

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, November 10, 2015
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: -There were no new contracts awarded.

Update on priority projects: -See attached report.

General Business

- | | |
|---|--------------------|
| 1. Right-of-way vacation: Rives Street | Rachel Frischeisen |
| 2. TAP application: Sidewalks for Safe Routes to School | Lee Newland |
| 3. VDOT Revenue Sharing | Lee Newland |
| 4. VDOT Revenue Sharing: Campbell County/Liberty University | Lee Newland |
| 5. Roll Call | |

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: December 8, 2015

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

November 10, 2015

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Right of Way	November 2015	Right of Way Discussions - On going
Midtown Connector		Construction	December 2015	Under Construction - Working on Langhorne 99% complete & Kemper 80% Complete -
Greenview Drive Phase 2		Construction	July 2017	Construction Proposed to Start March 2016.
Kemper Street Bridge / Interchange		Construction	September 2016	Bridge Construction and Grading
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design Completed to Determine Available R/W for Development - On Hold- HB2 Submittal
Lower Bluffwalk Phase 2		Construction	July 2015	Closeout in Progress
Memorial - Park - Lakeside Intersection	*	Construction	September 2017	Project re-advertised - Being reviewed by VDOT and Federal Highways
Odd Fellows Road - P3		Construction	August 2018	Construction Proposed to Start January 2016.
Juvenile Services Group Home		Construction	April 2016	On-going
Downtown Streetscapes	*	Design	January 2016	50% Plans - Public Meeting November 17
LU Intramural Field Road - Phase 1	*	Construction	September 2016	Signing Contracts
LU Intramural Field Road - Phase 2	*	Design	November 2016	Reviewing for Approval

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015 - PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: X

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: **Vacate a portion of Rives Street**

RECOMMENDATION: Denial of the right-of-way vacation.

SUMMARY: Spring Hill Cemetery Association, the owner of 3000 Fort Avenue and 1550 James Street, is petitioning to vacate a portion of the right-of-way known as Rives Street, between James Street and Gordon Street. The petitioner is requesting the right-of-way vacation so that the portion of the road separating two large properties can be removed, thus creating one contiguous area for the cemetery. This right-of-way is currently a developed and active street. The total area of the proposed vacation is approximately four hundred ninety-six thousandths (0.496) of an acre.

This opened portion of right-of-way acts as a connection in the neighborhood surrounding the cemetery. Staff believes that the loss of this connection would have a negative impact on the residents and the neighborhood as a whole. The City's *Comprehensive Plan 2013-2030* lists connectivity as a guiding principle, which should be retained and improved when possible to enhance mobility, efficiency, and the sustainability of the City's transportation network.

The approval of this right-of-way vacation would require some reconfiguration of traffic flow in the neighborhood, since the adjoining streets are one-way. Either Rives Street would be converted to one-way traffic (northbound) between Gordon Street and Callaham Street, or Gordon Street would be converted to two-way traffic.

PRIOR ACTION(S):

September 1, 2015: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance. Some concern was expressed about the notification of the neighborhood. The cemetery plans to reach out to these property owners.

FISCAL IMPACT: None

CONTACT(S):

Rachel Frischeisen, Planner I – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Application
- Right-of-way vacation plat
- Narrative Letter
- Cemetery-owned property map
- Right-of-way vacation map

REVIEWED BY:

APPLICATION FOR THE VACATION OF A

RIVES STREET

Lynchburg, Virginia

LOCATED BETWEEN

Gordon and James Streets

The undersigned applicant, Spring Hill Cemetery Association, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Rives Street described as follows:

Portion of Rives Street as follows:

Beginning at a monument found at the intersection of James Street and Rives Street thence N41°27'29"W 20.00' to a p.k. Nail set; thence W48°32'31"E 540.00' to a p.k. Nail set; thence S41°27'29"E 20.00' to an iron rebar set; thence S48°32'31"W 540.00' to the point of beginning. Being parcel "A" (a portion of Rives Street) and containing 0.248 acres.

Beginning at an iron rebar set at the right of way of Rives Street at the intersection of James Street and Rives Street; thence N48°32'31"E 540.00' to an iron rebar set; thence S41°27'29"E 20.00' to a p.k. nail set; thence S48°32'31"W 540.00' to an p.k. nail; thence N41°27'29"W 20.00' to the point of beginning. Being parcel "B" (a portion of Rives Street) and containing 0.248 acres.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on December 8, 2015, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which to consider whether or not to vacate the above described Rives Street.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on December 8, 2015, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which to consider whether or not to vacate the above described Rives Street.

Given under my hand this 18 day of August, 2015.

Spring Hill Cemetery

Applicant

3000 Fort Avenue, Lynchburg, VA 24501

Address

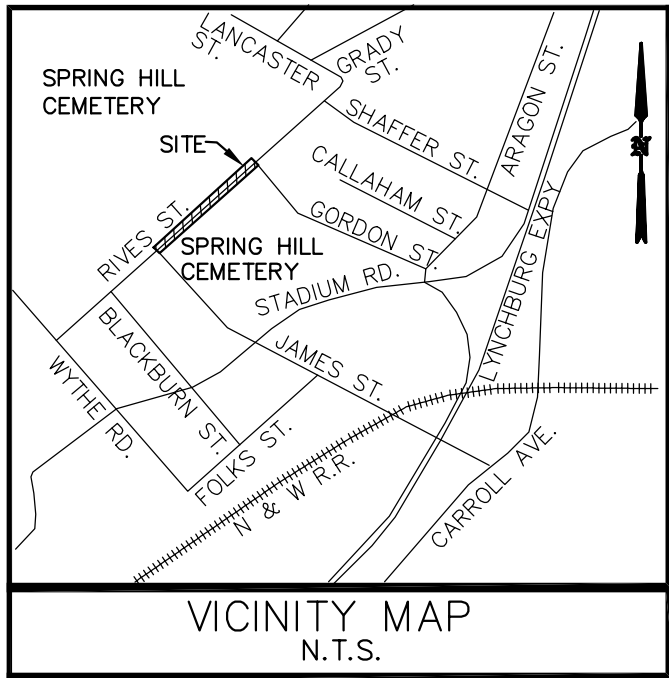
434-846-0801

Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY:

T. Ashby Watts III
T. Ashby Watts III (President)

8/18/15
Date



LEGAL DESCRIPTION: PARCEL "A"

BEGINNING AT A MONUMENT FOUND AT THE INTERSECTION OF JAMES STREET AND RIVES STREET THENCE N41°27'29"W 20.00' TO A P.K. NAIL SET; THENCE N48°32'31"E 540.00' TO A P.K. NAIL SET; THENCE S41°27'29"E 20.00' TO AN IRON REBAR SET; THENCE S48°32'31"W 540.00' TO THE POINT OF BEGINNING. BEING PARCEL "A" (A PORTION OF RIVES STREET) AND CONTAINING 0.248 ACRES.

LEGAL DESCRIPTION: PARCEL "B"

BEGINNING AT AN IRON REBAR SET AT THE RIGHT OF WAY OF RIVES STREET AT THE INTERSECTION OF JAMES STREET AND RIVES STREET; THENCE N48°32'31"E 540.00' TO AN IRON REBAR SET; THENCE S41°27'29"E 20.00' TO A P.K. NAIL SET; THENCE S48°32'31"W 540.00' TO AN P.K. NAIL; THENCE N41°27'29"W 20.00' TO THE POINT OF BEGINNING. BEING PARCEL "B" (A PORTION OF RIVES STREET) AND CONTAINING 0.248 ACRES.

TM# 01201001
45 ACRES
SPRING HILL CEMETERY
ASSOCIATION
D.B. 30 P. 293 S 41°27'29" E 20.00'
D.B. 33 P. 206

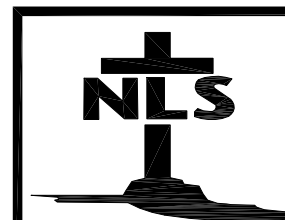
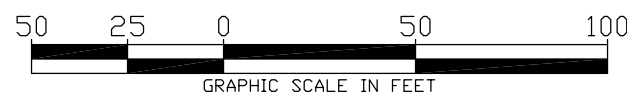
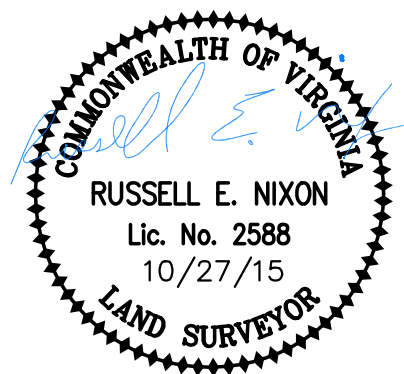
TM# 02801001
6.337 ACRES
SPRING HILL CEMETERY
ASSOCIATION
D.B. 126 P. 298

TM# 02736060
SPRING HILL CEMETERY
ASSOCIATION
D.B. 282 P. 462

TM# 02736061
SPRING HILL CEMETERY
ASSOCIATION
D.B. 282 P. 462

TM# 02736063
SPRING HILL CEMETERY
ASSOCIATION
D.B. 282 P. 462

TM# 02736001
SPRING HILL CEMETERY
ASSOCIATION
INSTR.NO. 130004747



Nixon Land
Surveying, L.L.C.
1063C Airport Road
Lynchburg, VA 24502
Phone: (434) 237-3600
Fax: (434) 237-0699

Email: ren@nixonlsec.com
www.nixonlsec.com

DO NOT MOVE AN ANCIENT BOUNDARY STONE OR ENCROACH ON THE FIELDS OF THE FATHERLESS. PROVERBS 23:10 (NIV)

SURVEYED FOR:

SPRING HILL CEMETERY ASSOCIATION

PLAT SHOWING PROPOSED STREET VACATION
OF A PORTION OF RIVES STREET FOR
SPRING HILL CEMETERY

ASSOCIATION
CITY OF LYNCHBURG, VIRGINIA

COMM. NO.:	2015197	REVISED:	10/27/15
SCALE:	1"=50'	DR. BY:	VPB
SHEET:	1 OF 1	CHK. BY:	REN DRW. NME. SUBD2

NORTH
VA STATE GRID NORTH (SOUTH ZONE)



October 28, 2015

Rachel Frischeisen – Planner 1
Department of Community Development
900 Church Street
Lynchburg, Virginia 24504

Re: Rives Street Vacation

Dear Ms. Fischeisen:

On behalf of the Association, I want to thank you for taking the time to meet yesterday.

As you suggested, I have briefly commented on the history of recent acquisitions of neighboring properties by the Association, past meetings with city employees regarding the CSO work in the area and, lastly, the Association's concerns regarding the traffic on Rives Street. Please note the following comments:

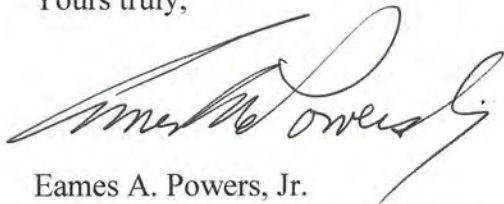
Spring Hill Cemetery Association over the past twenty five years has been actively purchasing the neighboring properties on Callaham Street, Gordon Street, James Street, Blackburn Street and Wythe Road for the purpose of expanding the cemetery. To date, the Association has purchased 33 of these properties leaving 12 properties remaining to be acquired. Currently, of the 31 improved properties purchased in the area, 22 dwellings have been demolished with the remaining 9 rented. It is the Association's intention in the future to demolish all dwellings in the expansion area and convert the land into cemetery.

On May 4, 2009, Eames Powers, Secretary/Treasurer of Spring Hill Cemetery Association, met with Jeff Scarano, P.E., City of Lynchburg and G. Keith Thompson, Jr., P.E., Wiley and Wilson to discuss CSO Project #16.3 and to relay the Association's plans for future expansion. It was agreed that the impact of this knowledge would prompt a review of the proposed design. It would be a cost savings to the City not to have to spend money on infrastructure that, in the near future, would be of no use. On February 7, 2012, Eames Powers met with James S. Talian, P.E., City of Lynchburg to review the Association's plans for expansion and the impact that it might have on the implementation of the CSO project. As a result of the meeting, Mr. Talian indicated that Phase B of the project, which affected the areas of James Street and Blackburn Street, would be reviewed to determine if the proposed work was needed.

Finally, Rives Street from Shaffer Street to Wythe Road is fronted on both sides (east and west) by the property of Spring Hill Cemetery Association, except for the two properties located at the corner of Rives Street and Blackburn Street. A large amount of the vehicular traffic on Rives Street passes up and down the street at a high rate of speed, which poses an unsafe condition for the employees of the Association, who must use the street for access to the existing cemetery grounds, as well as, to the families who are visiting the cemetery and must cross the street to get from the western part to the eastern part of the cemetery. Rives Street does not serve the needs of the immediate neighbors, and by closing it to thru traffic a hazardous condition can be eliminated. The proposed vacation of this portion of Rives Street will benefit the City of Lynchburg by reducing the cost of street maintenance and the elimination of an unsafe traffic pattern; and will benefit Spring Hill Cemetery Association by allowing it to join the divided grounds.

I hope these comments have provided you with some background information on the activities of the Association and our intentions. Please feel free to contact me or Proctor Harvey if we can be of further assistance.

Yours truly,

A handwritten signature in cursive script, appearing to read "Eames A. Powers, Jr.", written in dark ink.

Eames A. Powers, Jr.
Secretary/Treasurer
Spring Hill Cemetery Association

Cc Proctor S. Harvey



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Transportation Alternatives Program Application for Sidewalk for Safe Routes To School

RECOMMENDATION: Forward to full Council with recommendation to adopt a resolution to approve the submittal of an application for \$168,244 in Transportation Alternatives Program funding through VDOT for construction of a sidewalk on one side of Stoneridge Street providing access to citizens and students.

SUMMARY: There have requests for sidewalk to complete the route from the Dearington Heights Apartments to the Dearington Elementary School, the neighborhood market and the GLTC bus stop since the City finished the original Safe Routes to School project that had to leave this section out due to inadequate funding. The work will also include safety measures such as ADA ramps and a crosswalk as well as storm drainage inlets. A source of Federal funding, through the Commonwealth Transportation Board, has been identified and an application prepared for submission. The application requests 80% federal reimbursement through the Transportation Alternatives Program to construct a sidewalk. Design is complete and if approved, the funding authorization will come next October. A public meeting will be held on December 3, 2015, at Dearington Elementary to inform citizens of the plans. The application requires the adoption of an endorsement resolution by City Council. The project also has the support of the Region 2000 MPO.

The cost estimate is \$210,305; the grant requires a 20% local match of \$42,061. It is anticipated the match will be from Public Works' General Street Funds.

PRIOR ACTION(S): None

FISCAL IMPACT: Requires 20% local match.

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4469

ATTACHMENT(S):

Resolution

Aerial Map

REVIEWED BY:

**ENDORSEMENT RESOLUTION
FOR THE SUBMITTAL TO THE
VIRGINIA DEPARTMENT OF TRANSPORTATION
FY 2016-2017 TRANSPORTATION ALTERNATIVES PROGRAM**

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the project sponsoring jurisdiction requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Lynchburg.

Now, Therefore, Be It Resolved, that the City of Lynchburg, requests the Commonwealth Transportation Board to establish the Dearington Elementary Safe Routes to School Completion project. The project will construct approximately 350 feet of new sidewalk providing safe pedestrian movement for students and families to access Dearington Elementary School and other neighborhood resources.

Be It Further Resolved, that the City of Lynchburg hereby agrees to provide a minimum 20 percent financial match contribution for this project.

Be It Further Resolved, that the City of Lynchburg hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that the City of Lynchburg will be responsible for maintenance and operating costs of any facility constructed with the Transportation Alternatives Program funds unless other arrangements have been made with the Department.

Be It Further Resolved, that if the City of Lynchburg subsequently elects to cancel this project the City of Lynchburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Be It Further Resolved, that L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for these projects.

Adopted this 10th day of November, 2015, City of Lynchburg, Virginia.

Certified: _____
Clerk of Council



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Participation in the VDOT Revenue Sharing Program for FY 2017**

RECOMMENDATION: Forward to full Council with recommendation to adopt the attached resolution to participate in the VDOT Revenue Sharing Program for FY 2017.

SUMMARY: Staff is proposing to participate in the VDOT Revenue Sharing Program to help with the funding of four projects. The projects that are being submitted and their estimated costs are listed below in priority order.

Main Street Bridge (Add'l. Funding)	\$ 6,923,812	Total Project	\$ 9,800,000
Timberlake/Logan's Lane Imp. (Add'l. Funding)	5,063,550	Total Project	\$ 8,828,350
Wards Ferry Road Widening (Construction)	3,073,500	Total Project	\$ 4,253,500
Un-named Road off Lakeside Drive	5,000,000	Total Project	\$ 6,750,000
Total	\$20,060,862		\$29,631,850

The Wards Ferry widening is from Timberlake to improve access to the new Heritage High School. The un-named road off of Lakeside Drive creates access for the Lakeside Center and is a partnership project with a Developer.

PRIOR ACTION(S): None

FISCAL IMPACT: Funds for the \$10.03 million match have to be budgeted in the FY 2017 Budget and will be a mix of Capital Funds, Maintenance Funds and a contribution from the Developer. The City's responsibility will be \$7.53 million for its projects. The Developer will contribute, from a proposed Community Development Authority (CDA), \$2.5 million for the un-named road.

CONTACT(S):

Lee Newland, City Engineer	455-3947
Gaynelle Hart, Director of Public Works	455-4406

ATTACHMENT(S):

Resolution

REVIEWED BY:

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to twenty million sixty thousand eight hundred thirty two dollars (\$20,060,832) through the Virginia Department of Transportation Fiscal Year 2015-2016, Revenue Sharing Program; and,

WHEREAS, twenty million sixty thousand eight hundred thirty two dollars (\$20,060,832) of these funds are requested to fund various projects throughout the City of Lynchburg; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports this application for an allocation of twenty million sixty thousand eight hundred thirty two dollars (\$20,060,832) through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for these projects.

Adopted: _____

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program: Campbell County/Liberty University Project**

RECOMMENDATION: Forward to full Council with recommendation to adopt the attached resolution to support Campbell County in the participation of the VDOT Revenue Sharing Program for a project in support of Liberty University.

SUMMARY: Campbell County has requested the City of Lynchburg to support their participation in partnership with Liberty University to construct Liberty Mountain Drive Off-Ramp and Roundabout from Campbell County into the City of Lynchburg. This ramp would connect from Route 460 Eastbound Lane to the existing Liberty Mountain Drive. Although Liberty Mountain Drive is within the City Limits, it is a VDOT maintained road and would not require any additional maintenance from the City.

PRIOR ACTION(S): None

FISCAL IMPACT: No impact.

CONTACT(S):

Lee Newland, City Engineer
Gaynelle Hart, Director of Public Works

455-3947
455-4406

ATTACHMENT(S):

Resolution
Graphic
Letter of Request from LU

REVIEWED BY:

RESOLUTION:

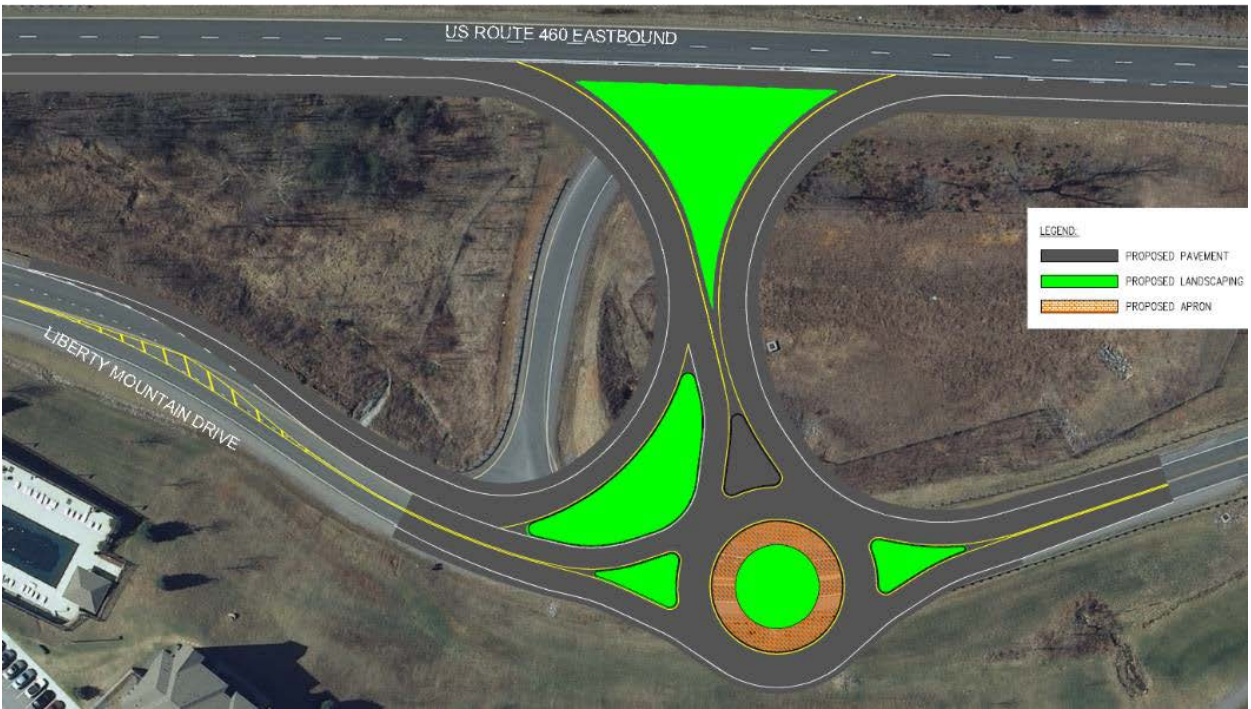
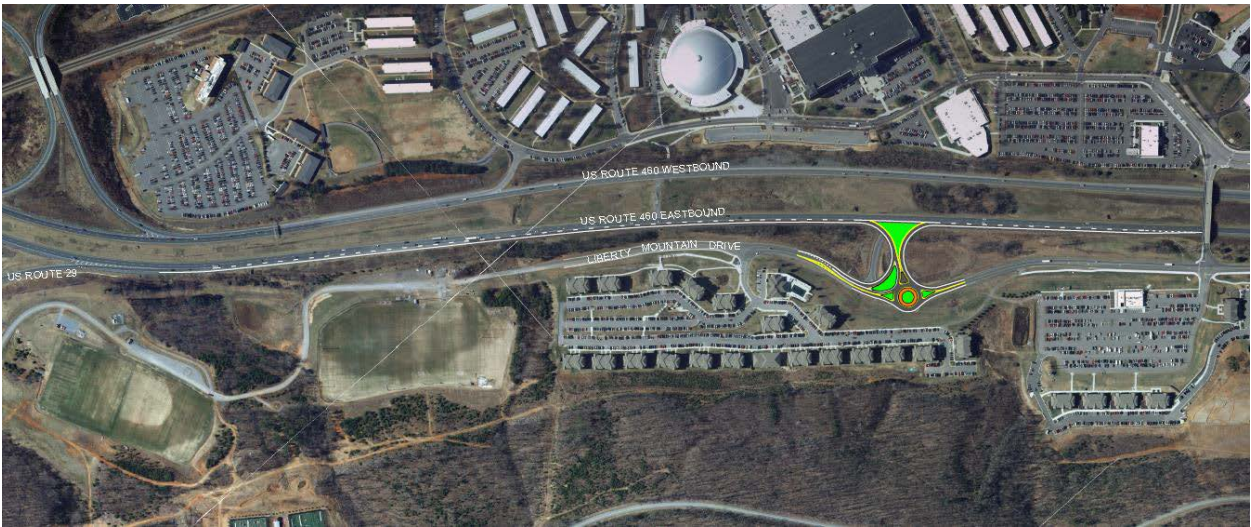
WHEREAS, the Lynchburg City Council desires to support an application for funds for Campbell County through the Virginia Department of Transportation Fiscal Year 2016-2017, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund a project partially within the City of Lynchburg (Liberty Mountain Drive Off-Ramp) that Campbell County will administer; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports the application for an allocation to Campbell County through the Virginia Department of Transportation Revenue Sharing Program.

Adopted: _____

Certified: _____
Clerk of Council





LIBERTY UNIVERSITY

OFFICE *of the* PRESIDENT

October 1, 2015

Mr. Mike Davidson
Director of Economic Development
Campbell County
47 Courthouse Lane
Rustburg VA 24588

RE: U.S. Route 460 Off-Ramp and Roundabout at Liberty Mountain Drive

Dear Mr. Davidson:

On behalf of Liberty University, I would like to thank you and Campbell County for partnering with us on the Liberty Mountain Drive road extension project. We have been working with your staff, VDOT and our design team to finalize design plans and are anxious for field work to begin in the spring of 2016.

As you know, on US Route 460 during the AM peak period, a high volume of traffic uses the Candler's Mountain Road US Route 460 off-ramp resulting in significant queues that back up on US Route 460, creating unsafe, stopped conditions.

VDOT has identified this safety concern and engaged Kimley Horn study the area to develop a preferred alternative solution as outlined in the "Candler's Mountain Road Ramp Study" dated May of 2015. The recommended solution is the construction of an off-ramp at the current Liberty Mountain Drive on-ramp including an exclusive right turn slip lane for access onto Liberty Mountain Drive, and roundabout at the intersection of the ramps and Liberty Mountain Drive. The roundabout at the Route 460 on and off-ramp/Liberty Mountain Drive intersection will provide far superior traffic operations in terms of delay and queuing than the use of traffic signals.

Liberty University is currently working on the construction of a bridge from Liberty University Drive to the south end of the University's campus, over US Route 460. The proposed US Route 460 off-ramp in conjunction with the bridge will provide an alternative access to the University. The new Liberty Mountain Drive off-ramp will remove 41% of the traffic volume from the Candler's Mountain Road off-ramp, eliminating severe congestion on the existing Candler's Mountain Road off-ramp during peak travel time, improving the traffic flow and safety in this corridor.

The proposed off-ramp provides additional access to Liberty Mountain Drive, which in turn provides connection to US Route 29. Liberty University recently purchased over 100 acres that will be accessible via the new extension of Liberty Mountain Drive. When this area is developed,

it will provide another connection point between US Route 29, Liberty Mountain Drive and US Route 460.

Liberty Mountain Drive extends from Campbell County into the City of Lynchburg and is a VDOT frontage road, maintained by VDOT. The proposed off-ramp & roundabout project is within the City of Lynchburg limits, and ties to Liberty Mountain Drive. Approximately 30% of the Campbell County's current Liberty Mountain Drive revenue share project is within the City limits. Liberty University had discussed the off-ramp and roundabout project with the City of Lynchburg. The City is supportive of the project and would add it to this year's funding request, but the City already has \$18M worth of revenue share projects ready to be submitted for funding. Included in the \$18M request is a \$4M request for the extension of phase 3 of the City road from Candler's Mountain Road to the Odd Fellows Road interchange, for which Liberty University would provide the funding for the 50% VDOT match. The off-ramp and roundabout project is an \$8M project. Even if Liberty University retracts the \$4M road request from the City's request, adding the \$8M ramp request will exceed the \$20M funding cap request allotted to each locality.

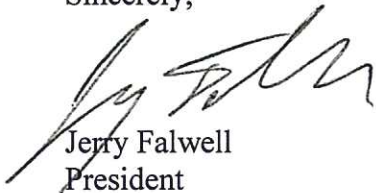
Since the off-ramp and roundabout is the VDOT-recommended solution to a safety issue that impacts the region, Liberty University proposes to partner with Campbell County to provide a solution. We request the submission of this project to VDOT for "Revenue Sharing Program" consideration.

The University understands the "Revenue Sharing Program" provides matching funds to a jurisdiction for transportation projects on a 50/50 basis. If this project is selected, Liberty University would provide the 50% matching funds on behalf of Campbell County. Additionally, if the project expenditures exceed the proposed budget, the University would cover 100% of the costs beyond the proposed and funded budget. The University would also fund 50% of the cost of the project administrator's fee paid by Campbell County to coordinate the revenue sharing paperwork required for the project.

We have enjoyed a good relationship with the County over the years as we have continued to grow. We view this project as a great opportunity to allocate VDOT funding to this region to help improve traffic flow, reduce congestion and improve safety. We welcome this opportunity to work with Campbell County to achieve these ends.

Please consider this request and feel free to contact me to discuss it further.

Sincerely,



Jerry Falwell
President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: X

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: X

ITEM TITLE: **2016 Medical Benefits Program Costs and Funding**

RECOMMENDATION: Consider options for funding increased employee and retiree medical benefit costs.

SUMMARY: A \$1.2M increase in overall medical benefit costs is projected for the 2016 plan year that begins 1/1/16. Multiple options are available to fund the increase including full City funding, full Employee funding and Employees and the City sharing the costs. We are seeking Council's guidance regarding the preferred option.

PRIOR ACTION(S): Preliminary discussion at Council planning session 9/24/15

FISCAL IMPACT: Budget Impact depends upon preferred option (\$0 - \$1.2M)

CONTACT(S): Margaret Schmitt 455-4208

ATTACHMENT(S): 2016 Medical Benefits Information

REVIEWED BY: lkp

130K



Medical Benefit Information 2016 Plan Year

Lynchburg, Virginia

A Great Place to Live, Work and Play!



Medical Benefit Principles and Practices

- Maintain one group plan to spread risks across all members.
- Members with higher utilization pay more.
- Share the costs of services equitably, regardless of where the services are received.
- The City contributes the same amount for active employees and retirees.
- The City actively promotes wellness.
- The benefits package is routinely used as a recruitment and retention tool.



Current Status

- Annual costs have increased at a slower rate than national trends since 2009 due to strong plan management, efficient use of the Health Management Program and positive claims experience.
- Additional plan costs have been funded entirely by the City and employee/retiree rates for family member coverage have not increased in 7 years.
- City cost-experience and the Medical Insurance landscape are changing - 2016 costs are projected to increase by \$1.2 million over current year
- City Medical Reserves total \$1,078,048



How Our Plan is Different

- The plan is “Grandfathered” under the Affordable Care Act (ACA)
- It is affordable and relatively rich.
 - \$500 in-network Deductible
 - \$2,000 in-network Out of Pocket Maximum
 - City fully funds single coverage.
- The City has created artificially low family member rates by funding 100% of increases with no change to employee contributions.
- The City has a track record of cost savings through the Health Management Program/Clinic and Occupational Health.



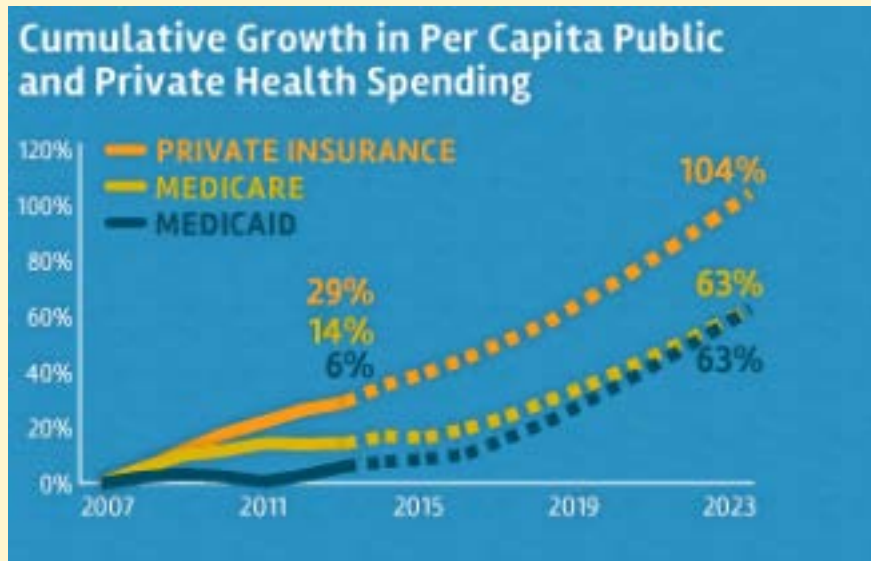
Comparisons with other Localities

- Survey of 54 Virginia localities and 114 School Divisions
 - 42 Cities/Towns/Counties share the cost of employee-only coverage with employees
 - 99 School Divisions share the cost of employee-only coverage with employees
 - All share cost of family coverage with employees
- Average Cost and Share (of those that share costs)

	Total Cost Employee Only	Employee Share Employee Only	Organization Share Employee Only		Total Cost Family	Employee Share Family	Organization Share Family
Survey	\$573	11.22%	88.78%		\$1,517	42.85%	57.15%
Lynchburg	\$419	0	100%		\$804	48%	52%



National Trends





Additional Resources Needed

- Increases are out-pacing our ability to manage costs as successfully as in recent years.
 - Increasing overall medical costs
 - Increasing administrative and re-insurance costs
 - Increasing pharmacy costs, especially specialty drugs
 - Plan changes that increased preventive care coverage
 - Efficiency plateau from HMP clinic
- To maintain the same plan and contribution rates \$1.2M additional resources needed.
 - Total costs increasing from 10.5M to 11.7M



Funding the Increase

- Two basic options to fund the increase:
 - City funds the increase
 - Shift costs to employees
 - Modify the plan
 - Employees fund full increase
 - Share in funding the increase



*Proposed Plan Changes

- Deductible: \$500 to \$650.
- Out of Pocket Maximum: \$2,000 to \$2,600
- Primary Care Physician copay: \$20 to \$25
- Specialist copay: \$30 to \$37.50
- Emergency Room copay: \$50 to \$65
- Allergy copay: \$5 to \$6.50

Plan changes result in a \$302,949 savings to City and do not trigger loss of “Grandfather” status.



Cost Share Options

		Current Rate Structure		Option 1		Option 2		Option 3	
				Increase Funded by COL		Increase Funded by EEs		Increase Shared by COL & EEs	
Active Employees	#	EE	COL	EE	COL	EE	COL	EE	COL
Employee	(651)	0.00	419.00	0.00	468.00	23.00	419.00	21.00	431.00
Employee & Spouse	(130)	214.00	419.00	214.00	468.00	296.00	419.00	265.00	431.00
Employee & Child	(65)	178.00	419.00	178.00	468.00	257.00	419.00	230.00	431.00
Employee & Children	(73)	325.00	419.00	325.00	468.00	469.00	419.00	420.00	431.00
Family	(236)	385.00	419.00	385.00	468.00	506.00	419.00	453.00	431.00
Family (Both Employees)	(20)	54.00	838.00	54.00	936.00	153.00	784.00	137.00	784.00
Retirees Under 65		EE	COL	EE	COL	EE	COL	EE	COL
Retiree	(131)	28.00	419.00	28.00	468.00	59.00	419.00	53.00	431.00
Retiree & Spouse Under 65	(48)	242.00	419.00	242.00	468.00	330.00	419.00	295.00	431.00
Retiree & Spouse Under 65 (Both City Retirees)	(1)	56.00	838.00	56.00	936.00	63.00	700.00	56.00	707.00
Retiree & Spouse Over 65	(0)	116.00	419.00	116.00	468.00	130.00	419.00	116.00	431.00
Retiree & Child	(5)	206.00	419.00	206.00	468.00	291.00	419.00	230.00	431.00
Family	(34)	413.00	419.00	413.00	468.00	540.00	419.00	483.00	431.00
Retirees Over 65		EE	COL	EE	COL	EE	COL	EE	COL
Retiree	(184)	0.00	419.00	0.00	468.00	23.00	419.00	21.00	431.00
Retiree & Spouse Under 65	(8)	176.00	419.00	176.00	468.00	245.00	419.00	219.00	431.00
Retiree & Spouse Over 65	(18)	88.00	419.00	88.00	468.00	133.00	419.00	119.00	431.00
Retiree & Child	(1)	176.00	419.00	176.00	468.00	245.00	419.00	219.00	431.00
Family	(4)	216.00	419.00	216.00	468.00	295.00	419.00	264.00	431.00
Additional Premiums (EEs Not Enrolled in HMP)		42.00	0.00	42.00	0.00	65.00	0.00	63.00	0.00
2016 Annual Contributions (Based on Current Enrollments)		2,286,588.00	8,195,640.00	2,286,588.00	9,154,080.00	3,383,448.00	8,181,024.00	3,032,616.00	8,409,780.00
2016 Total Annual Contributions		10,482,228.00		11,440,668.00		11,564,472.00		11,442,396.00	
2016 Amount Needed		11,729,931.00		11,729,931.00		11,864,931.00		11,729,931.00	
Savings From Plan Changes*		N/A		302,949.00*		302,949.00*		302,949.00*	
2016 Surplus or Deficit		(1,247,703.00)		13,686.00		2,490.00		15,414.00	
Budget Impact				958,440.00		0		214,140.00	



Cost Share Option 1

Full Increase Funded by City

		Current Rate Structure			Increase Funded by COL	
Active Employees		EE	COL		EE	COL
Employee		0.00	419.00		0.00	468.00
Employee & Spouse		214.00	419.00		214.00	468.00
Employee & Child		178.00	419.00		178.00	468.00
Employee & Children		325.00	419.00		325.00	468.00
Family		385.00	419.00		385.00	468.00
Family (Both Employees)		54.00	838.00		54.00	936.00
Retirees Under 65		EE	COL		EE	COL
Retiree		28.00	419.00		28.00	468.00
Retiree & Spouse Under 65		242.00	419.00		242.00	468.00
Retiree & Spouse Under 65 (Both City Retirees)		56.00	838.00		56.00	936.00
Retiree & Spouse Over 65		116.00	419.00		116.00	468.00
Retiree & Child		206.00	419.00		206.00	468.00
Family		413.00	419.00		413.00	468.00
Retirees Over 65		EE	COL		EE	COL
Retiree		0.00	419.00		0.00	468.00
Retiree & Spouse Under 65		176.00	419.00		176.00	468.00
Retiree & Spouse Over 65		88.00	419.00		88.00	468.00
Retiree & Child		176.00	419.00		176.00	468.00
Family		216.00	419.00		216.00	468.00
Additional Premiums (EEs Not Enrolled in HMP)		42.00	0.00		42.00	0.00
2016 Annual Contributions (Based on Current Enrollments)		2,286,588.00	8,195,640.00		2,286,588.00	9,154,080.00
2016 Total Annual Contributions		10,482,228.00			11,440,668.00	
2016 Amount Needed		11,729,931.00			11,729,931.00	
Savings From Plan Changes*		N/A			302,949.00*	
2016 Surplus or Deficit		(1,247,703.00)			13,686.00	
Budget Impact					958,440.00	



Cost Share Option 2

Full Increase Funded by Employees

	Current Rate Structure		Increase Funded by EEs	
<u>Active Employees</u>	EE	COL	EE	COL
Employee	0.00	419.00	23.00	419.00
Employee & Spouse	214.00	419.00	296.00	419.00
Employee & Child	178.00	419.00	257.00	419.00
Employee & Children	325.00	419.00	469.00	419.00
Family	385.00	419.00	506.00	419.00
Family (Both Employees)	54.00	838.00	153.00	784.00
<u>Retirees Under 65</u>	EE	COL	EE	COL
Retiree	28.00	419.00	59.00	419.00
Retiree & Spouse Under 65	242.00	419.00	330.00	419.00
Retiree & Spouse Under 65 (Both City Retirees)	56.00	838.00	63.00	700.00
Retiree & Spouse Over 65	116.00	419.00	130.00	419.00
Retiree & Child	206.00	419.00	291.00	419.00
Family	413.00	419.00	540.00	419.00
<u>Retirees Over 65</u>	EE	COL	EE	COL
Retiree	0.00	419.00	23.00	419.00
Retiree & Spouse Under 65	176.00	419.00	245.00	419.00
Retiree & Spouse Over 65	88.00	419.00	133.00	419.00
Retiree & Child	176.00	419.00	245.00	419.00
Family	216.00	419.00	295.00	419.00
Additional Premiums (EEs Not Enrolled in HMP)	42.00	0.00	65.00	0.00
2016 Annual Contributions (Based on Current Enrollments)	2,286,588.00	8,195,640.00	3,383,448.00	8,181,024.00
2016 Total Annual Contributions	10,482,228.00		11,564,472.00	
2016 Amount Needed	11,729,931.00		11,864,931.00	
Savings From Plan Changes*	N/A		302,949.00*	
2016 Surplus or Deficit	(1,247,703.00)		2,490.00	
Budget Impact			0	



Cost Share Option 3

Increase Shared by City and Employees

		Current Rate Structure			Increase Shared by COL & EEs	
<u>Active Employees</u>		EE	COL		EE	COL
Employee		0.00	419.00		21.00	431.00
Employee & Spouse		214.00	419.00		265.00	431.00
Employee & Child		178.00	419.00		230.00	431.00
Employee & Children		325.00	419.00		420.00	431.00
Family		385.00	419.00		453.00	431.00
Family (Both Employees)		54.00	838.00		137.00	784.00
<u>Retirees Under 65</u>		EE	COL		EE	COL
Retiree		28.00	419.00		53.00	431.00
Retiree & Spouse Under 65		242.00	419.00		295.00	431.00
Retiree & Spouse Under 65 (Both City Retirees)		56.00	838.00		56.00	707.00
Retiree & Spouse Over 65		116.00	419.00		116.00	431.00
Retiree & Child		206.00	419.00		230.00	431.00
Family		413.00	419.00		483.00	431.00
<u>Retirees Over 65</u>		EE	COL		EE	COL
Retiree		0.00	419.00		21.00	431.00
Retiree & Spouse Under 65		176.00	419.00		219.00	431.00
Retiree & Spouse Over 65		88.00	419.00		119.00	431.00
Retiree & Child		176.00	419.00		219.00	431.00
Family		216.00	419.00		264.00	431.00
Additional Premiums (EEs Not Enrolled in HMP)		42.00	0.00		63.00	0.00
2016 Annual Contributions (Based on Current Enrollments)		2,286,588.00	8,195,640.00		3,032,616.00	8,409,780.00
2016 Total Annual Contributions		10,482,228.00			11,442,396.00	
2016 Amount Needed		11,729,931.00			11,729,931.00	
Savings From Plan Changes*		N/A			302,949.00*	
2016 Surplus or Deficit		(1,247,703.00)			15,414.00	
Budget Impact					214,140.00	



"Industry Standard" Option

Based on Industry Tier Factors, expected 2016 costs and employer paying 100% single +46% of the difference for other tiers. Starts to bring funding strategies closer to industry standards. Uses current plan features.

	Current Costs		Restructured Costs	
	EE	COL	EE	COL
Active Employees				
Employee	0.00	419.00	0.00	393.00
Employee & Spouse	214.00	419.00	212.00	574.00
Employee & Child	178.00	419.00	127.00	501.00
Employee & Children	325.00	419.00	276.00	628.00
Family	385.00	419.00	488.00	808.00
Family (Both Employees)	54.00	838.00	276.00	1021.00
Retirees Under 65				
Retiree	28.00	419.00	28.00	365.00
Retiree & Spouse Under 65	242.00	419.00	240.00	546.00
Retiree & Spouse Under 65 (Both City Retirees)	56.00	838.00	56.00	730.00
Retiree & Spouse Over 65	116.00	419.00	71.00	454.00
Retiree & Child	206.00	419.00	155.00	473.00
Family	413.00	419.00	516.00	780.00
Retirees Over 65				
Retiree	0.00	419.00	0.00	162.00
Retiree & Spouse Under 65	176.00	419.00	212.00	343.00
Retiree & Spouse Over 65	88.00	419.00	71.00	223.00
Retiree & Child	176.00	419.00	128.00	270.00
Family	216.00	419.00	488.00	577.00
Additional Premiums (EEs Not Enrolled in HMP)	42.00	0.00	42.00	0.00
Total 2016 Annual Contributions (Based on Current Enrollments)	2,286,588.00	8,195,640.00	2,595,816.00	9,153,144.00
2015/2016 Total Annual Contributions	10,482,228.00		11,748,960.00	
2016 Amount Needed	11,729,931.00		11,729,931.00	
2016 Surplus or Deficit	(1,247,703.00)		19,029.00	
Budget Impact			957,504	



Next Steps

- Receive Council guidance
- Make final decisions no later than 11/24/15
- Develop final rate structure by 11/25/15
- Communicate to all employees ASAP
- Start Open Enrollment 12/1/15



Questions?



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 2

CONSENT: REGULAR: WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Zoning Ordinance Rewrite**

RECOMMENDATION: Review proposed changes to the Zoning Ordinance.

SUMMARY: City Council conducted an initial work session concerning the proposed Zoning Ordinance Revisions on October 13, 2015. After hearing a presentation on the proposed revisions, Council directed staff to advertise the Ordinance for public hearing on November 10, 2015 and developed a list of items for further discussion at a work session on October 27, 2015. A number of these items were not covered at the work session due to the time constraint. A memorandum outlining the remainder of this list of questions posed by Council and stakeholders is attached.

PRIOR ACTION(S):

October 27, 2015: City Council work session.

October 13, 2015: City Council work session.

September 23, 2015: The Planning Division recommended approval of the revised Zoning Ordinance.

The Planning Commission recommended approval of the Zoning Ordinance (5-0 with one vacancy and one absence, Mays).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Memorandum – Zoning Ordinance Workshop – November 2, 2015

REVIEWED: lkp

125K

TO: Mayor Gillette and City Council
FROM: Michael Lauer, AICP – Principal
DATE: November 2, 2015
RE: Zoning Ordinance Workshop

8900 State Line Road, Suite 406
Leawood, Kansas 66206
Tel: 913.341.8800
Fax: 913.341.8810

2105 South River Road
Melbourne Beach, Florida 32951

603 Farnham Circle
Richmond, Virginia 23236

This memo outlines the pending issues that were not discussed at the October 27 workshop. The initial issues on the list were questions raised by the Council on October 10. Following these is a list of issues raised by other stakeholders.

Council Issues

- **When are sidewalks required?** The zoning ordinance does not address the City-wide installation of sidewalks along existing streets lacking sidewalks, but it does require new development or redevelopment subject to site plan review (which excludes single family or duplex lot development) to install sidewalks except when the Zoning Administrator finds that:
 - There is no existing sidewalk network within one-quarter (1/4) mile of the site and there are no existing transit routes, educational facilities, bikeways, trails, public parks, museums, libraries and other civic uses or institutional uses within one-quarter (1/4) mile of the site; or
 - Existing slopes in excess of twenty-five (25) percent, stormwater conveyances or other physical constraints render required sidewalk improvements unfeasible.

The type of side walk is based upon the City's Standards and Details. In some instances, these details may be changed by the City Engineer based upon the existing cross section of the street.

The City's Comprehensive Plan 2013-2030 Goal T-2 states "Enhance mobility for all residents thru safe and convenient access to transportation choices that attend to the needs of pedestrians bicyclists and motorists."

The Comprehensive Plan also contains the "Better Streets Policy" which emphasizes that streets are for "all users" and incremental change is an important way to achieve better streets.

Priorities in the Fiscal Year 2015 Strategic Plan adopted by Council includes the following transportation goal: "Lynchburg's transportation system is multi-modal, safe and accessible to all citizens."

The recently conducted National Citizen Survey reaffirms the Comprehensive Plan, the Better Streets Policy, and the Strategic Plan's priorities for a more accessible community. Lynchburg rated lower than its national bench mark in ease of walking.

Recreational Vehicle Parking

- **What limitations apply to RV parking?** Section 35.2-71.11 requires that: "any owner of a travel trailer, boat and/or boat trailer, truck camper, inhabitable bus or recreational vehicle may park or store, but not inhabit, such equipment providing such equipment is located behind the building line of the main structure on the property and it is not over twenty-two (22) feet in length or eight (8) feet nine (9) inches in height." This does not address on-street parking of recreational vehicles.

Residential Lighting

- **How could nuisance ordinance be used to prevent lighting issues in residential neighborhoods?** Proposed Section 35.2-65.1 of the proposed ordinance would provide standards for permanent

exterior lighting installed on private property, excluding, single-household and duplex dwellings. Staff recommends (at the direction of City Council) reviewing Chapter 26 – Nuisances after the Zoning Ordinance is adopted.

Underground Utilities

- **How are utility locations shown on site plans?** When underground utilities are required, a note would be placed on the site plan indicating “all utilities shall be placed underground”. American Electric Power (AEP) prefers to make final decisions on routing after an AEP technician has met with the contractor on site during construction.

Other Stakeholder Issues

- **Manufactured Homes in IN-2 Districts.** The draft ordinance would allow all residential unit types by right in IN-2 districts except for manufactured homes and manufactured home communities, which require conditional use permit approval. The City has received a request to allow such uses by right.
- **Drive-Through Uses in B-1 Districts.** Because drive-through uses can create pedestrian hazards in this pedestrian-oriented district, they are limited as follows:

(a) Drive-through and drive-in uses are not allowed in this district except under the following conditions:

- (1) Drive through and drive-in uses shall not be associated with businesses providing food or beverage services;
- (2) Drive-through services shall be located in the rear of the building and shall take access from an urban collector or local street; and
- (3) Drive-through services shall be designed so that not more than one (1) two-way access or two (2) one-way access points serving such uses shall be located on a single block.

There has been a request to allow drive-through windows to be located at the side of buildings. The Planning Commission recommended against allowing drive-through windows on the sides of buildings in B-1 districts. If the Council elects to allow such uses under limited conditions, it should consider how such approvals should take place (e.g., by right or conditional use), the density of such uses and appropriate design limitations (e.g., driveway width and visibility).

- **Setbacks from Limited Access Highways.** Should the City retain, reduce or eliminate its 50 ft. setback from limited access highways for buildings and structures? Staff has requested input from the Virginia Department of Transportation (VDOT) on this standard and will provide the response at the October 27, work session.
- **Outdoor Recreational Facilities in IN Districts.** Should buffering, fencing, restroom and shower requirements for certain outdoor recreation facilities be deleted from the IN districts? The current and draft regulations require:
 - (b) Buffering shall be provided between areas to be used for games, athletics, or other active recreation and adjacent residential areas.
 - (c) Swimming pools, tennis courts, and other facilities presenting potential dangers to the life and limb of children shall be provided with fencing capable of restricting access to such facilities at times when they are not supervised.

- (d) Toilet, shower and dressing facilities shall be provided in locations and capacities appropriate to the proposed recreational use and in accordance with applicable standards of the Department of Health.

The City has received a request to eliminate these provisions in the IN districts. While each provision is reasonable, paragraph (b) should reference residential “districts” instead of “areas” and paragraph (d) should be clarified so that it only applies to swimming pools.

- **Outdoor Recreational Uses in the R-C District.** What outdoor recreational uses should be allowed by conditional use in the R-C district? The R-C district allows outdoor shooting ranges as a conditional use in the R-C district. No other outdoor recreation is allowed by conditional use permit or by right except natural and recreational areas, which includes “all parks without special economic functions, other than limited concessions.” There has been a request to allow more intensive outdoor recreational facilities pursuant to a conditional use permit. Given the purpose of the R-C district and the fact that the Planning Commission has recommended removing more intensive conditional uses from the district, the ordinance should be more specific on the range of outdoor recreational uses that are appropriate in these resource conservation areas. Passive recreational facilities are allowed by right. Campgrounds should be allowed through the conditional use permit process. Given the City’s water quality mandates, these areas seem to be poor locations for active sports fields that would require fertilizers, pesticides or herbicides.
- **Cluster Commercial Development Standards.** The intent of cluster commercial developments is to: *“provide for flexibility in the planning of certain tracts of land, under single or multiple ownership, through the modification of certain lot, setback, and use restrictions. Developments under these regulations should provide for increased amenity, safety, and other public and private benefits, as well as reduced public and private costs. CCDs are generally characterized by a unified or planned clustering of development served by common parking areas with a common means of ingress and egress. These Developments should be designed to mitigate potential increases in traffic congestion through enhanced pedestrian access between uses within the CCD and to reduce distractions from such sources as signs and artificial lighting.”*

The City has received and the Planning Commission chose not to grant a request to:

1. Eliminate the requirement for parking to be located behind front building lines;
2. Eliminate the requirement that CCDs be located within ¼ mile of an existing or planned transit route; and
3. Eliminate the requirement for civic space.

Each of these requirements is consistent with the intent to provide safe, pedestrian-supportive development at greater intensities than would otherwise be allowed. The requirements for proximity to transit routes and for parking behind front building lines are mandatory (other than on-street parking, which is encouraged). The requirement for civic space specifically states that: “minimum may be reduced or eliminated by the City Council through the CUP process if no need for such space is found within the CCD.”

- **Ammunition Reloading:** The current and proposed ordinance specifically prohibits the “manufacture or loading” of explosives. After approval of the proposed ordinance by the Planning Commission staff has discussed the potential of allowing the manufacture of “low” explosives to accommodate a possible new business in Lynchburg. After learning the difference between the manufacturing low explosives and high explosives, staff recommends considering adding low explosive manufacturing as a permitted use.

October 13, 2015

213

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of October, 2015, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette 6

Absent: Perrow 1

// Council Member Perrow arrived at the meeting at 4:09 p.m.

// City Manager Kimball Payne presented the proposed plan in support of the Academy Theatre Restoration. Mr. Payne stated that at the meeting of August 11, 2015, in response to a request from the leadership of the Academy of Fine Arts, Council directed staff to explore how \$3.5 million might be identified to support the renovation of the Academy Theatre and to report options for further discussion.

The following plan has been developed:

Goal: \$3.5 million

Sources: FY 2016 -- \$600,000 Industrial Revitalization Fund (IRF)
 \$600,000 grant match from the Lynchburg Economic Development Authority (LEDA)
 \$1.2 million total
 FY 2017 -- \$0.2 million from undesignated FY 2016 General Fund balance
 \$0.2 million from Lodging Tax (Tourism budget)
 FY 2018 -- \$0.2 million from Lodging Tax (Tourism budget)
 \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
 FY 2019 -- \$0.2 million from Lodging Tax (Tourism budget)
 \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
 FY 2020 -- \$0.5 million from annual \$1.0 m. CIP Downtown Improvements funding
 Balance, if necessary with Lodging Tax and Downtown money (e.g. if the IRF grant is less than requested)
 TOTAL -- \$3.5 million

Mr. Payne went on to say the alternative funding sources were to increase the Meals Tax and/or Lodging Tax for a period of time to raise the 2.3 to 2.9 million. The original idea was to structure the City's contribution as a loan or as some purchase of equity in the property. Due to the regulations related to the use of historic tax credits, however, this approach cannot be pursued. During Council discussion Council Member Nelson provided a variation to the City Manager's proposal to fund the Academy Theatre Restoration: 500K per year from the Downtown Redevelopment Capital Improvement budget for 3 years; \$200K each year from Lodging Tax in an increased Tourism budget over a period of 4 years; and \$600K paid from the EDA's budget as the local match of the Virginia Department of Housing and Community Development. Increase the Tourism budget to \$1.3 million a year, but leave the lodging and meals tax at their current levels. Adopt the language in the restriction proposed by the City Manager but extend the time period to 50 years rather than 35 years. Council is not in favor of using any funds from the General

Reserve Fund Balance. Several Council Members were in favor of the proposal while Council Member Helgeson and Council Member Perrow would not support the proposal, citing that they appreciate the Academy's passion and vision but they have to look out for the taxpayers, and cannot justify the expenditure at this time. Mayor Gillette called for a vote regarding the proposed amendments to the funding for the Academy stating this is not a final vote. This is a vote to give the City Manager guidance to start drafting the paperwork. On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote approved the amendments to the proposal:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette

5

Noes: Helgeson, Perrow

2

// Deputy City Manager Bonnie Svrcek gave a brief history of the Zoning Ordinance. Lynchburg's current Zoning Ordinance was adopted in 1978. Over the last four decades, parts of the Ordinance have been updated, deleted, and added, but until now there has been no comprehensive assessment or rewrite of the document. The update process began in 2012 when the City performed a Zoning Ordinance Diagnostic, a systematic review and assessment of the Ordinance. The proposed Zoning Ordinance reflects changes to make the Ordinance easier to use, streamlines City process, implements many of the goals of the Comprehensive Plan 2013-2030, addresses new issues and trends and enhances the City's built environment. City Planner Tom Martin introduced Michael Lauer with Planning Works who provided the Zoning Ordinance presentation. Mr. Lauer discussed the proposed Zoning Ordinance Revisions. During the presentation certain questions were posed by Council that will be addressed at the next work session. The following are issues that were posed by Council that will be addressed for further discussion.

- Occupancy
- Accessory Dwellings
- Home Occupations
- Neighborhood Norms
- Chickens
- Residences in B-1
- Bike Parking
- Development/Redevelopment
- Sidewalks
- Recreational Vehicle Parking
- Residential Lighting

After the review and discussion on the proposed changes to the Zoning Ordinance, Council directed staff to advertise the Zoning Ordinance for a public hearing on November 10, 2015. Another Zoning Ordinance work session was scheduled for October 27, 2015.

// There were no items for roll call.

// City Council recessed the meeting at 6:28 p.m.

// City Council reconvened the meeting at 7:30 p.m.

October 13, 2015

215

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

Council Member Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette recognized the Lynchburg Economic Development Authority for receiving a silver medal at the International Economic Development Council's annual conference in Anchorage, Alaska, in recognition of the best communities using the web as an effective marketing tool to promote services and other information to their audiences.

// Mayor Gillette recognized the City of Lynchburg for receiving the 2015 Virginia Municipal League (VML) Green Government Challenge Award on October 6, 2015 at the VML Conference which was held in Richmond, VA.

// Mayor Gillette recognized the Department of Communications and Marketing for receiving the Silver Circle Award from City-County Communications and Marketing Association (3CMA) for the Comprehensive Communications Plan for Lynchburg Alerts.

// Copies of the minutes of the September 22, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// Copies of the minutes of the September 24, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #6 regarding receiving comments and adopting a Resolution regarding the 2014 (FY 2015) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD). Deputy City Manager Bonnie Svrcek gave a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-079, as presented, approving the submission of the 2014 (FY2015) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S.

Department of Housing and Urban Development (HUD):

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development – Zoning Amendments, a public hearing was held regarding City Council Report #7 regarding the petition of D&D Trucking, LLC to amend the Future Land Use Map

(FLUM) located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial. City Planner Tom Martin gave a summary of the request. Mr. Martin stated that the Planning Division and Planning Commission recommended denial of the FLUM and the rezoning petition. Mr. Norm Walton with Perkins & Orrison, Inc., representing the petitioner, asked Council for approval of the FLUM and the rezoning petition. Two individuals spoke in support of the request. Four individuals spoke in opposition of the request stating concerns regarding increased traffic, dust, noise and other safety issues in the community. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion on this item Council Member Tweedy and Vice Mayor Johnson were not in favor of approving the FLUM and rezoning petition because of traffic problems and it would be a burden on the community. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-15-080, as presented, approving the Future Land Use Map (FLUM) to change the property located at 5205 Pleasant Valley Road from Neighborhood Commercial to Community Commercial:

Ayes: Foster, Helgeson, Nelson, Perrow, Gillette 5

Noes: Johnson, Tweedy 2

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-15-081, as presented, granting the petition of D&D Trucking, LLC to rezone approximately five and four hundred twenty-three thousandths (5.423) acres at 5205 Pleasant Valley Road from R-2, Low-Medium Density, Single-Family Residential District and B-3C, Community Business District Conditional to B-5, General Business:

Ayes: Foster, Helgeson, Nelson, Perrow, Gillette 5

Noes: Johnson, Tweedy 2

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Blue Ridge Towers, Inc. for a Conditional Use Permit (CUP) at 315 Beverly Hills Circle to install a one hundred thirty (130) foot monopole telecommunications tower with athletic lighting installed on the tower at fifty (50) feet in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition, explaining that both the Planning Division and Planning Commission are recommending approval of the CUP. Mr. Anthony Smith with Blue Ridge Towers, Inc., representing the petitioner, asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-082, as presented, granting the Conditional Use Permit at 315 Beverly Hills Circle to install a one hundred thirty (130) foot monopole telecommunications tower with athletic lighting installed on the tower at fifty (50) feet in an R-1, Low Density, Single-Family Residential District:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Lynchburg 104 Venture, LLC for a Conditional Use Permit (CUP) at

3809 Wards Road to allow fill in the 100 Year Flood Plain in a B-5, General Business District. City Planner Tom Martin gave a brief summary regarding the request, explaining that both the Planning Division and Planning Commission are recommending approval of the CUP. Mr. Mark Ayles with Hughes Associates Architects & Engineers, representing the petitioner, asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow stated that he would not be voting for this item due to concerns about regulations in the flood plain. On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-15-083, as presented, granting the Conditional Use Permit at 3809 Wards Road to allow fill in the 100 Year Flood Plain in a B-5, General Business District:

Ayes: Foster, Helgeson, Johnson, Nelson, Tweedy, Gillette

6

Noes: Perrow

1

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #10 regarding the petition of the City of Lynchburg to adopt the Atlanta Avenue Corridor Study as part of the City's Comprehensive Plan 2013-2030. The Atlanta Avenue Corridor Study recommends traffic calming measures, a multi-use trail and pedestrian crossings to be installed on Atlanta Avenue. The plan also recommends the installation of a “mini urban roundabout” at the intersection of Atlanta Avenue & Badcock Place. City Planner Tom Martin gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-084, as presented, to adopt the Atlanta Avenue Corridor Study as part of the City's Comprehensive Plan 2013-2030:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #11 regarding a request to grant a License Agreement to Shentel Communications, LLC to place approximately 2,500 feet of aerial fiber optic cable in City-owned right-of-way along Enterprise Drive and Dillard Drive. City Manager Kimball Payne gave a brief summary of the request to grant a License Agreement to Shentel Communications, LLC. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-15-085, as presented, to grant a License Agreement to Shentel Communications, LLC to place approximately 2,500 feet of aerial fiber optic cable in City-owned right-of-way along Enterprise Drive and Dillard Drive:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #12 regarding a request to enter a lease agreement with Creating Opportunities through Partnership and Education (COPE) International-USA to rent a portion of City property at 300 Rutherford Street for the

purpose of establishing a training program for commercial indoor farming. City Manager Kimball Payne gave a summary of the request. Mr. Joseph Pallone, President of COPE International outlined the purpose of this request and asked Council for approval to enter into a lease agreement. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-086, as presented, to enter a lease agreement with Creating Opportunities through Partnership and Education (COPE) International-USA to rent a portion of City property at 300 Rutherford Street for the purpose of establishing a training program for commercial indoor farming:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// Ms. Margie Callahan, Board President for the Lynchburg Symphony Orchestra, spoke before Council providing information on the 32 years the Lynchburg Symphony Orchestra has been performing in the City of Lynchburg.

// In the matter of Police – General, City Council Report #14 was considered. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-087, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$15,750 with resources of \$10,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$4,217, and \$1,033 transferred from the FY 2016 General Fund Police Department budget to provide funds for speed enforcement activities:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Police – General, City Council Report #15 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-088, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,449.46 with resources of \$18,224.73 from the Bulletproof Vest Partnership 2015 Grant Program and \$18,224.73 transferred from the FY 2016 General Fund Police Department (\$17,064.73) and Sheriff's Office (\$1,160) budgets to purchase 48 replacement bulletproof vests for law enforcement officers:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Police – General, City Council Report #16 was considered. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-089, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,964 with resources from the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement software, flashlights and holsters, targets, desktop computer, and a laptop computer:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Police – General, City Council Report #17 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-090, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,541 with resources of \$45,027 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$19,760, and \$2,754 transferred from the FY 2016 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// The meeting was adjourned at 9:42 P.M.

Clerk of Council

220

October 27, 2015

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of October, 2015, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Gillette 5

Absent: Perrow, Tweedy 2

// Council Member Perrow arrived at 4:07 p.m.

// Council Member Tweedy arrived at 4:11 p.m.

// City Manager Kimball Payne provided the draft 2016 Legislative Agenda to Council. Mr. Payne stated that the City is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The 2016 Legislative Agenda is meant to highlight those issues of particular importance to the City. Mr. Payne stated there were little changes in the 2016 Legislative Priorities and explained those changes. Council agreed to bring this item back for adoption at the November 10 Council meeting.

// City Planner Tom Martin and Michael Lauer with Planning Works continued with the Zoning Ordinance revisions. First, Mr. Lauer outlined the issues for discussion that Council identified at its October 13th work session. Several issues were discussed at length, such as Occupancy, Accessory Dwellings, Neighborhood Norms, Chickens, Residences in B-1, and Bike Parking. Mr. Lauer shared the status report for the continuation of the revisions.

- Edits from legal consultants incorporated
 - o Focused on incorporating statutory language
 - o No substantive changes to procedures or standards
- Errata incorporated
- Pending issues

After the presentation and further discussion on the proposed revision, Council directed staff to advertise the Zoning Ordinance for a public hearing on November 10, 2015. There still could be future work sessions on the Zoning Ordinance after the public hearing.

// There were no roll call items.

// City Council recessed the meeting at 6:26 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Police – General, Resolution #R-15-087 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$15,750 with resources of \$10,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$4,217, and \$1,033 transferred from the FY 2016 General Fund Police Department budget to provide funds for speed enforcement activities, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council

Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Police – General, Resolution #R-15-088 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,449.46 with resources of \$18,224.73 from the Bulletproof Vest Partnership 2015 Grant Program and \$18,224.73 transferred from the FY 2016 General Fund Police Department (\$17,064.73) and Sheriff's Office (\$1,160) budgets to purchase 48 replacement bulletproof vests for law enforcement officers, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Police – General, Resolution #R-15-089 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$36,964 with resources from the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement software, flashlights and holsters, targets, desktop computer, and a laptop computer, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Police – General, Resolution #R-15-090 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,541 with resources of \$45,027 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$19,760, and \$2,754 transferred from the FY 2016 General Fund Police Department budget to provide selective DUI and occupant restraint enforcement activities, attend related training, and purchase equipment, laid over from the October 13, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Public Works, a public hearing was held regarding City Council Report #8 regarding receiving bids and adopting an Ordinance to award a franchise agreement to Amazement Square for the construction and operation of a time travel exhibit and education center in the vicinity of 9th and Jefferson Streets.

Council Member Nelson made the following statement. In the past I have served as legal counsel for Amazement Square. My professional ethics prohibit me, as an attorney, to use my elected position to promote the interests of a client unless doing so is clearly in the public's interest. I do not have a legal conflict of interest that would require me to abstain from discussion and voting on this item.

Council Member Perrow made the following statement. My wife is on the Board of Amazement Square and is not compensated. It is a voluntary position; therefore, it does not constitute a conflict of interest and I will participate in the discussion and voting of this item.

City Manager Kimball Payne gave a summary of the item, stating Amazement Square has requested a franchise agreement from the City to allow use of city right of way for a time travel exhibit along 9th and Jefferson Streets. Mort Sajadian with Amazement Square asked Council for approval of the franchise agreement. One individual spoke in favor of this item. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote awarded a franchise agreement for the construction and operation of a time travel exhibit and education center in the vicinity of 9th and Jefferson Streets to Amazement Square:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Airport – General, a public hearing was held regarding City Council Report #9 regarding approving and authorizing the execution of a lease agreement with Centra Health for the purpose of operating an emergency medical helicopter evacuation service at Lynchburg Regional Airport.

Council Member Helgeson made the following statement. My wife is an employee of Centra Health, which makes me the spouse of an employee of Centra Health. Even though my wife is an employee of Central Health, I am able to participate in this matter fairly, objectively, and in the public interest. Therefore, I intend to participate in the discussion of and to vote on the proposed lease between the City and Centra Health.

Mayor Gillette made the following statement. Since I have a contract with Centra Health, Inc. that generates in excess of \$10,000 in annual income, under the Virginia Conflict of Interest Act, I must abstain from discussion and voting on this item. At that point Vice Mayor Johnson proceeded with the public hearing on this item. City Manager Kimball Payne stated that there were errors in the lease agreement which will be corrected on the final lease. Airport Manager Mark Courtney gave a brief summary of the item. There was no one else present who wished to speak to this item, and the public hearing was closed.

On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-15-091, as amended, approving and authorizing the execution of a lease agreement with Centra Health for the purpose of operating an emergency medical helicopter evacuation service at Lynchburg Regional Airport:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy

6

Noes:

0

Abstention: Gillette

1

// In the matter of Airport – General, a public hearing was held regarding City Council Report #10 regarding approving and authorizing the execution of a lease agreement with Bon Air Brokerage for the purpose of operating as a Specialized Aviation Service Operator (SASO) at Lynchburg Regional Airport. Airport Manager Mark Courtney gave a brief summary of the request. There was no one else present who

wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-092, as presented, approving the execution of a lease agreement with Bon Air Brokerage for the purpose of operating as a Specialized Aviation Service Operator (SASO) at Lynchburg Regional Airport:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Recreation – General, City Council Report #11 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-15-093, as presented, granting permission to the Southern Memorial Association to construct a new building, called the “Comfort House,” on the grounds of Old City Cemetery:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Region 2000, City Council Report #12 was considered. Council Member Tweedy made the following statement. I am employed by Goodwill Industries of the Valleys and Goodwill is the operator of the Region 2000 Workforce. I do not have a legal conflict of interest that requires me to abstain from voting on this item. However, even though the Conflict of Interest Act does not require me to abstain because I don't have a legal conflict, I know some people might question whether or not I can be fair and impartial when it comes to the matters involving the Region 2000 Workforce Development, so in order to avoid even the appearance of a conflict, I am going to abstain from discussion and voting on this item. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-15-094, as presented, approving the proposed amendments to bring the Region 2000 Workforce Area Agreement into compliance with Federal and State requirements, and authorized the appropriate City official to sign the agreement:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Gillette

6

Noes:

0

Abstention: Tweedy

1

// In the matter of Human Services – Budget, City Council Report #13 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second. Council by the following recorded vote adopted Resolution #R-15-095, as presented, to amend the FY 2016 General Fund budget to approve the addition of a Family Support Specialist (1 FTE) for the Foster Care Unit within the Department of Human Services:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Police – Grants, City Council Report #14 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second. Council by the following recorded vote introduced

and laid over to a later meeting for final action Resolution #R-15-096, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$205,486 with resources from a Department of Justice-Bureau of Justice Assistance- Body-Worn Camera Pilot Implementation Program Grant and \$103,818 from Reserve for Contingencies Fund to purchase and implement a Body-Worn Camera program for the Police Department:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of City Council, City Council Report #15 was considered to cancel the November 24, 2015 City Council meeting. City Manager Kimball Payne stated that presently there are no agenda items for City Council's regularly scheduled meeting on November 24, 2015. A suggestion was made to hold a work session earlier in the afternoon on November 24th and cancel the regularly scheduled 7:30 p.m. meeting. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote agreed to cancel the regular council meeting at 7:30 p.m. and hold a work session meeting starting at 1:30 p.m. on November 24, 2015:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Tweedy, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Transit Company Board, Lynchburg Parking Authority and Planning Commission; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

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

// Council Member Helgeson made the following motion:

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

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

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

The Motion was seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

October 27, 2015

225

// In the matter of Appointments, and on nomination of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Margaret (Peggy) Whitaker, to serve on the Transit Company Board for a term to expire October 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Christos Carroll and Mary-Winston Deacon to serve on the Transit Company Board for terms to expire October 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

On nomination of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Carl Matice to serve on the Lynchburg Parking Authority to fill an unexpired term ending October 30, 2017:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// The meeting was adjourned at 9:27 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Grant to Preserve Deed books 466 – 540 at the Circuit Court Clerk's Office**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$20,250 with resources from a grant from the Library of Virginia to preserve seventy-five (75) Deed books numbered 466 through 540 with records dated March 1972 through December 1977 at the Lynchburg Circuit Court Clerk's Office.

SUMMARY: Twice annually the Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The grant funding of \$20,250 will allow seventy-five (75) Deed books numbered 466 through 540 with records dating from March 1972 to December 1977 to be reformatted and preserved.

No local match is required of this grant.

PRIOR ACTION(S): Finance Committee, October 27, 2015

FISCAL IMPACT: None – no local match is required.

CONTACT(S): Eugene Wingfield, Circuit Court Clerk, 455-2611

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$20,250 is appropriated with resources from a grant from the Library of Virginia to preserve seventy-five (75) Deed books numbered 466 through 540 with records dated March 1972 through December 1977 at the Lynchburg Circuit Court Clerk's Office.

Introduced:

Adopted:

Certified:

Clerk of Council

122K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Zoning Ordinance Rewrite**

RECOMMENDATION: Conduct a public hearing on the proposed Zoning Ordinance.

SUMMARY: Lynchburg's current Zoning Ordinance was adopted in 1978. Over the last four decades, parts of the Ordinance have been updated, deleted, and added, but until now there has been no comprehensive assessment or rewrite of the document.

The update process began in 2012 when the City performed a Zoning Ordinance Diagnostic, a systematic review and assessment of the Ordinance. That process included nine community listening sessions, as well as interviews with staff, elected officials, and appointed bodies. The Diagnostic revealed existing Ordinance deficiencies and gave direction to the Ordinance update process. Following the Diagnostic, the City updated its Comprehensive Plan in a year-long process to reaffirm the land use vision of Lynchburg residents. Together, the Diagnostic and updated Comprehensive Plan, along with six additional public input sessions, an all-day open house, multiple work sessions with the Planning Commission and two joint work sessions with the Commission and Council, led to the proposed Ordinance. The proposed Zoning Ordinance reflects changes to make the Ordinance easier to use, streamlines City processes, implements many of the goals of the *Comprehensive Plan 2013-2030*, addresses new issues and trends and enhances the City's built environment.

PRIOR ACTION(S):

November 10, 2015: City Council work session.

October 27, 2015: City Council work session.

October 13, 2015: City Council work session.

September 23, 2015: The Planning Division recommended approval of the revised Zoning Ordinance.

The Planning Commission recommended approval of the Zoning Ordinance (5-0 with one vacancy and one absence, Mays).

FISCAL IMPACT: N/A

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Proposed Lynchburg Zoning Ordinance – October 27, 2015 **(provided as separate attachment due to file size)**
- Summary of Changes – November 3, 2015
- Planning Commission Memorandum and Minutes – September 23, 2015
- Speaker Signup Sheet

REVIEWED: lkp

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING CHAPTER 35.1 – ZONING ORDINANCE (CONSISTING OF SECTIONS NUMBERED 35.1-1 THROUGH 35.1-110) OF THE LYNCHBURG CODE OF ORDINANCES, AND ADOPTING CHAPTER 35.2 – ZONING ORDINANCE (CONSISTING OF SECTIONS NUMBERED 35.2-1 THROUGH 35.2-113 AND THE ACCOMPANYING APPENDIXES) OF THE LYNCHBURG CODE OF ORDINANCES, REVISING AND RECODIFYING THE CITY'S ORDINANCES PERTAINING TO ZONING.

BE IT ORDANIED BY THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice, and to plan for future development of the City as recommended by the Comprehensive Plan 2013-2030:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Chapter 35.1 – Zoning Ordinance (Sections 35.1-1 through 35.1-110).
2. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Chapter 35.2 – Zoning Ordinance (Sections 35.2-1 through 35.2-113 and the accompanying Appendixes).
3. That whenever any of the conditions, requirements, provisions or contents of any section of Chapter 35.1 or any other section of the Lynchburg City Code as such sections existed prior to the adoption of Chapter 35.2, are referred to in the same or modified form in a new section of Chapter 35.2, and whenever any former section of Chapter 35.1 is given a new number in Chapter 35.2, all references to any such former section shall be construed to apply to the new or renumbered section of Chapter 35.2 containing such conditions, requirements, provisions or contents.
4. That the repeal of Chapter 35.1 and the adoption of Chapter 35.2 shall not affect any act or offense done or committed or any penalty incurred, or any right established, accrued or accruing before the date of the repeal of Chapter 35.1 and the adoption of Chapter 35.2, or any proceeding, violation or action pending on that date. Neither the repeal of Chapter 35.1 or the adoption of Chapter 35.2 shall apply to any zoning violation committed prior to the repeal of Chapter 35.1 and the adoption of Chapter 35.2, and any such violations shall be governed by the prior ordinance, which is continued in effect for that purpose.
5. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council



City of Lynchburg ZONING ORDINANCE REWRITE 2015

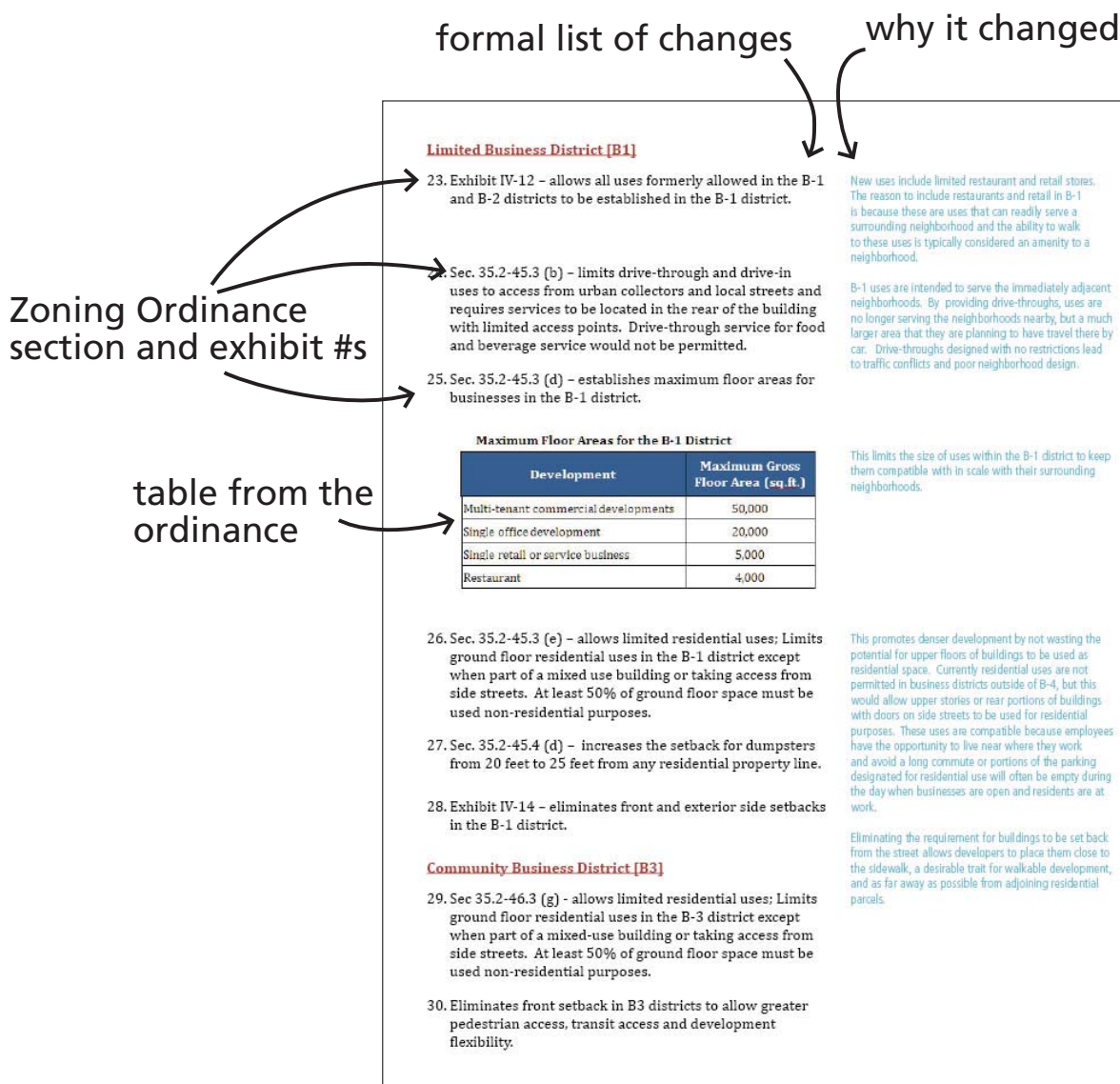
Summary of Changes

Lynchburg's Zoning Ordinance was adopted in 1978. Over the last four decades, portions have been updated, deleted, and added, but there has been no comprehensive assessment or rewrite of the document. The City has grown significantly since 1978 and the current ordinance has become increasingly difficult to use. This document outlines ordinance changes to facilitate development and create compatible land uses for both the city of today and the city we wish to become.

CONTENTS

1. Rewrite Goals.....	3
2. General Changes.....	4
3. Regulatory Changes (by Article).....	5
4. Land Use Changes.....	19
5. Procedural Changes (Article 2).....	21

DOCUMENT ORGANIZATION



REWRITE GOALS

In 2012, the City conducted a Zoning Ordinance Diagnostic, a systematic review and assessment of the current Zoning Ordinance. That process, which involved nine community listening sessions, as well as interviews with staff, elected officials and appointed bodies, revealed that the current ordinance needed updating. The following are key goals that were derived from that process.

1

Reorganize, reformat, illustrate. The numerous edits that occurred over the years made the ordinance confusing to both staff and citizens. Inserting tables, charts, and illustrations makes the ordinance easier to use, understand, and quickly answer questions.

2

Streamline City processes. Many procedural changes are included in this rewrite to remove and clarify review and approval processes.

3

Implement the *Comprehensive Plan 2013-2030*. The current comprehensive plan was adopted in early 2014. It establishes a vision for the City's future and methods for achieving that vision. Updating the ordinance as a whole is a specific task called for in the Comprehensive Plan. Equally important is making individual changes that reflect principles the citizens and decision-makers of Lynchburg established as keys to reaching the vision in the *Comprehensive Plan 2013-2030*.

4

Address emerging issues and trends. Over time, land uses, trends, and issues have evolved. An updated ordinance needs to address the concerns of housing diversity, transitions between incompatible uses, and expansions of new types of businesses. Changes include increasing housing diversity with accessory dwellings and mixed use options, creating better transitional spaces between business districts and neighborhoods, and new standards for traffic safety.

5

Enhance city design. Since 2000, the comprehensive plan has emphasized the importance of high quality city design with pedestrian friendly architecture and walkable streets. Changes to meet this goal include relaxing restrictive standards like building setbacks, allowing a mixture of uses within certain districts, providing incentives for design amenities, and creating requirements for essential design features including sidewalks, lighting and underground utilities.

GENERAL CHANGES

1. Existing text was reorganized into eleven articles:

Article I establishes the title, authority and purpose of the Zoning Ordinance, as well as describing its applicability, organization and relationship to other ordinances and plans.

Article II establishes the procedures for approval of development approvals and building permits, including generally applicable provisions for notice, hearing and approval, as well as requirements (e.g., purpose, applicability, procedures, review criteria and effect of approval) that are specific to each type of approval.

Article III establishes the zoning districts, zoning map and the table of authorized uses for each zoning district.

Article IV establishes the purpose of each base zoning district, as well as conditions applicable for site development and establishment of specified uses.

Article V establishes the purpose and conditions applicable to each of the City's special districts, which are districts that modify the conditions applicable with the underlying or base zoning districts described in Article IV.

Article VI establishes site development standards, which address building setbacks, structure heights, parking, landscaping, signs, lighting, transportation improvements and utilities.

Article VII establishes standards that are applicable to specific uses that may be allowed by right or by conditional use permit in certain zoning districts.

Article VIII provides guidance for the establishment of different development patterns, including: residential cluster, traditional neighborhood development, planned unit development, cluster commercial development, flexible space development, large-scale retail and corporate campus development.

Article IX establishes the standards for the continuation, modification and termination of uses, sites and structures that do not conform to Zoning Ordinance requirements.

Article X describes the responsibilities for administration of this Zoning Ordinance.

Article XI defines specific terms and abbreviations used in this ordinance and the rules for interpreting the ordinance's language.

These relate to document reorganization and overarching changes that do not fit into one of the new chapters as a change.

Each article is a chapter with a different purpose.

Why the ordinance exists and how it works.

The Zoning Ordinance regulates a number of different processes relating to the development of land. This article establishes those processes.

As recommended by the Zoning Diagnostic, a matrix of all land uses has been created and is described here.

Base zoning districts cover the entire city and set the minimum level of regulations that will apply to the development of land in any given area.

Special districts are overlayed on base districts to address issues specific to one area of the city. These include the Commercial Corridor, 5th Street Revitalization, Scenic Corridor, Airport Safety, Historic, and Flood Hazard Districts. This affects the shape, look, and functionality of all new development in the city.

Some uses with unique traits, such as schools, kennels, and stadiums require standards tailored to the issues associated with them.

Development patterns are districts that may contain more than one land use and style of development. Wyndhurst is an example of one that has been implemented.

"Non conforming uses" do not meet the requirements of the ordinance, but are allowed to remain under certain conditions established here.

2. In the draft document, substantive changes within each article are highlighted or identified with a highlighted and bracketed comment. Those are also summarized in this document. The reformatting of existing requirements is not mentioned except for exhibits that consolidate requirements from numerous sections.
3. Table of contents, section cross-references and exhibit references are hyperlinked to the targeted section. Note that links will allow the user to move to the link but not automatically return to the source of the link.
4. A Geographic Information System interface is being developed to help users identify applicable sections of code that apply to specific properties.
5. The Design Review Board, which previously provided non-binding guidance on development within the B-4 district, planned unit developments and traditional neighborhood developments has been eliminated from the ordinance.
6. The ordinance removes the authority for Board of Zoning Appeals to issue conditional use permits for commercial uses and residential structures built.

This was done to make it easier to flip between applicable ordinance sections.

This will allow users to see what requirements apply to a specific piece of property.

Design Review Board (DRB) guidance is currently non binding and often not followed. Key parts of the design guidelines are proposed as incentives in the new ordinance. With the incentives, DRB review would be an unnecessary process that slows down approvals. See further discussion on page 10.

While temporary uses granted by the Board of Zoning Appeals may be acceptable, the ability to create long-term use changes are de facto rezonings that should be decided by City Council.

CHANGES BY ARTICLE

Article 1 – Ordinance Overview.

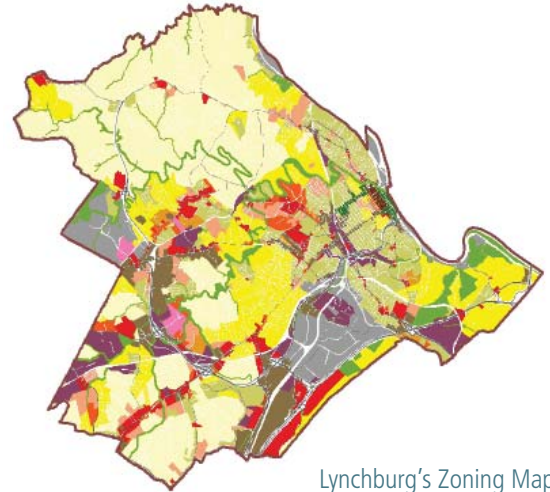
1. Describes the general organization, applicability and function of the code.
2. Sec. 35.2-7.3 – establishes rules for development under prior regulations when either a concept or final approval has been received.
3. Sec. 35.2-7.3 (f) – establishes rules for when new occupancy standards go into effect.

Standards become effective on June 1, 2016 unless there is a lease executed prior to September 1, 2015. If a lease is provided, prior occupancy regulations may apply for up to 2 years.

Article III – Zoning Districts, Maps and Boundaries

1. Sec 35.2-32 – designates the City’s GIS files as the official zoning map.
2. Exhibit III-1 – highlights the consolidation of the R-4 and R-5, B-1 and B-2, and B-4 and B-6 districts
3. Sec 35.2-34.2 (b) – clarifies that the City is not subject to use limitations, but will generally comply with standards applicable to similar uses.

A Geographic Information System (GIS) is a way to keep map files digitally and makes updating the map, analyzing land use trends, and conveying complex spatial information much easier.



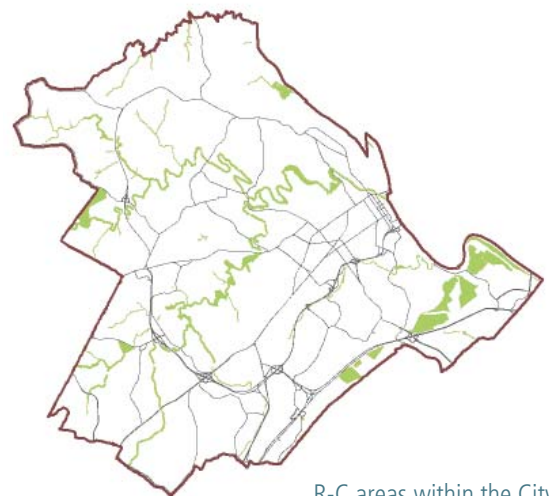
Article IV – Base Zoning Districts

1. Generally – each district section includes the district purpose, a complete list of authorized uses, district use standards, and development standards.

Resource Conservation Zoning District [R-C]

2. Exhibit IV-1 – eliminates many of the more intensive uses (e.g., hospitals, airports, manufactured home parks, boarding houses) previously allowed by conditional use permit from the R-C district. (see details at the end of this document).
3. Sec. 35.2-40.3 (a) – requires lots of 10 acres for raising large farm animals.
4. Sec. 35.2-40.3 (b) – prohibits storage of hazardous materials, outdoor storage of vehicles and parking lots within the R-C district.
5. Sec. 35.2-40.3 (c) – establishes additional criteria for conditional uses that address water quality concerns listed in the previous section.
6. Sec. 35.2-40.3 (d) – limits the occupancy of a lot in the R-C district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts).

The RC District typically falls beside streams, are narrow and particularly environmentally sensitive. Allowing those uses defeats the purpose of the district.



see number 7 below

Low Density Single Household Residential District [R-1]

7. 35.2-41.3 (c) – limits the occupancy of a lot in the R-1 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts). Existing duplexes and multi-household residences will retain existing occupancy limits of 3 unrelated individuals per unit.
8. Exhibit IV-3 – allows residential cluster development by right in the R-1 district.
9. Sec 35.2-41.3 (e) – allows large day care centers to be established by right as accessories to institutional uses in the R-1 district.
10. Sec 35.2-41.4 (c) – allows for reduction of setbacks based on neighborhood norms.

At public meetings early in the process, there was significant concern from citizens about the number of unrelated people living in single family houses around the city. Issues include parking conflicts, noise, excessive trash, and a general sense that the density of potentially having six unrelated people living on one lot does not match the design of these neighborhoods.

Allowing developments to cluster does not add to the number of units a developer may build on a given parcel, but allows the same number to be developed within a smaller area. The rest of the site would be preserved and remain in a natural state. Developing in this manner is better for the city environmentally because natural areas are preserved and economically because infrastructure (roads, sewers, waterlines) is used more efficiently.

Older neighborhoods in the city that were developed before the 1978 Zoning Ordinance typically have shorter setbacks than what is required by the current Zoning Ordinance. This will allow new houses in these neighborhoods to have setbacks similar to their neighbors' setbacks.

Low-Medium Density Single Household Residential District [R-2]

11. 35.2-42.3 (c) – limits the occupancy of a lot in the R-2 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit (i.e. boarding houses, bed & breakfasts).
12. Exhibit IV-5 – allows residential cluster development by right in the R-2 district.
13. Sec 35.2-42.3 (e) – allows large day care centers to be established by right as accessories to institutional uses in the R-1 district.
14. Sec 35.2-42.4 (c) – allows for reduction of setbacks based on neighborhood norms.

See number 7 above.

See number 8 above.

See number 10 above.

Medium Density Two Household Residential District [R-3]

15. 35.2-43.3 (b) – limits the occupancy of a dwelling in the R-3 district to not more than 3 unrelated individuals excluding uses specifically identified as allowable by conditional use permit. This is consistent with current zoning standards.
16. Exhibit IV-7 – allows residential cluster development by right in the R-3 district.

Unlike the new requirements for R-1 and R-2 which specify residential density by lot, R-3 zones kept current practices in place, allowing up to 3 unrelated individuals in each dwelling unit.

17. Sec 35.2-43.4 (c) – allows for reduction of setbacks based on neighborhood norms.
18. Exhibit IV-8 – interior side setbacks reduced from 8 to 5 feet and minimum lot size decreased from 8,000 to 4,000 sq.ft. to be consistent with the current allowance for duplexes and semi-attached dwellings. These changes are more consistent with current development patterns in the R-3 and the Comp. Plan's recommendations to encourage greater housing diversity.

High Density Multi-Household Residential District [R-4]

19. Exhibit IV-9 – allows residential cluster development by right, and traditional neighborhood and planned unit developments by conditional use permit in the R-4 district.
20. 35.2-44.4 (b) and Exhibit IV-11 – add height and density bonus provisions for the R-4 district.
21. 35.2-44.4 (c) – establishes greater setback requirements for buildings exceeding two stories in R-4 districts when within 100 feet of an R-1, R-2 or R-3 district.
22. Exhibit IV-10 – interior side setbacks reduced from 8 to 5 feet.
23. 35.2-44.3 –Allow a small percentage of non-residential uses, including retail, restaurant, service and office, as part of an apartment complex in R-4 districts. 5% of gross floor area of the entire residential development permitted [10,000 ft² commercial allowed in 200,000 ft² apartment complex].

R-4 and R-5 Zoning Districts were combined in this rewrite and the lower R-4 base density was given to all areas. A development may increase its density up to the current R-5 density if it meets certain standards that reflect principles from the Comprehensive Plan. These standards include: decreasing impervious area to reduce stormwater runoff, increasing buffers next to lower density residential districts, locating near transit service, providing pedestrian connectivity through a site, creating a commercial space in the ground floor of the building, and providing units accessible to people with disabilities. Additional standards for increasing density may be included in future ordinance revisions based on standards that improve stormwater quality above normal requirements and/or provide affordable housing units.

Providing limited commercial uses in high density residential districts allows retail and service uses closer to the people who need them. Buildings with commercial uses on the ground floor also make for more walkable street environment.



Apartment building with ground floor commercial.

Limited Business District [B-1]

24. Exhibit IV-12 – allows all uses formerly allowed in the B-1 and B-2 districts to be established in the B-1 district.
25. Sec. 35.2-45.3 (b) – limits drive-through and drive-in uses to access from urban collectors and local streets and requires services to be located in the rear of the building with limited access points. Drive-through service for food and beverage service would not be permitted.
26. Sec. 35.2-45.3 (d) and Exhibit IV-13 – establish maximum floor areas for businesses in the B-1 district.

Maximum Floor Areas for the B-1 District

Development	Maximum Gross Floor Area (sq.ft.)
Multi-tenant commercial developments	50,000
Single office development	20,000
Single retail or service business	5,000
Restaurant	4,000

New uses include limited restaurant and retail stores. The reason to include restaurants and retail in B-1 is because these are uses that can readily serve a surrounding neighborhood and the ability to walk to these uses is typically considered an amenity to a neighborhood.

B-1 uses are intended to serve their adjacent neighborhoods. Drive-throughs designed with no restrictions lead to traffic conflicts with the neighborhoods they serve and reduce safety for pedestrians and bicyclists.

This limits the size of uses within this district to keep them compatible with in scale with their surrounding neighborhoods.



Development scaled to transition into neighborhoods

27. Sec. 35.2-45.3 (e) – allows limited residential uses; limits ground floor residential uses in the B-1 district except when part of a mixed use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.
28. Sec. 35.2-45.4 (d) – increases the setback for dumpsters from 20 feet to 25 feet from any residential property line.
29. Exhibit IV-14 – eliminates front and exterior side setbacks in the B-1 district.

This allows the potential for upper floors of buildings to be used as residential space. Currently residential uses are not permitted in business districts outside of downtown. This would allow upper stories or rear portions of buildings with doors on side streets to be used for residential purposes. These uses are compatible because portions of the parking designated for residential use will often be empty during the day when businesses are open and residents are at work. Additionally, mixing such uses allow employees the opportunity to live near where they work and avoid a long commute.

Eliminating the requirement for buildings to be set back from the street allows them close to the sidewalk, a desirable trait for walkable development.

Community Business District [B-3]

30. Sec 35.2-46.3 (g) – allows limited residential uses; limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.
31. Exhibit IV-16 – Eliminates front setback in B-3 districts

See number 27 above.

This allows greater pedestrian access, transit access and development flexibility.

Urban Commercial District [B-4]

32. Sec 35.2-47.1 – B-4 district purposes modified so that it may apply to mixed use centers throughout the City.

33. Exhibit IV-17 – allows all uses formerly permitted in the B-4 and B-6 in the consolidated B-4 district.

34. Sec 35.2-47.4 (d) – incorporates the City’s commercial design review guidelines by reference and incentivizes certain building materials (glass, stone, brick, stucco, or wood) or materials of comparable appearance and durability; entries to face the street; windows, entries and cornices to be proportionate to adjacent buildings; large buildings to include architectural features so that building fronts appear in scale with adjacent storefronts; and allows the City Planner to grant exceptions to design requirements when adjacent buildings are inconsistent with historic development patterns. If the above criteria are met, the site is exempted from the landscape ordinance.

As the city continues to grow and develop, downtown will likely not be the only place where mixed use development is appropriate. We already see it in older commercial areas and in planned areas like Cornerstone and Wyndhurst. Now the zoning ordinance has a district that can apply this type of development across the city.

The commercial design review guidelines were adopted in 2007 and while well used, they have been advisory only and the review process lengthens the time it takes to proceed with a project. This change makes certain key guidelines more attractive to implement and eliminates the extra process for approval.



Downtown Lynchburg

General Business District [B-5]

35. Sec 35.2-48.3 (f) - allows limited residential uses; limits ground floor residential uses in the B-3 district except when part of a mixed-use building or taking access from side streets. At least 50% of ground floor space must be used non-residential purposes.

See number 27 above.

Article V. Special Zoning Districts

1. Sec. 35.2-54 – the Commercial Corridor Overlay district may be eliminated or pared back if the access management standards and compatibility standards in Article VI are adopted.
2. Exhibit V-2 – maximum front setback for Fifth Street Corridor increased from 0' to 15' for commercial properties.

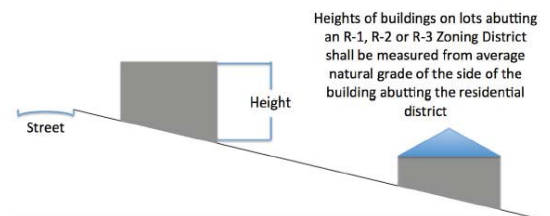
The purpose of the requirement for increased setbacks and building spacing in this district was only to ease traffic issues along this corridor. The adoption of access management (traffic safety) standards city-wide allows this district to be removed.

This gives development more flexibility and potential for better design because facades can vary more while maintaining principles adopted in the 5th Street Plan.

Article VI. Site Development Standards

1. Sec. 35.2-60.2 (b)(3) – allows for internal access for lots within commercial centers.
2. Sec. 35.2-60.2 (e) – repeats occupancy limits for residential districts.
3. Sec. 35.2-61.2 (a)(2)d. – measures height of buildings in R-4, B-3, B-5, institutional and industrial districts from the foundation closest to a R-1, R-2 or R-3 property line to soften the effects of uphill commercial development on neighborhoods.
4. Sec. 35.2-61.2 (c) – limits height of structures in R-4, B-1, B-3 and IN-1 districts adjacent to conforming residential uses in single and two-household residential districts (flattens bulk plane from 2:1 to 1:1 vertical rise to horizontal run).
5. Sec. 35.2-61.3 – requirements for increased setbacks for large buildings removed because existing landscape requirements address the same impacts.
6. Sec. 35.2-61.3 (f) – creates neighborhood norms in R-1, R-2 and R-3 residential districts that allow reduction of front and side setbacks based on the mean or mode of development on abutting or nearby lots.
7. Sec. 35.2-61.4 (e)(3) – allows consolidation of lots based on neighborhood norms (i.e. eliminates lot consolidation requirement for substandard lots under common ownership when the lot sizes are consistent with those on the same block.)

Currently outparcels in commercial lots are required to have street frontage, even if they don't have a driveway within that frontage. This eliminates that requirement for specific circumstances.



Sec. 35.2-61.2 (a)(2)d. Graphic

Currently a building in an R-4, B-1, B-3, and IN-1 district can be 2 feet taller for every 1 foot it is from the property line adjoining an R-1 or R-2 use. The new ordinance flattens this so that the building can only go 1 foot higher for every 1 foot it is from the property line.



The neighborhood norms provision allows development of vacant lots that the current ordinance prohibits without variances

8. Sec. 35.2-61.4 (e)(4) – prohibits detached accessory dwellings on lots that do not meet minimum lot area requirements.
9. Sec. 35.2-62.3 (b)(3) – allows the City Planner to approve the use of pervious or impervious surfaces for parking lots, subject to the recommendations of the TRC.
10. Sec. 35.2-62.4 (a)(2) – allows City Planner to reduce parking requirements if applicant documents lack of need or impact on future use of the site.
11. Sec. 35.2-62.4 (d) – option for shared parking for uses not located on the same lot or block is eligible for development city-wide rather than solely traditional neighborhood development.
12. Sec. 35.2-62.5 (g) – allows Zoning Administrator to waive loading berth requirements when there is no practical way to provide a rear or side yard loading berth that is consistent with applicable zoning district purposes.
13. Sec. 35.2-62.6 – requires bicycle parking racks within fifty (50) feet of every non-residential, mixed-use or multi-family structure.
14. Sec. 35.2-63.5 (e)(3) – requires mutual agreement between the City and applicant for cash payment in lieu of street tree installation.
15. Sec. 35.2-63.6 (b) – allows for planting of street trees in right-of-way with City approval.
16. Sec 35.2-63.7 (a)(1) – requires shade trees and shrubs to be planted in parking lot landscape islands, which reflects current policy.
17. Sec 35.2-63.10(d) – Allows substitution of 10' buffer and 6' privacy fence in lieu of 20' buffer between B-1 and residential districts.
18. Sec. 35.2-64.2 (a)(6) – new purpose added to “facilitate safe and convenient movement of all modes of traffic.
19. Sec. 35.2-64.3 – new language allowing substitution of noncommercial speech for commercial speech added to enhance content neutrality.

Detached accessory dwellings are small residential structures on the same lot as a single-household residence. These include guest houses, caretakers' cottages and garage apartments.

The current ordinance requires all parking areas to be paved. This allows the City Planner to approve more environmentally friendly surface treatments.

Excess parking consumes valuable land and strains the city's stormwater system. This allows the City Planner to reduce parking requirements if an applicant demonstrates the required amount would go unused.

Actual parking demand varies for different uses and is reduced when uses with different parking needs share parking lots.

This will allow the use of development and topographically constrained lots.

All modes of transportation are equally important in a city. This requirement was added so that bicyclists have the opportunity to ride to destinations and can find designated spaces to park and lock up their bikes as easily as drivers.

The current ordinance requires street trees to be on private property, which is counterintuitive to good street design where street trees provide a buffer between sidewalks and traffic and buildings are built on or near the front property line. This will allow street trees to be placed in that buffer strip in locations where buildings are built close to the street and it is not practical to place them between the building and the sidewalk.

The addition of a fence will provide a better buffer than an extra ten feet and allow more use of the B-1 property.

20. Sec. 35.2-64.12 (d) – new section authorizes changeable copy signs for institutional uses under certain conditions.

Changeable copy signs include digital signs. These have become popular in recent years and have traditionally required a conditional use permit (CUP), but are routinely approved in appropriate locations. Making this by-right eliminates the CUP process for these and allows their installation more quickly.

21. Sec. 35.2-64.13 (a)(2) – allows signs in the B-1 and IN-1 district to be increased to 0.5 square feet per linear foot of building frontage to a maximum of 50 square feet from the current maximum of 24 square feet.

Signs look relatively smaller when placed on larger buildings. This allows signs to be scaled so they fit with the size of the building.

22. Sec. 35.2-64.14 – sign requirements for industrial districts have been adjusted to match the sign requirements for the B-3, B-5 and IN-2 districts.

Currently signs allowed industrial districts are very small compared to the typical size of industrial buildings.

23. Sec. 35.2-64.15 (b)(4) – allows roof-mounted signs in a local, state or federal historic district or property where the Historic Preservation Commission finds such signs are consistent with historically significant signage.

Roof-mounted signs were popular historically, but have gradually disappeared from downtown. When abundant, these can look like clutter, but a few, historically significant signs may be appropriate downtown.

24. Sec. 35.2-64-18 – portions of section addressing modified signs deleted for greater compliance with Virginia code.

Modified signs are signs that deviate from ordinance requirements through a CUP from City Council or certificate of appropriateness from the Historic Preservation Commission. Allowing this was inconsistent with State Code.

25. Sec. 35.2-64-18 – provisions for the City Council to grant exceptions for modified signs eliminated due to inconsistency with Virginia code.

26. Sec. 35.2-65 – new section on outdoor lighting inserted to minimize glare and spillover lighting on adjacent residential properties from non-residential properties.

On projects that go through the public hearing process or are located in certain overlay districts, lighting is required to be glare shielded and non-directional. The new ordinance applies this standard city-wide. The ordinance also encourages full cutoff lighting and establishes standards for spillover lighting to protect adjoining properties and neighborhoods. Uplighting of buildings and signs angled away from property lines and holiday lighting are exempt from these standards.



27. Sec. 35.2-66.2 – Applies principles of access management from the Commercial Corridor overlay district city-wide by adding standards for driveway spacing and establishing rules for shared driveways where the property owners choose this option. Section gives the City Engineer the ability to adjust the standards for unique sites. The B-4 district is exempt from these standards due to lower speed limits and the urban nature of downtown.

'Access management' is a term used in traffic engineering to refer to regulating intersections, driveways, and median openings in a roadway-generally controlling how vehicles access a street. Using access management principles helps create safer and more efficient streets.

28. Sec. 35.2-66.2(g)(3.c.) – allows porous pavement to be used for shared access if approved by the TRC
29. Sec. 35.2-66.4 and Exhibit VI-16 – visibility at intersections redefined to reflect traffic volumes, speeds, and urban character of the downtown district.
30. Sec. 35.2-67 – new section establishing requirements for sidewalks and pedestrian connectivity consistent with Americans with Disabilities Act (ADA) requirements. Exemptions are provided when there are no sidewalks or pedestrian-oriented uses within one-quarter mile of the site, or when physical constraints make sidewalk installation unfeasible.
31. Sec 35.2-68 – new section that requires on-site utilities to be installed underground unless the City Engineer determines that existing development on the site makes underground utilities impractical. Requirement does not apply to new, redeveloped, or modified single family or duplex residences on a lot of record established prior to the adoption of this ordinance, but will apply to new subdivisions. Note that this does not affect utilities in existing rights-of-way or create off-site improvement costs.

Sidewalks are part of a complete and safe transportation system as much as roadways. This requirement provides for the incremental installation of sidewalks as individual sites (and new destinations for walkers) are developed.

This is a standard practice on new development and creates a less cluttered streetscape and leads to fewer outages.



Commercial area on Rivermont Avenue with sidewalks

Article VII: Specific Land Use Standards

1. Sec. 35.2-71.1 (c) – establishes a 5 ft. setback for accessory structures in residential districts where there are no current setback requirements.
2. Sec. 35.2-71.3 (c) – detached accessory dwellings are allowed subject to limitation of size (maximum 900 sq.ft. and 1 bedroom) and parking requirements.
3. Sec. 35.2-71.4 – Home Occupations
 - a. prohibition on midwives, barbers and hair stylists as home occupations has been eliminated;

No setback is currently required. This provision improves residents ability to maintain accessory structures.

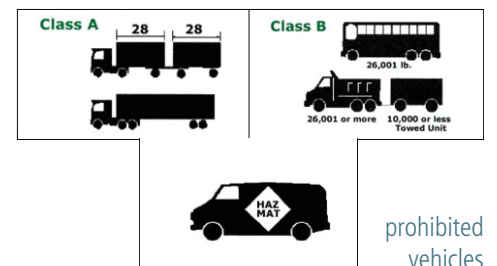
Detached accessory dwellings are small apartment units, typically found above garages that may be rented. This is added in combination with only allowing three (3) unrelated people 'per lot' as opposed to 'per dwelling unit' in R-1 and R-2 districts, adding setbacks for these structures, and requiring that lots meet area requirements for these to be established.

Home occupations are small scale businesses that are run by residents of homes. These can serve as a home base for a start-up business or long-term operations for businesses with limited impacts. Lynchburg has examples of all of the home occupations authorized in this ordinance that have been operating without complaints.

- b. artists, craftspeople and teachers are authorized;
 - c. services provided by artists, craftsmen, teachers, barbers, hairstylists and medical professionals are limited to no more than one client at a time;
 - d. services may be provided on an appointment basis only with not more than one client at a time;
 - e. outside storage for home occupation is prohibited;
 - f. not more than 20% of the dwelling's floor area may be used for the home occupation; and
 - g. incidental retail sales only allowed to customers using the primary service provided by the home occupation.
4. Sec. 35.2-71.7. – sets 5 acre lot size requirement for keeping up to 2 large farm animals and more than 4 poultry in any district outside of the R-C district. Prohibits roosters on lots smaller than 5 acres and prohibits the keeping of 3 or more large animals on parcels less than 10 acres.”
 5. Sec. 35.2-71.10 – prohibition on use of accessory building for gain has been eliminated, which allows home occupations to use accessory structures.
 6. Sec. 35.2-71.13 – prohibition on parking vehicles requiring Class A or B licenses or that carry hazardous materials on lots in residential districts.
 7. Sec 35.2-71.14 – authorizes temporary health care structures in accordance with state law
 8. Sec. 35.2-72.2 – requires arenas, auditoriums and stadiums to be located within ¼ mile of existing or planned transit facilities and exempts facilities with seating capacities of up to 1,000 people from the 200 ft. separation requirement from residential districts.
 9. Sec. 35.2-72.23 – changes made to reflect that temporary carnivals and fairs for non-profits no longer will require a conditional use permit.

Structures for housing or feeding animals must meet a 200 foot setback. R-C districts with more than 10 acres may have 3 or more large farm animals. Poultry or hog farms are prohibited throughout the city.

Accessory buildings (i.e. sheds, garages, etc.) may be used for home occupations.



This section establishes appropriate locations and standards for these temporary dwellings, which Virginia Code authorizes in all residential zoning districts.

Local colleges have existing facilities of this capacity that interact well with their surrounding neighborhood.

10. Sec 35.2-72.6 (e) – authorizes certain uses accessory to a church without modification of the conditional use permit, but retains requirement for council approval of the addition of a school or major expansions not approved in the original CUP.
11. Sec 35.2-72.8 (f) – requires pedestrian connections between child care centers and off-site recreation areas.
12. Sec. 35.2-72.10 – helipads are allowed by right as accessory uses for institutional uses in any district and for any use in non-residential districts.
13. Sec. 35.2-72.13 – prohibits the placement of mobile homes (homes that don't meet HUD manufactured standards) within the City.
14. Sec. 35.2-72.17 – intent to comply with applicable zoning district standards is conveyed for public uses.
15. Sec. 35.2-72.20 – prohibition on sanitary and solid waste facilities accepting wastes from outside the City has been removed. All facilities would only be permitted by conditional use permit and are limited to the I-3 district.
16. Sec. 35.2-72.27 – incorporates standards for mobile food vehicles currently being applied by the City for food trucks, food trailers and food carts. These regulations codify a number of best practices, including requiring that the mobile food vehicle be removed from the site after business hours.

For example, this provision would allow cemeteries, columbaria and parsonages to be constructed without requiring a new conditional use permit (CUP).

This is subject to a 200 ft. separation from the nearest residential property line.

Because it is necessary for the City to provide essential public services and projects, it is exempt from meeting ordinances that apply to the private sector. However, this section reflects current practices and establishes the intent of the City to comply with all ordinances to the extent possible.

Popularity of food trucks has risen lately and while they are a great, innovative business model, issues arise when they are stationary and act more like traditional businesses without review, approval, and inspection processes.



Mobile food vehicle

Article VIII: Development Patterns

1. Sec. 35.2-80.1 – residential cluster development is allowed by right in the R-1, R-2, R-3 and R-4 zoning districts subject to the density limits of the underlying zoning district.
2. Exhibit VIII-1 – establishes minimum lot areas for single-household and duplex units in residential clusters. Minimum open space requirements are 30% and minimum lot widths are 50% of the applicable district's minimum lot area and widths. For lots abutting conforming residential uses in single and two-household residential districts, 80% of the minimum lot width is required, unless it is separated by 50 feet of open space.

3. Sec. 35.2-82 - Traditional neighborhood development (TND) final site plans no longer require review by the design review board.
4. Exhibit VIII-3 – clarifies how residential density is calculated within a TND.
5. Sec. 35.2-82.10 – provides that appeals to City Planner or TRC actions on traditional neighborhood developments are reviewed by the Board of Zoning Appeals (BZA).
6. Sec. 35.2-83 – Planned Unit Development final site plans no longer require review by the design review board.
7. Sec. 35.2-84.3(c) – access provisions for large scale retail to be replaced by cross reference to section 35.2.66 if those access standards are adopted.
8. Sec 35.2-85.4 (c) – Cluster commercial development must be within ¼ mile of an existing or planned transit route.
9. Exhibit VIII-4 – Cluster Commercial Development (CCD) is required to devote five percent of gross CCD acreage to site amenities (defined as playgrounds, recreational facilities, parks, trails, etc.) unless Council finds the amenities are not needed.
10. Sec 35.2-85.6 (b)(2) – on-street parking is encouraged in Cluster Commercial Developments.
11. Sec 35.2-85.6 (b)(3) – parking lots are required to be located in the middle of blocks and located behind front building lines in Cluster Commercial Developments.
12. Sec 35.2-85.6 (b)(4) – shared parking is encouraged in Cluster Commercial Developments.
13. Sec. 35.2-85.6 (c)(1) – requires compliance with access standards.



Wyndhurst Concept Plan

The intent of Cluster Commercial Development is to provide dense commercial development by reducing lot restrictions while creating a well-designed district with increased amenities. As new commercial districts, it would be inappropriate to locate them out of reach of transit routes.

The existing ordinance calls for increased amenities in these districts but does not specify an amount or what would be considered an amenity. This provision gives examples to remove subjectivity from the existing ordinance by defining what facilities will be considered amenities.

The existing ordinance states that “these districts are generally characterized by a unified or planned clustering of development served by a common parking area,” but does not specify how to achieve this. This requirement specifies how Cluster Commercial Developments (CCD) will achieve this.



Large, underutilized parking lot

14. Sec. 35.2-85.6 (c)(2) – block lengths in Cluster Commercial Developments are limited to 400 feet unless the Council finds that direct pedestrian cross-block access is provided.

Clustered development and shared parking encourage people to walk between uses within a CCD. This requirement ensures that the environment people are walking in is pedestrian friendly.

15. Sec. 35.2-85.6 (c)(3) – sidewalks are required within Cluster Commercial Developments.

16. Sec. 35.2-85.6 (d) – underground utilities are required in Cluster Commercial Developments.

17. Sec. 35.2-85.6 – bonus floor area ratio provisions for increasing landscaping have been deleted.

18. Sec. 35.2-85.6 (e) – entrances along block faces are required to be separated by no more than 150 feet in Cluster Commercial Developments.

This creates a standard for how development should be clustered on a site by requiring that entrances be close to each other.

19. Sec. 35.2-87 – creates a new development Corporate Campus development pattern that allows for a limited mix of retail, services and residential development as part of an employment center.

Article X: Administration

1. Sec. 35.2-100.7 – incorporates Chapter 30, which addresses the composition, appointment and duties of the Planning Commission.
2. Sec. 35.2-102 – clarifies the procedures for providing notice of violations and establishes the rules for criminal and civil penalties.

Article XI: Definitions

1. Definitions for the commercial and residential historic design review guidelines incorporate amendments to those documents by reference.

LAND USE CHANGES

While the general intent of the update was to maintain land use authorizations currently provided by each zoning district, there were significant changes made to the R-C district and other minor changes listed below. This section outlines newly added or now removed uses from each district.

RC District

The following conditional uses were eliminated

- a. Airports
- b. Antique stores
- c. Boarding or lodging houses (bed & breakfast allowed by CUP)
- d. Small and large home care centers (home care centers still allowed)
- e. Cemeteries
- f. Religious institutions
- g. Clubs and fraternal organizations
- h. Community swimming pools
- i. Convents and monasteries
- j. Large group homes
- k. Hospitals and sanatoriums
- l. Kennels and small animal boarding
- m. Mobile home parks, trailer parks and campgrounds
- n. Nursing homes
- o. Offices and research and development organizations,
- p. Planned unit developments
- q. Recreation facilities other than public parks
- r. Schools and colleges
- s. Indoor shooting ranges (outdoor allowed)
- t. Temporary fairs and carnivals
- u. Traditional neighborhood developments

The RC District typically falls beside streams and are narrow and particularly environmentally sensitive. Allowing those uses defeats the purpose of the district.



Areas Zoned R-C are typically environmentally sensitive areas that include wetlands and streams

R-1, R-2,

- a. Changed the number of residents permitted from three (3) unrelated residents per dwelling unit to three (3) unrelated residents per lot. Existing duplexes, triplexes, and quadplexes will retain existing occupancy limits of 3 unrelated individuals per dwelling unit.
- b. Allow Residential Cluster Development by right

At public meetings early in the process, there was significant concern from citizens about the number of unrelated people living in single family houses around the city. Documented issues include parking conflicts, noise, excessive trash, and a general sense that the density of potentially having six unrelated people living on one lot does not match the design of neighborhood.

R-3, and R-4 Districts

Allow Residential Cluster Development by right

B-3, B-4, B-5 and IN-2 Districts

Now allow large scale retail establishments by right, subject to compliance with the standards. Existing ordinance allows for CUP for developments that don't meet the standards.

Allowing developments to cluster does not add to the number of units a developer may build on a given parcel, but allows the same number to be developed within a smaller area. See page 7 for further discussion

B-4 District

- a. Allows establishment of an armory by conditional use permit
- b. Allows food and beverage production by right
- c. The following uses were previously allowed in the B-6 district but are not allowed within the consolidated B-4 district
 - i. Textile, leather and leather substitute manufacturing
 - ii. Wholesale trade
 - iii. Blacksmith shops
 - iv. Warehousing
 - v. Drivers education schools
 - vi. Free-standing cemeteries
 - vii. Commercial orchards
 - viii. Livery stables
 - ix. Tire retreading or rebuilding

These were originally permitted by right or by CUP in B-6 and when the two districts combined, those uses were carried over.

These uses do not fit into the Comprehensive Plan's vision for this type of area.

I-1 District

Now prohibits the following uses that currently are allowed:

- a. Cosmetic and toiletry manufacturing
- b. Cutlery manufacturing
- c. Paper manufacturing
- d. Pharmaceutical manufacturing
- e. Commercial Recreation

I-2 District

- a. Now requires a conditional use permit to establish an armory
- b. Does not allow:
 - i. Union halls and fraternal organizations
 - ii. Commercial recreation
 - iii. Drive-in theaters

PROCEDURAL CHANGES

Article 2

1. Consolidates all existing procedures and documents, as well as other current practices that are not included in the zoning ordinance.
2. Exhibit II-1 - summarizes approval processes, which follow existing procedures except that:
 - a. Council approvals of zoning map amendments and conditional use permits constitute concept plan approval. Staff approves all final site plans.
 - b. The Board of Zoning Appeals no longer approves special exceptions for non-conforming situations and on-site storage.
 - c. Temporary use permits are approved by the Technical Review Committee, including carnivals for non-profit organizations, which previously required conditional use permit approval
3. Sec. 35.2-10.6 – clarifies who has the burden of persuasion for new applications and appeals.
4. Sec. 35.2-10.10 – makes continuances requested fewer than 7 days prior to a public hearing discretionary to limit applicant's ability to circumvent public input.
5. Sec. 35.2-10.13 – requires submittal of digital copies of plans and drawings to facilitate record keeping and distribution of information.
6. Sec. 35.2-10.14 – consolidates existing notification requirements and clarifies that the City is not mandated to provide any notice not required by statute.
7. Sec. 35.2-10.15 – consolidates and clarifies provisions for establishing property owners' associations applicable to residential clusters, planned unit development and traditional neighborhood developments.
8. Sec. 35.2-11.3 – allows applicants to modify proffers without prior approval by the Planning Commission.

9. Sec. 35.2-11.4 – establishes requirements for phasing plans if an applicant chooses to develop in multiple phases.
10. Exhibit II-5 – consolidates all submittal requirements for applications requiring public hearings before the Planning Commission and City Council.
11. Exhibit II-6 – consolidates existing notice requirements.
12. Exhibit II-7 – consolidates existing development approval criteria, and added that water, sewer and transportation systems that are directly related to the development may be considered as part of conditional zoning and voluntarily submitted proffers.
13. Sec. 35.2-11.9(b) – Conditional use permits made valid for 24 months rather than for 6 months with options for extensions.

CUP extensions have been routinely approved and typically have only added an unnecessary administrative process.
14. Sec. 35.2-11.10 – Identifies minor amendments to applications that do not require renotification.
15. Sec. 35.2-11.11 –
 - a. This is the first of many sections that refers to concept plans. Note that the existing ordinance uses several different document names for what is now consistently referred to as a concept plan, which, when a public hearing is required is the primary document that will be reviewed by the applicable decision-makers.
 - b. This section identifies minor amendments to approved concept plans that will not require a new public hearing.
16. Exhibits II-9 and II-11 – incorporates statutory changes relaxing the standards for granting variances.
17. Sec. 35.2-12.9 – establishes a 12 month time period for the validity of variances in lieu of the current time period of 6 months.

18. Sec. 35.2-13.7 – increases the time of for action by the Historic Preservation Commission from 30 days to 45 days to reflect current practices.
19. Sec. 35.2-13.8 – requires posting of a certificate of appropriateness until the work is completed to facilitate monitoring of regulated development activity by the public and the City.
20. Exhibit II-16 – consolidates and standardizes the submittal requirements for concept plans and final site plans, adding:
 - a. Specific contour intervals for topography for different types of concept plans.
 - b. Locations of watercourses to concept plans.
 - c. Locations of regulatory floodplains and floodways to final site plans.
 - d. Utility information provided on the concept plan to be shown on the final site plan
21. Sec. 35.2-14.4 –
 - a. Consolidates existing minor exceptions that may be granted by staff and identifies individuals responsible for the action.
 - b. Adds Commercial Design Guidelines to the list of minor exceptions that may be granted by City Staff.
 - c. Also includes a provision for shared parking, previously only allowed within a Traditional Neighborhood Development.
22. Sec. 35.2-14.5 – temporary use approval assigned to the Zoning Administrator, with appeals going to the Board of Zoning Appeals. Circuses, carnivals and revivals previously required conditional use permits in some districts, but are now allowed by right subject to various operational conditions.

These are temporary events without lasting impacts that have historically been approved by City Council. This provision removes a time-consuming process.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: Public

Date: September 23, 2015

Re: Zoning Ordinance Revision

On September 23, the Planning Commission will conduct a public hearing concerning the comprehensive rewrite of the Zoning Ordinance. The current Zoning Ordinance was adopted by City Council in 1978.

Starting in 2012, City Council, Planning Commission, city staff and the public started working towards revising the Ordinance to better meet the City's needs and the Goals, Strategies & Policies of the *Comprehensive Plan 2013-2030*.

On August 26, 2015, the City's Consultant Michael Lauer, Planning Works & City Staff discussed issues identified at public meetings held on August 25th & 26th. At the work session, Planning Commission directed staff to make the following changes to the draft text:

- P5 – occupancy standard effective date established as June 1, 2016, unless the property owner provides a copy of a valid lease executed prior to September 1, 2015 that allows for greater occupancy in accordance with old standards. If the lease is provided, the occupancy will be authorized for a period not to exceed 2 years from the lease execution date.
- P68 – Raising of large farm animals within R-C districts is limited to sites with 10 acres or more.
- P73, 77, and 82 – added examples of uses allowed by Conditional Use Permit in R-1, R-2, and R-3 districts that exceed occupancy limits.
- P117 – added glass and stone to the list of acceptable building materials in the B-4 district and excluded cinder block and unfinished concrete.
- P152, 160, and 168 – altered ordinance to allow dwellings and agricultural uses existing prior to December 13, 1988 by right and removed the non-conforming status for residential uses in industrial districts.

- P253 – Exemption for underground utilities for lots of record prior to the establishment of this ordinance and additions to structures existing at the time of this ordinance.
- P254 – Removed proposed provision that would have allowed detached garages in front yards.
- P257 – Reduced lot area requirement for keeping up to 2 large farm animals to 5 acres or more. 3 or more require 10 acres.
- P361 – Added definition of large farm animal to be an animal with an adult weight of 50lbs or more that may be kept for agricultural purposes (does not include dogs).

These changes are outlined in red in the September 23, 2015 draft Zoning Ordinance. Page numbers have been added for your convenience.

On September 10m, 2015, staff met with representatives from American Electric Power (AEP) to discuss the proposed lighting sections of the ordinance. Based upon this discussion staff is recommending Planning Commission consider the following changes:

- P243 – Outdoor Lighting changes
 - Allow exceptions to height standards when there is a master lighting plan in place and a qualified lighting professional has certified that the spillover lighting does not exceed ordinance requirements.
 - Changed general standards to only restrict spill over lighting at residential property lines
 - Changed measurement units from lumens per square foot to footcandles (they are equivalent units)
 - Increased brightness of spillover lighting and on-site lighting standards, but maintained prohibition on direct spillover lighting
 - Added uniformity ratio, which tends to reduce shadowing and improve safety
 - Made allowances for uplighting of signs, architectural features and landscaping provided that the lighting is angled away from property lines
 - Clarified metering and measurement standards

The proposed changes to the outdoor lighting requirements have not been included in the September 23, 2015 draft ordinance. A copy of revised Section 35.2-65 is attached for your consideration.

Another item for the consideration of the Planning Commission is related to nonconforming duplexes located within the R-1, Low Density Residential District & R-2, Low-Medium Density Residential District. Typically these duplexes were either annexed into the City or became nonconforming due to a zoning district change.

Section 35.2-41.3 (c) & 35.2-42.3 (c) state: Not more than three (3) unrelated individuals may occupy a lot unless the uses is allowed pursuant to a use authorized by conditional use permit (i.e., bed & breakfast boarding house, dormitories/sororities/fraternities and large group homes).

In instances concerning nonconforming duplexes, in which both units are rented and not owner occupied, the above provision would eliminate the ability to rent both units to any more than three (3) unrelated individuals.

In regulating the existing nonconforming duplexes, staff presents the following three (3) options:

1. Adopt the draft ordinance as is. This would result in nonconforming duplexes to no longer be occupied by more than three (3) unrelated individuals between the two (2) units.
2. Require a conditional use permit (CUP) to be obtained.
3. Allow existing nonconforming duplexes to continue by considering the following provision: “Legally established nonconforming duplexes in the R-1, Low Density Residential District and R-2, Low-Medium Density Residential District existing at the time of the adoption of this Ordinance are allowed to remain. Each unit may be rented to no more than three (3) unrelated individuals.”

It is staff’s recommendation that option #3 be included in the draft ordinance.

Planning Divisions Recommended Motion:

THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL OF REPEALING TITLE 35.1 – ZONING ORDINANCE OF THE LYNCHBURG, VIRGINIA CODE OF ORDINANCES AND IN ORDER TO IMPROVE THE PUBLIC HEALTH, SAFETY, CONVENIENCE AND WELFARE OF THE CITIZENS OF LYNCHBURG AND TO PLAN FOR FUTURE DEVELOPMENT AS RECOMMENDED BY THE COMPREHENSIVE PLAN 2013-2030, THE PLANNING COMMISSION RECOMMENDS ADOPTING TITLE 35.2 – ZONING ORDINANCE WHICH REWRITES, REFORMATS, AMENDS REENACTS AND RECODIFIES THE CITY OF LYNCHBURG ZONING ORDINANCE.

The draft zoning ordinance addresses most of the issues raised in the zoning diagnostic and discussed throughout the public participation process. During the drafting and subsequent to the initial public input sessions, the following additional issues have been raised that should be addressed through subsequent efforts. Some of these involve edits to the zoning ordinance, while others will be addressed through other sections of the City’s code and various planning initiatives.

Density incentives for multiple-household developments. While the draft zoning ordinance includes a number of incentives, the inclusion of incentives for water quality enhancements are anticipated emerge from the current water quality master planning effort. Incentives for work-force and other affordable housing provisions should follow a clear delineation of the needs and target products determination.

Other water quality provisions. In addition to the incentives identified above, the City’s water quality master planning initiative may result in modifications to the zoning ordinance and/or other portions of the City’s code. These provisions may address stormwater management facility design, parking and landscaping design, stream buffers and/or use restrictions in the resource conservation zoning district.

Provisions for temporary signs. The recent Supreme Court case of *Reed v Gilbert* has raised a number of questions about the most effective ways to regulate temporary signs. Despite the fact that the decision was unanimous, it is clear that at least six of the justices disagree with significant parts of the decision, which failed to overturn any previous decisions. In short, while the court called for strict scrutiny of any content-based regulations, the fact that different types of temporary signs (e.g. election signs, special events signs, construction project signs, real estate signs) typically have distinct characteristics for the durations that they are needed, a strict reading of the majority decision would mean that all would need to be treated identically because the distinctions can only be ascertained by the content of the signs.

Flood plain regulations. The City's current provisions have significant deviations from FEMA's model regulations. A more detailed analysis and discussion should occur before determining which portions of the model regulations should be incorporated into the zoning ordinance.

Lighting requirements for single-household and duplex lots. The Planning Commission concurred with the staff finding that the City lacks the resources to effectively address lighting for these properties, which typically does not even require a permit. Yet several residents have complained about nuisance lighting from other residences that significantly degrades their quality of life and enjoyment of their property. A review of current nuisance ordinance provisions should be conducted to determine the most effective way to address nuisance lighting on a case-by-case basis.

Telecommunications tower regulations. These regulations are already subject to a separate legal review process to ensure that they comply with detailed state and federal regulations and will likely need to be updated based on the findings of that analysis.

Residences in industrial districts. When the zoning ordinance was adopted, several neighborhoods were anticipated to be redeveloped for industrial purposes, but the homes were allowed to continue as conforming uses so that people could rebuild and expand their homes without limitation. Some of these neighborhoods have remained in tact and very little industrial activity has occurred due to parcel configurations, access, terrain and other issues. While staff considered the potential for rescinding the conforming status for these properties, staff and the Planning Commission concurred that subsequent analysis of the more than 200 homes that fall within industrial zoning districts is needed to determine the most reasonable options.

MINUTES OF THE SEPTEMBER 23, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Public Hearing on the Amendments to the Zoning Ordinance: Mr. Tom Martin remarked that this draft is the culmination of four years of work by staff, the consultants, the public, the Planning Commission and City Council. It started with the Zoning Diagnostic Study where the ordinance and *Comprehensive Plan* were reviewed. The *Comprehensive Plan* was updated first and then the draft of the Zoning Ordinance before them today was developed. Staff and the consultants believe this Zoning Ordinance will help the City implement the goals of its *Comprehensive Plan* and serve the City well for the next 20 to 30 years.

Mr. Michael Lauer began a presentation to the Planning Commission with information on where copies of the ordinance and summary can be found. They can be found on line at www.lynchburg2030.org or www.lynchburgva.gov (Community Development home page) and the downtown and main libraries.

The Zoning Ordinance was updated by using the Zoning Diagnostic recommendations, public input through 15 workshops, social media, interviews and surveys. The Planning Commission and City Council have had input. They started the process by looking at the City's existing regulations. They wanted to make sure nothing was lost and make as few substantive changes as needed but still address the comments received.

The reasons to update the Zoning Ordinance were its confusing organization, existing procedures are unclear, standards are inconsistent with the *Comprehensive Plan*, outdated, difficult to interpret and inappropriate for urban areas. Also, citizens are increasingly concerned about compatibility and design issues.

Items that are not changing are densities in residential districts, setbacks and lot sizes in the R-1 and R-2 districts, institutional district procedures and standards and staff review procedures.

The organization and layout has been improved. There are more illustrations, charts and tables. It includes hyperlinked table of contents and cross references.

One significant change to procedures is that the Board of Zoning Appeals can no longer approve conditional use permits. That is a de facto rezoning and should really go through the Planning Commission and City Council.

With regard to the Resource Conversation district, some of the intensive conditional uses have been eliminated (airports, antique stores, day care centers, convents and monasteries, large group homes, hospitals/sanatoriums, institutional uses, mobile home parks, nursing homes, offices and research development organizations, police/fire stations, planned development (PUD/TND), indoor shooting ranges and temporary fairs/carnivals). Hazardous materials and outdoor storage are being prohibited. Water quality standards have been added for some of the remaining conditional uses.

In the R-1 and R-2 districts there is a recommendation to reduce setbacks to reflect neighborhood norms. It is being recommended to limit occupancy to three unrelated individuals per lot instead of dwelling unit. Other recommendations are to allow detached accessory dwellings, to allow temporary family health care homes, to relax the home occupation standards, and to allow residential cluster development by right under certain conditions. A setback requirement of five feet has been created for accessory structures. Currently, there are no setback requirements for accessory structures, which can create problems such as fence maintenance.

The recommendation being made in terms of setting a timeline for applying the occupancy standard is to create an effective date of 6/16/16 unless original term of lease adopted before 9/1/15 extends beyond 6/1/16 but not exceeding two years (9/1/17).

Mr. Lauer discussed nonconforming duplexes. The duplexes being referred to are those that were designed to accommodate two families and are distinct from accessory dwellings. Three options are being recommended to deal with these nonconforming duplexes: to keep the proposed occupancy per lot, to allow higher occupancy by lot pursuant to a CUP or to allow occupancy by unit as a nonconforming use.

Mr. Lauer discussed the proposed neighborhood norm. The recommendation is to allow front or street side setbacks to be an average of abutting dwellings or an average of block face and facing block. All dwellings set back more than the minimum are assumed to be set back to minimum. The recommendation is to apply this provision City wide.

With regard to accessory dwellings, Mr. Lauer explained that they are currently allowed by right as long as they are attached and use a common entrance. A recommendation is being made to allow detached dwelling if it is no larger than 900 square feet and contains one bedroom, is located in the rear yard, meets all district setback requirements for the primary dwelling and has one parking space available.

There is a provision in the ordinance for temporary family health care structures. They are mandated by state law for physically or mentally impaired family members in single family districts. The requirements for one is an occupancy limit of one relative; a physician has to certify the need; the maximum area is 300 square feet; it must be removed within 30 days after there is no longer a need for it and the location has to be behind the front building line and out of the setbacks.

With regard to home occupations, it is being recommended to expand the licensed personal and medical service providers to include barbers, hairstylists and midwives (deliveries will be done at the patient's home). The recommended standards will be that it may be in the primary dwelling or an accessory structure; must be conducted by a member of the household; no more than one client at a time; no outside storage and no more than 20% of dwelling floor area may be used for the occupation.

Mr. Lauer discussed residential clusters, which can be a useful tool to allow more efficient use of property. It requires less infrastructure. It does not increase the maximum density but does allow the lot sizes and areas to be reduced by up to 50% of district standards. If it abuts a single-family or two family dwelling, the lot must be 80% of the width standard or have 50 feet of open space provided.

In terms of creating compatible transitions between multifamily and institutional developments, the recommendation is to adjust height of buildings that are next to R-1, R-2 or R-3. The height will be based on the average elevation at the building line closest to the residential district. There are also height and buffer incentives.

It is being recommended that the R-4 and R-5 districts be combined. The density of the R-4 district has been maintained but some incentives have been created that would allow a development to go up to the R-5 district density. The R-4/R-5 district issues are a limited supply of sites with high density zoning; it is difficult to find additional sites with sufficient land and street capacity and compatibility is a key concern of neighboring residents.

The recommendations are to consolidate multifamily districts and to require transitional buildings (two stories within 100 feet of R-1, R-2 or R-3 district). Another recommendation is to authorize certain neighborhood retail and services uses. Drive-throughs would be prohibited and retail would be limited to no more than 5% of the gross floor area.

The density incentives being proposed in order to get from the R-4 density of 22 units per acres to the R-5 density of 29 units per acre are building cover reduction, wider buffers, transit and pedestrian features and accessible units. There are also place holders reserved for water quality enhancements and affordable units because these items still need to be better defined.

Another item covered is dealing with farm animals in residential districts. The recommendation is to have at least ten acres to keep three or more large farm animals or more than four chickens. If you have fewer than three large farm animals, you need at least five acres.

It is being recommended that certain commercial vehicles (tractor trailers, dump trucks and hazardous materials trucks) should be prohibited in residential districts.

There is a provision in the ordinance to allow some accessory uses and signs for certain institutions that previously required a conditional use permit. Examples are cemetery, parsonage, meeting hall and electronic message centers along arterial streets. There are standards in place for the electronic signs similar to those that have been approved in the past.

It is being recommended that the B-1 and B-2 districts be combined. Currently, B-1 is limited to services and B-2 allows retail. Consolidation would allow more efficient land use and reduce transportation demands. Consolidation should better address compatibility of uses and design. The use standards would limit drive through uses; limit restaurants to 4,000 square feet; limit other businesses to 20,000 square feet and limit commercial developments to 50,000 square feet. Other standards would limit building height to 40 feet; require rear/side parking; reduce front setbacks to 0 feet with an 8 foot sidewalk and limit ground floor residences to side streets.

With regard to the B-4 and B-6 districts, it is being recommended that they be combined because they have comparable uses, identical development standards and a nonbinding design review committee process. The recommendation is to eliminate the design review process because it slowed down the development process without adding much to it. What is being recommended is to convert some of the historic design guidelines to incentive-based standards. They include brick, stone, stucco or masonry fronts or other compatible materials (glass and other modern materials now allowed). Front setbacks should be aligned with street wall (with the exception of courtyards). Entries should be oriented to the front. Windows, floors and vertical divisions should maintain proportions of adjacent structures. If you do these standards, the building would be exempt from the landscaping requirements.

In the B-3 and B-5 districts, there are provisions to allow mixed use buildings as long as at least 50% of the ground floor area is used for nonresidential purposes. A provision also eliminates front building setbacks.

With regard to industrial districts, the recommendation is for the residential uses to remain grandfathered as conforming uses. Further study may be required to see if a more appropriate zoning would be appropriate for these neighborhoods.

Recommendations regarding parking include extending the option for shared parking that exists in the Traditional Neighborhood Development (TND) ordinance to all commercial development. This allows the minimum parking requirement to be reduced if the applicant can demonstrate how uses share parking and that the proposed number of spaces is adequate to meet projected parking demand at all hours. This provides an alternative to requiring parking for each use's peak time at all times of day because often this yields a parking lot that is mostly empty most of the time. Additionally, pervious parking is now allowed and bicycle parking is required.

Changes proposed to landscaping are to allow the option to reduce the buffer in B-1 districts that abut a residential district from 20 feet to 10 feet with a six foot privacy fence.

A change to the sign ordinance is to allow a sign in a B1 and IN-1 district to be increased from 24 square feet to as much as 50 square feet based on street frontage. Another change is to allow roof signs in the B-4 district when the Historic Preservation Commission finds them consistent with historically significant signage. Industrial district signage is being proposed to match the B-3 and B-5 districts, which will allow larger wall signs. Mr. Lauer mentioned that there future changes regarding temporary signs are anticipated based on recent Supreme Court decisions.

Access management standards have been incorporated. The standards from commercial and scenic corridors have been applied to collector and arterial streets except downtown. Collector streets have driveway separations of at least 150 feet. Arterial streets have a driveway separation of at least 330 feet. There are shared access incentives. There are some lots that cannot meet these standards and they are still being allowed at least one access point.

Sidewalks are being proposed for new development based on road type except where we have extraordinary terrain or other constraints. The width is based on the district and its function.

Outdoor lighting limits are being proposed for commercial, multifamily, industrial and institutional districts. It does not apply to single-family. Suggested lighting modifications are to allow exceptions to height standards when there is a master lighting plan; general standards only restrict spillover lighting at residential property lines; change measurement units from lumens per square foot to foot candles, which are equivalent; increase brightness of spillover lighting and on-site lighting standards but maintain prohibition on direct spillover lighting.

Other suggested lighting modifications are to add uniformity ratio, which tends to reduce shadowing and improve safety; allow uplighting of signs, architectural features and landscaping provided that the lighting is angled away from property lines and clarify metering and measurement standards.

There are recommendations for underground utilities to be required for new development requiring subdivision or site plan approval. No off-site improvements are required and it is not required for existing single-family or duplex lots.

For mobile food vehicles, the standards reflect current best management practices. They are allowed in B-3, B-4, B-5, IN-2, I-1 and I-2 districts. The standards address locations, operations and licensing.

A new corporate campus development design has been added to the current development patterns.

Mr. Lauer outlined the issues not addressed in draft Zoning Ordinance: 1) Density incentives for water quality and affordable housing initiatives; 2) other water quality standards; 3) updated floodplain regulations; 4) existing residences in industrial districts; 5) amendments to temporary sign provisions; 6) nuisance lighting for single household and duplex dwellings; 7) telecommunications towers updates.

Chair Swienton asked for anyone who wished to speak in favor of the ordinance. Mr. Don Wilkinson of 705 Hayes Drive came forward to speak. He is in favor of the provision to restrict the occupancy in R-1 and R-2 districts to three unrelated people per lot. When he researched Lynchburg, he felt that Lynchburg had good zoning laws. A good neighborhood is the foundation of a good City. We want to keep Lynchburg a good place and this is one way to help.

Mr. Louis Gallaher of 1168 Sheffield Drive came forward to speak. Overall, he is pleased with the draft ordinance. He would like to see it spelled out specifically as to when the time limit is over to implement the occupancy limits. He would like the two-year period for leases to expire to be specifically

spelled so there are no loopholes for people to use to get around the ordinance. Subleasing in order to skirt the ordinance should not be allowed.

Mr. Gallaher mentioned that there is already an ordinance on the books that names seven streets where commercial vehicles are not allowed. Sheffield Drive is one of them and he has never seen a ticket written for a tractor trailer using his street. He would like assurance that the new ordinance regarding commercial vehicles in residential areas will be enforced.

Ms. Rebekah Moody of 202 Paddington Court came forward to speak in favor of the combining of the B-1 and B-2 districts. She is getting ready to locate her business on Langhorne Road and they are all excited about the potential for this area to become more pedestrian oriented and revitalized. She would really hate to see this area become vacant, particularly with all the work the City is doing in the area with the Midtown Connector. She and others are excited about the chance for there to be small restaurants and small retail and not just office space. They would like to see it be a place where the community can come together and hopes for a real sense of community to develop as a result of this proposed change.

Ms. Jane Parrish of 4404 Hilltop Drive came forward to speak in favor of the occupancy limit in R-1 and R-2 districts. There is a house in their neighborhood that has six Liberty students living in it and there have been problems because of the number of cars they have parked on the street.

Chair Swienton called for those that wished in opposition or with questions about the ordinance. Mr. Gary Case came forward to speak. He had the following comments in writing to have placed in the record. "B-4 Urban Commercial District: Need to revise language "requires" historic building materials": "requires windows, entries and cornices to be proportionate to adjacent building" and "requires large building to include architectural features so that building fronts appear in scale with adjacent storefronts." We do not need to regulate architectural styles. If the proposed regulations are adapted, then the major buildings and employment centers like the Genworth, Bank of the James, Appalachian Building, Scott & Stringfellow and BB&T could not be built as they currently exist.

Section 35.2-68 "requires" underground utilities for new subdivision lot. AEP will install overhead lines for free but the developer has to pay the net cost difference to install the utilities underground, which adds to the cost of the lots. One City goal is to create more affordable housing and increasing the lot cost increases the cost of housing.

Section 35.2-85.4(c) "requires" cluster commercial developments to be within ¼ mile of an existing or planned transit route. Not always practical and limits possible locations for this type of development. ¼ mile is only 1,320 feet or one (1) lap around a track at City Stadium.

Exhibit V111-4 Cluster Commercial Development is "required" to devote 5% of gross CCD acreage to site amenities. Code already requires landscaping and regulates amount of lot coverage but don't think having to require these types of amenities is always compatible with this type of development, adds cost for installation and upkeep, which has to be passed on to the users and 95% of the time is not used.

Section 35.2-9-85.6 Cluster Commercial "requires" parking lot be located in the middle of blocks and located behind front building lines. This creates a security issue for employees and customers especially businesses that operate at night. For example, drug stores and branch banks have to have a front entrance and only one, customers do not want to have to park in the rear and walk to the front, especially elderly customers with small children. Bad weather also will cause customers not to patronize the business and it would be dangerous for employees leaving after hours.

Occupancy Regulations: I support proposed regulations for R-1, R-2 and R-3 zones. I would like to see a zone that would allow "student based housing" near universities and colleges that would allow four

unrelated persons where appropriate buffers can be provided and not adjoining R-1, R-2 and R-3 zoned areas.

In general, I support the proposed revisions and think the City and its consultants have done an excellent job.”

Mr. Rick Read came forward to speak. He has a seven acre tract and wants to know if that can be subdivided so that more than one 50,000 square foot commercial development could be built. He would also like them to rethink the height restriction in a B-1 district that abuts a residential district. We are running out of sites to develop in the City and he hates to see this limitation in a City where topography is such a challenge. It is going to push a tall building out of the picture and let's face it, commercial pays the tax bill.

Mr. Read has a duplex in an R-1 neighborhood. He would like to see it changed so that if it burns down that it can be rebuilt. He also thinks that three unrelated people on a lot is unrealistic. You could not put two unmarried couples into a duplex.

Mr. Doug Sherwood came forward to speak. He owns two properties in Lynchburg but with these rules, he is not going to buy anymore. If he has five bedrooms and five parking spaces, why shouldn't he be allowed to have five people living in it. When he bought these houses, they were dumps and they are now fixed up and maintained. He bought them to provide income for himself and affordable housing for people. If you only allow three unrelated people to live in some of these homes, there are people that cannot afford it.

Mr. Jared Kaijala of 411 Woodland Circle came forward to speak. He has a home with an apartment and he currently rents to five unrelated people. He rents his home to five people and plans to fix up the apartment for himself and his fiancé. He rents to people as a ministry, people like veterans and those that need an inexpensive place to live. If he cannot rent the home to more people, he will have to fix it up to be attractive for an entire family or be forced to sell. This rule is forcing students into large apartment complexes and generalizes them to a specific area. He pointed out that many students cannot afford the rent of a larger, newer apartment complex. He does not think this rule is good for the community.

Mr. Steve Garcia of 128 St. Johns Drive came forward to speak. He has purchased 13 properties in the City and rebuilt every one of them. He was looking for R-3 zoning so that he could turn a large home into a duplex. When you rent a large home to a family, you sometimes end up with a large family with a lot of adult children. He has had a home trashed by a large family with adult children. He would like to turn one of the homes into two one-bedroom apartments but has been told that the lot size is not large enough. It has to be 8,000 square feet. How can you do that when it was built in 1920 and is on a 5,200 square foot lot? The draft ordinance says that the lot size is being reduced to 4,000 square feet but he is being told that the 4,000 square feet is per side of the duplex. This is so each side of the duplex can be sold separately. He does not see the logic that a duplex needs 8,000 square feet and a single-family residence needs 10,000 square feet. Mr. Garcia thinks the 4,000 square feet should be for the entire lot so that a large home can be turned into affordable housing for people that cannot afford to buy their own home.

Mr. Adam Kline of 1515 Langhorne Road came forward to speak. He has an 800 square foot accessory dwelling on his property. It is a two-bedroom house and this proposed occupancy limit will restrict his ability to rent out the home. He would like to see the accessory dwelling increased to two bedrooms instead of just one. He thinks four is a better number than three unrelated people for rental units. This rule will probably keep him from buying anymore properties in Lynchburg.

Ms. Gina Smith who lives in Thaxton came forward to speak. She owns a four plex in Lynchburg and takes good care of it. She does not agree with the rule that you can only rent a home to three unrelated people when a family of five could occupy it. It will be very hard for her to keep up with her mortgage if she is restricted to only three unrelated people on the lot. She thinks this drives the market price of homes down as well. She has a house that would be worth \$50,000 elsewhere and is only worth \$20,000 here. She does not think she will buy any more properties here.

Ms. Carrie Johnson of 3225 Mayflower Drive came forward to speak. She also owns 3219 Mayflower Drive. She is confused about the nonconformity of the residences in industrial districts. She would like to have the part about now being to expand or replace the dwelling explained to her.

Mr. Nate Perrow came forward to speak about his property at 104 Whitehall Road. The neighboring developer put a fence around his property and this has cut his rental income in half. The fence has also created a safety concern for his tenant. Allowing third party owned outparcels to be encumbered by such fences causes a hardship and creates a type of leverage that can be applied to other parcels in B-5 districts. Mr. Perrow quoted several sentences from the *Comprehensive Plan*. "City policies and regulations will promote and encourage rather than impede sensitive, high quality design." "Quality of design, connectivity and accessibility for vehicles, as well as pedestrians and cyclists will become a central focus in planning for the City's commercial areas." "Newer commercial areas will be attractive and will complement surrounding development." "When addressing compatibility and connectivity between adjacent land uses, ensure that building orientation, building location, parking location and parking design, lighting, walkways and other building and site design factors provide safe and convenient access to sites for drivers, pedestrians, cyclists and transit riders."

He respectively asks the Planning Commission to reinsert the proposed limitation on fences in areas that do not require a front yard setback. Zoning is a balance between private property rights and public good. This zoning ordinance rewrite creates an opportunity to address this issue and more fully embrace the *Comprehensive Plan*.

Mr. Todd Hall of 2636 Mayflower Drive came forward to speak. His home is in the I-3 district. Mr. Hall would like clarification that his residence will be considered a conforming use and in the event that it is destroyed, it can be repaired and rebuilt. He would also like clarification that it can be enlarged. He would like the term "with substantially the same height and exterior dimensions" to be better defined. He also notes that residences are not listed anywhere as an authorized use and he would like to know why it has been left out of the chart and the appendix.

Ms. Roberta Hargis of 157 Holmes Circle and she is the president of the homeowners association for that development. They do not understand exactly how the combining of the R-4 and R-5 district affects their complex.

Ms. Gwen Vassar came forward to speak. She lives in Virginia Beach but owns three duplexes in the R-1 and R-2 districts. She thinks the change in the occupancy limits makes it difficult for her to rent her duplexes. She also thinks it will put her in violation of state and federal fair housing laws. She thinks the rule will put a hardship on students and businesses like Centra and AREVA that bring in apprentices that may want to rent duplexes in the City.

Mr. Roy Saunders of 713 Allen Springs Road came forward to speak. He wants an explanation on the terms of the lease. He has had a tenant in a home he owns that has lived there for 19 years. What lease will he need to produce? He would also like an answer as to what is going to happen on Wards Ferry Road at Heritage High School.

There was no one else to speak in favor or in opposition to the ordinance changes. Chair Swienton closed the public hearing.

Mr. Lauer explained to Mr. Saunders that his tenants would not be subject to the occupancy limits if they are related. Mr. Saunders indicated that the property he owns has four units. Mr. Lauer indicated that it is being recommended that existing rental units in R-1 and R-2 remain legal nonconforming uses. They could continue to have up to three unrelated people per unit.

The Planning Commission took this opportunity to discuss the recommendation. The commission noted that this recommendation seemed like a fair compromise. They did not want to see owners that have existing duplexes lose their source of revenue. They did not want to change the rules in the middle of the game for people who have invested money in these buildings.

Mr. Martin indicated that staff has a good idea of where the existing duplexes are located; there are approximately 211. Mr. Martin wanted to clarify that these units are nonconforming and that fact will not change. If a dwelling is destroyed, it cannot be replaced in the R-1 and R-2 districts. (There is an exception if it is destroyed by an act of God and is rebuilt within a certain time period.) Mr. Martin noted that nonconforming uses are meant to go away at some point. He remarked that the commission has heard the concerns of neighbors that would like to maintain the character of their neighborhood and have the impacts addressed. They are implementing the goals of the *Comprehensive Plan*, which says we will protect the character of our neighborhoods. Mr. Martin acknowledged that limiting the occupancy on these properties would be pretty harsh pretty quick.

The commission was in consensus that they would make the recommendation to City Council that the occupancy in nonconforming duplexes, triplexes and quadplexes in the R-1 and R-2 districts should be up to three unrelated people per dwelling unit.

With regard to the consolidation of R-4 and R-5, Mr. Lauer clarified that R-5 is being eliminated and being combined with R-4. It does not change any development standards. If an existing development with a density over 22 units per acre burned down, they might have to make some design modifications to get up to that higher density. There has also been the addition of allowing limited commercial development in a multifamily project.

Mr. Martin addressed the questions about residences in industrial districts. In the I-2 district, residential uses existing before December 13, 1988 are allowed by right. In the I-2 district, they can be expanded. The reason residential uses are not listed in the matrix is because new residences are not allowed.

In the I-3 district, the effective date is December 12, 1978. A residence cannot be expanded but it can be rebuilt if it is destroyed. His explanation of "with substantially the same height and exterior dimensions" is that you can build a little smaller or a little larger, but you are not going to double or triple the size. Mr. Martin explained that these terms are exactly the way they are in the current ordinance and they are not changing.

With regard to Mr. Perrow's fence issue, Commissioner Light asked Mr. Martin to refresh them on what their thought process was and why this item was removed from the draft. Mr. Martin said there had been a provision in the draft that limited the height for a certain distance (20 feet) from the street in the front yard. This is because there is technically no front yard in most commercial districts. When the commission looked at the one instance where this had occurred, it did not feel it was an issue and directed them to remove the provision. Mr. Lauer reminded them that the discussion was also held at the joint session with City Council, so both bodies have discussed it and did not want it kept in the draft ordinance.

Commissioner Light said he has gone back and forth on this issue and now he is back to seeing that a hardship has been imposed on a property owner. Mr. Martin recalled that what the commission

saw was not what they would consider a spite fence. He thought they need to look at to whom it was a hardship. If you look at the particular instance in question, you had one developer that had a piece of investment property. You had another developer that had put an investment in their property and built a parking lot. That developer was concerned that this adjacent owner was going to use their lot and cross over to serve his property. He was going to be getting a benefit that was not agreed upon. They chose to construct the fence. Unless, the commission wants to put something in the ordinance that says an owner has to provide pedestrian access and visibility across your lot for the enjoyment of someone else, he is not sure you want to call that a spite fence. He could see the point in having the height restriction for a certain distance from the property line, but the commission directed them to remove it from the draft.

Commissioner Light asked if there had been any discussion that the larger property owner could have put up a chain instead of a fence. Mr. Martin said he could be speculating but he thought the issue was people walking through and using the adjoining parking lot. Mr. Martin said you would be saying to one property owner that you cannot put up a fence because you are going to share the use of your property with someone else. Is that spiteful? He cannot define that for them. Blocking the visibility from the right-of-way could be an issue.

Commissioner Light said he was not ready to make a recommendation but he appreciated Mr. Martin refreshing his memory. Chair Swienton noted that there are placeholders for further discussion for telecommunications tower and other items. He would suggest they discuss this in greater detail at another time rather than making rush modifications.

Mr. Lauer clarified for Commissioner Marion that commercial vehicles driving through a neighborhood is addressed in a different ordinance. The prohibition in the Zoning Ordinance is on trucks parking on private property in a residential district. Parking on the street is under a separate ordinance because the Zoning Ordinance does not cover the right-of-way, only private property.

With regard to the lot size for duplexes, Mr. Martin clarified that it is 4,000 square feet per side of a duplex. You have to have 8,000 square feet currently in order to have a duplex and that is not being suggested to change in the new ordinance. If you want to sell each side of a duplex to a different owner, you can strike a line down the middle and sell each side, as long as it has a 4,000 square foot lot. You can have one unit on a 4,000 square foot lot; you can also build a single-family home on a 4,000 square foot lot. Mr. Garcia would like to convert an existing home on a 5,200 square foot lot into a duplex. That is not permitted under the current ordinance or the new draft ordinance. This rule does not apply to existing nonconforming duplexes but we are not creating any new ones.

Chair Swienton asked Mr. Martin to clarify that Mr. Garcia's property rights and others within R-3 zoning are not being changed. Mr. Martin clarified that Mr. Garcia does not have the lot size to convert his home to a duplex. The only change being proposed for R-3 is that if you would like to build a new home, you can build it on a 4,000 square foot lot. Mr. Martin pointed out that there are properties that have been zoned R-3 since 1978. A person can buy additional property to get an 8,000 square foot lot or you can move into it and rent out an accessory unit.

The commission did not wish to recommend any changes to the draft ordinance as a result of the above discussion regarding duplexes and lot size.

With regard to the issue of underground utilities, Commissioner Light thought they had agreed that it could drive up the cost of a development but it is a desirable feature and they had decided to leave it in the draft.

Chair Swienton asked Mr. Martin and Mr. Lauer if the draft is regulating architectural style in the B-4 district. Mr. Lauer said an architectural style is not required. There is an incentive that the

landscaping requirement is removed if a building replicates the scale of existing development and the apportionment of windows.

Chair Swienton asked Mr. Case up to address his comments. He asked Mr. Case if he is interpreting the use of historic building materials as a requirement. Mr. Case acknowledged that glass has been added to the list, which he had brought up at a previous workshop. However, Mr. Case does not see why the building next door should dictate what you do with your entryways, cornices and windows.

Mr. Martin explained that currently a building would have to go through the Design Review Board process. It takes about a month for the board to meet and the developer can take their recommendations or choose not to do them. We are trying to provide some incentive (not a requirement) to follow those guidelines in terms of proportion. The proportion would be simple math by looking at the building size to determine the size of the window openings. This is not a requirement; it is an incentive. If you do not want to do them, then you would need to plant the required landscaping.

Mr. Case is hung up on the word “requires.” Downtown is full of zero lot line buildings where you would not be able to plant landscaping. Mr. Martin noted that the ordinance does not say “requires.” It says “should.” Mr. Martin pointed out that the landscaping ordinance is not changing and it allows for the offsite planting of 99 percent of a B-4 district’s landscaping. Mr. Case was reading from a summary and not the actual ordinance. Mr. Martin noted that there have been numerous changes to the summary and Mr. Case should refer to the code. Mr. Case concluded the issue by saying that he thinks it is overregulating and dictating architecture style and he will bring it up at the City Council public hearing.

Chair Swienton thought they had discussed Mr. Case’s concern about underground utilities and although they see his point, he thinks they have to agree to disagree.

There was discussion about the ¼ mile requirement for transit for a Cluster Commercial District (CCD). Mr. Martin pointed out that CCDs are not a by right development; it is a special district designed to allow mixed use. It gives incentives for smaller lots and reduced setbacks. There are requirements that go along with getting this flexibility. If you do not want to be near a transit stop, then do a by-right development and not a CCD. Mr. Martin asked the commission to consider why you would want to create a dense development with a lot of workers that is not near transit. That is not logical to him or how the *Comprehensive Plan* says the City should develop.

Commissioner Light thinks that ¼ mile would be a long roll in a wheelchair. Commissioner Marion pointed out that if there is not transit nearby, it would prevent people who depend on public transit from getting to it. Commissioner Perault supports leaving it in. If a number of CCDs were being stopped, then it would be revisited. The commissioners came to a consensus to leave it in the draft.

The requirement for 5% of gross CCD acreage for site amenities has been discussed previously and the commission was fine with it.

Chair Swienton explained to Mr. Case that they have previously discussed the parking lot requirement and decided to leave it in the draft. Mr. Lauer noted that this type of parking is being done all over the country. It requires special attention to lighting and surveillance cameras for the safety of patrons.

With regard to Mr. Case’s suggestion for student based housing, Chair Swienton noted he made a good point, but they were not interested in increasing the occupancy limit. Mr. Lauer pointed out that an owner of a large home can always go through the CUP process in order to have a higher occupancy limit. Chair Swienton would be interested in seeing what other localities with a high student population are doing with private sector development.

There was discussion about the parking requirement being on the rear or the side in the B-1 district. Commissioner Light reminded them of what they were trying to create with the neighborhood commercial district. Mr. Martin noted that the City needs to get something for opening up all the B-1 parcels for retail and restaurants. They are trying to create a more walkable community and not just more B-3 development. Mr. Lauer noted that the CVS and Walgreen's pharmacies tend to want to locate in the B-3 and B-5 type districts and they tend to be the pharmacies that want their parking in the front.

There was some discussion about allowing drive-throughs for banks on the side in the B-1 district. The commission did not wish to recommend any change to that provision.

Mr. Martin noted for the record that the ordinance has been reviewed by the City Attorney and two outside attorneys and there are no federal housing violations. Mr. Lauer clarified that the lease provision will end with the date of 9/1/17. That applies to any lease or sublease. Chair Swienton clarified for Mr. Gallaher that if he has any problems beyond that date that he should contact the Zoning Administrator.

To answer Mr. Read's question about subdividing a property for more than one 50,000 square foot commercial development in a B-1 district, Mr. Lauer said there would be no prohibition on subdivision.

There was some discussion about changing the draft ordinance to allow a two-bedroom accessory dwelling instead of only one bedroom. Mr. Lauer pointed out that there is the enforcement issue. If you have two bedrooms, you are more likely to have four people occupying the dwelling. Mr. Martin thought it will be an enforcement issue no matter what and pointed out that you can have two bedrooms in the accessory unit inside your home.

Commissioner Light would like to change it to two bedrooms. The guest house on Dr. Kline's property is on a large lot and is not affecting any adjoining property owners. Mr. Lauer pointed out that the accessory dwelling is only allowed for an owner occupied home, so that should help with the enforcement issue. Chair Swienton noted that the CUP process can be costly. There should be a way to simplify it. In the end, the commission decided to leave it as an accessory dwelling only being allowed one bedroom.

The new lighting standards will be added to the ordinance. There will be an exception put in that it does not apply to holiday lighting. Commissioner Light made a motion to include the outdoor lighting ordinance into the draft Zoning Ordinance. It was seconded by Commissioner Lowe and passed by the following vote:

AYES:	Light, Lowe, Marion, Perault and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Mays	1
VACANCIES:		1

Chair Swienton read the recommended motion from Planning staff:

"That the Planning Commission recommends approval of repealing Title 35.1 – Zoning Ordinance of the Lynchburg, Virginia Code of Ordinances and in order to improve the public health, safety, convenience and welfare of the citizens of Lynchburg and to plan for future development as recommended by the Comprehensive Plan 2013-2030, the Planning Commission recommends adopting Title 35.2 – Zoning Ordinance which rewrites, reformat, amends, reenacts and recodifies the City of Lynchburg Zoning Ordinance."

Commissioner Perault made the motion, which was seconded by Commissioner Lowe. Mr. Martin clarified and the commission understands that this motion includes the provision for nonconforming duplexes, triplexes and quadplexes, the new lighting ordinance, the exception for holiday lighting and lighting in R-1 and R-2 districts.

The motion passed by the following vote:

AYES:	Light, Lowe, Marion, Perault and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Mays	1
VACANCIES:		1

Chair Swienton commented that this has been an excellent job done by staff, the consultants and the public. This has been a monumental process and all involved should be congratulated for their input. He believes they have done an outstanding job of attempting to address every concern of every citizen. It may not have to their satisfaction but they have kept to their role of earnestly and sincerely addressing every concern.

Zoning Ordinance Rewrite Public Hearing
September 23, 2015

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Don Wilkerson	905 Hayler	237-1232	✓		
Louis Callahan	1168 Sheffield	237-2660	✓		
Rebekah Moody	202 Paddington Ct.	238-5427	✓		
Jane Parnell	4404 Hilltop Dr.	665-6729	✓		
Gary Carr	2910 Sedgewick Dr	610 6692			✓
Ph. R. R. R.	101 Burt Ct East	841-1642			
Tared Kaigala	411 Woodland Cir	509-5552		✓	
STEVE GARCIA	128 ST JOHNS D	841-7361			
Adam Kline	1515 Langham Rd	507-2718		✓	
Gina Smith	1141 MTN TRAIL	540 819 5719		✓	
Cheryl Johnson	3225 Riley Park	845-3510			
Pat Parnell	104 Whitehall	942-1123		✓	
Todd Hall	2636 Mayflower	846-8520			
Roberta Hargis	157 Holmes Cir	902-0366			✓
Gene Cassel	2845 Sandpiper VIA BEACON	944-4936		✓	
Rick Reed	Coldwell Barker				

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Appropriation of Fund Balance from FY 2015 Unexpended Schools Operating Fund**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 General Fund budget and appropriate \$3,411,449 with resources from unexpended FY 2015 Schools Operating Fund appropriations for transfer to the FY 2015 Schools Operating Fund (\$2,316,449) and to the Schools Capital Fund (\$1,095,000) to fund needs as approved by the School Board.

Also, adopt a resolution to amend the FY 2016 General Fund budget and authorize \$155,439 to increase the Schools Textbook Reserve with resources from unexpended FY 2015 Schools Operating appropriations.

SUMMARY: This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg Board of Schools Trustees dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board."

The FY 2015 Schools audit identified \$3,566,888 as available fund balance to be returned to City Schools. These funds are requested by the School Board to be used to purchase IT equipment (\$500,000), purchase Human Resource/Finance software (\$400,000), update the educational tests used in comprehensive evaluations (\$30,000), purchase instructional equipment for Music and Movement education classes (\$49,000), purchase musical instruments for secondary schools' band, orchestra, and chorus (\$270,000), funds to Credit Recovery Program (Boys & Girls Club) facility needs (\$250,000), purchase a special education bus (\$100,000), replace student furniture in middle and high schools (\$425,000), other maintenance needs to be determined (\$62,449), fund maintenance projects (\$230,000) and fund capital projects for FY 2017 (\$1,095,000). Also requested is for \$155,439 to be placed in the Schools Textbook Reserve. The total to be transferred to City Schools is \$3,411,449 with \$2,316,449 being transferred to the Schools Operating Fund and \$1,095,000 being transferred to the Schools Capital Fund and \$155,439 remaining in the General Fund to increase the Schools Textbook Reserve.

PRIOR ACTION(S): December 14, 1993 Agreement with Schools regarding the Return of Fund Balance.

FISCAL IMPACT: Transfer of available fund balance in the amount of \$3,411,449 to the Schools Operating and Capital Funds. Also \$155,439 increase to the General Fund for the Schools Textbook Reserve.

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968
Dr. Scott Brabrand, Superintendent, Lynchburg City Schools, 515-5070
Anthony Beckles, Chief Financial Officer, Lynchburg City Schools, 515-5010

ATTACHMENT(S): Resolution
Request from Dr. Scott Brabrand, Superintendent, dated October 26, 2015
List of Requested Capital and Maintenance Projects
Letter of Agreement between Lynchburg City Council and Lynchburg Board of School Trustees, dated December 20, 1993

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 General Fund budget is amended \$3,411,449 is appropriated with resources from unexpended FY 2015 Schools Operating Fund appropriations for transfer to the FY 2015 Schools Operating Fund (\$2,316,449) and to the Schools Capital Fund (\$1,095,000) to fund needs as approved by the School Board.

BE IT FURTHER RESOLVED that the FY 2016 General Fund budget is amended and \$155,439 is authorized to increase the Schools Textbook Reserve with resources from unexpended FY 2015 Schools Operating appropriations.

Introduced:

Adopted:

Certified:

Clerk of Council

128K

LETTER OF AGREEMENT

BETWEEN LYNCHBURG CITY COUNCIL

AND LYNCHBURG BOARD OF SCHOOL TRUSTEES

In accordance with the attached, duly-adopted Resolution, the Lynchburg City Council and the Lynchburg Board of School Trustees hereby agree that the creation and maintenance of a School Operating Fund Balance is desirable to the long-range financial interests of both entities and, even more importantly, to the citizens and the community which both bodies represent. Accordingly, the City Council supports such approach by indicating its willingness to reappropriate to such Fund Balance any duly-budgeted, non-debt service local funding which the Schools manage to avoid spending by the close of each fiscal year. Similarly, the School Board expresses its intention of continuing to exercise cautiousness in the expenditure of all budgeted, appropriated local funding to the Schools, and further understands that any such unexpended, non-debt service monies would become part of a Schools Operating Fund Balance.

The separate, above-mentioned Fund Balance would be maintained in the accounting records of the Lynchburg City Schools for the purpose of underwriting any occasional shortfalls from any of the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board. For informational purposes, the Lynchburg City School Board would advise City Council annually as to amount of funding in such School Operating Fund Balance as of July 1 of each fiscal year; and such information would be reflected in the overall financial information of the City of Lynchburg along with other customary fiscal data for the Lynchburg City Schools.

Based upon this understanding, the creation of the above-referenced Fund Balance would occur promptly and would include any unexpended, duly-budgeted, non-debt service local funding at the close of the current 1992-1993 fiscal year. It is understood that such practice would remain active in the years thereafter.

Lynchburg City Council

By:

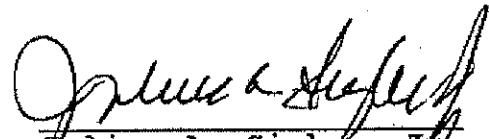

Julian R. Adams
Mayor

Date:

12/14/93

Lynchburg City School Board

By:


Julius A. Sigler, Jr.
Chairman

Date:

December 20, 1993



November 3, 2015

Mr. L. Kimball Payne, III
City Manager
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Payne:

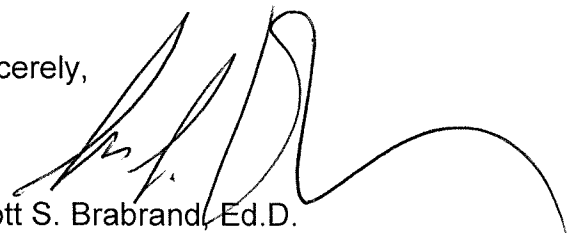
I am requesting permission to use the Lynchburg City Schools fund balance for FY2015 in the amount of \$3,566,888 for the following purposes:

Purchase of IT equipment (650 Chromebooks, 300 Teacher Laptops, and Accessories)	(\$500,000)
Textbook reserve	(155,439)
Purchase of New HR/Finance Software	(400,000)
Updating of Educational Tests Used in Comprehensive Evaluations	(30,000)
Purchase of Instructional Equipment for Music and Movement Education Classes	(49,000)
Purchase of Musical Instruments for Secondary Schools Band, Orchestra and Chorus	(270,000)
Funding to create Credit Recovery Program (Boys & Girls Club) Facility	(250,000)
Purchase of Special Education Bus	(100,000)
Student Furniture Replacement in Middle and High Schools	(425,000)
Other Maintenance Needs TBD	(62,449)
Capital Projects (List attached)	(1,095,000)
Maintenance Projects (List attached)	(230,000)

\$3,566,888

=====

Sincerely,


Scott S. Brabrand, Ed.D.
Superintendent

SSB/wls

cc: Members, Lynchburg City School Board
Anthony E. Beckles, Sr., Chief Financial Officer

Fund Balance Maintenance Projects

Perrymont chiller rebuild		\$ 60,000
ECG library carpet replacement		\$ 20,000
ECG rubber stair tread replacement		\$ 5,000
Warehouse additional washing machine		\$ 9,000
Campus radios		\$ 11,000
Bus service truck		\$ 45,000
RSPES chiller rebuild		\$ 55,000
Warehouse access control and security cameras		\$ 25,000

TOTAL		\$ 230,000
--------------	--	-------------------

Fund Balance Capital Projects

Dunbar MS window replacement (East Elevation)		\$ 150,000
Fort Hill CS window replacement		\$ 125,000
Heritage ES restroom renovation		\$ 60,000
Arc Flash study and labeling		\$ 100,000
DMS repoint brick		\$ 20,000
RSP repoint brick		\$ 20,000
Fencing needs (five areas detailed below)		
DMS West black decorative fence		
RSP black decorative fence at building		
RSP black chain-link fence at playground		
Bass black chain-link fence at paved playground		
FHCS black chain-link fence at Liggates		
<i>Fence Projects total</i>		\$ 120,000
LMS track resurface		\$ 50,000
DMS track resurface		\$ 50,000
ECG tennis courts		\$ 40,000
HELC parking lot expansion		\$ 15,000
Sheffield parking lot expansion		\$ 25,000
Bus shop fuel island paving repair		\$ 15,000
DMS Mozee repair pavement in rear		\$ 10,000
Install guardrail along Pride service drive		\$ 10,000
BHES additional grass fire lane		\$ 45,000
Refurbishment of DMS Gym Floor		\$ 125,000
Replenishment of Maintenance Emergency Fund		\$ 50,000
Fac./Trans. Building lighting retrofit		\$ 65,000

TOTAL

\$ 1,095,000

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Approval to hire a full-time Legal Assistant to work within the Office of the Commonwealth's Attorney.**

RECOMMENDATION: Adopt a resolution approving the Office of the Commonwealth's Attorney's request to hire a full-time Legal Assistant to provide clerical staff support and basic technical assistance under the direct supervision of the Legal Assistant Supervisor.

SUMMARY: The Office of the Commonwealth's Attorney is requesting approval to hire a full-time Legal Assistant to enhance prosecution effectiveness and case proceedings by preparing case files, obtaining and organizing police reports and evidence, inputting and updating time sensitive information into the file database and case management systems, and providing customer assistance. Changes in legislation and rules of discovery have placed increasing demands on the existing Legal Assistants. Case processing has become much more complex and time consuming resulting in the need for additional staff. The position will be advertised in November with an anticipated start date of December 17, 2015.

PRIOR ACTION(S): N/A

FISCAL IMPACT: The decision to merge the Office and Grants Administrator positions in September 2015 will result in agency savings of approximately \$39,000. The total cost (salary and benefits) for the proposed 1.0 FTE Legal Assistant is estimated at \$49,500 annually. The Commonwealth Attorney's Office can fully absorb the associated personnel costs in its FY16 operating budget. The current operating budget will need to increase approximately \$10,500 to support the position after June 30, 2016.

CONTACT(S):

Michael Doucette – Commonwealth's Attorney - 455-3762
Donna Nash – Office/Grants Administrator – 455-3770

ATTACHMENT(S): Resolution, Legal Assistant Job Description

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED THAT that The Lynchburg City Council hereby authorizes the addition of a Legal Assistant in the Office of the Commonwealth's Attorney, the costs of the position in FY 2016 to be absorbed with current assets in that office.

Adopted:

Certified:

Clerk of Council

123K

City of Lynchburg Class Specification

Job Title: Legal Assistant

Job Code:

FLSA Status:

Prepared Date: October 2015

SUMMARY

The Legal Assistant will provide clerical staff support and basic technical assistance within the Lynchburg Office of the Commonwealth's Attorney under the direct supervision of the Legal Assistant Supervisor. This position involves specialized clerical work requiring basic skills in data entry, filing, legal document processing, and customer assistance. The Legal Assistant helps to enhance prosecution effectiveness and case proceedings by preparing case files, obtaining and organizing police reports and evidence, inputting and updating time sensitive information into the file database and case management system, and providing customer assistance.

ESSENTIAL DUTIES AND RESPONSIBILITIES

- Prepares and coordinates correspondence related to court orders and subpoenas;
- Operates a variety of office machines;
- Updates attorneys' calendars and case files;
- Responds to calls from court personnel, defense counsel, and victims/witnesses and routes them to the assigned attorney;
- Files materials alphabetically and numerically;
- Opens and processes misdemeanor and felony cases for Unit attorneys;
- Performs general case updates in office case management system;
- Accurately transfers pertinent information from case files to case management system;
- Effectively communicates with court personnel and other City agencies; and,
- Performs other duties as assigned.

SUPERVISORY RESPONSIBILITIES

This position has no supervisory responsibilities.

QUALIFICATIONS

Education/Experience: High school diploma or GED and at least two years of experience in clerical work, including proficiency in Word and Microsoft, applications is required. Basic knowledge of legal terminology and processes and knowledge of the criminal justice system and domestic violence, sexual assault, or stalking is highly desirable but not required.

ESSENTIAL KNOWLEDGE, SKILLS AND ABILITIES

Ability to type 50 words per minute without spelling, grammatical, or typographical errors; correctly routes correspondence; accurately proofreads typewritten and printed materials; accurately maintains records and files; effectively and diplomatically communicates orally with other employees and the general public; ability to transfer handwritten information from case files to computerized case management system accurately.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential functions. While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle or feel; reach

**City of Lynchburg
Class Specification**

with hands and arms; and talk and hear. Specific vision abilities required by this job include close vision and ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. Work is performed in a normal office environment. The noise level in the work environment is usually moderate.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Adoption of 2016 Legislative Agenda**

RECOMMENDATION: Adopt a resolution approving the 2016 Legislative Agenda.

SUMMARY: Council reviewed the draft 2016 Legislative Agenda at its last meeting. Based on Council input, the following changes have been made:

- Language seeking additional funding for Odd Fellows Road has been strengthened.
- The issue regarding protecting the City's wasteload allocations has been moved to the top position under the water quality positions.

No changes were made to the issue regarding the taxation of electronic cigarettes and vapor. It was confirmed that the General Assembly has not granted localities the authority to regulate the use of electronic cigarettes.

PRIOR ACTION(S): October 27, 2015, Council reviewed the draft legislative agenda.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, City Manager, 455-3990; Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Resolution, Revised 2016 Legislative Agenda, October 27, 2015 Council Agenda Item

REVIEWED BY: lkp

RESOLUTION

BE IT HEREBY RESOLVED that the Lynchburg City Council adopts its 2016 Legislative Agenda and directs that it be forwarded to the City's General Assembly delegation for information and action, as appropriate.

Adopted:

Certified:

Clerk of Council

121K

CITY OF LYNCHBURG 2016 LEGISLATIVE AGENDA

Adopted, November 10, 2015

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg 2016 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that the legislators keep the following principles in mind as they evaluate and vote on legislation and the biennial budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered services.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.

- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

2016 LEGISLATIVE PRIORITIES

Filing of Bills with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of \$4,622,000 in revenue from the Machinery and Tools Tax would equate to a 9.6 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$8,185,869 in revenue from the Business License Tax would equate to a 17.1 cent increase in the City's Real Property Tax rate.

Comprehensive Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SOQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and the division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfer additional costs to local governments, and ultimately to the local real estate tax base.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Odd Fellows Road Funding: The General Assembly provided funding for a new interchange at Route 460/29 and Odd Fellows Road to address safety concerns and traffic congestion and to promote economic development. However, the project planned with the funding will only approve a portion of Odd Fellows Road, from Mayflower Drive

to the new interchange, leaving the rest of Odd Fellows Road unimproved and hampering business access. Without improvements to Odd Fellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange, access to the new interchange will be constricted, limiting the effectiveness of that facility. The City is seeking asks for additional State funding to provide access, including pedestrian facilities, to the new interchange ~~that will be constructed on Route 460/29 at Odd Fellows Road from the Lynchburg Expressway. Without improvements to Odd Fellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange, access to the new interchange will be constricted, limiting the effectiveness of that facility.~~

Water Quality: The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of all the related water quality programs imposes high costs on sewer and stormwater rate payers. Continued Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- Oppose any legislation that would reduce the City's Chesapeake Bay or James River nutrient allocations, require the City to re-justify its nutrient allocations for its existing treatment facility, or otherwise take away any nutrient allocation or related treatment capacity. The City supports DEQ's James River Study and legislation to maintain the City's nutrient allocations at the current permitted levels.
- Continue to adequately fund the Virginia Clean Water Revolving Loan Fund (VCWRLF) program and make available low and zero interest loans for water quality improvement projects that are necessary for permit compliance and the achievement of the goals of the Chesapeake Bay and other local TMDLs.
- Support efforts to fund the Stormwater Local Assistance Fund in the amount of \$50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.
- Support expansion of pollutant trading programs to include sediment. The Lynchburg Regional Wastewater Treatment Plant has a significant unused allocation of Total Suspended Solids (TSS) that can potentially be used to temporarily meet a portion of the our urban stormwater sediment reduction requirements associated with the Chesapeake Bay TMDL.
- Support point source Water Quality Improvement Funding (WQIF). This will help Lynchburg by improving water quality in the James River and clearing up outstanding balances that the State owes for other wastewater plant upgrades and placing the State in a better position to help fund future upgrades to the Lynchburg Regional Wastewater Treatment Plant if and when they are necessary.
- Oppose any efforts to exempt certain properties from stormwater utility fees. Equitable distribution of stormwater program costs is essential to meeting regulatory requirements and minimizing stormwater rates.
- Oppose any efforts to increase DEQ's penalty authority against localities.
- Oppose any efforts to shorten Sanitary Sewer Overflow reporting deadlines. Currently the requirement is to notify DEQ within 24 hours of an overflow. A shorter timeline would significantly impact staffing needs.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Communications Sales and Use Tax: Support legislation to reclassify the communications sales and use tax as a local not a state tax.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources

Law Enforcement Data Collection and Retention: The collection of data on citizen activities in the public rights of way is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed and passive data should be purged as soon as possible.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 JLARC "Line of Duty Act Report" .

Prevention: Restore state funds for prevention services.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek

reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. United States v. Graham, decided August 5th by the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program has successfully helped TANF recipients secure and maintain jobs.

State Aid to Public Libraries: Restore state aid for libraries to at least FY 2010 levels. Public libraries serve as resources for early childhood education and for the unemployed seeking job opportunities.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as “The Healing Place” or other pilot programs.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Taxes- Transient Occupancy and On-line Travel Companies: Support legislation to ensure that transient occupancy taxes are based on the cost of the room as paid by the consumer. On-line travel companies collect and remit transient occupancy taxes based on the wholesale room price hotels and motels paid by the travel companies not the room price paid by the consumer.

Telecommunications: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.

Trans Dominion Express: Support the extension of passenger rail service from Lynchburg to Roanoke as part of the Trans Dominion Express.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers’ compensation cases, instead of the prevailing community rate standard now used. This will make providing workers’ compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 27, 2015**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **2016 Legislative Agenda**

RECOMMENDATION: Provide input for the 2016 Legislative Agenda.

SUMMARY: It is time to review and update City Council's Legislative Agenda in preparation for the 2016 session of the Virginia General Assembly. Attached is an annotated copy of the adopted 2015 Legislative Agenda with suggested revisions as proposed by staff. Staff would appreciate receiving Council's input so that the draft can be finalized for adoption at Council's meeting on November 10, 2015.

Also attached are proposed legislative agendas from the Virginia Municipal League and the First Cities Coalition. The VML legislative agenda was adopted at the recent conference, with slight amendments, and the First Cities legislative agenda is scheduled for adoption at the annual meeting on October 30th.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, City Manager, 455-3990; Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Draft 2016 Legislative Agenda; Proposed VML Legislative Agenda; Proposed Virginia First Cities Legislative Agenda

REVIEWED BY: lkp

120K

DRAFT

CITY OF LYNCHBURG ~~2015-2016~~ LEGISLATIVE AGENDA

Adopted ~~November 11, 2014~~2015

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg ~~2015-2016~~ Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council ~~understands the fiscal challenges facing the Commonwealth as the 2015 session of the Virginia General Assembly convenes. Those challenges make it even more important~~tasks that the legislators keep the following principles in mind as they evaluate and vote on legislation and ~~possible amendments to~~ the biennial budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered serves.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.

- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.
- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

2015-2016 LEGISLATIVE PRIORITIES

State Aid to Localities: ~~Eliminate the annual \$30 million reduction in State Aid to Localities (ATL). This practice, also known as “Local Aid to the Commonwealth,” forces localities to utilize local tax revenues to help balance the state budget by funding state-mandated, locally-delivered services. The cost to Lynchburg in FY 2015 is estimated to be \$280,000. As the state’s fiscal situation improves, this practice should be the first one eliminated in future state budgets.~~

Filing of Bills with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality’s authority to impose a machinery and tools tax. The loss of \$4,622,000 in revenue from the Machinery and Tools Tax would equate to a 9.6 cent increase in the City’s Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality’s authority to impose a business license tax. The loss of \$8,185,869 in revenue from the Business License Tax would equate to a 17.1 cent increase in the City’s Real Property Tax rate.

Comprehensive Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SOQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and the division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but

simply transfer additional costs to local governments, and ultimately to the local real estate tax base.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Odd Fellows Road Funding: The City is seeking additional State funding to provide access, including pedestrian facilities, to the new interchange that will be constructed on Route 460/29 at Odd Fellows Road. Without improvements ~~to the intersection of Odd Fellows Road and Mayflower Drive and~~ to Odd Fellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange, access to the new interchange will be constricted, limiting the effectiveness of that facility.

Water Quality: The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of all the related water quality programs imposes high costs on sewer and stormwater rate payers. Continued Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- Continue to adequately fund the Virginia Clean Water Revolving Loan Fund (VCWRLF) program and make available low and zero interest loans for water quality improvement projects that are necessary for permit compliance and the achievement of the goals of the Chesapeake Bay and other local TMDLs.
- Support efforts to fund the Stormwater Local Assistance Fund in the amount of \$50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.
- Support expansion of pollutant trading programs to include sediment. The Lynchburg Regional Wastewater Treatment Plant has a significant unused allocation of Total Suspended Solids (TSS) that can potentially be used to temporarily meet a portion of the our urban stormwater sediment reduction requirements associated with the Chesapeake Bay TMDL.
- Support point source Water Quality Improvement Funding (WQIF). This will help Lynchburg by improving water quality in the James River and clearing up outstanding balances that the State owes for other wastewater plant upgrades and placing the State in a better position to help fund future upgrades to the Lynchburg Regional Wastewater Treatment Plant if and when they are necessary.
- Oppose any efforts to exempt certain properties from stormwater utility fees. Equitable distribution of stormwater program costs is essential to meeting regulatory requirements and minimizing stormwater rates.
- Oppose any efforts to increase DEQ's penalty authority against localities.

- Oppose any efforts to shorten Sanitary Sewer Overflow reporting deadlines. Currently the requirement is to notify DEQ within 24 hours of an overflow. A shorter timeline would significantly impact staffing needs.
- Oppose any legislation that would reduce the City's Chesapeake Bay or James River nutrient allocations, require the City to re-justify its nutrient allocations for its existing treatment facility, or otherwise take away any nutrient allocation or related treatment capacity. The City supports DEQ's James River Study and legislation to maintain the City's nutrient allocations at the current permitted levels.
- ~~Provide local authority to charge connection and availability or facility fees for stormwater systems similar to those charged by water and wastewater utilities.~~
- ~~Insist that any regulations enacted to implement the Total Maximum Daily Load (TMDL) in the Chesapeake Bay watershed be based on factual information, propose a reasonable schedule and are sensitive to the fiscal ability of local governments.~~
- ~~Support reasonable and affordable implementation of any new stormwater management requirements. EPA storm water requirements should be reviewed and revised to avoid placing an unreasonable economic burden on communities.~~
- ~~Oppose efforts to implement further point source (wastewater treatment plant) reductions of nutrient discharges beyond those allocations currently in the Chesapeake Bay Nutrient General Permit.~~
- ~~Provide state or federal funding support for all water quality initiatives, as well as continued funding for the Water Quality Improvement Fund (WQIF).~~

~~**Acquisition of Low Value Properties:** Include Lynchburg in the statute, section 58.1-3970.1 of the State Code, that authorizes the local circuit court to transfer the title of a tax delinquent property to a locality when the property is assessed at \$50,000 or less, the parcel has delinquent taxes or a nuisance abatement lien, and the taxes, liens and penalties exceed thirty-five percent of the assessed value of the property.~~

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Communications Sales and Use Tax: Support legislation to reclassify the communications sales and use tax as a local not a state tax.

~~**Economic Development:** Provide \$2 million for the Virginia Brownfield Redevelopment Assistance Fund, to continue the redevelopment of brownfield sites.~~

~~**Enterprise Zones Funding:** Support the restoration of funding for this important economic development grant program. Due to the state budget shortfall, \$2 million per~~

~~year was cut from this successful business development program which assists distressed communities. The Department of Housing and Community Development's (DHCD) latest report for grant year 2013 (before the \$2 million reduction) showed that a proration of approximately 10% was required for businesses participating in the program. This means that businesses counting on a return on their investment were shorted 10% of what they were promised. Such shortages reduce the incentive power of the program. Distressed communities rely on Enterprise Zones as a tool for business attraction and redevelopment in their locales.~~

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal

Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources

Law Enforcement Data Collection and Retention: The collection of data on citizen activities in the public rights of way is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed and passive data should be purged as soon as possible.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 JLARC "Line of Duty Act Report" give localities the authority to establish these benefits rather than participate in the state program.

Prevention: Restore state funds for prevention services.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement

for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. United States v. Graham, decided August 5th by the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program has successfully helped TANF recipients secure and maintain jobs.

State Aid to Public Libraries: ~~Increase~~ Restore state aid for libraries to at least FY 2010 levels. Public libraries ~~have experienced unprecedented demand for their services due since the recession~~ serve as resources for early childhood education and for the unemployed seeking job opportunities.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as “The Healing Place” or other pilot programs.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Taxes- Transient Occupancy and On-line Travel Companies: Support legislation to ensure that transient occupancy taxes are based on the cost of the room as paid by the consumer. On-line travel companies collect and remit transient occupancy taxes based on the wholesale room price hotels and motels paid by the travel companies not the room price paid by the consumer.

Telecommunications: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.

Trans Dominion Express: Support the extension of passenger rail service from Lynchburg to Roanoke as part of the Trans Dominion Express.

Trespassing Bans: ~~Amend Section 15.2-1717.1 of the Code of Virginia to include language providing that a notarized form signed by the property owner will be~~

~~admissible in court for the purpose of proving that the local law enforcement agency has the authority to enforce a trespassing ban.~~

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers' compensation cases, instead of the prevailing community rate standard now used. This will make providing workers' compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

DRAFT

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program: Campbell County/Liberty University Project**

RECOMMENDATION: Approve the attached resolution to support Campbell County in the participation of the VDOT Revenue Sharing Program for a project in support of Liberty University.

SUMMARY: Campbell County has requested the City of Lynchburg to support their participation in partnership with Liberty University to construct Liberty Mountain Drive Off-Ramp and Roundabout from Campbell County into the City of Lynchburg. This ramp would connect from Route 460 Eastbound Lane to the existing Liberty Mountain Drive. Although Liberty Mountain Drive is within the City Limits, it is a VDOT maintained road and would not require any additional maintenance from the City.

PRIOR ACTION(S):

PDC meeting November 10, 2015

FISCAL IMPACT:

No impact.

CONTACT(S):

Lee Newland, City Engineer

455-3947

Gaynelle Hart, Director of Public Works

455-4406

ATTACHMENT(S):

Resolution

Graphic

Letter of Request from LU

REVIEWED BY:

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to support an application for funds for Campbell County through the Virginia Department of Transportation Fiscal Year 2016-2017, Revenue Sharing Program; and,

WHEREAS, these funds are requested to fund a project partially within the City of Lynchburg (Liberty Mountain Drive Off-Ramp) that Campbell County will administer; and,

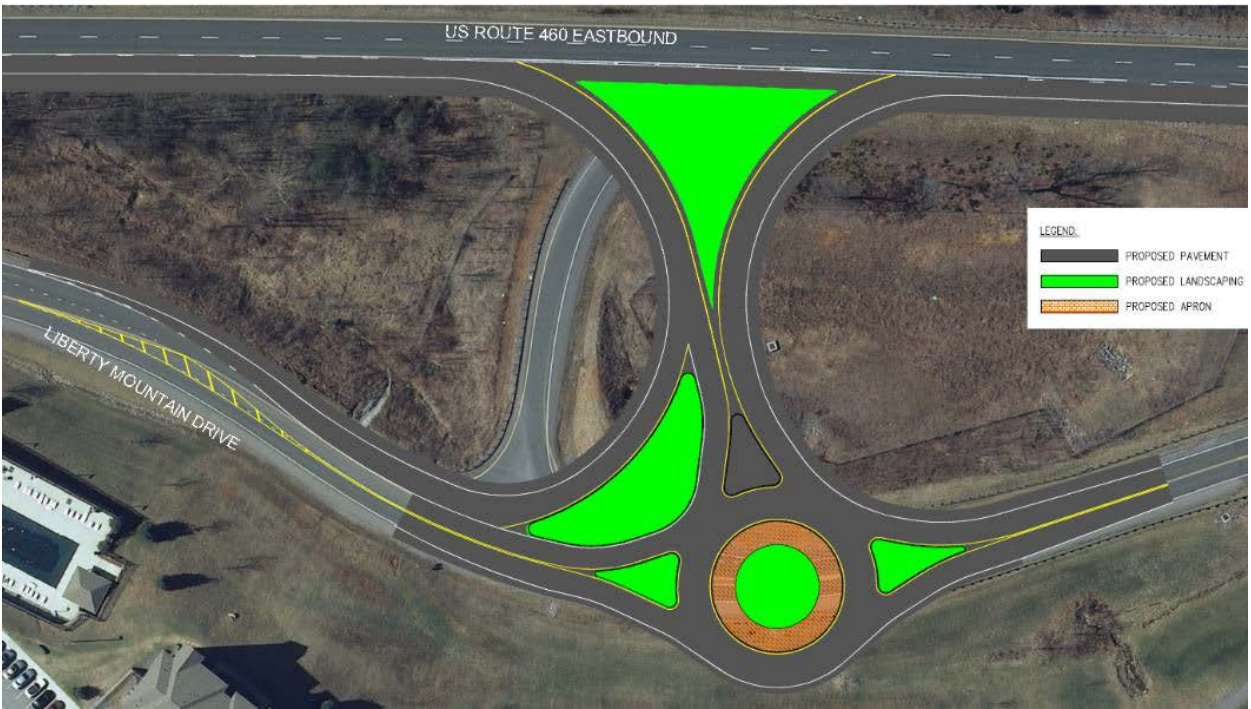
NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports the application for an allocation to Campbell County through the Virginia Department of Transportation Revenue Sharing Program.

Adopted:

Certified:

Clerk of Council

126K





LIBERTY UNIVERSITY

OFFICE *of the* PRESIDENT

October 1, 2015

Mr. Mike Davidson
Director of Economic Development
Campbell County
47 Courthouse Lane
Rustburg VA 24588

RE: U.S. Route 460 Off-Ramp and Roundabout at Liberty Mountain Drive

Dear Mr. Davidson:

On behalf of Liberty University, I would like to thank you and Campbell County for partnering with us on the Liberty Mountain Drive road extension project. We have been working with your staff, VDOT and our design team to finalize design plans and are anxious for field work to begin in the spring of 2016.

As you know, on US Route 460 during the AM peak period, a high volume of traffic uses the Candler's Mountain Road US Route 460 off-ramp resulting in significant queues that back up on US Route 460, creating unsafe, stopped conditions.

VDOT has identified this safety concern and engaged Kimley Horn study the area to develop a preferred alternative solution as outlined in the "Candler's Mountain Road Ramp Study" dated May of 2015. The recommended solution is the construction of an off-ramp at the current Liberty Mountain Drive on-ramp including an exclusive right turn slip lane for access onto Liberty Mountain Drive, and roundabout at the intersection of the ramps and Liberty Mountain Drive. The roundabout at the Route 460 on and off-ramp/Liberty Mountain Drive intersection will provide far superior traffic operations in terms of delay and queuing than the use of traffic signals.

Liberty University is currently working on the construction of a bridge from Liberty University Drive to the south end of the University's campus, over US Route 460. The proposed US Route 460 off-ramp in conjunction with the bridge will provide an alternative access to the University. The new Liberty Mountain Drive off-ramp will remove 41% of the traffic volume from the Candler's Mountain Road off-ramp, eliminating severe congestion on the existing Candler's Mountain Road off-ramp during peak travel time, improving the traffic flow and safety in this corridor.

The proposed off-ramp provides additional access to Liberty Mountain Drive, which in turn provides connection to US Route 29. Liberty University recently purchased over 100 acres that will be accessible via the new extension of Liberty Mountain Drive. When this area is developed,

it will provide another connection point between US Route 29, Liberty Mountain Drive and US Route 460.

Liberty Mountain Drive extends from Campbell County into the City of Lynchburg and is a VDOT frontage road, maintained by VDOT. The proposed off-ramp & roundabout project is within the City of Lynchburg limits, and ties to Liberty Mountain Drive. Approximately 30% of the Campbell County's current Liberty Mountain Drive revenue share project is within the City limits. Liberty University had discussed the off-ramp and roundabout project with the City of Lynchburg. The City is supportive of the project and would add it to this year's funding request, but the City already has \$18M worth of revenue share projects ready to be submitted for funding. Included in the \$18M request is a \$4M request for the extension of phase 3 of the City road from Candler's Mountain Road to the Odd Fellows Road interchange, for which Liberty University would provide the funding for the 50% VDOT match. The off-ramp and roundabout project is an \$8M project. Even if Liberty University retracts the \$4M road request from the City's request, adding the \$8M ramp request will exceed the \$20M funding cap request allotted to each locality.

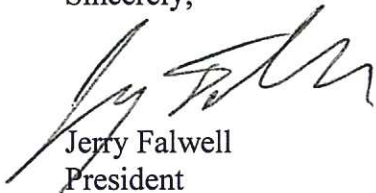
Since the off-ramp and roundabout is the VDOT-recommended solution to a safety issue that impacts the region, Liberty University proposes to partner with Campbell County to provide a solution. We request the submission of this project to VDOT for "Revenue Sharing Program" consideration.

The University understands the "Revenue Sharing Program" provides matching funds to a jurisdiction for transportation projects on a 50/50 basis. If this project is selected, Liberty University would provide the 50% matching funds on behalf of Campbell County. Additionally, if the project expenditures exceed the proposed budget, the University would cover 100% of the costs beyond the proposed and funded budget. The University would also fund 50% of the cost of the project administrator's fee paid by Campbell County to coordinate the revenue sharing paperwork required for the project.

We have enjoyed a good relationship with the County over the years as we have continued to grow. We view this project as a great opportunity to allocate VDOT funding to this region to help improve traffic flow, reduce congestion and improve safety. We welcome this opportunity to work with Campbell County to achieve these ends.

Please consider this request and feel free to contact me to discuss it further.

Sincerely,



Jerry Falwell
President

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Transportation Alternatives Program Application for Sidewalk for Safe Routes To School**

RECOMMENDATION: Adopt a resolution to approve the submittal of an application for \$168,244 in Transportation Alternatives Program funding through VDOT for construction of a sidewalk on one side of Stoneridge Street providing access to citizens and students.

SUMMARY: There have been requests for sidewalks to complete the route from the Dearington Heights Apartments to the Dearington Elementary School, the neighborhood market and the GLTC bus stop since the City finished the original Safe Routes to School project that had to leave this section out due to inadequate funding. The work will also include safety measures such as ADA ramps and a crosswalk as well as storm drainage inlets. A source of Federal funding, through the Commonwealth Transportation Board, has been identified and an application prepared for submission. The application requests 80% federal reimbursement through the Transportation Alternatives Program to construct a sidewalk. Design is complete and if approved, the funding authorization will come next October. A public meeting will be held on December 3, 2015, at Dearington Elementary to inform citizens of the plans. The application requires the adoption of an endorsement resolution by City Council. The project also has the support of the Region 2000 MPO.

The cost estimate is \$210,305; the grant requires a 20% local match of \$42,061. It is anticipated the match will be from Public Works' General Street Funds.

PRIOR ACTION(S): November 10, 2015 Physical Development Committee

FISCAL IMPACT: Requires 20% local match.

CONTACT(S):

Lee Newland, City Engineer, 455-3947

Gaynelle Hart, Director of Public Works, 455-4469

ATTACHMENT(S):

Resolution

Aerial Map

REVIEWED BY: lkp

**ENDORSEMENT RESOLUTION
FOR THE SUBMITTAL TO THE
VIRGINIA DEPARTMENT OF TRANSPORTATION
FY 2016-2017 TRANSPORTATION ALTERNATIVES PROGRAM**

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the project sponsoring jurisdiction requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the City of Lynchburg.

Now, Therefore, Be It Resolved, that the City of Lynchburg, requests the Commonwealth Transportation Board to establish the Dearington Elementary Safe Routes to School Completion project. The project will construct approximately 350 feet of new sidewalk providing safe pedestrian movement for students and families to access Dearington Elementary School and other neighborhood resources.

Be It Further Resolved, that the City of Lynchburg hereby agrees to provide a minimum 20 percent financial match contribution for this project.

Be It Further Resolved, that the City of Lynchburg hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

Be It Further Resolved, that the City of Lynchburg will be responsible for maintenance and operating costs of any facility constructed with the Transportation Alternatives Program funds unless other arrangements have been made with the Department.

Be It Further Resolved, that if the City of Lynchburg subsequently elects to cancel this project the City of Lynchburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Be It Further Resolved, that L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for these projects.

Adopted this 10th day of November, 2015, City of Lynchburg, Virginia.

Certified: _____
Clerk of Council



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 10, 2015**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Participation in the VDOT Revenue Sharing Program for FY 2017**

RECOMMENDATION: Approve the attached resolution to participate in the VDOT Revenue Sharing Program for FY 2017.

SUMMARY: Staff is proposing to participate in the VDOT Revenue Sharing Program to help with the funding of four projects. The projects that are being submitted and their estimated costs are listed below in priority order.

Main Street Bridge (Add'l. Funding)	\$ 6,923,812	Total Project	\$ 9,800,000
Timberlake/Logan's Lane Imp. (Add'l. Funding)	5,063,550	Total Project	\$ 8,828,350
Wards Ferry Road Widening (Construction)	3,073,500	Total Project	\$ 4,253,500
Un-named Road off Lakeside Drive	5,000,000	Total Project	\$ 6,750,000
Total	\$20,060,862		\$29,631,850

The Wards Ferry widening is from Timberlake to improve access to the new Heritage High School. The un-named road off of Lakeside Drive creates access for the Lakeside Center and is a partnership project with a Developer.

PRIOR ACTION(S): November 10, 2015; PDC

FISCAL IMPACT: Funds for the \$10.03 million match have to be budgeted in the FY 2017 Budget and will be a mix of Capital Funds, Maintenance Funds and a contribution from the Developer. The City's responsibility will be \$7.53 million for its projects. The Developer will contribute, from a proposed Community Development Authority (CDA), \$2.5 million for the un-named road.

CONTACT(S):

Lee Newland, City Engineer	455-3947
Gaynelle Hart, Director of Public Works	455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to twenty million sixty thousand eight hundred thirty two dollars (\$20,060,832) through the Virginia Department of Transportation Fiscal Year 2015-2016, Revenue Sharing Program; and,

WHEREAS, twenty million sixty thousand eight hundred thirty two dollars (\$20,060,832) of these funds are requested to fund various projects throughout the City of Lynchburg; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports this application for an allocation of twenty million sixty thousand eight hundred thirty two dollars (\$20,060,832) through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents for agreements that may be needed for these projects.

Adopted:

Certified:

Clerk of Council

124K