

COUNCIL MEMBER WRIGHT WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of October 23, 2018

4:00 P.M.

1. Short-term Rentals
2. Automobile Sales in the B-4, Urban Commercial District
3. Discussion Regarding Moving City Council Elections from May to November
4. Consideration of Proposed 2019 General Assembly Legislative Agenda
5. Roll Call

7:30 P.M.

City Council Agenda Items

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into three sections.

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

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

Procedure:

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

During the public hearing there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson.

After public comments have been received, for zoning petitions the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

Upon the conclusion of public comments or the applicant's rebuttal the public hearing will be closed and the matter referred to Council for deliberation.

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

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

City Council may make exceptions to these rules at its discretion.

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

CITY COUNCIL 455-3995 MAYOR 455-3995 CITY MANAGER 455-3990

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

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

* PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL

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

- #6. Consideration of approving the minutes of the October 9, 2018 meeting.
- *#7. Consideration of adopting Resolution #R-18-086 to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$239,695 with resources of \$217,905 from the Department of Homeland Security Federal Emergency Management Agency – Assistance to Firefighter's (AFG) and \$21,790 appropriated from the Fire Department General Fund Budget to purchase (179) firefighter self-rescue devices, more commonly referred to as Bail-out devices.

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

- #8. Public hearing regarding a request to grant a License Agreement to Tesla Energy Operations, Inc. to place electrical conduit and cable in City-owned right-of-way across College Street in two locations and to maintain and operate installations under license agreements previously approved by City Council.
(File: Public Works) #R-18-_____

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

- #9. Consideration of introducing a Resolution to amend the FY 2019 General Fund budget and appropriate \$67,473 with resources from the General Fund Reserve for Contingencies to assist in the purchase of 43 patrol rifles and ammunition.
(File: Police) #R-18-_____
- #10. Consideration of introducing a Resolution to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$39,954 with resources from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment.
(File: Police) #R-18-_____
- #11. Consideration of introducing a Resolution to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$46,400 with resources of \$23,200 from the Bulletproof Vest Partnership 2018 Grant Program and \$23,200 transferred from the FY 2019 General Fund Police Department (\$19,200) and Sheriff's Office (\$4,000) budgets to purchase 58 replacement bulletproof vests for law enforcement officers.
(File: Police) #R-18-_____
- #12. Consideration of adopting a Resolution for a change order up to the amount of \$ 1,271,875 is approved to complete the Logans Lane Project by adding turn lanes at Leesville Road as a Virginia Department of Transportation (VDOT) Revenue Sharing Project.
(File: Public Works) #R-18-_____
- #13. Consideration of adopting a Resolution for the proposed Highway Safety Improvement Program (HSIP) to the Virginia Department of Transportation (VDOT).
(File: Public Works) #R-18-_____
- #14. Consideration of adopting an Ordinance to amend Section 11-2 of the City Code to reference the latest edition of the Virginia Uniform Statewide Building Code.
(File: City Code/Community Development) #O-18-_____
- #15. Consideration of a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e. Transit Company Board, Lynchburg Parking Authority, Social Services Advisory Board, Board of Building Code Appeals and Historic Preservation Commission; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Short-term Rentals

KEY ELEMENTS:

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

RECOMMENDATION: Direct staff to prepare *Zoning Ordinance* amendments defining short term rentals and an ordinance that would require owners to register their short term rental units annually.

SUMMARY: A short term rental is defined by State Code as “the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.” Popular online platforms for this service include airbnb, Vacation Rentals by Owner (VRBO) and Flipkey, among many others.

Recently, staff has received a number of complaints from Council members and from members of the community regarding short term rentals. For the last several months, staff has been working to create an assessment of potential options to address these concerns in order to provide options to City Council. Generally, concerns that have been identified follow three areas of concern:

1. Compatibility with the City's Zoning Ordinance, and more generally regarding the effects of short term rentals in residential neighborhoods (parking, noise, etc.).
2. Fairness in how the City treats these lodging businesses compared to more traditional lodging businesses, such as hotels, motels, and bed and breakfasts.
3. The need to ensure, to the best of the City's ability, renter safety in otherwise unregulated facilities.

It is clear that popular online rental platforms are becoming an ever-increasingly important part of the economy and will not likely subside. It is important that the City find a way to embrace the reality that these platforms are being used in our community while creating a framework around addressing the community's concerns.

Staff recommends that Council direct the development of zoning ordinance amendments to clarify the rules under which short term rentals may be operate as well an ordinance requiring that operators register their short term rental units. The proposed ordinances would provide clear expectations to hosts, guests and neighborhood residents, assist staff with the enforcement of short term rentals that fail to operate within the required parameters, and generate revenue to help offset program costs.

PRIOR ACTION(S):

January 9, 2018 Staff presented an overview of local government's authority to regulate short-term rentals to City Council.

FISCAL IMPACT: Staff recommends that short term rental operators pay a \$150 annual registration fee. The fee is projected to generate \$36,000 during the initial program year. That revenue would be used to help offset staff time and a monitoring service to help identify the location of the rentals. The monitoring service is estimated between \$10,000 and \$15,000 per year.

CONTACT(S): Kent White, Director of Community Development – 455-3900; Reid Wodicka, Deputy City Manager – 455-3990; Walter Erwin, City Attorney – 455-3980; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Starlette Early, Budget Analyst – 455-4220; Kevin Henry, Zoning Administrator – 455-3900; Denise Musgrove, Business Auditor – 455-3870

ATTACHMENT: Presentation Slides

REVIEWED BY: raw

122K

Short-Term Rentals Update

City Manager's Office

Commissioner of the Revenue

City Attorney's Office

Department of Community Development

Department of Financial Services

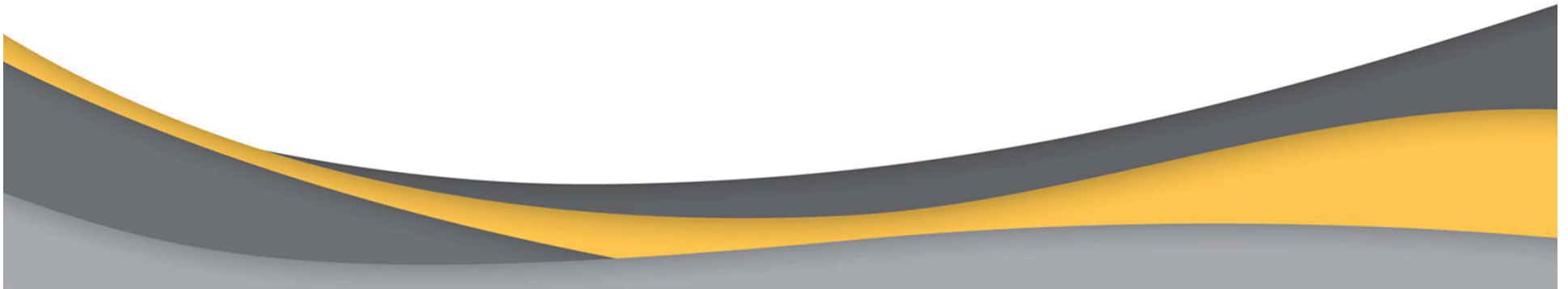
Office of Economic Development & Tourism

October 23, 2018



Purpose

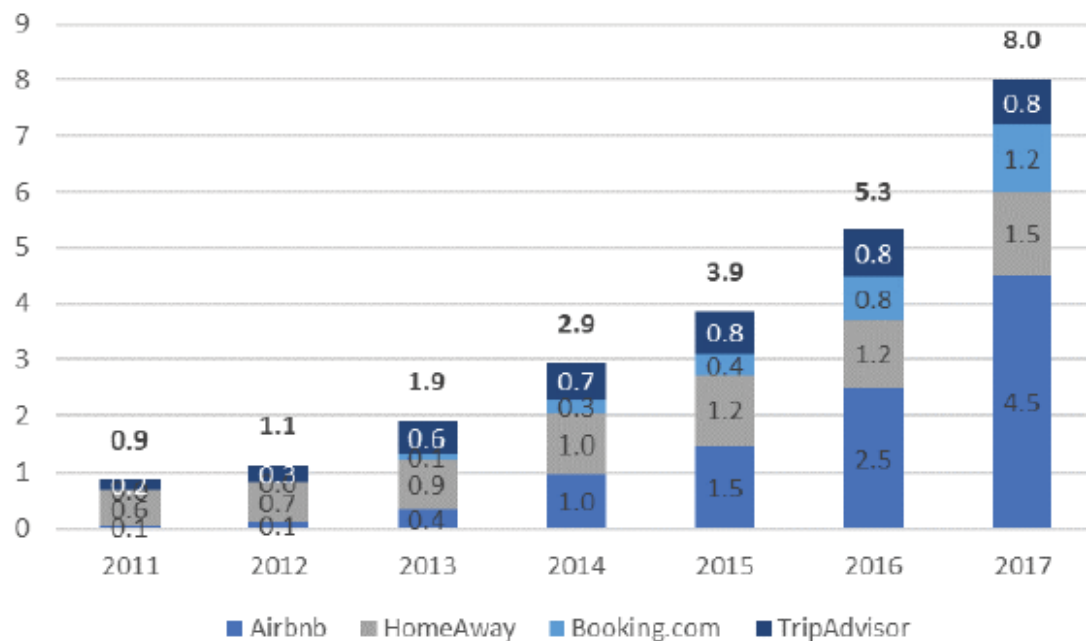
On January 9, 2018, City Council heard a staff presentation on short-term rentals. Following the presentation, Council requested an update on this topic following the Virginia General Assembly's legislative session.



Short-Term Rentals - Growth

The short-term rental market has grown 800% since 2011

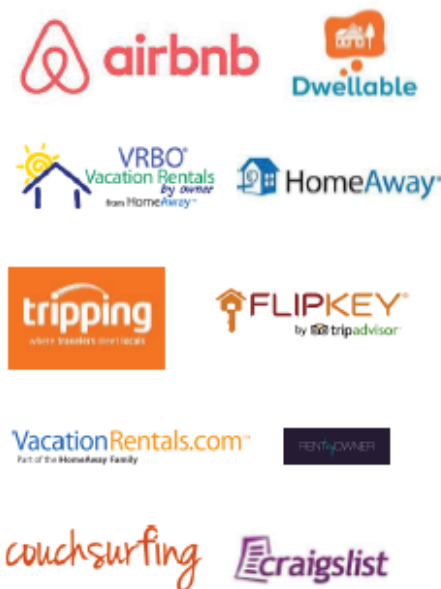
Millions of STR listings



Sources: AirBnB, Expedia, TripAdvisor and Booking.com



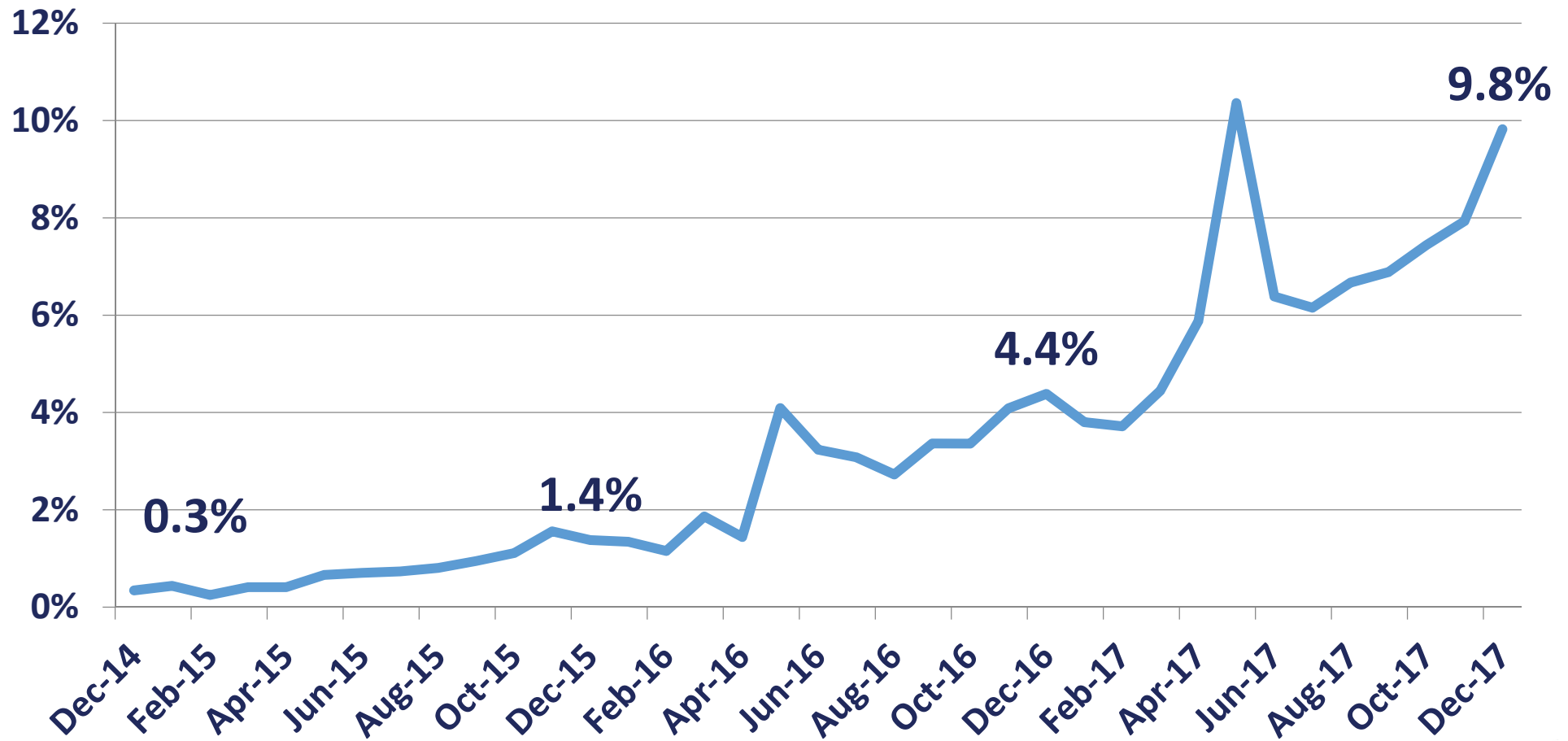
Market is fragmenting



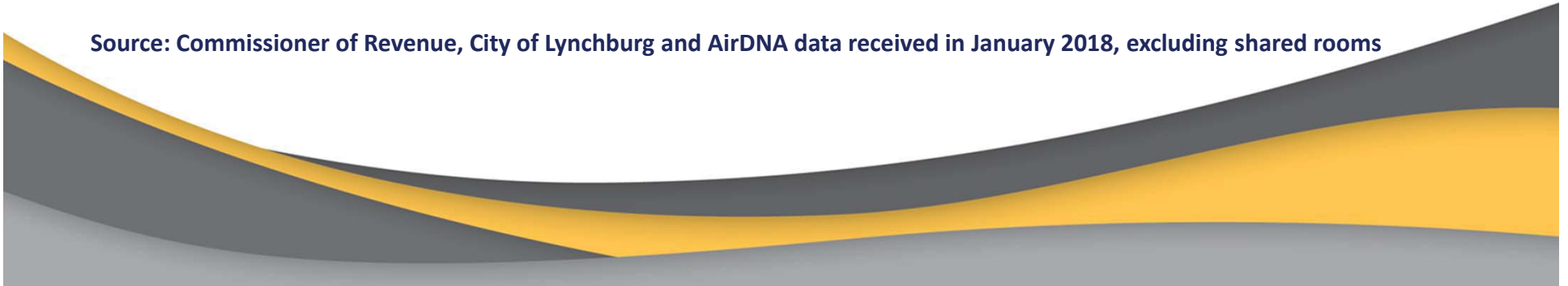
100+ other web platforms



Short-Term Rentals - Growth



Source: Commissioner of Revenue, City of Lynchburg and AirDNA data received in January 2018, excluding shared rooms



Balancing the Growth

Opportunities

- Popularity/Lodging Options
- Tourism – Showcase City
- Supplemental Income

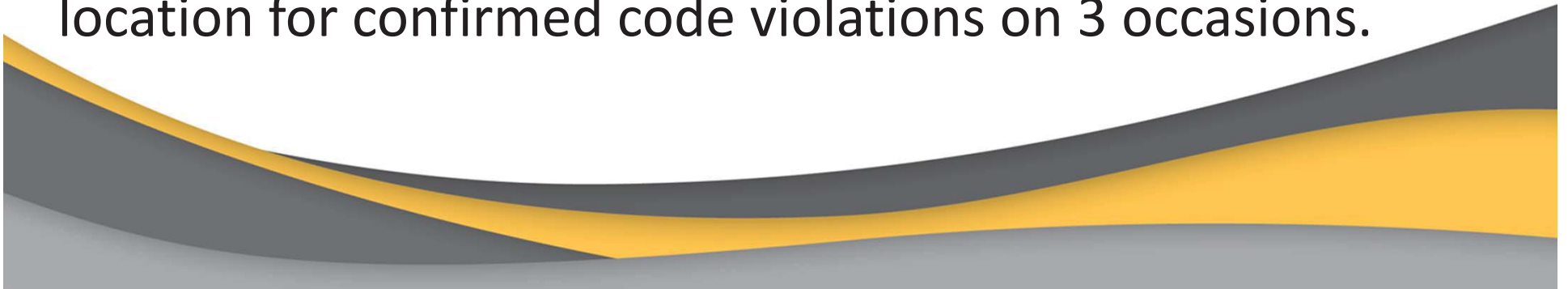
Issues

- Fairness to Lodging Business
- Neighborhood Concerns
- Renter Safety



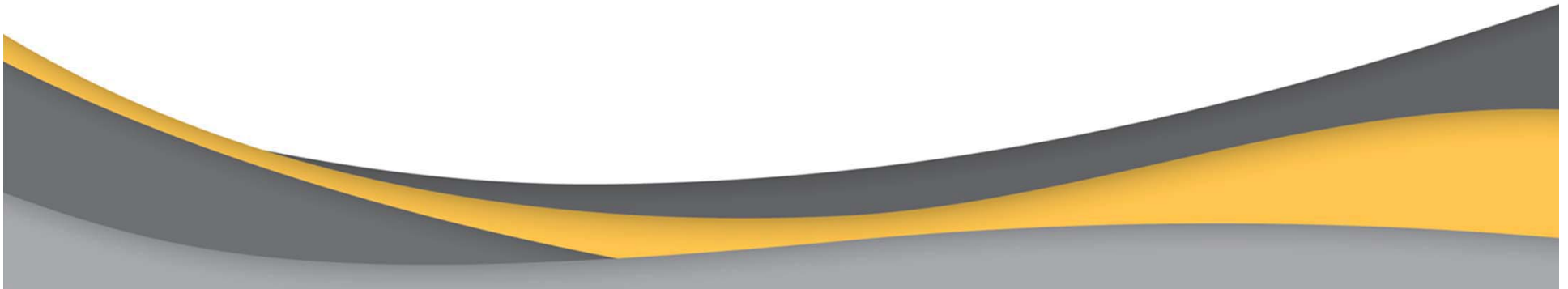
State Code recap

- The General Assembly made no changes in 2018.
- “Short-term rental” is defined as the provision of a room or space for dwelling or lodging purposes for a period of fewer than 30 consecutive days, in exchange for a charge.
- The locality may continue to regulate short-term rentals through the local zoning ordinance.
- May also establish a rental registry and charge a reasonable fee to maintain the registry.
- Can include a \$500/violation civil penalty for an operator who is required to register and prohibit rentals at a specific location for confirmed code violations on 3 occasions.



Virginia First Cities Comparison

- No Zoning, Registration or Lodging Tax – Danville, Hampton, Martinsville, Newport News, Petersburg, Portsmouth, Richmond
- Zoning, Registration and Lodging Tax – Charlottesville, Staunton
- Zoning Permit only – Winchester
- Ordinance Under Development – Hopewell, Norfolk, Williamsburg



Example Short-Term Rental Requirements

Locality	Registration/Fees	Requirements	Inspections
Lynchburg	No	by-right in business districts; owner occupied in residential	Complaint based
Bedford County	Yes; registration fee + lodging tax	No exterior changes; 2 adults per bedroom; vehicles in driveways or parking areas	Complaint based
Blacksburg	No; airbnb agreement to collect taxes	Smoke/CO detectors; egress; no RVs or trailers; post contact; limit of 6 guests	Host agrees to allow interior inspections for complaints
Charlottesville	Yes; registration fee + lodging tax	24/7 contact no more than 30 miles away; no food; owner occupied for 180 day	Host agrees to allow annual inspection to verify compliance
Orange (Town)	Yes; lodging tax only	Registration only; will track progress to update ordinances	Complaint based
Virginia Beach	Yes; registration fee + lodging tax	Registration only; Planning Commission to develop land use controls as needed	Complaint based

- Short-term rentals are permitted in business zoned districts “by right.”
- Occupancy standards for residential zoning apply for short-term rental uses. Occupancy is limited to 3 unrelated people per dwelling unit or, when two or more related people reside there, only one unrelated guest.
- In residentially zoned districts, the owner must also be present during the guests’ stay.
- Owners that wish to operate short-term rentals with higher occupancy or when they are not present must have a conditional use permit from Council.

Current Policy



- Community Development staff investigates unpermitted short-term rentals on a complaint basis.
- Occupancy cases are difficult and often take significant time to research, prove and meet notification requirements.
- The various online platforms are making it increasingly difficult to verify short-term rental locations.
- If there is sufficient evidence that a short-term rental is operating illegally, staff pursues resolution through the zoning process and, if necessary, the court system.

Current Challenges



Example Search

[Contact host](#)

Response rate: 100%

Response time: within an hour

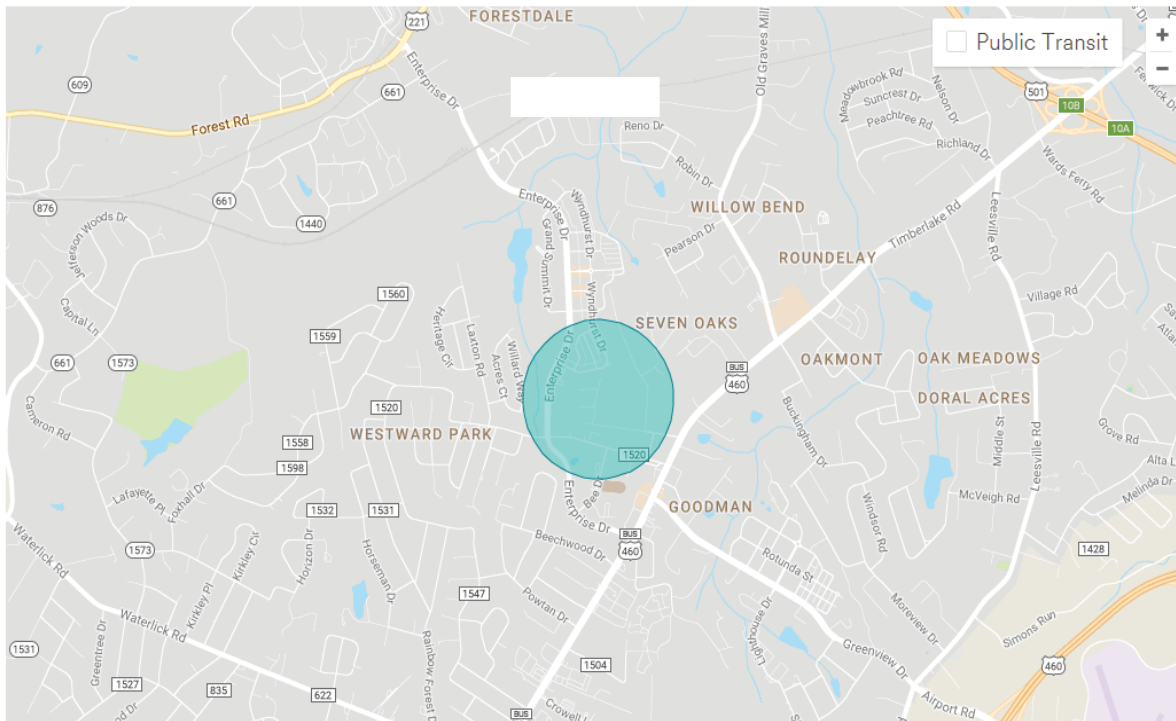
This home is on people's minds.

It's been viewed 94 times in the past week.

[Report this listing](#)

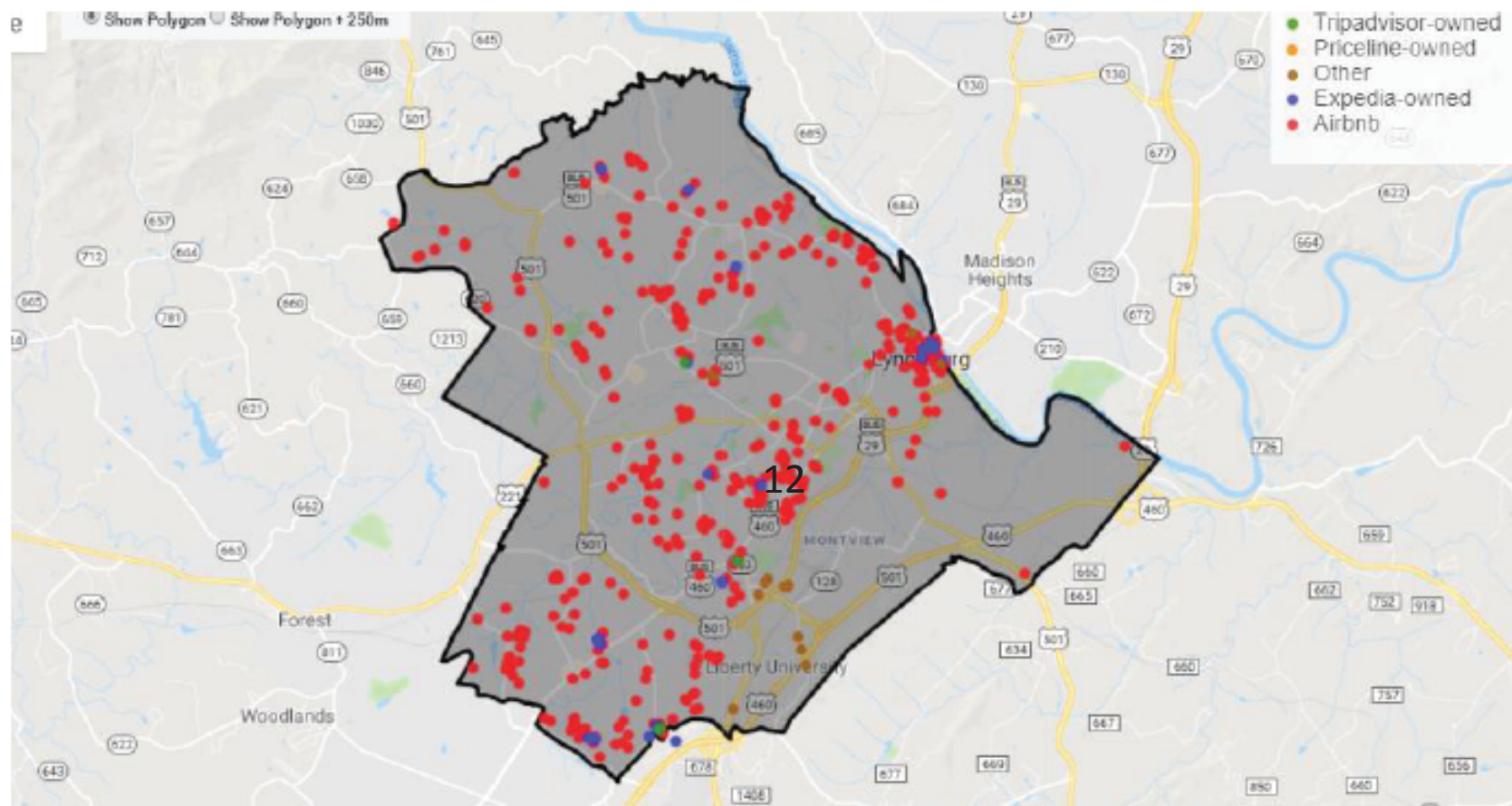
The neighborhood

Caleb & Rachel's home is located in Lynchburg, Virginia, United States.



August Assessment Data

Short-term rentals in Lynchburg as of August, 2018



Sources: Host Compliance proprietary data

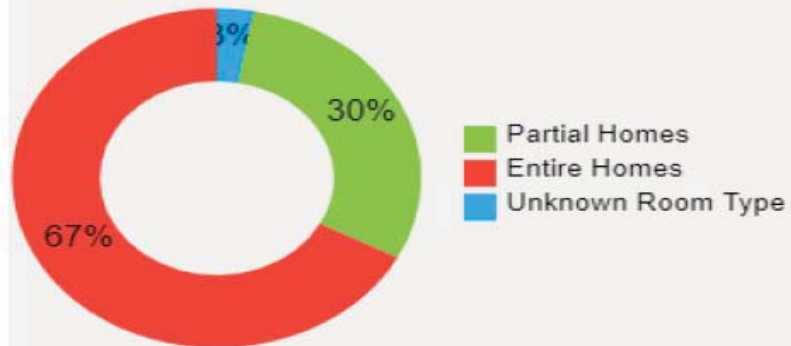
An August assessment by Host Compliance identified 403 listings in Lynchburg, representing 365 unique rental units.

August Assessment Data

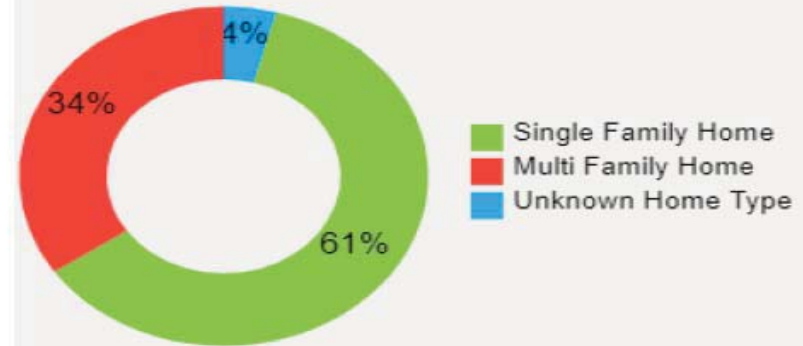
Median Nightly Rate
(USD)

\$75

Unit Types



Listing Types



- Council has the option to address short-term rentals through various fee and land use requirements.
- The degree of proactive collection, monitoring and enforcement will impact staffing requirements in the areas of:
 - Registration, fee collection and follow up
 - Tax billing and collection
 - Proactive Inspection vs Complaint-Based Inspection
 - Enforcement

Resources Required



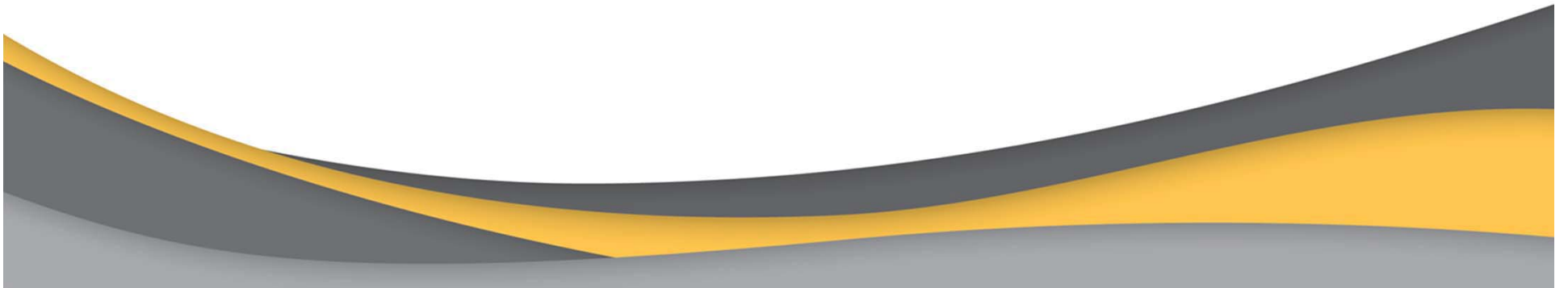
15 <u>Options</u>	<u>Pros</u>	<u>Cons</u>
Registration program	- Improved operator information - User fee creates modest equity - Stronger enforcement for hosts that repeatedly violate code	- Would require additional vendor monitoring - Difficult to identify condos and apartment short-term rentals
Voluntary collection agreement with airbnb	- Airbnb charges tax when guest registers; voluntarily remits - Airbnb platform has majority of Lynchburg market share - No additional staff/monitoring	- Not equitable; does not include other platforms - Airbnb does not provide host info for enforcement - Taxes cannot be audited
Hosts required to remit lodging tax	- Equitable to lodging industry and other platforms - Improved operator information for enforcement	- Would require additional staff and vendor monitoring - Hosts submit taxes monthly - Difficult to verify lodging tax remitted by hosts
Additional land use or inspection requirements (i.e. prohibit, require public hearing, rental unit inspection)	- Use is clearly defined - Additional measure of safety for guests and residents (smoke detectors, extinguishers, etc.)	May require additional staff and vendor monitoring - Difficult to enforce - Loss of revenue and tourism - General Assembly action (?)
No action	- No additional staff/monitoring - Limited number of complaints	- Difficult to identify/enforce - Equity to lodging industry

- Direct staff to prepare Zoning ordinance amendments [i.e. by-right, similar to current policy]
- Direct staff to prepare an ordinance adopting a short-term rental registry
 - \$150 annual registration fee
 - Hire monitoring service to verify units
 - \$500 penalty for not registering
 - Prohibit operators from offering short-term rentals at individual properties that are cited for code violations more than 3 times.
- Do not collect lodging tax

Staff Recommendation



Questions?
Comments?
Observations?



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Automobile Sales in the B-4, Urban Commercial District.

KEY ELEMENTS:

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

RECOMMENDATION: Discuss with the City Attorney the sale of automobiles at automobile repair shops in B-4, Urban Commercial District.

SUMMARY: On October 9, 2018, City Council discussed a request by Councilman Randy Nelson to consider amending the Zoning Ordinance to allow automobile sales in the B-4, Urban Commercial District. Council ultimately tabled discussion of an option to allow limited automobile sales at non-conforming automotive repair shops until they could consult with legal counsel.

A non-conforming situation is a use of property that was originally allowed under the zoning regulations but, because of subsequent changes in those regulations, is no longer permitted. These uses are generally permitted to remain provided they are not expanded or cease to operate for a period of two (2) years. Section 35.2-90 of the *Zoning Ordinance* provides that non-conforming situations should not be expanded or intensified.

With respect to expanded automobile sales in the B-4, Urban Commercial District, staff maintains that automobile sales uses should not be allowed by right for the same reasons listed in the October 9, 2018 Agenda Item Summary (attached).

PRIOR ACTION(S): October 9, 2018 - Council tabled a request to amend the *Zoning Ordinance*.

FISCAL IMPACT: N/A

CONTACT(S): Walter Erwin, City Attorney – 455-3980
Tom Martin, City Planner -- 455-3900
Kevin Henry, Zoning Administrator – 444-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S): October 9, 2018 Council Agenda Item Summary
Letter from Mr. Rodney Hubbard – June 12, 2018
Zoning Administrator Memorandum – June 25, 2018

REVIEWED BY: raw

124K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 9, 2018**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Automobile Sales in the B-4, Urban Commercial District

KEY ELEMENTS:

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

RECOMMENDATION: Do not initiate amendments to the *Zoning Ordinance* that would allow automobile sales in the B-4, Urban Commercial District.

SUMMARY: On June 12, 2018, Mr. Rodney Hubbard addressed City Council concerning the sale of automobiles at 420 Monroe Street. The property is zoned B-4, Urban Commercial District, which does not permit automobile sales. On June 25, 2018, Mr. Kevin Henry, Zoning Administrator, forwarded City Council a memorandum providing background concerning the property and the determination that automobile sales are not permitted in the B-4, Urban Commercial District.

On July 9, 2018, Councilman Randy Nelson requested that discussion concerning amendments to the *Zoning Ordinance* to allow automobile sales in the B-4, Urban Commercial District be placed on a future Council agenda.

City Staff does not recommend amendments to the B-4, Urban Commercial District for the following reasons:

- Automobile sales are not compatible with the intended purpose of the B-4, Urban Commercial District, which is to encourage a mix of multi-household, business, and related activities of relatively high densities.
- Automobile sales are not compatible with the *5th Street Corridor Master Plan* adopted by Council on March 23, 2006.
- Automobile sales are not compatible with the *Downtown & Riverfront Master Plan 2000* adopted by Council on May 22, 2001, or the *Draft Downtown 2040 Master Plan*.
- Mr. Hubbard could petition to rezone the property at 420 Monroe Street.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner -- 455-3900
Kevin Henry, Zoning Administrator – 444-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S): Letter from Mr. Rodney Hubbard – June 12, 2018
Zoning Administrator Memorandum – June 25, 2018

REVIEWED BY: raw

110K

CITY OF LYNCHBURG VA

05/25/18

Council/Manager
Offices

To whom it may concern I'm requesting to be put on the next city meeting . I would like the city to amend the city zoning to allow automotive sales to be permitted . In the downtown zone. In Jan 2015 I took over a lease at 420 Monroe st. At that time according to the zoning code auto sales was permitted . The prior business owner had a sales license to sell cars that didn't expire until Dec. 2015. When I went to get certificate of Occupancy I was told auto sales was not permitted . I appealed that decision and that was denied . After about two months later the code was changed saying auto sales was not permitted . I wasn't notified of the zoning changed being that I'm a business owner and resident of the downtown area.

What really makes no sense at all to me is how the code changed when I took over the building and Mr kerr who is next door can still sell cars because he's grandfathered in . This area has always been an automotive district dating back to the early 1900.

The reason that the code should be amended first it's the right thing to do . It will benefit the downtown area greatly. Also it will help grow my business and others . Another main reason is that my lot space is very small. I have customer that have abandon cars that I cant sell and recover my labor cost . The city has an obligation that all citizens have a right to rise and not be held back . I'm asking that city take action to relieve the burden that I will be able to sell car. So I can continue to be a help and blessing to our community .

Thank you,

Rodney Hubbard

Rodney Hubbard AutoMOTIVE

420 Monroe st

434-221-674

058K



Community Development

900 Church Street • Lynchburg • Virginia • 24504

www.lyncburgva.gov • P 434-455-3900 • F 434-845-7630

TO: City Council

FROM: Community Development, Kevin T. Henry, AICP, Zoning Administrator

CC: Bonnie Svrcek, City Manager; Mike Goetz, Acting Deputy City Manager; Reid Wodicka, Deputy City Manager; Walter Erwin, City Attorney

DATE: June 25, 2018

RE: Rodney Hubbard, Auto-oriented uses in B-4 Zoning District

At its June 12, 2018 meeting, City Council heard from a business owner, Rodney Hubbard, from 420 Monroe Street regarding his disagreement with how zoning currently applies to the property. Mr. Hubbard operates an auto repair business at this location. Mr. Hubbard ultimately would like to be able to sell automobiles from the property, which the B-4, Urban Commercial District does not permit. Below is a history of what transpired so that you are fully aware of the facts surrounding this situation.

BACKGROUND

- The property is located at 420 Monroe Street on the corner of 5th and Monroe Streets. The current owner of the property is Warren C Simmons Properties, LLC, which purchased the property on December 14, 2009.
- City Council adopted the 5th Street Corridor Master Plan on March 23, 2006. The grass roots plan established a vision for the rehabilitated and revitalized corridor that serves the needs of the surrounding neighborhoods. With the adoption of the plan, a conscious decision was made to move away from auto-oriented businesses, to slow traffic, and to create a walkable environment so pedestrians can move easily through the corridor, into and out of the neighborhoods, Downtown and Midtown. The plan identified the then-existing B-5, General Business District zoning as “inappropriate”, being the least restrictive zoning district in the city and producing substantial nuisance effects.
- The zoning for the property changed in December 2007 from B-5 to B-6 when Council adopted the 5th Street Overlay District. Auto-oriented uses were not permitted in the B-6 zoning district. When the zoning was changed, the existing auto-oriented uses were allowed to remain but became nonconforming uses with



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the goal that such uses would eventually be phased out over time and replaced with uses that complied with the zoning ordinance. While nonconforming uses that were in existence in December 2007 were allowed to continue to operate, such nonconforming uses could not be expanded and the character of the nonconforming use could not be changed to include another type of use.

- Council adopted a new Zoning Ordinance in February 2016. The existing B-4 and B-6 districts were consolidated into the B-4 district, which encompassed 420 Monroe St.
- There has been significant public and private investment along the 5th Street Corridor based upon the adopted Master Plan and as a result of the B-4, Urban Commercial Zoning. It is presumed that allowing auto-oriented businesses in the B-4 District would be detrimental to 5th Street and the Downtown because it runs counter to decisions made in the development of the 2006 Master Plan.
- Since the auto repair business at 420 Monroe Street existed before the zoning changed (December 2007) and has continued without interruption for a material amount of time, it continues to be a legal nonconforming use. However, the nonconforming auto repair business could not be expanded to include auto sales.
- Burford Automotive, LLC was issued a Certificate of Occupancy to operate an auto repair business on the property January 2014, presumably continuing the prior auto repair business use.
- Burford Automotive, LLC was later issued an auto sales zoning approval in August 2014. (However, Community Development does not have a copy of what was signed by the Zoning Administrator at that time.) This zoning approval allowing Burford Automotive, LLC to conduct auto sales at 420 Monroe Street was issued in error; under the zoning ordinance, auto sales are not a permitted use at that location. A zoning approval that is erroneously issued can be revoked once the error is discovered; however, since the zoning approval was Community Development's mistake and Burford Automotive, LLC relied on the zoning approval in good faith, a decision was made to allow Burford Automotive, LLC's auto sales business to continue to operate.
- Burford Automotive, LLC went out of business in December of 2015.
- Rodney Hubbard started inquiring about the property in January 2016. Prior to issuing a new Certificate of Occupancy for the building for auto repair, Community Development informed him that auto sales were not permitted in the district.



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- Mr. Hubbard reached out to Kent White in February 2016. Mr. White explained his next option was to appeal the zoning decision to the Board of Zoning Appeals. Mr. Hubbard appealed to the BZA in August 2016 and his request was denied. Mr. Hubbard had 30 days to appeal the BZA's decision to Circuit Court; that period has now passed.
- In February 2018, Mr. Hubbard happened to see Mr. John Hughes and inquired about the property. Both Mr. Hughes and Mr. Charles Hartgrove spoke with Mr. Hubbard later in February 2018 and asked that Mr. White reach out to him to review rezoning options. We discussed his options to either rezone the property or amend the zoning ordinance to allow auto sales in B-4 districts. Mr. White explained that staff could not support either option but we would assist him with the process if he decided to move forward.
- In his June 12, 2018 Council appearance, Mr. Hubbard referenced that the zoning changed after he made his request in 2016. When we met in February 2018, Mr. White tried to clarify that the zoning change that prohibited auto sales took place in 2007; the 2016 change just combined the B4 and B6 zoning districts (they basically had the same requirements) and did not change the auto sale prohibition. Mr. Hubbard has also questioned why he was not notified of that zoning change. He did not receive notice of the zoning change because he does not own 420 Monroe Street. Planning staff confirmed that the property owner, Warren C Simmons Properties, LLC, of Evington, was notified in September 2015 of the pending zoning change, which was ultimately made in February 2016.

CONCLUSION

Effective with the zoning ordinance amendment in December 2007, auto repairs and auto sales are not permitted uses at 420 Monroe Street. However, since the property was being used for an auto repair business in December 2007, that use was permitted to continue to operate as a lawful nonconforming use. There is also no evidence that in December 2007 420 Monroe Street was also being used for auto sales. Therefore, the nonconforming auto repair business cannot be expanded to include auto sales. Burford Automotive, LLC was authorized to conduct auto sales on the property from August 2014 through December 2015 as a result of Community Development's mistake in giving Burford Automotive, LLC zoning approval. That mistake was rectified in December 2015 when Burford Automotive, LLC ceased operating, and Mr. Hubbard was told in January 2016 that auto sales would not be an allowed use.



Community Development

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-3900 • F 434-845-7630

Community Development cannot knowingly violate the zoning ordinance by authorizing Mr. Hubbard to conduct auto sales on the property. In order for Mr. Hubbard to lawfully conduct auto sales at 420 Monroe Street, the property will need to be rezoned or the zoning ordinance will need to be amended to allow auto sales in B-4 districts.

If City Council decides it wants to change the zoning ordinance, it should direct City staff to prepare the appropriate reports and public notification. The Planning Commission will review the amendment and provide their recommendation to Council.

Please direct any questions regarding this report to Mr. Kevin Henry, Zoning Administrator, at 455-3915.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **3**

CONSENT:
ACTION:

REGULAR:
INFORMATION: X

WORK SESSION: X

CLOSED SESSION:
(Confidential)

ITEM TITLE: Discussion Regarding Moving City Council Elections from May to November

KEY ELEMENTS:

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

RECOMMENDATION: To consider the option of holding local elections in November or June.

SUMMARY: Lynchburg holds elections for City Council in the month of May in even numbered years; however there is growing support nationwide for holding local elections in November. During Public Comment on July 10, 2018, City Council asked staff to research the possibility of moving the election cycle from May to November, concurrent with State or national elections. This issue was raised by a citizen based on low voter turnout during the May 2018 City Council election.

Upon further research and to avoid safety concerns of holding elections on days when school is in session, the possibility of moving the May election to June could also be considered.

Currently the fourteen members of Virginia First Cities (VFC) are split in half concerning this issue with seven localities holding elections in May and seven voting in November. Other cities not in the VFC group, such as Roanoke, Fredericksburg and Fairfax hold May elections.

This presentation is intended to serve as background for discussion and consideration of changing the local election cycle.

PRIOR ACTION(S): February 8, 2011 - Work Session (no action)

FISCAL IMPACT: The cost of the May 2018 City Council election was \$27,852. These funds would be saved if the election were moved to November.

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

ATTACHMENT(S): PowerPoint Presentation
Letter from citizen

REVIEWED BY: bms



Presentation Regarding Moving City Council Elections from May to November

1

**LYNCHBURG CITY COUNCIL
WORK SESSION
OCTOBER 23, 2018**



BACKGROUND

2

- In July 2018, a citizen asked Council to consider holding local elections for City Council during the November general election due to low voter turnout in the May 2018 Council election.
- Currently, the City of Lynchburg holds local elections in May of even years.
- This presentation serves as background and information for discussion on this topic.



STATE CODE REQUIREMENTS

3

- Section 24.2-222.1 of the Virginia Code does not allow a locality to switch to a November election during an election year. If Council wishes to change the election dates, the change will have to be completed prior to December 31, 2019.
- If the City switches to November elections the incumbent Council members will have their terms of office extended by six months, from June 30, 2020 until December 31, 2020.



VIRGINIA FIRST CITIES

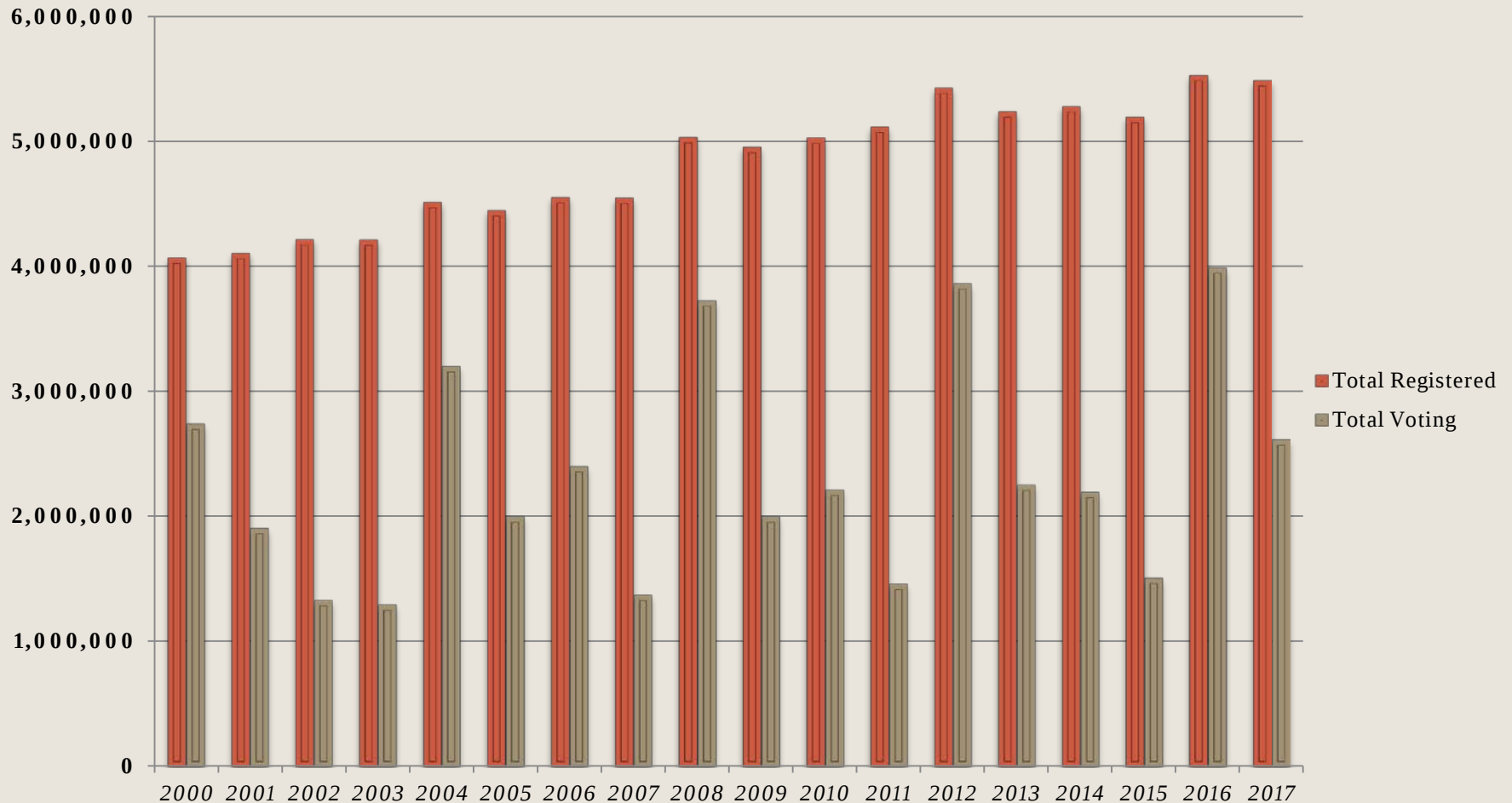
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May Elections	November Elections
Lynchburg	Charlottesville
Danville	Hopewell
Hampton	Petersburg
Newport News	Martinsville
Norfolk	Richmond
Staunton	Winchester
Williamsburg	Portsmouth



GENERAL ELECTION TURNOUT (VA)

5

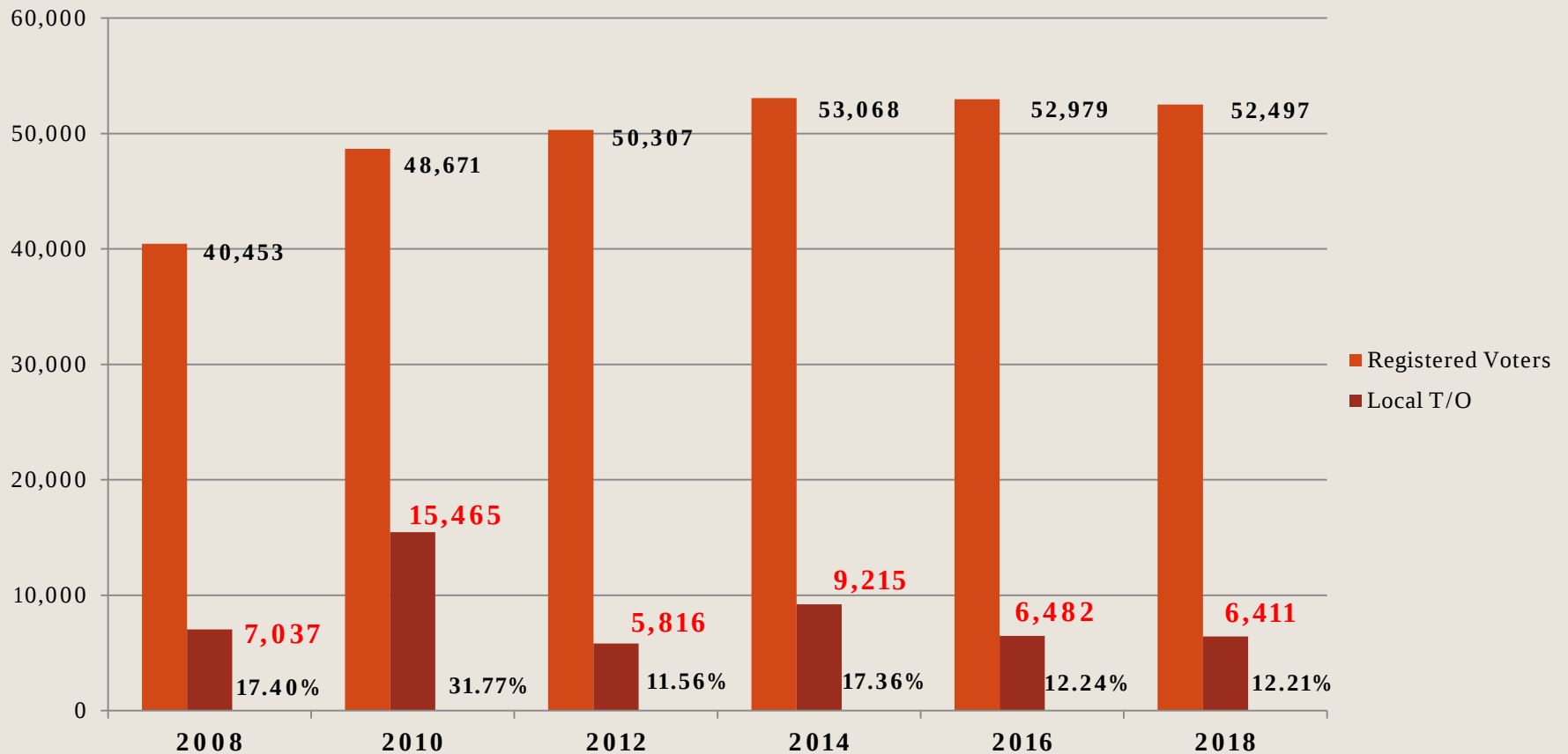




LYNCHBURG'S ELECTION TURNOUT

6

May Election Cycle 2008-2018

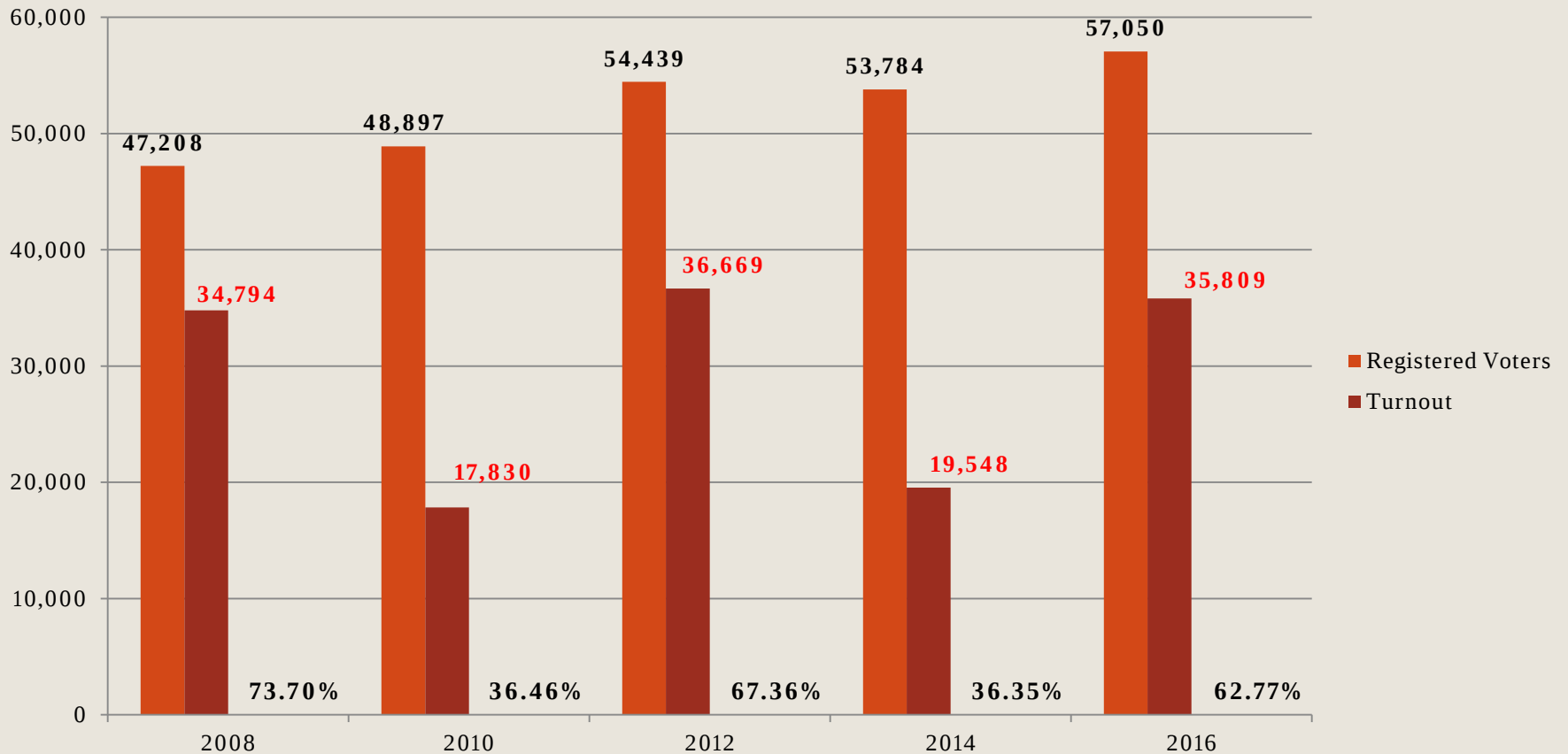




LYNCHBURG'S ELECTION TURNOUT

7

November Election Cycle 2008-2016

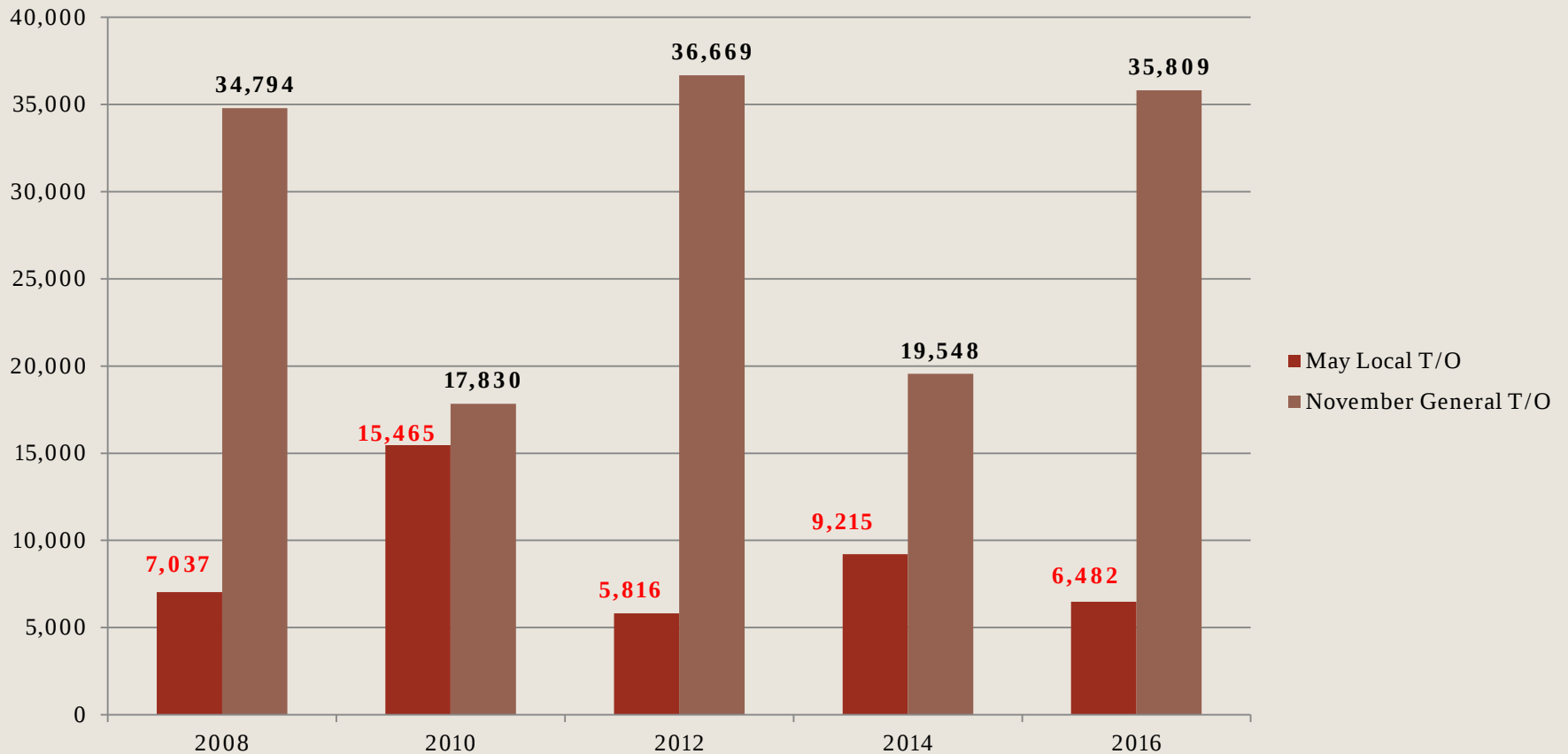




LYNCHBURG'S ELECTION TURNOUT

8

May vs November Elections 2008-2016



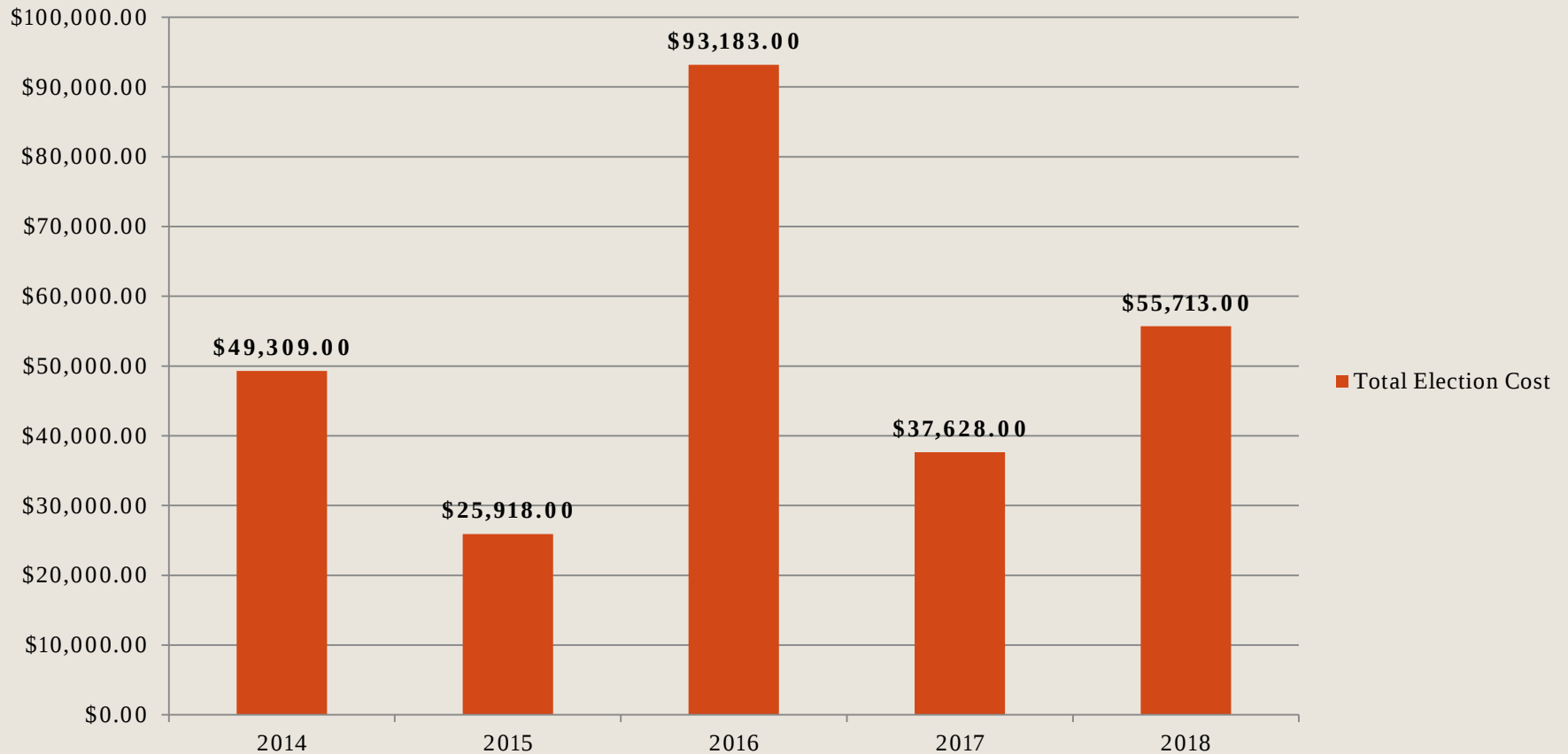
Source: City of Lynchburg Office of the Registrar



ELECTION COSTS

9

5 Year Total Election Cost for City of Lynchburg



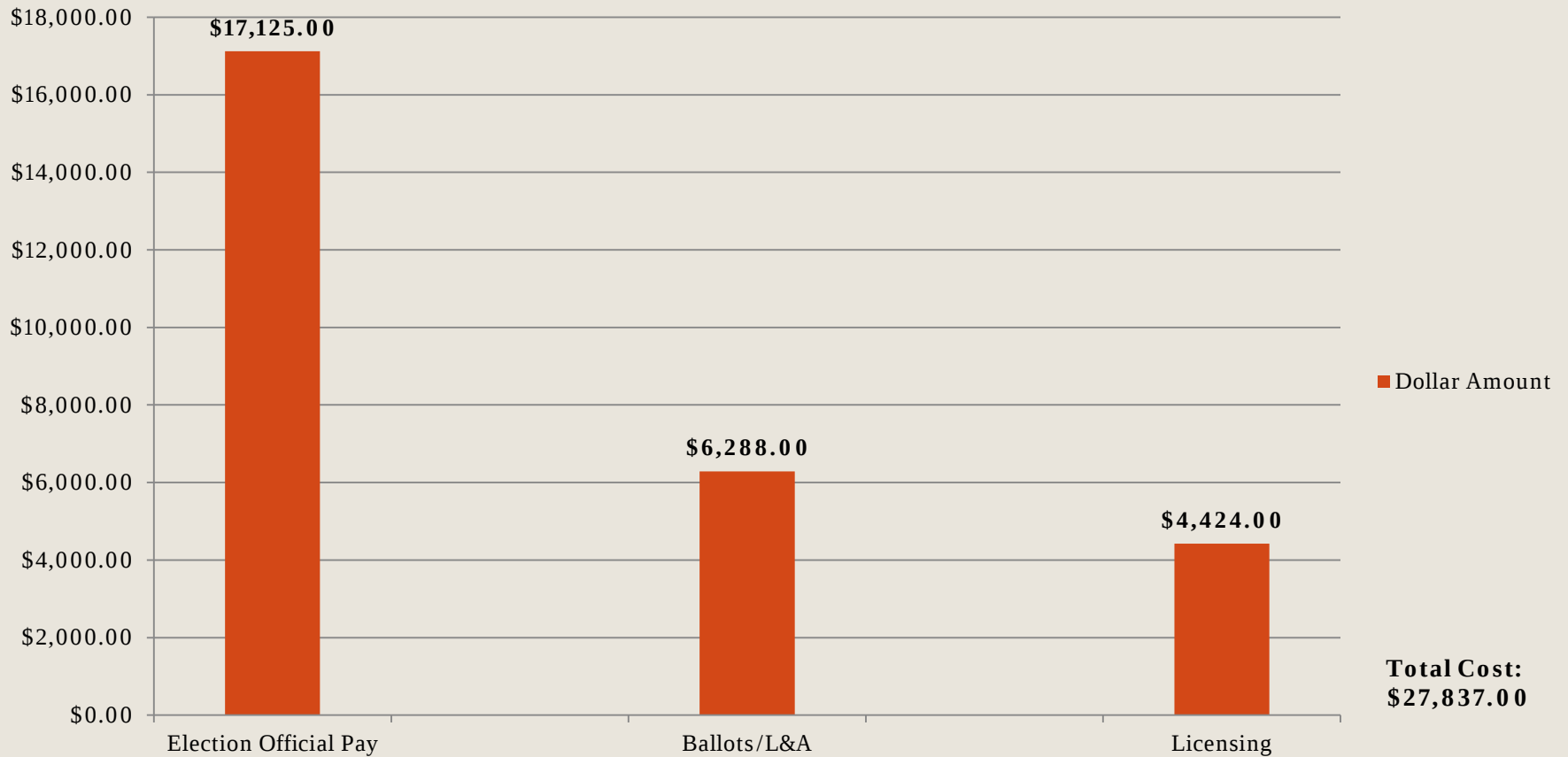
Source: Christine Gibbons, General Registrar and Director of Elections



ELECTION COSTS

10

May 1, 2018 City Council Election



Source: Christine Gibbons, General Registrar and Director of Elections



POINTS TO CONSIDER

11

- Local elections may get lost when combined with November State and national elections
- Voter turnout is significantly lower in Lynchburg's local elections than in general elections
- Eliminating one off-cycle election (May) will result in costs savings for the City (2018 cost was \$27,852)
- "Voters like the idea of voting less often" (NCSL, 2016)
- Schools are closed during the November election, but not closed when May elections occur. This would address safety concerns at schools which serve as polling places.
- Another option is to consider moving the local election from May to June following school recess for the summer to address safety concerns of holding the May election during a school day.



CONSIDERATION OF CHANGING LOCAL ELECTION FROM MAY TO NOVEMBER

12

Questions/Discussion

July 10, 2018

Request to Lynchburg city Council to change local election from May to November

Good evening members of council. My name is Larry Bassett and I live at Riverviews Artspace in downtown Lynchburg. I have already raised this issue with most of you individually but my ex-wife had a saying which I am going to follow. She called it "belts and suspenders." It's about duplication and being sure all your bases are covered. So I have said this to most of you individually and I'm now saying it to all of you publicly and collectively.

I am offering you your first opportunity for a 7 – 0 vote which seems important to some of you. According to the city attorney this issue was last considered by the council in 2011.

I am requesting that you consider moving the local election from May to November. This is something that the City Council can do and it's something that I think you should do. The paths of debate on this issue are well trod and do not have much new territory. The

same arguments will probably be made on either side that were made in 2011. The new fact and maybe the only new fact is the continuing low voter turnouts in May culminating in the 11% turnout this year.

I think there is one fact upon which the debate turns. In a democracy it is our moral obligation to maximize voter participation. Any debate about May voter competency versus November voter competency is based on unproven and unprovable assumptions and speculation. We cannot see inside the heads of thousands of people. The only legitimate consideration in maximizing participation in a democracy is how many people show up, not the content of their mind. It is clear that more people will show up as voters in November. That is when we should have our local election in a democracy.

Thank you and I look forward to your unanimous approval of this action.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **4**

CONSENT:
ACTION:

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Consideration of Proposed 2019 General Assembly Legislative Agenda

KEY ELEMENTS:

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

RECOMMENDATION: Provide input for the 2019 General Assembly Legislative Agenda.

SUMMARY: It is time to review and update City Council's Legislative Agenda in preparation for the 2019 session of the Virginia General Assembly. Attached is an annotated copy of the adopted 2018 Legislative Agenda with suggested revisions as proposed by staff. Staff would appreciate receiving Council's input so the draft can be finalized for adoption at Council's meeting on November 13th. A clean copy of the 2019 Legislative Agenda will be included in your November 13th Agenda packet as well as a copy noting changes and additions based on discussion.

Also attached are Legislative Agendas from the Virginia Municipal League (VML) and the Virginia First Cities Coalition (VFC). The VML Legislative Agenda was adopted at the recent conference in Hampton. The VFC Legislative Agenda is scheduled for adoption at the annual meeting on November 30th in Williamsburg.

Highlights of the 2019 Proposed Legislative Agenda include:

- Adding language regarding a payment-in-lieu of a sidewalk installation with funds banked for sidewalks in higher priority areas of the City.
- Eliminating language regarding infill development because this past year staff was advised that offering a tax incentive would require an amendment to the State Constitution and there was little interest in the Legislature to amend the Constitution.
- Adding language to the Telecommunications statement to include Wireless Infrastructure. During the past three General Assembly sessions, legislation was adopted that limits local governments' authority to regulate the placement of wireless communications infrastructure in the public right of way and on public property. Additional legislation is expected in 2019 that will further limit local authority.
- Adding language supporting the City's request of \$8.0 million towards stabilizing the College Lake lakebed, creating beneficial wetlands and removing the dam.
- Updates to the Water Quality and Environment section.
- Adding language regarding a dedicated revenue stream for emergency management functions.
- Adding language regarding regulation of tenants' property upon eviction.

PRIOR ACTION(S): None

FISCAL IMPACT: To be determined.

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

ATTACHMENT(S): Draft Resolution; Draft 2019 Legislative Agenda; 2019 VML Legislative Agenda; Draft Virginia First Cities Coalition 2019 Legislative Agenda

REVIEWED BY: bms

DRAFT RESOLUTION:

BE IT HEREBY RESOLVED that the Lynchburg City Council adopts its 2019 Legislative Agenda and directs the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate.

Adopted:

Certified:
Clerk of Council

123K

|

CITY OF LYNCHBURG
DRAFT 20198 LEGISLATIVE
AGENDA

Adopted November 28__, 20187

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 20198 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that 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.

201~~9~~8 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 ~~\$4,841,000-~~ \$5,136,658 in revenue from the Machinery and Tools Tax would equate to a ~~9.9~~10.2 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 ~~\$8,127,366-~~ \$8,349,271 in revenue from the Business License Tax would equate to a ~~16.6~~7 cent increase in the City's Real Property Tax rate.

Children's 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.

Comprehensive Poverty Reduction: Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

Disposal of Property Due to Eviction: Support legislation to require that evicted tenants' personal property must remain inside the premises for a specified period time after which it becomes that landlord's responsibility to remove and properly dispose of the tenants' property at the landlord's expense.

The state code outlines what a landlord must do with an evicted tenant's personal property. Currently the state code says when evicting a tenant the landlord must set the tenant's personal property on the public right- of- way for at least 24 hours so that the evicted person may obtain their belongings. The code also says that tenants shall have 24 hours to remove the property and if the tenant does not remove the personal property within 24 hours, the landlord must remove the property within 48 hours. If the landlord fails to remove the property within 48 hours, the City can remove the property and bill the

landlord for the removal costs. The 24 hour and 48 hour removal periods are required by state law.

This places an undue burden on localities to collect and dispose of this debris from the public right-of way and causes unsightly and unsanitary conditions in neighborhoods. Landlords should be treated as businesses.

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

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

Emergency Management: Support a dedicated revenue stream for the Virginia Department of Emergency Management's local support functions. Recent budgetary constraints have threatened pass-through funding available to localities from VDEM. Loss of local assistance funding would result in the City of Lynchburg's inability to maintain its Emergency Operations Plan, reduce readiness to open its Emergency Operation Center, and would limit the City's ability to engage in community outreach and disaster management.

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

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.

Proffers: Request that the General Assembly monitor the impact the adoption of Section 15.2-2304.4 of the State Code will have on the use of proffers in conditional residential rezonings, with an eye towards identifying any uncertainties or confusion resulting from the implementation of the new legislation, and consider any amendments to Section 15.2-2304.4 that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation. This program allows localities to leverage funds for needed projects that have no other source of funding.

Sidewalks : Support the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would include language allowing the locality to install a sidewalk somewhere else that is beneficial to the community.

Water Quality and Environment: 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:

- College Lake and College Lake Dam: Support a request for an appropriation of \$8.0 million for the environmental restoration and improvement and dam removal components of the damage to College Lake and College Lake Dam resulting from the August 2, 2018 rain storm which has been estimated to be an approximately 150-year storm event. Preliminary estimates to replace the bridge and associated roadway work resulting from the same storm event exceed \$25.0 million.
- ~~Support legislation authorizing Long Term phased implementation of ammonia-related nitrogen requirements under consideration now by the State Water Control Board.~~
- Ammonia Reduction Phased Implementation: Support legislation to further the implementation of SB 344 (2018) which authorized long-term phase-in of ammonia-related nitrogen requirements under consideration now by the State Water Control Board.
- Wastewater Compliance Schedule Rule: Conform Virginia's Compliance Schedule Rule to the Federal Rule for consistency to remove the 5-year ceiling on allowed schedules and instead adopt the Environmental Protection Agency's "As soon as possible" provision that allows for longer compliance schedules when appropriate.
- ~~Support legislation that minimizes duplicative mandates on Municipal Separate Storm Sewer Systems (MS4) localities for oversight of industries with Virginia Pollution Discharge Elimination System (VPDES) permits which are already regulated by the Department of Environmental Quality (DEQ).~~
- Periodic Water Quality Improvement Fund (WQIF) & Stormwater Local Assistance Fund (SLAF) Grant Needs Assessment: Support the Department of Environmental Quality (DEQ) conducting periodic WQIF and SLAF Needs Assessment and reporting results to the General Assembly to improve information supporting WQIF and SLAF appropriations.
- Grant Funding: Support appropriations for WQIF (Wastewater) and SLAF (Stormwater) grants to localities and related program enhancements

including: (a) Annual Pay-for-Performance WQIF Grants for Additional Nutrient Removal and (b) Competitive Grants for Voluntary “Enhanced State-of-the-Art” Wastewater Chesapeake Bay Projects.

- ~~Support adding a DEQ administrative process to forecast future funding needs specifically related to the Stormwater Local Assistance Fund.~~
- ~~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 Total Maximum Daily Loads(TMDL).~~
- Support efforts to fund the Stormwater Local Assistance Fund in the amount of at least \$50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.
- Oppose any efforts to exempt certain properties from stormwater utility fees. Additionally oppose efforts to provide reduced stormwater fees for certain properties or situations. 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 more stringent requirements and regulations associated with the land application of biosolids.

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: . The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent, and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

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.

~~**Infill Development:** Sections 58.1-3220, 58.1-3220.01, 58.1-3220.1, and 58.1-3321 of the Virginia Code allow a local governing body to adopt an ordinance providing for the partial exemption of real estate taxes for rehabilitated, renovated or replacement residential, hotel or motel, and commercial or industrial structures. However, these sections do not allow a local governing body to adopt an ordinance providing for the partial exemption of real estate taxes for in-fill structures that are constructed on vacant lots. The construction of new structures on vacant lots helps revitalize residential neighborhoods and helps promote economic development in commercial and industrial areas. In order to be able to offer an incentive to encourage the construction of new structures on vacant lots, the City requests that the General Assembly adopt legislation amending Sections 58.1-3220, 58.1-3220.01, 58.1-3220.1, and 58.1-3321 of the Virginia Code to also allow a local governing body to adopt an ordinance providing for the partial exemption of real estate taxes for the construction of in-fill residential, hotel or motel, and commercial or industrial structures on vacant lots.~~

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.

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 Joint Legislative Audit and Review Commission (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.

Short-term Rentals: Oppose short-term rental legislation that limits local government authority to does not require property owners to register locally and insure accessibility, zoning and life safety protections and equal taxing of all lodging facilities.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (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.

Telecommunications and Wireless Infrastructure Regulation: 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. Refrain from adopting any additional legislation that preempts local regulation of the placement of wireless infrastructure in the public rights of way or on public property.

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.

Virginia Municipal League 2019 Legislative Program

Priorities

State Assistance to Local Police Departments (HB 599)

Almost 70 percent of Virginians live in communities served by police departments. The state created a program of financial assistance to local police departments (HB599) when it imposed an annexation moratorium on cities more than 30 years ago. It has increasingly de-emphasized this funding obligation as a priority but has never compromised on the annexation moratorium. VML calls for the state to honor its commitment to local governments and public safety by funding the program as stipulated in the Code of Virginia or lift the moratorium on annexation.

Funding the Real Cost of Education

The state funding formula for education operating costs breaks down on a statewide level as 55 percent state/45 percent local funding. However, the Standards of Quality do not recognize the true costs of education, including pupil transportation, school support staff, providing and updating broadband and other technology, and instructional staff salaries. Neither does it recognize most construction and renovation costs.

Local governments match more than is required for basic state education dollars, pay the majority of public school capital costs and struggle to find scarce local tax dollars to keep up with the demands for meeting additional and expanding state requirements and for creating 21st century learning environments for our children to master the challenges of tomorrow's workplace.

VML supports actions for the Commonwealth to recognize and fund the true costs of public education, including new avenues for funding public school construction and renovation cost such as the creation of a pilot program of competitive grants using funds from the Virginia Public Building Authority to offset new construction or renovation costs for publicly-owned and operated K-12 schools.

Mental Health Alternative Transportation and Access to Beds

VML supports stable, sustained state funding and adequate safety standards for the use of alternative transportation for individuals experiencing a mental health crisis who need evaluation and potentially in-patient services. VML supports the goal of creating more ready access to short-term, in-patient crisis services, including the use of public-private partnerships, to end the need to transport adults and children long distances to receive needed services and support.

Restoring Reductions to Community Services Boards

Community services boards are slated for substantial state general fund reductions in fiscal years 2019 (\$11 million) and 2020 (\$25 million). Health care expansion through Medicaid may eventually make up for these reductions, but the timing of implementation leaves the boards with six months to make up for a year's worth of reductions in fiscal year 2019 and puts them at risk of service and staffing disruptions. VML supports the restoration of funding to

community services boards in fiscal year 2019. VML also supports the revisiting of slated reductions in fiscal year 2020 and beyond, specifically to ensure that the state's goal of providing more services at the community level, including new STEP-VA service requirements, can be achieved without shifting funding burdens to local governments.

State and Federal Funding for Public Transit

VML supports increased federal and state funding for public transit; policies that allow for the equitable distribution of such funding; and dedicated sources for such funding to ensure the state of good repair of transit equipment and facilities as well as service expansion.

Legislative Program Items (in alphabetical order)

Closure of State Facilities

VML supports the development and implementation of a process by which the Commonwealth would provide ample notice and work with a community when a state facility located in or adjacent to that community is slated for significant downsizing or closure that would affect jobs, utility agreements or have an impact on the surrounding communities.

Communications Sales and Use Tax

The Virginia Communications Sales and Use Tax was enacted to establish a statewide tax rate and to pre-empt local taxes on communications sales and services. VML supports setting the tax rate at the same level as the state sales tax rate and broadening the coverage of the tax to include audio and video streaming services and prepaid calling cards. VML opposes transfers of these revenues to the state general fund for purposes other than those stipulated in the Code of Virginia.

Distracted & Inattentive Driving

VML supports legislative efforts to protect the public and prevent private property damage resulting from individuals who are distracted and inattentive while driving, regardless of the causes of distraction. Local governments should be authorized to enforce state laws and local ordinances dealing with this problem.

Education Funding

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning.

Any approach to improving low-performing schools must include adequate state financial support. VML supports increased state funding for the Virginia Preschool Initiative, the K-3

reduced class size program and Early Reading Intervention program. VML also supports increased state stipends for highly effective teachers in high-poverty schools, and other innovative programs for teachers and students.

Equal Rights Amendment

VML supports the passage of the Equal Rights Amendment (ERA) and urges the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth of Virginia.

Local and Regional Taxing Authority for Transit Capital Needs

Public transportation is critical to the economy and quality of life of all Virginians. VML supports legislation that would allow localities to adopt additional regional or local taxes to provide needed capital funds.

Local Option Regulation of Disposable Plastic Bags

VML supports legislation to allow local option authority to develop incentives or regulations to decrease or otherwise regulate the distribution, sale, or offer of disposable plastic bags.

Proffers

The authority to impose impact fees should include calculations for the cost of all public infrastructure, including local transportation, transit, and school construction costs, caused by growth. Until a comprehensive impact fee system is authorized, the state code should extend to all localities full authority for conditional zoning to meet the needs to new citizens for public infrastructure.

Removing Barriers to Distributed Solar

The Grid Transformation and Security Act approved by the 2018 General Assembly authorizes and encourages many clean power production activities, but Virginia law still restricts the ability of local governments, businesses, and others from installing solar facilities for their own use. VML supports legislation to remove barriers and allow for creation of stronger markets for distributed solar goals, to include the following components:

- Lifting the one percent cap on the total amount of solar that can be net metered in a utility territory to five percent; and
- Allowing local government entities to install solar facilities of up to 5 MW on government-owned property and use the electricity for schools or other government-owned buildings located nearby, even if not contiguous.

Sidewalks

VML supports the General Assembly granting local governments the authority to enter into agreements with developers to have a payment in-lieu-of option for sidewalk installation. These agreements would include language allowing the locality to install a sidewalk somewhere else that is beneficial to the community.

State and Local Government Fiscal Relationship

Governance at the local level becomes ever more challenging as the Commonwealth and the Federal government add new programs, or modify existing program guidelines, and promulgate complex regulations and higher standards for local governments to implement. It is not uncommon for the state and federal governments to either underfund their share of the costs or to ignore them altogether.

To that end, the Virginia Municipal League holds as essential these principles on local taxing and budget authority.

- Specific local revenue authority and sources cannot be further restricted without first granting and providing alternative revenue authority with reliable, sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
- Local governments should be involved in any discussions relating to local taxing authority including legislation that exempts specific industries from local taxes and fees.
- Local general fund revenue and special funds cannot be confiscated or re-directed to the state treasury.
- Placing additional administrative burdens on local governments without sufficient resources or administrative flexibility jeopardizes the quality of services delivered at the local level. Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority.
- Shifting traditional state funding responsibilities onto local governments for services including public education, law enforcement, and public safety activities and any core services affecting local government, is bad fiscal policy, resulting in stress on local finances without reductions in overall program costs.
- Imposing state fees, taxes or surcharges on local government services impedes transparency at both the state and local level.
- Any efforts at tax reform must begin with a thorough examination of state tax reform and the financing of state services. The State should reform its own tax structure before taking on the topic of local taxes. State and/or local tax changes should not negatively affect local revenues.
- State budget cuts to state mandated and other high priority programs should specify the programs to be affected by the cuts.

The Commonwealth should:

- Enter a dialogue with local governments to examine state requirements and service expansions that can be suspended or modified to alleviate to the degree possible the financial burden on state and local taxpayers.
- Examine models in other states that allow for modernizing state and local taxing authority.

- Develop spending and revenue priorities that support economic development, public safety, education and other public goals. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs as part of the prioritization process.
- In times of revenue crises, review ways to increase revenues to meet constitutional and statutory obligations to Virginia citizens after all other actions have been taken.
- Include local government representatives on any “blue ribbon” commission or other body established by the state that has as its purpose changes to local revenue authority or governance.

Stormwater Local Assistance

VML supports continued investment in the Stormwater Local Assistance Fund to assist localities with critical stormwater projects to meet federal and state clean-water requirements.

Taxing, Licensing, and Regulating Internet-based Businesses and Services

In taking state action to regulate private enterprises employing a business model that emphasizes the use of the Internet to either provide retail or facilities or ride-sharing services, local government interests should be acknowledged, and localities should be included in the decision-making.

As general principles, VML believes state and local policies should (1) encourage a level playing field for competing services in the market place; (2) not provide a tax preference or tax policy advantage for one group at the expense of another group in the same competitive field; (3) seek to preserve and/or replace local and state tax revenues; (4) ensure safety, reliability, and access for consumers, providers, and the public; and (5) protect local government’s ability to regulate businesses whether they are traditional, electronic, Internet-based, virtual or otherwise.

VML also believes that the state should not prohibit the sharing of financial information between the Commonwealth and appropriate local authorities that is normally treated as part of the public domain. VML further believes that the state should not prohibit a locality from exercising its authority to enter into voluntary collection agreements provided that such agreements include provisions to protect the public’s interest.

Use of Locally-owned Rights-of-Way

Private use of public rights-of-way significantly increase management responsibilities and maintenance costs. VML supports fair market value funding for private use of locally owned rights-of-way. These costs should not be disproportionately borne by local taxpayers.



DRAFT VFC LEGISLATIVE PROGRAM – 2019

Long Term Policy Positions

Community Wealth Building

Virginia First Cities pioneered funding for the TANF for Employment Grant Program intended to provide aid to local governments to eradicate long term, intractable poverty through workforce/career training and access to holistic wraparound services. Support budget actions to:

- Maintain funding for the current TANF for Employment Grant Programs at \$7.5 million and \$3 million in each FY 2020 and FY 2021.
- Increase support for the Virginia Housing Trust Fund.
- Provide eligible working citizens better access to affordable housing and financing for public housing replacement.

Economic Development/Resiliency/Sustainability

Virginia First Cities efforts to aid member's access to program funding to restore and replace aging urban infrastructure has been immensely successful and continues to merit state budget dollars so that we revitalize and sustain our cities as vibrant, healthy places to live and work.

- Support \$3 million in FY 2020 and \$3 million in FY 2021 for Brownfields Restoration and Remediation.
- Enterprise Zone Program funding to avoid grant proration to the Real Property Investment Tax Credit.
- Oppose a decrease or further extension of the cap on the Historic Rehabilitation Tax Credit.
- Support flood/resilience risk reduction infrastructure projects and aid to localities for grant matching.
- Support maximum funding for the Storm Water Local Assistance Fund (SLAF).

Education

Virginia First Cities has had a consistent position in support of full funding for K-12 education that has not been funded appropriately since the Great Recession. As VFC policy director, Jim Regimbal, wrote recently, "A quality education is the primary means of breaking the cycle of poverty. Therefore, the question is – what is needed to create a culture of learning in high-poverty communities and provide a quality education to concentrations of economically- disadvantaged students? To break the cycle of poverty, successful schools must have strong leadership, quality teachers, enrichment activities, and a stable, respectful learning environment to achieve these objectives while attracting quality individuals who put extra time and effort in a challenged school environment requires additional amounts of funding."

VFC ongoing initiatives include:

- Increase the At-Risk Add-on from 1% to 14% to 1% to 15% in FY 2020.
- Increase the appropriation to \$1.5 million for Teaching Scholarship Loans in FY 2020.
- Increase the Virginia Preschool Initiative per pupil amount to \$6500 full day and \$3250 for half day in FY 2020.
- Increase funding for the Master Teacher Residency Program to \$3 million in FY 2020.
- Increase the Teacher Improvement Funding Initiative from the current \$15,000 to a meaningful amount to assist at-risk schools.
- Increase funding for recruiting STEM teachers in challenging middle and high schools to \$1.5 million in FY 2020.
- Support new avenues for funding public school construction and renovation costs.
- **Policy Statement:** The state Standards of Quality (SOQ) funding formula for education operating costs breaks down on a statewide level as 55% state/45% local funding. However, the SOQ formula does not recognize the true costs of education, including pupil transportation, school support staff, providing and updating broadband and other technology, and adequate instructional staff salaries. Neither does it recognize most construction and renovation costs. Local governments match double what is required for basic state education dollars, pay the majority of public school capital costs and struggle to find scarce local tax dollars to keep up with the demands for meeting additional and expanding state requirements for creating 21st century learning environments for our children to master the challenges of tomorrow's workforce, let alone today's. VFC supports actions for the Commonwealth to recognize and fund the true costs of public education.

Health & Human Services

- Restore funding cuts to Community Services Boards. The FY 2019 and FY 2020 budgets included reductions to CSB funding with the assumption that if the CSBs signed up more clients because of Medicaid expansion, the state would make up the funding. The General Assembly is requested to restore the FY 2019 funding and reexamine the funding for FY 2020.
- Provide full funding for the implementation of the System Transformation, Excellence and Performance in Virginia (STEP-VA) throughout the Commonwealth to ensure that all ten core services are implemented by 2021.
- In keeping with VFC support for prisoner reentry programs, support legislation that would reverse drug distribution or conspiracy to distribute drug felony convictions as a bar to receiving public assistance like TANF, food stamps or housing.

Public Safety

- Fund Aid to Localities with Police Departments according to statute (§9.1-169) with a formula that is responsive to urban police departments.
- Support the General Assembly giving local governments the authority to regulate the possession of firearms on property owned, operated, managed or under the control of the local government.

Taxation Issues

Virginia's cash position will likely be dominated by tax and spending issues, as the state's cash position will be significantly improved over previous years.

- Support increasing the Standard Individual Income Tax Deduction to help lower income filers and expand the state's Earned Income Tax Credit to encourage and support low-wage working families.
- Support the modernization of the Communications and Sales Tax (CSUT) to ensure that it reflects the modern telecommunications landscape, which has evolved since the CSUT took effect in January 2007.

Transportation

Cities have more difficult street maintenance needs considering infrastructure, age, usage levels, the need to modernize aged underground utilities, as well as provide expensive sidewalks and public transit and bike lanes. Several years ago Virginia First Cities identified that our cities were being shortchanged when it came to primary road extensions. Our advocacy has paid off by additional funding through the new paving and state of good repair programs.

We must stay vigilant to ensure this funding continues and is enhanced.

- Support increased funding for statewide transit capital needs.

New Policy Positions

Economic Gardening Initiative/Resiliency/Sustainability

Economic gardening is an approach to economic development that seeks to grow local economies from within. The premise is that local entrepreneurs in our member cities create the companies that bring new wealth and economic growth to a region in the form of jobs, increased revenues, and a vibrant local business sector. Economic gardening focus is on growing and nurturing local businesses.

- Increase funding for the Community Business Launch Initiative (CBL) at DHCD to \$1 million in FY 2020. CBL helps communities develop an environment that identifies, launches and supports community-based entrepreneurs and small business at all levels of development.
- Increase funding and expand eligibility for the Virginia Main Street Program at DHCD to \$1.5 million in FY 2020.
- Use a portion of the unspent balance of TANF funding to aid public housing replacement.
- Look to an Historic Rehabilitation Tax Credit-like program to stimulate public housing and mixed income housing redevelopment.
- Increase funding for the Virginia Removal of Derelict Structures Fund from \$1.5 million to \$3 million in FY 2020 to leverage local and private resources to achieve market driven redevelopment of these structures. This, in turn, will create a catalyst for long-term employment opportunities and on-going physical and economic revitalization.
- Provide \$5 million in FY 2020 for the Urban Public-Private Partnership Redevelopment Fund (§15.2-2415) to provide grants or loans to local governments for assembling, planning, clearing, and preparing sites for redevelopment by private developers.
- Our cities are in dire need of assistance from the state for older neighborhood residential revitalization, as well as residential public housing replacement. VFC asks that the General Assembly establish a State Commission, led by the Virginia Housing Commission, that includes representatives of VHDA and DHCD, local redevelopment and housing authorities, and VFC, to identify financing methods to be developed or employed to assist our cities with transformational, mixed income neighborhoods and resident communication and transitioning resources.

Education

- Support for Virginia Early Childhood Success, to promote a vision for a cohesive early childhood system for Virginia – in statute, as well as demonstration through a funded pilot project initiative.
- Especially for low-income communities, the state should provide seamless, affordable access for the most at-risk families to quality early childhood services – including

home visiting, subsidized child care, and preschool. Low-income working families need accommodations for their children for more than the 9:00 am - 2:30 pm, 180 days a year routine for the Virginia Preschool Initiative (VPI). Virginia should ensure affordable access to stable, quality childcare for children (infants, toddlers, and preschoolers) as the best investment in young children and their families.

Eviction/Landlord Tenant Issues

Virginia First Cities has been participating in the Campaign to Reduce Evictions (CARE) Program Services workgroup formed in response to the release of the Princeton University's Eviction Lab data. We have also attended the Virginia Housing Commission's sub/work group on evictions. Based on member feedback, there is dispute with the methodology and data collection used in the Princeton Eviction Lab study. Nonetheless, we feel it important to stress that the issue of ameliorating evictions is a goal shared by all of our cities, and solutions lie in community wealth building, economic gardening, and ensuring access to jobs and careers that lead to sustainability.

Blight/Nuisance Tools

The current Code of Virginia does not give localities express authority to deal with overgrown trees and shrubs on vacant or occupied developed properties. Has this been an issue in your community? Is there another remedy that your local government has used to deal with this issue?

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// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of October, 2018, at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following

Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,

Sterling A. Wilder, Beau Wright, Treney Tweedy

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Absent:

0

// City Manager Bonnie Svrcek mentioned prior to development of the FY 2020 Operating and Capital Budgets, issues have been presented to City Council for information. Council recently heard information reports on Re-engineering Trash Collection and Recycling, Recruitment, Retention and Rightsizing the Lynchburg Police Department, Code Compliance and the City-wide Salary Study. Ms. Svrcek went on to say given the City's investment in Lynchburg City Schools, Superintendent Dr. Crystal Edwards will provide an overview of various data points and issues projected to impact the FY 2020 Operating and Capital budgets.

Superintendent of Lynchburg City Schools Dr. Crystal Edwards provided a presentation on #Reinvest Lynchburg City Schools (LCS). Dr. Edwards began with "Every Child, by Name and by Need, to Graduation....and beyond."

By Name and By Need:

- Literacy Specialist
- Special Education Teacher
- Instructional Assistant
- Behavioral Specialist
- Social Worker

To Graduation....and Beyond

- Content Knowledge (achieve and apply appropriate academic and technical knowledge)
- Career Planning (align knowledge, skill, and personal interests with career opportunities)
- Community and Civic Responsibility (build connections and value for interactions with diverse communities)
- Work Place Skills (attain and demonstrate productive workplace skills, qualities and behaviors)

Fully Accredited SchoolsAccredited (10) Using old Standard

- Dearington Elementary School
- Paul Munro Elementary School
- Sandusky Elementary School
- TC Miller Elementary School
- Dunbar Middle School
- E. C. Glass High School
- Bedford Hills Elementary School
- Heritage Elementary School
- R.S. Payne Elementary School

Accredited (9) Using New Standard

- Dearington Elementary School
- Paul Munro Elementary School
- Sandusky Elementary School
- Sheffield Elementary School
- TC Miller Elementary School
- Dunbar Middle School
- E. C. Glass High School
- William Bass Elementary School
- Perrymont Elementary School

Accredited (12) 2018-19

- Dearington Elementary School
- Paul Munro Elementary School
- Sandusky Elementary School
- Sheffield Elementary School
- TC Miller Elementary School
- Dunbar Middle School
- E. C. Glass High School
- Bedford Hills Elementary School
- Heritage Elementary School
- R.S. Payne Elementary School
- William Bass Elementary School
- Perrymont Elementary School

Several schools Accredited with Conditions 2018-19

- Linkhorne Elementary School (subgroup deficits in Math and Reading)
- Linkhorne Middle School (subgroup deficits in English)
- Sandusky Middle School (subgroup deficits in English)
- Heritage High School (subgroup deficits in Math)

How is LCS Reinvesting in Itself?

Strategy (Personnel Management)

- Eliminated some central office positions and provided more support at schools
- Re-evaluated Tier 1 personnel requests
- Re-evaluated how we use Title Funds
- Reflected and reviewed personnel replacement requests
- Collapsed classes and reassigned personnel
- Capped elementary class size and reassigned students

We Need Your Help... #Reinvest LCS

- Building Maintenance
- Renovation
- Replacement

Council thanked the Superintendent, School Board Members and Staff for being present at the meeting and commended the Superintendent on the presentation stating it was a very thorough and informative report. The following are questions and comments that were asked by Council Members:

- 1 to 1 Technology
- Accreditation
- Collapsed Classes and Capped Classes
- State Funding and Title Funds
- Rezoning School Districts
- Four Schools that were Accredited with Conditions in English and Math
- Budget issues
- How much has the personnel management strategy netted for the Schools
- Fiscal Impact with our tax payers (property value and how you are running the school system)
- Enrollment – Average Daily Membership (ADM)
- Focus on Community Engagement
- Pre-K Ambassadors Program and Pre-School partnership to address the gap
- Expand on the Vision of Alternative Education

Council Member Helgeson commended Dr. Edwards on how she is looking at the fiscal impact, property values, and how she is operating and running the school system. He then asked for enrollment and ADM numbers, and information about locally staffed positions. Council Member Helgeson also asked about pre-school. The Superintendent also said she is working with community pre-school partners to address the gaps.

Mayor Tweedy thanked Dr. Edwards for the presentation and information. She commented on the role of innovation for the next generation, aligning the school with the economic development plan, meeting the needs of students who are not in the traditional setting, and how have we used public and private partnerships in the past and the future to address some of the City schools needs.

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// Chief Executive of Horizon Behavioral Health Damien Cabezas presented the Horizon Behavioral Health (HBH) Services Annual Report. Mr. Cabezas stated that Horizon's Vision is to provide behavioral healthcare services that are accessible, consumer centered, cost effective, and outcome-based. The Mission is to support and promote the health, independence and self-worth of individuals and families in Central Virginia by providing a continuum of Community-based prevention, early intervention, aftercare and psychosocial rehabilitation services for persons affected by mental health, intellectual disabilities, substance use and co-occurring disorders. The Horizon was established in 1969 and in FY 2018 it served a total of 17,262 individuals and families with a total of 750 employees and 51 different locations throughout Central Virginia. The following are services that Horizon provides in the Lynchburg area:

- Outpatient Services
- Case Management
- Outpatient Therapy
- Psychiatric Services/Medication Management
- Residential
- Foster Care
- Mental Health and Residential Substance Use Services
- Emergency Services
- School-Based Services
- Housing Services

Mr. Cabezas mentioned "What's on the Horizon" for Horizon Behavioral Health:

- Johnson Health Center (Wellness Center Lynchburg)
- Expansion in Appomattox and Concord
- Genoa
- Sweet Briar College Collaboration
- Medicaid Expansion
- Just in Time Scheduling
- Credible Client Portal & Direct Messaging

In conclusion, Mr. Cabezas stated Horizon Behavioral Health continues with Consumer Engagement, Enhanced Integration and Care Coordination, Prevention, Technology and Social Media.

// City Planner Tom Martin provided information regarding the Automobile Sales in B-4, Urban Commercial District.

On June 12, 2018, Mr. Rodney Hubbard addressed City Council concerning the sale of automobiles at 420 Monroe Street. The property is zoned B-4, Urban Commercial District, which does not permit automobile sales. On June 25, 2018, Mr. Kevin Henry, Zoning Administrator, forwarded City Council a memorandum providing background concerning the property and the determination that automobile sales are not permitted in the B-4, Urban Commercial District.

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On July 9, 2018, Council Member Nelson requested that discussion concerning amendments to the Zoning Ordinance to allow automobile sales in the B-4, Urban Commercial District be placed on a future Council agenda. Mr. Martin went on to say City staff does not recommend amendments to the B-4, Urban Commercial District for the following reasons:

- Automobile sales are not compatible with the intended purpose of the B-4, Urban Commercial District, which is to encourage a mix of multi-household, business, and related activities of relatively high densities.
- Automobile sales are not compatible with the 5th Street Corridor Master Plan adopted by Council on March 23, 2006.
- Automobile sales are not compatible with the *Downtown & Riverfront Master Plan 2000* adopted by Council on May 22, 2001, or the Draft *Downtown 2040 Master Plan*.
- Mr. Hubbard could petition to rezone the property at 420 Monroe Street.

Mr. Martin stated that City Staff does not initiate amendments to the *Zoning Ordinance* that would allow automobile sales in the B-4, Urban Commercial District. Timeline of Zoning Ordinance:

- 1960 – Central Business District zoned B-4
- 1994 – Area around Central Business District zoned B-6
- 2001 – Downtown and Riverfront Master Plan Adopted
- 2006 – 5th Street Master Plan Adopted
- 2007 – 5th Street zoned B-6
- 2016 – B-4 and B-6 District combined to B-4
- 2018 – Downtown 2040 Master Plan

Council Members asked questions and commented on this item. Council Member Perrow asked about the opening and closing of Adams Motor Company? Council Member Nelson stated he was not questioning the process but the concern of the neighborhood from Harrison Street to Taylor Street which includes parts of Park Avenue and 5th Street. There were many auto related businesses in these areas such as 5 service stations and 4 auto repair businesses, which was an integral part of the neighborhood. Council Member Nelson continued to say if the Zoning Ordinance could be tweaked to the nonconforming uses in that area then the business owner who is repairing the vehicles and servicing the vehicle could sell the vehicle if for some reason the owner of the vehicle does not pay for the services. He referenced Mr. Henry's letter that the Plan identified the then-existing B5, General Business District zoning as "inappropriate" as being the least restrictive zoning district in the City and producing substantial nuisance effects. He could not see how this would be a nuisance in this area. How could selling a vehicle be a nuisance?

After Council discussion, a motion was made by Council Member Nelson and seconded by Council Member Wilder to delay acting on this item until further information is obtained and he can asked that the City Attorney attend the work session.

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Council Member Nelson made a motion for the zoning ordinance to allow for nonconforming use in automobile sales and repairs to be able to sell a vehicle that was serviced on that property. That motion was seconded by Council Member Wilder. Further discussions would benefit by having the City Attorney present to weigh in on this issue. A motion was made by Council Member Nelson and seconded by Council Member Perrow to table this item until additional information can be received and have the City Attorney present at the meeting. This item has been tabled until October 23, 2018. Council by the following recorded vote agreed to delay action on this item regarding the Automobile Sales in B-4, Urban Commercial District:

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

Noes: 0

// City Manager Bonnie Svrcek stated this item on City of Lynchburg Medical Coverage is being presented to Council for informational purposes only and no action is required of Council.

Human Resources Director James Lowe provided the City of Lynchburg Medical Coverage January – December 2019. Mr. Lowe provided a presentation concerning the City's Health Plan and rate increases effective January 1, 2019. This item requires no action by Council. Mr. Lowe stated the following is for the Plan year beginning January 2019. The presentation consists of the following:

Content

- Trends in Medical Costs
- Budget vs Actual
- Why Rate Increase is Needed
- Cost-sharing Model
- Monthly Rates
- Same Rate for Last Three Years
- Going Forward

The Trends in Medical Costs is Anthem's projection of increases in claims cost for the following year. There were no contribution increases in 2017 and 2018. However, there will be a considerable increase in Medical Costs for 2019.

<u>Budget vs. Actual</u>	<u>2016</u>	<u>2017</u>	<u>2018 (projected)</u>
Actual Expenses	\$11,074,533	\$11,398,600	\$12,609,126
Contributions	\$11,399,052	\$11,141,316	\$11,141,316
Variance	\$ 324,519	(\$257,284)	(\$1,467,810)

Why Rate Increase is Needed

- Increase in claims experience
 - Number of claims reaching stop-loss limit
 - Number of claims nearing but not reaching stop-loss limit
- National Trends
- No rate increase in three years

(The stop-loss limit is \$300,000 per claim per calendar year.)

Cost-Sharing Model (implemented in January 2016 and no rate increase since January 2016)

<u>Tier</u>	<u>City Contribution</u>	<u>Employee Contribution</u>
Employee	95%	5%
Employee & Child	68%	32%
Employee & Children	68%	32%
Employee & Spouse	68%	32%
Family	68%	32%
Family (Married City Employees)	91%	9%

Mr. Lowe explained the monthly rates for the current plan in 2018 and then explained the increases of rates for January 2019.

Same Rate for Last Three Years

The most recent rate increase took effect January 1, 2016

Prior to 2016, employees paid no premium for single coverage

Going Forward

Provide cost-effective, high-quality health plan

Smooth future increases

Build a margin for adverse experience

Fund at Anthem projection plus 2.5% until a 8%-10% fund is established

In conclusion, Mr. Lowe stated that this presentation was for informational purposes only and no action is required of Council.

// During roll call Council Member Perrow mentioned the Salary Study.

// Council Member Wright mentioned the congestion and speed on Rivermont Avenue and asked if Public Works could look into this matter.

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// Mayor Tweedy made the following announcement – “Read for the Record” will be held on Thursday, October 25, 2018 for our Pre-K, Kindergarten and First Grade classes at 9:00 a.m. The book title is “Baby Something Beautiful”. She encouraged everyone to support education, and those interested should

// City Council recessed the meeting at 6:15 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
Absent:	0

Council Member Wilder gave the Invocation, Pledge of Allegiance was lead by Cub Scout Pack 180, Den 1 – Leader: Frank Bowman

// Mayor Tweedy and Vice Mayor Dolan presented to the Lynchburg Police Department and the Community Action Team (CAT) an award from Virginia Municipal League (VML).

// Copies of the minutes of the September 25, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Circuit Court, Resolution #R-18-078 to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$10,780 with resources from a grant from the Library of Virginia to preserve Marriage Bonds M-Z, 1805 – 1824 and Marriage Bonds A-I, 1825-1834 at the Lynchburg Circuit Court Clerk’s Office, laid over from the September 25, 2018 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police, Resolution #R-18-079 to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$27,225 with resources of \$18,150 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$7,924 and \$1,151 transferred from the FY 2019 General Fund Police Department budget to provide funds for speed enforcement activities, laid over from the September 25, 2018 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Police, Resolution #R-18-081 to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$61,928 with resources of \$41,285 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$17,698 and \$2,945 transferred from the FY 2018 General Fund Police Department budget to provide selective enforcement activities, alcohol testing equipment and attend related training, laid over from the September 25 2018 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #10 outlining the petition of Michael Dillard for a Conditional Use Permit (CUP) at 3600 Campbell Avenue to allow the conversion of an existing dwelling into a duplex in a B-3, Community Business District. Planner Rachel Frischeisen provided an overview of the request. The petition is consistent with the Zoning Ordinance, *which* permits standalone duplexes upon approval of a CUP in B-3, Community Business Districts. The petition is consistent with the *Comprehensive* Plan 2013-2030's Future Land Use Map (FLUM), which recommends mixed use for the area. Approval of the CUP would not change the

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underlying B-3 zoning, which would allow the property to redevelop as a commercial property in the future. Ms. Frischeisen stated that the Planning Commission recommended approval of the CUP. The petitioner Michael Dillard made presentation asking to approval the CUP at 3600 Campbell Avenue. 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 Wright, Council by the following recorded vote adopted Resolution #R-18-083, as presented, granting the Conditional Use Permit at 3600 Campbell Avenue to allow the conversion of an existing dwelling into a duplex in a B-3, Community Business District:

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

Noes: 0

// In the matter of Public Works, a public hearing was held regarding City Council Report #11 to outlining a lease agreement with Meanwhile Back At The Farm, LLC for the occupation and use of the City-owned property located at 3815 Old Forest Road, Public Works Deputy Director Clay Simmons provided an overview of the request. Mr. George Harris asked Council to approve the least agreement for Meanwhile Back At The Farm, LLC. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that the request was considered by the PDC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-18-084, as presented, for a lease agreement with Meanwhile Back at The Farm, LLC for the occupation and use of the City-owned property located at 3815 Old Forest Road:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #12 to adopt the Downtown 2040 Master Plan. City Planner Tom Martin provided information on the Downtown 2040 Master Plan. Mr. Martin stated the Master Plan is a 20-year blueprint for the next phase of revitalization in downtown and includes recommendations for local historic districts, eight new parks and outdoor spaces, as well as utility and streetscape improvement.

On April 26, 2017, the Planning Commission initiated revisions to the Downtown & Riverfront Master Plan 2000 to provide a clear path and direction forward for the next twenty years of Downtown development. The Downtown 2040 Master Plan builds upon the successes of the previous plan, and if adopted, would replace the Downtown & Riverfront Master Plan 2000.

After significant community outreach and participation, the Planning Commission conducted a public hearing and recommended adoption of the Downtown 2040 Master Plan on August 22, 2018. The following edits were recommended by the Planning Commission and are included in the Master Plan:

- Temporary road closures to create pedestrian only streets at certain times of the week/year as a tool to create additional public space in Downtown streets.
- Narrowing of Rivermont Avenue on the northwest side of the bridge to match the bridge road diet, particularly on the inbound route.
- Amending City Code to require deliveries to be made in loading zones, not travel lanes, regardless of street direction.

At the September 11, 2018 City Council work session, staff and consultants provided an overview of the Downtown 2040 Master Plan with emphasis on the recommendation of restoring two-way traffic on Main and Church Streets. Mr. Martin also stated “What is a Downtown Plan: It is a detailed Plan; A Program of Action and a 20-year Blueprint for Downtown. The Vision for the 2040 Downtown Lynchburg will be.....bustling, thriving urban core; economic, social, and cultural hub, a destination, livable neighborhood, diverse offerings, historic, unique, vibrant public spaces, exciting atmosphere and most important it will be the heart of the region. The Basics of the Plan cover 5th Street to the Carter Glass Bridge and the Jams River up to Court Street, the Plan include local Historic Districts to protect the resource beyond 5 years; design guidelines that are specific to Downtown and prevent inappropriate demolition. The Plan includes over eight spaces for Parks and Gathering Spaces such as; Destination Amphitheater, Riverfront Park, Canal Park, Foundry Park, Clay Street Reservoir, Dog Park, City Hall Plaza, and Community Market Arrival Pad. In the Plan, Parking is addressed in these areas Park Once, Parking Wayfinding, On-Street Paid Parking, Market Driven Parking Approach, Mixed Use Parking Development, Mobility Hubs, Transit-Oriented Housing, Park and Ride and Bike Share. In conclusion, Mr. Martin stated it had been approved by the Planning Commission and endorsed by Business Alliance and the Downtown Lynchburg Association

Individuals that spoke in favor and in opposition of the Master Plan were most concerned with the implementation of two-way traffic on Church and Main Streets and paid on-street Parking.

16 individuals spoke in favor of the Master Plan and included:

- Supportive of the two-way traffic
- Master Plan will facilitate sustainable growth for the City's urban core

111

- Downtown would be a more pedestrian-friendly environment
- Support the Plan if they implement loading zones and enforce them.

Six individuals spoke in opposition and included:

- Not supportive of the two-way traffic
- The Master Plan did not adequately plan for potential gentrification effects on those who have lived in the area for decades. There has to be intentional action to go into these neighborhoods and talk to the people who are impacted.
- The Master Plan showed a lack of inclusion and diversity. There are individuals in this community that may not be represented and we need to take another look at the Master Plan.

There was no one else present who wished to speak to this item, and after the public hearing was closed the item was referred to Council for discussion.

Following the discussion from Council, Council Member Wilder made a motion, seconded by Council Member Wright to approve the Downtown 2040 Master Plan in its entirety. Council Member Helgeson made a substitute motion, seconded by Council Member Nelson to have additional discussion and bring back to a work session with Council Members' questions and concerns.

Council Member Helgeson made a substitute motion, seconded by Council Member Nelson, to delay the vote on the Downtown 2040 Master Plan. Council took a vote on the substitute motion to make the substitute motion the main motion, and Council by the following recorded vote made the substitute motion the main motion:

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

Council took a vote on the substitute motion which is now the main motion, to move the Downtown 2040 Master Plan to a work session for October 23, 2018. Council by the following recorded vote moved the Downtown 2040 Master Plan to the October 23, 2018 work session:

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

Several Council Members voted in favor of a substitute motion to obtain residents' comments and asked for additional information from staff such as an implementation timeline, more details about loading zone

112

enforcement and plans for future downtown construction projects. Council Member Helgeson stated it would be wise for Council to slow down, take this to a work session, and think about how we can make this better. Council Members Wilder, Wright and Mayor Tweedy disagreed with the proposal of delaying the vote on Downtown 2040 Master Plan. Mayor Tweedy mentioned, Council and the Public have had a year to come forward and discuss the Plan, and stop delaying the issue on two-way traffic. Mayor Tweedy went on to say "I don't want to delay a Plan because not everyone feels their voice has been heard over a year," "the Plan can be a passed-in approach as this is a vision for 20 years out."

// In the matter of Economic Development, City Council Report #13 was considered for the issuance of up to \$15,000,000 in Bonds for Randolph College through the Economic Development Authority. Economic Development Assistant Director Anna Bentson gave an overview of the request. Ms. Bentson stated that Randolph College filed its application for assistance of revenue bond financing with the Economic Development Authority of the City of Lynchburg, Virginia. Randolph College is proposing to refinance existing debt, which financed existing college facilities, including athletics and student housing. The bonds requested will not exceed \$15,000,000. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-18-085, as presented, for the issuance of up to \$15,000,000 in Bonds for Randolph College through the Economic Development Authority:

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

7

Noes:

0

// In the matter of Fire, City Council Report #14 was considered to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$239,695 with resources of \$217,905 from the Department of Homeland Security Federal Emergency Management Agency - Assistance to Firefighter's (AFG) and \$21,790 appropriated from the Fire Department General Fund Budget to purchase (179) firefighter self-rescue devices, more commonly referred to as Bail-out devices. Fire Chief Wormser provided an overview of the request. Council Member Helgeson, Chair of the Finance Committee (FC) stated that the request was considered by the FC and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-18-086 as presented, to purchase (179) firefighter self-rescue devices, more commonly referred to as Bail-out devices for the Fire Department:

113

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

Noes: 0

// The meeting was adjourned at 10:12 P.M.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM NO.: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: License Agreement for installation of electrical conduit under City streets for Tesla Energy Operations, Inc. to install wiring for solar arrays

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing and consider granting Tesla Energy Operations, Inc. a License Agreement to place electrical conduits in City-owned right-of-way, crossing College Street in two different locations as seen on the attached route map.

SUMMARY: Tesla Energy Operations, Inc. has submitted a request for installation of approximately 80 feet of electrical conduit and cable in City right-of-way across College Street from 1129 McCausland Street to 1501 Lakeside Drive and from 503 Westwood Avenue to 1501 Lakeside Drive. These bores will allow solar arrays to be installed on University of Lynchburg property. Controls for the solar facility will be across College Street on their main campus. The solar arrays will be installed on top of shade structures in University-owned parking lots.

PRIOR ACTION(S): October 9, 2018 - Physical Development Committee

FISCAL IMPACT: None

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

ATTACHMENT(S): Resolution
Route Map

REVIEWED BY: raw

Resolution

BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive license agreement with Tesla Energy Operations, Inc. for the installation, maintenance, and operation of electrical conduit and cable in the City right-of-way across College Street in two locations. These locations are from 1129 McCausland Street to 1501 Lakeside Drive and from 503 Westwood Avenue to 1501 Lakeside Drive. Tesla Energy Operations, Inc.'s authority to install maintain, and operate electrical cable in the City's public right-of-way is subject to applicable law.

Adopted:

Certified:

Clerk of Council

119K



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

0 200 400
1 inch = 200 feet 1:2,400

PRINTED ON
October 3, 2018

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Patrol Rifles for Lynchburg Police Department

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2019 General Fund budget and appropriate \$67,473 with resources from the General Fund Reserve for Contingencies to provide funding for 43 additional patrol rifles and ammunition that will outfit the field operations bureau.

SUMMARY: The Lynchburg Police Department is requesting the \$67,473 from the General Fund Reserve for Contingencies, and will also use \$5,000 from existing Police Department state asset forfeiture funding and \$10,000 from Risk Management's Self Insurance Fund budget to add 43 patrol rifles to our 60 existing patrol rifles. These 43 patrol rifles are needed to completely outfit all field operations authorized staffing for critical incidents and to enhance officer safety.

The total cost for the purchase is \$82,473. Costs include: \$69,534 for the purchase of the rifles and all required equipment to outfit the rifles for use, \$8,169 for the training ammunition required to train, and \$4,770 for the duty ammunition.

PRIOR ACTION(S): None

FISCAL IMPACT: \$67,473 from the FY2019 General Fund Reserve for Contingencies

CONTACT(S): Chief Ryan Zuidema, 455-6045
Deputy Chief Mark Jamison, 455-6168
Amy Lowe, Administrative Manager, Police Dept, 455-6128

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2019 General Fund budget is amended and \$67,473 is appropriated with resources from the General Fund Reserve for Contingencies to assist in the purchase of 43 patrol rifles and ammunition.

Introduced:

Adopted:

Certified:

Clerk of Council

127K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2018 Edward Byrne Memorial Justice Assistance Grant (JAG)

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$39,954 with resources from an Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney.

SUMMARY: The City of Lynchburg is eligible to receive \$39,954 in Edward Byrne Memorial Justice Assistance Grant (JAG) funding. Funding will be utilized by the Lynchburg Police Department to purchase riot control gear for the patrol division (\$31,502). The Lynchburg Sheriff's Office will utilize funds to purchase a replacement file server (\$4,303). The Office of the Commonwealth's Attorney will utilize funds to purchase two (2) computers (\$4,149). Total equipment cost is \$39,954, which is fully reimbursable by the grant. No local matching funds are required.

PRIOR ACTION(S): Finance Committee September 25, 2018 (to apply for grant)

FISCAL IMPACT: None, no local match is required

CONTACT(S): Chief Ryan Zuidema, 455-6045
Amy Lowe, Administrative Manager, Police Dept, 455-6128

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2019 City/Federal/State Aid Fund budget is amended and \$39,954 is appropriated with resources from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment.

Introduced:

Adopted:

Certified:

Clerk of Council

125K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 2018 Police Bulletproof Vest Partnership Grant Funding

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2019 City/Federal/State Aid Fund budget and appropriate \$46,400 with resources of \$23,200 from the Bulletproof Vest Partnership 2018 Grant Program and \$23,200 transferred from the FY2019 General Fund Police Department (\$19,200) and Sheriff's Office (\$4,000) budgets to purchase replacement bulletproof vests for law enforcement officers.

SUMMARY: Total vest replacement costs are \$46,400. The grant requires a 50% local match; these funds are available in the FY 2019 General Fund Police and Sheriff's Office operating budgets.

PRIOR ACTION(S): None

FISCAL IMPACT: The required local match is budgeted in the FY 2019 General Fund Police and Sheriff's Office operating budgets; therefore, no additional funds are required.

CONTACT(S): Chief Ryan Zuidema, 455-6045
Amy Lowe, Administrative Manager, Police Dept, 455-6128

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2019 City/Federal/State Aid Fund budget is amended and \$46,400 is appropriated with resources of \$23,200 from the Bulletproof Vest Partnership 2018 Grant Program and \$23,200 transferred from the FY 2019 General Fund Police Department (\$19,200) and Sheriff's Office (\$4,000) budgets to purchase 58 replacement bulletproof vests for law enforcement officers.

Introduced:

Adopted:

Certified:

Clerk of Council

129K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Logans Lane/Leesville Road Turn Lanes Change Order

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to approve a change order not to exceed \$1,271,875 to add the turn lanes and complete the improvements to the area.

SUMMARY: The Logans Lane project started as an area wide improvement that included work from Long Meadows Drive to Leesville Road along Fort Avenue/Timberlake Road. After design was started, it was determined that the improvements planned exceeded the project budget. As a result, the last component, turn lane improvements at Leesville Road, was removed from the project. When the project was awarded, the bid was below the budget and staff decided to pursue restoring the turn lane portion to finish the area improvements. Since this is a Virginia Department of Transportation Revenue Sharing Project, the additional work will need to be added to the current contract. The estimated construction cost is over the 25% cap and, as a result, it must be approved by City Council.

Copies of the proposed improvements are attached to this report.

PRIOR ACTION(S): Physical Development Committee (PDC) as information May 8, 2018 and October 9, 2018

FISCAL IMPACT: 50% of total change order to be funded by local funds already appropriated in project.

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

ATTACHMENT(S): Resolution
Location of Project
Plans for Improvement

REVIEWED BY: raw

RESOLUTION

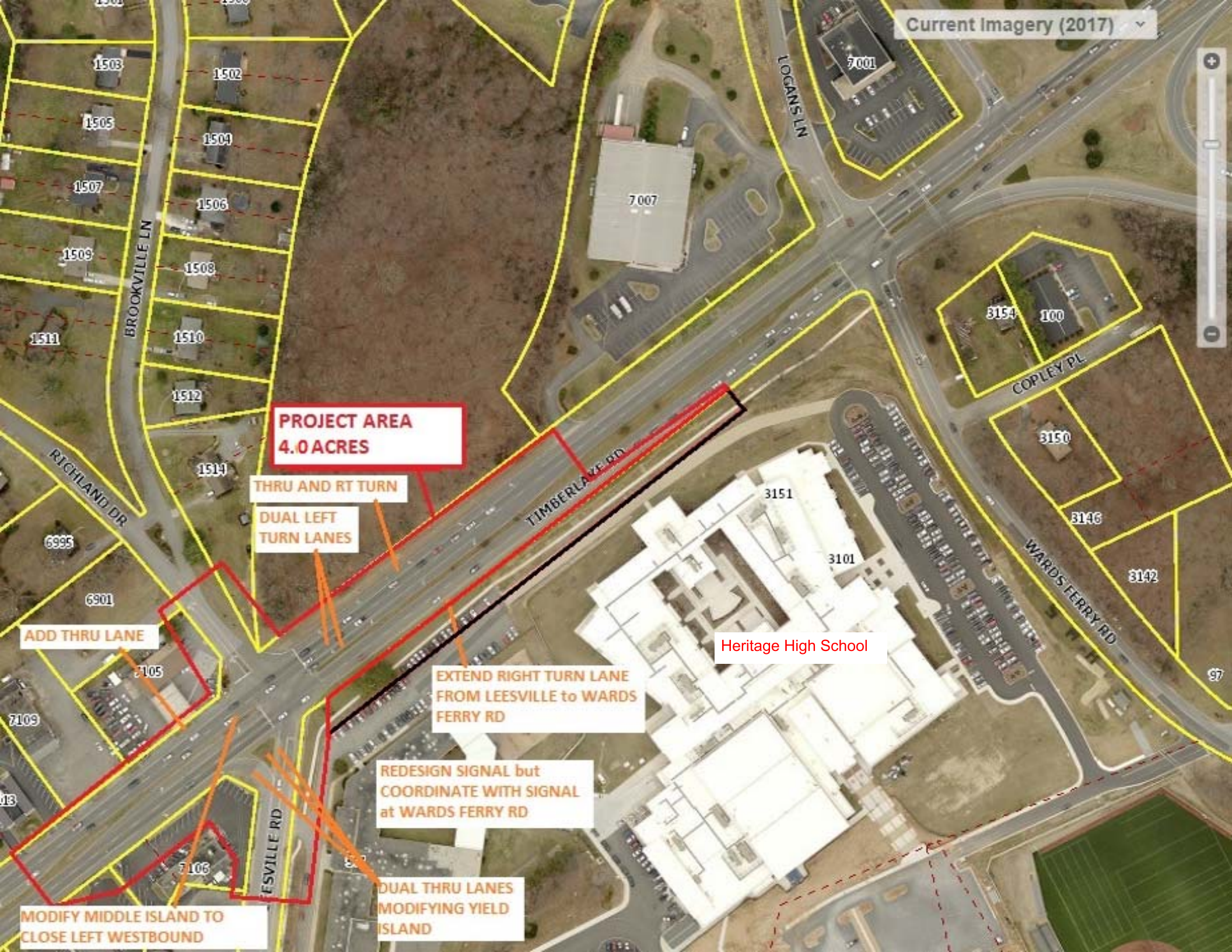
BE IT RESOLVED THAT a change order up to the amount of \$ 1,271,875 is approved to complete the Logans Lane Project by adding turn lanes at Leesville Road as a VDOT Revenue Sharing Project.

Adopted:

Certified:

Clerk of Council

120K



**PROJECT AREA
4.0 ACRES**

THRU AND RT TURN

**DUAL LEFT
TURN LANES**

ADD THRU LANE

**EXTEND RIGHT TURN LANE
FROM LEESVILLE to WARDS
FERRY RD**

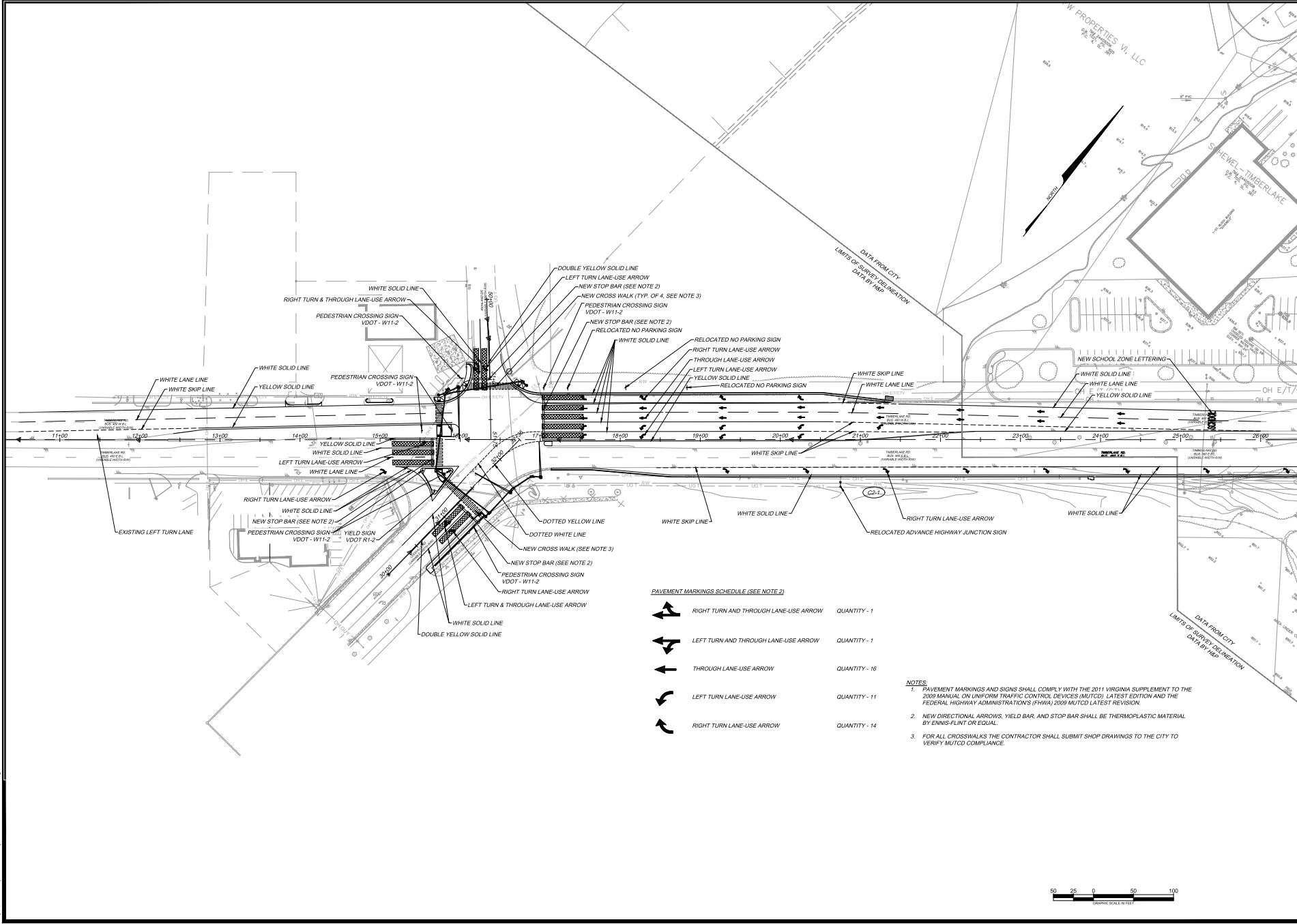
**REDESIGN SIGNAL but
COORDINATE WITH SIGNAL
at WARDS FERRY RD**

**DUAL THRU LANES
MODIFYING YIELD
ISLAND**

**MODIFY MIDDLE ISLAND TO
CLOSE LEFT WESTBOUND**

Heritage High School

\\hpc\proj\2017\20171470\20171470\20171470.dwg



PAVEMENT MARKINGS SCHEDULE (SEE NOTE 2)

	RIGHT TURN AND THROUGH LANE-USE ARROW	QUANTITY - 1
	LEFT TURN AND THROUGH LANE-USE ARROW	QUANTITY - 1
	THROUGH LANE-USE ARROW	QUANTITY - 16
	LEFT TURN LANE-USE ARROW	QUANTITY - 11
	RIGHT TURN LANE-USE ARROW	QUANTITY - 14

- NOTES
- PAVEMENT MARKINGS AND SIGNS SHALL COMPLY WITH THE 2011 VIRGINIA SUPPLEMENT TO THE 2009 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), LATEST EDITION AND THE FEDERAL HIGHWAY ADMINISTRATION'S (FHWA) 2009 MUTCD LATEST REVISION.
 - NEW DIRECTIONAL ARROWS, YIELD BAR, AND STOP BAR SHALL BE THERMOPLASTIC MATERIAL BY ENVIS-FUNT OR EQUAL.
 - FOR ALL CROSSWALKS THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO THE CITY TO VERIFY MUTCD COMPLIANCE.



HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG, VA 24502
803.322.8805 TOLL FREE
434.847.7796 FAX
434.847.7047 FAX
ENGINEERING - SURVEYING - LAND ACQUISITION - LAND DEVELOPMENT
GEO-TECHNICAL - CONSTRUCTION TESTING & INSPECTION - CULTURAL RESOURCES

SIGN & PAVEMENT MARKING PLAN
FOR
TIMBERLAKE AND LEESVILLE RD INTERSECTION
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO. 20171470
LAT. 37°21'46" N
LONG. 79°12'31" W
DATE: 04/27/18
DRAWN BY: MCB
CHECKED BY: TJW

SHEET NO. C2.5

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Highway Safety Improvement Program (HSIP) Resolution of Support

KEY ELEMENTS:

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

RECOMMENDATION: Review the proposed Highway Safety Improvement Program (HSIP) projects and adopt a resolution of support for submitting these projects to the Virginia Department of Transportation (VDOT) for funding.

SUMMARY: The following rail projects were proposed by staff based on citizen requests. The pedestrian projects were suggested by the newly formed Lynchburg Pedestrian Advisory Committee and are proposed for submission for funding. The Physical Development Committee (PDC) reviewed these projects on October 9, 2018 and recommended the resolution be forwarded to Council for approval:

HSIP Rail

1. Forest Brook Rd. – Add a new pedestrian crossing to the existing rail crossing.
2. Chapel Ln. – Install new lights and arms at-grade crossing to replace the existing signs-only crossing.

HSIP Bike/Pedestrian

1. Install Sidewalk on Langhorne Road, North Side from Tate Springs Road to Atherholt Road
2. Install Sidewalk on Wyndale Drive from Lakeside Drive to Lakeside Drive and to school property on Fleetwood Drive
3. Install Sidewalk on Old Graves Mill Road, filling in the gaps from Timberlake Road to Graves Mill Road.
4. Install Sidewalk on Mountain View Drive from Laxton Road to Wood Road.

PRIOR ACTION(S): Physical Development Committee – October 9, 2018

FISCAL IMPACT: Varies from 0% for Rail to 20% for Pedestrian project. Estimate City Share

Langhorne Road	\$250,000	\$50,000
Wyndale Drive	\$660,000	\$132,000
Old Graves Mill Road	\$1,260,000	\$252,000
Mountain View Drive	<u>\$175,000</u>	<u>\$35,000</u>
Totals	\$2,345,000	\$469,000

CONTACT(S): Don DeBerry, City Transportation Engineer – 455-3935
Lee Newland, City Engineer – 455-3947
Gaynelle Hart, Director Public Works – 455-4406

ATTACHMENT(S): Resolution; Project aerial mapping

REVIEWED BY: raw

A RESOLUTION BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA,
ENDORISING THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) HIGHWAY SAFETY
IMPROVEMENT PROGRAM APPLICATIONS

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution of support be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) establish and fund projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg does support and requests the Commonwealth Transportation Board to establish and fund, for the Highway Safety Improvement program application for the projects including; 1. Forest Brook Rd. – Add new pedestrian crossing to existing rail crossing. 2. Chapel Ln. – Install new rail road grade crossing to replace existing signs only crossing. 3. Langhorne Rd. North Side – Add sidewalk from Tate Springs to Atherholt. 4. Wyndale Dr. Add sidewalk from Lakeside to Lakeside and to school property on Fleetwood 5. Old Graves Mill Road – fill in the gaps in the sidewalk from Timberlake Rd. to Graves Mill Road. 6. Mountain View Drive – From Laxton Rd. to Wood Rd. as shown herein titled “Resolution of support for Highway Safety Improvement project applications” for the October 23, 2018 City Council agenda.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT 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 or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Adopted:

Certified:

Clerk of Council

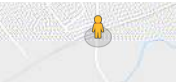
121K



Lynchburg, Virginia

Google, Inc.

Street View - Aug 2015





Google

Lynchburg, Virginia

Google, Inc.

Street View - Aug 2015

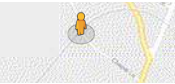


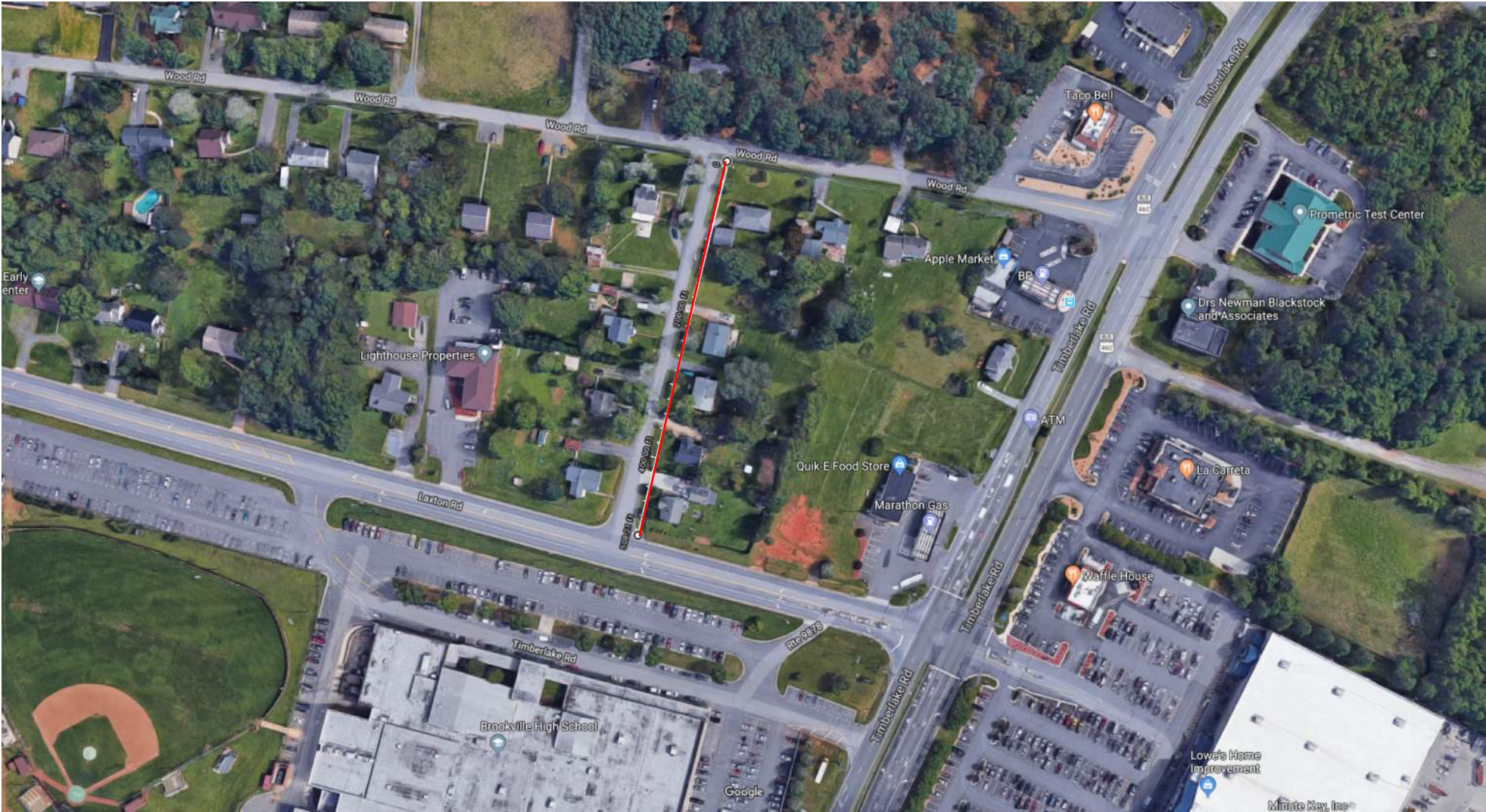
Image capture: Aug 2015 © 2018 Google



Measure distance
Total distance: 1,000.36 ft (304.91 m)







Measure distance
Total distance: 508.21 ft (154.90 m)

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 23, 2018**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Amend Section 11-2 of the City Code, relating to Building Code Enforcement

KEY ELEMENTS:

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

RECOMMENDATION: Amend Section 11-2 of the City Code to reference the latest edition of the Virginia Uniform Statewide Building Code.

SUMMARY: On September 4, 2018, the Virginia Department of Housing and Community Development adopted the 2015 Edition of the International Building Code to serve as the Virginia Uniform Statewide Building Code. It is necessary to amend Section 11-2 of the City Code to remove the reference to the 2012 Edition of the Uniform Statewide Building Code and replace it with a reference to the 2015 Edition of the Uniform Statewide Building Code.

PRIOR ACTION(S): On August 12, 2014, City Council amended the City Code to reference the 2012 Edition of the Virginia Uniform Statewide Building Code.

FISCAL IMPACT: None

CONTACT(S): Walter C. Erwin, City Attorney, 455-3973
Doug R. Saunders, Building Official, 455-3899

ATTACHMENT(S): An ordinance amending Section 11-2 of the City Code.

REVIEWED BY: bms

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 11-2 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE ENFORCEMENT OF THE 2015 EDITION OF THE UNIFORM STATEWIDE BUILDING CODE.

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

1. That Section 11-2 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 11-2. Construction, rehabilitation and maintenance of structures regulations adopted.

For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, to ensure public safety, health and welfare through proper building maintenance, repair, use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility, that certain regulations known as the Virginia Uniform Statewide Building Code, 201~~2~~15 edition, Part I, the Virginia Construction Code; Part II, the Virginia Rehabilitation Code; Part III, and the Virginia Maintenance Code and all of the codes and standards referenced therein, copies of which are on file in the inspections division of the department of community development, are hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the corporate limits of the city. Pursuant to the provisions of Section 1-220 of the Code of Virginia, future amendments to the sections of the Virginia Uniform Statewide Building Code, the International Building Code, The International Property Maintenance Code and the codes and standards referenced therein are also incorporated by reference herein. All future editions of the Virginia Uniform Statewide Building Code and all amendments thereto are hereby automatically adopted and incorporated into the city code.

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

Adopted:

Certified:

Clerk of Council

128K