, P.E., Cardinal Survey and Design, PLC, 306 Enterprise Drive, Suite C, Forest, Virginia 24551

Property Owner:

Mr. Randall Ferguson, 1010 Elmhurst Street, Lynchburg, Virginia 24501

II. LOCATION

The subject Property is a tract of approximately three (3) acres located at 2117 Florida Avenue.

III. PURPOSE

The purpose of the petition is to allow the construction of a forty-eight (48) unit apartment complex, community building and associated parking in a B-3, Community Business District.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030* recommends a "Mixed Use" for the area.
- Apartments are a permitted use within the B-3, Community Business District upon approval of a CUP by the Planning Commission and Council.
- If approved the existing dwelling would be demolished.
- The development would be served by City Water and Sewer Service.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The property is located within the boundaries of the *Campbell Avenue | Odd Fellows Road Land Use and Corridor Master Plan* as incorporated into the *Comprehensive Plan 2013-2030* and approved by Council on October 8, 2013. The plan identified the existing Fairview Shopping Center and surrounding property as a "Major Center". This area was recommended for a mix of uses with infill development of commercial, office, residential and institutional uses to complement the existing development. (*p. 30*)
2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3, Community Business District Zoning was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On June 11, 1991, Council approved the CUP petition of Brookville Baptist Church to allow the expansion of the existing sanctuary at 1916 Florida Avenue.
 - On May 8, 2007, Council approved the CUP petition of Robert Parsons to allow the construction of a single-household dwelling at 109 North Durham Street.
 - On October 8, 2013, Council adopted the *Campbell Avenue | Odd Fellows Road Land Use and Corridor Master Plan* as part of the *Comprehensive Plan 2013-2030*.
 - On May 10, 2016, Council approved the CUP petition of City Spaces, LLC, to allow the conversion of a single-household dwelling to a duplex at 3504 Powhatan Street.
 - On October 9, 2018, Council approved the CUP petition of Michael Dillard to allow the conversion of an existing single-household dwelling to a duplex at 3600 Campbell Avenue.
5. **Site Description.** The subject property consists of approximately three (3) acres located at 2117 Florida Avenue. The property slopes to the northwest away from Florida Avenue. The property is bordered to the north by vacant land, to the east by a single-household dwelling, to the south (across Florida Avenue) by single-household dwellings and to the west by a commercial shopping center.
6. **Proposed Use of Property.** If the CUP petition is approved the existing dwelling would be demolished to facilitate the construction of a forty-eight unit apartment development with community building and associated parking.
7. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the proposed use.
- The property is served by Grater Lynchburg Transit Company (GLTC) Route 2 with a bus stop located approximately forty (40) feet from the northernmost property boundary.
- A total of forty-three (43) parking spaces are indicated on the submitted concept plan. As allowed by the Zoning Ordinance a reduction of five (5) parking spaces will be permitted due to the proximity of mass transit.
8. **Stormwater Management.** A stormwater management / water quality plan would be required prior to final site plan approval. The submitted concept plan indicates a stormwater management area in the northwestern portion of the property which will discharge to a tributary of Fishing Creek. The narrative submitted with the petition indicates that water quality will be addressed by a variety of best management practices.
9. **Emergency Services:** The City Fire Marshal provided comments related to the 2015 Virginia Statewide Building Code and Design Requirements of the City of Lynchburg. The City's Police Department had no comments of concern related to the proposed development.
10. **Impact.** The submitted concept plan proposes the construction of forty-eight (48) affordable apartments with a community building and associated parking. The proposal is in keeping with the *Campbell Avenue | Off Fellows Road Land Use and Corridor Master Plan* which recommends a mixed use for the area. The close proximity to the existing bus line, and existing shopping center should result in a development with little to no negative impact on the area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on December 17, 2019. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rush Homes, Inc. for a conditional use permit at 2117 Florida Avenue to allow the construction of a forty-eight (48) unit apartment development subject to the following conditions.

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. The maximum number of units shall be forty-eight (48).**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Jeff Smith, Petitioner
Mr. Bill Berkley, Representative

VII. ATTACHMENTS

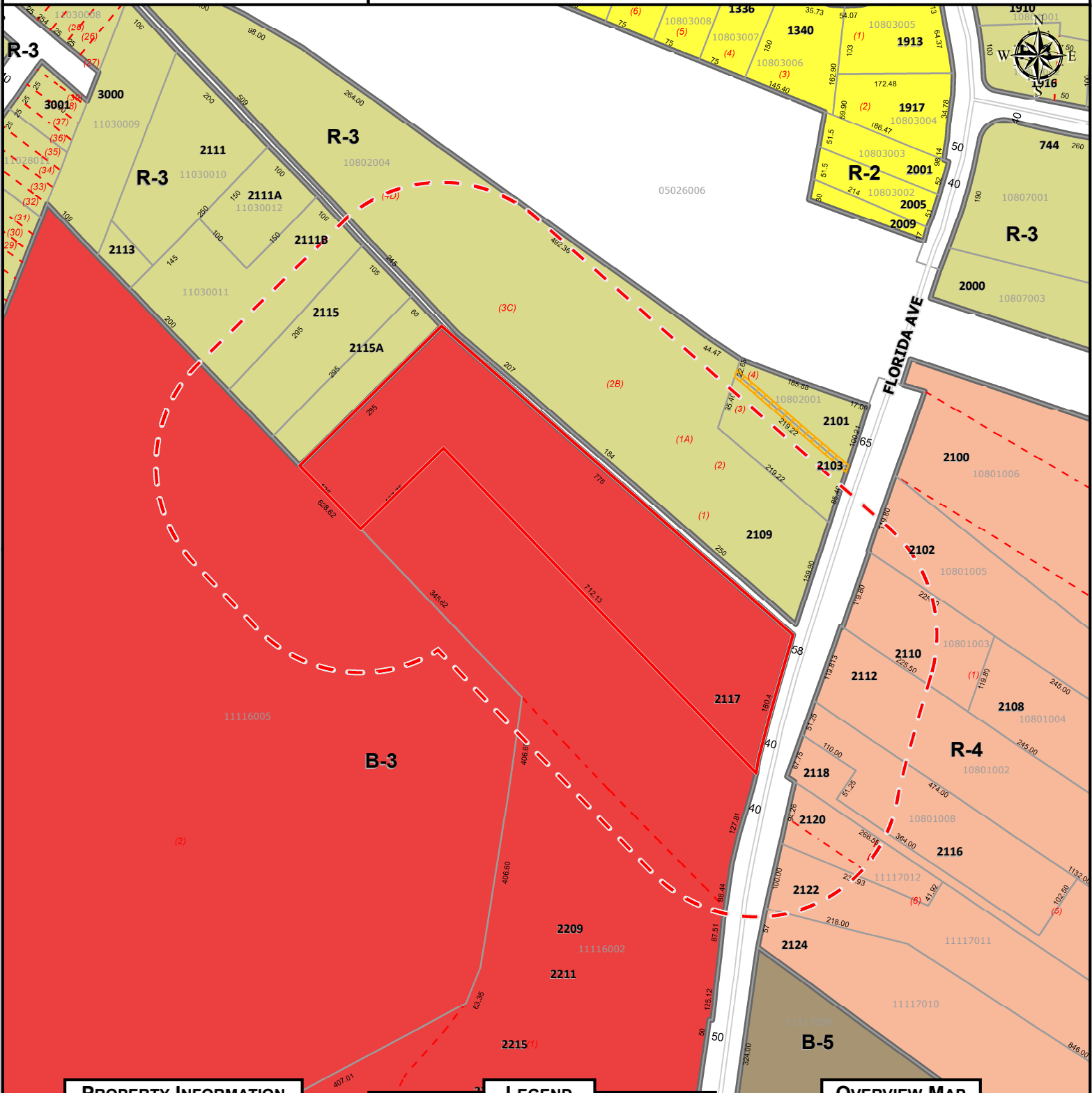
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photographs**

Zoning-TRC Map

2117 FLORIDA AVENUE

TRC

Rush Homes, Inc.



PROPERTY INFORMATION

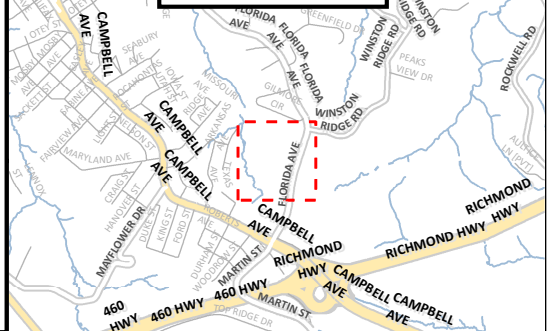
PARCEL ID	ADDRESS
11116001	2117 FLORIDA AVE

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 12/3/2019

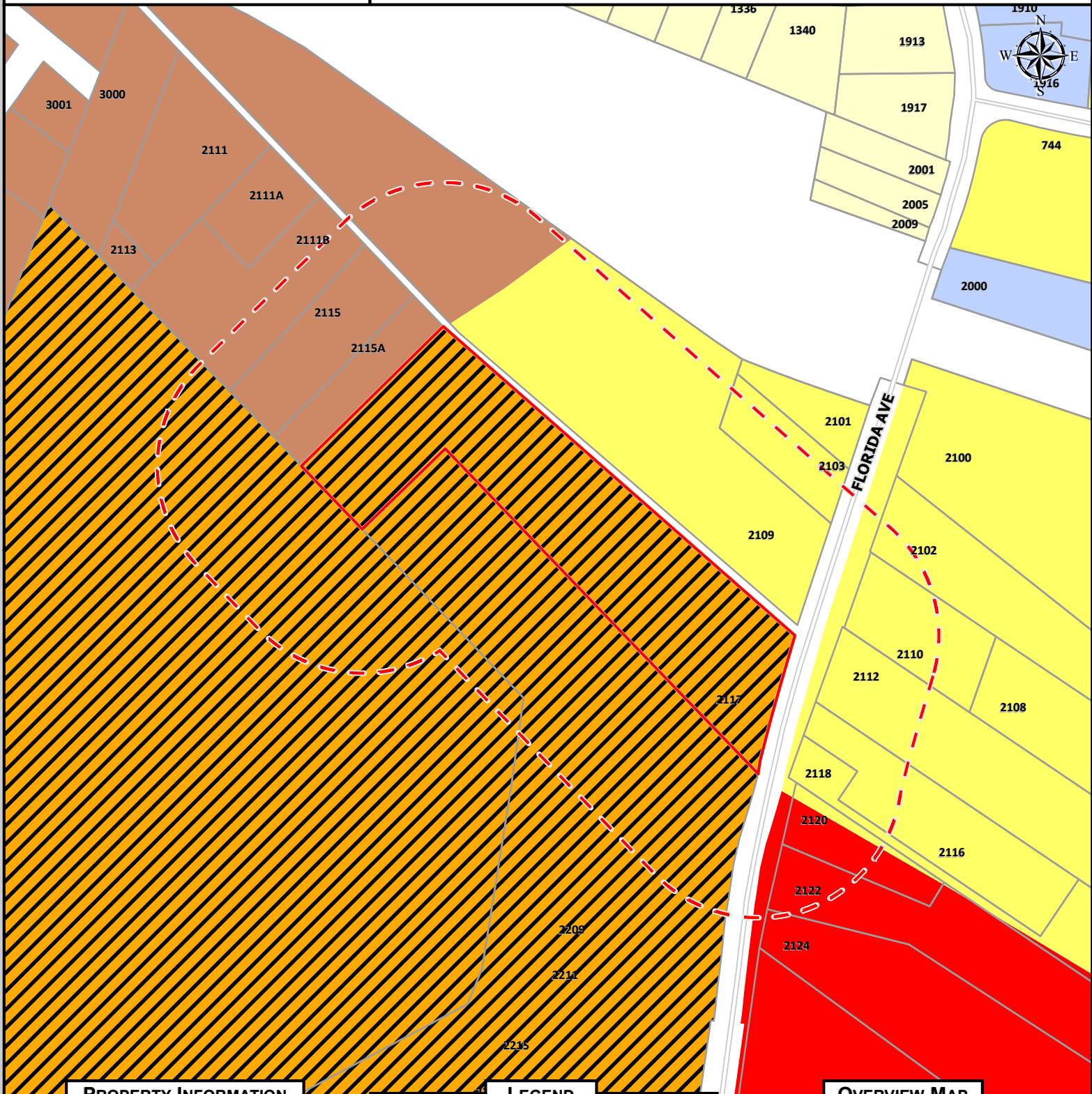
OVERVIEW MAP



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

2117 Florida Avenue

Parcel ID	Address	Owner
10801001	2118 FLORIDA AVE	NOWLIN, TROY E
10801002	2112 FLORIDA AVE	MUHOHO, MURIITHI DANIEL
11117010	2124 FLORIDA AVE	PHELPS, ELAINE F
11116005	3616 OAK TREE ST	DODSON BROTHERS EXTERMINATING CO INC
10802004	2109 FLORIDA AVE	HAMLETT, CHARLES L
10802002	2103 FLORIDA AVE	LINTHICUM, JANICE J
11117011	2122 FLORIDA AVE	FERGUSON, WAYNE B SR &
11030011	2111 B FLORIDA AVE	FOSTER, MYRTIS B
11117012	2120 FLORIDA AVE	BOOKER, VERONICA N
10801003	2110 FLORIDA AVE	MITCHELL, ROBERT
11030015	2115 A FLORIDA AVE	WILSON, DONALD R & BRENDA A
10801008	2116 FLORIDA AVE	NOWLIN, TROY E
11116002	2121 FLORIDA AVE	NATIONWIDE PROPERTIES LLC ET AL
11116001	2117 FLORIDA AVE	FERGUSON, RANDAL
10801005	2102 FLORIDA AVE	BARNETT, HARRY D & JOYCE B
11030013	2115 FLORIDA AVE	MAYS, NORA W ESTATE



PROPERTY INFORMATION

PARCEL ID

ADDRESS

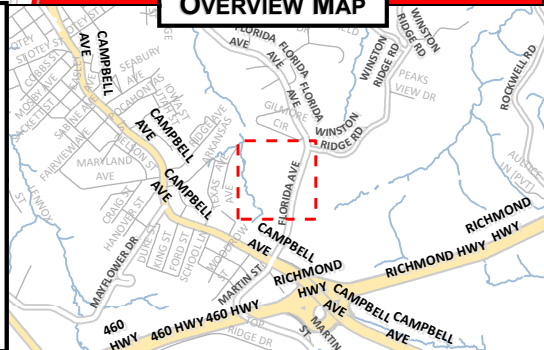
11116001 2117 FLORIDA AVE

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 12/3/2019

OVERVIEW MAP



Watershed Map

TRC

2117 FLORIDA AVENUE

Rush Homes, Inc.



PROPERTY INFORMATION

PARCEL ID	ADDRESS
11116001	2117 FLORIDA AVE

LEGEND

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

OVERVIEW MAP



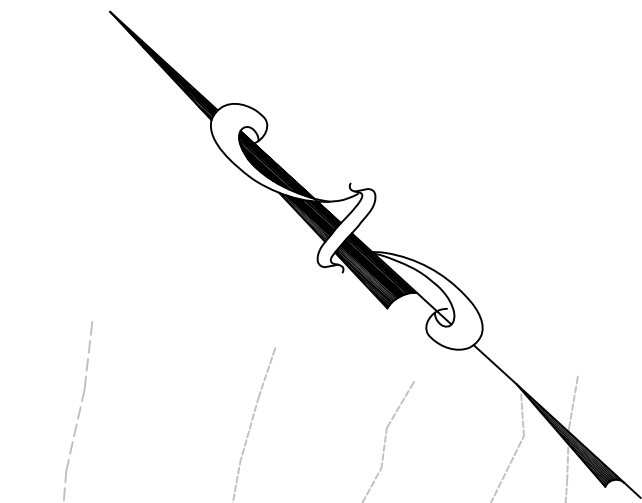
MAP SCALE: 1" to 200' DATE PRINTED: 12/3/2019

Opossum Creek-James River

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DONALD R. & BRENDA A. WILSON
D.B. 667, PG. 803
PID: 11030015
#2115A FLORIDA AVENUE
ZONED: R-3
USE: RESIDENTIAL

DODSON BROTHERS EXTERMINATING CO., INC.
INSTR #120005681
PID: 11116005
#3616 OAK TREE STREET
ZONED: B-3
USE: COMMERCIAL

OWNER: RANDALL FERGUSON
2117 FLORIDA AVENUE
LYNCHBURG, VA 24504

DEVELOPER: RUSH FAMILY HOMES
1721 MONSVIEW PLACE
LYNCHBURG, VA 24504
PHONE: 434-455-2120

PROPOSED CONDITIONAL USE DEVELOPMENT STANDARDS

FRONT SETBACK: 30'
SIDE YARD: 0' (ADJACENT TO B-3)
SIDE YARD: 15' (ADJACENT TO R-3)
REAR YARD: 25' (ADJACENT TO R-3)
MAX DENSITY: 21.78 UNITS PER ACRE
ACTUAL DENSITY: 15.48 UNITS PER ACRE

MASS TRANSIT: EXISTING BUS STOP WITHIN 100' OF SITE
PARKING PROVIDED: 43 SPACES OF WHICH 5 ARE HANDICAP SPACES;
A REDUCTION IN THE REQUIRED THE NUMBER OF
PARKING SPACES IS REQUESTED AS THE USE OF
THE FACILITY AND THE CLOSE PROXIMITY OF MASS
TRANSIT WILL RESULT IN THE NEED FOR FEWER
PARKING SPACES.

CHARLES L. HAMLETT
D.B. 1060, PG. 402
PID: 10802004
#2109 FLORIDA AVENUE
ZONED: R-3
USE: RESIDENTIAL

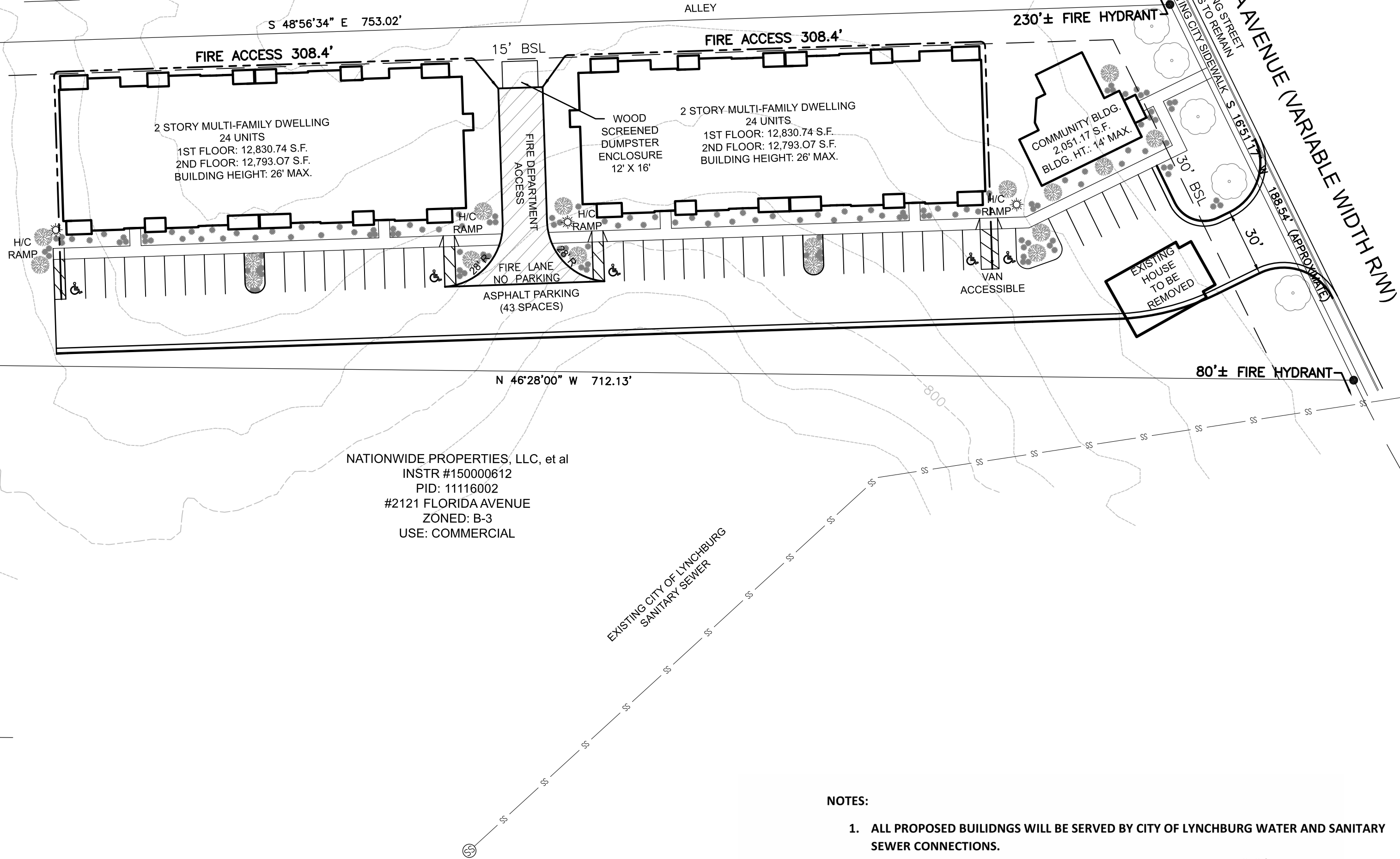
NATIONWIDE PROPERTIES, LLC, et al
INSTR #150000612
PID: 11116002
#2121 FLORIDA AVENUE
ZONED: B-3
USE: COMMERCIAL

THIS SITE PLAN HAS BEEN PREPARED FOR A CONDITIONAL USE PERMIT FOR PIN: 11116001
TO ALLOW FOR THE CONSTRUCTION OF 48 MULTI-FAMILY DWELLING UNITS WITHIN THE
CURRENT B-3 ZONING.

SUBJECT PROPERTY
PIN: 11116001

SOURCE OF TITLE:
TOTAL ACREAGE: ±3.1 ACRES

CURRENT ZONING: B-3
CURRENT USE: SINGLE FAMILY RESIDENCE
PROPOSED USE (CONDITIONAL): MULTI-FAMILY DWELLING UNIS (APARTMENTS)

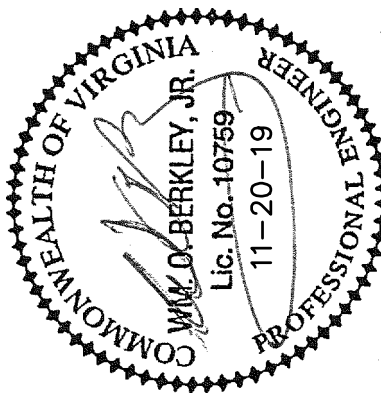


NOTES:

1. ALL PROPOSED BUILDINGS WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930104D), DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. ELECTRIC, TELEPHONE & CABLE SERVICE WILL BE UNDERGROUND ON THE SITE.
4. PRIOR TO THE DEMOLITION OF ANY BUILDING, UTILITY DISCONNECT FOR ALL SERVICES MUST BE FURNISHED TO THE CITY OF LYNCHBURG INSPECTION DIVISION. BEFORE ISSUING A DEMOLITION PERMIT, AN ASBESTOS SURVEY IN ACCORDANCE WITH SECTION 36-99.7 OF THE CODE OF VA IS REQUIRED.
5. ALL EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
6. A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
7. HANDICAP RAMPS AND SIGNAGE MUST BE INSTALLED PER CODE.
8. LANDSCAPING AS SHOWN IS FOR SCHEMATIC PURPOSES ONLY. A DETAILED LANDSCAPING PLAN SHALL BE PREPARED IN ACCORDANCE WITH LANDSCAPING SECTION OF THE CURRENT LYNCHBURG ZONING ORDINANCE.
9. ALL LOADING AREAS, REFUSE AREAS, STORAGE YARDS, STORMWATER MANAGEMENT PONDS, HVAC EQUIPMENT, WATER VAULTS, RPZ DEVICES OR OTHER OBJECTIONABLE ITEMS MUST BE SCREENED FROM VIEW OF ANY PUBLIC OR PRIVATE STREET OR RESIDENT. SCREENING MAY BE ACCOMPLISHED BY A COMBINATION OF EXISTING VEGETATION, WALLS, FENCES, EARTHEN BERMS AND NEW EVERGREEN VEGETATION APPROPRIATE AND OF SUFFICIENT HEIGHT TO SCREEN THE EQUIPMENT OR ACTIVITY.
10. ANY WALLS VISIBLE FROM ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL DISTRICT SHALL BE CONSTRUCTED OF SEGMENTAL BLOCK, BRICK, TREATED WOOD, STONE OR STAMPED OR COLORED CONCRETE THAT GIVES THE APPEARANCE OF BRICK OR STONE. RETAINING WALLS OF ANY OTHER MATERIAL MUST BE SUPPLEMENTED WITH LANDSCAPING AT A RATE AS FOLLOWS: WALLS LESS THAN 8 FEET IN HEIGHT REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL: WALLS 8 FEET IN HEIGHT OR GREATER REQUIRE 1 EVERGREEN SHRUB PER LINEAR FEET OF WALL AND 1 ORNAMENTAL TREE PER 20 LINEAR FEET OF WALL.
11. TRASH PICK-UP WILL BE MANAGED BY ONSITE DUMPSTER WITH PRIVATE PICK-UP.
12. GREENSPACE CALCULATION: 1.7 AC / 3.1 AC = 55%. THEREFORE, THE SITE CAN BE LANDSCAPED TO MEET THE 10% MINIMUM CANOPY REQUIREMENTS.
13. STORMWATER MANAGEMENT TO MEET STATE AND LOCAL REGULATIONS.



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 23188
(434) 385-7548 – (434) 385-6178 (FAX)



REVISIONS	
REV. 1	12-30-19

CONCEPT PLAN FOR
CONDITIONAL USE PERMIT
#2117 FLORIDA AVENUE
FOR: RUSH HOMES

CITY OF LYNCHBURG, VIRGINIA

SHEET #1 OF
PROJECT #19-459
REF.
SCALE: 1" = 40'

CUP NARRATIVE
2117 FLORIDA AVENUE

CUP NARRATIVE

FOR

2117 FLORIDA AVENUE
RUSH FAMILY HOMES
1721 MONSVIEW PLACE
LYNCHBURG, VIRGINIA

PREPARED FOR:
RUSH FAMILY HOMES
1721 MONSVIEW PLACE
LYNCHBURG, VIRGINIA

BY

CARDINAL SURVEY & DESIGN, PLC
ENGINEERS-SURVEYORS-PLANNERS

306 ENTERPRISE DRIVE, SUITE C.
FOREST, VIRGINIA 24551
(434) 385-7548

JOB #19-459

DECEMBER 2, 2019

PROJECT DESCRIPTION

Request Conditional Use Zoning in a B-3 Zone to permit the construction of 48 multi-family affordable housing units in two buildings with a third community building for gathering/office, etc. The project includes 3.1± acres. The subject area is currently developed with one single family residence. Below are narratives specifically requested by the City of Lynchburg for CUP application.

WATER/SEWER CAPACITY NARRATIVE:

The property is served by an existing City of Lynchburg Public water via 20" line along Florida Avenue. The 20" water line will adequately serve the development.

The property is served by an existing 8" sanitary sewer line along the south side of the property. The 8" sanitary sewer line will adequately serve the development.

STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

Currently the 3.1-acre property is partially developed with one residential dwelling. The remainder of the property is wooded. The majority of existing onsite storm water runoff converges in a large broad watercourse along the south edge of the property. Just offsite multiple natural watercourses converge to form a stream which drains to an unnamed tributary to Fishing Creek and eventually to the James River.

The proposed development will require storm water management for both water quality and quantity. Due to the size of the project, a variety of storm water management measures will be utilized throughout the project in a combination of both local and regional treatment. The project will be designed to meet state and local codes (Part IIB of the stormwater regulations). Specific designs will be submitted during the site plan phase for City review and approval. After construction, the storm management measures will be inspected by the City of Lynchburg and the design engineer for compliance with the approved plans. A maintenance agreement will be recorded for the project to insure the storm water measures are maintained long term.

Water quality and quantity will be handled by a combination of possible measures such as Rooftop Disconnection, Rainwater Harvesting, Soil Amendments, Permeable Pavement, Grass Channel, Bio-retention, Infiltration, Dry Swale, Sheet Flow to Filter/Open Space, Extended Detention Pond, and Filtering Practice. A combination of these measures will be used to treat and reduce the storm water runoff. To provide channel protection, the project will satisfy the equation $Q_{dev} \leq I.F. * (Q_{predev} * RV_{predev}) / RV_{dev}$ since discharging to an existing natural storm water conveyance. Since the disturbed acreage is greater than 1 acre, the required I.F. or improvement factor will be 0.8 (Q = flow, RV = volume of runoff). Compliance with this method of storm water management shall be deemed to satisfy minimum standard 19 of the Va. E & S Manual. While not required by the regulations, the attached calculations show that the existing natural channel is adequate for the 2-year storm.

EROSION AND SEDIMENT CONTROL

Preliminary calculations show that the project will have a disturbed area of approximately 1.4 acres. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared by the design engineer and reviewed by the City of Lynchburg for approval. The SWPPP will propose a combination of measures such as silt fence, inlet/outlet protection, diversions, sediment traps and basins etc., to insure a stabilized site during construction. The SWPPP requires inspections once every 5 days or within 48 hours of a measurable rain event. The SWPPP manager will be

required to make any necessary repairs and/or adjustments. The City of Lynchburg will also provide vigorous inspections.

COMPLIANCE WITH PLANNING DOCUMENTS

The Lynchburg Comprehensive Plan recommends Medium Density Residential Development in this area which includes small-lot single family detached housing, duplexes and Townhouses. The proposed development has a density of 15.48 units per acre. No changes to the Future Land Use Map (FLUM) are proposed.

TRAFFIC PLANNING

Traffic generated by the projected residents of this development will be significantly less than projected by a normal apartment complex. However, when using an Average Daily Trip rate of 5.5 per dwelling unit, the 48 units proposed will only generate 264 Vehicle Trips per day which is well below the threshold for a detailed Traffic Study.



2117 Florida Terrace
Conditional Use Permit
January 8, 2019

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Future Land Use Map (FLUM)* Amendment – Neighborhood Commercial to Community Commercial Rezoning: R-1, Low Density Residential to B-3C, Community Business District (Conditional) – 1001 Oakmont Circle

KEY ELEMENTS:

___Economic Development ___Excellent Government **X**Natural and Built Environment ___Safe Community **X**Vibrant Community

RECOMMENDATION: Approval of the *Future Land Use Map (FLUM)* amendment and rezoning.

SUMMARY: Best Choice Homes, Inc. is petitioning to amend the *FLUM* from Neighborhood Commercial to Community Commercial and rezone approximately one and forty-six hundredths (1.46) acres at 1001 Oakmont Circle from R-1, Low Density Residential to B-3C, Community Business District (Conditional). The purpose of the petition is to allow the use of the existing structure as an office and to allow the construction of a parking area.

At the Planning Commission public hearing, most neighbors were not opposed to the use of the building as a real estate office, but expressed concern over potential future development of the property. In response, the petitioner proffered substantial compliance with the submitted concept plan to address these concerns. The Planning Commission recommended approval of the *FLUM* amendment and rezoning with the addition of the proffer.

PRIOR ACTION(S):

January 8, 2020: The Planning Division recommended approval of the *FLUM* amendment and rezoning petition.

The Planning Commission recommended approval of the *FLUM* amendment and rezoning petition. (6-0; with 1 absence – Perault)

FISCAL IMPACT: The increase in real estate value will be determined after construction.

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

ATTACHMENT(S):

- Resolution
- Ordinance
- Planning Commission Minutes – January 8, 2020
- Planning Commission Packet – January 8, 2020
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Property Photograph
- Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-013

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1001 OAKMONT CIRCLE FROM NEIGHBORHOOD COMMERCIAL TO COMMUNITY COMMERCIAL

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Best Choice Homes, Inc., to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Neighborhood Commercial to Community Commercial for a certain area located at 1001 Oakmont Circle is hereby approved.

Adopted:

Certified: _____
Clerk of Council

019R

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1001 OAKMONT CIRCLE FROM R-1, LOW DENSITY RESIDENTIAL TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.2-54. __. Change of a certain area located at 1001 Oakmont Circle from R-1, Low Density Residential to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

ALL THAT TRACT OF LAND LYING AND BEING IN THE CITY OF LYNCHBURG, COMMONWEALTH OF VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at monument in the southwesterly line of Oakmont Circle at its intersection with Timberlake Road and thence along the said line of Oakmont Circle S. 61° 08' 18" E. 64.17 feet to a point; thence N. 48° 48' 42" E. 5.44 feet .; thence S. 41° 00' 00" E. 238.07 feet in the northeasterly line of lot 108; and thence leaving said line of Oakmont Circle S. 49° 00' 01" W. 218.93 feet; thence N. 41° 00' 00" W. 49.00 feet; thence S. 53° 05' 21" W. 3.84 feet; thence N. 35° 03' 00" W. 271.16 feet to I.P.S. in the southeasterly line of Timberlake Road; and thence along said line N. 56° 03' 13" east 168.39 feet to the point of beginning.

...is hereby changed from R-1, Low Density Residential to B-3C, Community Business District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner Best Choice Homes, Inc., to wit:

1. The petitioner proffers that the following uses shall be EXCLUDED as defined by the zoning ordinance for approved land use:
 - Parts, accessories, or tires
 - Flea markets and thrift stores
 - Grocery store, supermarket, or bakery, convenience store, specialty food stores
 - Beer, wine and liquor store
 - Pawn shops
 - Precious metal buyers
 - Mobile food services
 - Tattoo parlor
 - Adult retail establishment
 - Animal production
 - Large scale retail establishments
2. Best Choice Homes adds the additional proffer to be in substantial compliance with the submitted concept plan.

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

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE JANUARY 8, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND MEETING IN JANUARY):

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. Rachel Frischeisen, Planner II provided the following summary to the Commission. Mr. Karl Miller, of Best Choice Homes, Inc., is petitioning to amend the Future Land Use Map and to rezone the property at 1001 Oakmont Circle, which is located at the intersection of Oakmont Circle and Timberlake Road. The Future Land Use Map currently recommends a Neighborhood Commercial use and that's proposed to change to Community Commercial. The property is currently zoned R-1, Low Density Residential District, which is proposed to change to B-3C, Community Business District (Conditional). This property is one of the few remaining residentially zoned properties fronting Timberlake Road, which has evolved into a commercial corridor over time. If approved, the existing building would be used as a real estate office and associated parking would be constructed. The reuse of the existing home should limit any negative impact on the homes behind the property on Oakmont Circle. The scale of the existing building will blend nicely with neighboring homes and the space between the existing home and neighboring homes will be maintained as a backyard rather than a parking lot, which will also limit the impact on neighbors. This is a conditional rezoning, which means the petitioner has submitted proffers specifically limiting uses and excluding certain uses in the B-3 District. In the report some of those uses have been struck through because those uses are not actually permitted in the B-3 District anyway. The Planning Division does recommend approval of the Future Land Use Map and rezoning petitions with the conditions outlined in the report. There are a few factors for the Commission to consider. One of those is that the concept plan is not proffered and the intent now is to have a real estate office in the existing building, which is not very detrimental to the existing neighborhood but it doesn't offer protection going forward and does not prevent the tear-down of that building or the construction of something else. Some of the more objectionable uses are still included in the proffers, like pay day loans and gas stations, which is one of the reasons staff would have felt a little more comfortable with a B-1 designation for this property. Because of the petitioner's desire to use the existing building and the required setbacks that would have been associated with that, they chose to go with the B-3 designation.

Chair Rogers asked if the rezoning would come back before Commission if a change was made in the future like the building being torn down.

Ms. Frischeisen responded that it would not come back as long as it was not in conflict with the conditions set forth.

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

Ms. Amy Seipp, of Accupoint Surveying & Design, LLC, addressed the Commission. Many things have been taken into consideration like the upgrades to the home, seen in the concept plan; the maintenance of the backyard; buffering the residents from any view that they would have of the home; and keeping the parking towards Timberlake, which is a better fit. The concept plan utilizes as much as possible of what is already there. Landscaping and stormwater management, erosion control will be required in the site plan process.

Mr. Karl Miller, President of Best Choice Homes, Inc., addressed the Commission. His intent is to be a good neighbor. He has spoken with many of the neighbors and some are present at the meeting, which he really appreciates. The intent to utilize the existing building has already been stated. The roofline and exterior will be modified, drastically improving the site. It will be very aesthetically pleasing property, visible when pulling into Oakmont Circle. It will add value and act as a good aesthetic entrance. As a real

estate professional, he has a vested interest in protecting neighborhoods and seeing property values continue to increase around Lynchburg. This specific lot has about one hundred eighty (180) feet of frontage between the front of the building and Timberlake Road. A parking lot would fit very cleanly in there. There's plenty of space and it is a level lot. Two (2) lots down from this property on the East side is the Social Security office, which is right on Timberlake Road and has a parking lot in the front. There are lots of parking spaces and it is a large commercial building. One tenth (0.1) of a mile to the West is the location of a new Sheetz gas station and lots of other commercial development. Across from the property there are four (4) restaurants, a Kroger, a shell gas station, a large flooring warehouse and retail store, Harbor Freight Tools, and a Dollar Store. This use is not going to be incompatible with the Timberlake Road Corridor and will be a light use. The intent is to operate a small real estate office there. Traffic will not be greatly increased at all. The entrance will be moved down from where the existing entrance is. The new entrance will be straight across from the entrance to Widmeyer Vein Center. This will be far enough removed from the intersection of Timberlake Road that it won't be a safety issue. There will be enough room for about three (3) or four (4) cars to pull in or out. He looks forward to improving the property and adding value. He wants to protect the residents and the option of a B-1 zoning would require the parking lot to be in the back. There is eighty (80) feet of space back there, which would essentially move the parking lot next door to the Childress' property. He doesn't want to do that and instead wants to maintain the backyard and put some buffer space in there. That will protect the Childresses as well as the five homes that are within sight of the backyard. A B-3 zoning is the only way to accomplish that. He asked if he could rezone the property to B-1 with a variance for parking in the front but that was not an option. Aside from the parking, a B-1 zoning would meet his other needs and the proffers were offered with the B-3 zoning request to reflect that this property will not become a heavy traffic-generating commercial use and that the building will not be torn down. The existing structure will be utilized with some modifications and overall value improvement. He reiterated that he looks forward to improving the property and continuing his investment in the City of Lynchburg as a business owner.

Chair Rogers asked if there was anyone present who wished to speak in favor of the petition.

Ms. Pat Childress addressed the Commission. Her property is right next to this one and she is the neighbor that this affects the most. She is all for this rezoning but does not fully understand the B-1 versus B-3 zoning. She is looking for clarification that a B-3 zoning means that the property could be commercial and the building could be torn down, which she does not want. A B-1 zoning with written out conditions seems more appealing. She met with Mr. Miller and there was an instant rapport, she believes what he says, and does not think that he will make the property any more businesslike than a real estate office. It is possible that the property might be sold and then it could be torn down so she would like to see the conditions written out so those possibilities are eliminated. Having the parking lot in the front yard is a great idea. If the parking lot goes in the backyard, it will go next to her porch where she spends a lot of time with her family. A parking lot with a lot of lights would not be in her favor. The B-1 and B-3 zoning confuses her but she is in favor of this use as long as the parking lot does not go in the backyard. The office across the street that faces Timberlake Road was a great addition to the neighborhood. He is only there during the work week, Monday through Friday, and has about six (6) patients a day, which is nice. A real estate office will be similar to that office but something like a gas station would not. She reiterated that she is in favor of the real estate use as long as the parking lot remains in the front.

Ms. Merle Alvis addressed the Commission. She is Ms. Childress' neighbor. Mr. Miller introduced himself and explained his intent shortly after he bought the property. He has continued to keep the neighbors informed which she appreciates. She has been there almost ten (10) years, has good neighbors, and loves the neighborhood. Mr. Miller's business and the modifications he is proposing to the building and to the parking will have minimal impact on the neighbors. They may actually improve the neighborhood, which is exciting. Her husband was a real estate professional before he passed away and real estate offices are generally not wild, disruptive places that go into disrepair or devalue the neighborhood. She reiterated that she is Ms. Childress' neighbor and after Ms. Childress, will be the most

impacted by this. Her property is very visible so she works hard and spends a lot of money to keep it looking good. The addition of anything that can continue to add value to their homes and neighborhood and is in the hands of a supportive individual will be good. Mr. Miller is very approachable and likely to answer any questions or work to resolve any issues the neighbors may have. This use will help improve the neighborhood. The doctor's office across the street from this property is not disruptive and hardly noticeable. Overall, she supports this proposal.

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

Mr. Jim Birkmeyer addressed the Commission. He lives in the Windsor Hills neighborhood on Cornwallis Drive with his wife. He has some concerns. The access to Timberlake Road from Oakmont Circle as it exists now is a problem. There are certain hours of the day that he has to drive two (2) miles out of his way to get to a traffic light because Timberlake Road has become a "racetrack". There is also a lot of traffic from the other side of the street, where a number of different stores and restaurants are located, which complicates the issue of getting out. There are also the innumerable people coming up Timberlake that make a U-turn in that area to go to the Social Security office. The gateway to the neighborhood is currently under duress and this rezoning will add additional traffic. He reiterated that at certain times of the day he won't try to get out on Timberlake Road. Another concern is the B-3C zoning designation. The concern is not for the current developer but if the property is sold it can be torn down or another strip type property could go there. There is also a lot of office space already available on Timberlake Road near this location and down toward the Lowe's. Besides that there are also locations for possible development. Because of this, a business office is not needed on this property at this time.

Chair Rogers asked if there was anyone else present who wished to speak in opposition of the petition. When no one came forward, he invited Mr. Miller and Ms. Seipp to come forward and address the comments.

Commissioner Marion asked Ms. Frischeisen for clarification on the B-1 versus B-3 zoning designation.

Ms. Frischeisen responded that usually the rebuttal is first but a B-1 zoning is typically office, retail, and restaurant services that are at more of a neighborhood scale. The B-3 zoning opens the property up more to slightly more intense uses. They are supposed to be a community scale zoning. One thing that was mentioned in the comments was the parking location. When the Zoning Ordinance was updated it was decided that B-1 zoning is supposed to be neighborhood commercial, with smaller-scale uses, so B-1 should not be auto-centric and the parking should be in the back. This would allow the buildings to be closer to the street and make everything more walkable. Even though a real estate office is allowed in both a B-1 and B-3 district, it may be more suited for a B-1 district but a parking lot in the back of this property would not meet setbacks.

Mr. Tom Martin clarified that was not true. A parking lot in the back of the building could still meet setbacks but the petitioner did not want to place the parking lot in that location.

Ms. Frischeisen stated that B-3 districts have more uses allowed than B-1. Some of those uses have been proffered out in this application.

Chair Rogers asked for clarification that in a B-1 district the parking lot would have to be in the back of the property. He then stated that the neighbors like that the parking is not in the back.

Mr. Martin responded that was understandable. The reason that Ms. Frischeisen recommended approval of the petition was, at the time, he thought that they were proffering out some of the more objectionable B-3 uses. As Ms. Frischeisen said though, some of what they did proffer out is not permitted in a B-3 district anyway. What the Commission and neighborhood needs to understand is that

if the property is rezoned the way it is written now, uses like a McDonalds can go on the property if it is sold. There is no prohibition for tearing the house down or developing things like a gas station. He reiterated that the Commission needs to be aware of the way the petition is written.

Commissioner Bowden asked what the difference in setbacks is for a B-1 and a B-3 district.

Mr. Martin responded that the parking has to be twenty (20) feet off of the line.

Commissioner Marion asked for clarification on what the line meant.

Mr. Martin responded the line meant the property line.

Commissioner Marion asked if there was room to put the parking on the Timberlake Road side.

Mr. Martin responded that they could get where they need to be if they would consider proffering the conceptual site plan. That would protect the house and neighborhood, put the parking in the front yard, and satisfy the neighbors and planning staff. Until the petitioners do that, the Commission should understand what they are considering.

Commissioner Light asked for clarification that proffering the conceptual site plan would mean that they wouldn't have to rezone the property to B-3.

Mr. Martin responded that it would still need to be rezoned to B-3 to keep the parking in the front.

Commissioner Light reiterated that the proffered conceptual site plan would still lock the property in.

Chair Rogers asked for clarification that the proffered conceptual site plan would only change if a petitioner came back in with a petition for a new rezoning.

Mr. Martin responded that was correct.

Commissioner Lowe asked for clarification on the uses that were removed in the current proffers.

Ms. Frischeisen responded that the uses in the report with a red line through them are not allowed in the B-3 district anyway. The other uses, not crossed out, would not be permitted on that property.

Commissioner Lowe asked if that depended on proffering the conceptual site plan.

Ms. Frischeisen responded that the proffers listed in the report are already on the table. The possibility of proffering the conceptual site plan came from the neighborhood's comments in favor of the proposed use in the existing house but there is no protection for the future. Property does sell so down the line proffering the conceptual site plan would be one assurance that the property will remain close to what it is now.

Chair Rogers reiterated that could change only if it came back as a new rezoning and was approved. Proffering the conceptual site plan would seem to satisfy all parties involved other than traffic issues, which the Commission has a hard time addressing.

Ms. Seipp noted that she could address the traffic issues. The Virginia Department of Transportation's (VDOT) future plan for 460 Business is to close the crossover in that area, which would limit the left-hand turns and U-turns. It would be right in, right out only. She works with VDOT all of the time and things change so this plan is not definite.

Mr. Martin stated that there is a plan put forth by VDOT for improvements to Timberlake Road that include some crossover closures.

Ms. Seipp stated that the City has control over the streets but this area is also part of VDOTs plans, which should address some of the concerns expressed.

Mr. Miller stated that his intent, as he's said, is to be a good neighbor and to improve the property. He has no intent to sell the property. He paid well above retail price for a residential home, taking on a risk. He met with the City for an informal meeting and left with the impression that it would be no problem to rezone the property and use it as an office location. He did not make his contract contingent upon a rezoning approval. He was trying to help out the previous owners who had been there over twenty (20) years and he thought that the City would approve the rezoning with no issues because the property is located on Timberlake Road in a commercial corridor. If he had known that the City would be opposed to allowing a B-3 zoning to put the parking lot in the front of the property, which is his only option to protect the neighborhood, he probably would have slowed the process down. His intent is to invest above another one hundred thousand (100,000) dollars in improvements and parking. He understands the concern of the property being sold in the future but his investment is such that it wouldn't make sense to sell it from a profitability standpoint. He has lived in the City for twelve (12) years, his business is in the City, he loves the City, and it is a great place to live, work, and play. He is heavily vested and that's his long-term plan.

Commissioner Light stated that he accepts what has already been done and commends Mr. Miller on what looks like it will be an improvement of the property but the B-3 zoning concerns him. The Commission often talks about protecting neighborhoods and there have already been issues with Windsor Hills. He asked Mr. Miller if he would be willing to proffer the conceptual site plan.

Mr. Miller responded that his intent, all along, has been to use this as an office space so if proffering the conceptual site plan is something the City requires he is open to that. He is concerned about the time that has been lost waiting for approval from the City.

Ms. Seipp clarified that Mr. Miller is asking if he would have to restart the public hearing process as a new petition if he were to proffer the conceptual site plan.

Commissioner Light responded that Mr. Miller could proffer the conceptual site plan right now.

Ms. Frischeisen stated that the City and the Commission do not require proffers and cannot legally require proffers. The Commission is hearing the neighbors' concerns and searching for solutions.

Ms. Seipp asked for clarification that the proffers could be modified and the petition would remain on the same timeline.

Commissioner Lowe responded that they could be modified right here, right now.

Mr. Miller stated that his intent is to use the property as an office space and it is a long term investment. He then asked how proffering the conceptual site plan would affect future owners of the property and if they would have to go through the same process to remove the proffered conceptual site plan.

Commissioner Marion responded that the property would have to come back and be rezoned to remove the proffered plan.

Ms. Frischeisen responded that if the property were sold and the new owners wanted to put a use in the existing building that is allowed, not proffered out, they could do that. If they wanted to build a

McDonald's it would have to come back. If they wanted to do one of the uses that have been proffered out, like a pawnshop, they would have to come back. New owners could use the existing building as one of the allowed uses or they would have to come back to the Planning Commission and City Council with a new rezoning petition.

Mr. Miller stated that he is open to proffering the conceptual site plan.

Commissioner Light stated that if he proffers the conceptual site plan, it will change his vote.

Commissioner Johnson asked if proffering the conceptual site plan limited the property use to real estate offices only.

Ms. Frischeisen responded that was not the case.

Commissioner Johnson asked for clarification on what the property could be used as with a proffered conceptual site plan.

Ms. Frischeisen responded that it could be used as a real estate office, other type of office or business, professional services, or other uses permitted in a B-3 district that can fit in the existing structure and are not proffered out.

Commissioner Johnson stated that it could still be a gas station.

Chair Rogers responded a gas station would deviate from the proffered conceptual site plan.

Commissioner Johnson asked again what the property could be used as without deviating from the proffered conceptual site plan.

Ms. Frischeisen responded that any use permitted in a B-3 district, which has not been proffered out, and can fit in the existing structure and proposed parking lot is possible. A gas station would not be viable in the existing structure and proposed parking lot.

Ms. Seipp added that uses requiring a Conditional Use Permit in a B-3 district would not be permitted.

Mr. Miller asked for clarification that if he sold the property and the future owner wanted to modify the existing structure they would need to go through the rezoning process.

Ms. Frischeisen responded that if a future owner wanted to pull a building permit and knock down walls or something similar they would not need to rezone the property. If they wanted to make the footprint of the building twice as big, then yes, they would need to rezone the property.

Mr. Miller stated that he is trying to find the solution because the parking lot location is his biggest issue with a B-1 district. He wants to protect the neighbors behind him and to prevent his clients from having to walk one hundred fifty (150) feet around the building to get to the front door. He asked what the negative implications of proffering the conceptual site plan would be from an owner standpoint. The doctor's office next door has a proffered conceptual site plan, which has worked very well.

Mr. Martin responded that the concern is for the property to be developed the way it is shown on the conceptual site plan. The end result is, if Planning Commission, and ultimately City Council, adopts the rezoning the way it is written now, there is no assurance that the site will actually be developed that way. The building can be demolished and any of those other uses could go in there. Sheetz could decide to move down to this location, not that it is, in reality, a big enough property. From an investor standpoint that might be good. From a community standpoint and from a Windsor Hills standpoint that would be

very bad. Proffering the conceptual site plan would be an assurance that the site will be developed using the existing building with the proposed parking lot in the location shown.

Mr. Miller asked for clarification how much the development could deviate from what is shown on the conceptual site plan.

Ms. Frischeisen responded that the usual wording submitted for a proffer like this is “substantial compliance with the concept plan”. It is acknowledged that things will likely have to shift a little, like more or less shrubs during the site plan phase. The building and the proposed parking lot are the main concern and should match with the proffered conceptual site plan.

Chair Rogers stated that if Mr. Miller is committed to substantial compliance with the conceptual site plan there is no downside to proffering it. For the neighbors though, there is a downside to the way the rezoning is currently written. He then asked about the trees and growth in the front yard of the property.

Mr. Miller responded that the trees and growth were removed by the previous owner.

Commissioner Lowe recalled the last meeting where a rezoning was denied to protect R-1 districts in the City. This is an R-1 district being rezoned to a B-3 district.

Mr. Miller reiterated that he'd be willing to proffer the conceptual site plan but doesn't want to be bound to the point where he has no room to “wiggle”. The structure is not changing and the parking lot will be in the front yard. The driveway will be moved across from the first entrance to Widmeyer Vein Center to get the access further off of Timberlake Road in the interest of safety.

Commissioner Light asked what Mr. Miller would need to do to proffer the conceptual site plan from a documentation standpoint. He noted that Mr. Miller has stated his intent and it will be included in the minutes.

Mr. Martin responded that Mr. Miller would need to write it out, sign it, and date it today.

Chair Rogers stated that the Commission would give Mr. Miller a moment to do so if he wanted.

Commissioner Johnson stated that she agreed with Commissioner Lowe and thought of the last meeting having to do with R-1 districts as well when she read the proposal. She felt that this case was different though due to the landscape and location of the site.

Commissioner Lowe stated that he went out in the rain to look at the site and did not think that it was valuable as a residence. It would not attract any purchasers. The best use for the property is to convert it to a business establishment. The proposal at hand is a good use for that piece of terrain. That building blends in with the other activities on Timberlake Road adjacent to it. The fact that Mr. Miller is so concerned with his backyard neighbors is really impressive. Other people may not take as much care. There's a lot of forethought to it but the concern for the future of the property and the neighborhood is there as well. This proffer will protect the R-1 district behind this property.

Chair Rogers stated that this proposal is different from the last meeting as well because this property is not located in the City's designated scenic corridor and fits in on all sides and all the way down the road.

Commissioner Marion stated that it does not quite fit in as a B-3 district. It fits in as a B-1 district and B-1 would match the other zoning in the area. She then asked for clarification on the reasons a parking lot cannot be in the front in a B-1 district.

Mr. Martin responded that the development standards for B-1 prohibit it and were put in place when the new Zoning Ordinance was adopted after discussions about drive-thrus, floorplate size, and type of business that would fit into and be walkable to the neighborhood.

Commissioner Marion asked how the front and side of a property is determined.

Mr. Martin responded that the Zoning Ordinance determines the front and the side.

Commissioner Marion asked if the property fronts on Oakmont Circle or Timberlake Road.

Mr. Martin responded that it fronts on Timberlake Road but in terms of street frontage it has two (2) frontages. It would be very easy if the site was being redeveloped and the existing building was not being used. If they were redeveloping it, the building could be put on the corner and the parking could go to the side and the rear. He agrees with Commissioner Marion that in terms of what else is along that corridor, B-1 would be the best case scenario. Widmeyer Vein Center is also B-1 and has the parking lot in the back.

Chair Rogers stated that when he thinks of B-1, he thinks of new structures and the move to build things up on the front. At the same time, he doesn't want the building to be torn down and doesn't see the building getting any closer to the road. He acknowledged that there is a lot of B-1 in the area but with the proffers set forth in this petition the future of the property should be protected because it will have to come back and be rezoned if it is going to be changed.

Commissioner Marion agreed that it protects the neighbors because it would have to return as a rezoning if changes were being made. The neighbors are likely to prevent anything like a Sheetz or a McDonald's from moving in as well.

Ms. Childress asked what proffer means.

Commissioner Light responded that proffer means Mr. Miller is offering something as part of the conditions of his petition.

Commissioner Bowden added that Mr. Miller is being given special dispensation to operate so that if those dispensations or conditions change then it will go back to square zero and the owner will not be able to develop the land. Mr. Miller has gone out of his way to make this as little impact to the neighborhood as possible. It is difficult to do that and maintain the current building and give him the conditions it needs to be to be able to run his business. This proffer is his agreement to restrict the use of this property to what it currently looks like as far as the existing building and what the proposed parking lot is. If that footprint changes in the future, the new owner will have to come back before the Commission with a new petition and answer to the neighbors' concerns.

Ms. Childress asked if the property will still have to be rezoned to B-3.

Commissioner Marion and Bowden both responded that it will still have to be rezoned to B-3.

Ms. Childress stated that the front of the house faces Timberlake Road but the address is Oakmont Circle. When going off of the address, the back of the house is really on the side of the house. If the parking lot goes in the front of the house it is really going on the side of the house.

Mr. Martin stated that the house fronts Timberlake Road.

Chair Rogers responded that the Commission wants to address Ms. Childress' question but the way that Mr. Miller has set up his conceptual site plan protects the neighbors' view better than if it was on the side of the house. This is a really good compromise for the use of the land.

Commissioner Light stated that he wanted to compliment Mr. Miller for his flexibility. He initially viewed the petition and had concerns about Windsor Hills, commercial creep, and protecting the neighborhoods. Protections have been put in place and Mr. Miller still has some flexibility for the use of the property, which he is entitled to. With the additional proffer, the neighborhoods' concerns have been satisfied. He feels good about the petition with the addition of the proffer for the conceptual site plan. He reiterated that he appreciates Mr. Miller's flexibility and is impressed that residents came in to speak generally in favor of the petition.

Chair Rogers asked if there was lighting in the parking lot.

Ms. Seipp responded that there will not be lights in the parking lot unless required.

Commissioner Lowe stated that he agrees with Commissioner Lights comments. With the additional proffer in place, he supports the petition.

Ms. Frischeisen stated that the additional proffer for substantial compliance with the conceptual site plan has been signed and submitted and asked that it be added to the motion.

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

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Best Choice Homes, LLC to rezone the property at 1001 Oakmont Circle from R-1, Low Density Residential to B-3C, Community Business District (Conditional) with the following voluntarily submitted proffers:

1. The petitioner proffers that the following uses shall be EXCLUDED as defined by the zoning ordinance for approved land use:

- **Parts, accessories, or tires**
- **Flea markets and thrift stores**
- **Grocery store, supermarket, or bakery, convenience store, specialty food stores**
- **Beer, wine and liquor store**
- **Pawn shops**
- **Precious metal buyers**
- **Mobile food services**
- **Tattoo parlor**
- **Adult retail establishment**
- **Animal production**
- **Large scale retail establishments**

2. The site will be developed in substantial compliance with the conceptual site plan."

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

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

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Best Choice Homes, LLC to amend the Future Land Use Map (FLUM) from Neighborhood Commercial to Community Commercial at 1001 Oakmont Circle.”

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

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

To: Planning Commission
From: Planning Division
Date: January 8, 2019
Re: *Future Land Use Map Amendment* – Neighborhood Commercial to Community Commercial
Rezoning – R-1, Low Density Residential to B-3C, Community Business District (Conditional)
1001 Oakmont Circle – Real Estate Office Use

I. PETITIONER

Best Choice Homes, Inc. 4301 Morningside Drive, Lynchburg, Virginia 24503
Representative: Ms. Amy Seipp, Accupoint Surveying & Design, LLC., 950 Airport Road, Lynchburg, Virginia 24502
Property Owner:
Same as petitioner.

II. LOCATION

The subject property is a tract of approximately one and forty-six hundredths (1.46) acres at 1001 Oakmont Circle.

III. PURPOSE

The purpose of the petition is to amend the *Future Land Use Map* from Neighborhood Commercial to Community Commercial and rezone from R-1, Low Density Residential 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.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial use for the property.
- The property is currently zoned R-1, Low Density Residential.
- The property is one of the few remaining residentially-zoned properties fronting Timberlake Road.
- The reuse of the existing residential home as a real estate office should have limited impact on the neighborhood.

The Planning Division recommends approval of the *Future Land Use Map Amendment* and rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial use for the property. Neighborhood Commercial areas to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers.

The petition proposes to amend the Neighborhood Commercial use to a Community Commercial use. Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated.

2. **Zoning.** The subject property was annexed into the City in 1976 from Campbell County. The existing R-1, Low Density Residential was established in 1978.

3. **Proffers.** The petitioner has voluntarily submitted the following proffers related to the development of the property:

The petitioner proffers that the following uses shall be EXCLUDED as defined by the zoning ordinance for approved land use:

- ~~Boat or marine craft dealer~~
- Parts, accessories, or tires
- Flea markets and thrift stores
- Grocery store, supermarket, or bakery, convenience store, specialty food stores
- Beer, wine and liquor store
- Pawn shops
- Precious metal buyers
- ~~Recreational goods rental~~
- Mobile food services
- Tattoo parlor
- Adult retail establishment
- ~~Rail passenger transportation~~
- ~~Local transit systems – bus, special needs, sightseeing, taxi and limousine services~~
- ~~Marine and sightseeing transportation~~
- Animal production
- Large scale retail establishments

4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.

5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On May 22, 1979, Council approved the rezoning of several parcels to B-1, Limited Business District along Timberlake Road when council amended the official zoning map for both Timberlake Road and Old Forest Road areas.
- On July 10, 1979, Council approved the CUP petition of George Fralin, Jr. at 7705 Timberlake Road for a family billiards center.
- On February 14, 1989, Council approved the rezoning of a number of parcels clustered around Timberlake Road from R-1 to B-3 with the adoption of the Timberlake Road Corridor Land Use Study – Study Area Boundaries.
- On April 9, 2002, Council approved the rezoning of Lynchburg Computer Systems, Inc. from B-1, Limited Business District, to B-3C, Community Business District (Conditional) at 7605 Timberlake Road to allow the use of an existing building for computer sales and repair.
- On February 13, 2007, Council approved the petitions of James Higgenbotham, II for a CUP and rezoning to allow fill in the 100-year floodplain and the construction of forty-eight (48) apartments at 7424 Timberlake Road.

- On April 8, 2008, Council approved the petition of M.B. Long at 7426 Timberlake Road to allow fill in the 100-year floodplain for an access road to future apartment buildings.
- On July 13, 2010, Council approved the CUP petition of Brooke's Bros., LLC at 7802 Timberlake Road for a consolidated sign plan to provide for one (1) wall mounted sign and one (1) monument sign.
- On November 9, 2010, Council approved the rezoning petition of Dr. Jeffrey Widmeyer at 7626 Timberlake Road from R-1, Low Density Single-Family Residential District, to B-1C, Limited Business District (Conditional), to allow for the renovation of an existing building as a professional office and the construction of an associated parking area.
- On August 9, 2011, Council denied the petition of Wyndhurst Counseling Center for rezoning from R-1, Low Density Single Family Residential District to B-1, Limited Business District, and Future Land Use Map amendment from Low Density Residential use to Office use at this location (1001 Oakmont Circle).
- On February 10, 2015, Council approved the rezoning petition of Adams Investment Properties, LLC, at 7708 Timberlake Road from B-1, Limited Business District, to B-2, Local Neighborhood Business District to allow a bakery and other limited retail within the existing building.
- On February 23, 2016, Council approved the rezoning at 7708 Timberlake Road from B-2, Local Neighborhood Business District, to B-1, Limited Business District, with the adoption of a new zoning ordinance.
- On January 8, 2019, Council approved the CUP petition of Mustard Seed Chesterfield, LLC at 7616 Timberlake Road for a car wash facility.

6. **Site Description.** The subject property consists of one and forty-six hundredths (1.46) acres at 1001 Oakmont Circle, with approximately one hundred and sixty-eight (168) linear feet of frontage on Timberlake Road. The property slopes slightly to the south/west and contains a single story house with basement constructed in 1954.

The site is surrounded by commercial uses to the north across Timberlake Road, a medical office to the east across Oakmont Circle, retail use to the west, and residential homes to the south.

7. **Proposed Use of Property.** If the rezoning petition is approved, the existing dwelling would be converted to a real estate office building and associated parking would be constructed.
8. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the proposed use. The engineer did express concern over the original petition for B-3 zoning with no conditions. The petitioner has since submitted proffers indicating that some of the more intense uses associated with B-3 zoning will not be allowed on the property.

The submitted concept plan indicates two full access ingress/egress points across from Oakmont Circle. The submitted concept plan indicates that this project would not meet the development threshold set by the City's *Zoning Ordinance* for sidewalk across the property frontage.

Parking spaces indicated on the concept plan exceeds that which would be required by the *Zoning Ordinance*.

The property is by the Greater Lynchburg Transit Company (GLTC) routes seven (7) and eleven (11). The nearest bus stop is located approximately five hundred (500) feet away, at the Social Security Office at 7618 Timberlake Road.

9. **Stormwater Management.** A stormwater management / water quality plan would be required prior to final site plan approval. The submitted concept plan indicates stormwater quantity and quality to be addressed through infiltration with a stormwater management facility to the west of the proposed parking area.
10. **Emergency Services:** The City's Police and Fire Departments had no comments of concern regarding the proposed use.
11. **Impact.** Timberlake Road has evolved into a commercial corridor over time. This parcel is one of the few remaining residentially-zoned properties fronting Timberlake Road. Transitioning this property to a commercial use is a logical change.

The original submittal of this petition included no proffers, which concerned staff since many of the uses allowed by the B-3, Community Business District are more intense than the surrounding B-1, Limited Business District parcels and may be objectionable to an adjoining neighborhood. The petitioner subsequently revised the petition to include a proffer that expressly excludes several of the more intense uses.

Although a real estate office would typically fit into a B-1, Limited Business District the petitioner desires to use the existing structure, which is set back approximately one hundred and seventy-five (175) feet from Timberlake Road. The associated parking would need to be behind the front building line to meet the *Zoning Ordinance* development standards for a B-1, Limited Business District, but there is insufficient space behind the existing structure to build the parking lot and meet the required 50' setback from the adjacent residential parcel. Since the B-1 requirement of parking behind the front building line cannot be met, the petitioner has requested B-3 zoning.

The proposed *Future Land Use Map* amendment from Neighborhood Commercial to Community Commercial is appropriate, since The *Comprehensive Plan 2013-2030* provides that office uses in these areas is appropriate as long as impacts are mitigated.

The City's *Comprehensive Plan* places a high value on the City's residential neighborhoods. The reuse of the existing structure (which is a residential home) should limit any negative impact on the homes behind this property on Oakmont Circle. The space between the existing home and other homes will be maintained as a "backyard" rather than a parking lot, which will also limit impact on neighbors.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on December 3, 2019. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Best Choice Homes, LLC to amend the *Future Land Use Map (FLUM)* from Neighborhood Commercial to Community Commercial at 1001 Oakmont Circle.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Best Choice Homes, LLC to rezone the property at 1001 Oakmont Circle from R-1, Low Density Residential to B-3C, Community Business District (Conditional) with the following voluntarily submitted proffers:

The petitioner proffers that the following uses shall be **EXCLUDED** as defined by the zoning ordinance for approved land use:

- ~~Boat or marine craft dealer~~
- Parts, accessories, or tires
- Flea markets and thrift stores
- Grocery store, supermarket, or bakery, convenience store, specialty food stores
- Beer, wine and liquor store
- Pawn shops
- Precious metal buyers
- ~~Recreational goods rental~~
- Mobile food services
- Tattoo parlor
- Adult retail establishment
- ~~Rail passenger transportation~~
- ~~Local transit systems– bus, special needs, sightseeing, taxi and limousine services~~
- ~~Marine and sightseeing transportation~~
- Animal production
- Large scale retail establishments

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Best Choice Homes, Inc., Petitioner
Ms. Amy Seipp, Representative

VII. ATTACHMENTS

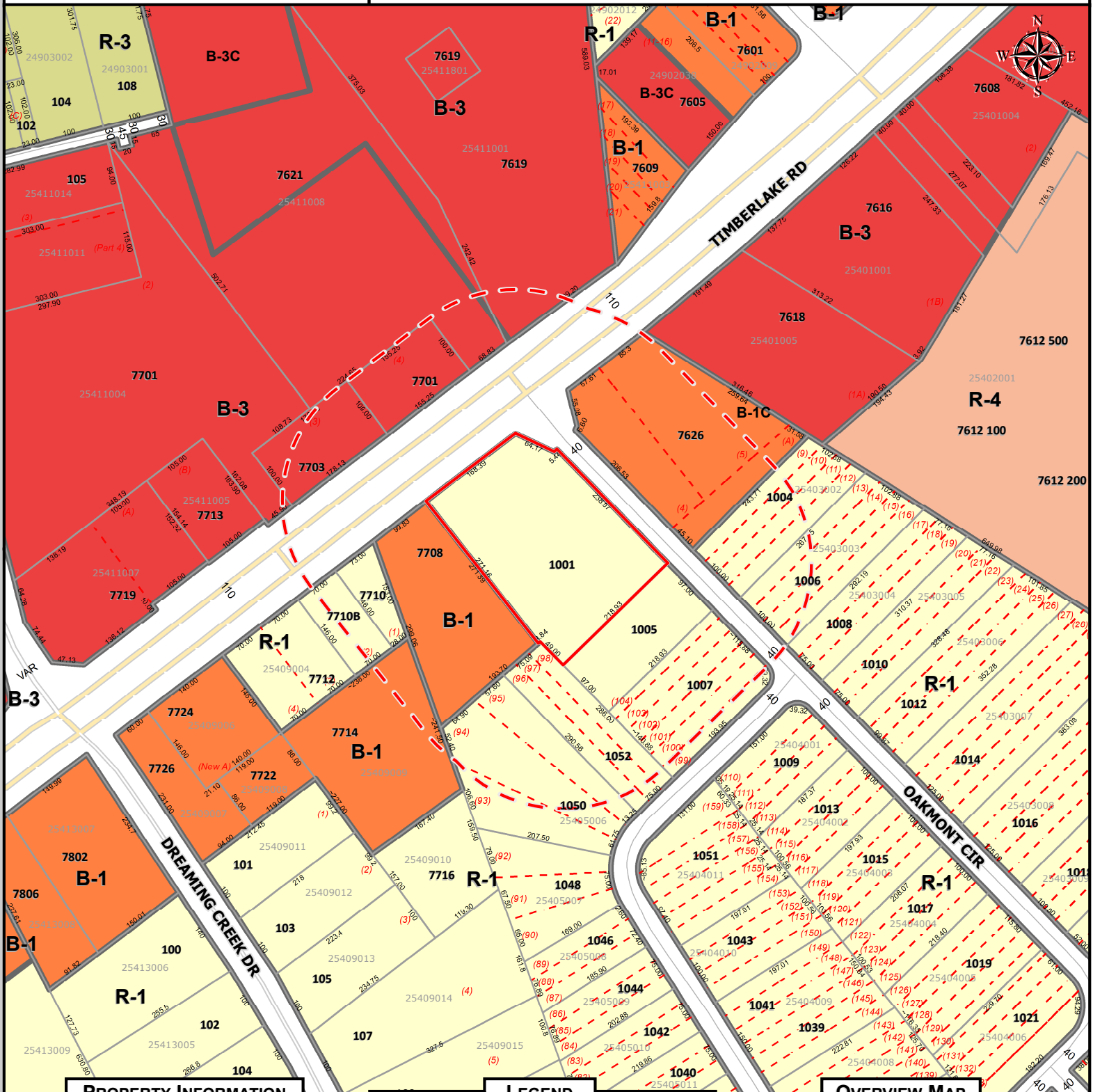
1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Property Photographs**

Zoning-TRC Map

1001 OAKMONT CIRCLE

TRC

Best Choice Homes Inc.



PROPERTY INFORMATION

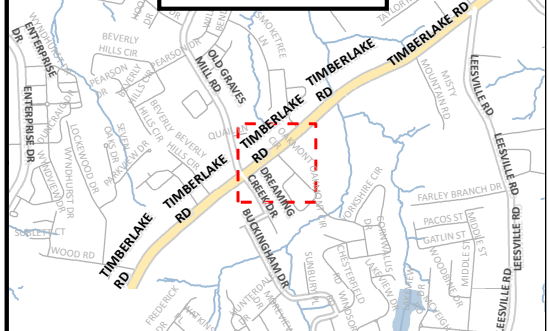
PARCEL ID **ADDRESS**
 25405002 1001 OAKMONT CIR

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 11/19/2019

OVERVIEW MAP



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

1001 Oakmont Circle

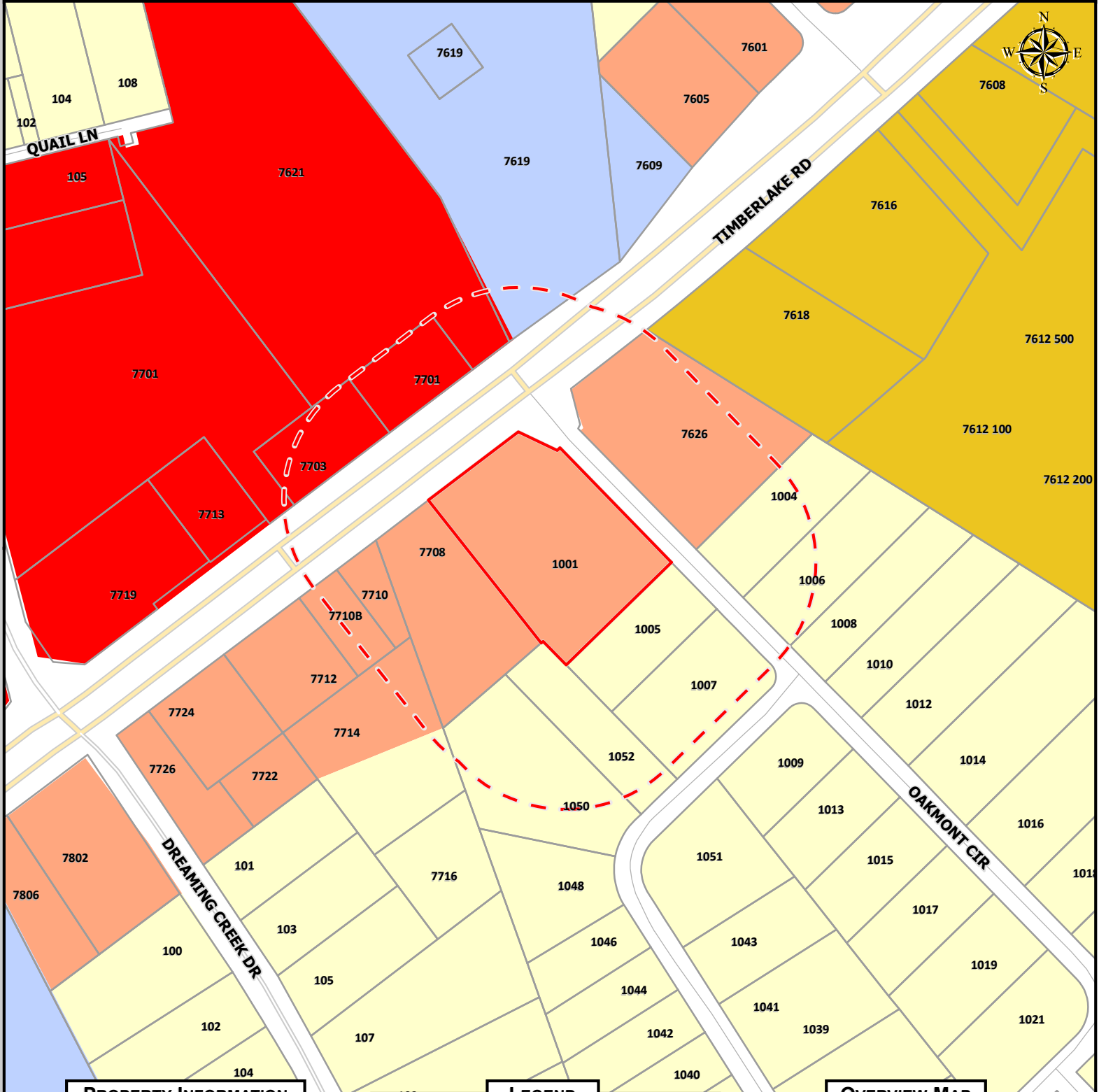
Parcel ID	Address	Owner
25411010	7701 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25405006	1050 OAKMONT CIR	LEWIS, DEFRAUNCE & DONNA D
25409002	7710 B TIMBERLAKE RD	JAMERSON REAL ESTATE INC
25405004	1007 OAKMONT CIR	ALVIS, ROBERT H III & MERLE T
25403002	1004 OAKMONT CIR	SHEFFIELD, BARBARA G
25409001	7710 TIMBERLAKE RD	JAMERSON REAL ESTATE INC
25405003	1005 OAKMONT CIR	CHILDRESS, CLAUDE D & PATRICIA
25411004	7701 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25405002	1001 OAKMONT CIR	BEST CHOICE HOMES INC
25405001	7708 TIMBERLAKE RD	ADAMS INVESTMENT PROPERTIES LLC
25411008	7621 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25403003	1006 OAKMONT CIR	MYERS, JOHN W & MARY K
25411001	7619 TIMBERLAKE RD	LYNCHBURG WESLEYAN CHURCH
25411009	7703 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25403001	7626 TIMBERLAKE RD	VEIN AND COSMETIC LLC
25405005	1052 OAKMONT CIR	OTT, DANIEL J & DANIELLE P
25409009	7714 TIMBERLAKE RD	JAMERSON REAL ESTATE INC

FLUM Map

TRC

1001 OAKMONT CIRCLE

Best Choice Homes Inc.



Watershed Map

TRC

1001 OAKMONT CIRCLE

Best Choice Homes Inc.



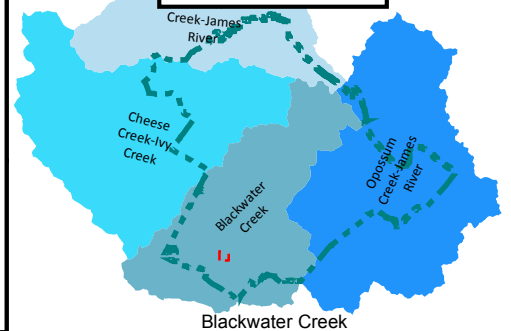
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25405002	1001 OAKMONT CIR

LEGEND

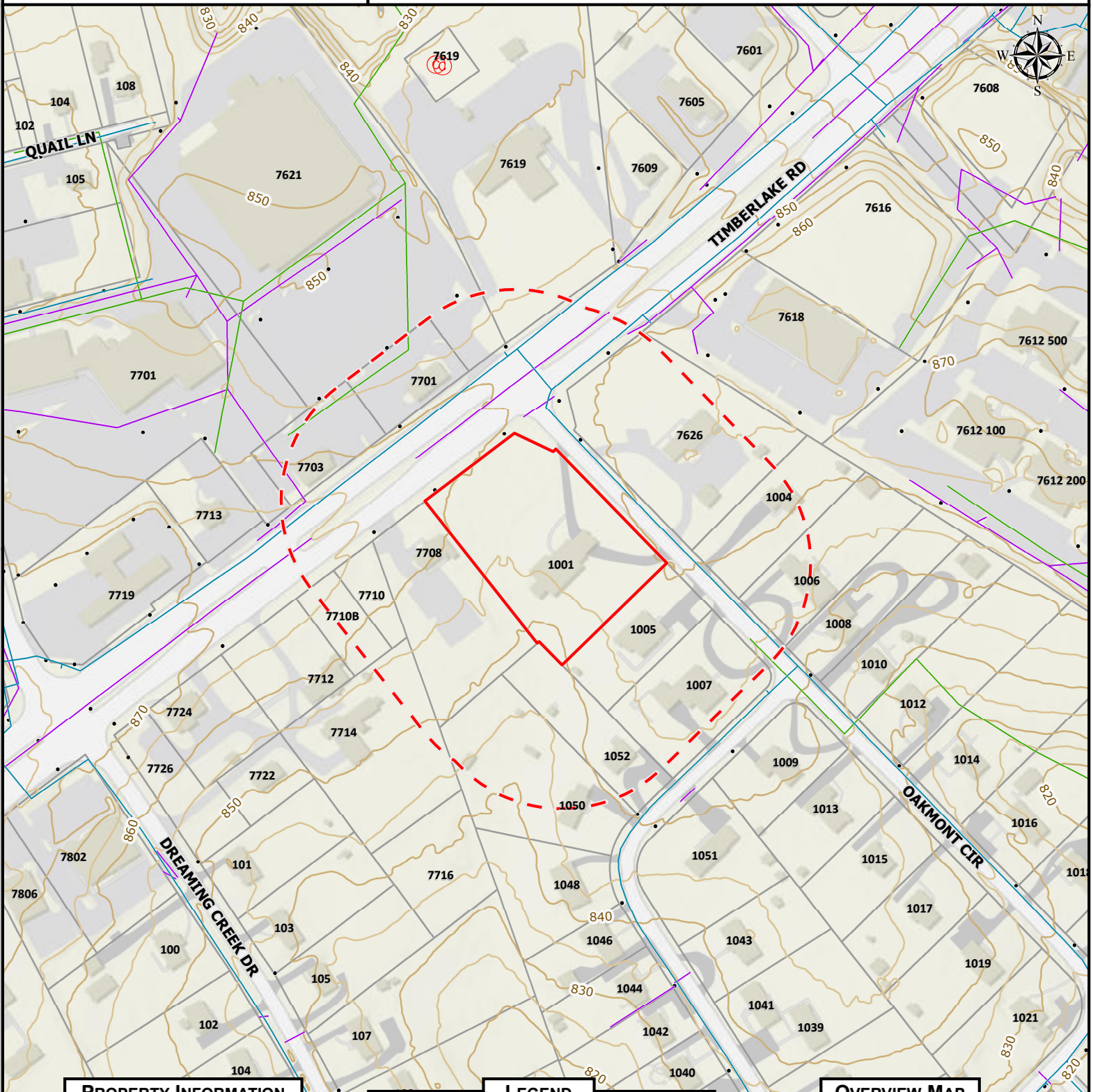
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 11/19/2019

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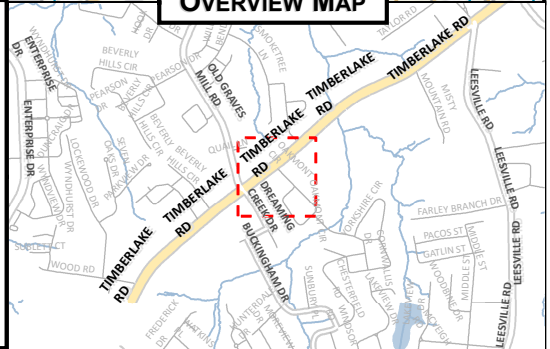
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25405002	1001 OAKMONT CIR

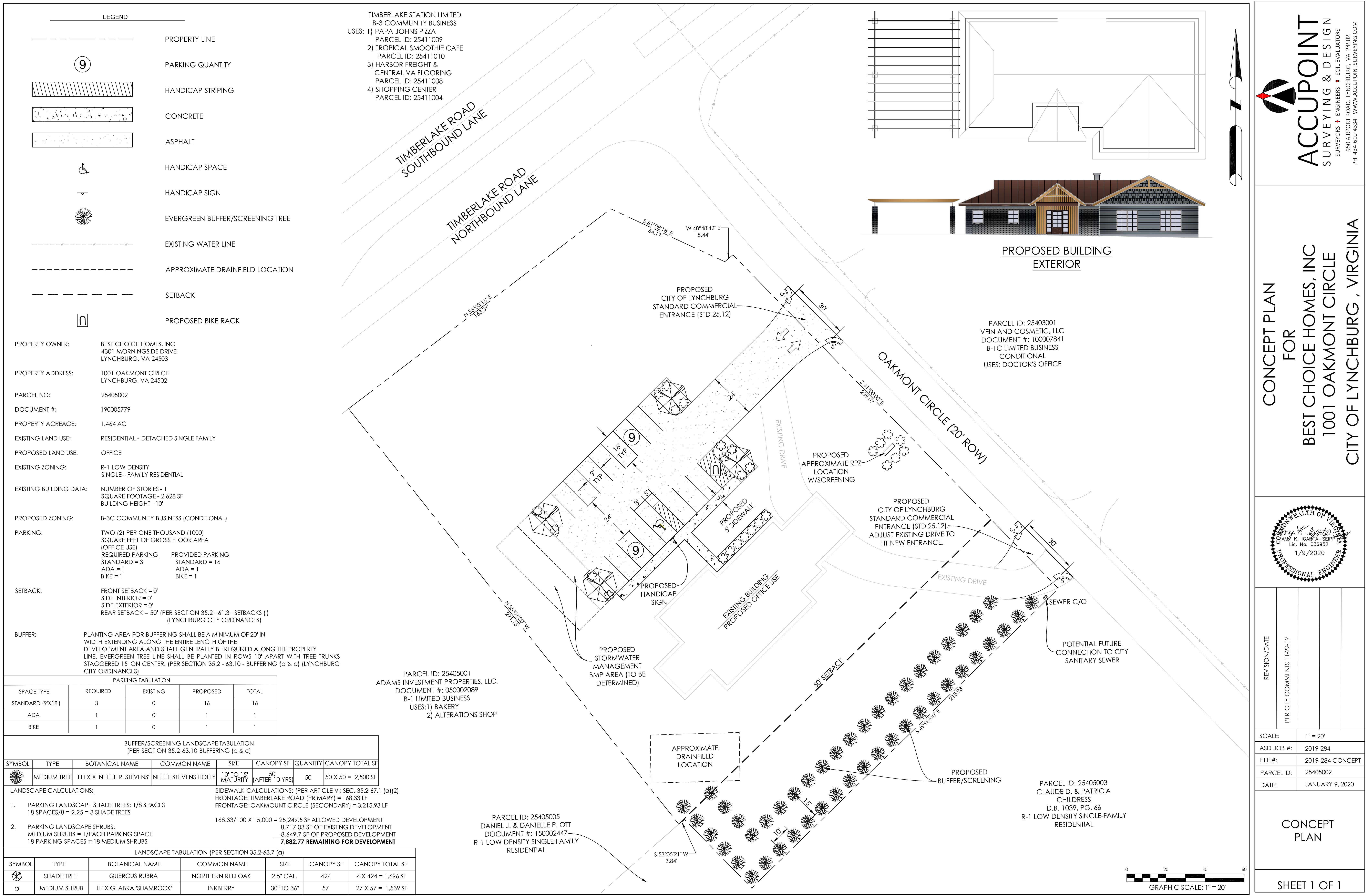
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 11/19/2019



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CONCEPT PLAN
FOR
BEST CHOICE HOMES, INC
1001 OAKMONT CIRCLE
CITY OF LYNCHBURG, VIRGINIA

REVISION/DATE	PER CITY COMMENTS	11-22-19		
SCALE:	1" = 20'			
ASD JOB #:	2019-284			
FILE #:	2019-284 CONCEPT			
PARCEL ID:	25405002			
DATE:	JANUARY 9, 2020			

CONCEPT
PLAN

SHEET 1 OF 1



**1001 Oakmont Circle
Rezoning R-1 to B-3C
January 8, 2019**

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Future Land Use Map (FLUM)* Amendment – Low Density Residential to Neighborhood Commercial Rezoning: R-1, Low Density Residential to B-1C, Limited Business District (Conditional) – 5010 Boonsboro Road

KEY ELEMENTS:

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

RECOMMENDATION: Denial of the *Future Land Use Map (FLUM)* amendment and rezoning to allow the construction of a bank building.

SUMMARY: FNB Property Corp. is petitioning to amend the *FLUM* from Low Density Residential to Neighborhood Commercial and rezone property at 5010 Boonsboro Road from R-1, Low Density Residential to B-1C, Limited Business District (Conditional). The purpose of the petition is to allow the construction of a bank with a drive-thru and associated parking. The existing single family home would be demolished.

The Planning Commission recommended denial of the *FLUM* amendment and rezoning, due to concerns including: 1) the ongoing reduction of available land for single household residential development; 2) the existing *FLUM* designation, which has been closely followed in the area, does not support the proposed use; and 3) the precedent approving such a use may expand the existing commercial areas along the corridor.

Since the Planning Commission meeting, the petitioner has reduced the area to be rezoned, from the original petition of five and three tenths (5.3) acres down to two and two hundredths (2.02) acres. The residue area would remain R-1, Low Density Residential.

PRIOR ACTION(S):

December 11, 2019: The Planning Division recommended denial of the *FLUM* amendment and rezoning petition.

The Planning Commission recommended denial of the *FLUM* amendment and rezoning petition. (7-0)

FISCAL IMPACT: The increase in real estate valuation will be determined after construction.

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

ATTACHMENT(S):

- Resolution
- Ordinance
- Planning Commission Minutes – December 11, 2019
- Planning Commission Packet – December 11, 2019
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Property Photograph
- Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-014

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 5010 BOONSBORO ROAD FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of FNB Property Corp., to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Neighborhood Commercial for a certain area located 5010 Boonsboro Road is hereby approved.

Adopted:

Certified: _____
Clerk of Council

020R

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 5010 BOONSBORO ROAD FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO B-1C, LIMITED BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.2-54. __. Change of a certain area located at 5010 Boonsboro Road from R-1, Low Density Residential District to B-1C, Limited Business District (Conditional).

The area embraced within the following boundaries:

ALL THAT TRACT OF LAND LYING AND BEING IN THE CITY OF LYNCHBURG, COMMONWEALTH OF VIRGINIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BOONSBORO ROAD (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES: SOUTH 70°36'41" WEST 107.97' TO A POINT; THENCE SOUTH 55°15'44" WEST 151.60' TO A POINT; THENCE SOUTH 63°36'22" WEST 220.79' TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 13°07'19" WEST 212.50' TO A POINT; THENCE NORTH 63°32'08" EAST 404.65' TO A POINT; THENCE SOUTH 33°26'11" EAST 200.00' TO THE POINT OF BEGINNING CONTAINING 2.024 ACRES

...is hereby changed from R-1, Low Density Residential District to B-1C, Limited Business District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner FNB Property Corp., to wit:

1. The site will be developed in substantial compliance with the conceptual site plan.
2. The following B-1 uses will be permissible: #2210 Banks and Credit Unions; 2221 Credit card and other financing; 2230-2250 Investment Banking; 2310 Real Estate Services; 2411-2414 Professional Offices; 2415 Consulting Services; 2416 Scientific Research and Development; 2419, 6810, 6820 Other professional offices; 2421 Office Administrative Services; 2430 Travel Arrangement & Reservation Services.
3. All other B-1 uses will not be allowed.

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

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE DECEMBER 11, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of FNB Property Corp. to amend the Future Land Use Map from Low Density Residential to Neighborhood Commercial and to rezone approximately five and thirty-one hundredth (5.31) 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.

Ms. Rachel Frischeisen, Planner II provided the following summary to the Commission. The property at 5010 Boonsboro Road has been zoned R-1, Low Density Residential, since the annexation of this area in 1978 and contains a single-family home. The City's Future Land Use Map (FLUM), which staff consult to guide zoning decisions, recommends the same use as the current zoning of low density residential. These areas are dominated by single-family detached housing at densities of up to four units per acre. Additional public, institutional, and recreational uses may be compatible as appropriate. The petitioner has requested to amend the Future Land Use Map (FLUM) from low density residential to neighborhood commercial and to rezone from R-1, Low Density Residential, to B-1C, Limited Business District (Conditional) to allow the construction of a bank building with drive-through and associated parking. Boonsboro Road has several pockets of neighborhood commercial throughout the corridor. These nodes of commercial uses are appropriate as they provide needed goods and services to the nearby neighborhoods. This means people don't have to travel far for everyday essential trips to grocery stores, small-scale retail, specialty shops, etc. However, planning staff is concerned with the expansion of these retail nodes and the precedent that approving this rezoning may set. The City's Comprehensive Plan places high value on the City's residential neighborhoods. The existing large low density residential property serves as a transition from the residential area to the existing commercial at Walgreens. While the proposed use would be in close proximity to other commercial uses, the zoning for these uses has been in place since 1978 with the exception of rezoning 4835 Boonsboro Road in 1987. The Planning Commission and Council have consistently followed the recommendations of the Comprehensive Plan in the Boonsboro Road area. Planning staff does not see a significant need to alter the Future Land Use Map Future Land Use Map (FLUM) and zoning. Given the guidance of the Comprehensive Plan regarding the preservation of existing neighborhoods, the Future Land Use Map (FLUM) recommendation of low density residential, and the potential to open the door for other commercial rezoning in the area, staff recommends denial of the petition.

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

Mr. Doyle Allen, of Hurt & Proffitt, addressed the Commission. He is representing First National Bank as well as Sam and Carolyn Hubbard. The property is currently owned by Samuel Hubbard and his sister Carolyn. They inherited the property from their parents who built the house in the 1950s. It was there prior to annexation. It is currently one house that fronts onto 501 Business. There are five and three tenths (5.3) acres associated with it. The current house has been vacant for about twelve (12) years. First National Bank is a local, community bank and they have been looking for a site for a branch bank in the Boonsboro Road area for a number of years. They are a community, neighborhood type business. They are a good fit for that neighborhood. They are the type of business that should be in a walkable area and that directly serves the immediate neighborhood. That is their business plan for that branch location. They have looked at a number of locations in that proximity and their first preference would be an existing branch bank that has gone out of business for some reason or another. There are none available nor are there a lot of sites that they could build on. The desirability of this site is that it is close to the existing neighborhood businesses, it is at a stoplight as seen on the concept plan (it was clarified later in the meeting that there is no traffic light at this location), it is oriented so that the drive-through is in the rear, which is a requirement for this area, and the parking is located to the side rather than in the front of the building. The conceptual plan, as presented, is approvable without any types of variances or special exceptions being needed. One and six tenths (1.6) acres of the total five and three tenths (5.3)

acres will be disturbed. Three and seven tenths (3.7) acres will remain wooded and as is. A neighborhood meeting was held last night and one (1) resident showed up. His name is Graham Evans and he lives on Royal Oak. His lot backs up to this site and once he saw the proposal, he was very much in favor of it. He is not currently present and work may have kept him from attending the Planning Commission meeting but he was encouraged to attend. He stated that he was in favor of the petition. The other neighbors have also been reached out to. There is a neighbor who owns three (3) lots that back up to the property and then there's one (1) other occupied house. Preserving the three and seven tenths (3.7) acres will be very beneficial to the neighbors in general and especially the neighbors on Royal Oak Drive. The neighbor on the South side is Walgreens, a current business. There are businesses across the street, including a branch bank. There are also apartments in there as well. He does not buy the argument that this is going to open "Pandora's box" for rezoning because this is basically a business site that is presently zoned incorrectly. It is one (1) house on a large tract of land fronting on the road that is surrounded by businesses on all but one side. If you look at the terrain of the site, going to the North there is a natural ravine that adjoins the lots that back up from Royal Oak Circle. The ravine provides a natural topographic barrier to any zoning. Royal Oak Circle itself and the lots that front on Royal Oak Circle also provide a natural break and are already developed. For those reasons, this will not open "Pandora's box" for rezoning. The R-1 development potential for this property, based on the terrain, topography, and elevation change of seventy (70) feet, which is about seven (7) stories of elevation change, would be about four (4) or five (5) lots. All of these lots would need to front Boonsboro road and would need to be set within forty (40) feet of Boonsboro Road. The entire five (5) acres would also need to be disturbed to get the material to move it up to build a frontage up to where a house could be built on it. The business use is a more natural use for this piece of property. The Planning Division has recommended denial based on the Comprehensive Plan but at least seventy five (75) percent of the rezoning petitions that come before the Planning Commission have to change the Comprehensive Plan so that should not be an obstacle or cause to deny the rezoning.

Chair Rogers asked if there was anyone present who wished to speak in favor of the petition.

Mr. William "Billy" Flint addressed the Commission. His firm is the listing firm on the property at 5010 Boonsboro Road. He received an email late in the afternoon from Mr. Evans, the neighbor who attended the neighborhood meeting and who owns an adjoining property on Royal Oak Circle. The email says, "Billy and Jane, thank you for your time last night. I will not be able to attend the meeting this afternoon but I, as a neighbor, have no problem with the proposed project that was presented last night. Thank you, Graham Evans."

Mr. Al Sears addressed the Commission. He is a facilities manager for First National Bank. They have been looking for a place over in this area for a number of years. First National Bank is a community bank that gives back and has set up a foundation that donates to charities in the localities that they operate in. All of the bank's buildings are maintained in a very professional manner. This bank would look similar to the one on Old Forest Road but would be smaller. All facilities are landscaped and kept up to date. First National Bank is always looking to be a good neighbor and looking for more growth in the Lynchburg area.

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

Ms. Ellwyn Andrusky addressed the Commission. Her property is to the left of 5010 Boonsboro Road and will be the most impacted by this rezoning. Her address is 2116 Royal Oak Circle. This matter of rezoning is a serious matter. She opposes the B-1C rezoning and will not back down. She requests that it remain R-1 since the Future Land Use Map (FLUM) shows that is what the City has in mind as well. A realtor and a banker have a whim that a bank should be built there. It is nothing but a covert, commercial land grab by the two (2) of them. The B-1C designation in this case tells the story. The bank is looking to be sold out to a larger bank, which leaves the entire property, five (5) plus acres, as B-1C,

which will never again revert to R-1. The uses of possible businesses are ones that presently exist along Boonsboro Road. A number of the types of businesses they suggest could just as easily be done out of the trunk of their car using an adding machine and briefcase. A better use of the land is for it to remain R-1, add in several attractive homes, and keep the home that already exists. That is what has been done at Oakwood Country Club and further up Boonsboro Road at Cottage Hill, to good effect and substantial financial gain. Further, there is a vacant bank in Big Island and at the corner of Memorial Avenue and Wadsworth Street next to McDonalds, but this may not be in the financial zip code that First National Bank would prefer. There is also a pad of space in the Boonsboro shopping center where Wells Fargo has an ATM. That pad would put a new bank squarely in a commercial zone with parking already provided. A bank next to her property will bring down her property's value if she ever decides to sell. She is against this rezoning.

Mr. Maynard Jones addressed the Commission. He lives at 5320 Inglewood Road in Lynchburg, about a mile from 5010 Boonsboro Road. He represents, and is a member of, the Boonsboro Peakland Neighborhood Association. They support the Planning Division's recommendation of denial of this petition. The Planning report was done well and includes points based on fact and based on the general plan. The general plan said the property should be residential and that's what the Planning Division recommends. Back in the late 1980s and the early 1990s, this area was studied by the Planning Division, Planning Commission, and Council. They realized that the 501 Boonsboro corridor was the only scenic corridor going into the City. Part of the plan was to address this and to keep the zoning residential to keep commercial out of that area. What the plan finally recommended was to concentrate commercial at the Coffee Road and Boonsboro Road intersection, the Boonsboro shopping center, and the Village Court shopping center. This plan has lasted about thirty (30) years and has been supported by the City. The Neighborhood Association is asking that the City continue to support this precedent and not allow commercial intrusion into the neighborhood. From the Wells Fargo Bank to the Bank of the James is a mile and two tenths and there are four (4) banks and an ATM drive up kiosk in the area. There is also a bank building that was repurposed for a realtors' office. He hasn't done any market research but it would seem there are enough banks in the area at this time.

Commissioner Light asked Mr. Jones if he was previously on the Planning Commission.

Mr. Jones responded that he was a member of the Planning Commission when the plan for the Boonsboro area was done.

Commissioner Light noted that he read Mr. Jones' letter to the editor a few weeks ago and thought that he recalled that Mr. Jones had been a member of the Commission.

Mr. Jones responded that he was a member of the Commission for seven (7) years in the late 1980s and early 1990s.

Mr. Rick Klein addressed the Commission. He noted that he doesn't have a "dog in this fight" other than the fact that he has lived in Boonsboro for the last forty (40) years and has raised his children there. He has come to realize what a beautiful, unique place it is and is so proud when people come to visit. The reason that Boonsboro has stayed the way that it is is because there is a plan. If spot-zoning starts, the zoning will not revert. Due diligence has been done by Mr. Jones and many other people over the years to make sure Boonsboro stays the way it is and so people can be proud of the way it looks. Another important topic is the traffic on Boonsboro Road. People might sit waiting for a while at an intersection and particularly if that is the intersection with Walgreens and Moore's. It is contentious and there have been a lot of accidents. The western facing road is almost blinding for much of the day right in the area where the bank is proposed. There are some buildable lots between there and Royal Oak that could potentially fall to sprawl. He works in the pharmaceutical business for almost forty (40) years and he has the privilege of dealing with a lot of the people moving to town in the medical world, which includes doctors. To have a Boonsboro for them to come and fall in love with, many times is the tipping

point between whether their families decide to be here or Richmond or Raleigh or Charlottesville or somewhere else. Boonsboro is a treasure and should be preserved.

Commissioner Light noted that Mr. Klein said he lives in the Boonsboro area. He asked how close his property is to 5010 Boonsboro Road.

Mr. Klein responded that he is not an adjoining property but is across from the James River Day School. When he first moved to town, he rented the house right next to Starbucks for quite a while. He has been in the neighborhood for quite a while and his kids have grown up right there.

Chair Rogers asked if there was anyone else present who wished to speak in opposition of the petition. When no one came forward, he invited Mr. Allen to come forward and address the comments.

Mr. Allen addressed the Commission. To address the traffic concern, he reiterated that the property is at a signalized intersection. The signal will operate to allow traffic in and out of this location. That is the best situation you can hope for.

Chair Rogers asked Mr. Allen which intersection he was referencing because he did not recall there being a signal at the Burnt Bridge Road and Boonsboro Road intersection.

Mr. Allen responded that he was referencing the intersection of Burnt Bridge Road and business 501.

Chair Rogers noted that Mr. Allen had mentioned that before but there is no signal there. It is a free intersection.

Mr. Allen responded that he stands corrected but banks are not big creators of traffic. Their traffic is not created around peak time and as part of the plan, a right turn taper and right turn lane would be created if needed. As to this opening "Pandora's box" for rezoning, that is not the case. This is one piece of property, adjoining on two (2) sides the zoning that is proposed. It is simply another neighborhood business. This property is not desirable for residential purposes. The houses would be forty (40) feet off of the road with lights coming off of Burnt Bridge Road shining in the windows.

Mr. Flint addressed the Commission. The people who have spoken are fine, intelligent people. By right, with the creation of a City street, there is a very good chance that eleven (11) single-family residences could potentially go on this site. He lives, works, and plays in Boonsboro and if he didn't "have a horse in this race" he would not be in opposition to this usage. Hurt & Proffitt was wise to put the ingress/egress right across from Burnt Bridge Road. The house hasn't been occupied in a very long time. There are six (6) occupied single-family houses facing 501. That is not a lot of residential despite what the zoning is. There will someday be a traffic signal at the top of Burnt Bridge Road because, even without adding much business in Boonsboro in recent decades, the traffic numbers have increased dramatically. He lives on Hurdle Hill Road, two (2) miles from the property, and a property sold about three (3) months ago to an LLC. The neighbors next to the property that sold are a retired Lynchburg police officer and his wife and they reached out to him worried that their property value would drop. His response was that group homes are allowed in R-1 districts and there's nothing to be done about it. This is not scare tactics but information about what could be developed on that property. Group homes or single-family residences with barking dogs and spotlights could be developed instead of a bank, which is a nine (9) to five (5) business. Banks are good neighbors.

Chair Rogers closed the public hearing for discussion amongst the Commission.

Chair Rogers stated that the property seems to have a natural boundary between the residential area and commercial area because of the creeks and ravine. The use seems more limited. It may not be possible to build in a ravine like that. He then asked what other opportunities there are in a space like

this, how they make sense in the Future Land Use Map (FLUM), and if this piece of land should be locked up.

Mr. Tom Martin responded that it is quite simple. This area has been recommended for low-density residential uses since it was annexed into the City. There is no compelling reason to change it other than the applicant wants to build a bank and to expand a commercial use on it. He just gave a presentation to Council about their concerns with the lack of single-family homes being built in the City. The City has three thousand (3,000) acres left of vacant R-1 and R-2 land, which is not a lot. If the Commission wants to maintain the possibility to construct single-family residences then the single-family land needs to stop being rezoned. This area was looked at in the late 1980s and there were commercial nodes put in place for a reason. Royal Oak Circle might be a natural stopping point going to the West but what about the East? Maybe there is some other land fronting on Boonsboro Road. Again, this is probably one of the only areas of the City that there has been very conscious efforts made to maintain the land use plan. Staff would rather err on the side of the plan than on the side of speculative commercial development.

Commissioner Lowe stated that he and his wife came back to Lynchburg around 1995. He also grew up in Lynchburg and is very familiar with the area. He used to ride his bicycle on Boonsboro Road when it was safe to do so. There is a piece of property across the road from the James River Day School that caused uproar when discussions about putting in a commercial development came up. It was a big to-do and was denied. There needs to be consistency with that decision in this area. There is a limited amount of land for R-1 and the reason the commercial proposal was denied back then was because the property could be used for houses or other non-commercial developments. Twenty five (25) or twenty four (24) years ago the City said "no" and now the decision needs to be consistent especially since this new petition is only a quarter mile away.

Chair Rogers stated that he remembers that and it was very contentious.

Commissioner Perault stated that the key distinction here is that this property is starting out as R-1 but the previous petition, heard at this meeting, started out as R-4. That is a much less dramatic change than what is proposed for this property. He is curious about the proffers. They list a lot of other uses and there are no restrictions on the rest of the property down the road.

Ms. Frischeisen responded that the concept plan was proffered and so any major deviation in the footprint of the building or the parking would require rezoning.

Commissioner Light noted that there are other possible uses but they are limited.

Chair Rogers asked if the undisturbed land was proffered as well.

Ms. Frischeisen responded that it doesn't explicitly say that on the concept plan but there also isn't any development shown on the plan so they wouldn't be able to build in it. They could still log it or clear it though that may not be feasible.

Chair Rogers noted that this piece of land might be hard to use and that what the Commission thinks is the best use for the community might not be the best use.

Commissioner Johnson stated that knowing there is an extreme shortage of R-1 property to build on, and experiencing it all the time she is more inclined to follow what has always been protected in Boonsboro, to follow the Future Land Use Map, and to maintain the R-1 zoning. Eleven (11) new R-1 building places would be appealing.

Chair Rogers clarified his previous statement. While it might seem that a bank is the best use, it might be the best for tax purposes, it might not be the best in that area. It is uncertain if anyone will go

in and build eleven (11) houses but maybe that isn't desirable either. Maybe four (4) houses fronting in some way would be better.

Commissioner Marion stated that she has been torn by this petition. A bank is a pretty good transition building. It is a community use and is not a big shopping center. It is a relatively low traffic kind of operation. This bank being centered in the middle of five (5) acres of land won't negatively affect the property owners on Royal Oak Circle. This petition could contribute to commercial creep. The City has the plan and the spaces that are to be used for commercial uses and this is not one of them even though there is a bank right across the street. The proximity of the other bank is one of the reasons she is torn. She would err on the side of the plan as well though. Council may make a different determination.

Commissioner Perault stated that the two (2) biggest complaints from the public are traffic and loss of R-1. He applauds Council and Planning for addressing this issue. If Council supports denial of the petition, he will be using this as an example whenever R-1 requests come up elsewhere in the City. He plans on voting in support of denial of the petition.

Mr. Allen asked the Commission to table the petition. He would like to explain the petition more fully to Ms. Andrusky and get her support. There is also some confusion on the undisturbed area. The intention is that the undisturbed area will remain the same under any business owner.

Commissioner Light asked for guidance from Mr. Martin on how to proceed.

Mr. Martin responded that it is up to the Commission whether or not they would like to table the petition. It seemed like the Commission was almost ready to take a vote. The submitted proffers say in "substantial compliance with the conceptual site plan". In general, the area around the bank would not be developed. They could still come in and clear trees and those types of things. They could submit a proffer today that says they will leave that area undisturbed. That still does not change that it goes against the Comprehensive Plan and the Future Land Use Map (FLUM). There is only one (1) house on the five (5) acres but that is desirable land for potential buyers in Lynchburg. For him, it still comes down to the Future Land Use Map (FLUM) and if the City is serious about protecting single-family neighborhoods. In the past year, that has sometimes been debatable with past actions. The Commission has the choice to table it, see if they'd like to submit another proffer, or continue on.

Chair Rogers stated that the bigger question is if the Commission will go against the Future Land Use Map (FLUM). Tabling the petition will not change that factor.

Commissioner Lowe stated that his concern is if the Commission approves this there will be no consistency with past decisions. That is the next logical argument for developers now and in the future. It will also add to the commercial development of the north side of Boonsboro and detract from the scenic entry to the City. There is only one (1) scenic entry into the City.

Commissioner Light stated that as much as he'd like to accommodate Mr. Allen in his request for the Commission to table the petition, tabling won't change anything from the perspective of what has been discussed about the current R-1 status. Mr. Allen might be able to work something out in terms of opposition and other issues between now and when the petition goes to City Council. The Commission's decision though will not change if the petition is tabled and returns to Commission in January. He then stated that he has the highest respect for Mr. Allen and Mr. Allen always does a professional job. He would not support a motion to table the petition and is ready to vote.

Commissioner Lowe shared his agreement and stated that it should be resolved this evening.

Chair Rogers stated that even if a proffer were submitted to preserve the green space, it would not change the way he leans regarding the petition. City Council may vote on the petition differently but for

the Commission it is important to follow the plan. There is an issue of creep as well and consistency with past decisions.

Commissioner Marion made the following motions, seconded by Commissioner Bowden, and passed by the following vote:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the petition of FNB Properties to amend the Future Land Use Map (FLUM) from Low Density Residential to Neighborhood Commercial at 5010 Boonsboro Road.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the petition of FNB Properties to rezone the property at 5010 Boonsboro Road from R-1, Low Density Residential to B-1C, Limited Business District (Conditional) with the following voluntarily submitted proffers:

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. The following B-1 uses will be permissible: #2210 Banks and Credit Unions; 2221 Credit card and other financing; 2230-2250 Investment Banking; 2310 Real Estate Services; 2411-2414 Professional Offices; 2415 Consulting Services; 2416 Scientific Research and Development; 2419, 6810, 6820 Other professional offices; 2421 Office Administrative Services; 2430 Travel Arrangement & Reservation Services.**
- 3. All other B-1 uses will not be allowed.”**

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

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

To: Planning Commission
From: Planning Division
Date: December 11, 2019
Re: *Future Land Use Map Amendment* – Low Density Residential to Neighborhood Commercial
Rezoning – R-1, Low Density Residential to B-1C, Limited Business District (Conditional)
5010 Boonsboro Road – First National Bank

I. PETITIONER

FNB Property Corp. P. O. Box 29, AltaVista, Virginia 24517

Representative: Mr. Doyle Allen, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24502

Property Owner:

Samuel M. Hubbard, Jr & Carolyn Hubbard Pettyjohn, 5059 Boonsboro Road, Lynchburg, Virginia 24503

II. LOCATION

The subject Property is a tract of approximately five and three tenths (5.3) acres located at 5010 Boonsboro Road.

III. PURPOSE

The purpose of the petition is to amend the *Future Land Use Map* from Low Density Residential to Neighborhood Commercial and rezone from R-1, Low Density Residential to B-1C, Limited Business District (Conditional) to allow the construction of a bank building with drive-thru and associated parking.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030* recommends a Low Density Residential Use for the property.
- The property is currently zoned R-1, Low Density Residential.
- The property consists of approximately five and three tenths (5.3) acres and contains a one story house with basement constructed in 1951.
- The property is at a commercial node consisting of a major shopping center, office use and pharmacy.

The Planning Division recommends denial of the *Future Land Use Map Amendment* and rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a "Low Density Residential" use for the property. Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the Future Land Use Map. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation

uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas.

2. **Zoning.** The subject property was annexed into the City in 1976 from Bedford County. The existing R-1, Low Density Residential was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On September 8, 1981 City Council approved the Conditional Use Permit (CUP) petition of D. L. Benning to operate a game room at 4925 Boonsboro Road.
 - On May 8, 1984, City Council approved the Conditional Use Permit (CUP) petition of Carriage Associates at 5051 Boonsboro Road to allow the construction of a Planned Unit Development (PUD) (Carriage Square).
 - On April 12, 1987, City Council approved the petition of James B. Forehand, Jr. to rezone 4835 Boonsboro Road from R-4, Multi-Family Residential to B-1C, Limited Business District (Conditional) to allow the construction of a professional office building.
 - On September 12, 1989, City Council adopted the “Northwest Expressway Land Use Study”, which amended the zoning along the corridor and extended the Scenic Corridor overlay district to include Boonsboro Road.
 - On June 12, 1990, City Council approved the Conditional Use Permit (CUP) petition of Dr. Samuel Baum and Dr. Albert Henry to operate a veterinary hospital at 5006 Boonsboro Road. (This is the current site of Walgreens Pharmacy)
 - On June 6, 1998, City Council denied the Conditional Use Permit (CUP) petition of Manorhouse Retirement Centers to construct an assisted living retirement center at 5040 Boonsboro Road.
 - On September 11, 2007, City Council denied the Future Land Use Map amendment, Rezoning and Conditional Use Permit (CUP) request of McKenna Farms, LLC to allow the construction of an office park at 5040 Boonsboro Road.
 - On September 13, 2016, City Council approved the Conditional Use Permit (CUP) request of James River Day School to allow the construction of a building addition and athletic fields at 5039 Boonsboro Road and 110 Bon Ton Circle. (There have been several CUP’s approved for James River Day School starting on March 10, 1987.)
5. **Site Description.** The subject property consists of approximately five and three tenths (5.3) acres located at 5010 Boonsboro Road. The subject property contains approximately five hundred and seventy-five (575) feet of frontage on Boonsboro Road. The property slopes to the north / northwest towards tributaries of Judith Creek. The property contains a single story house with basement constructed in 1951.

6. **Proposed Use of Property.** If the rezoning petition is approved, the existing dwelling would be demolished and a four thousand five hundred square foot bank with drive thru facilities and associated parking would be constructed

7. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the proposed use.

The submitted concept plan indicates a full access ingress / egress point across from Burnt Bridge Road. As recommended by the City Engineer, the submitted concept plan indicates a fifty (50) foot right turn taper into the proposed entrance. The submitted concept plan indicates a six (6) foot sidewalk across the property frontage as would be required by the City's *Zoning Ordinance*.

Parking spaces indicated on the concept plan exceeds that which would be required by the *Zoning Ordinance*.

The property is not served by the Greater Lynchburg Transit Company (GLTC).

8. **Stormwater Management.** A stormwater management / water quality plan would be required prior to final site plan approval. The submitted concept plan indicates stormwater quantity to be addressed by the use of a stormwater management facility on the eastern side of the proposed development and above a tributary to Judith Creek. Stormwater quality is proposed to be addressed by the purchase of off-site nutrient credits.

9. **Emergency Services:** The City's Police and Fire Departments had no comments of concern regarding the proposed use.

10. **Impact.** The original submittal of the concept plan did not meet the *Zoning Ordinance* development standards for a B-1, Limited Business District. After the City Technical Review Committee (TRC) meeting the concept plan was redesigned indicating the proposed drive thru to the rear and parking to the sides of the proposed building. While the proposed use would be in close proximity to other commercial uses, the zoning for these uses have been in place since 1978. With the exception of rezoning 4835 Boonsboro Road in 1987, the Planning Commission and Council have consistently followed the recommendations of the *Comprehensive Plan* in the Boonsboro Road area.

The City's *Comprehensive Plan* places a high value on the City's residential neighborhoods. While the Royal Oak Subdivision to the west of the proposed development could serve as a natural break of commercial development, this large lot low density zoned property could also serve to ease the transition to residential from commercial. City Council has expressed interest in maintaining single-household development and will hear a presentation from staff on December 10, 2019 concerning the state of R-1, Low Density and R-2, Low-Medium Density Residential Development in the City. Planning staff does not see any significant need to amend the *Future Land Use Map (FLUM)* or to rezone the property to allow a commercial bank.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on November 19, 2019. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the petition of FNB Properties to amend the *Future Land Use Map (FLUM)* from Low Density Residential to Neighborhood Commercial at 5010 Boonsboro Road.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the petition of FNB Properties to rezone the property at 5010 Boonsboro Road from R-1, Low Density Residential to B-1C, Limited Business District (Conditional) with the following voluntarily submitted proffers:

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. The following B-1 uses will be permissible: #2210 Banks and Credit Unions; 2221 Credit card and other financing; 2230-2250 Investment Banking; 2310 Real Estate Services; 2411-2414 Professional Offices; 2415 Consulting Services; 2416 Scientific Research and Development; 2419, 6810, 6820 Other professional offices; 2421 Office Administrative Services; 2430 Travel Arrangement & Reservation Services.**
- 3. All other B-1 uses will not be allowed.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
FNB Property Group, Petitioner
Mr. Samuel Hubbard & Ms. Carolyn Hubbard, Property Owners
Mr. Doyle Allen, Representative

VII. ATTACHMENTS

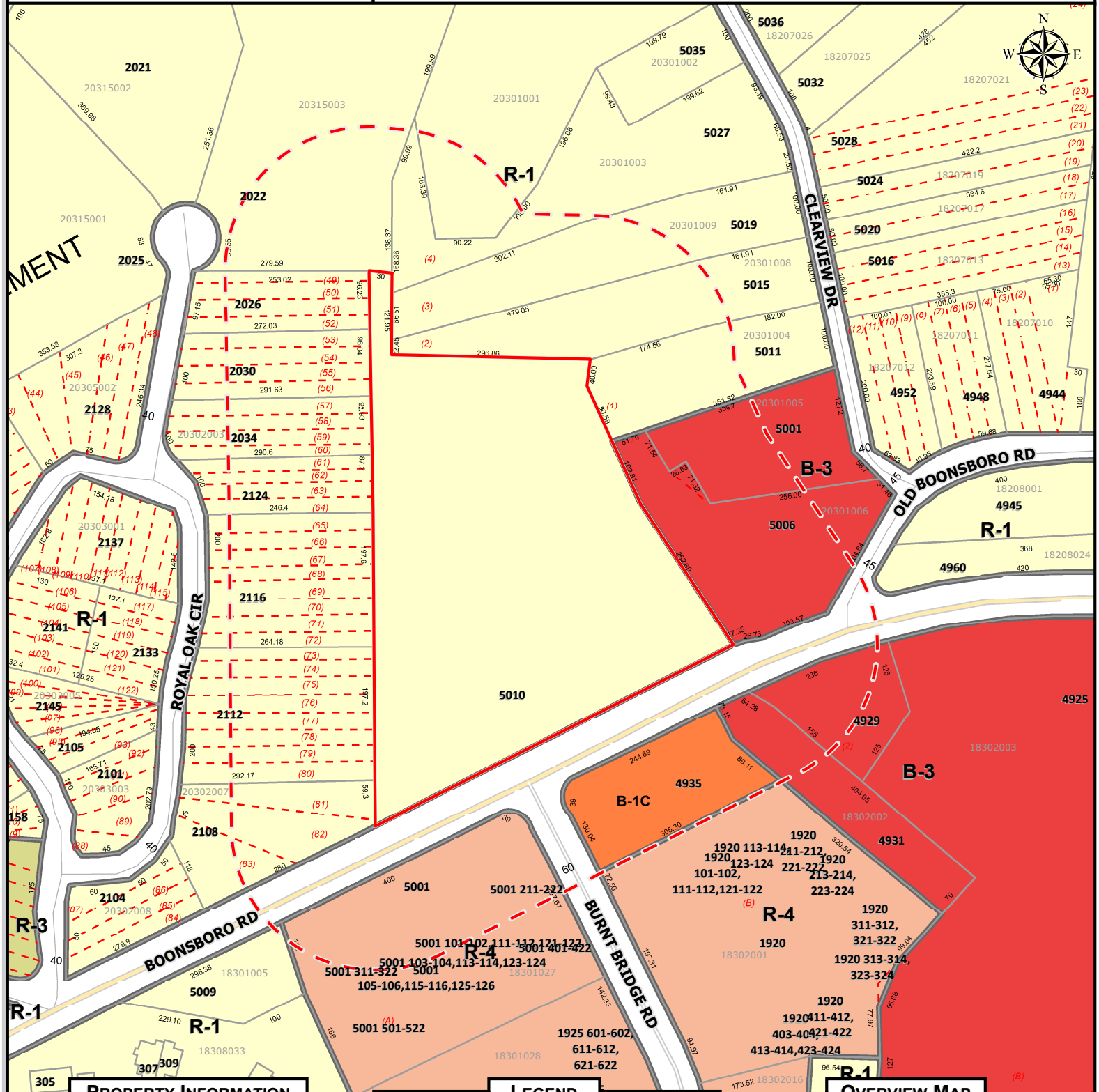
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Property Photographs**

Zoning-TRC Map

TRC

5010 BOONSBORO ROAD

FNB Property Corp.



PROPERTY INFORMATION

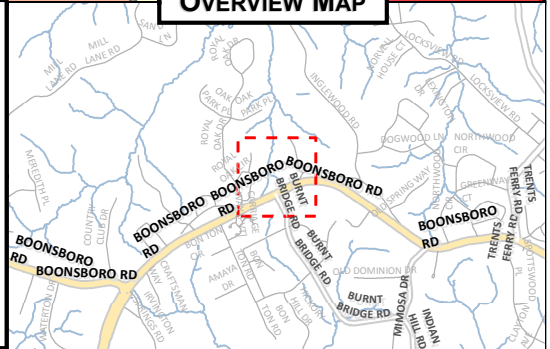
PARCEL ID	ADDRESS
20301007	5010 BOONSBORO RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 10/8/2019

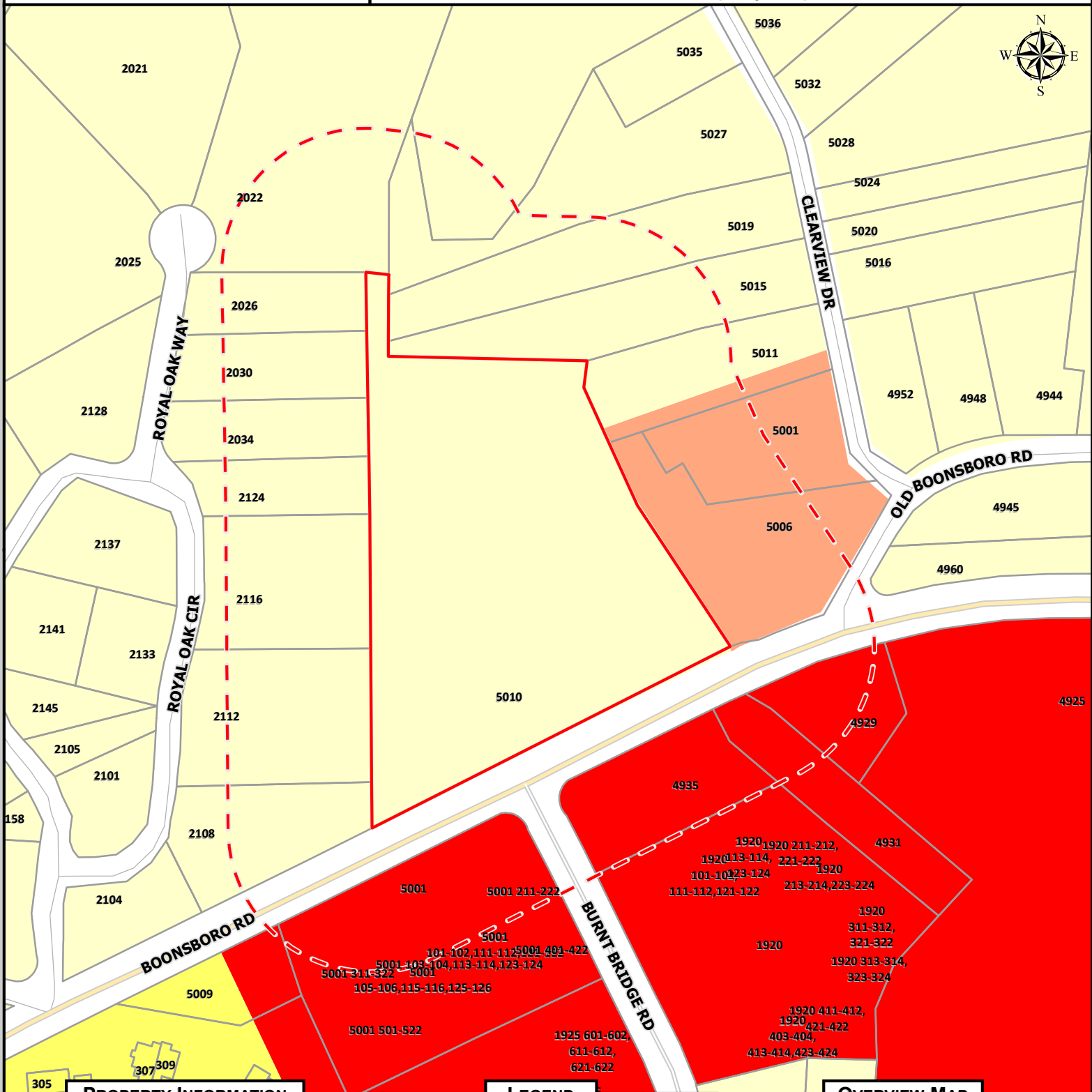
OVERVIEW MAP



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5010 Boonsboro Road

Parcel ID	Address	Owner
20302001	2026 ROYAL OAK WAY	ANDERSON, WILLIAM A
20302005	2116 ROYAL OAK CIR	ANDRUSKY, ELLWYN J
20302007	2108 ROYAL OAK CIR	ANDRUSKY, ELLWYN J
20302006	2112 ROYAL OAK CIR	ANDRUSKY, ELLWYN J
18302002	4931 BOONSBORO RD	AVR LLC
20302004	2124 ROYAL OAK CIR	BARUTI, MWAMVUA F
20301005	5001 CLEARVIEW DR	C & P TELEPHONE C/O ENGIE INSIGHT MS 3699
20302003	2034 ROYAL OAK WAY	EVANS, GRAHAM P
18302001	1920 BURNT BRIDGE RD	FOREHAND FAMILY LIMITED PARTNERSHIP
18302015	4935 BOONSBORO RD	FOREHAND FAMILY LIMITED PARTNERSHIP
18301027	5001 BOONSBORO RD	FOREHAND FAMILY LIMITED PARTNERSHIP
18301005	5009 BOONSBORO RD	FOREHAND, JAMES B JR
20301006	5006 BOONSBORO RD	GAC LYNCHBURG VA LLC
20301007	5010 BOONSBORO RD	HUBBARD, SAMUEL M JR &
18302013	4929 BOONSBORO RD	J B FOREHAND & CO INC
20315003	2022 ROYAL OAK WAY	KIRK, JOSHUA & REBECCA
20302002	2030 ROYAL OAK WAY	MASON, HAROLD W & BETTY C
20301009	5019 CLEARVIEW DR	MUHORU, WANJEMA
20301008	5015 CLEARVIEW DR	MUHORU, WANJEMA
20301004	5011 CLEARVIEW DR	MUHORU, WANJEMA
20301001	5042 CLEARVIEW DR	WILSON, JOHN R & EUGENIA D
20301003	5027 CLEARVIEW DR	WILSON, JOHN R & EUGENIA D



PROPERTY INFORMATION

PARCEL ID

ADDRESS

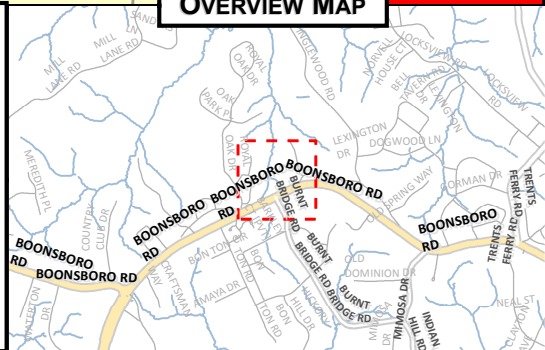
20301007 5010 BOONSBORO RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 10/8/2019

OVERVIEW MAP



Watershed Map

5010 BOONSBORO ROAD

TRC

FNB Property Corp.



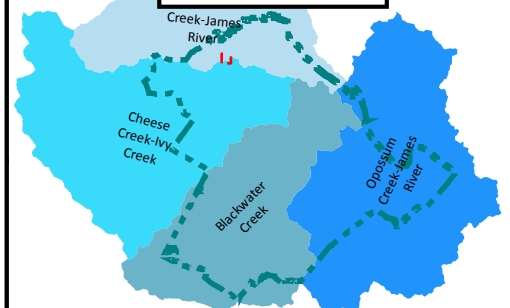
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20301007	5010 BOONSBORO RD

LEGEND

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

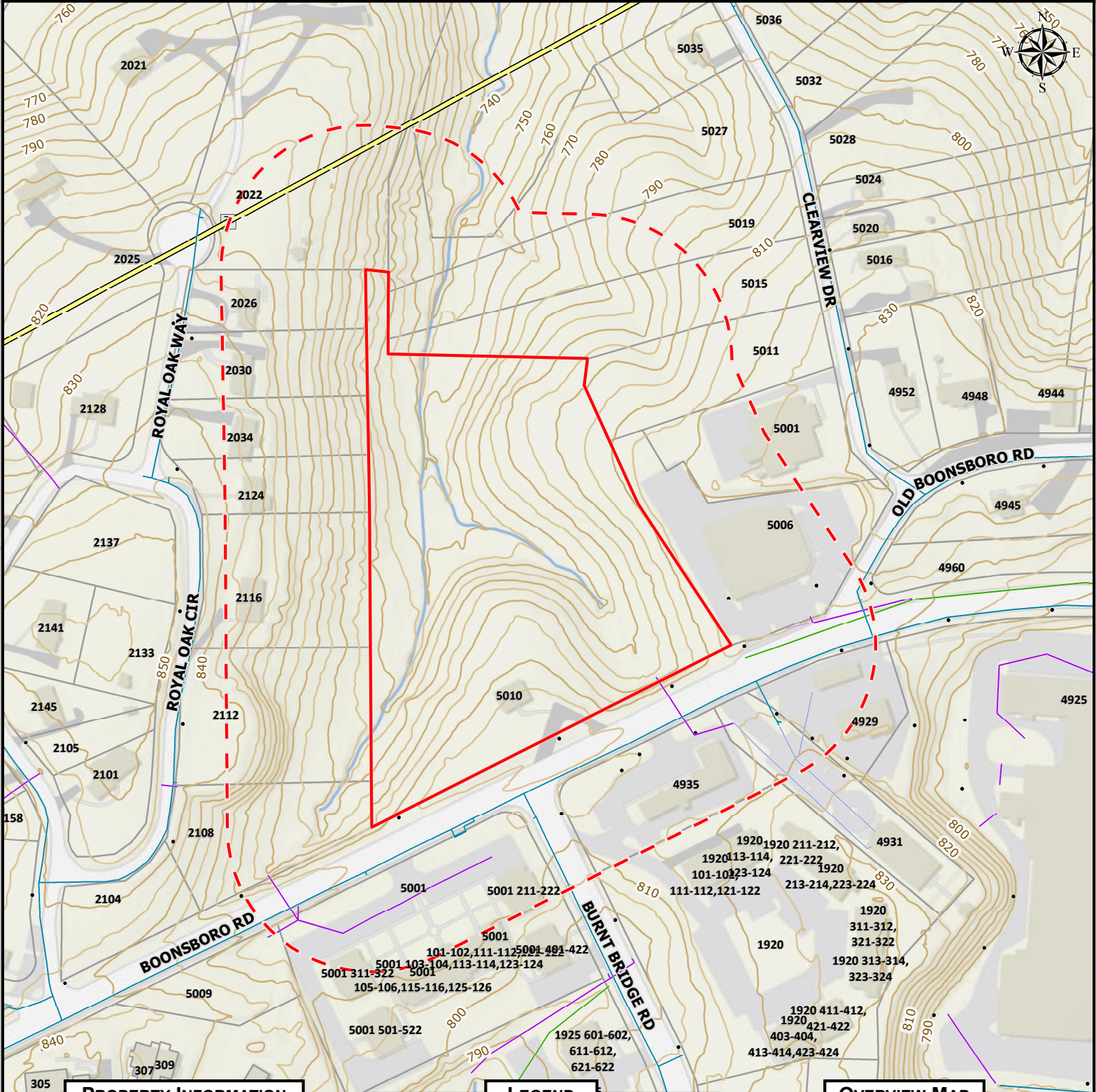
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 10/8/2019

Judith Creek-James River

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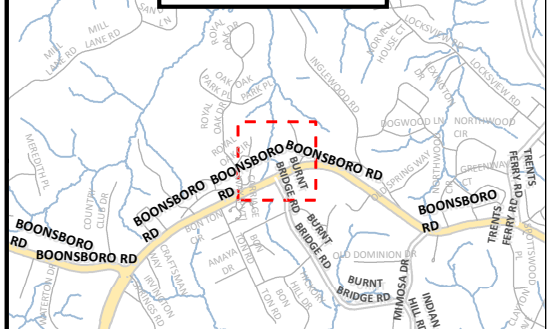
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20301007	5010 BOONSBORO RD

LEGEND

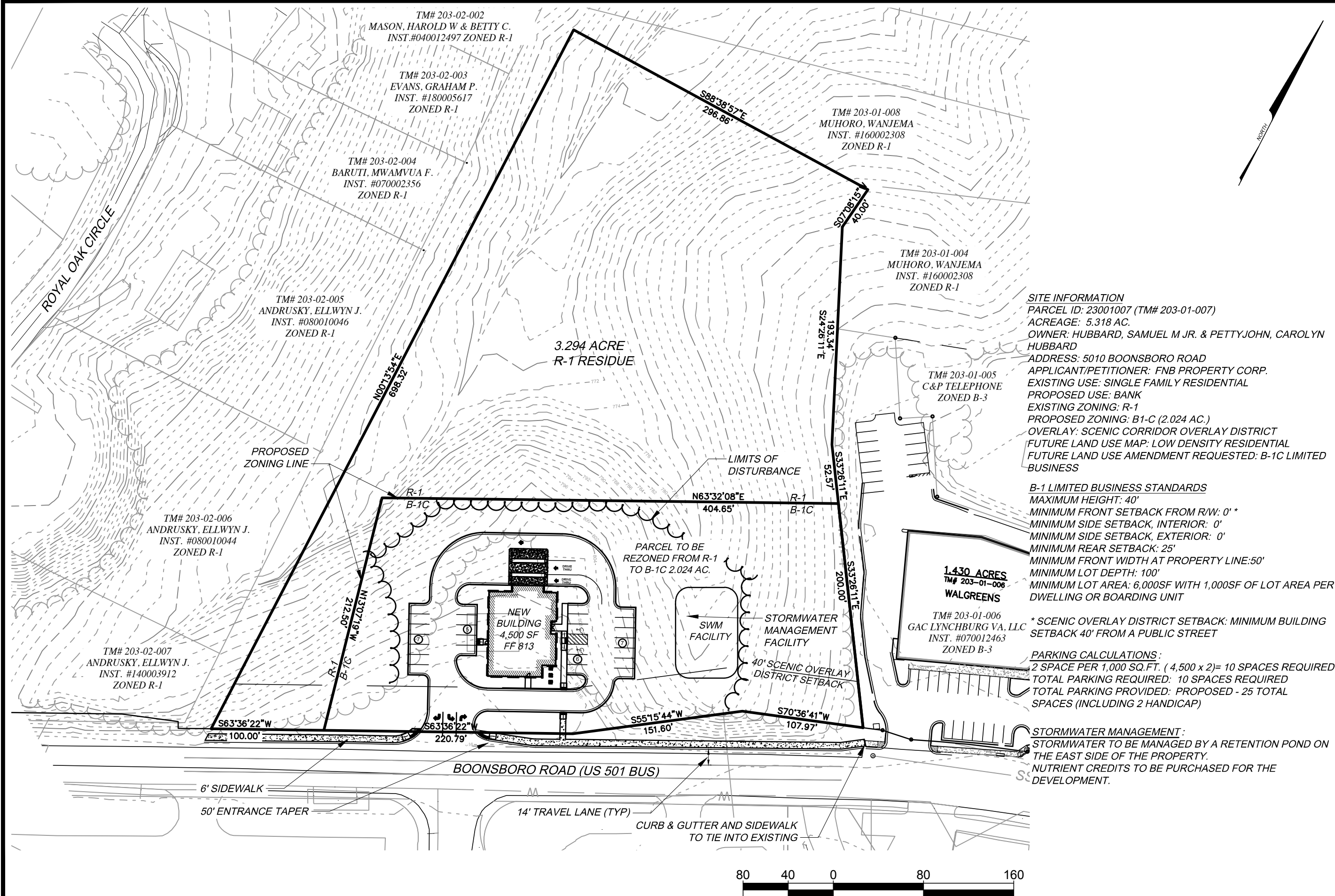
	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Water (dashed blue)	Water (dotted blue)
	Sanitary (solid green)	Sanitary (dashed green)	Sanitary (dotted green)
	Storm (solid purple)	Storm (dashed purple)	Storm (dotted purple)
Structure	Structure (solid brown)	Structure (dashed brown)	Structure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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 10/8/2019

Jan 15, 2020 - 3:44pm \\DATA01\Projects\2019\20191229\Engineering\CAD\TRC PLAN.dwg



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GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
434.847.7796 | HANDP.COM

CONCEPTUAL PLAN

FOR

FIRST NATIONAL BANK

CITY OF LYNCHBURG, VIRGINIA

SITE INFORMATION
PARCEL ID: 23001007 (TM# 203-01-007)
ACREAGE: 5.318 AC.
OWNER: HUBBARD, SAMUEL M JR. & PETTYJOHN, CAROLYN HUBBARD
ADDRESS: 5010 BOONSBORO ROAD
APPLICANT/PETITIONER: FNB PROPERTY CORP.
EXISTING USE: SINGLE FAMILY RESIDENTIAL
PROPOSED USE: BANK
EXISTING ZONING: R-1
PROPOSED ZONING: B1-C (2.024 AC.)
OVERLAY: SCENIC CORRIDOR OVERLAY DISTRICT
FUTURE LAND USE MAP: LOW DENSITY RESIDENTIAL
FUTURE LAND USE AMENDMENT REQUESTED: B-1C LIMITED BUSINESS

B-1 LIMITED BUSINESS STANDARDS
MAXIMUM HEIGHT: 40'
MINIMUM FRONT SETBACK FROM R/W: 0' *
MINIMUM SIDE SETBACK, INTERIOR: 0'
MINIMUM SIDE SETBACK, EXTERIOR: 0'
MINIMUM REAR SETBACK: 25'
MINIMUM FRONT WIDTH AT PROPERTY LINE: 50'
MINIMUM LOT DEPTH: 100'
MINIMUM LOT AREA: 6,000SF WITH 1,000SF OF LOT AREA PER DWELLING OR BOARDING UNIT

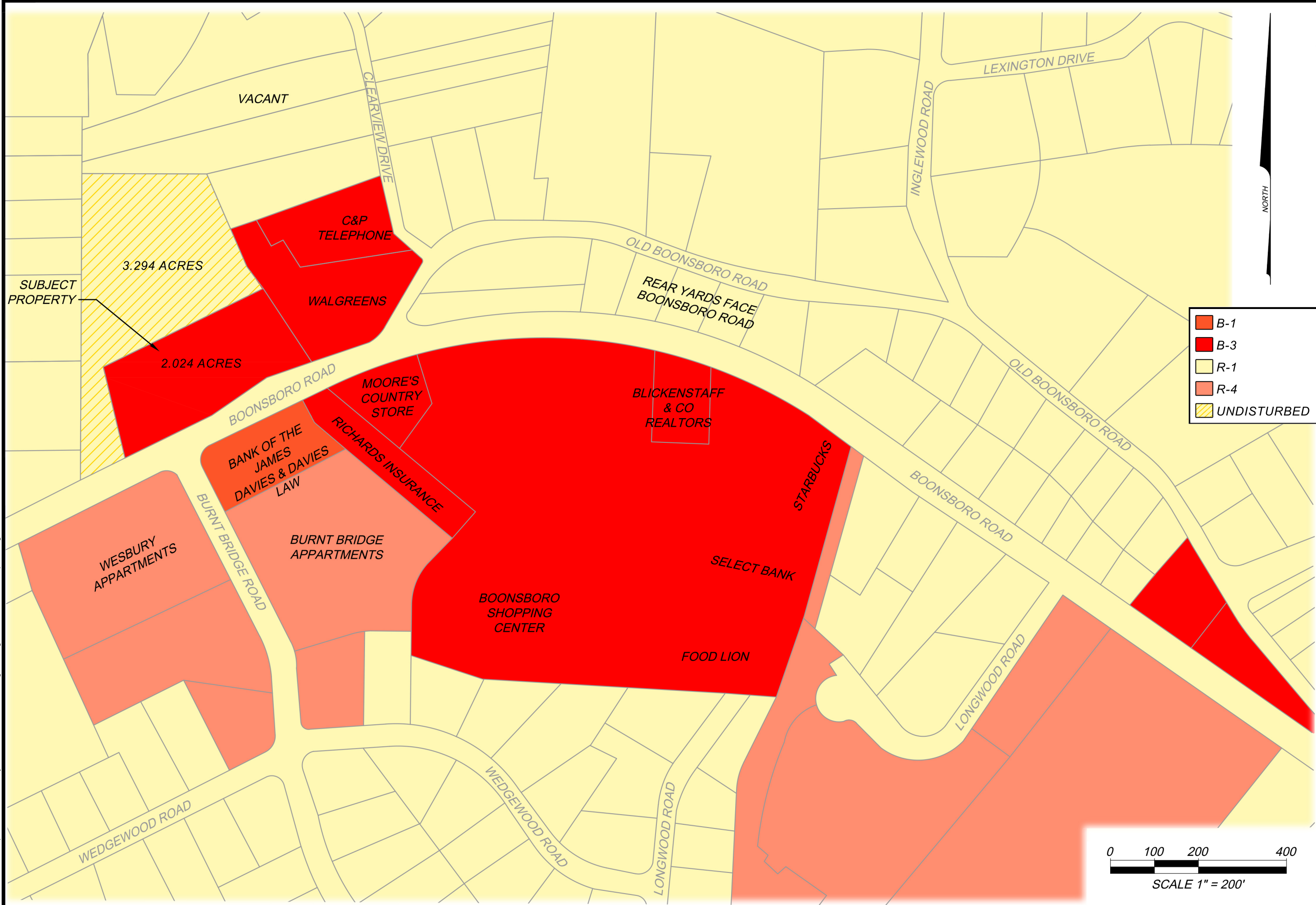
*** SCENIC OVERLAY DISTRICT SETBACK: MINIMUM BUILDING SETBACK 40' FROM A PUBLIC STREET**

PARKING CALCULATIONS:
2 SPACE PER 1,000 SQ. FT. (4,500 x 2)= 10 SPACES REQUIRED
TOTAL PARKING REQUIRED: 10 SPACES REQUIRED
TOTAL PARKING PROVIDED: PROPOSED - 25 TOTAL SPACES (INCLUDING 2 HANDICAP)

STORMWATER MANAGEMENT:
STORMWATER TO BE MANAGED BY A RETENTION POND ON THE EAST SIDE OF THE PROPERTY.
NUTRIENT CREDITS TO BE PURCHASED FOR THE DEVELOPMENT.

PROJECT NO.	20191229
LAT.	37.447940°
LONG.	-79.222650°
DATE:	11/05/19
DRAWN BY:	ELC
CHECKED BY:	DAB

Jan 15, 2020 - 3:54pm I:\DATA\01\Projects\2019\20191229\Engineering\CAD\ITRC - Concept 5.dwg



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 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

CONCEPTUAL PLAN
 FOR
 FIRST NATIONAL BANK
 CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20191229
LAT.	37.447940°
LONG.	-79.222650°
DATE:	12/10/19
DRAWN BY:	ELC
CHECKED BY:	DAB

SHEET NO.
 1 OF 1



02/04/2017



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5010 Boonsboro Road, First National Bank
Rezoning R-1 to B-1C
December 11, 2019

PLEASE PRINT CLEARLY

[illegible]

From: [Ronald Shavers](#)
To: [Craig, Robin](#)
Subject: Speaking at city council February 11th
Date: Monday, January 27, 2020 12:36:29 PM

AGENDA ITEM #14

CAUTION: External Sender

My Subject matter will be about the Appearances of Discrimination, Inequality, and Unfairness In the City of Lynchburg

024R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **15**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Exception Request from Subdivision Ordinance – 186 Schothum Street

KEY ELEMENTS:

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

RECOMMENDATION: Denial of the exception request.

SUMMARY: Section 24.1-45, *Exceptions*, of the Subdivision Ordinance provides that “Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the city planner a departure may be made without destroying the intent of such provisions, the city planner may authorize an exception. When the city planner or subdivider desires, the matter shall be referred first to the commission and thence to city council for review.”

On September 14, 2018, a subdivision plat was approved to divide 1014 Wiggington Road, creating new Lot 2B at 186 Schothum Street. Both lots consist of twenty-two thousand, one hundred seventy-two (22,172) square feet. The approved subdivision plat noted that “a building permit will not be issued for new Lot 2B until the waterline extension on Schothum Street is either bonded or extended to serve new lot 2B.”

Subdivision Ordinance Section 24.1-19, *Lot size, public water or sewer*, states that residential subdivisions of five (5) lots or less may be served by one of either private water or private sewer provided public water and or sewer are not available to serve the property and the lots are a minimum of twenty thousand (20,000) square feet in land area. Section 24.1-20 states that if neither is available, the lot must be a minimum of twenty-five thousand (25,000) square feet.

A bond was received for the water line and a building permit was issued for new lot 2B on March 26, 2019. However, the dwelling has been connected to an existing private well and the new public water line has not been constructed. The Certificated of Occupancy (CO) for the dwelling has not been issued, due to the fact that the property is in violation of the approved plat and the Subdivision Ordinance.

Mr. Simpson has requested an exception to the minimum lot size of twenty-five thousand (25,000) square feet for a new lot to be served by neither public water and or public sewer, citing financial concerns as the main reason for the request.

PRIOR ACTION(S):

January 14, 2020: The Physical Development Committee (PDC) recommended denial of the exception request.

December 11, 2019: The Planning Division recommended denial of the exception request.
The Planning Commission recommended denial of the exception request. (7-0)

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution “A” – Approve Exception Request
- Resolution “B” – Deny Exception Request
- City Council Presentation Slides – February 11, 2020
- Physical Development Committee Agenda Summary – January 14, 2020
- Physical Development Committee Presentation Slides – January 14, 2020
- Planning Commission Minutes – December 11, 2019
- Memo to Planning Commission
- Waiver Request from Mr. Simpson
- Signed Plat

REVIEWED BY: raw

021R

RESOLUTION A:

#R-20-015

A RESOLUTION APPROVING AN EXCEPTION FROM THE SUBDIVISION ORDINANCE AT
186 SCHOTHUM STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the request of Brian Simpson, to
allow the property at 186 Schothum Street to be exempt from the Subdivision Ordinance, Lynchburg City Code
Section 24.1-20 is hereby approved.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION B:

#R-20-015

A RESOLUTION DENYING AN EXCEPTION FROM THE SUBDIVISION ORDINANCE AT 186 SCHOTHUM STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the request of Brian Simpson, to allow the property at 186 Schothum Street to be exempt from the Subdivision Ordinance, Lynchburg City Code Section 24.1-20 is hereby denied.

Adopted:

Certified: _____
Clerk of Council



Subdivision Ordinance Exception

Wiggington Road / Schothum Street

City Council

February 11, 2020



Purpose & Outline

Purpose

Consider request of Mr. Brian Simpson for an exception to the Subdivision Ordinance to not provide public water when available and not meeting the 25,000 sf minimum lot size requirement for lots served by private well and septic.

Outline

1. Subdivision Ordinance Development Standards
2. Pre-Subdivision
3. Approved Subdivision Plat
4. History
5. Issues
6. Sec. 24.1-45. - Exceptions
7. Recommendation



Development Standards

Subdivision Ordinance - 5 Lots or Less

- Subdivisions of 5 lots or less may be served by private well or septic:
 - Public water and sewer are not available (availability is defined as 100 feet from property per lot)
 - No new roads are required
 - Lots served by only one of public water or sewer shall be 20,000 sf
 - Lots served by neither public water or sewer shall be 25,000 sf
 - Lots meet Health Department requirements



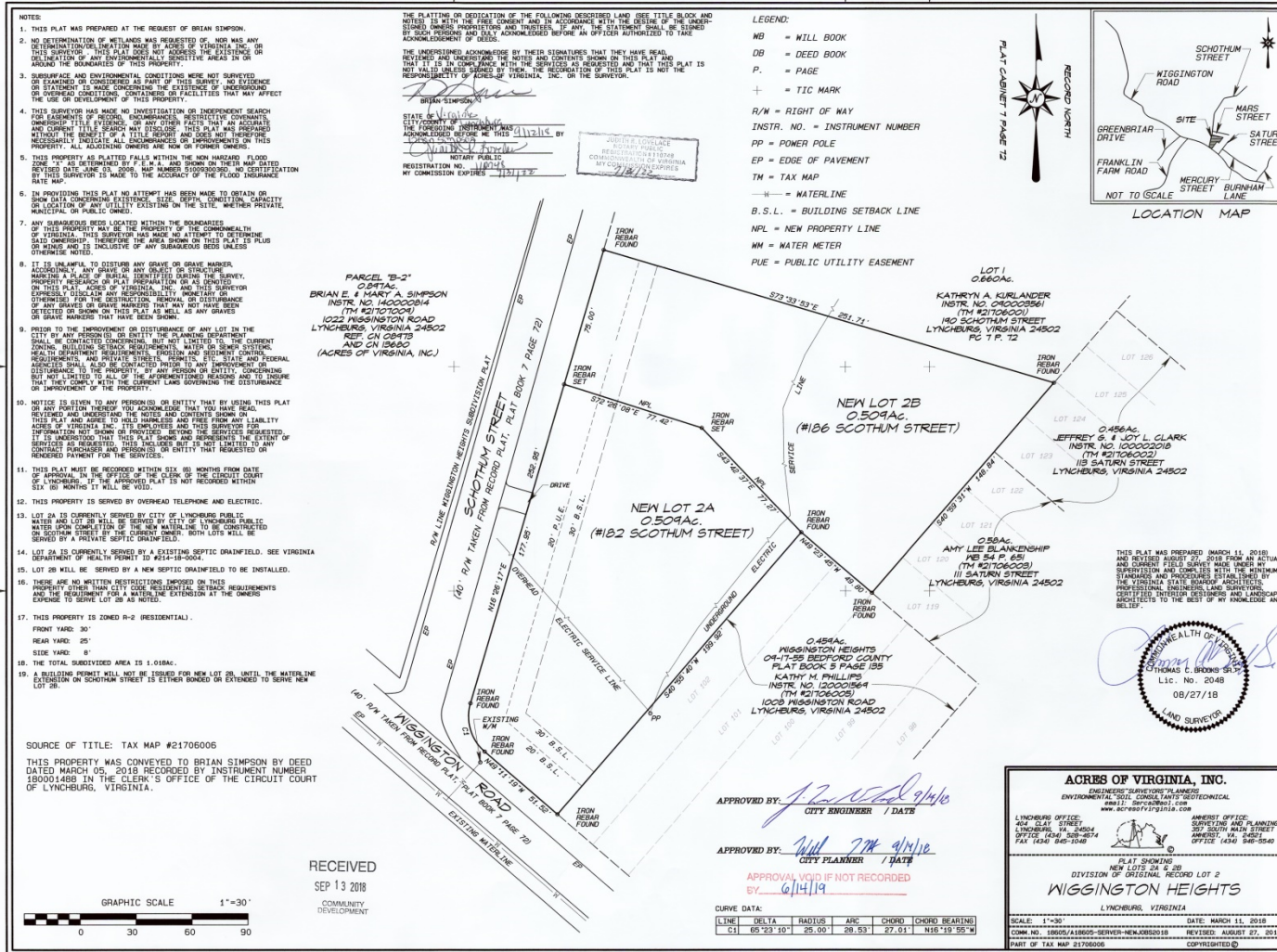
1014 Wiggington Road



- **Pre-Subdivision**
- **1.018 ac**
- **Served by Public Water**



182 & 186 Schothum Street



• Subdivision Plat –
Approved 9/14/18

• Created New Lot 2A
& New Lot 2B (.509
ac – 22,172 sf)

• Indicated both lots
would be served by
Public Water &
Private Sewer

• Indicated a permit
would not be issued
for Lot 2B until water
line was extended or
bonded



186 Schothum Street

- **Water Application to Department of Water Resources – 03/25/19**
- **Bond received for waterline on 03/26/19**
- **Water Account approved by Department of Water Resources – 03/25/19**
- **Building Permit Issued for 186 Schothum Street – 03/26/19**
- **Water Service installed on Wiggington Road by Department of Water Resources (In Error) – 04/30/19**
- **Department of Water Resources pull and locks meter – 05/29/19**
- **Certificate of Occupancy (CO) Requested, Owner reinstated existing well on property – 11/11/19**
- **Department of Water Resources refunds fee for water meter install – 11/14/19**



Issues

- **Property is in violation of the Subdivision Ordinance**
- **Public Water is Available to the Property**
- **Subdivision Plat would not have been approved with private well**
- **Lot does not meet 25,000 sf standard for lots served by private well / septic**



Exception Request

Sec. 24.1-45. - Exceptions.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the city planner a departure may be made without destroying the intent of such provisions, the city planner may authorize an exception. When the city planner or subdivider desires, the matter shall be referred first to the commission and thence to city council for review. Any exceptions authorized under the provisions of this section shall be stated in writing on the plat, by the city planner, commission or city council with the reasoning set forth on which the departure was justified.



Recommendation

Recommendation

Denial of the request of Mr. Brian Simpson for an exception to the Subdivision Ordinance to not provide public water when available and not meeting the 25,000 sf minimum lot size requirement for lots served by private well and septic.

- **December 11, 2019 – Staff recommended denial of the exception request.**
- **December 11, 2019 – Planning Commission recommended denial of the exception request.**
- **January 14, 2020 – Physical Development Committee recommended denial of the exception request.**

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 14, 2020 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Exception Request from Subdivision Ordinance – 186 Schothum Street

KEY ELEMENTS:

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

RECOMMENDATION: Denial of the exception request.

SUMMARY: Section 24.1-45, *Exceptions*, of the Subdivision Ordinance provides that “Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the city planner a departure may be made without destroying the intent of such provisions, the city planner may authorize an exception. When the city planner or subdivider desires, the matter shall be referred first to the commission and thence to city council for review.”

On September 14, 2018, a subdivision plat was approved to divide 1014 Wiggington Road, creating new Lot 2B at 186 Schothum Street. Both lots consist of twenty-two thousand, one hundred seventy-two (22,172) square feet. The approved subdivision plat noted that “a building permit will not be issued for new Lot 2B until the waterline extension on Schothum Street is either bonded or extended to serve new lot 2B.”

Subdivision Ordinance Section 24.1-19, *Lot size, public water or sewer*, states that residential subdivisions of five (5) lots or less may be served by one of either private water or private sewer provided public water and or sewer are not available to serve the property and the lots are a minimum of twenty thousand (20,000) square feet in land area. Section 24.1-20 states that if neither is available, the lot must be a minimum of twenty-five thousand (25,000) square feet.

A bond was received for the water line and a building permit was issued for new lot 2B on March 26, 2019. However, the dwelling has been connected to an existing private well and the new public water line has not been constructed. The Certificated of Occupancy (CO) for the dwelling has not been issued, due to the fact that the property is in violation of the approved plat and the Subdivision Ordinance.

Mr. Simpson has requested an exception to the minimum lot size of twenty-five thousand (25,000) square feet for a new lot to be served by neither public water and or public sewer, citing financial concerns as the main reason for the request.

PRIOR ACTION(S):

December 11, 2019: The Planning Division recommended denial of the exception request.
The Planning Commission recommended denial of the exception request. (7-0)

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Physical Development Committee Presentation Slides – January 14, 2020
- Planning Commission Minutes – December 11, 2019
- Memo to Planning Commission

- Waiver Request from Mr. Simpson
- Signed Plat

REVIEWED BY: raw

RESOLUTION A:

A RESOLUTION APPROVING AN EXCEPTION FROM THE SUBDIVISION ORDINANCE AT 186 SCHOTHUM STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the request of Brian Simpson, to allow the property at 186 Schothum Street to be exempt from the Subdivision Ordinance, Lynchburg City Code Section 24.1-20 is hereby approved.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION B:

A RESOLUTION DENYING AN EXCEPTION FROM THE SUBDIVISION ORDINANCE AT 186 SCHOTHUM STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the request of Brian Simpson, to allow the property at 186 Schothum Street to be exempt from the Subdivision Ordinance, Lynchburg City Code Section 24.1-20 is hereby denied.

Adopted:

Certified: _____
Clerk of Council



Subdivision Ordinance Exception

Wiggington Road / Schothum Street

Physical Development Committee

January 14, 2020



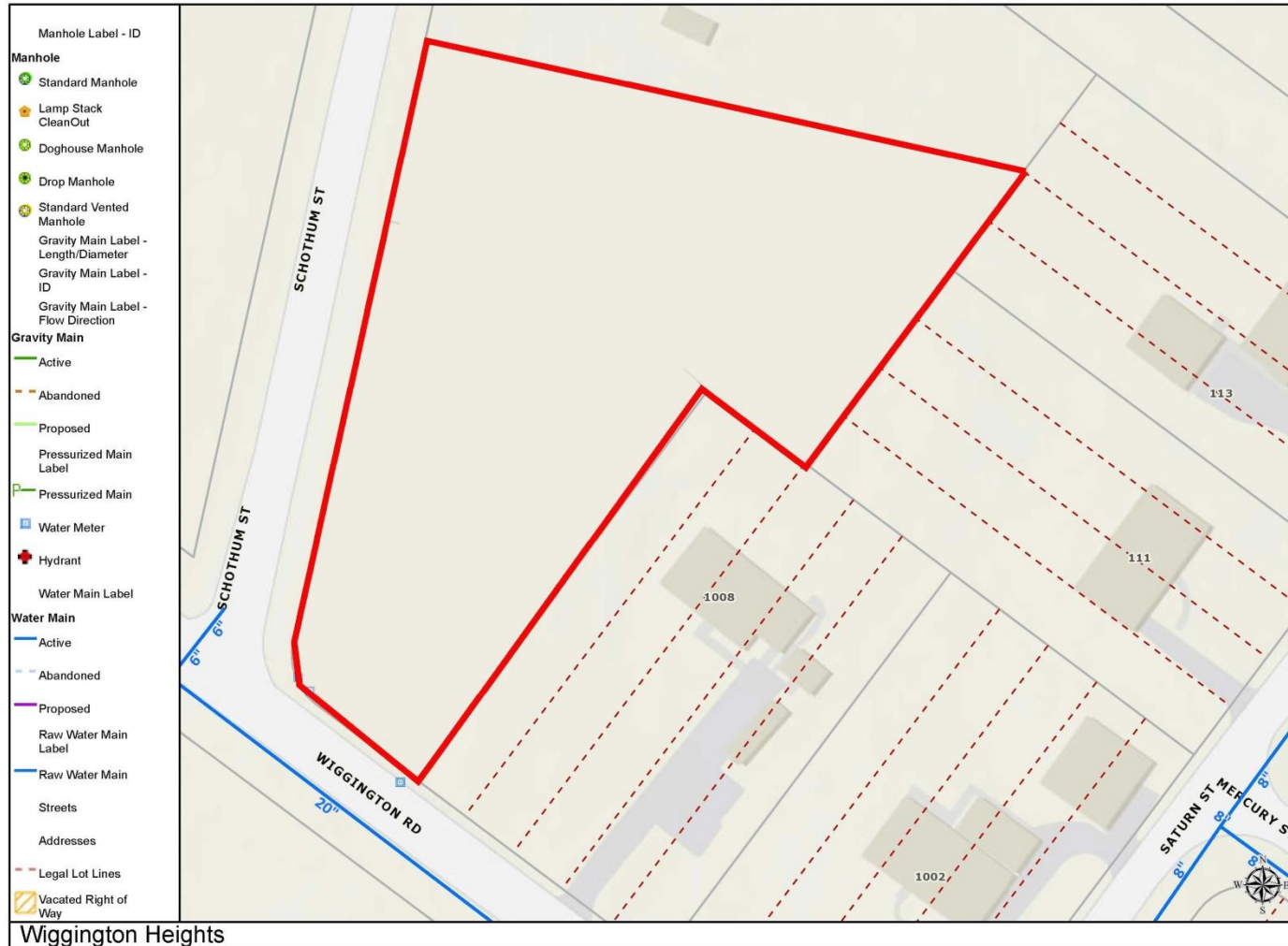
Development Standards

Subdivision Ordinance - 5 Lots or Less

- Subdivisions of 5 lots or less may be served by private well or septic:
 - Public water and sewer are not available (availability is defined as 100 feet from property per lot)
 - No new roads are required
 - Lots served by only one of public water or sewer shall be 20,000 sf
 - Lots served by neither public water or sewer shall be 25,000 sf
 - Lots meet Health Department requirements



1014 Wiggington Road



- Pre-Subdivision
- 1.018 ac
- Served by Public Water

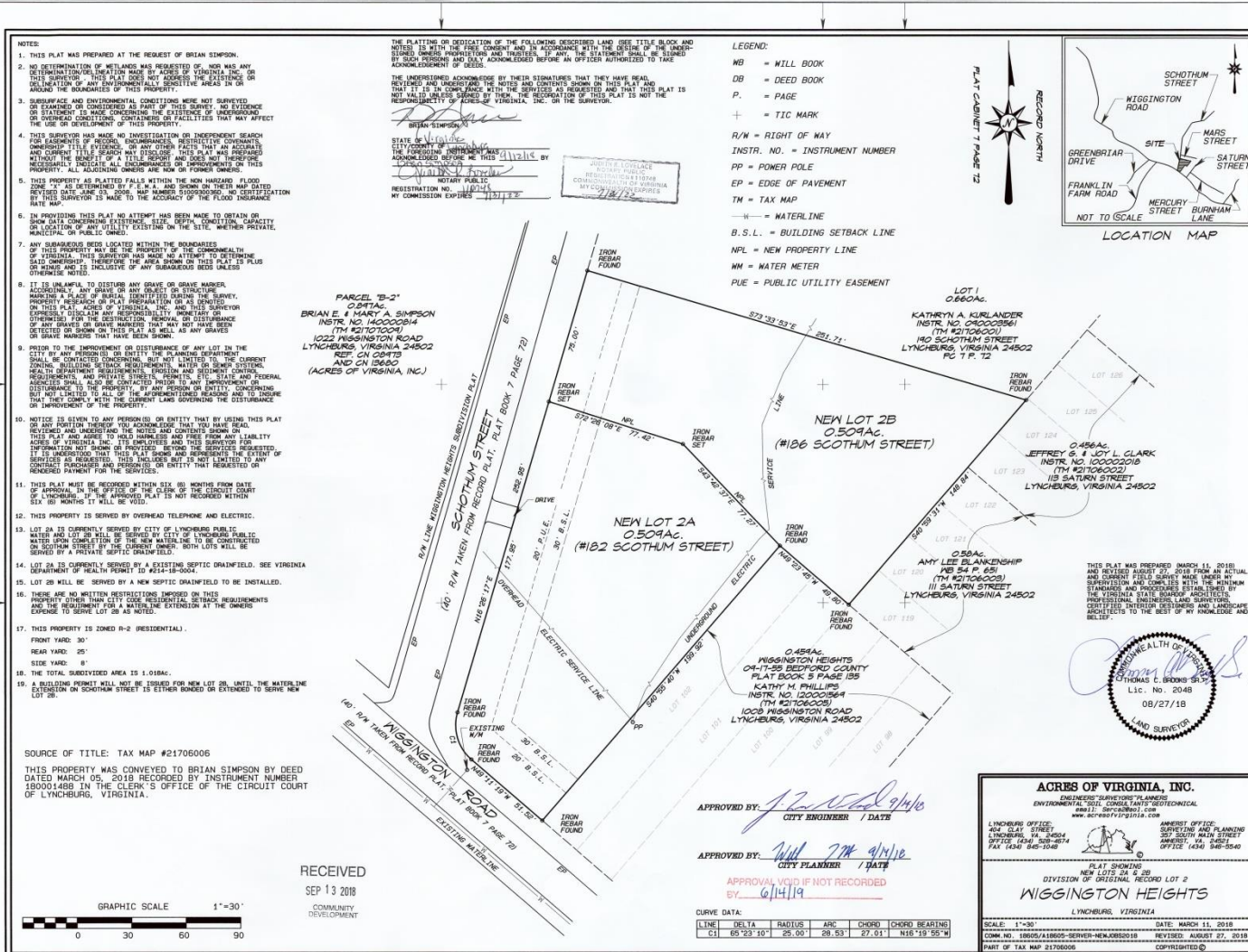


DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

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1 inch = 50 feet 1:600
PRINTED ON
December 11, 2019



182 & 186 Schothum Street



- Subdivision Plat – Approved 9/14/18
- Created New Lot 2A & New Lot 2B (.509 ac – 22,172 sf)
- Indicated both lots would be served by Public Water & Private Sewer
- Indicated a permit would not be issued for Lot 2B until water line was extended or bonded



186 Schothum Street

- Water Application to Department of Water Resources – 03/25/19
- Bond received for waterline on 03/26/19
- Water Account approved by Department of Water Resources – 03/25/19
- Building Permit Issued for 186 Schothum Street – 03/26/19
- Water Service installed on Wiggington Road by Department of Water Resources (In Error) – 04/30/19
- Department of Water Resources pull and locks meter – 05/29/19
- Certificate of Occupancy (CO) Requested, Owner reinstated existing well on property – 11/11/19
- Department of Water Resources refunds fee for water meter install – 11/14/19



Issues

- Property is in violation of the Subdivision Ordinance
- Public Water is Available to the Property
- Subdivision Plat would not have been approved with private well
- Lot does not meet 25,000 sf standard for lots served by private well / septic



Exception Request

Sec. 24.1-45. - Exceptions.

Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the city planner a departure may be made without destroying the intent of such provisions, the city planner may authorize an exception. When the city planner or subdivider desires, the matter shall be referred first to the commission and thence to city council for review. Any exceptions authorized under the provisions of this section shall be stated in writing on the plat, by the city planner, commission or city council with the reasoning set forth on which the departure was justified.

MINUTES OF THE DECEMBER 11, 2019 PLANNING COMMISSION MEETING

Request of Brian E. Simpson for an exception to Subdivision Ordinance Section 24.1-20 to allow a lot at 186 Schothum Street which is less than twenty-five thousand (25,000) square feet in land area to be served by neither public water nor public sewer.

Mr. Tom Martin, City Planner provided the following summary to the Commission. Subdivisions of five (5) lots or less may be served by private well or septic under some standards. First public water and/or sewer are not available to serve the property. What that means is that public water or sewer is not within one hundred (100) feet per lot from the property line. That is how availability is defined. Also, no new roads are required, lots served by only one public water or sewer have to be at least twenty thousand (20,000) square feet in lot size, and lots served by neither public water or sewer shall be twenty five thousand (25,000) square feet. Lots must also meet the Health Department requirements. Two key points from the Subdivision Ordinance section being discussed are availability of public water and sewer and lots served by neither public water/sewer shall be at least twenty five thousand (25,000) square feet. Pre-subdivision, 1014 Wiggington Road was one and eighteen thousandths (1.018) acres. It was considered served by public water but not by public sewer. It is less than thirty (30) feet to the property line for public water. That means that if 1014 Wiggington Road were to be subdivided, every lot in that subdivision would have to connect to public water. That's the way the Subdivision Ordinance has been since at least 1989, if not prior to that. The plat creating 182 and 186 Schothum Street was approved on September 14, 2018. It created new lot 2A, which is at the corner of Wiggington and Schothum, and lot 2B, fronting on Schothum Street, which is 186. The lot that is really in question and the request with the exception is lot 2B. Both lots are twenty two thousand one hundred seventy-two (22,172) square feet. That does not meet the twenty five thousand (25,000) square feet outlined in the Ordinance for lots with neither public water nor sewer. Also, public water was available to this subdivision. The plat indicated that both lots would be served by public water and sewer. It also indicated that a permit would not be issued for lot 2B until the waterline was extended or bonded. This plat would not have been signed by the City Engineer or himself if the waterline was not going to be constructed because they couldn't have signed it because it would have been in violation of the Subdivision Ordinance. After the plat was approved, an application was made to the Department of Water Resources for water on March 25, 2019. A bond was received for the construction of the water line on March 26, 2019, that allowed the release of the permit for lot 2B. The water account was approved on March 25, 2019, and the building permit was issued on March 26, 2019. The plat and building permit were approved with the understanding that the water line was going to be extended. In error, the Department of Water Resources installed a water meter on Wiggington Road. The gentlemen requesting the exception has stated that he put in a private water line. This is not permitted and it was supposed to be a public line in Schothum Street. The plat showed that and the road, water, sewer plans showed it. When Water Resources recognized their error they pulled the meter and locked it. That was in May. On November 11, 2019, the owner requested a certificate of occupancy. The house is finished and they want to sell it. It has been connected to an existing well on the property, which circumvents the Subdivision Ordinance and it still doesn't meet the lot size requirement for private water/sewer. On November 14, 2019, Water Resources refunded the fee. Overall, it is in violation of the subdivision ordinance, public water was available to the property, the subdivision plat would not have been approved with a private well, and the lot does not meet the twenty five thousand (25,000) square foot standard for lots served by private well/septic. This gentleman has a few options. One is to build the waterline, which he claims is going to be very expensive and to some degree it will be because of not being able to open cut Wiggington Road. Another option is for the City to pull the bond and construct it, which the City is prepared to do. The third option, and cheapest, is to request an exception of the Subdivision Ordinance to waive those requirements. The Subdivision Ordinance says "Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the city planner a departure may be made without destroying the intent of such provisions, the city planner may authorize an exception." None of those things have been shown. There was no hardship, they wanted two (2) lots instead of one (1) but they could have built on

one (1). The Ordinance continues, "When the city planner or subdivider desires, the matter shall be referred first to the commission and thence to city council for review. Any exceptions authorized under the provisions of this section shall be stated in writing on the plat". Again, the plat would not have been approved without a water line being extended, the lot does not meet the lot size standard, and staff does not feel that an exception should be granted. If the exception is granted, more of these cases will come forward. Mr. Gregory Poff, from Water Resources, is available for questions.

Commissioner Marion asked what the owner's second option is.

Mr. Martin responded that the second option is for the City to pull the bond and construct the waterline.

Commissioner Marion and Johnson asked for clarification on what pulling the bond means.

Mr. Martin responded that the developer submits a development bond and in this case the bond may not be from Mr. Simpson but from the contractor who is going to build the waterline. The City holds a bond that says if the developer doesn't fulfill their obligations of building the water line; the City can cash it in, get the money, and build it themselves. It is protection for the City.

Commissioner Johnson asked who the bond is cashed in to.

Mr. Martin responded that the bond is cashed in to whoever issued it.

Chair Rogers stated that the existing waterline is on the opposite side of Wiggington Road and asked if the City or homeowner would have to build one in Schothum Road since one does not exist there.

Mr. Martin responded that Mr. Poff might have more information on how the line works but essentially a line would have to be constructed at least to the new lot line. This becomes very unequitable if there are other people back there who would like to subdivide their property. They would have to extend the line that much further. The lines get extended as property develops. This person is claiming a financial hardship, and that is understandable, but the plat would not have been approved without the waterline.

Commissioner Marion asked if the house currently has water and sewer.

Mr. Martin responded that the house has private water and private sewer but is circumventing the requirements of the Subdivision Ordinance.

Commissioner Marion asked for clarification that the third option is to grant the exception.

Mr. Martin responded that was correct.

Chair Rogers stated that there are large areas in the City that are like this. Those areas aren't well served by utilities and people run into this issue. There are probably areas like that behind Old Forest Road.

Mr. Martin responded that may be the case but the City does not want to create more of them.

Ms. Rachel Frischeisen noted that the City has told applicants that they cannot create this situation.

Chair Rogers asked if the well was existing.

Mr. Martin responded that it was.

Commissioner Bowden noted that if this person can “wait out” the Subdivision Ordinance then there is no point in having it. This property in no way matches up to any of the parameters that have been put in place. The Commission is in a position to enforce the Ordinance.

Commissioner Perault stated that any peculiarities would have come up earlier in the process and that he would defer to the staff who are experts. Since there were no abnormalities found when the plat was approved, he does not feel the need to say differently.

Commissioner Bowden shared agreement and expressed his trust in the capabilities of the City staff.

Commissioner Light asked, even though they are not connected, if Acres of Virginia was the company involved in the recent Villas of Lynchburg townhome rezoning petition.

Mr. Martin responded that they were.

Commissioner Bowden asked for clarification on what happens if both Council and Planning Commission deny the exception.

Mr. Martin responded that the City could pull the bond and construct the waterline or the owner could construct the waterline himself. The owner has known this since September 2018. He then corrected himself and stated that the owner knew the waterline needed to be constructed prior to that because the reviews prior to approval indicated that. It shouldn't be a surprise to anyone.

Chair Rogers asked who would construct a waterline if one hundred fifty (150) units were developed on the farmland behind the property.

Mr. Martin responded that it goes back to the definition of availability, if a waterline was within fifteen thousand (15,000) feet the developers would have to construct the waterline. It gets more complicated though, because if that many lots were put in, the City would pay to get the waterline to the property line. In this instance and for this property, the waterline was already there.

Commissioner Bowden asked if the point was to share the cost, in terms of the City providing to a certain distance.

Mr. Martin responded that was part of it but primarily it is an urban environment and it is a matter of health, welfare, and adequate infrastructure.

Commissioner Johnson stated that after reading the letter submitted by the owner, it seems that he jumped into the process and built the houses before he actually researched how much it was going to cost to extend the water line to the second lot.

Mr. Martin responded that he could not answer that.

Commissioner Johnson stated that it seemed like the owner knew he had to do the waterline and even had it drawn in but for some reason decided not to.

Commissioner Light shared his agreement.

Chair Rogers noted that it is expensive.

Commissioner Johnson stated that she feels "sorry for him" because he is "in over his head" and has to figure out a way to pay for and construct the waterline. The Commission and Council should not make an exception for him though.

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

"The request of Brian E. Simpson for an exception to Subdivision Ordinance Section 24.1-20 to allow a lot at 186 Schothum Street which is less than twenty-five thousand (25,000) square feet in land area to be served by neither public water nor public sewer be denied and the position of Mr. Tom Martin, City Planner, be affirmed."

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault, and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Robin Craig, Clerk of Council

From: Tom Martin, AICP, City Planner

CC: Bonnie Svrcek, City Manager, Reid Woodicka, Deputy City Manager, Walter Erwin, City Attorney, Kent White, Director Community Development, Kevin Henry, Zoning Administrator, Mr. Brian Simpson, Property Owner

Date: December 11, 2019

Re: Subdivision Ordinance Exception

Section 24.1-45, *Exceptions* of the Subdivision Ordinance provides that “Where the subdivider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, or where, because of topographical or other conditions peculiar to the site, in the opinion of the city planner a departure may be made without destroying the intent of such provisions, the city planner may authorize an exception. When the city planner or subdivider desires, the matter shall be referred first to the commission and thence to city council for review. Any exceptions authorized under the provisions of this section shall be stated in writing on the plat, by the city planner, commission or city council with the reasoning set forth on which the departure was justified.”

On September 14, 2018, a Subdivision Plan was approved by the City Engineer, Lee Newland, P.E. and City Planner, Tom Martin, AICP dividing 1014 Wiggington Road into two (2) lots. Both lots, New Lot 2A (182 Schothum Street) and New Lot 2B (186 Schothum Street) consist of .509 acres of 22,172 square feet.

Subdivision Ordinance Section 24.1-19, *Lot size, public water or sewer* requires that residential subdivisions of five (5) lots or less may be served by one of either private water or private sewer provided public water and or sewer are not available to serve the property and the lots are a minimum of twenty thousand (20,000) square feet in land area. The approved subdivision plat indicated that the both new lots would be served by private drainfield and both lots would be served by a new water line to be constructed in Schothum Street. The approved subdivision plat also indicated that “A building permit will not be issued for new Lot 2B until the waterline extension on Schothum Street is either bonded or extended to serve new lot 2B.

A bond was received for the water line and a building permit was issued for new lot 2B on March 26, 2019. The new dwelling is near completion and the owner Mr. Brian Simpson is requesting a Certificate of Occupancy (CO). However, the dwelling has been connected to an existing private well and the new public water line has not been constructed. The CO has not been issued, due to the fact that the property is in violation of the approved Subdivision Plat and

the Subdivision Ordinance. The City Engineer is still in possession of the bond insuring the construction of the public water line.

Mr. Simpson is now requesting an exception to Subdivision Ordinance Section 24.1-20 which would require a minimum lot size of twenty-five thousand (25,000) square feet for a new lot to be served by neither public water and or public sewer. This would prevent the need for the construction of the new public water line.

As the City Planner, I will not grant the exception, and am requesting that it be considered by the Planning Commission and thence City Council. City staff does not recommend that the exception be granted. Mr. Simpson would be required to construct the new public water line as was stated on the approved subdivision plat or the City would “call in” the bond it is holding for the water line construction.

If you have questions, please contact me at tom.martin@lynchburgva.gov or (434) 444-3909.

Brian E. Simpson c/o

Elliot Mechanical Service , LLC

1022 Wiggington Road

Lynchburg Va. 24502

434-942-5713

Mr. Martin ,

Let me start by saying thank you for your time Sir. As you know I have built two new houses on Schouthum St. in Lynchburg City. The first was Lot 182 and the second lot being 186. Both houses have passed all inspections to include the Septic. I take pride in my work . I used Thomas Brooks of Acres Of Va. as the surveyor for both houses . I had the first water line installed with out any problems , so before installing the driveway I was trying to be proactive with the second water line for the second house 186 Schouthum and installed piping and sleeved it with schedule 40 PVC to protect from any water breakage later down the road. The City inspected this line as well , no issues. After months of trying to get in touch with Mr. Brooks about the septic, I find out I cant get a Building permit without a Bond for the water line . In the mean time I am still paying \$ 2500 a month to the Bank until I can build and sell the house. I now find out about the Main line extension. The cost of the extension is roughly \$37,000 .The cost of the Bond was a \$1000 . Mr. Brooks charged me \$5700 to draw a water line extension, in the mean time I find out about using an easement which I already had . I talked with a City official and paid the meter hook up fee . They installed meter box and hooked my line to it with no issues. 3 months go by and I am hit with the extension again. After doing some research , I have an existing well, that is in great working condition , to replace all parts and pump . with labor \$ 2700 Then I find out it is no good due to a square footage problem . The cost to date for being mis led by the surveyor is \$20,000 in interest , \$ 5600 water line plan , \$2700 well fee , I am completely at the end of my rope . I am a current tax payer and a good citizen in the city of Lynchburg , and have been for 40 years . If Acres of Va would have been upfront and explained everything I would have just built the one house. I am in dire need to sell the house in hopes to break even at best. Not to mention the stress I have been under. I simply just can't afford the water line extension , with the loan interest and fees I am almost broke. Anything the you can do, will be much appreciated. Thanking you in advance, have a blessed day.

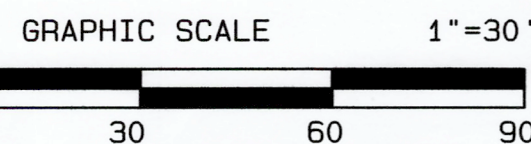
NOTES:

1. THIS PLAT WAS PREPARED AT THE REQUEST OF BRIAN SIMPSON.
2. NO DETERMINATION OF WETLANDS WAS REQUESTED OF, NOR WAS ANY DETERMINATION/DELINEATION MADE BY ACRES OF VIRGINIA, INC. OR THIS SURVEYOR. THIS PLAT DOES NOT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
4. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
5. THIS PROPERTY AS PLATTED FALLS WITHIN THE NON HAZARD FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED REVISED DATE JUNE 03, 2008. MAP NUMBER 51009300360. NO CERTIFICATION BY THIS SURVEYOR IS MADE TO THE ACCURACY OF THE FLOOD INSURANCE RATE MAP.
6. IN PROVIDING THIS PLAT NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED.
7. ANY SUBAQUEOUS BEDS LOCATED WITHIN THE BOUNDARIES OF THIS PROPERTY MAY BE THE PROPERTY OF THE COMMONWEALTH OF VIRGINIA. THIS SURVEYOR HAS MADE NO ATTEMPT TO DETERMINE SAID OWNERSHIP. THE AREA SHOWN ON THIS PLAT IS PLUS OR MINUS AND IS INCLUSIVE OF ANY SUBAQUEOUS BEDS UNLESS OTHERWISE NOTED.
8. IT IS UNLAWFUL TO DISTURB ANY GRAVE OR GRAVE MARKER. ACCORDINGLY, ANY GRAVE OR ANY OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL IDENTIFIED DURING THE SURVEY, PROPERTY RESEARCH OR PLAT PREPARATION OR AS DENOTED ON THIS PLAT, ACRES OF VIRGINIA, INC. AND THIS SURVEYOR EXPRESSLY DISCLAIM ANY RESPONSIBILITY (MONETARY OR OTHERWISE) FOR THE DESTRUCTION, REMOVAL OR DISTURBANCE OF ANY GRAVES OR GRAVE MARKERS THAT MAY NOT HAVE BEEN DETECTED OR SHOWN ON THIS PLAT AS WELL AS ANY GRAVES OR GRAVE MARKERS THAT HAVE BEEN SHOWN.
9. PRIOR TO THE IMPROVEMENT OR DISTURBANCE OF ANY LOT IN THE CITY BY ANY PERSON(S) OR ENTITY THE PLANNING DEPARTMENT SHALL BE CONTACTED CONCERNING, BUT NOT LIMITED TO, THE CURRENT ZONING, BUILDING SETBACK REQUIREMENTS, WATER OR SEWER SYSTEMS, HEALTH DEPARTMENT REQUIREMENTS, EROSION AND SEDIMENT CONTROL REQUIREMENTS, AND PRIVATE STREETS, PERMITS, ETC. STATE AND FEDERAL AGENCIES SHALL ALSO BE CONTACTED PRIOR TO ANY IMPROVEMENT OR DISTURBANCE TO THE PROPERTY, BY ANY PERSON OR ENTITY, CONCERNING BUT NOT LIMITED TO ALL OF THE AFOREMENTIONED REASONS AND TO INSURE THAT THEY COMPLY WITH THE CURRENT LAWS GOVERNING THE DISTURBANCE OR IMPROVEMENT OF THE PROPERTY.
10. NOTICE IS GIVEN TO ANY PERSON(S) OR ENTITY THAT BY USING THIS PLAT OR ANY PORTION THEREOF YOU ACKNOWLEDGE THAT YOU HAVE READ, REVIEWED AND UNDERSTAND THE NOTES AND CONTENTS SHOWN ON THIS PLAT AND AGREE TO HOLD HARMLESS AND FREE FROM ANY LIABILITY ACRES OF VIRGINIA, INC. ITS EMPLOYEES AND THIS SURVEYOR FOR INFORMATION NOT SHOWN OR PROVIDED BEYOND THE SERVICES REQUESTED. IT IS UNDERSTOOD THAT THIS PLAT SHOWS AND REPRESENTS THE EXTENT OF SERVICES AS REQUESTED BUT IS NOT LIMITED TO ANY CONTRACT PURCHASER AND PERSON(S) OR ENTITY THAT REQUESTED OR RENDERED PAYMENT FOR THE SERVICES.
11. THIS PLAT MUST BE RECORDED WITHIN SIX (6) MONTHS FROM DATE OF APPROVAL IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF LYNCHBURG. IF THE APPROVED PLAT IS NOT RECORDED WITHIN SIX (6) MONTHS IT WILL BE VOID.
12. THIS PROPERTY IS SERVED BY OVERHEAD TELEPHONE AND ELECTRIC.
13. LOT 2A IS CURRENTLY SERVED BY CITY OF LYNCHBURG PUBLIC WATER AND LOT 2B WILL BE SERVED BY CITY OF LYNCHBURG PUBLIC WATER UPON COMPLETION OF THE NEW WATERLINE TO BE CONSTRUCTED ON SCOTHUM STREET BY THE CURRENT OWNER. BOTH LOTS WILL BE SERVED BY A PRIVATE SEPTIC DRAINFIELD.
14. LOT 2A IS CURRENTLY SERVED BY A EXISTING SEPTIC DRAINFIELD. SEE VIRGINIA DEPARTMENT OF HEALTH PERMIT ID #214-18-0004.
15. LOT 2B WILL BE SERVED BY A NEW SEPTIC DRAINFIELD TO BE INSTALLED.
16. THERE ARE NO WRITTEN RESTRICTIONS IMPOSED ON THIS PROPERTY OTHER THAN CITY CODE RESIDENTIAL SETBACK REQUIREMENTS AND THE REQUIREMENT FOR A WATERLINE EXTENSION AT THE OWNERS EXPENSE TO SERVE LOT 2B AS NOTED.
17. THIS PROPERTY IS ZONED R-2 (RESIDENTIAL).
FRONT YARD: 30'
REAR YARD: 25'
SIDE YARD: 8'
18. THE TOTAL SUBDIVIDED AREA IS 1.018Ac.
19. A BUILDING PERMIT WILL NOT BE ISSUED FOR NEW LOT 2B, UNTIL THE WATERLINE EXTENSION ON SCOTHUM STREET IS EITHER BONDED OR EXTENDED TO SERVE NEW LOT 2B.

SOURCE OF TITLE: TAX MAP #21706006

THIS PROPERTY WAS CONVEYED TO BRIAN SIMPSON BY DEED DATED MARCH 05, 2018 RECORDED BY INSTRUMENT NUMBER 180001488 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.

RECEIVED
SEP 13 2018
COMMUNITY
DEVELOPMENT



THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (SEE TITLE BLOCK AND NOTES) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDER-SIGNED OWNERS PROPRIETORS AND TRUSTEES, IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGEMENT OF DEEDS.

THE UNDERSIGNED ACKNOWLEDGE BY THEIR SIGNATURES THAT THEY HAVE READ, REVIEWED AND UNDERSTAND THE NOTES AND CONTENTS SHOWN ON THIS PLAT AND THAT IT IS IN COMPLIANCE WITH THE SERVICES AS REQUESTED AND THAT THIS PLAT IS NOT VALID UNLESS SIGNED BY THEM. THE RECORDATION OF THIS PLAT IS NOT THE RESPONSIBILITY OF ACRES OF VIRGINIA, INC. OR THE SURVEYOR.

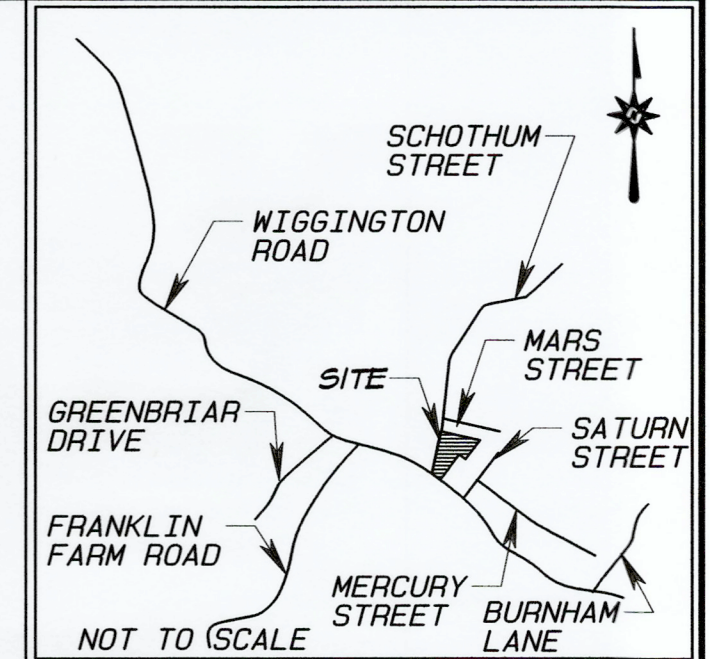
BRIAN SIMPSON
STATE OF Virginia
CITY/COUNTY OF LYNCHBURG
THE FOREGOING INSTRUMENT WAS
ACKNOWLEDGED BEFORE ME THIS 9/12/18 BY
BRIAN SIMPSON
NOTARY PUBLIC
REGISTRATION NO. 10048
MY COMMISSION EXPIRES 7/31/22

JUDITH R. LOVELACE
NOTARY PUBLIC
REGISTRATION #110748
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 7/31/22

LEGEND:

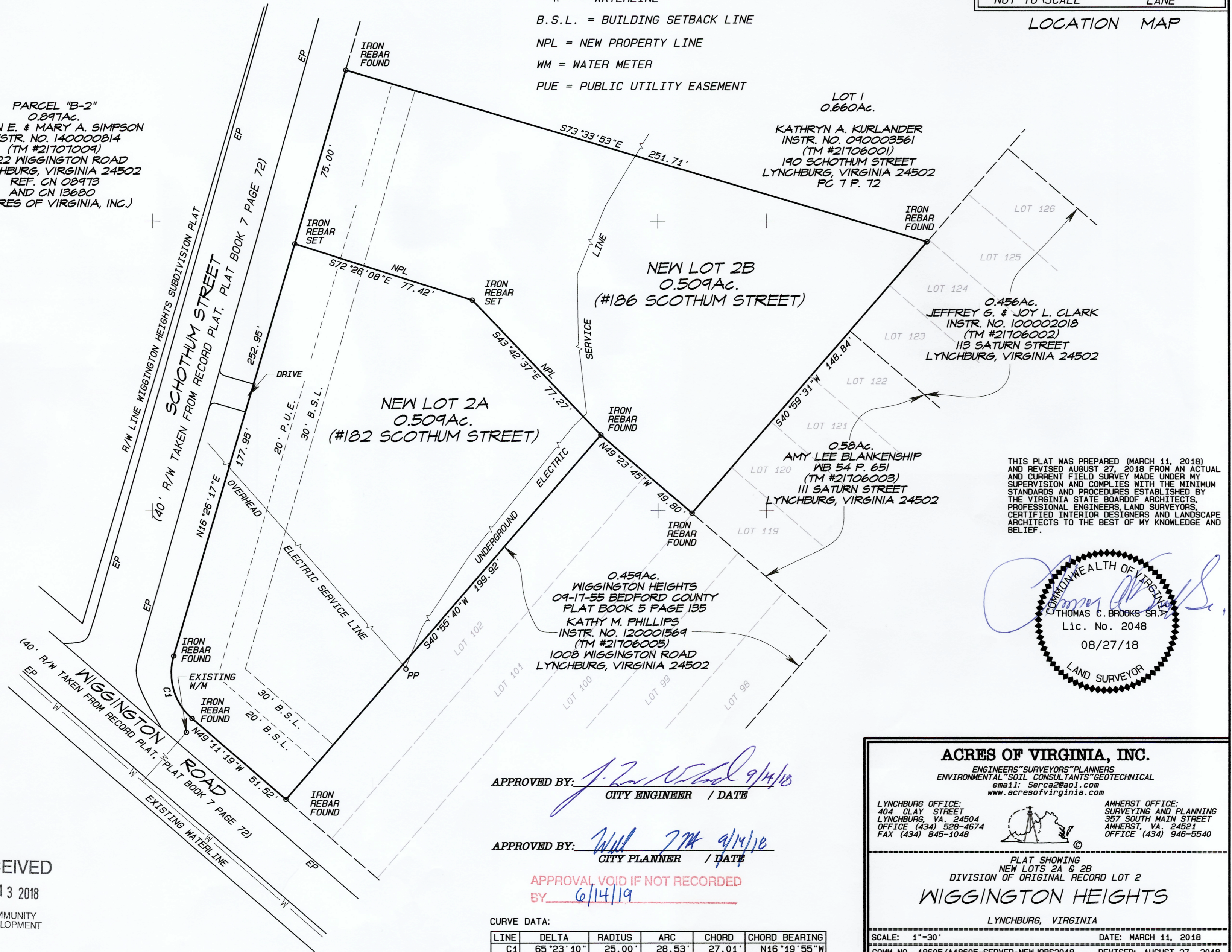
WB = WILL BOOK
DB = DEED BOOK
P. = PAGE
+ = TIC MARK
R/W = RIGHT OF WAY
INSTR. NO. = INSTRUMENT NUMBER
PP = POWER POLE
EP = EDGE OF PAVEMENT
TM = TAX MAP
—W— = WATERLINE
B.S.L. = BUILDING SETBACK LINE
NPL = NEW PROPERTY LINE
WM = WATER METER
PUE = PUBLIC UTILITY EASEMENT

PLAT CABINET 7 PAGE 12



LOCATION MAP

PARCEL "B-2"
0.897Ac.
BRIAN E. & MARY A. SIMPSON
INSTR. NO. 140000314
(TM #21707009)
1022 WIGGINGTON ROAD
LYNCHBURG, VIRGINIA 24502
REF. CN 08473
AND CN 13680
(ACRES OF VIRGINIA, INC.)



THIS PLAT WAS PREPARED (MARCH 11, 2018) AND REVISED AUGUST 27, 2018 FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



APPROVED BY: [Signature] 9/14/18
CITY ENGINEER / DATE

APPROVED BY: [Signature] 9/14/18
CITY PLANNER / DATE

APPROVAL VOID IF NOT RECORDED
BY 6/14/19

CURVE DATA:

LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	65°23'10"	25.00'	28.53'	27.01'	N16°19'55"W

ACRES OF VIRGINIA, INC.

ENGINEERS/SURVEYORS/PLANNERS
ENVIRONMENTAL/SOIL CONSULTANTS/GEOTECHNICAL
email: Serca2@aol.com
www.acresofvirginia.com

LYNCHBURG OFFICE:
404 CLAY STREET
LYNCHBURG, VA 24504
OFFICE (434) 528-4674
FAX (434) 845-1048



AMHERST OFFICE:
SURVEYING AND PLANNING
357 SOUTH MAIN STREET
AMHERST, VA 24501
OFFICE (434) 946-5540

PLAT SHOWING
NEW LOTS 2A & 2B
DIVISION OF ORIGINAL RECORD LOT 2
WIGGINGTON HEIGHTS

LYNCHBURG, VIRGINIA

SCALE: 1"=30' DATE: MARCH 11, 2018
COMM. NO. 18605/A18605-SERVER-NEWJOBS2018 REVISED: AUGUST 27, 2018
PART OF TAX MAP 21706006 COPYRIGHTED ©

5031801-0005

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **16**

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Authorize the Collection of a new Electronic Summons System Fee and a new Jail Fee

KEY ELEMENTS:

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

RECOMMENDATION: Adopt 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.

SUMMARY: Section 17.1-279.1 of the Code of Virginia allows the district courts or circuit courts of the City of Lynchburg, for each criminal or traffic case, to charge an additional \$5 fee to any defendant charged with a violation of any statute or ordinance. The fees assessments are to be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

Also, Section 15.2-1613.1 of the Code of Virginia, allows a processing fee of \$25 to be assessed on any individual admitted to the Blue Ridge Regional Jail following the individual's conviction of a felony, misdemeanor, or traffic offense. The fees are to be used by the Blue Ridge Regional Jail Authority to defray the costs of processing arrested persons.

Both fees will be collected as part of the court costs collected by the clerks of the respective courts and remitted to the City's finance department to be held until appropriated by the City Council. The intent is to use the electronic summons fee to offset City costs in the courts and the jail fee will be used to offset City costs in the Blue Ridge Regional Jail Authority and the Police Department for booking and fingerprinting services.

If approved, the fees will be collected beginning April 1, 2020. Projected revenue for FY 2021 is \$8,000 for the electronic summons system fee and \$25,000 for the jail fee.

PRIOR ACTION(S): None

FISCAL IMPACT: Projected \$8,000 in additional revenue for the electronic summons system fee and projected \$25,000 for the jail fee for FY 2021 and approximately \$6,250 for the jail fee and \$2,000 for the electronic summons fee for the last quarter of FY 2020.

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

ATTACHMENT(S):
Ordinance

REVIEWED BY: bms

022R

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.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 2-363.3 and Section 2-363.4 as follows:

Sec. 2-363.3. Additional assessment for electronic summons system.

Beginning on April 1, 2020, and continuing thereafter until changed by City Council, there is hereby assessed pursuant to the provisions of Section 17.1-279.1 of the Code of Virginia, 1950, as amended, as part of the costs in each criminal or traffic case filed in the district courts or circuit courts of the City of Lynchburg, in which the defendant is charged with a violation of any statute or ordinance, an additional sum of \$5, which assessments are to be used solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

The assessments shall be collected by the clerks of the respective courts in which the criminal and traffic cases are filed, shall be remitted to the city's finance department, and shall be held by the finance department until appropriated by the City Council for disbursement to the city's law-enforcement agencies for the purposes set forth in this ordinance.

Sec. 2-363.4. Processing fee imposed on certain individuals.

Beginning on April 1, 2020, and continuing thereafter until changed by City Council, there is hereby assessed pursuant to the provisions of Section 15.2-1613.1 of the Code of Virginia, 1950, as amended, a processing fee of \$25 on any individual admitted to the Blue Ridge Regional Jail following the individual's conviction of a felony, misdemeanor, or traffic offense, which fees are to be used by the Blue Ridge Regional Jail Authority to defray the costs of processing arrested persons.

The fees shall be collected as part of the court costs collected by the clerks of the respective courts in which the criminal and traffic cases are filed, shall be remitted to the city's finance department, and shall be held by the finance department until appropriated by the City Council for disbursement to the Blue Ridge Regional Jail Authority for the purposes set forth in this ordinance.

Where costs are incurred by the Lynchburg Police Department for booking or fingerprinting services, the fees collected pursuant to this ordinance may be divided proportionately as determined by the City Council, between the Blue Ridge Regional Jail Authority and the Police Department.

2. That this ordinance shall become effective on April 1, 2020.

Adopted:

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **17**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Real Estate Tax Refund for LSC Communications Printing Company

KEY ELEMENTS:

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

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

SUMMARY: As provided by State Code 58.1-3980, LSC Communications Printing Company filed a grievance with Lynchburg Circuit Court regarding real estate assessments for tax years 2017, 2018 and 2019 at their property located at 4201 Murray Place. The City Assessor performed a property inspection, and considered comparable sales data along with and a broker's opinion of value from CBRE Group who is marketing the property for sale. The Assessor concluded the real estate assessments in question were erroneous and proffered a reduction in the 2017, 2018 and 2019 real estate assessments. The 2019 real estate assessment will be revised from \$16,060,800 to \$7,657,100 and an updated statement will be issued reflecting the amount due for remaining installments being paid in 2020. The 2018 real estate assessment will be revised from \$16,060,800 to \$7,886,800. The 2017 real estate assessment will be revised from \$16,060,800 to \$8,123,400. LSC Communications Printing Company agreed to withdraw their court case based on these changes and forego any interest owed by the City.

The settlement allows the City to avoid the uncertainty of litigation by: saving (i) attorney fees and expenses associated with a trial and possible appeals and (ii) maintaining a good working relationship with LSC Communications Printing Company.

PRIOR ACTION(S): January 28, 2020: Finance Committee recommended approval of the refund

FISCAL IMPACT: \$178,837 with resources from the FY 2020 General Fund Reserve for Contingencies.

CONTACT(S): Jeff Bandy, City Assessor – 455-3821
Walter Erwin, City Attorney – 455-3973

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

023R

RESOLUTION:

#R-20-016

BE IT RESOLVED that the FY 2020 General Fund budget is amended and \$178,837 is 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 property(s) located at 4201 Murray Place.

Introduced:

Adopted:

Certified:

Clerk of Council

As required by Section 58.1-3981 of the Code of Virginia, the proposed refund to LSC Communications Printing Company for the overpayment of real estate taxes has been reviewed and approved by the City Attorney.

Date

City Attorney

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **18**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Change Order Approval for the Percival's Island Bridge Rehabilitation Project**

KEY ELEMENTS:

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

RECOMMENDATION: For the completion of the rehabilitation of the Percival's Island Bridge project, adopt a resolution to approve a change order up to \$64,010.

SUMMARY: The City is presently rehabilitating the Percival's Island pedestrian bridge. As construction has continued, it had been determined that there will be additional costs associated with the replacement of various structural components of the bridge that were not previously anticipated. The Code of Virginia's Public Procurement Act requires that change orders exceeding 25% of the original contract price require City Council's approval. To keep the project moving, the City Manager has authorized the contractor to proceed with a change order of up to 25% (\$46,140). It is also expected that the additional work will extend the completion date of the project by approximately twenty (20) days.

The initial scope of work for this project included the demolition and reconstruction of the overlook, repair and refinishing of the handrails, and replacement of the upper decking layer that makes up the walking surface on the bridge. The upper decking layer rests on and is attached to the old railroad cross-ties that were original to the bridge when it supported rail traffic. During the design and the structural analysis phases of work, completed by the engineers (Virginia A&E), the railroad ties, as could be seen from the side and bottoms, appeared to be in acceptable condition to be re-used in the project. During the removal of the old decking boards the top center section of a significant number of the railroad ties were discovered to be completely rotted and are in need of replacement. The deteriorated ties were not detectable during the design work as they were covered by the top layer of decking.

In order to replace a single railroad tie, it will be necessary to remove one side of the curbing and loosen the opposite side, replace the structural tie and then reassemble the curbs before finally being able to install the decking boards. This is a very labor intensive process and the contractor predicts only being able to replace 4-6 ties per day.

Fortunately, the architects and engineers were able to design a method to fabricate the replacement ties by reusing the decking boards that are being removed and use an engineered fastener to secure three members to each other to form and create the replacement support. This will save a significant amount of time and money as opposed to ordering new, heavy timber which could delay the project multiple months.

To date the contractor has an estimated 35% of the decking removed and have identified 40 units that are in need of replacement. At this point we expect to discover 90-120 units that will require replacement. In addition, it will require 40 curb sections that will need to be replaced (10 were already included in the original project scope). The unit replacement price of the curbs per the contract is \$500 per unit with 30 units to be in addition to the original contract. In addition, the price to replace the rotted railroad ties is \$408 per unit, which as mentioned is currently identified at 40 units with more anticipated as the project progresses.

If we do discover as many as 120 rotted units to replace, the cost of the ties and curbs could be as much as \$64,010 (34.7% of the original contract of \$184,563).

PRIOR ACTION: February 11, 2020: Change order will be reviewed by the Physical Development Committee

FISCAL IMPACT: Additional \$64,010 to be spent on the additional scope of project; funds for this work are available from savings realized in the Riverside Park Overlook project budget.

CONTACT(S): Clay Simmons, Deputy Director of Public Works - 455-4443
Andy Chamberland, Construction Coordinator - 455-4409
Gaynelle Hart, Director of Public Works- 455-4406

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

RESOLUTION:

#R-20-017

BE IT RESOLVED THAT a change order up to the amount of \$64,010 is approved to complete to be spent on the additional scope of project at the Percival's Island Bridge.

Adopted:

Certified: _____
Clerk of Council

025R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 11, 2020**

AGENDA ITEM #: **19**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION: **X**
(Confidential)

ITEM TITLE: City Manager Recruitment Process

KEY ELEMENTS:

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

RECOMMENDATION: Consider options regarding the process for recruiting and hiring a City Manager.

SUMMARY: The City Manager has announced her retirement effective June 30, 2020. Mayor Tweedy asked the City Manager to provide information on beginning the recruitment process. As such, two factors for consideration are:

1. Does Council want to pursue a national search or conduct an in-house (City employee candidates) search?
2. Does Council want to engage a recruitment firm for the search or use internal resources (City Clerk and the Director of Human Resources)?

A general timeline for the recruitment is attached based on Council's last recruitment for a City Manager.

PRIOR ACTION(S): None

FISCAL IMPACT: To be determined

CONTACT(S): Bonnie Svrcek, City Manager - 455-3990

ATTACHMENT(S):

General Timeline for City Manager Recruitment

REVIEWED BY: bms

026R

General Timeline for Recruitment of City Manager
(based on January – May 2016 City Manager Recruitment Process)

January 28, 2020	City Manager announces her retirement effective June 30, 2020
February 11, 2020	City Council determines whether they want to do a national search and whether they want in-house staff or an external recruiter to manage the search
Week of February 17, 2020	Council meets to finalize Recruitment Profile
Week of February 24, 2020	Advertise position
February 24 – March 16, 2020	Clerk of Council/Human Resources Director or Recruitment Firm receive applications
Wednesday, March 18 – Tuesday, March 24	Council meets to determine candidates for initial interview
Week of March 30 – April 3	Council conducts initial interviews via telephone or Skype and determines whom to invite to Lynchburg for face-to-face interviews and tour of City
Week of April 20 – April 24	Council conducts face-to-face interviews and decides on preferred candidate
April 27 – May 7, 2020	Background checks and negotiations with preferred candidate
May 12, 2020	Council introduces new City Manager at Council Work Session
July 1, 2020	First day of work for new City Manager

Prepared by: Bonnie Svrcek, City Manager