

November 9, 2021

Physical Development Committee – CANCELED

A G E N D A REVISED

City Council Meeting of November 9, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

4:00 P.M. WORK SESSION

- * Introductions by City Manager Wynter C. Benda
- 1. Ninety-day update by City Manager Wynter C. Benda
- 2. Central Virginia Planning District Commission 2021 Annual Report
- 3. Hear a presentation from Virginia Career Works
- 4. Hear a presentation on upcoming community events through the holiday season
- 5. Continued review of the Draft 2022 Legislative Agenda
- 6. Business Item Briefings:
 - a. Enterprise Drive rezoning petition
(This item will appear before Council for action on December 14, 2021, Public Hearing)
- 7. Roll Call
- 8. Consideration of a closed meeting to discuss the acquisition or disposal of real estate in the City for a PPEA project; **and to discuss an appointment to the Lynchburg Redevelopment & Housing Authority**, pursuant to Section 2.2-3711(A)(3) and **Section 2.2-3711(A)(1)** of the Code of Virginia, 1950, as amended.

7:30 P.M.

City Council Agenda Items

COUNCILMEMBER FARALDI WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

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

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

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

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

RECOGNITIONS

- Nurse Practitioner Week Proclamation (November 7-13, 2021)
 - Small Business Saturday Proclamation (November 27, 2021)
 - Virginia Park and Recreation Society Awards
-

CONSENT AGENDA

- A) Consideration of adopting Resolution #R-21-078 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$15,300 to purchase laptops carried on EMS apparatus for the Fire Department.
 - B) Consideration of adopting Resolution #R-21-079 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$26,250 to facilitate speed enforcement activities.
 - C) Consideration of adopting Resolution #R-21-080 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$58,785 to facilitate selective enforcement activities, equipment, and training.
 - D) Consideration of approving the minutes from the August 10, 2021 Council Meeting.
 - E) Consideration of approving the minutes from the September 14, 2021 Council Meeting.
-

PUBLIC HEARINGS

- 9. Consideration of adopting a resolution to approve a CUP to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road.
#R-21-___
 - 10. Consideration of adopting an ordinance to rezone 1619, 1701 12th Street & 1114 Buchanan Street to renovate the existing building into twenty-four apartments.
#O-21-___
 - 11. Consideration of introducing an ordinance authorizing the City Manager to sell 317 Hancock Street.
#O-21-___
 - 12. Consideration of adopting a resolution requesting an amendment and reenactment of Section 5 of Chapter III of the City's charter regarding general elections.
#R-21-___
-

PUBLIC COMMENTS

**Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

GENERAL BUSINESS

13. Consideration of introducing a resolution approving a grant awarded to assist with response to the infestation of Spotted Lanternfly.

#R-21-___

14. Consideration of adopting an ordinance to change the May general elections to November to ensure compliance with Virginia law.

#O-21-___

15. ~~Consideration of a closed meeting for the City Attorney and outside counsel to discuss active litigation pending against the City and set for trial in the near future;~~ and to discuss an appointment to the Lynchburg Redevelopment & Housing Authority, pursuant to ~~Section 2.2-3711(A)(7)~~ and Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. (moved to 4:00 p.m. closed session).

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: City Manager's First 90 Days

RECOMMENDATION: Hear from the City Manager after his first 90 days in office

SUMMARY: The City Manager began his tenure on August, 2, 2021 and has spent the first three months meeting with citizens, stakeholders, businesses and regional leaders outside of the organization, as well as City leadership and staff. He will offer initial observations and thoughts regarding the first 90 days and goals and priorities moving forward.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Wynter C. Benda, City Manager, 455-3990

ATTACHMENT(S): N/A

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Central Virginia Planning District Commission Annual Report

RECOMMENDATION: Hear from Gary Christie, Executive Director of the Central Virginia Planning Commission (CVPDC) about the 2021 Annual Report

SUMMARY: The CVPDC works to provide services for its member localities and identify and develop opportunities for coordination among the region's local governments, facilitating collaboration among local governments in addressing challenges and opportunities of greater-than-local significance. Gary Christie, Executive Director of the CVPDC, will give a brief overview of the organization's 2021 annual report.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Marjette G. Upshur, 455-4492

ATTACHMENT(S):

- 2021 CVPDC Annual Report

REVIEWED BY: raw



CVPDC
Central Virginia Planning District Commission

2021

ANNUAL REPORT



Central Virginia
Radio Communications
Board



Workforce
Development
Board



CVTPO
Central Virginia Transportation Planning Organization



FROM THE CHAIR



Treney Tweedy, Chair
Central Virginia Planning District
Commission
Lynchburg City Council

Throughout the Pandemic, the Central Virginia Planning District Commission changed ways of doing business, but never stopped supporting our member localities. Zoom meetings replaced travel to localities, staff found that working from home is effective, and Commissioners kept in communications electronically. Now that we're meeting and traveling again, the PDC is working to help localities kick-start regional initiatives that plan for the future as well as save money and provide quality service.

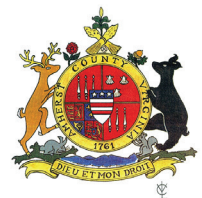
For over 50 years the CVPDC has been a focal point for communication and conversation among local governments in Lynchburg and surrounding counties and towns. The organization continues to seek new opportunities for local officials to build relationships and provide better service.

As the new year starts, the PDC will be working with the Town of Altavista updating the Town's comprehensive plan and Amherst County on trail development. You'll see consultants working with planners in Campbell, Bedford and Lynchburg conducting safety studies on 12 intersections that will position these communities to seek improvements through grant funds.

In the new year we'll be working with the Economic Development Administration, local governments and business leaders to start an 18-month process to update the region's Comprehensive Economic Development Strategy. We'll continue working with planners and environmental specialists on clean water, BMP, and soil conservation practices. Watch for housing projects in Amherst County, Bedford Town and Virginia Housing.

The Planning District Commission continues to be an important communications center for local governments in our region. And an important resource for innovation and regional cooperation for lower cost governmental services.

MEMBERS



ENVIRONMENT

Chesapeake Bay Watershed – Continued execution of the Virginia Chesapeake Bay Watershed 2021 PDC Locality Implementation Program activities to advance watershed planning projects to restore and maintain water quality within local, regional, and state waterways. TMDL study participation, regional urban watershed meetings, coordination and communication of state and national grant programming, assistance with grant development, and execution of the Middle James Vision Plan project represent some of the year's activities.



A Cleaner Tomorrow

Region 2000 Services Authority

Disposing solid waste for Appomattox, Campbell, Nelson and Lynchburg

- **Phase V cell construction** – New landfill cell opening 2022-2023
- **Landfill Gas to Energy** – watch for conversion of landfill gas to electricity in 2022-2023
- Still one of the lowest cost-of-service in Virginia





Protecting Our Region

PUBLIC SAFETY

Hazard Mitigation – In cooperation with regional partners, the regional hazard mitigation plan was completed. This plan, which sets a strategy to implement actions to minimize the impact of natural disaster events, was adopted first by FEMA in February 2021 and then adopted by all ten CVPDC localities. The CVPDC Hazard Mitigation Plan 2020 Update serves as the document that ensures our localities are eligible for FEMA Hazard Mitigation Assistance grant programs.

Access to the full plan, including interactive maps at: www.cvpdc.org/AR21

Regional Vaccination Support – Assisted with meeting/communication coordination of the Central Virginia

Vaccination Task Force, a regional coalition of the region's first responders, communicators, and state agencies leading the local COVID-19 vaccination efforts.

Central Virginia Radio Communications Board – Interoperable emergency services communications in Lynchburg, Bedford and Amherst Counties

- Adding Campbell County in 2022
 - System will grow to over 3,000 communication devices and 20 communication towers
 - Interoperability is key – seamless communication throughout all member jurisdictions



Establishing Strong Communities

COMMUNITY DEVELOPMENT

- **Virginia Housing** – \$2 million in housing investment coming to the region in 2021-2024
- **Town of Bedford CDBG** – The CDBG Planning Grant was completed and, with a successful grant application, the Hilltop Community Revitalization Grant was awarded a DHCD Community Improvement Grant in the amount of \$963,983. Housing rehabilitations will begin in the fall of 2021.
- **Old Town Madison Heights CDBG** – Concluded the housing rehabilitation of 3 units, including 2 substantial reconstructions along with advancing project goals for additional housing and infrastructure community improvements.
- **Project Development Assistance** – Provided project and grant development assistance to Amherst County resulting in submission of two grant applications to expand park amenities along the James River.



ECONOMIC DEVELOPMENT

- **Comprehensive Economic Development Strategy** – Our strategic plan for economic development that keeps the economic development and workforce development community working toward the same priorities. Look for an update starting in 2021-2022.*
- Investment of \$134,000 in Central Virginia Community College's Career and Technical Education Academy. Starts fall of 2021
- **Brownfield Assessment and Remediation** – Restoring blighted properties to use

WORKFORCE

Workforce Board Staff – Responding during the Pandemic in these ways:

- Conducted “Wagner-Peyser” front-line customer service duties at the one-stop workforce center for 12 months while Virginia Employment Commission staff addressed unemployment claim issues.
- Provided in-person employment services very few pandemic-related disruptions and closings.
- Created free, public job bank for regional career exploration.
- Highlighted career opportunities and job openings through active social media engagement.
- Hosted numerous in-person and virtual job fairs.
- Responded to employer needs by connecting them with clients/ job seekers to fill open positions.
- Marketed training opportunities and career services under a “Foundations for the Future” program, resulting in 90 new referrals for job seekers interested in services.



* Additional Information can be found at www.cvpdc.org/AR21





TRANSPORTATION

Connect Central Virginia 2045 – a collective vision for the region’s future transportation system. The plan considers all modes of surface transportation: including cars, trucks, public transit, biking, walking, and more.*

Connect Central Virginia 2045 Dashboard – See Demographics, Performance Measures and 2045 Project Summaries.*

Smart Scale and Transportation Alternative Program Applications

- Amherst Town
- Amherst County
- Bedford County
- Campbell County
- Lynchburg

Rustburg Village Highway Corridor Improvement Study.*

Bedford Town Independence Blvd and Rt. 221 Corridor Study.*

Transit: Bus routes changed frequently during the pandemic as ridership in some areas have fluctuated wildly. We worked with GLTC to keep the most accurate bus route schedule available on websites and to the public.

- Inventory/Assessment of bus stops for handicapped accessibility
- Maintain Google Map database for bus stops
- Trails – Connecting Trails and communicating with neighbors

Amherst County applied for and was awarded participation in the National Park Service – Rivers, Trails and Conservation Technical Assistance Program. During a portion of 2020 and through 2021 the Middle James Vision Plan, a comprehensive action plan to increase interaction and experiences along the James River in and around Amherst County/Lynchburg will be developed.

A Lynchburg Team, made up of Central Virginia Health District, Centra, Lynchburg City, Community Access Network and CVPDC representatives, participated in the Virginia Department of Health’s Virginia Walkability.



* Additional Information can be found at www.cvpdc.org/AR21

Members of the Central Virginia Planning District Commission:

ALTAVISTA

Wayne Mitchell, Town Council
Vacant, Town Manager

AMHERST COUNTY

Jimmy Ayres, Board of Supervisors
Dean Rodgers, County Administrator

AMHERST TOWN

Mayor Dwayne Tuggle, Town Council
Sara Carter, Town Manager

APPOMATTOX COUNTY

Trevor Hipps, Board of Supervisors
Susan Adams, County Administrator

APPOMATTOX TOWN

Mayor Richard Conner
Gary Shanaberger, Town Manager

BEDFORD CITY

Bruce Johanasson, Town Council
Bart Warner, City Manager

BEDFORD COUNTY

John Sharp, Board of Supervisors
Robert Hiss, County Administrator

BROOKNEAL

Mayor Champ Nowlin
Russell Thurston, Town Manager

CAMPBELL COUNTY

Charlie Watts, Board of Supervisors
Frank Rogers, County Administrator

LYNCHBURG

Treney Tweedy, Council Member
Wynter Benda, City Manager

REGIONAL BUSINESS ALLIANCE

Megan Lucas, CEO

HOUSE OF DELEGATES

Vacant

VIRGINIA SENATE

Hon. Mark Peake, Virginia Senate

Staff

CENTRAL VIRGINIA PLANNING DISTRICT COMMISSION

Gary Christie, *Executive Director*
Rosalie Majerus, *Deputy Director of Finance*
Kelly Hitchcock, *Deputy Director of Planning*
Tonya Hengeli, *Financial Services Professional, HR*

Philipp Gabathuler, *Senior Planner*
Ada Hunsberger, *Regional Planner*
Matt Perkins, *Special Projects Manager*

VIRGINIA CAREER WORKS – CENTRAL REGION

Traci Blido, *Director*
Lori Cumbo, *Operations Coordinator*
Tim Saunders, *Business Engagement and Outreach Coordinator*
Gina Dudley, *Workforce Administrative Technician*

REGION 2000 SERVICES AUTHORITY

Clarke Gibson, *Director*
Felicia West, *Business Manager*
Larry Hall, Jr., *Operations Manager*
Robert Arthur, *Environmental Compliance and Safety Manager*



FINANCIALS: 2021-2022

The PDC brought in \$24.75 in grants for each \$1 in local dues

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **3**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

ACTION:

INFORMATION: **X**

(Confidential)

ITEM TITLE: Central Virginia Planning District Commission Annual Report and Virginia Career Works Update

RECOMMENDATION: Hear an update from Virginia Career Works, the Central Virginia Workforce Development Board.

SUMMARY: The Central Virginia Workforce Development Board (WDB) is the designated regional convener and administrative entity that coordinates workforce training and career services through federal funding from the Workforce Innovation and Opportunity Act (WIOA). The organization is charged with overseeing and implementing workforce development initiatives and activities throughout the Virginia Career Works – Central Region. Traci Blido, Executive Director, will provide a brief introduction, followed by presentation by Tim Saunders, Business Engagement and Outreach Coordinator.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Marjette G. Upshur, 455-4492

ATTACHMENT(S):

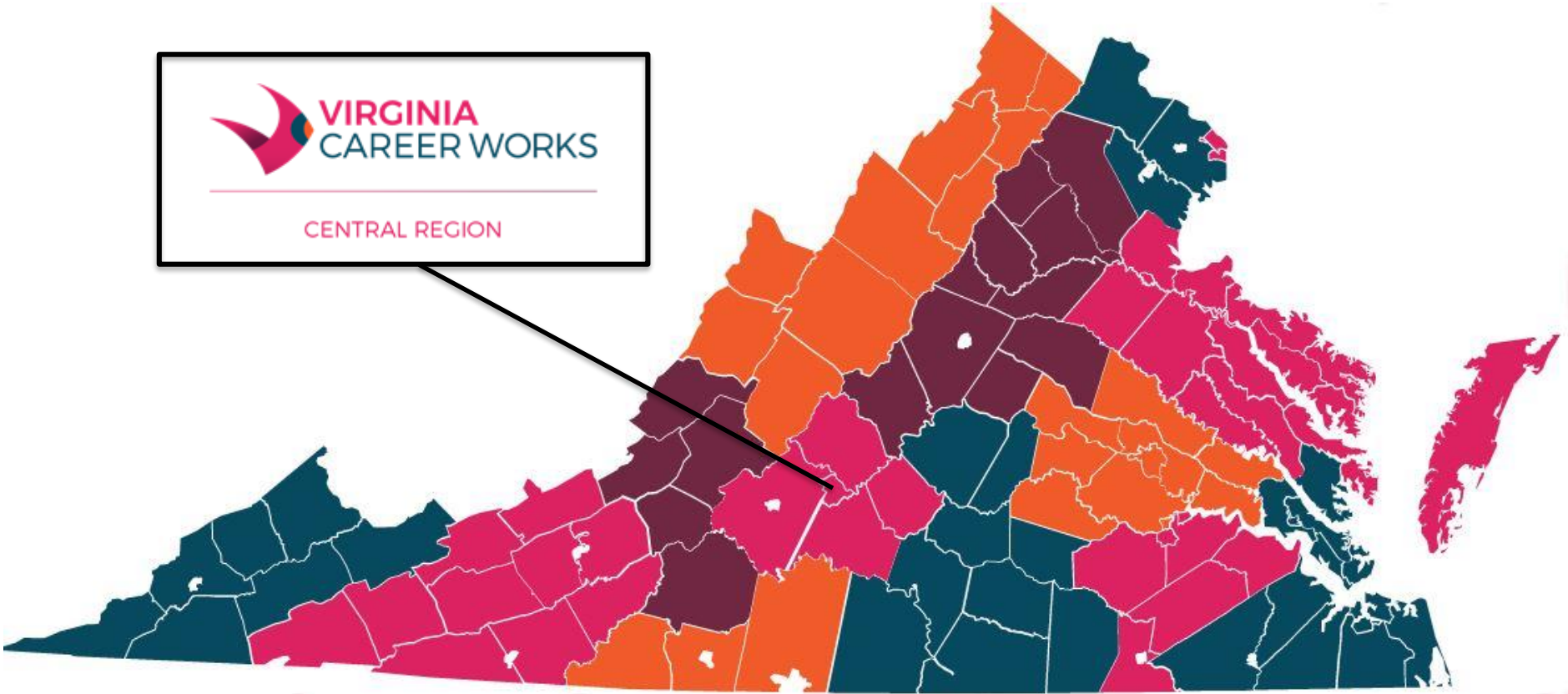
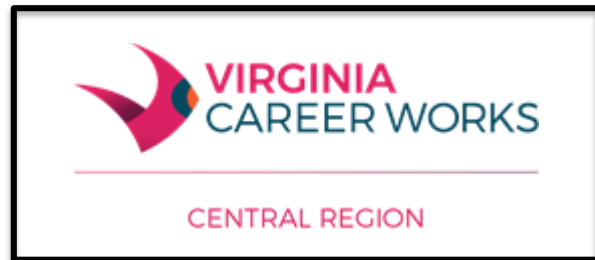
- Powerpoint presentation

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THE WORKFORCE SYSTEM

THERE ARE 14 WORKFORCE REGIONS IN VIRGINIA



WE ARE A SYSTEM OF PARTNERS:



VIRGINIA
CAREER WORKS



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES



DEPARTMENT OF LABOR AND INDUSTRY



Education • Employment • Independence



VIRGINIA
CAREER WORKS

OUR BASE OF OPERATIONS



CENTRAL REGION

LYNCHBURG CENTER
3125 ODD FELLOWS ROAD
LYNCHBURG, VA 24501





CENTRAL REGION

TOGETHER AS PARTNERS, WE PROVIDE:

- **Career Readiness Training**
- **College & Career Navigation**
- **Services for Out-of-School Youth**
- **Information & Funding for Skills Training**
- **Services for Dislocated Workers**
- **Services for Employers**



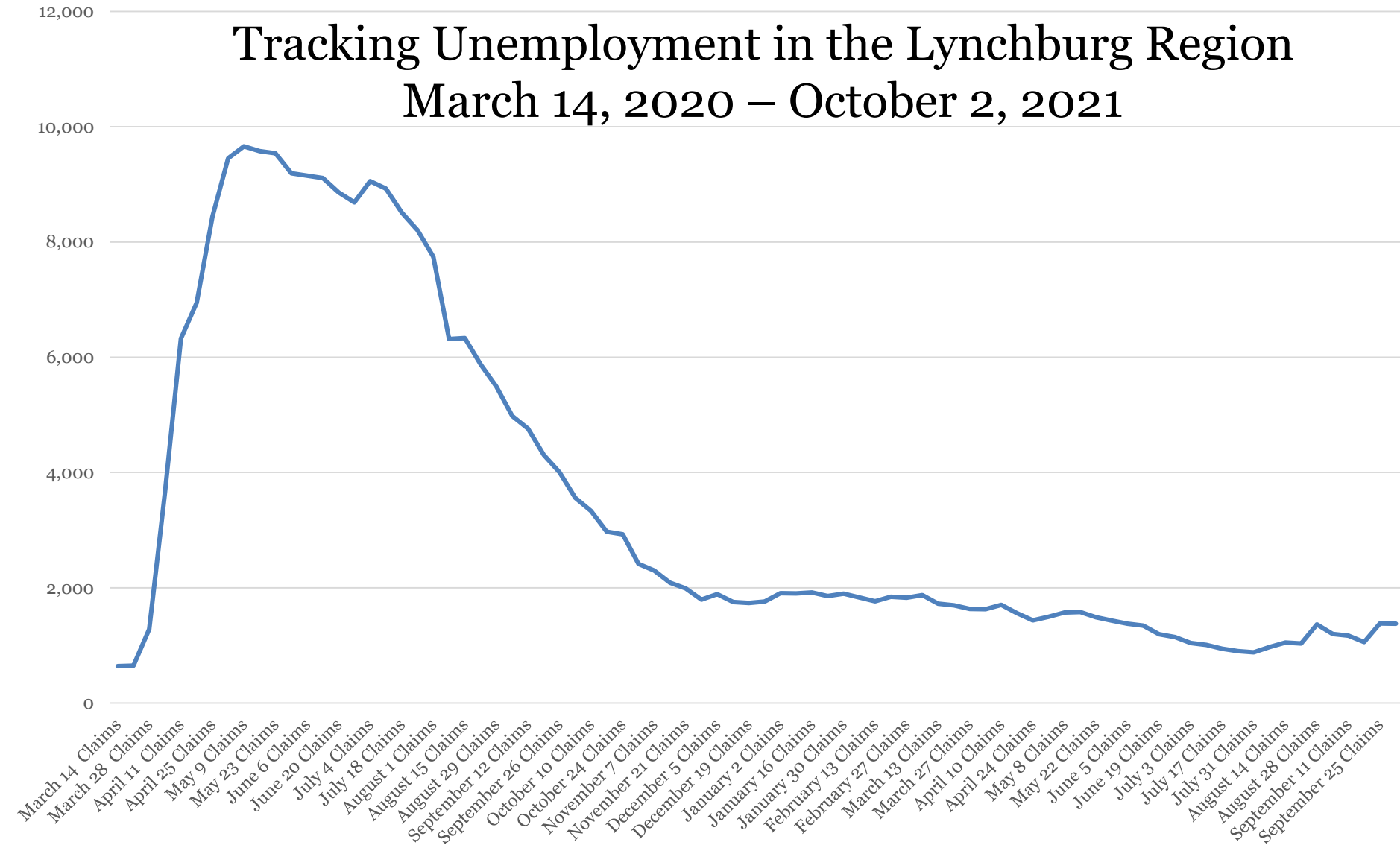
IF YOU WORK IN BUSINESS OR GOVERNMENT...

**WE CAN HELP WITH RECRUITMENT
AND PROVIDE LABOR MARKET
INFORMATION**



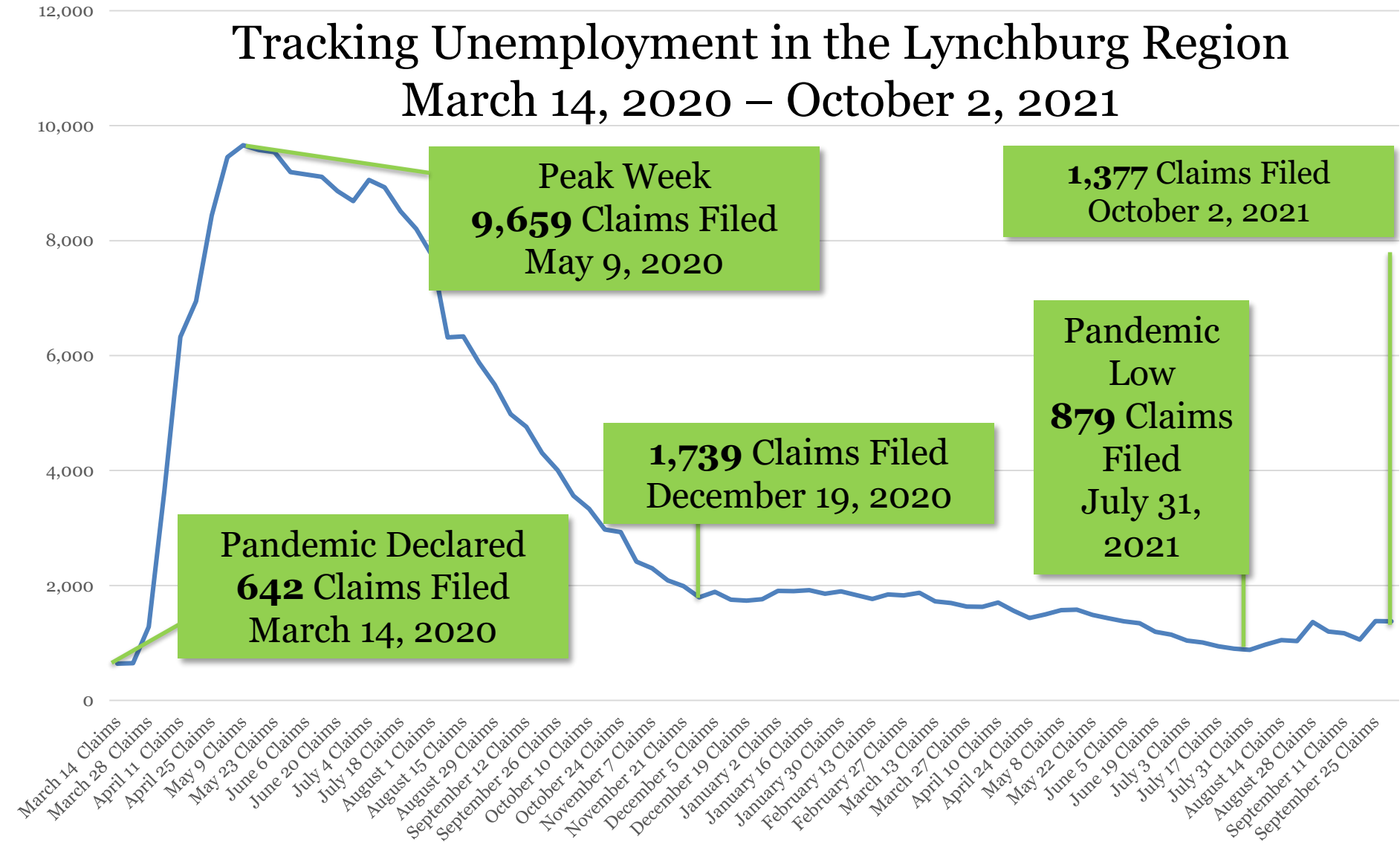
Tracking Unemployment in the Lynchburg Region

March 14, 2020 – October 2, 2021



Tracking Unemployment in the Lynchburg Region

March 14, 2020 – October 2, 2021



Shrinking Labor Pool

Lynchburg MSA:

February 2020 – 124,783

August 2021 – 117,090

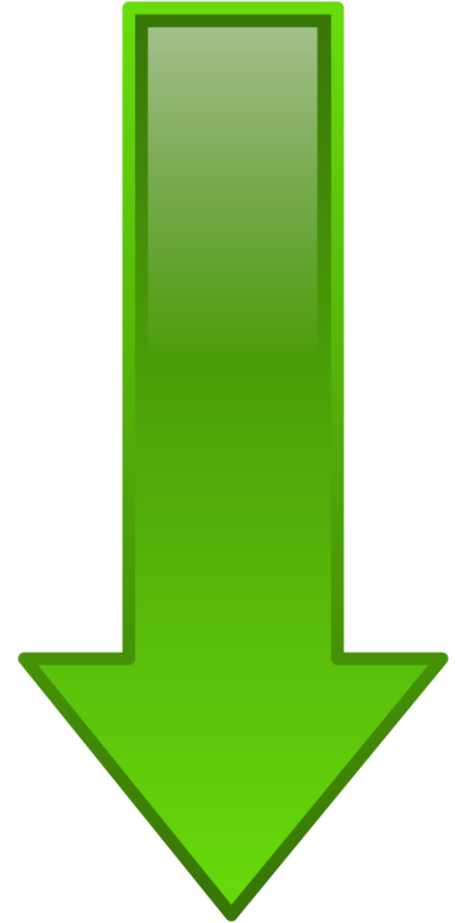
-7,693 Workers

Virginia:

February 2020 - 4,473,225

July 2021 - 4,315,758

-157,467 Workers



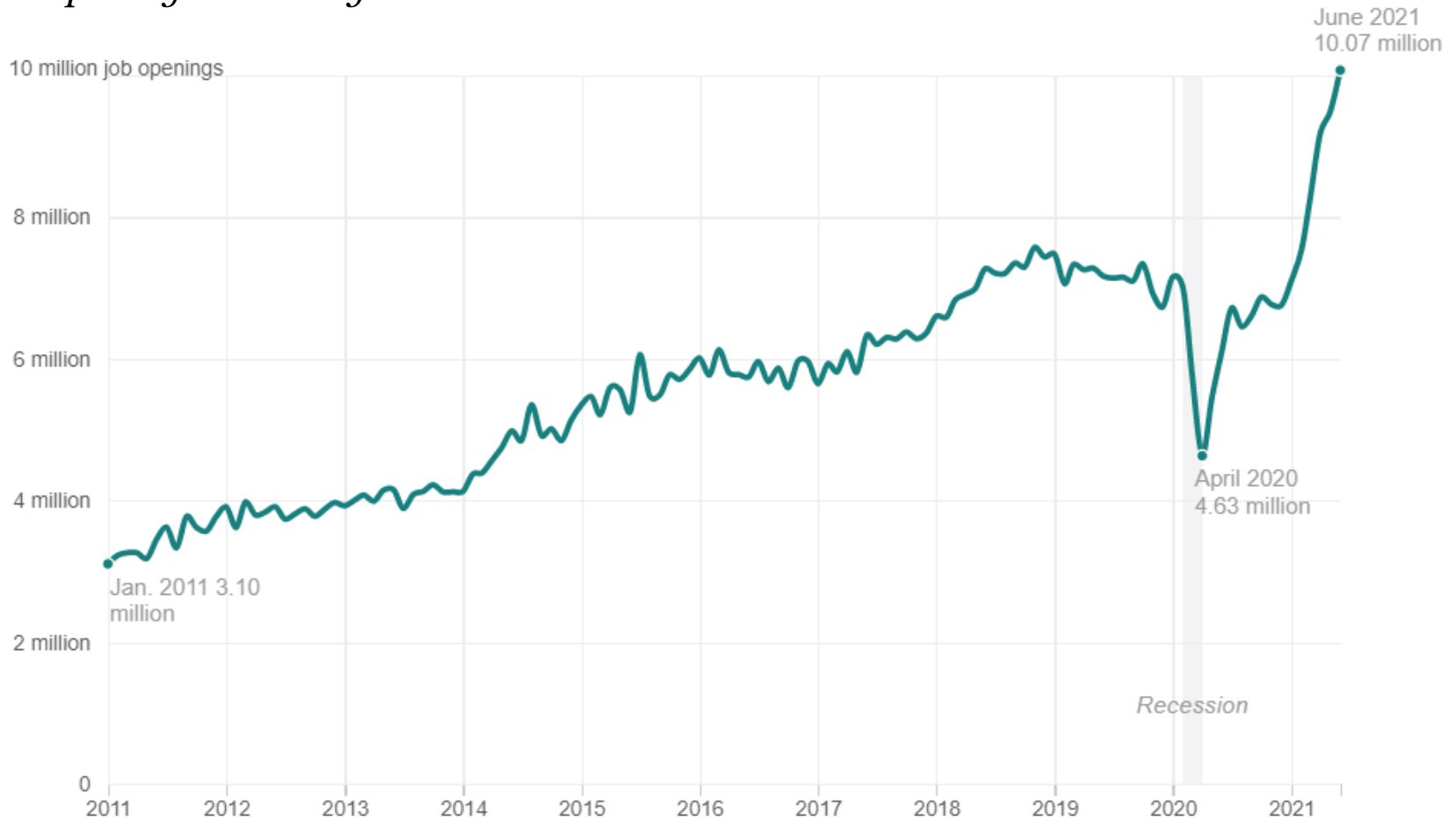
Hiring in Central Virginia

As of July 13, 2021 there are 1,829 active job openings within 25 miles of Lynchburg listed on the National Labor Exchange. Indeed.com lists 1,869 openings in the same geographic range.



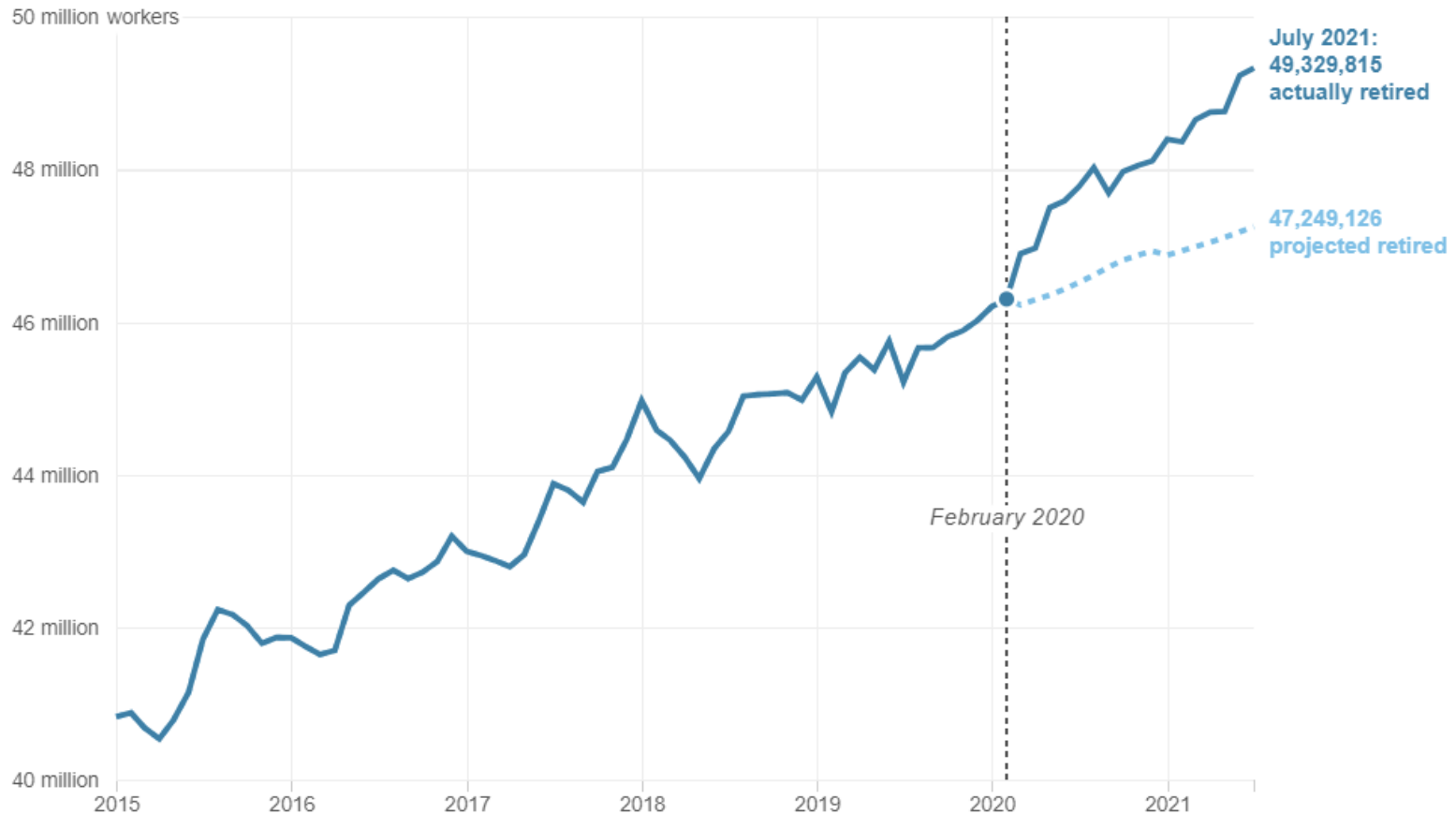
Job Openings Are At A Record High

Job Openings: January 2011 – June 2021



The Pandemic Has Accelerated Retirements

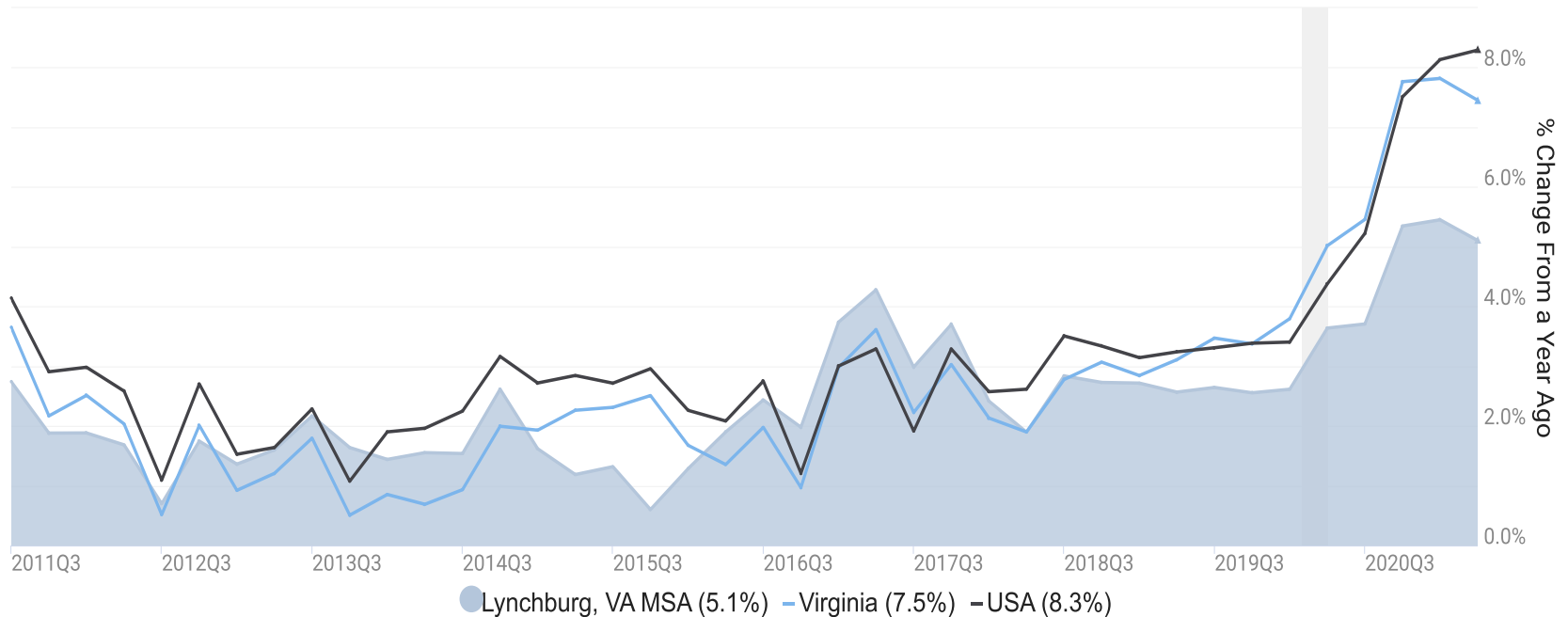
Based on pre-pandemic trends, more than 47 million workers age 55 or older were projected to retire as of July 2021. 2 million more workers than expected, approximately 49.3 Million, have actually retired.



Wage Trends

The average worker in the Lynchburg, VA MSA earned annual wages of \$46,335 as of 2021Q2. Average annual wages per worker increased 5.1% in the region over the preceding four quarters. For comparison purposes, annual average wages were \$64,141 in the nation as of 2021Q2.

Average Annual Wages for Lynchburg, VA MSA



Source: JobsEQ®. Data as of 2021Q2. The shaded areas of the graph represent national recessions.

Cost of Living Index

The Cost of Living Index estimates the relative price levels for consumer goods and services. When applied to wages and salaries, the result is a measure of relative purchasing power. The cost of living is 11.9% lower in Lynchburg, VA MSA than the U.S. average.

Cost of Living Information			
	Annual Average Salary	Cost of Living Index (Base US)	US Purchasing Power
Lynchburg, VA MSA	\$46,335	88.1	\$52,593
Virginia	\$64,828	115.3	\$56,242
USA	\$64,141	100.0	\$64,141

Source: [JobsEQ®](#)

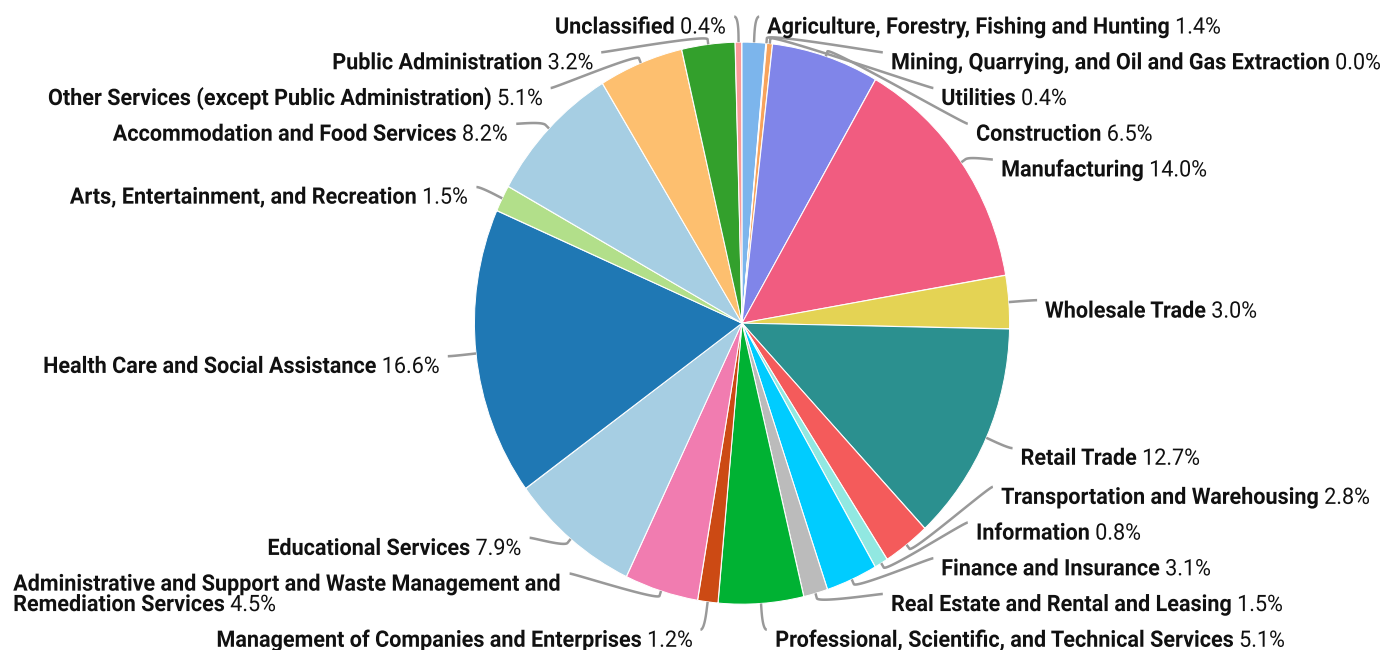
Data as of 2021Q2

Cost of Living per C2ER, data as of 2021Q1, imputed by Chmura where necessary.

Industry Snapshot

The largest sector in the Central Virginia Workforce Development Area is Health Care and Social Assistance, employing 17,053 workers. The next-largest sectors in the region are Manufacturing (14,389 workers) and Retail Trade (13,093).

Total Workers for Lynchburg, VA MSA by Industry



Source: JobsEQ®, Data as of 2021Q2

Highest Average Wages

(per worker)

- Professional, Scientific, and Technical Services (\$78,795)
- Finance and Insurance (\$78,530)
- Management of Companies & Enterprises (\$67,553)

Projected Job Losses

(next 12 months)

-209

Fastest Growing Sectors

(forecast by number of jobs)

- Health Care and Social Assistance (+135 jobs)
- Arts, Entertainment, and Recreation (+9)
- Accommodation and Food Services (+5)



Questions?

Contacts:

**Traci Blido: traci.blido@vcwcentral.com
(434) 818-7612**

**Tim Saunders: tim.saunders@vcwcentral.com
(434) 856-2713**



Live chat assistance available via our website or by phone: [\(434\) 455-5940](tel:(434)455-5940) from 8:30 a.m. to 4:30 p.m. M-F

Email: info@vcwcentral.com

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **4**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

ACTION:

INFORMATION: **X**

(Confidential)

ITEM TITLE: Update on 2021 Holiday Events

RECOMMENDATION: Hear from City staff regarding upcoming community events through the holiday season

SUMMARY: Community events, whether offered by the City of Lynchburg, businesses or nonprofit partners, contribute to community pride, quality of place and help to enhance LYH as a great place to live, work and play. Ted Delaney, Director of the Lynchburg Museum System, will provide details on upcoming walking tours and exhibits. Ricky Kowalewski, Manager of the Lynchburg Community Market, will provide information about seasonal and holiday activities at the Market in November and December. The Office of Economic Development & Tourism will distribute a roundup of seasonal and holiday events planned throughout the City.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

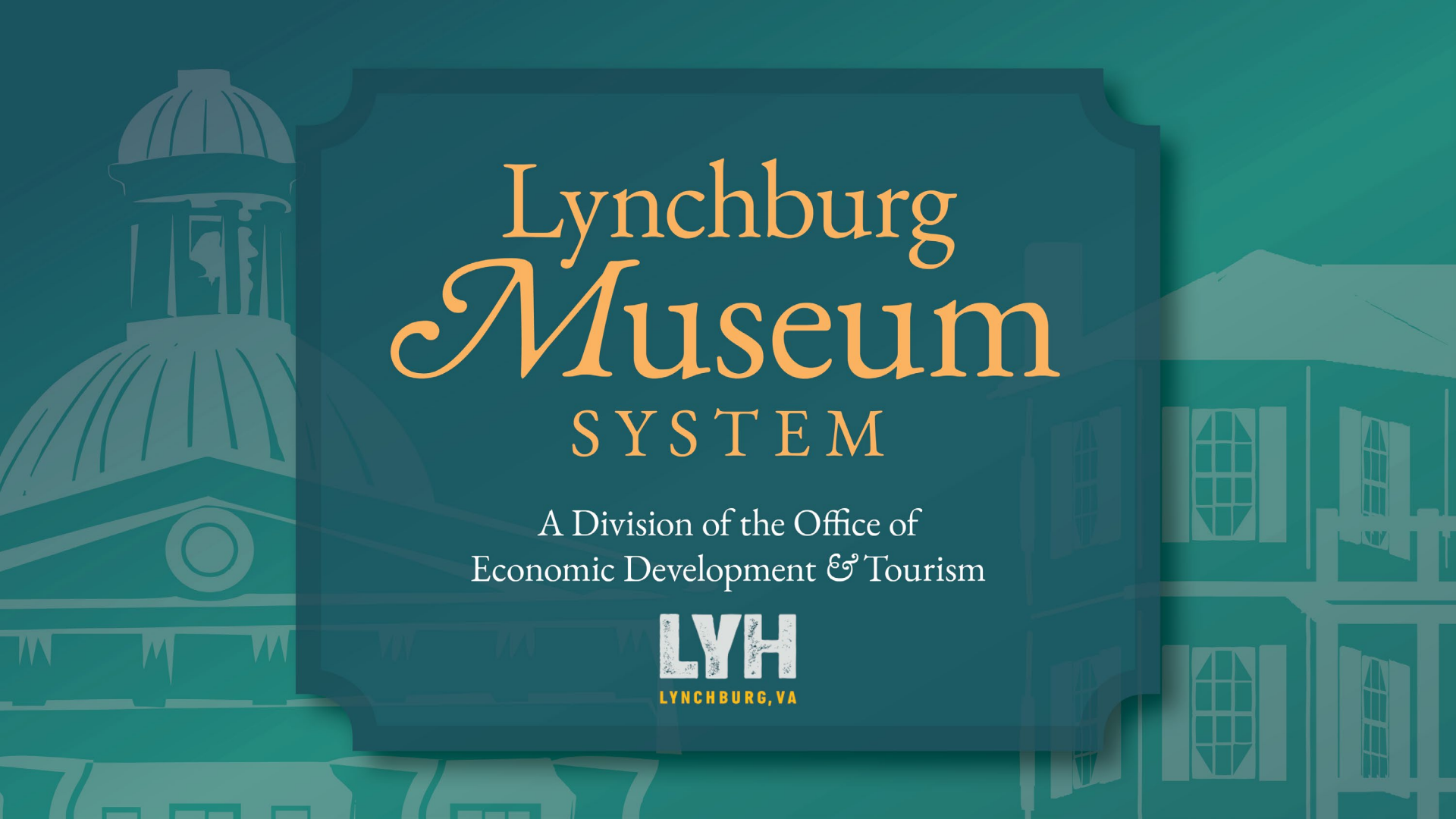
CONTACT(S): Ted Delaney, 455-6226; Ricky Kowalewski, 455-4485; Marjette Upshur 455-4492

ATTACHMENT(S):

- Lynchburg Museum System presentation
- Community Market presentation

REVIEWED BY: raw

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Lynchburg Museum SYSTEM

A Division of the Office of
Economic Development & Tourism

LYH
LYNCHBURG, VA

The background features a teal-toned illustration of Lynchburg, Virginia's architecture. On the left is a large building with a prominent dome and classical columns. On the right is a multi-story building with several windows. The central text is contained within a dark teal, rounded rectangular frame.

Our Mission

Collect, interpret, preserve, and share the
history and culture of Lynchburg, Virginia,
and the surrounding area

Our Vision

Lynchburg's Leading Cultural Anchor



Reopening the
Museum
Visitor
Services

LYH
L♥S
YOU
LYNCHBURG, VA





Guided Walking Tours

LYH
LYNCHBURG, VA

Collections



artiFacts



The Rocking Cradle

2021.27
GIFT OF TOM JACKSON AND JOAN COLEMAN

One of the Lynchburg Museum's newest acquisitions is the infamous "rocking cradle," supposed to be the most haunted artifact in the Hill City. As the legend goes, in 1839 the family of Rev. (later Bishop) John Early loaned a wooden rocking cradle to the family of Rev. Dr. William A. Smith, who lived in the 1100 block of Jackson Street. One morning the cradle began rocking vigorously on its own accord, even after being moved to different locations in the room. In some accounts Rev. Smith ordered it to stop in the name of "Geoffrey" (the Devil); others claim the entity within the cradle was addressed by the name "Beelzebub." Still another source states the cradle was exposed to more scientific investigations, including taking it apart, moving it to different rooms, and even calling in experts for their opinions.

The cradle was passed down from generation to generation within the Early family. The donor, Tom Jackson of Lynchburg, is a direct descendant of Bishop Early. He grew up knowing the strange story behind the unassuming Sheraton style, mahogany high-poster cradle. Museum staff confirmed his lineage to Rev. Early, and Jackson's cradle exactly matches a 1932 description of the 1839 possessed cradle. The original rockers were removed many years ago.

This edition of artiFacts is brought to you by
Richard and Robin Loving

FALL/WINTER 2021 43



Mrs. C. B. Derrig is shown in the yard of the Rocking Cradle House on Jackson Street circa 1995.
(Photo courtesy of the State of Virginia)

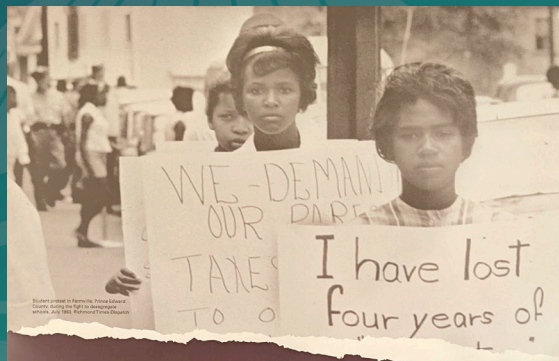


LYH
LYNCHBURG, VA



WE DEMAND

WOMEN'S SUFFRAGE IN VIRGINIA



DETERMINED

THE 400-YEAR STRUGGLE FOR BLACK EQUALITY

Museum Exhibits

LYH
LYNCHBURG, VA

WE THE WOMEN

COMMEMORATING 100 YEARS OF THE 19TH AMENDMENT

LYNCHBURG MUSEUM

LynchburgMuseum.org • (434) 455-6226



We Invite You to Visit!

901 Court Street (*Top of Monument Terrace*)

Thursday–Monday | 10 a.m.–4 p.m. (*Sunday, 12–4*)

Admission is always FREE

LynchburgMuseum.org | PointofHonor.org



@LBurgMuse

LYH
LYNCHBURG, VA



Mistletoe Market

at the Lynchburg Community Market

SATURDAYS

NOVEMBER 27TH,
DECEMBER 4TH, 11TH, & 18TH

Small Business Saturday

11/27, 7am-2pm

*Horse-drawn Carriage Rides

12/11 & 12/18, 10am-2pm

Photos with Santa

12/11 & 12/18, 10am-2pm

Last Chance Market

12/18, 7am-2pm

*Sponsored by the Friends of the Market!



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: 5

REGULAR:
ACTION:

WORK SESSION: **X**
INFORMATION: **X**

CLOSED SESSION (Confidential):

ITEM TITLE: Draft 2022 General Assembly Legislative Agenda – Additional Input

RECOMMENDATION: Provide input on the Draft 2022 General Assembly Legislative Agenda

SUMMARY: City Council reviewed the draft legislative agenda at its last work session and provided input on the recommendations. Given the election on November 2, 2021, City Council is requested to provide any further input that they may deem appropriate prior to the adoption of the agenda at the December City Council meeting.

PRIOR ACTION(S): n/a

FISCAL IMPACT: To be determined

CONTACT(S): Wynter Benda, City Manager – 455-3990

ATTACHMENT(S):

- Resolution; Draft 2022 Legislative Agenda (with and without annotations)

REVIEWED BY: raw

134A

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council adopts its 2022 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

CITY OF LYNCHBURG
2022~~1~~ LEGISLATIVE AGENDA
Adopted , November 10, 2020

The City of Lynchburg 2022~~1~~ 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 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.
- The General Assembly should defeat all efforts to impose unfunded mandates on localities. Unfunded mandates from state government are an abdication of state responsibility and limit localities' ability to perform their own core responsibilities.

2022 KEY LEGISLATIVE IMPERATIVES

Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs): State code currently requires law enforcement officers to sit with patients under an (ECO) and requires law enforcement officers to transport patients issued a (TDO) to mental health hospitals throughout the state. The City of Lynchburg has seen a large increase in mental health issues over the last several years, which has resulted in an increased number of patients under both an ECO and TDO. This requires additional law enforcement officers to stay with these patients at the hospital, taking them away from answering calls for service and engaging with residents. Law enforcement has a role in the mental health process, but that role should be limited to stabilizing the situation and ensuring the safety of all those involved. The City of Lynchburg supports an update to state code so it no longer mandates that law enforcement must stay with ECO patients at the hospital and that law enforcement no longer must transport TDO patients.

Commented [WR1]: PROPOSED TITLE

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Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation and revert to the previous application and funding schedule; a two year application process, award funding the following year(s), maximum of \$10,000,000 per application cycle. The Revenue Sharing program allows localities to leverage funds for needed projects that have no other source of funding. Prior to the present application process, funds were available to be used within a year of application. The process has changed so that localities are required to wait at least five years before funding is awarded. The gap is too large between application process and the funding award. This leaves localities waiting five to six years before they can even begin design and construction of the needed transportation project, delaying and increasing costs.

Commented [WR3]: Revised by Public Works

City Charter Change for Elections: Notwithstanding any general or special law to the contrary, the City of Lynchburg requests a portion of its existing charter to be amended to allow for a technical amendment and to allow for the Councilmember elections in November 2022 and November 2024 to be for three-year terms. Then, in November 2025 and November 2027 and thereafter, revert back to four-year terms.

2024² LEGISLATIVE PRIORITIES

Airports: The impact of the Coronavirus pandemic on Virginia's commercial service airports has been unprecedented in the history of the aviation industry. As a result, the City supports:

- Support increased state funding for the "Governor's New Airline Service Incentive Fund" as passed by the General Assembly during its 2019 session (SB 990). This legislation created a special non-reverting fund to be used at the discretion of the Governor for grants to airlines serving commercial service airports in Virginia. The creation of the fund was intended to provide or assist in the marketing, advertising and promotional activities by airlines in connection with the launch of new airline service, and to provide incentives to airlines as part of such new service.
- Support the extension of the Retail Sales and Use Tax Exemption on Aviation Parts that was created in 2017 by the General Assembly and is set to expire on July 1, 2022. This economic development tool was established to encourage growth of the aviation maintenance, repair, and overhaul industry and unmanned aviation systems in Virginia, and has been well received by aviation businesses and consumers alike. Tax savings from the aircraft repair parts exemption have been estimated to be \$5.4 million in FY19.

- Oppose any amendment(s) to state statutory language that would alter the formula which determines the allocation of state entitlement funds to Virginia air carrier airports that would result in Lynchburg Regional Airport receiving less state entitlement funding annually than received under the current formula.
- Support a Joint Legislative Audit and Review Commission (JLARC) review or similar study to evaluate Virginia's competitiveness with surrounding states in providing comparable airport infrastructure and dedicated economic development funding to Virginia airports in order to supplement the existing Commonwealth Aviation Fund (CAF).

~~Increased funding for the "Governor's New Airline Service Incentive Fund" as passed by the General Assembly during its 2019 session (SB 990). This legislation created a special non-reverting fund to be used at the discretion of the Governor for grants to airlines serving commercial service airports in Virginia. The fund is intended to provide or assist in the marketing, advertising and promotional activities by airlines in connection with the launch of new airline service, and to provide incentives to airlines as part of such new service.~~

Commented [WR4]: Revised from last year's document

- ~~Increasing commercial service airport entitlement funding under the Commonwealth Aviation Program (CAF). This initiative, adopted by the Virginia Airport Board (VAB) September 17, 2020, is designed to assist airports in moving forward capital projects during this time that would otherwise be cancelled or deferred, as well as allow those airports to use entitlement funds for operating expenses.~~
- ~~Funding a new marketing program, adopted by the VAB September 17, 2020, aimed at maximizing the state wide potential to create jobs in travel and tourism. This would be accomplished by working together with the various Commonwealth agencies and public/private sector partners to support grants to communities to promote available airline service and build consumer confidence in air transportation.~~

Blighted Properties: The General Assembly should amend the Code of Virginia to allow cities to transfer blighted properties directly to a land bank created by the City or an existing nonprofit in lieu of sale at public auction for unpaid real estate taxes. This ability is provided to several Virginia cities and should be applied to all cities. Additionally, the General Assembly should adjust the qualifying criteria for localities that are authorized to treat blighted properties and derelict structures as a separate property class for local taxation of real property so that all Virginia cities the ability to do so.

Broadband: The General Assembly should create a concerted governmental effort to ensure broadband coverage that is both available and affordable to the most in need. Particularly in low income neighborhoods, a lack of broadband coverage and affordability has far-reaching implications for K-12 education and lifelong learning.

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.

Compensatory Time: The General Assembly should permanently amend Virginia Overtime Wage Act § 40.1-29.2 so the terms "Wages" and "Pay" also mean overtime compensatory time in lieu of wages

Commented [WR5]: Added by Human Resources

for overtime pay by public agencies, as provided by the Fair Labor Standards Act.

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.

Community Wealth Building/Public Housing Redevelopment: Increase funding by \$4 million in the Brownfields Restoration and Remediation Fund and have specific State budget language that would allow grant application for public housing remediation and infrastructure improvements associated with public housing on or adjacent to former landfill sites.

~~**Council Salaries:** The City of Lynchburg requests that the General Assembly remove from the City's Charter provisions that define City Council salaries. Recent proposed legislation would require the City to be limited to the salary amounts established in the City Charter if the City Charter establishes an amount. This would reduce Lynchburg City Council members' salaries to \$2,400 per year, the Vice Mayor to \$3,000 per year, and the Mayor to \$3,600 per year. This would greatly limit the number of qualified individuals willing to serve as City Council members in the future.~~

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.

Early Childhood Education: Support legislation that would improve access to and quality of early childhood education. For the Commonwealth to be successful in future generations, it is critical that early childhood educational opportunities meet the needs of working families. This should be accomplished through incentives or other direct support for the development of early educational opportunities.

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.

A Skilled and Available Workforce – The future of Virginia's economic development success is talent attraction, retention, and development. For the Commonwealth to be viewed as the top

state for a skilled and available workforce, training programs must be in place and well-funded.

- *Innovative Partnerships with Higher Education and the Business Community* – Support enhanced partnerships between Virginia’s colleges and universities and the business community to commercialize research and development; create innovative ideas and new technologies; support Virginia’s entrepreneurial ecosystem; and meet the growing demand for talent in the Commonwealth. Support the continued funding of the Tech Talent Investment Program to build technology-educated talent in the Commonwealth.
- *Credentials for High-Demand Occupations* – Support additional funding to build on the success of the Workforce Credential Grant (Fast Forward), a pay-for-performance initiative that creates and sustains a demand-driven supply of credentialed workers to fill occupations where demand outstrips supply in Virginia. The grant makes attainment of credentials in high-demand fields more affordable to Virginians through the Virginia Community College System.
- *Talent Solutions* – Virginia currently has two critical and complementary programs that provide economic development projects with critical workforce training support.
 - i. Virginia Jobs Investment Pool is the most frequently used economic development program, as it is accessible to companies of all sizes in every corner of the Commonwealth. The program helps offset recruitment and training costs, thus reducing companies’ human resource development expenses and reinvesting these funds in the people of Virginia.
 - ii. Increase funding for the Virginia Talent Accelerator Program to continue the program’s development and growth to the capacity of Virginia’s competitor states. Virginia’s newest workforce training program, the Virginia Talent Accelerator Program, will rapidly re-skill to the exact requirements of a new or expanding employer through training that is fully customized to an employer’s unique processes, equipment and procedures

Site Development - Support increased funding for the Virginia Business Ready Sites (VBRS) program and other efforts to develop new sites for those businesses looking to locate or expand in the Commonwealth. Funding for site characterization and development is an investment in the foundation of economic development. Site readiness is important to Virginia’s economic development efforts. Currently, Virginia has the lowest number of buildable/certified sites among competing states.

Transportation – Support policies to invest in infrastructure to enhance the state’s competitiveness and the effective spending of funding. The City has long held that Virginia’s transportation network (air, highways, rail, and the port) is an essential component of the state’s economic development success.

Energy – Support policies that allow for the timely development of needed energy infrastructure investments across the Commonwealth. A sustainable, reliable and cost-effective energy supply is critical to the attraction of new companies and the retention of existing businesses, particularly in the energy-intensive manufacturing and Information Technology (IT) sectors.

GO Virginia – Support maintaining the funding for GO Virginia to encourage collaboration among Virginia’s localities to support economic growth and diversification and leads to higher-paying jobs. The GO Virginia effort makes strategic investments in regional projects to achieve that goal and should continue in a way that complements the state’s broader economic goals.

Affordable Housing -Affordable housing plays a substantial and reinforcing role in local economic development. Without a sufficient supply of affordable housing, employers—and entire regional economies—can be at a competitive disadvantage given the subsequent difficulty to attract and retain qualified workers. Expanded opportunities for housing a community’s workforce are critical to keeping and growing jobs in Virginia.

Incentives – Support transparency and accountability with the use and management of incentives, but such measures should not restrict the state’s ability to be responsive and flexible to the needs of business. Among Virginia’s most important tools to be competitive are economic development incentives. Virginia must increase funding to the economic development incentives that deliver success for the Commonwealth, with a clear return on investment and mitigated risk for the State.

- *Commonwealth Opportunity Fund (COF)* – Support the COF as it remains Virginia’s flagship economic development incentive program and the state’s premier deal closing fund. Virginia will only remain competitive to make the short list of site selection projects by maintaining funding for the program.
- *Enterprise Zones* – Support additional funds to serve existing zones and future zones, if the number of zones is expanded. This long-standing program has helped both urban and rural communities revitalize distressed areas. The grants offered through this program are modest, but recent budget cuts have resulted in caps on funding for the program, which means amounts promised to companies making investments in these zones end up being prorated.
- *Agriculture and Forestry Industries Development Fund (AFID)* - Support continued funding for the program. AFID is a critical tool for localities to support two of Virginia’s largest industries: agriculture and forestry. This performance-based grant is available to companies that create jobs and investment, add value to Virginia-grown products, and commit to sourcing Virginia-grown agricultural and forest products – creating additional marketplaces for Virginia’s farmers and forestland owners.
- *Data Center and Manufacturing Incentives* – Support the continuation of this program. The availability of data center sales and use tax exemptions is among the top few site-selection considerations for data centers and has been a major contributor to the Commonwealth’s success in data center locations.

Economic Development Marketing & Lead Generation - Support enhancing the Virginia Economic Development Partnership’s (VEDP) marketing budget, while keeping our current economic development tools whole, to effectively differentiate Virginia from its global competitors. Even a great business climate and fully-funded incentives are of limited use if we do not have the resources or the people to tell the Virginia story. This, however, is the area where past budget cuts and/or stagnant funding have hit the hardest. Virginia must reengage business leaders globally to ensure top of mind awareness of the state as a great place to do business.

Tourism Promotion – Support continued state tourism promotion by the Virginia Tourism Corporation to attract first time visitors to Virginia and to enhance the leverage marketing program.

Outdoor Dining – Support the Commonwealth and its localities allowing outdoor dining in nontraditional spaces on a permanent basis. The Virginia Alcohol Beverage Control Authority should continue expedited approvals of outdoor dining spaces.

ABC Licenses - Support making Alcohol To-Go permanent, expedited ABC approval of outdoor dining spaces, and authorizing local governments to establish local entertainment districts.

Tourism Improvement Districts - Support legislation that would allow hospitality related businesses and localities to enter into public private partnerships and create Tourism Improvement Districts (TIDs). Proposals should require that localities obtain support and approval of assessments from a majority of hospitality related businesses that are located in the TID, and funds generated by such levies shall be dedicated solely to the promotion and tourism related marketing of the TID. The TID must also be managed by the local Destination Marketing Organization.

Economic/Industrial Development Authorities (EDAs/IDAs) Structure – Support the current structure of EDAs/IDAs as an important economic development tool. EDAs/IDAs were authorized by the General Assembly and exist to permit localities to have a flexible tool to support economic development in their communities.

EDA/IDA Member Disclosures – Support legislation that would repeal the 2020 amendment to the Conflict of Interest Act requiring members of Economic Development Authorities and Industrial Development Authorities to file financial disclosure forms. Lynchburg and other localities have had members of their EDAs/IDAs resign as a result of these requirements. Members of EDAs/IDAs are volunteers who serve without pay and feel it is an invasion of their privacy to have to file the forms.

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 (SQQ), 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.

Emergency Medical Technician Training: The General Assembly should allocate additional funding, or reallocate funding to support Advanced Life Support Training programs at Community Colleges, providing free tuition for Emergency Medical Technician Basic through Paramedic

certification. The shortage of Advanced Life Support prehospital care providers is not a new reality, though it has been and continues to be exacerbated by the COVID-19 pandemic. The lack of appropriate funding results in a the lack of qualified paramedics both in the City of Lynchburg and throughout the Commonwealth. Offering these programs creates opportunities for organizations to be more reflective of their communities.

911 Reclassification: Support the classification of 911 Public Safety Communications Specialist as public safety first responders within the Virginia Retirement System to ensure that they are eligible for enhance retirement benefits for hazardous duty service. Under current law, localities may provide such benefits to first responders, including firefighters and emergency medical technicians, and certain other hazardous duty positions. This classification limits the ability to recruit and retain qualified public safety communicators at public safety answering points throughout the Commonwealth.

Filing of Items 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.

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.

~~**Lynchburg Parking Authority:** Request the General Assembly consider revising the Article of incorporation of the Lynchburg Parking Authority to amend the terms of Authority members from five years to three years. The City has experience difficulty with finding individuals to serve on this board and one of the cited reasons in the longer than normal term.~~

Commented [WR6]: Completed last year

Proffers: Request that the General Assembly monitor the impact of recent amendments to Section 15.2-2303.4 of the State Code and consider any amendments that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Public Safety Funding:

- Police Funding: The General Assembly should consider reconstructing the funding formula for Aid to Localities with Police Departments to create a formula that is responsive to urban police departments facing challenges with workforce recruitment and training.
- Fire and Emergency Medical Services Funding, generally: The General Assembly should consider matching funding for Fire Department and Emergency Medical Services agencies in at a level consistent with Police HB 599 funds.
- Local Assistance for Fire Departments: The General Assembly should increase entitlement funding for program such as Aid to Localities (ATL) and 4-For-Life to increase available funds for training, technology, medical, and physical fitness. As an Internationally Accredited Fire and Emergency Medical Services the Lynchburg Fire Department embraces the 16 Fire and Life Safety Initiatives and funding from state resources provides critical assistance. This funding

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supports the programs previously mentioned, that include important multifaceted and multiagency opportunities for training that cannot otherwise be funded. This includes, but is not limited to: Hostile Event (Active Shooter) training, Hazardous Materials, and crisis mitigation – such as natural disasters. In addition to the aforementioned, the following focus areas are at the forefront of the 16 Fire and Life Safety Initiatives and desperately require additional funding support at the state and local level: Cancer Risk Reduction, Mental and Physical Fitness.

Qualified Immunity: Oppose legislation that removes qualified immunity protections for local law enforcement officers. Eliminating qualified immunity will dramatically affect the ability of localities to recruit and retain professional law enforcement officers. This step also will negatively affect police response to community requests for services, potentially impacting community safety.

Commented [WR7]: Moved up to priorities by LPD

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.

Commented [WR8]: Revised by Public Works; moved up to Key Legislative Imperatives

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 be initiated at the request of the developer and include language allowing the locality to install a sidewalk that is required as part of a development project somewhere else that is beneficial to the community.

Sustainability: Support policies that help municipalities reduce their carbon footprint and promote sustainability. Additionally, the General Assembly should promote policies that assist localities to be leaders in promoting opportunities for energy efficiency in order to reduce costs for our most vulnerable citizens.

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 \$4,600,000 in revenue from the Machinery and Tools Tax would equate to a 8.6 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$9,668,302 in revenue from the Business License Tax would equate to a 17.2 cent increase in the City's Real Property Tax rate.

~~**Temporary Detention Orders, Emergency Custody Orders, and Mental Health:** Support a long-term overhaul of the mental health system related to law enforcement mandates. In the interim, funding for reimbursement of TDO transports is needed from the State. In addition, more local beds for mental health patients are needed to avoid out-of-town transports and to support more immediate services for mental health clients.~~

Commented [WR9]: Deleted by LPD and re-written above; included in the Key Legislative Imperatives

Transportation Initiatives: Support various transportation initiatives as noted below:

- Support expansion of Amtrak rail service including a second Northeast Regional Train anchored in Lynchburg.
- Support efforts to expand air service from Lynchburg Regional Airport to northern destinations, including air service to Dulles International Airport.
- Support connectivity efforts that attract and retain a skilled and educated workforce.
- Support access management strategies that preserve and improve corridors of statewide significance.

Drinking Water, Water Quality, and Environment: The City continues to face significant financial burdens in our efforts to comply with water quality and drinking water regulations and legislation. Coupled with the effort to renew and replace failing infrastructure this places a significant burden on our citizens through high water, sewer and stormwater rates. The City supports state and federal funding assistance for these programs to minimize the impacts to citizens and businesses. Additionally, the City opposes legislative efforts that place additional requirements and burdens on our utilities that are not scientifically based and place additional burden on our rate payers. Further, the City opposes additional fees and enforcement authority that would further reduce funding and available resources to address the needs of our water programs. As a result the City urges strongly endorses the following positions:

Polyfluoroalkyl Substances (PFAS) Chemical Regulation

- The term polyfluoroalkyl substances (PFAS) encompasses many substances that are of concern to drinking water quality, and have become a topic of conversation in environmental regulation
- Any new regulation of PFAS chemicals in Virginia should focus on the actual sources such as military bases, industrial discharges, and consumer products, rather than locality-owned water and wastewater treatment facilities.
- Virginia Code § 32.1-169 (as amended by HB 1257 (2020)) should be enhanced to require that the development of any drinking water maximum contaminant levels for PFAS set by the Virginia Department of Health comply with the same rigorous scientific and technical requirements applicable to the development of such levels by the U.S. EPA in accordance with the Safe Drinking Water Act, and be at least as protective.

Commented [WR10]: Revised by Tim Mitchell, Director of Water Resources

Chesapeake Bay Watershed Implementation Plan

- Increase appropriations (bond authorization) to the Point Source WQIF to keep pace with the State's share of Chesapeake Bay TMDL Wastewater Projects in accordance with DEQ's WQIF Needs Assessment.
- Avoid imposing the Department of Environmental Quality's (DEQ) draft "Floating Cap" Regulation addition new, unexpected permit limits on municipal wastewater treatment plants and instead focus planning and grants on the key priority large wastewater projects recommended by the Virginia Association of Municipal Wastewater Agencies.

Water/Wastewater Facilities Regulation, generally

- Maintain local discretion related to utility disconnections associated with delinquent accounts.
- Support funding for compliance with the federal Lead and Copper Rule, including support for lead service line inventory efforts, lead service line replacement, and additional testing requirements.
- Maintain, and where appropriate streamline, regulatory programs administered by DEQ, DCR, and VDH that affect localities directly, including:
 - o No increase in permit fees assessed by DEQ regulatory agencies against localities,
 - o No increase in enforcement authority and penalties against localities, and
 - o No additional administrative or operational constraints on local utility operations,

Stormwater Local Assistance Fund (SLAF) — Maintain the existing FY 2021 \$50 appropriation for Chesapeake Bay TMDL and other local stormwater projects.

Stormwater Utility Legal Authority — Maintain statutory authority authorizing local utility rates and charges for local stormwater management and environmental compliance purposes.

Stormwater and Flood Management Regulations Generally – Considering many years of legislative and regulatory authority expansion that localities continue to implement, the City recommends maintaining and where appropriate streamlining stormwater regulatory programs administered by DEQ and DCR that affect localities directly, including:

- No reduction in locality TMDL credit earned by implementing stormwater improvement projects including septic system connections to sanitary sewer
- No increase in permit fees assessed by DEQ against localities
- No increase in enforcement authority and penalties against localities
- No additional administrative or operational constraints on local stormwater management and flood mitigation efforts.

Stormwater Utility Legal Authority – Maintain statutory authority authorizing local utility rates and charges for local stormwater management and environmental compliance purposes.

Water-Related Grants to Localities – Continue funding state grants to localities for improvements with regional or statewide benefits including the Water Quality Improvement Fund (wastewater) and the Stormwater Local Assistance Fund.

Pollution Control Equipment Sales Tax Exemption Certification Streamlining – To make implementation of the existing sales tax exemption more efficient and effective for localities and for the Department of Environmental Quality, amend Virginia § 58.1-3660 to enable political subdivisions to self-certify equipment, facilities, devices, or other property intended for their own use in conjunction with the operation of their water, wastewater, stormwater, or solid waste management facilities or systems.

Local Utility Rates and Charges – Oppose legislation that would restrict current local legislative discretion or mandate preferences or exemptions in local rate structures for allocating various costs of service to local ratepayers for water-related utilities.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees. Oppose any amendment to the 2020 legislation authorizing collective bargaining that allows localities to choose whether or not they wish to engage in collective bargaining. The City opposes any requirements to mandate collective bargaining, require binding arbitration, or repeal Virginia’s right to work law.

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.

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".

Preclearance Requirements: Oppose legislation that would require preclearance prior to the implementation of changes to voting laws or practices. Preclearance would require that the City seek approval to do such things as change the boundaries of the City's wards and relocate polling places, both of which should be matters of local control.

Prevention: Restore state funds for prevention services.

~~**Qualified Immunity:** Oppose legislation that removes qualified immunity protections for local law enforcement officers. Eliminating qualified immunity will dramatically affect the ability of localities to recruit and retain professional law enforcement officers. This step also will negatively affect police response to community requests for services, potentially impacting community safety.~~

Commented [WR11]: Moved up to priorities

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 on August 5, 2015 in 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 any additional short-term rental legislation that would further limit local governments' authority to regulate short-term rental properties.

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: ~~Oppose any efforts to reduce state aid to public libraries. Fully fund state aid for public libraries to improve services provided in the community. Citizens rely on their public library to bridge the digital divide, assist their job search, and support early childhood literacy and education initiatives. Full state aid funding will allow the library to improve and expand access to these services to help improve the community. 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.~~

Commented [WR12]: Revised by Library staff.

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.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **6**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Business Item Briefing: Rezoning – Rick Barker Properties LLC – I-2, Light Industrial District to B-5C, General Business District (Conditional) – 2001 & 2003 Enterprise Drive

RECOMMENDATION: *This item will appear for City Council vote on the December 14, 2021 Public Hearing agenda. Approval of the rezoning from I-2, Light Industrial District to B-5C, General Business District (Conditional).*

SUMMARY: Rick Barker Properties is petitioning to rezone six and ninety-nine hundredths (6.99) acres at 2001 & 2003 Enterprise Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of existing office space for pediatric therapy services while maintaining the continued use of warehousing and distribution.

PRIOR ACTION(S):

The Planning Commission will review this item on November 10, 2021.

The Planning Division recommended approval of the rezoning petition.

FISCAL IMPACT:

Increased real estate value to be determined upon construction completion.

CONTACT(S):

Tom Martin, City Planner – 455-3900
Kent White, Director Community Development – 455-3900

ATTACHMENT(S):

- Planning Commission Packet – November 10, 2021
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph

REVIEWED BY: raw

133A

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: November 10, 2021
Re: **Rezoning: 2001 & 2003 Enterprise Drive – I-2, Light Industrial District to B-5C, General Business District (Conditional)**

I. PETITIONER

Rick Barker Properties, 554 Craighead Street, Danville, Virginia 24541

Representative: Michael Allen, Rick Barker Properties, 554 Craighead Street, Danville, Virginia 24541

Property Owner: Same as petitioner

II. LOCATION

The property is approximately six and ninety-nine hundredths (6.99) acres located at 2001 & 2003 Enterprise Drive.

III. PURPOSE

The purpose of the rezoning is to allow the continued use of the property for warehousing and distribution while allowing the use of existing office space for pediatric therapy services.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends an Employment 2 use for the property.
- The proposed rezoning would allow the continued use of the property for warehousing and distribution while allowing the use of the existing office space for pediatric therapy services.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends an "Employment 2" use for the property. Employment 2 uses are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. Employment 2 differs primarily from Employment 1 in that it permits heavy industrial uses. (*p. 76*)
2. **Zoning.** The subject properties were annexed into the City 1976. The existing I-2, Light Industrial District was established in 1978.
3. **Proffers.** The petitioner has submitted the following voluntarily submitted proffer:
 - Rezoning of the property is being pursued for the purpose of leasing the existing office space to a tenant and to future tenants for office use only, we will not be seeking to locate retail establishments such as auto, truck or trailer sales requiring external displays/sales areas.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.

5. Surrounding Area. There have been several items requiring City Council approval in the immediate area:

- On June 8, 2021, City Council approved the petition of Lowes Group LLC to rezone 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the existing building as an office.
- On August 13, 2019, City Council approved the petition of 434 Center, LLC to amend the Future Land Use Map (FLUM) from Employment 2 to Mixed Use and to rezone 1001, 1009 Dillard Drive and 2009 Enterprise Drive from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) to allow the construction of a mixed use development containing a gymnasium, fitness center, office space, restaurants and one hundred sixteen (116) apartment units.
- On May 9, 2017, Council approved the CUP petition of Jefferson's Poplar Forest to allow Fill in the Flood Plain to facilitate the construction of a new access road at 1900, 1950 and 1970 Enterprise Drive and 1901 Laxton Road.
- On October 9, 2012, Council approved the CUP petition of Jamerson YMCA to allow a modified sign at 801 Wyndhurst Drive.
- On July 8, 2008, Council approved the CUP petition of Phillip Jamerson to allow a consolidated sign plan at 1301, 1601, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive.
- On July 8, 2003, Council approved the CUP petition of Jamerson & Company to allow the construction of apartments and single-family uses off Wyndhurst Drive & 1536 Lockewood Drive.
- On May 9, 2000, Council approved the CUP petition of The Summit & J.E. Jamerson & Sons to allow the construction of a traditional neighborhood development at Enterprise Drive.
- On July 14, 1998, Council approved the CUP petition of J.E. Jamerson & Sons to allow the construction of a traditional neighborhood development at Laxton Road & Enterprise Drive.
- On August 10, 1982, Council approved the petition of Annjo Land Corporation to rezone approximately fourteen (14) acres from R-C, Conservation District to R-C, Conservation District (Conditional) and I-2, Light Industrial District (Conditional) to allow the development of an industrial park in the area of existing Dillard Drive.

6. Site Description. The property currently consists of approximately six and ninety-nine hundredths (6.99) acres located at 2001 & 2003 Enterprise Drive.

The property contains a seventy-nine thousand six hundred ninety-six (79696) square foot building constructed in 1985. A parking area is located adjacent to the southwestern corner of the building and loading docks are located on the north and south sides of the building. An office space is located on the northwestern corner of the building.

7. Proposed Use of Property. If the rezoning is approved the property would continue to be used as warehouse and distribution space and the existing office space would be used for pediatric therapy services or other office use. The existing I-2, Light Industrial District zoning does not allow an office use not related to the industrial use.

8. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the addition of office use.

The property is served by Greater Lynchburg Transit Company (GLTC) Routes 6, 7 & 7X. Bus stops are located in the immediate area with one stop directly in front of the property along Enterprise Drive.

Adequate parking exists on site to serve the proposed office use and the existing warehousing and distribution uses.

9. **Stormwater Management.** No land disturbance is proposed. An Erosion & Sediment Control or Stormwater Management Plan will not be required.

10. **Emergency Services:** The City Police Department had no comments of concern related to the proposed use of the property. The City Fire Marshal noted that any renovations to the building would be required to follow the 2018 International Fire Code.

11. **Impact.** The proposed rezoning of the property should have little to no negative impact on the area. The existing I-2, Light Industrial District zoning does not permit the proposed office use which is not directly related to the industrial use on the property. The proposed B-5C, General Business District (Conditional) zoning would allow the continued use of the property for warehousing and distribution while allowing an office use not related to the industrial activity. This gives the property flexibility in the use of the property. While the City is always concerned with the loss of Industrial zoned land, the Office of Economic Development & Tourism had no concerns since the existing warehousing and distribution use would remain.

The petitioner has submitted the following voluntary proffer:

“Rezoning of the property is being pursued for the purpose of leasing the existing office space to a tenant and to future tenants for office use only, we will not be seeking to locate retail establishments such as auto, truck or trailer sales requiring external displays/sales areas.”

While this proffer excludes retail uses that require external displays, it is important to consider that a variety of B-5, General Business District uses could be permitted on the property in the future. Given that the frontage of Enterprise Drive has and is transitioning to commercial uses this should not be seen as detrimental to the area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on October 19, 2021. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rick Barker Properties, LLC to rezone six and nine hundred ninety-nine thousandths (6.99) acres located at 2001 & 2003 Enterprise Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) with the following voluntarily submitted proffer:

“Rezoning of the property is being pursued for the purpose of leasing the existing office space to a tenant and to future tenants for office use only, we will not be seeking to locate retail establishments such as auto, truck or trailer sales requiring external displays/sales areas.”

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Rick Barker, Property Owner / Petitioner
Mr. Michael Allen, Representative

VII. ATTACHMENTS

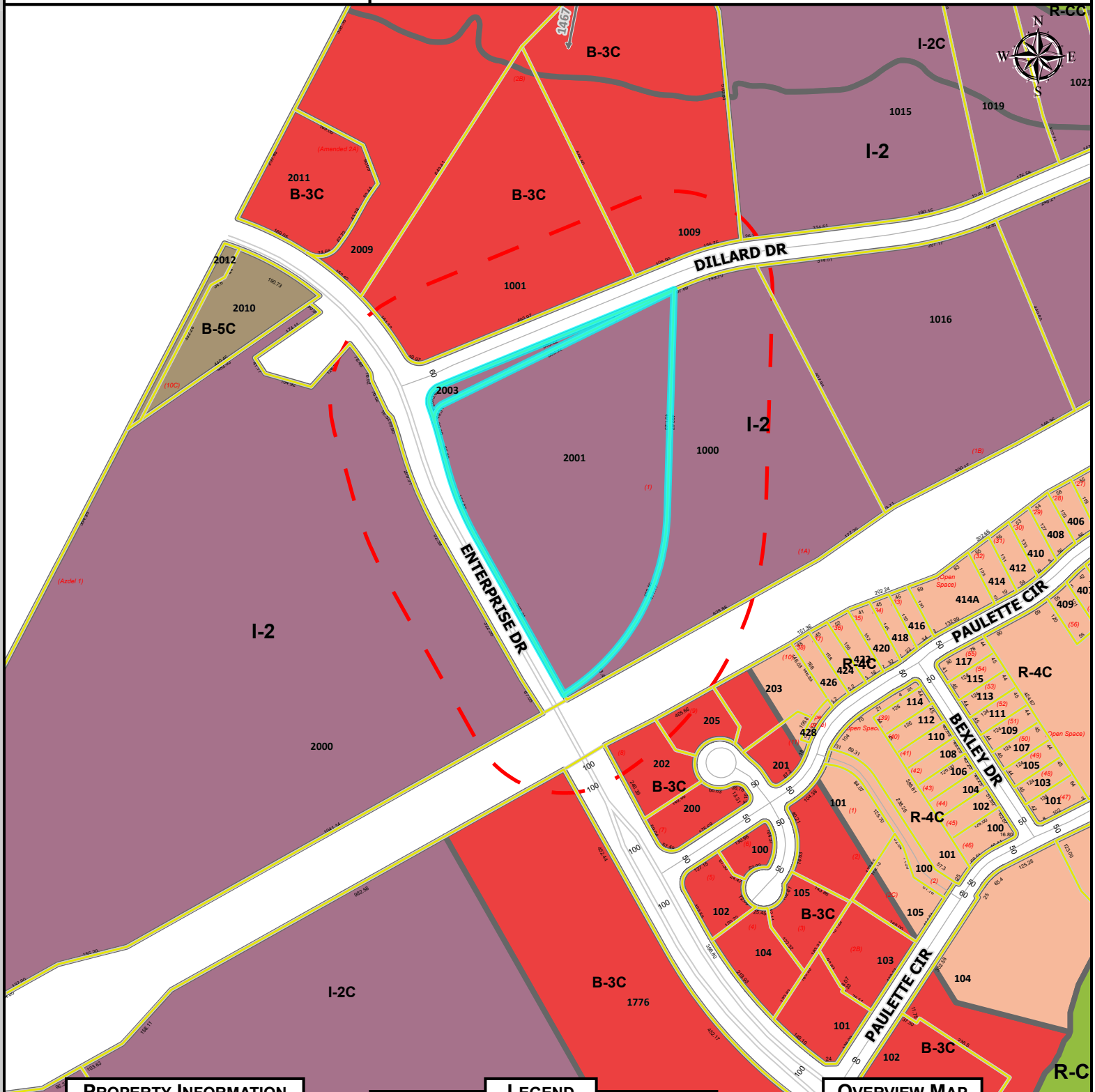
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 6. Property Photographs**

Zoning

TRC

2001 ENTERPRISE DR 2003 ENTERPRISE DR

Rick Barker Properties LLC



PROPERTY INFORMATION

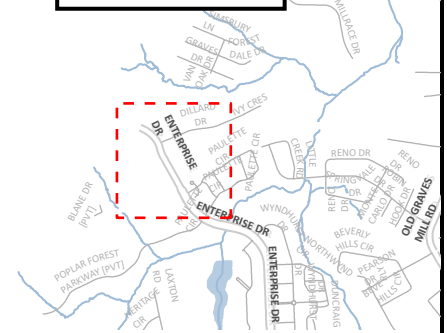
PARCEL ID	ADDRESS
24103004	2001 ENTERPRISE DR
24103006	2003 ENTERPRISE DR

LEGEND

	Subject Property
	215 Foot Buffer
	B-1
	B-3
	B-4
	B-5
	R-C
	I-1
	I-2
	I-3
	IN-1
	IN-2
	R-1
	R-2
	R-3
	R-4

MAP SCALE: 1:48,000 DATE PRINTED: 10/25/2021

OVERVIEW MAP

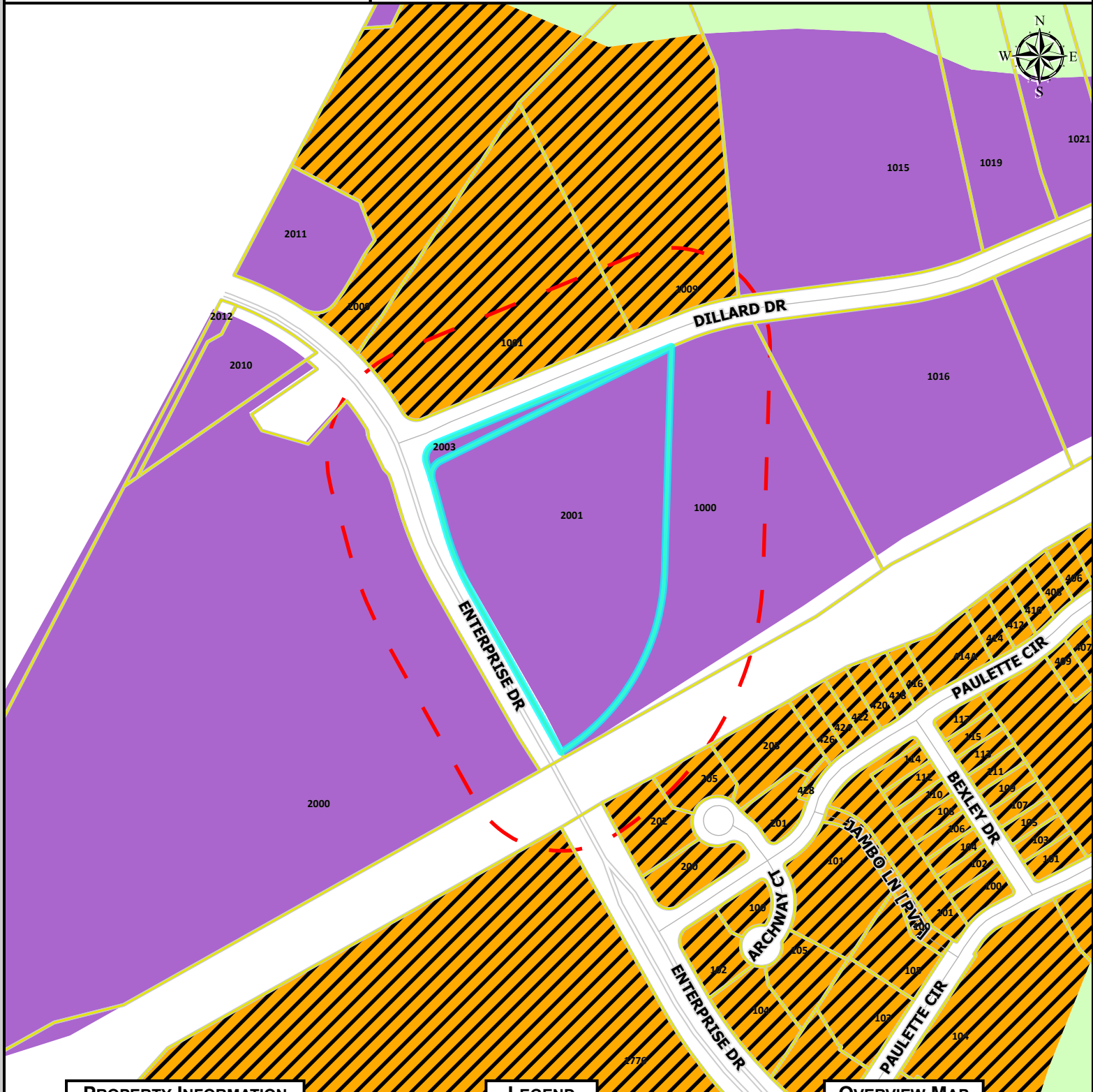


DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

2001 & 2003 Enterprise Drive

Parcel ID	Address	Owner
11601006	1301 NELSON DR	NORFOLK & SOUTHERN RAILWAY
24103002	2000 ENTERPRISE DR	AZDEL INC
24103004	2001 ENTERPRISE DR	RICK BARKER PROPERTIES LLC
24103005	1015 DILLARD DR	SEA 179 LLC
24103006	2003 ENTERPRISE DR	RICK BARKER PROPERTIES LLC
24103007	1009 DILLARD DR	434 CENTER LLC
24103009	1001 DILLARD DR	434 CENTER LLC
24213001	1000 DILLARD DR	ANNJO LAND CORP
24213015	1016 DILLARD DR	CGMC LCC
25009001	1900 ENTERPRISE DR	CORPORATION FOR JEFFERSONS
25027002	202 ARCHWAY CT	FMWM LLC
25027003	205 ARCHWAY CT	BONTZ LLC
25009001	1776 POPLAR FOREST PKWY	CORPORATION FOR JEFFERSONS VDOT LYNCHBURG DISTRICT OFFICE COUNTY ADMINISTRATOR FOR BEDFORD COUNTY

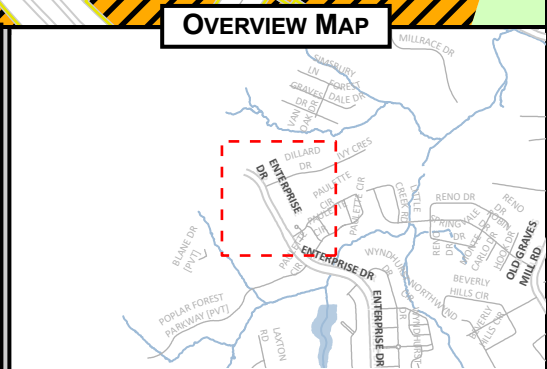
FLUM	2001 ENTERPRISE DR	2003 ENTERPRISE DR
TRC	Rick Barker Properties LLC	



PROPERTY INFORMATION	
PARCEL ID	ADDRESS
24103004	2001 ENTERPRISE DR
24103006	2003 ENTERPRISE DR

LEGEND

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



MAP SCALE: 1:48,000 **DATE PRINTED:** 10/25/2021

Watershed

2001 ENTERPRISE DR

2003 ENTERPRISE DR

TRC

Rick Barker Properties LLC



City of Lynchburg GIS Office - 434.455.3966 - GIS@lynchburgva.gov

PROPERTY INFORMATION

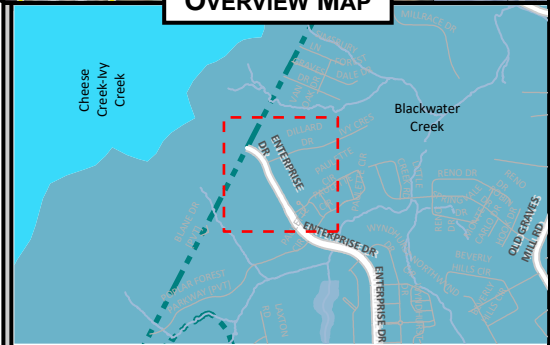
PARCEL ID	ADDRESS
24103004	2001 ENTERPRISE DR
24103006	2003 ENTERPRISE DR

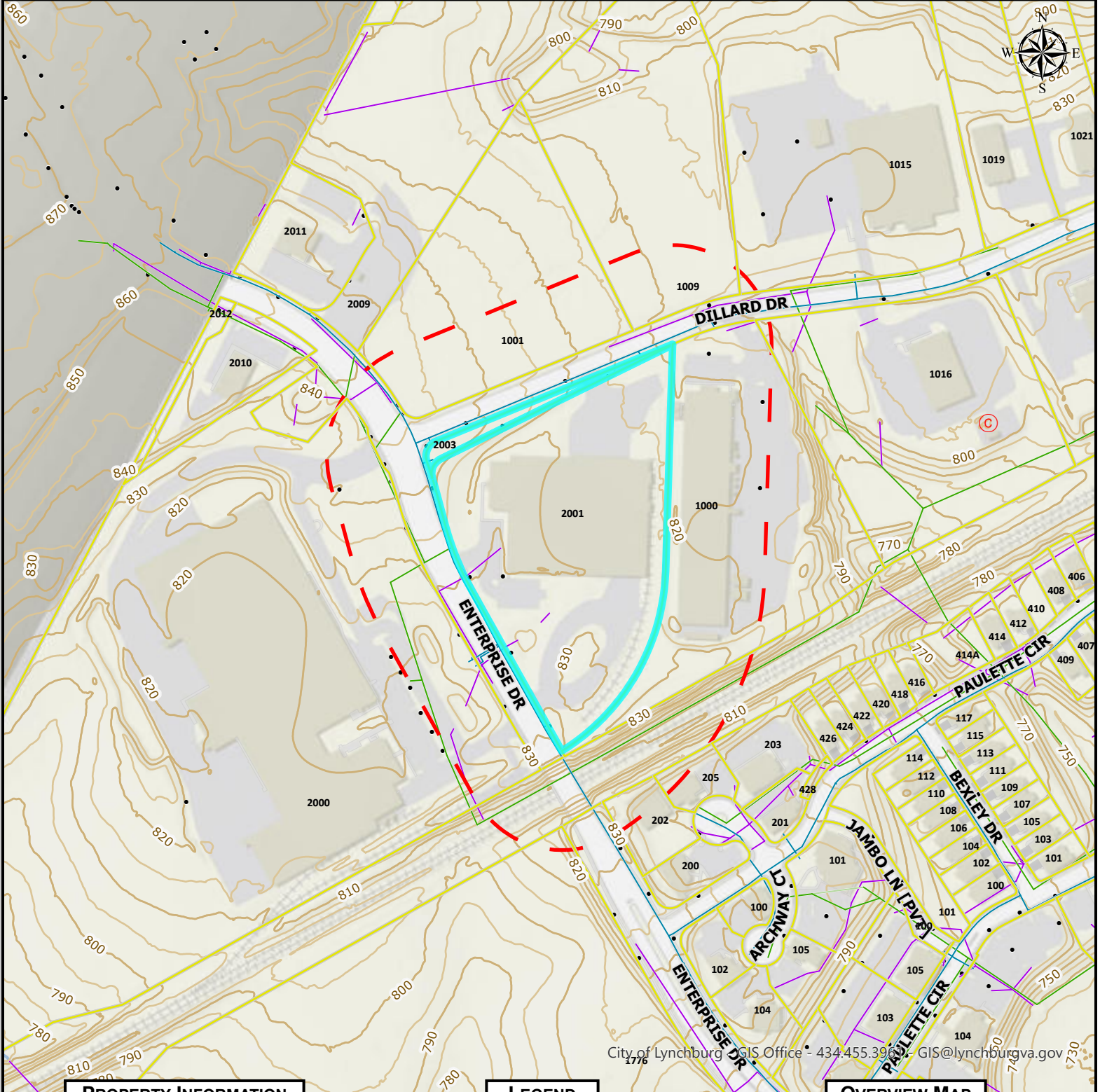
LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 10/25/2021

OVERVIEW MAP





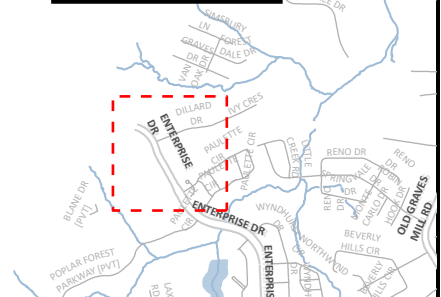
PROPERTY INFORMATION

PARCEL ID	ADDRESS
24103004	2001 ENTERPRISE DR
24103006	2003 ENTERPRISE DR

LEGEND

	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Planimetrics	Structure	Roadway	Parking
	Sidewalk	Driveway	
Topography	Contour		

OVERVIEW MAP

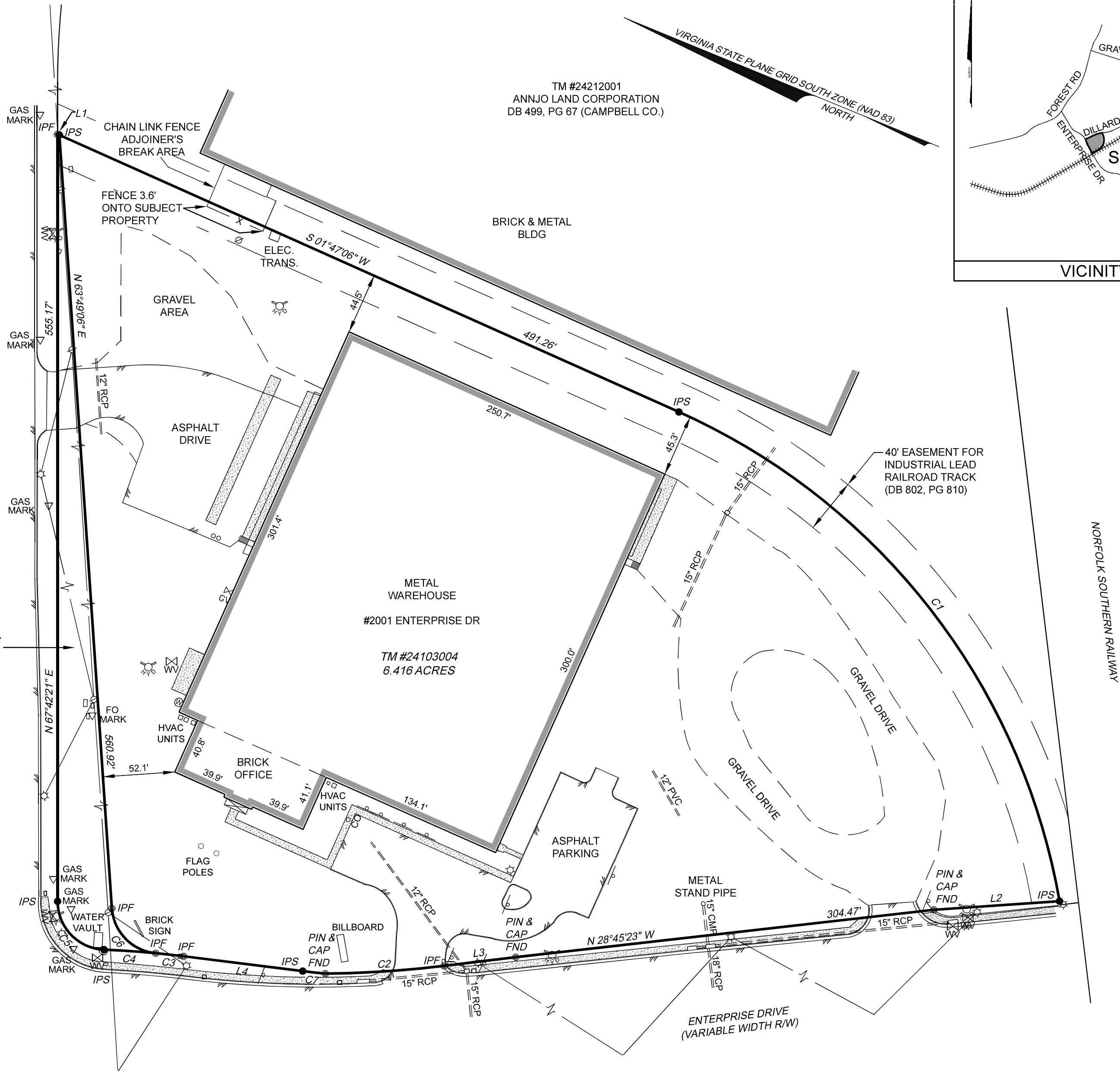


MAP SCALE: 1"=48'000 DATE PRINTED: 10/25/2021

- LEGEND**
- IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - ⊗ ELECTRIC POLE
 - TELEPHONE PEDESTAL
 - CLEANOUT
 - WATER METER
 - WATER VALVE
 - ⊗ FIRE HYDRANT
 - ⊗ LIGHT POLE
 - ▬ EDGE OF PAVEMENT
 - ⊗ GAS VALVE
 - ⊗ GAS MARKER
 - ⊗ SIGN
 - ▬ GUARDRAIL
 - ▬ OVERHEAD UTILITY
 - CONCRETE

DILLARD DRIVE
(60' R/W)

TM #24103006
0.287 ACRES



TM #24212001
ANNJO LAND CORPORATION
DB 499, PG 67 (CAMPBELL CO.)

BRICK & METAL
BLDG

METAL
WAREHOUSE
#2001 ENTERPRISE DR

TM #24103004
6.416 ACRES

40' EASEMENT FOR
INDUSTRIAL LEAD
RAILROAD TRACK
(DB 802, PG 810)

NORFOLK SOUTHERN RAILWAY

ENTERPRISE DRIVE
(VARIABLE WIDTH R/W)

6.416 ACRES (TM #24103004)
+0.287 ACRES (TM #24103006)
6.703 ACRES TOTAL

LINE	BEARING	DISTANCE
L1	S 01°47'06" W	1.42'
L2	N 26°12'49" W	91.28'
L3	N 29°12'25" W	52.39'
L4	N 15°10'49" W	86.89'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	467.08'	477.47'	56°02'55"	S 29°48'34" W	448.67'
C2	86.17'	775.68'	6°21'55"	N 26°01'27" W	86.13'
C3	20.39'	680.00'	1°43'05"	N 16°02'19" W	20.39'
C4	37.41'	680.00'	3°09'09"	N 18°24'14" W	37.41'
C5	53.61'	35.00'	87°45'32"	N 23°49'41" E	48.52'
C6	49.31'	35.00'	80°43'03"	N 23°27'41" E	45.33'
C7	16.50'	620.00'	1°31'29"	N 15°56'36" W	16.50'



NOTES:

- THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
- THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
- THE AREA SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON FEMA MAP #5100930101D DATED REVISED JUNE 3, 2008.
- THE UTILITIES SHOWN HEREON ARE PLOTTED PER VISIBLE EVIDENCE IN THE FIELD. UNDERGROUND UTILITIES HAVE NOT BEEN MARKED IN THE FIELD AT THIS TIME.
- THIS SURVEY WAS PREPARED AT THE REQUEST OF RICK BARKER PROPERTIES, LLC.

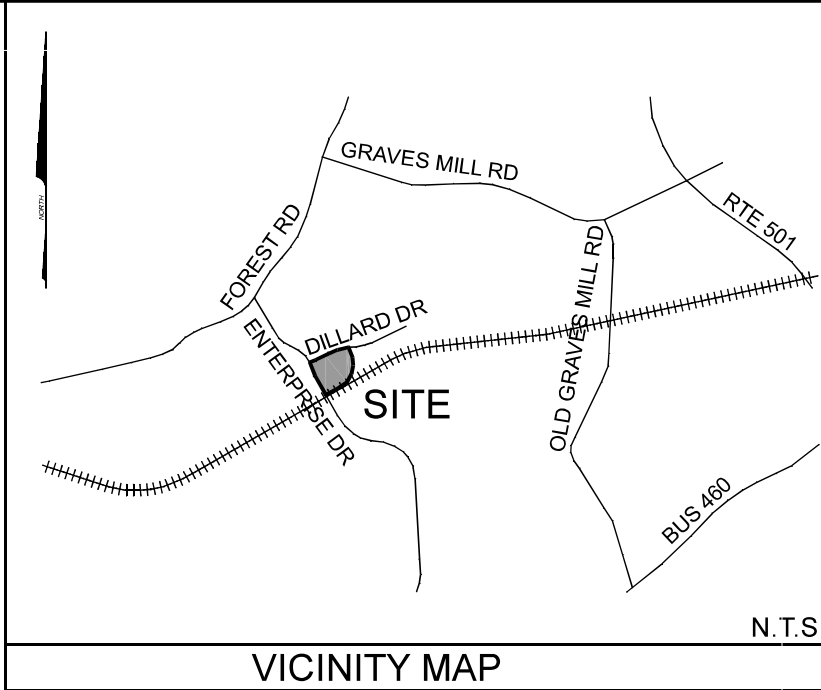
SOURCE OF TITLE:

THE AREA SHOWN WAS ACQUIRED BY RICK BARKER PROPERTIES, LLC FROM VERITIV OPERATING COMPANY BY DEED DATED OCTOBER 10, 2018 AS RECORDED IN INSTRUMENT #180006674 OF THE CIRCUIT COURT CLERK'S OFFICE OF LYNCHBURG, VIRGINIA.

SUBJECT PLAT OF REFERENCE:

PLAT BY HURT & PROFFITT, INC. TITLED "PLAT SHOWING ADDITION TO LOT 1, SECTION 3 GREENSTONE COMMERCIAL CENTER BEING PART OF THE PROPERTY OF ANNJO LAND CORPORATION" AND DATED OCTOBER 9, 1985. RECORDED IN DEED BOOK 802 PAGE 810.

PLAT BY HURT & PROFFITT, INC. TITLED "PLAT SHOWING PROPOSED RIGHT OF WAY AND TEMPORARY SLOPE EASEMENT LOT 1, SECTION 3 GREENSTONE COMMERCIAL CENTER BEING PROPERTY OF DILLARD PAPER COMPANY" AND DATED JULY 22, 1998. RECORDED AS INSTRUMENT #010001740.



HURT & PROFFITT
INSPIRED / RESPONSIVE / TRUSTED



HANDP.COM
LYNCHBURG, VA. 24501
434.847.7796
2524 LANGHORNE ROAD
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

PHYSICAL IMPROVEMNET SURVEY

PROPERTY OF

RICK BARKER PROPERTIES, LLC

CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20211916
FILE NO.	SL-15374
LAT.	37.365742°
LONG.	-79.247757°
DATE:	10/21/2021
DRAWN BY:	MCM
CHECKED BY:	JMM



SHEET NO.
1 OF 1

REV.

Narrative Description for Intended use:

The property owner is wishing to rezone the listed properties to be able to lease the existing, unoccupied office space attached to the warehouse space to a new tenant offering pediatric therapy services to clients. The warehouse space is occupied by Thrive Logistics and offers warehousing and distribution services to their customers in the greater Lynchburg area and will continue to do so moving forward. The tenant wishing to occupy the 4000 sq ft of office space facing Enterprise Dr is the Center for Pediatric Therapies. They offer pediatric occupational therapy, speech-language therapy, physical therapy and autism services through multiple locations in southern Virginia. They currently have a location at 305 Gristmill Dr in Lynchburg and are looking to expand their services in the area by adding this second location. They anticipate having 10 staff on site to begin with possibly expanding to 12-15 based on demand. Estimated daily traffic is eight clients per day to start, increasing as they are able to add staff.

There are no proposed changes to the building or the property at this time, both tenants will occupy existing spaces. The change from 1-2 to B-5 will accommodate both businesses,



RESOLUTION:

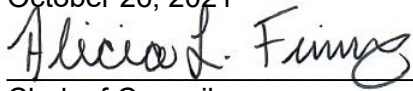
#R-21-078

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$15,300 is appropriated with resources of \$7,650 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$7,650 from the FY 2022 General Fund Fire Department budget to purchase six (6) Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department.

Introduced: October 26, 2021

Adopted: November 9, 2021

Certified:


Clerk of Council

RESOLUTION:

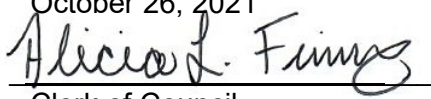
#R-21-079

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$26,250 is appropriated with resources of \$17,500 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$7,411, and \$1,339 from the FY 2022 General Fund Police Department budget to facilitate speed enforcement activities.

Introduced: October 26, 2021

Adopted: November 9, 2021

Certified:

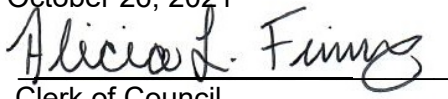

Clerk of Council

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$58,785 is appropriated with resources of \$39,190 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$16,917, and \$2,678 from the FY 2022 General Fund Police Department budget to facilitate selective enforcement activities, equipment, and training.

Introduced: October 26, 2021

Adopted: November 9, 2021

Certified:


Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of August, 2021, at 7:30 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

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

// In the matter of the Consent Agenda Item A, copies of the minutes of the April 6, 2021 meeting have been previously furnished to Council, and on motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Planning, Agenda Item #1, a public hearing was held to consider adopting Ordinance #O-21-063 rezoning approximately 1.55 acres located at 902 Old Graves Mill Road. Ms. Rachel Frischeisen, provided Council with a brief summary of the request. Ms. Margaret D. Gilliland is petitioning to rezone the parcel of land from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional). If approved, the existing home would be demolished and four (4) duplexes would be constructed. A sixteen (16) space parking area is proposed to serve the eight (8) residential units. This petition was originally submitted without proffers. On July 14th, the Planning Commission tabled the item at the request of the petitioner so proffers could be considered. The Planning Commission recommended approval at the subsequent meeting on July 28th with a 3-1 vote with 3 members being absent.

Mr. Russ Nixon with Nixon Land Surveying, LLC, representing Ms. Gilliland, made a presentation to Council regarding the petition. Mr. Nixon stated that Ms. Gilliland would like to rezone the property in order to increase the property value so she may sell the property. Promote access to the city sewer.

Across the road from the property are duplexes so this rezoning is in line with the area. Proposing a parking lot style entrance into the site with one shared access into Hillview Drive.

There was no one to speak in either favor or opposition so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson stated that the Planning Commission voiced concerns over the continuous higher density development. Ms. Frischeisen responded that the Planning Commission did discuss whether this could lead to more higher density rezoning in the area and they decided that Council would need to take those on a case-by-case basis. She stated that in this case, there are also duplexes across the street. Councilmember Helgeson stated that this does not seem like a good use of the land for the city in an area that is a lot of single-family homes. He commented that this land could be split into three single-family homes instead of eight homes with the duplexes. Or, the current single-family home could be rehabbed instead. Mr. Nixon responded that if the land was subdivided it into three tracts and three single-family homes were built, legally there would need to be three new driveways accessing onto Old Graves Mill Road.

Councilmember Faraldi asked if this development would essentially be a continuation of the development across the street in terms of similar design, build, and price point. Mr. Nixon replied that yes, this would basically be a continuation of the duplexes across the street with one exception; the duplexes across the street have individual driveways instead of one shared access. Councilmember Faraldi asked if these units will be sold or rented out; Mr. Nixon did not know the answer. Councilmember Faraldi asked what the price point would be; Mr. Nixon didn't know the exact answer but replied that each unit would be about 1800 square feet. Councilmember Faraldi stated that he is not opposed to the proposal, but since there were only four commissioners present at the Planning Commission meeting, he is inclined to table this until Council can have full oversight of the commission on this petition.

Councilmember Wilder stated that he has concerns over whether these units will be rented or owned, however, no neighbors have objected to this development and there will be no traffic impact to the area.

Vice Mayor Wright made a motion to approve the ordinance, seconded by Councilmember Tweedy. Vice Mayor Wright stated that the petition came recommended by the Planning Commission after two rounds of discussion; it came with a recommendation of the Planning Division with no negative comments from the TRC; the zoning designation and the proffer would carryover to the new owner if the property is sold and the current house is torn down; the new owner would have to abide by these restrictions which are actually fairly reasonable and in occurrence with the neighborhood's current design; and there has been no opposition from the neighborhood.

Councilmember Tweedy stated that she is in favor of the motion because the petition is innovative. She likes that this design does not add more traffic onto the street and is in alignment with the townhomes across the street and in the area. She sees this as an opportunity to plan a community for that neighborhood. Since there is no opposition, she supports the motion.

Councilmember Helgeson made the substitute motion to table this until Council can get more oversight from the Planning Commission on the design and the whether these will be rental properties or home ownerships.

Councilmember Faraldi seconded the motion stating that he likes what he sees so far with the traffic flow and that he is inclined to think that the price point would be reasonable and affordable based on square footage, however, he would like some more information on the intended occupancy of these units. From a process standpoint, he stated that it is important to utilize the full Planning Commission. Since the vote was 3-1 and not unanimous, he would like to delay voting on this to give the other commissioners time to weigh in on the petition.

Councilmember Nelson stated that it has been mentioned several times about whether these units will be owner-occupied or rented. He commented that an owner may initially purchase one of the units to rent out to tenants. That consideration should not be baring on Council's decision since it can change and Council has no authority over that change. He asked City Attorney Mr. Matthew Freedman if as a general rule, Council should not give consideration of who is going to be in the property; Mr. Freedman responded that Council should not consider who will occupy the dwellings when deciding on the petition. Councilmember Nelson stated that Council should consider the property and the impact on

the community and environment and not the occupants. For the reasons cited by Mr. Nixon and the proffers that will be binding and continuous on this property, he stated that he would be in favor of the original motion for the zoning change and will not be supporting the substitute motion.

Vice Mayor Wright asked Mr. Freedman if there was justification for asking the Planning Commission to take another look at the petition since they had an established quorum at the time of their vote. Mr. Freedman replied that the way to think about a quorum is whether they have the ability and enough people to act. The Planning Commission is a 7-member body and there were 4 individuals present at the time of the recorded vote. A majority of those present and voting would be sufficient to take official action. For purposes of legal sufficiency to proceed, Council has it. Vice Mayor Wright stated that he will be voting against the substitute motion.

Councilmember Helgeson stated that tabling the petition isn't a matter of doing away with it; many times, it winds up with a better product for the city, the neighborhood, and maybe even the developer. He does not think it hurts to take a little time especially when Council is considering changing the zoning designation.

Mayor Dolan asked what Council can expect to gain by tabling the petition. Councilmember Faraldi responded that he would like to see how the three absent commissioners would have voted. Mayor Dolan asked for clarification on whether Council would be sending this back to the Planning Commission; Councilmember Faraldi responded that was his understanding of the substitute motion.

Councilmember Helgeson stated that his motion was not to send the petition back through the Planning Commission but to table Council's vote on this item so that Councilmembers can touch base with the commissioners individually.

Councilmember Tweedy stated that she is not in favor of delaying the vote on the petition.

Councilmember Wilder stated that he is basing his decision on the owner having vested interest in this property; he will not be supporting the substitute motion.

With no other discussion from Council, the following vote for the substitute motion was recorded:

Ayes: Helgeson, Faraldi 2

Noes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Council then voted on the main motion to approve Ordinance #O-21-063:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Public Comments (A), Mr. Jamie Maxwell representing the Lynchburg Firefighter's Association, reached out to the Clerk of Council prior to the meeting to remove himself from the agenda.

// In the matter of Public Comments (B), Mr. Carl Hutcherson, Jr., representing the N.A.A.C.P Lynchburg Chapter, addressed Council on the disrespectful comments that some Councilmembers make towards women in leadership positions within the City, including the schools and fellow Councilmembers.

// In the matter of Community Corrections and Pretrial Services, Agenda Item #2, Council considered approving Resolution #R-21-064 to expand local probation and pretrial services to the unserved portion of the 24th Judicial District, which is Amherst County. Ms. Cynthia Plummer, Agency Director, provided Council with a brief summary of a request Adopt a joint resolution with Amherst County, Bedford County and Campbell County providing for the implementation of the Comprehensive Community Corrections Act (CCCA) for Local Responsible Offenders, the Pretrial Services Act (PSA) and the establishment of the Regional Community Criminal Justice Board (CCJB). Effective 1/1/21 the City of Lynchburg, as the administrative and fiscal agent for the CCCA and PSA Agency received additional state funding to expand local probation and pretrial services to the unserved portion of the 24th Judicial District (Amherst County). All localities participating in a multijurisdictional program must be represented on the CCJB and agree upon the locality to serve as the administrative and fiscal agent. This resolution adds Amherst County to the service area and as member of the CCJB. Similar resolutions are being brought before the Boards of Supervisors of all the participating localities.

Councilmember Faraldi stated that one section of the Code of Virginia speaks to establishing a Community Criminal Justice Board and another section speaks to who should be appointed to the board.

He asked Ms. Plummer to clarify the purpose of the board. Ms. Plummer replied that the duties of the board are outlined in state code, but essentially, they are an advisory board and not an operational board that works together to implement collaborative arrangements to provide appropriate criminal justice services. Councilmember Faraldi commented that in review of the code and who should be appointed to the board, he did not see where the city administration is dictated a representative on the board, rather a member of the governing body. Ms. Plummer responded that the way it is worded is the individual needs to be representing the governmental entity and that the person on the board has to have authority to make a decision for the locality if needed. Councilmember Faraldi asked if this is an elected board or council; Ms. Plummer replied that it is not.

Councilmember Helgeson asked if the addition of another locality will water down the services available to Lynchburg; Ms. Plummer replied that it would not. Councilmember Helgeson made the motion to approve the resolution, seconded by Councilmember Faraldi.

Councilmember Wilder stated that he is always happy to see the localities working together.

Councilmember Nelson stated that it makes sense for a community like Lynchburg, the metaphorical hub for a much larger community, to integrated into a single purpose, and having Amherst participate in this is functionally essential in order to address all the needs of the community.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Lynchburg Circuit Court, Agenda Item #3, Council considered adopting Resolution #R-21-065 to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022. Ms. Taylor Jones, Adult Drug Treatment Court Coordinator, was in attendance and provided Council with some background. The Lynchburg Circuit Court submitted a grant application due to the Supreme Court of Virginia with the objective of furthering the City's effort to administer a Local Drug Court program. The award letter for the grant was received on July 29, 2021 in the amount of \$65,000, which is intended to be used July 1, 2021

- June 30, 2022. These funds will be used to support the Drug Court Coordinator position in the Circuit Court. Treatment-based drug court is an alternative to incarceration for defendants who enter the judicial system because of addiction. Through a non-adversarial team approach combined with an intensive, judicially monitored treatment program, drug court offers defendants the opportunity to restore themselves as productive, non-criminal members of society. The Lynchburg Drug Court has the following key components:

1. Integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel will promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. The Court will ensure access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy to participant's compliance.
7. Ongoing judicial interaction with each drug court participant.
8. Monitoring and evaluation measures will be in place to ensure the achievement of program goals and gauge effectiveness.

\$65,000 from the Supreme Court of Virginia will be used for salaries and benefits. The required local match of \$16,250 (25%) will be used for supplies and other expenses associated with the Drug Court Coordinator position. The local match is provided from City funds previously appropriated for the Drug Court grant.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Faraldi. Vice Mayor Wright stated that he is grateful to the court for making this program functional. It has been a real asset to the community.

Councilmember Wilder asked if the local match was previously appropriated; Ms. Jones replied that it was.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Lynchburg Redevelopment & Housing Authority (LRHA), Agenda Item #4, Council considered adopting Resolution #R-21-066 approving the issuance of bonds by the LRHA for the acquisition and rehabilitation of James Crossing Apartments by Waters at James Crossing, L.P. Mr. Richard Hurlbert, Jr., provided Council with a brief summary of the request. On December 8, 2020, City Council Authorized the Lynchburg Redevelopment and Housing Authority to issue bonds to finance a portion of the costs of acquisition and rehabilitation of a 288-unit multifamily housing apartment project and related or ancillary facilities known as James Crossing Apartments, located at 808 Greenfield Drive, Lynchburg, Virginia 24501, in the City of Lynchburg, Virginia. The developer who intends to renovate James Crossing requested the LRHA issue additional bonds, in this case taxable, to assist in completing this project. Similar to the initial issue, City Council must approve this supplemental issue. Neither LRHA nor the City has responsibility for the payment of these bonds as they are a conduit for revenue bonds.

As a member of the housing authority, Councilmember Tweedy confirmed that its members are in unanimous approval of this bond issuance and made a motion for approval. She stated that Waters by James Crossing are committed and will do a great job with the property and it is time for that community to have great things happen. Councilmember Wilder seconded the motion stating that he wants to see some improvements to this property.

Councilmember Nelson stated that the underlying project has not changed, this is only the procedure for getting funds, and none of this will negatively impact the taxpayers or the city's budget and that there is no liability to the public.

Councilmember Wilder asked what the timeframe is for the project. Mr. Hurlbert replied that they received the bond allocation this afternoon. They are still working through some issues with the City

which will hopefully be in front of Council next month. Once those issues are locked down, then it will be a process of documenting the transaction, going back to the housing authority for their approval of documents and terms, and then moving forward to closing. Council's previous approval at its December 8, 2020 Council Meeting for the tax-exempt bonds has a one-year shelf life.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Emergency Services, Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-061 amending the FY 2022 City City/Federal/State Aid Fund budget and appropriating \$12,000 to provide training for Communications Specialists.

Councilmember Faraldi stated that he will not be supporting this motion for the same reasons he did not support it initially.

On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of appointments for vacancies to the following Boards and Commissions: Youth Services Citizens Board, MLK/Lynchburg Community Council, Board of Zoning Appeals, and Lynchburg Community Action Group, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

Councilmember Helgeson asked to consider changing the makeup of the Youth Services Citizens Board from a 15-member body to a smaller scale board. Mayor Dolan, who is a member of the board, stated that the by-laws state that the board be a 15-member body.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Faraldi made the following motion:

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

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

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

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

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Martin Luther King, Jr./Lynchburg Community Council: Rabbi John Nimon – new 3-year term beginning on August 10, 2021 and ending June 30, 2024.

Youth Services Citizens Board: Ms. Mary Chamberlain – unexpired term beginning August 10, 2021 and ending June 30, 2022; Dr. Cynthia Deutsch – unexpired term beginning August 10, 2021 and ending June 30, 2022; Mr. Farid Jalil – unexpired term beginning August 10, 2021 and ending June 30, 2022; Miss Camille Thornton (youth member) – new 1-year term beginning August 10, 2021 and ending June 30, 2022.

Board of Zoning Appeals: City Council elected to recommend to the court to appoint Mr. Paul Feinman to an unexpired term ending June 30, 2023.

Lynchburg Community Action Group (Lyn-CAG): With the resignation of Councilmember Treney Tweedy from the Lyn-CAG Board of Directors, City Council chose Councilmember Faraldi to serve on the Board of Directors.

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

Noes: 0

// Vice Mayor Wright made the motion to amend the agenda to consider going back into a closed session. Councilmember Helgeson seconded the motion.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// On motion of Councilmember Faraldi, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting to discuss emergency circumstances currently being faced by the Lynchburg Police Department pursuant to Section 2.2-3711(A)(19) of the Code of Virginia, 1950, as amended. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:		0
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// The meeting adjourned at 9:12 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of September, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda made a few brief introductions including the announcement of the new Director of Human Services, Mr. Preston Sellers.

// In the matter of Community Engagement, Agenda Item #2, Dr. Alison Morrison-Shetlar, President, University of Lynchburg, presented Council with an update on Lynchburg Tomorrow. This initiative is a collaborative project that brings together organizations, nonprofits, agencies, schools, government, faith-based institutions, business and industry, and citizens "to promote a culture that will lead to creating a thriving city."

// In the matter of City Council – Elections, Agenda Item #3, Council received a presentation from City Attorney Matthew C. Freedman providing feedback on options to revise City Council election dates. Prior to the 2021 General Assembly session, the City was permitted to conduct local elections in May, rather than in November when most other elections occur. For many years, this has been the City's practice. However, the 2021 General Assembly passed legislation that would require the City, and all other local governments in Virginia, to hold local elections in November. This legislation requires that City Council adopt an ordinance changing local elections from May to November. Mr. Freedman presented two options for this change and requested feedback regarding these options, or another third option as Council may prescribe:

Option 1: Sec. 2-16. How composed; how and when elected; terms of office; vacancies.

- The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members

of such council shall be elected from wards and three members of such council shall be elected at large.

- At a general election to be held in November 2022, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2024, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.
- The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.
- If a vacancy occurs in the membership of the council, the majority of the remaining members, respectively, within 45 days of such office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

Option 2: Sec. 2-16. How composed; how and when elected; terms of office; vacancies.

- The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members of such council shall be elected from wards and three members of such council shall be elected at large.
- At a general election to be held in November 2023, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2025, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.
- The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.
- If a vacancy occurs in the membership of the council, the majority of the remaining members of the council, respectively, within 45 days of the office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

Vice Mayor Wright clarified for the public that no one on Council asked for this change to elections; this is action that the state took unilaterally. There is an option to allow City Council to figure out which Novembes, either even years or odd years, but local elections in the state of Virginia must be moved from May to November.

Councilmember Helgeson asked if Council were to take no action, would the elections automatically default to November. He further asked why Council was discussing this now. Mr. Freedman stated that

there is a time limit on when Council has to address this; § 24.2-222.1(A.) of the Code of Virginia states, “No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.” Given at least one election will be in the year 2022, City Council will need to make a decision before the end of the year. Councilmember Helgeson stated that if Council did nothing, the next election would default to November 2022. He asked why this was brought to Council. Mr. Freedman replied that he brought this before Council because the Department of Elections is requiring the change by way of ordinance, and he felt a majority of Council would want to discuss its options for either even or odd year elections.

Councilmember Nelson asked how quickly a charter change would take to go into effect.? Mr. Freedman replied that there are multiple deadlines associated with the Registrar’s Office and the Department of Elections, however, if there is concern when this would go into effect, a timeline could be addressed in the language in the charter, but if this was presented and passed at the General Assembly in January of 2022, it could take effect that July. Councilmember Nelson stated that was his chief concern; this is all contingent upon whether this request is approved. He voiced concerns about moving local elections to the same time as federal elections; national hot-button political issues will compete against local issues. He stated that independent candidates without a major political party’s backing would not stand a chance if federal elections occur at the same time. He commented that Council should move local elections to odd years when state elections are held. He posed a third option; a 5-year super-term that would allow voters, not Council, to decide who they would want in office for that super-term if the charter is changed.

Vice Mayor Wright stated that he is not in favor of extending terms for an extra year and a half. That far exceeds the term length that constituents originally voted their Councilmembers to. He liked Councilmember Nelson’s idea of a third option, but asked if there could be 3-year consolidated term instead of a 5-year super-term.

Councilmember Faraldi had a question regarding Section § 24.2-222.1(D), of the Code of Virginia, “In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office

shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.” He stated that his interpretation of this section of code is that terms cannot be extended, only shortened. Mr. Freedman responded that if Council chooses to go the route of a charter change, he would word the language so as to account for everything. Councilmember Faraldi stated that he wants to avoid extended terms.

Councilmember Helgeson asked to remove Option 2 that would have extended terms by one and a half years.

Councilmember Nelson stated that Vice Mayor Wright made a good point about a super-term of 5 years or a consolidated term of 3 years. He cautioned that with the lesser term, the learning curve would be too great for a new councilmember and would not be fully effective member to the citizens that elected them. He is in favor of councilmember who is elected by the citizens for a 5-year super term.

Councilmember Helgeson reiterated that Council seems to be in agreement of removing Option 2 and adding an Option 3(a) seeking a charter change for an initial 3-year term with elections in odd years thereafter, and Option 3(b) seeking a charter change for an initial 5-year term with election in odd years thereafter.

Councilmember Faraldi asked what would happen if the charter change doesn’t pass the General Assembly. Mr. Freedman responded that this would revert to the default of November elections in even years. Registrar Ms. Christine Gibbons further clarified that she received correspondence from the Virginia Department of Elections that the May 2022 election will stay in the system until they receive an ordinance directing the change from May to November. Councilmember Faraldi asked if staff could be creative in writing the ordinance with some backups foreseeing a charter change; Mr. Freedman responded affirmatively.

// In the matter of Engineering, Agenda Item #4(a), Council received a briefing for the proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023. This item was presented for informational and feedback purposes and will come before Council during the September 14, 2021 General Business section.

Mr. Lee Newland, City Engineer, offered Council a summary of the request. During odd numbered years, the Virginia Department of Transportation solicits applications for Revenue Sharing and Transportation Alternatives Program (TAP) funds. While in previous years, Revenue Sharing funds awarded would be available in the subsequent year, due to the COVID-19 pandemic, VDOT has delayed the availability of these funds for several years. For existing projects, the program has been delayed four years, while funds for new projects will be available in six years. TAP funds remain a six-year program.

Staff recommends the following projects for application to Revenue Sharing:

- Previous Revenue Sharing Projects - Due to the delay in funding revenue sharing projects by VDOT, inflationary funds are required for the first four Revenue Sharing projects previously approved by City Council on September 24, 2019.
- Hollins Mill Road and Bikeway Improvements - This project is replacement and enhancement of the bridge on Hollins Mill Road at the Hollins Mill Park located at 521 Hollins Mill Road. There is a low water bridge underneath the Hollins Mill bridge that connects the Blackwater Creek Bikeway with the Point of Honor Trail that constantly requires maintenance to remain safely accessible to pedestrians and bicyclists. This project would replace the bridge and provide bike and pedestrian enhancements when the low water bridge is not available. Additional funding for the project will need to be applied for in future grant funding cycles.

Additionally, staff recommends the following project for application to Transportation Alternative Program:

- Sidewalk at Lynchburg Center for Industry - This project completes one side of sidewalk at the Lynchburg Center for Industry located off of Graves Mill Road. This project is submitted in partnership with Economic Development. Additional funding for the project will need to be applied for in future grant funding cycles.

Funds will not become available until FY 2027 and FY 2028 to begin design and construction. Requires matching funds of 50% for Revenue Sharing and 20% for TAP. Requires funding for VDOT review and administrative charges. City Council previously approved original applications at its meeting on September 24, 2019.

Vice Mayor Wright stated that the grant application totals \$5 million total; is that the maximum the City is permitted to seek? Mr. Newland replied that yes, the maximum amount is \$5 million from the City and \$5 million from the state for a total of \$10 million. Vice Mayor Wright asked how these funds are allocated. Mr. Newland replied that it is in the Code of Virginia for revenue sharing projects. Vice Mayor Wright asked if that is regardless of the locality's size to which Mr. Newland replied affirmatively.

// In the matter of Roll Call, Agenda Item #5, Councilmembers Nelson, Helgeson, Faraldi, and Vice Mayor Wright had no items. Councilmember Tweedy referenced a letter she received concerning the Garfield and Tilden Avenue neighborhood regarding issues in that area that she passed on to the City Manager to address. Councilmember Wilder thanked staff for coordinating the 9/11 Memorial Service held on September 10, 2021 at the bottom of Monument Terrace and recognized the veterans who gather weekly to honor those lost in war; he stated that there will be an event geared toward Gen Z talking about their concerns about COVID at Jubilee Family Center on Saturday, September 18, 2021, at 11:00 a.m. Mayor Dolan made a few Parks and Recreation announcements; she also cautioned citizens about the rising COVID cases and asked the public to practice good hygiene, wear masks, and get vaccinated.

// The meeting was recessed at 5:23 p.m.

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

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,	
Sterling A. Wilder, Chris Faraldi	7

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

// In the matter of the Consent Agenda Item (A), copies of the minutes of the April 27, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:	0
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// In the matter of the Consent Agenda Item (B), copies of the minutes of the May 11, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item (C), Council conducted a second reading and adopted Resolution #R-21-065 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022. On motion of Councilmember Nelson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Planning, Agenda Item #6, a public hearing was held and Council considered adopting Ordinance #O-21-067 approving the right-of-way vacation of Railroad Avenue. Ms. Eve Mergenthaler, Planner I, was in attendance and provided Council with a brief summary of the request. Ed Willman, on behalf of Dan Hague, is petitioning to vacate the Railroad Avenue right-of-way, located between F Street and E Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred thirty-one thousandths (0.131) of an acre. The area to be vacated includes unimproved, wooded land. The vacation would not impact vehicle or pedestrian access. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$1,000.00.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

At its August 10, 2021 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy brought the committee's recommendation for

approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Public Comment (A), Mr. Victor Thomas who previously signed up to speak was not in attendance.

// In the matter of Public Comment (B), Council heard from citizen Mr. Andrew Glover regarding the Council Work Session item concerning Council elections. He thanked Council for removing Option 2 from consideration, which would extend Council terms for an additional year. Constituents only elect members to serve 4-year terms and extending anything past that would be a violation. He has concerns with the third option of shifting local elections to off-cycle election years because voter turnout will be really low. He asked council to allow for public feedback on the options.

// In the matter of Engineering, Agenda Item #7, Council considered adopting Resolution #R-21-068 in support of an application to the Virginia Department of Transportation (VDOT) to include several projects for the FY 2023 Revenue Sharing and Transportation Alternatives Projects programs. This item was previously discussed during the Business Item Briefing portion of the September 14, 2021 Work Session.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #8, Council considered adopting Resolution #R-21-069 approving the naming of a private street and new entrance as Poplar Forest Parkway. Ms. Eve Mergenthaler, Planner I, was in attendance and provided Council with a brief summary of the request. Ms. Alyson M. Ramsey, CFRE, President and CEO for Thomas Jefferson's Poplar Forest, is petitioning to name a private street and new entrance as Poplar Forest Parkway. Thomas Jefferson's Poplar Forest is

constructing the new entrance road. It will connect their property in Bedford County to Enterprise Drive in the City of Lynchburg. The roadway will run through 1900, 1950, and 1970 Enterprise Drive. On July 28, 2021, the Planning Commission reviewed the item and recommended approval.

Councilmember Faraldi made the motion to approve the resolution, seconded by Councilmember Nelson. Councilmember Wilder made the disclosure that he sits on the Poplar Forest Board, but maintained that he could remain objective when voting on this motion. With no other discussion from Council, the following vote was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:		0
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// The meeting adjourned at 7:42 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit (CUP) – Take 5 Oil Change, 8209 & 8213 Timberlake Road

RECOMMENDATION: Approval of the CUP to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road.

SUMMARY: Quick Lube of Carolina is petitioning for a CUP to allow the construction of an oil change facility in a B-3, Community Business District. The subject property is two (2) tracts of approximately ninety-seven hundredths (.97) acres located at 8209 & 8213 Timberlake Road. The property borders the City boundary line with Campbell County.

PRIOR ACTION(S):

September 22, 2021

The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the CUP petition.

The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT:

Increased real estate value to be determined upon construction completion.

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Director Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – September 22, 2021
- Planning Commission Packet – September 22, 2021
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan and Elevation
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet
 - Traffic Analysis

REVIEWED BY: raw

128A

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO QUICK LUBE OF CAROLINA TO ALLOW THE CONSTRUCTION OF AN OIL CHANGE FACILITY IN A B-3, COMMUNITY BUSINESS DISTRICT LOCATED AT 8209 & 8213 TIMBERLAKE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Quick Lube of Carolina to allow the construction of an oil change facility in a B-3, Community Business District located at 8209 & 8213 Timberlake Road is hereby approved subject to the following conditions:

1. Development of the property shall be in substantial compliance with the concept plan prepared by Kimley Horn, dated September 16, 2021 entitled "Take 5 Timberlake Road Concept Plan."
2. The building shall be generally consistent with the elevations prepared by Robert Johnson architects, dated May 4, 2021.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE SEPTEMBER 22, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Quick Lube of Carolina Timberlake, LLC for a Conditional Use Permit at 8209 & 8213 Timberlake Road to allow light auto repair in a B-3, Community Business District.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. The subject property is two (2) tracts containing approximately one (1) acre. This property is on the border of Campbell County and the City of Lynchburg. The subject property is zoned B-3, Community Business District. This type of business is permitted upon obtaining a Conditional Use Permit (CUP). The project borders a 7-Eleven convenience store that is being constructed in Campbell County. The property will share a right in/right out entrance from Timberlake Road with the 7-Eleven facility. The only other access to the facility will be a full access intersection on Laxton Road. A stormwater management plan will be required prior to final site plan approval. The submitted concept plan indicates that stormwater management will be addressed by the use of underground retention. Comments during the Technical Review Committee (TRC) meeting from the Fire Marshal noted the need to have full access to the back of building at all times, as well as a fire apparatus turn-around. The City Engineer noted that a right turn taper would be needed from Timberlake Road. This property is bordered to the north and south by fueling facilities. Across Timberlake Road there are some commercial uses, and to the west there are some residential uses. This is at a gateway to the City of Lynchburg. With compliance to the City landscaping ordinances, as well as compliance to architectural renderings, this business will fit well into the area. The Planning division recommends approval for the Conditional Use Permit with the conditions outlined in the report.

Chair Rogers asked who was present to speak on behalf of the petition.

Mr. William Shewmake of Woods Rogers PLC, on behalf of Quick Lube of Carolina Timberlake, LLC, addressed the Commission and showed a PowerPoint presentation. Mr. Shewmake stated this business would be a very light use at about one hundred (100) total trips per day. He also noted that it is consistent with the Comprehensive Plan. Mr. Shewmake addressed how a taper would be appropriate and that the concept plan was amended to include this. The elevations have been tendered and there has been agreement between Planning staff and the applicant.

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

Commissioner Perault asked what an entrance taper was.

Mr. Shewmake replied that it was additional pavement to help individuals get out of the lane of traffic.

Commissioner Perault asked what the difference between a taper and a turn lane was.

Mr. Shewmake replied the taper allows traffic to segue onto the side.

Mr. Martin stated that it was not a full turn lane but gives more room to make a turn.

Commissioner Perault noted that the text in the document did not include the taper but that may just need to be amended.

Mr. Shewmake replied the narrative would be amended.

Mr. Martin stated the condition should be changed to September 16, 2021, which does show the taper.

Chair Rogers noted it was a nice facility.

Commissioner Perault stated that Timberlake is lagging in traffic control and that traffic overall needs to be assessed as it was becoming more and more populated with businesses.

Commissioner Light asked if funding for traffic lights comes from Virginia Department of Transportation (VDOT) application grants.

Mr. Martin stated it comes from a variety of sources and Mr. Lee Newland, the City Engineer, would be best to answer that. He also noted in terms of traffic generation, this was not a bad option for this location.

Chair Rogers agreed.

Commissioner Marion made the following motion, seconded by Commissioner Johnson, and approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Quick Lube of Carolina for a Conditional Use Permit at 8209 and 8213 Timberlake Road to allow the construction of an oil change facility subject to the following conditions:

1. Development of the Property shall be in substantial compliance with the concept plan prepared by Kimley Horn, dated September 16, 2021, entitled "Take 5 Timberlake Road Concept Plan."

2. The building shall be generally consistent with the elevations prepared by Robert Johnson architects, dated May 4, 2021."

AYES:	Johnson, Light, Lowe, Marion, Perault, and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden	1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: September 22, 2021
Re: **Conditional Use Permit (CUP) – Take 5 Oil Change – 8209 & 8213 Timberlake Road**

I. PETITIONER

Quick Lube of Carolina, 215 Queens Road, Suite 200, Charlotte, NC 28204

Representative: William H. Shoemake, Woods Rogers PLC, 901 East Byrd Street, Suite 1550, Richmond, VA 23219

Property Owner: WPXI Timberlake LLC, 101 Shockoe Slip Suite 1, Richmond, VA 23219

II. LOCATION

The subject property consists of two (2) tracts of approximately ninety-seven hundredths (0.97) of an acre located at 8209 and 8213 Timberlake Road.

III. PURPOSE

The purpose of the petition is to allow the construction of a one thousand four hundred fifty (1,450) square foot commercial building for use as an oil change facility.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends a Community Commercial use for the area.
- The subject property is zoned B-3, Community Business District. Oil change facilities are permitted in the B-3, Community Business District upon approval of a conditional use permit by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area.

Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. (p. 75)

2. **Zoning.** The subject properties were annexed into the City in 1976. The existing B-3, Community Business District was established on May 22, 1979.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

4. Surrounding Area. There have been several items requiring Council approval in the immediate area:

- On May 22, 1979, City Council approved the Timberlake Road Land Use Study rezoning a number of properties in the area, including the subject properties.
- On April 13, 1982, City Council approved the CUP petition of Ronnie D. Vaughan to operate a commercial recreation center at 8131 Timberlake Road.
- On September 11, 1984, City Council approved the petition of D.W.B. Associates to rezone four (4) acres 8117 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the property as a mini-storage facility.
- On December 10, 1991, City Council approved the petition of H&H, Inc. to amend previously approved proffers and for a CUP to allow the construction of a go-cart track at 8105 Timberlake Road.
- On January 12, 1993, City Council approved the petition of Lowes Home Center, Inc. to rezone approximately sixteen (16) acres from B-1, Limited Business District and B-3, Community Business District to B-5C, General Business District (Conditional) to allow the construction of a building supply retail store, restaurant, and parking area.
- On December 9, 1986, City Council approved the CUP petition of Ted W. DeHass to allow the construction of a car wash at 8104 Timberlake Road.
- On November 13, 2007, City Council denied the petition of S.W. Neal Development Group for a planned unit development consisting of single-household detached homes and townhouses at 1200 and 1202 Wood Road.
- On February 13, 2018, City Council denied the CUP petition of Danny Tyree to allow the construction of a forty-three (43) unit townhouse development at 1002 Wood Road and 8129 Timberlake Road.

5. Site Description. The subject property is two tracts consisting of approximately seventy-ninety-seven hundredths (0.97) acres. The property is currently vacant.

The property is bordered to the north and south by fueling stations, to the west by single-household residences, to the east by commercial uses across Timberlake Road.

6. Proposed Use of Property. The property is proposed to be used as a three (3) bay oil change facility.

7. Transportation & Parking. The City Engineer noted the need for a right turn taper from Timberlake Road into the site. This has been shown on the concept plan.

Eleven (11) parking spaces are proposed for the development.

The property is served by Greater Lynchburg Transit Company (GLTC) routes 7, 6/7X, and 11. A bus stop is located adjacent to the subject property at 8201 Timberlake Road.

8. Stormwater Management. An Erosion & Sediment Control Plan/Stormwater Management Plan will be required for the development of the property as proposed. The submitted narrative indicates that stormwater management quantity would be addressed by underground detention.

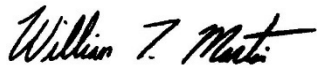
9. **Emergency Services:** The City Fire Marshal commented on the need to allow rear access at all times and to identify a fire department turnaround. These comments will be addressed prior to final site plan approval. The City's Police Department had no comments of concern with the proposed petition.
10. **Impact.** Oil change facilities are permitted in a B-3, Community Business District upon approval of a conditional use permit by City Council. Development of the site as proposed should have little to no impact on the surrounding area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 31, 2021. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Quick Lube of Carolina for a Conditional Use Permit at 8209 and 8213 Timberlake Road to allow the construction of an oil change facility subject to the following conditions:

1. **Development of the Property shall be in substantial compliance with the concept plan prepared by Kimley Horn, dated September 16, 2021, entitled "Take 5 Timberlake Road Concept Plan."**
2. **The building shall be generally consistent with the elevations prepared by Robert Johnson architects, dated May 4, 2021.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. William H. Shoemake
Quick Lube of Carolina

VII. ATTACHMENTS

1. **Zoning Map with Adjoining Property Owners**

- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan and Elevations**
- 6. Narrative**
- 7. Property Photograph**
- 8. Traffic Analysis**

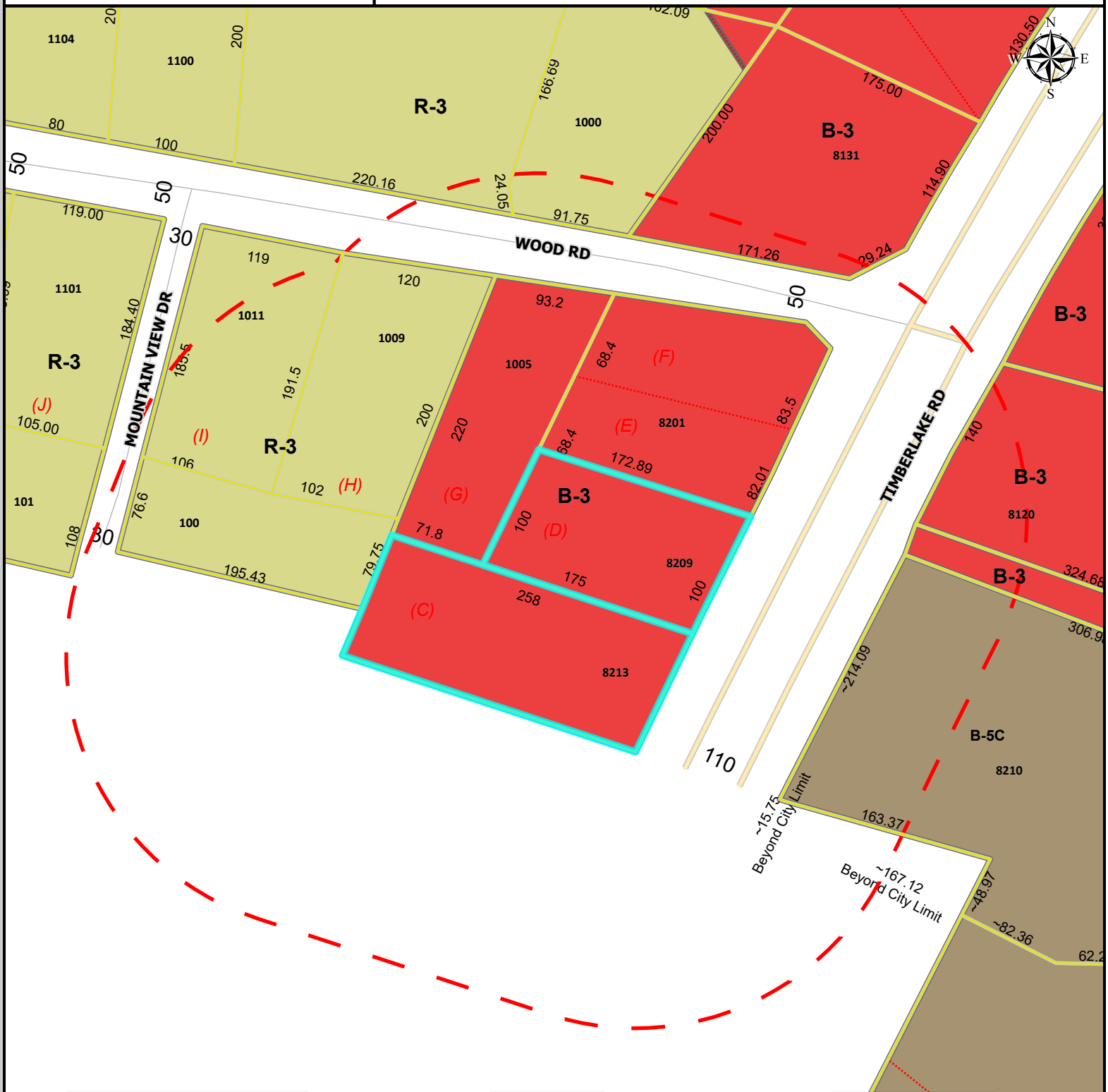
Zoning

8209 TIMBERLAKE RD

8213 TIMBERLAKE RD

TRC

Woods Roger PLC



PROPERTY INFORMATION

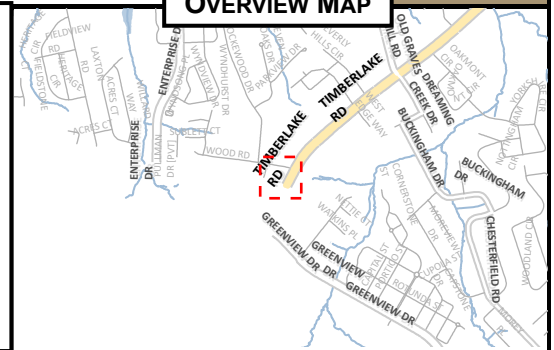
PARCEL ID	ADDRESS
25310002	8209 TIMBERLAKE RD
25310003	8213 TIMBERLAKE RD

LEGEND

	Subject Property
	215 Foot Buffer
	B-1
	B-3
	B-4
	B-5
	R-C
	I-1
	I-2
	I-3
	IN-1
	IN-2
	R-1
	R-2
	R-3
	R-4

MAP SCALE: 1:48,000 DATE PRINTED: 8/17/2021

OVERVIEW MAP

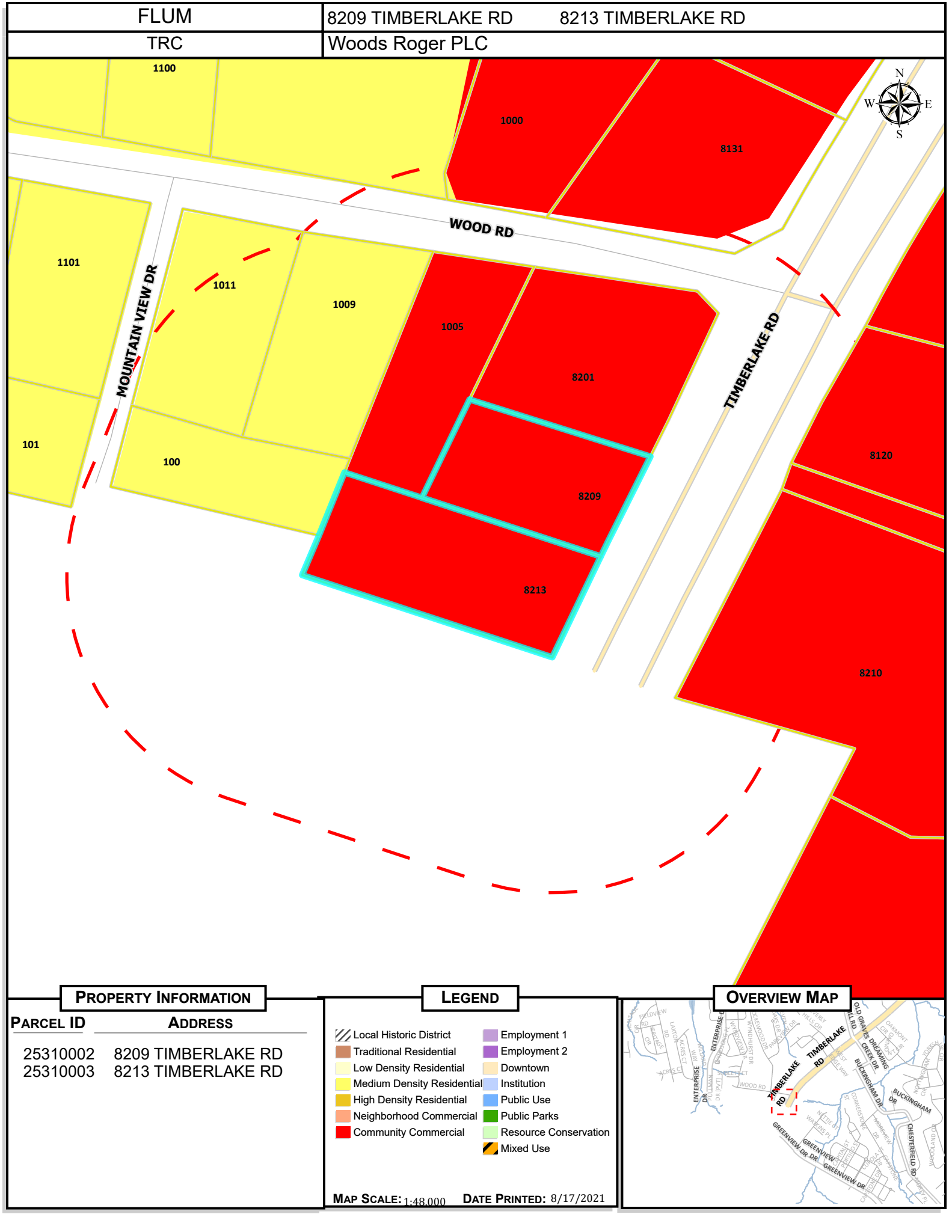


DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

8209 and 8213 Timberlake Rd

Parcel ID	Address	Owner
25303001	1002 WOOD RD	WOOD IF I COULD DEVELOPERS LLC
25303002	1000 WOOD RD	VIA, ANN W
25303004	8131 TIMBERLAKE RD	REALTY INCOME PROPERTIES 21 LLC
25310001	8201 TIMBERLAKE RD	FIVE STARS LLC
25310002	8209 TIMBERLAKE RD	WPXI TIMBERLAKE LLC
25310003	8213 TIMBERLAKE RD	WPXI TIMBERLAKE LLC
25310004	1005 WOOD RD	VEST, DIANE S
25310005	1009 WOOD RD	LLOYD, CHRISTOPHER L SR
25310006	1011 WOOD RD	MIKLAS, GEORGE W & JODI L
25310007	100 MOUNTAIN VIEW DR	BRADLEY, CAROL A TRS
26313005	8210 TIMBERLAKE RD	NUEVO JALISCO INC INC
26313006	8204 TIMBERLAKE RD	FOUR AMIGOS INC
26313007	8120 TIMBERLAKE RD	BURTON, JOHN W TRS

VDOT LYNCHBURG DISTRICT OFFICE
COUNTY ADMINISTRATOR FOR CAMPBELL COUNTY



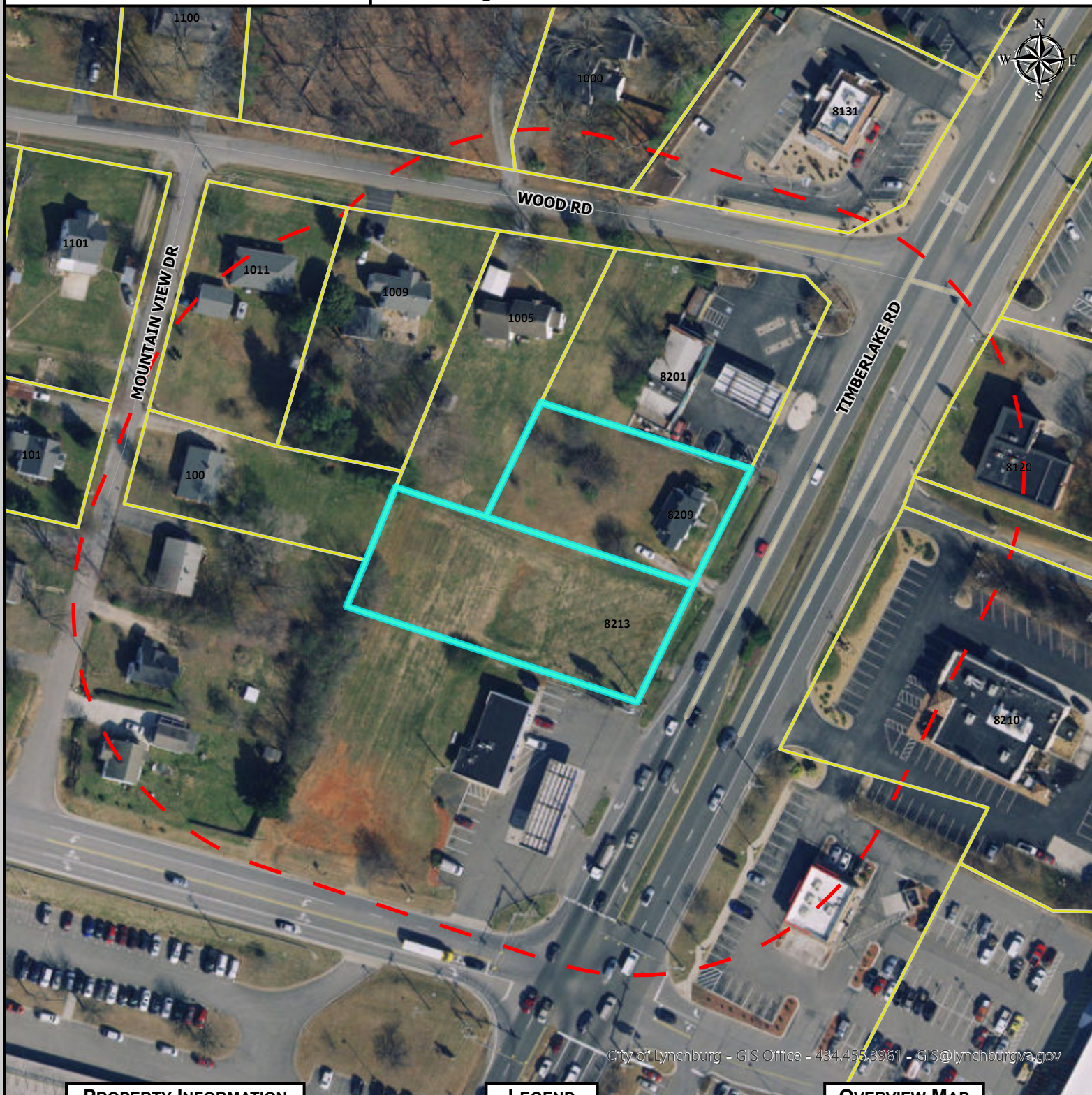
Watershed

8209 TIMBERLAKE RD

8213 TIMBERLAKE RD

TRC

Woods Roger PLC



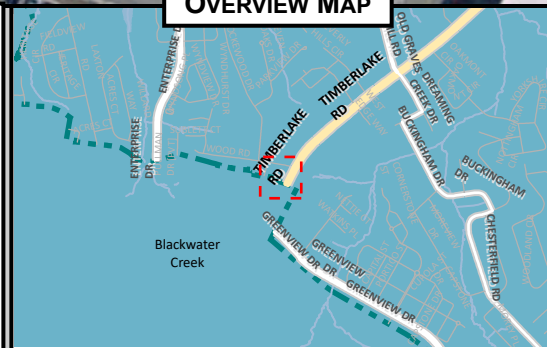
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25310002	8209 TIMBERLAKE RD
25310003	8213 TIMBERLAKE RD

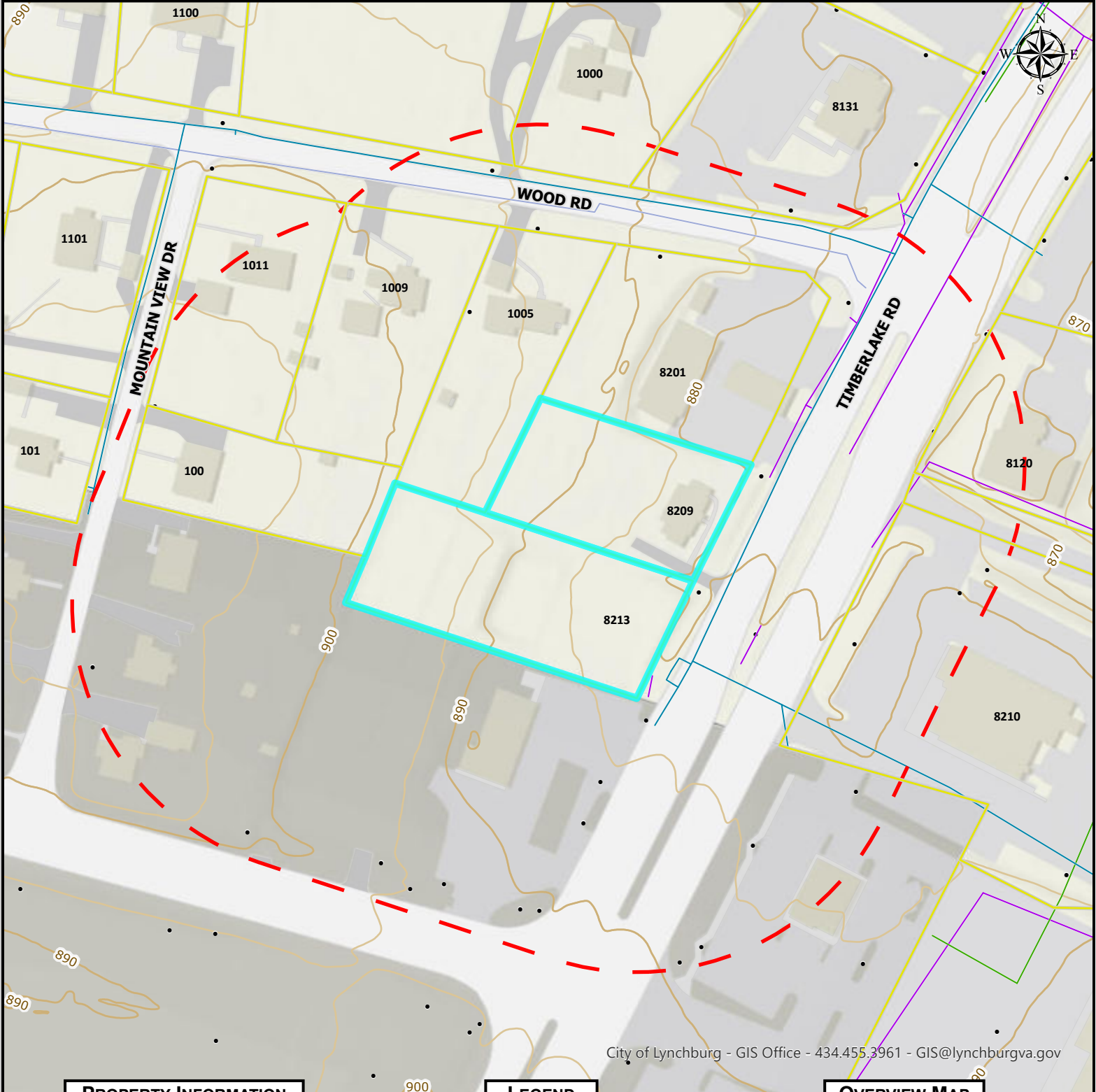
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 8/17/2021



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID	ADDRESS
25310002	8209 TIMBERLAKE RD
25310003	8213 TIMBERLAKE RD

LEGEND

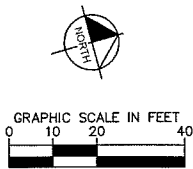
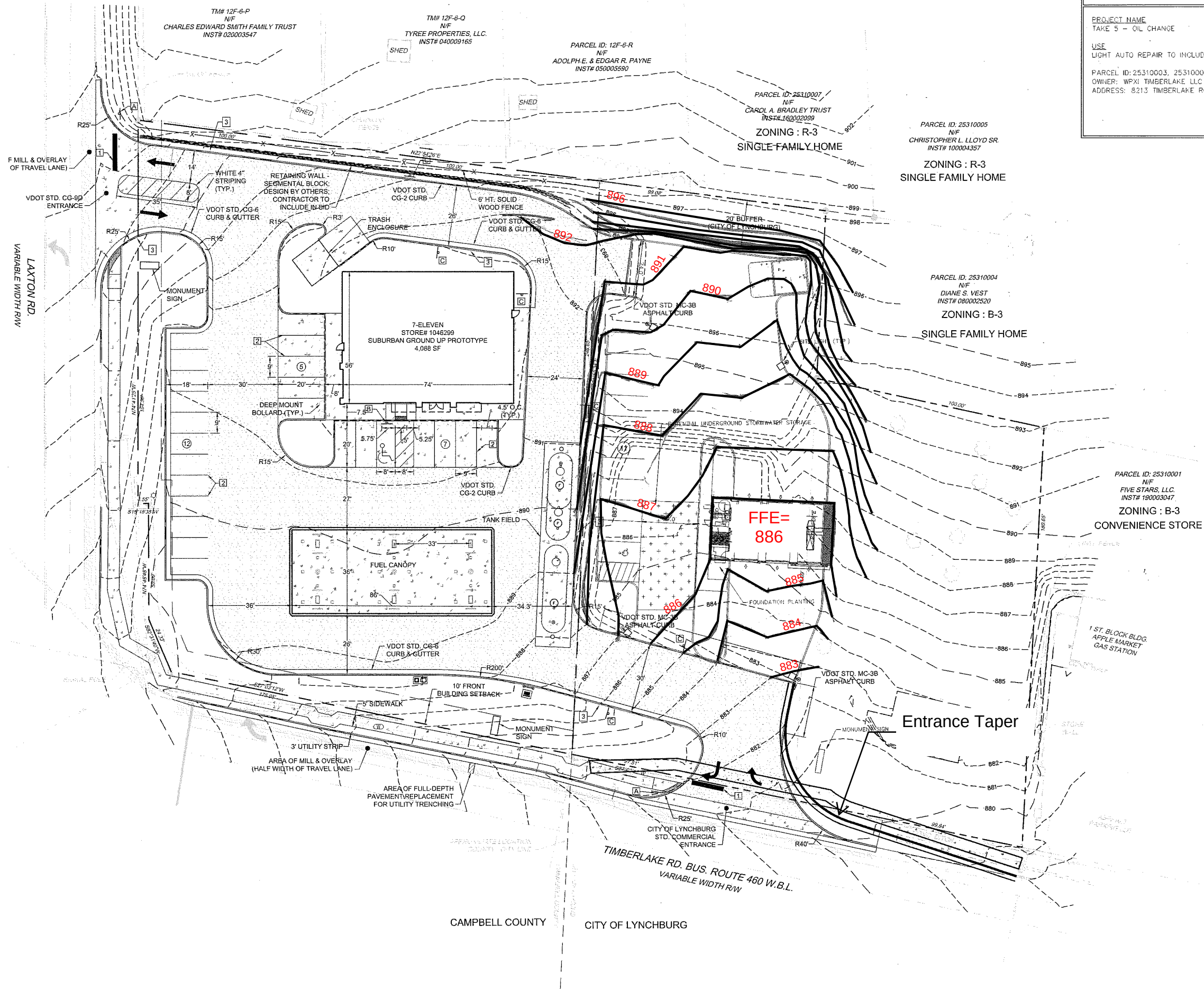
	Active	Proposed	Abandoned
Utilities	Water		
	Sanitary		
	Storm		
Planimetrics	Paved	Unpaved	Other
	Structure		
	Roadway		
	Parking		
	Sidewalk		
Topography	Contour		
	100'	20'	5'
	50'	10'	1'

OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 8/17/2021

CITY OF LYNCHBURG B-3 ZONING DISTRICT REGULATIONS	
PROJECT NAME	TAKE 5 - OIL CHANGE
USE	LIGHT AUTO REPAIR TO INCLUDE OIL CHANGE
PARCEL ID: 25310003, 25310002	
OWNER: WPXI TIMBERLAKE LLC	
ADDRESS: 8213 TIMBERLAKE ROAD, 8209 TIMBERLAKE ROAD	





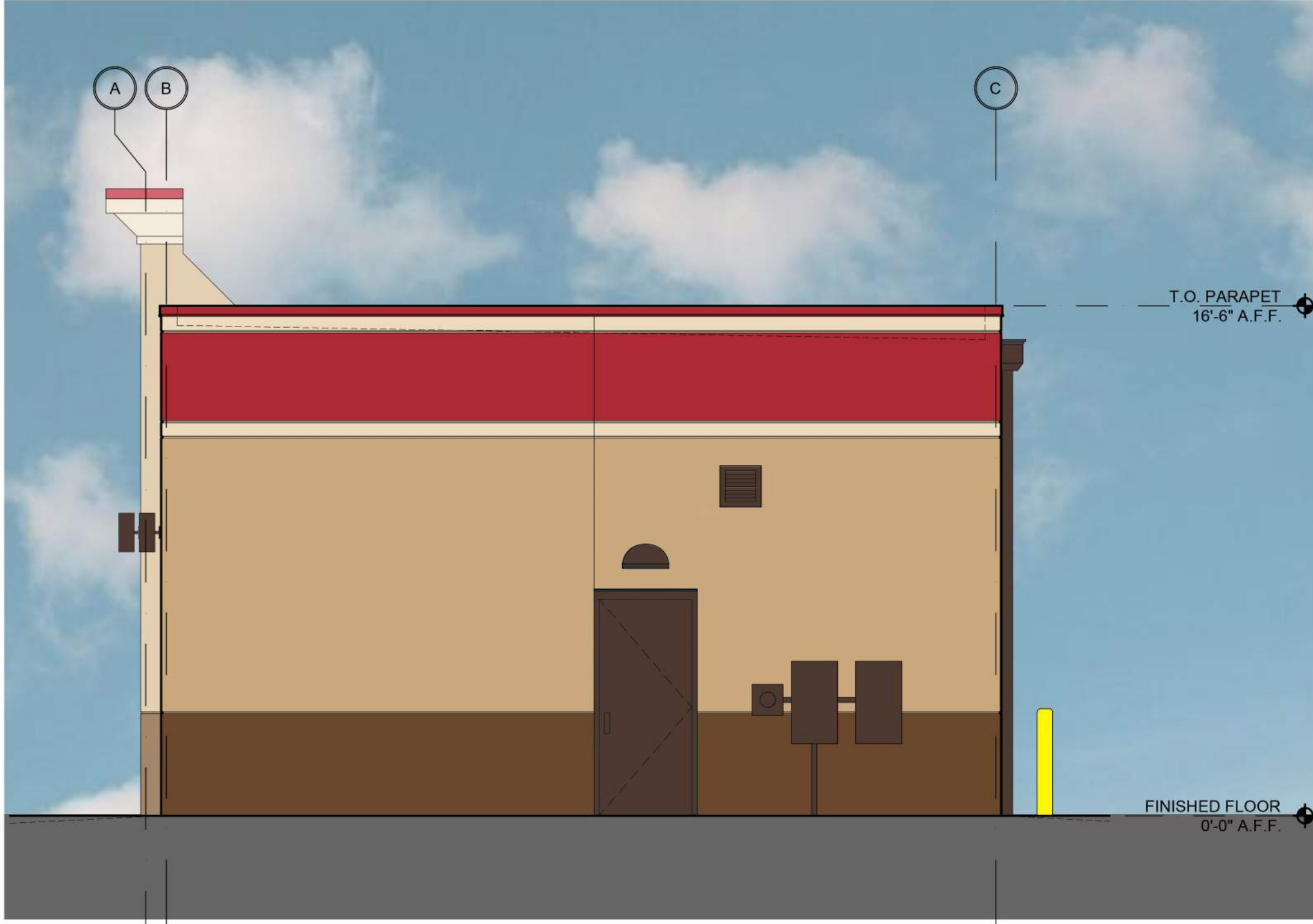
1 SOUTH ELEVATION
Scale: 1/4"=1'-0"



2 EAST ELEVATION
Scale: 1/4"=1'-0"

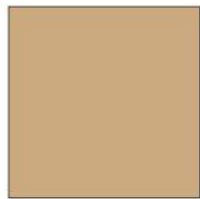


3 NORTH ELEVATION
Scale: 1/4"=1'-0"



4 WEST ELEVATION
Scale: 1/4"=1'-0"

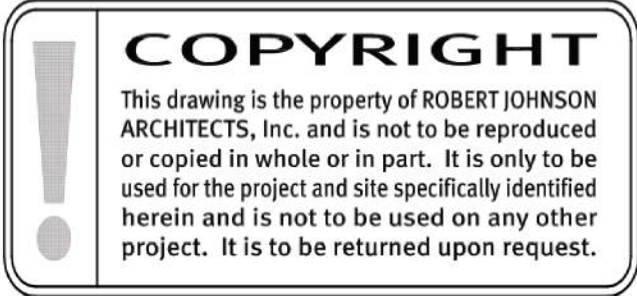
MATERIALS LEGEND

	PREFINISHED ROOF DRAIN, SCUPPER, DOWNSPOUT, ENTRY DOOR. COLOR TO MATCH SW 6076 TURKISH COFFEE		E.I.F.S. WAINSCOT. COLOR TO MATCH SW 6097 STURDY BROWN		E.I.F.S. MAIN COLOR. COLOR TO MATCH SW 7693 STONEBRIAR		E.I.F.S. ACCENT BAND, E.I.F.S. BRACKETS. COLOR TO MATCH SW 7678 COTTAGE CREAM		E.I.F.S. SECONDARY COLOR, METAL COPING. COLOR TO MATCH SW 6871 POSITIVE RED
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TAKE 5 - FREDERICKSBURG, VA

PROPOSED ELEVATIONS - RJa Project #2137 - 05/04/2021

****NOTE:** THESE ELEVATIONS ARE PRELIMINARY USE ONLY AND SHALL NOT BE USED FOR FINAL PRICING, PERMITTING, CONSTRUCTION OR AS AN EXHIBIT IN ANY OFFICIAL AGREEMENTS. NOTE STRUCTURAL COLUMN LOCATION IS TO BE DETERMINED. WINDOW AND DOOR LOCATIONS SHOWN ARE PRELIMINARY AND SUBJECT TO CHANGE.



ROBERT JOHNSON
architects

1808 West Morehead St.
Charlotte, NC 28208
T 704 / 342.1058
E info@rjarchitects.com

Take 5 Oil Change – CUP2108-0001

Quick Lube of Carolina Timberlake, LLC

Conditional Use Narrative

The following provides a general overview of the proposal for the applicant to operate a Take 5 oil change business on the property:

Use

A drive-thru oil change business is proposed. Services provided include changing engine oil and filters (oil, cabin, engine air), checking under hood fluids and replenishing these fluids as needed, filling tires with air, replacing wiper blades, and providing coolant exchange. Service times are approximately ten (10) minutes per vehicle. Patrons remain in their vehicles during servicing. Such use is classified as light automobile repair, necessitating a conditional use permit in the B-3 District.

Facility

An approximately 1,450 square foot building containing three (3) service bays is proposed.

Access

Vehicular access to the facility will be provided from both Timberlake Road and Laxton Road. The Take 5 store is part of a small center where the other use is a 7-11 convenience store whose site plan includes accesses on Timberlake Road and Laxton Road that the City has already approved. When it approved the 7-11 site plan, the City did not require a turn lane or taper for the Timberlake access. Because, reflected in the Traffic Analysis submitted, the trips per day associated with the Take 5 store are only 100 for the entire day, Take 5 is not proposing to install any additional turn lane or taper for its right in, right out access on Timberlake Road, as the additional trips do not warrant an expansion of a turn lane.

Hours/Days of Operation

The business is planned to be open to the public from 7 a.m. to 7 p.m. Mondays through Fridays, from 8 a.m. to 6 p.m. on Saturdays, and from 9 a.m. to 5 p.m. on Sundays.

Employees

Generally, seven (7) employees would be on the site at any given time, to include a manager, an assistant manager, and four to five team members.

Stormwater Management

It is expected that stormwater would be collected in ground.

Drainage would be through an oil-grit separator.

As part of the operation, all vehicle fluids would be collected in sliding drain pans located in pits below each vehicle. Contents of the pans would be vacuumed into an above ground oil tank designed and consistent with regulations and accepted industry standards.



03/05/2021

**Take 5 Oil Conditional Use Permit
8209 and 8213 Timberlake Road
September 22, 2021**

PLEASE PRINT CLEARLY

[illegible]

TECHNICAL MEMORANDUM

Project: **Traffic Analysis – Trip Generation, Distribution, and Turn Lane Warrant for 8213 Timberlake Road**
Date: September 16, 2021
To: Lee Newland, City of Lynchburg
From: Kimley Horn and Associates
Mr. David Capparuccini, P.E. PTOE
Heather Madden, EIT

Introduction

This memorandum has been prepared to summarize the results of trip generation and turn lane warrant analysis for the proposed Take 5 oil change facility along Business US Route 460 (Timberlake Road) in Lynchburg, VA, and the trip generation for the adjacent under-construction gasoline station. The proposed development will include a one-story approximately 1,400 square foot quick lubrication vehicle stop building. The under-construction gas station is approximately 4,088 square feet. The proposed development will be constructed on a parcel that is shared with a gas station and is adjacent to an existing residential home. Access to the site is provided via a proposed right-in-right-out (RIRO) entrance along US Route 460 (Timberlake Road) and a proposed full access entrance along Laxton Road. A conceptual site plan is included in **Appendix A**. The following sections summarize the anticipated vehicle trips generated by the proposed site and the turn lane warrant analysis for the proposed site.

Trip Generation

Traffic generation potential for the proposed development was estimated using ITE Trip Generation Manual 10th Edition (2017). Based on the intended use of each space, the most appropriate land use type available in the ITE Trip Generation Manual was considered to estimate proposed trips generated by the site. The land-use type considered in this analysis is Quick Lubrication Vehicle Shop (LU 941)

The resulting trip generation potential for the proposed development and the under-construction gas station is summarized in **Table 1**. The under-construction gasoline station is estimated to generate 4,918 daily trips, 346 trips in the AM peak hour and 447 trips in the PM peak hour. The proposed development generates 100 trips daily, 8 trips in the AM peak hour and 12 trips in the PM peak hour.

Table 1 - Trip Generation

Description	ITE Code	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Quick Lubrication Vehicle Shop	941	1,432 sf	100	8	6	2	12	5	7
Total Proposed Site Trips			100	8	6	2	12	5	7
Under-construction Gasoline/Service Station	944	4,088 sf	4,918	346	173	173	447	224	223

Source: ITE Trip Generation Manual, 10th Edition

Site Traffic Distribution and Assignment

The directional distribution and assignment of trips generated by the proposed development were established based on existing AM and PM peak hour traffic counts, surrounding traffic patterns and land uses.

There is one access entrance along Business US Route 460 and one access entrance along Laxton Road that provides access to the proposed development. It was assumed that 75% of the generated trips will use the RIRO access entrance along Business US Route 460. The remaining 25% of the generated trips will use the access entrance along Laxton Road. For the purposes of this study, it was assumed that all trips will take an eastbound left from Laxton Road to access the proposed development. Trip distribution and assignment figures are included in **Appendix B**.

Turn Lane Warrant Analysis

Right-turn lane warrant analysis was conducted for the proposed RIRO entrance along Business US Route 460. The turn lane warrant analysis was conducted in accordance with the right-turn lane warrants in Appendix F of the VDOT Road Design Manual for four-lane highways. The turn lane warrant used the highest turning volume of the AM or PM peak hours using the ITE Trip Generation traffic volumes and the VDOT 2018 traffic counts along Business US Route 460. According to the right-turn lane warrant analysis for four-lane highways, there is no right turn lane warranted on Business US Route 460 as part of this project development, primarily due to low generated approach volume along Business US Route 460.

The under-construction gasoline station traffic generates 346 trips in the AM and 447 trips in the PM which would warrant a right-turn lane into the site. Business US Route 460 roadway has approximately a 10 feet shoulder-width adjacent to the proposed development that could be restriped as a taper-only turn lane. It is recommended that a right-turn taper only be striped due to the roadway characteristics and the addition of the proposed Take 5 development near the under-construction

gasoline station. The right-turn taper will help move traffic going to the Take 5 and the gasoline station from Business US Route 460.

A left-turn lane warrant analysis was conducted for the proposed full access entrance on Laxton Road. The volume of left turning vehicles is 1 vehicle during both the AM and the PM peak hours. The left-turn lane warrant analysis graphs are not applicable in this scenario, primarily because the percent of volume turning left is so low. Therefore, a left-turn lane is not warranted. It is recommended to restripe Laxton Road to have a two-way left-turn lane due to safety considerations in the surrounding area. The results of the turn lane analyses are summarized in **Table 2**.

Table 2 - Summary of Turn Lane Warrant Analysis

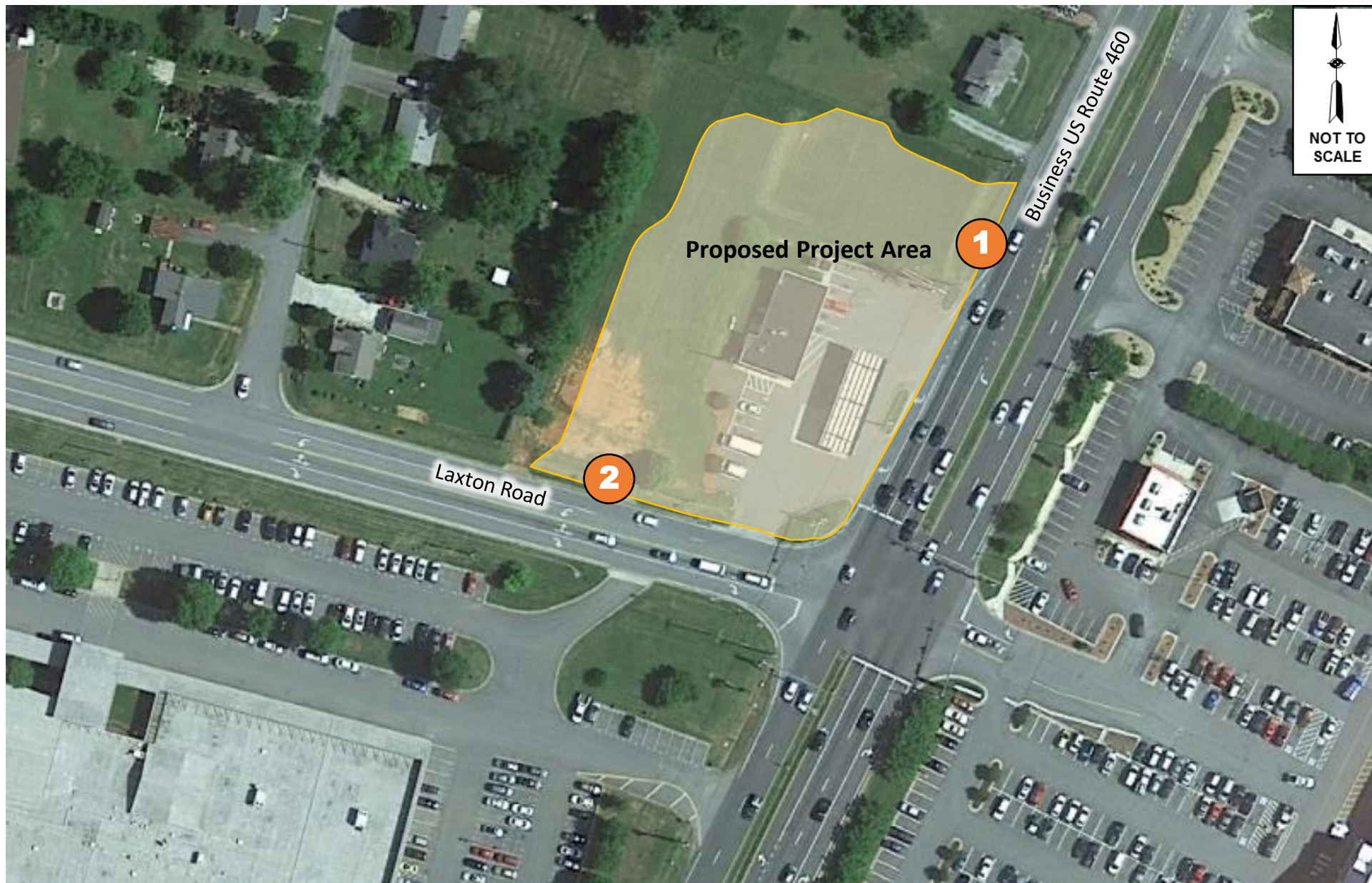
Intersection	Turn Lane	Highest Peak Hour	Treatment Required
US Route 460 Access	SBR	PM	No Treatment Required, Taper Recommended
Laxton Road	EBL	PM	No Treatment Required

SUMMARY OF ANALYSIS RESULTS

The proposed Take 5 oil change facility development located along Business US Route 460 in Loudon County; Virginia is projected to generate 100 new daily trips. The proposed service development will be constructed on a parcel that will be shared with a gas station and is adjacent to an existing residential home.

The right-turn lane warrant analysis found that a right-turn lane is not warranted on Business US Route 460 based on the proposed development traffic, although a right-turn taper is recommended based on the surrounding area usage. The left-turn lane warrant analysis found that the left-turn lane warrant analysis graphs are not applicable in this scenario, primarily because the percent of volume turning left is so low. Therefore, a left-turn lane is not warranted. It is recommended to restripe Laxton Road to have a two-way left-turn lane due to safety considerations in the surrounding area.

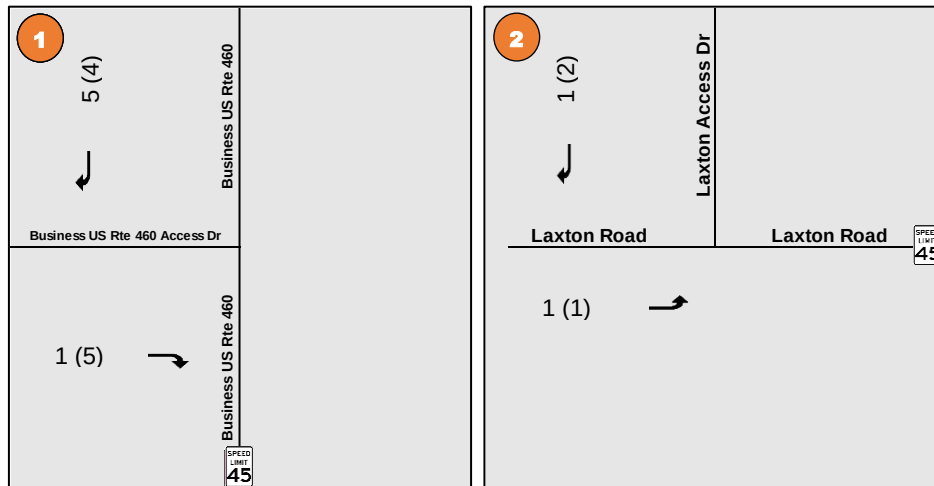
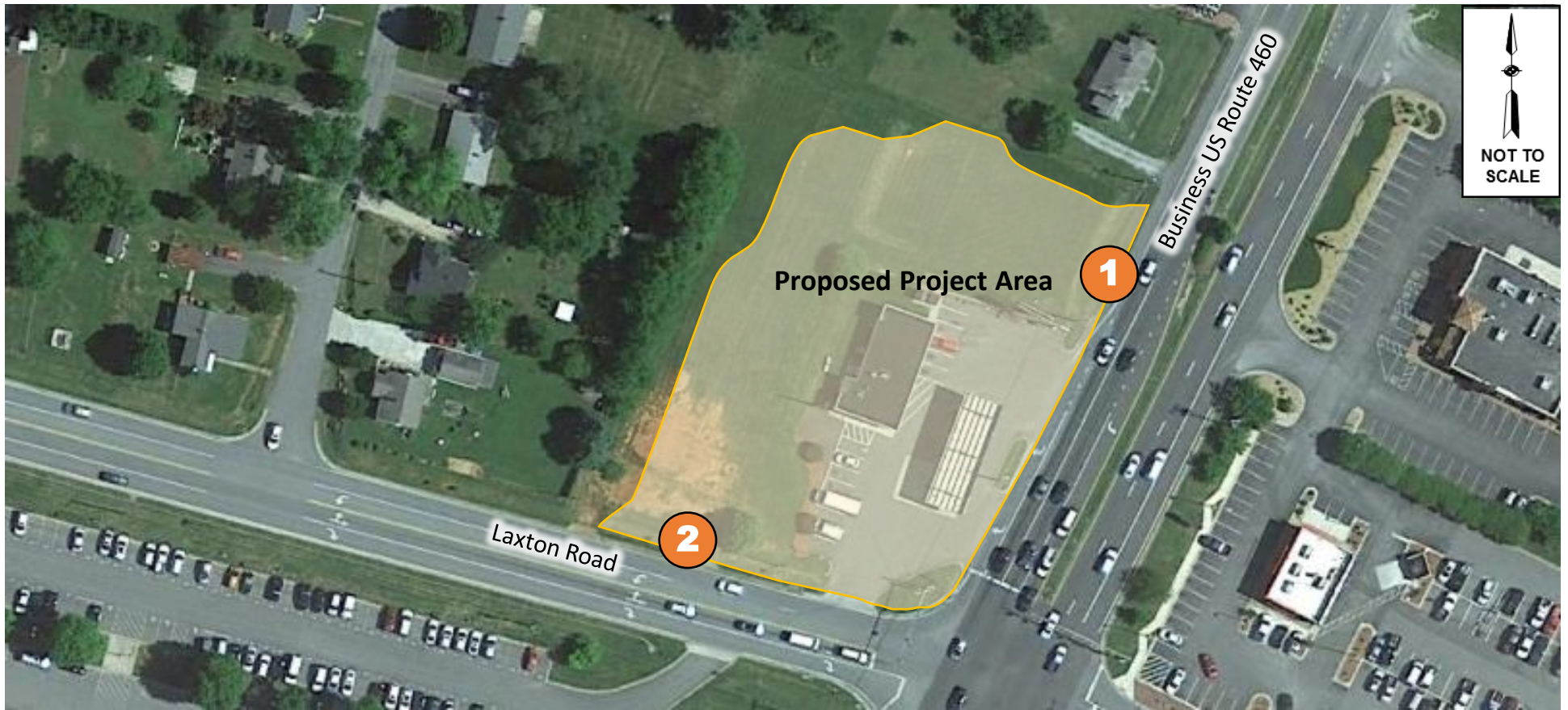
APPENDIX A



Legend

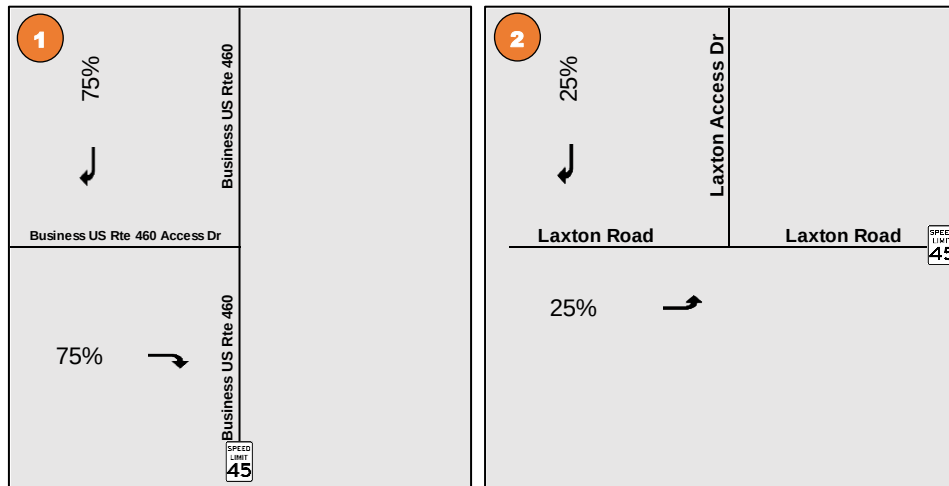
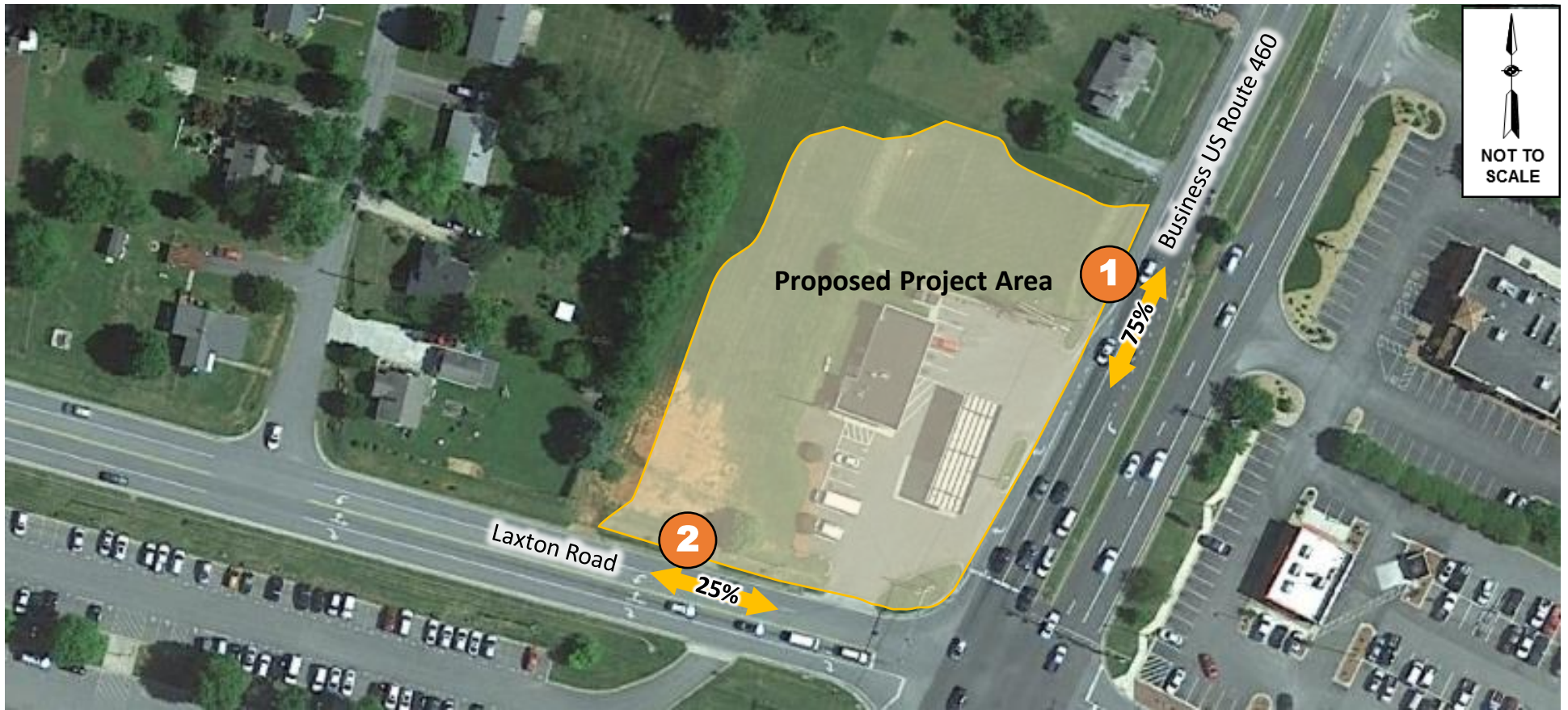
-  Site Location
-  Future Access Drive

APPENDIX B



Legend

- Site Location
- Future Access Drive
- ## AM Peak Hour Volumes
- (##) PM Peak Hour Volumes



Legend

- Site Location
- Future Access Drive
- Directional Distribution Percentage

RESOLUTION:

#R-21-081

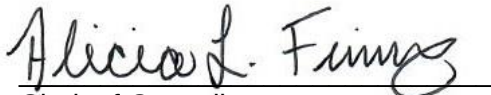
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO QUICK LUBE OF CAROLINA TO ALLOW THE CONSTRUCTION OF AN OIL CHANGE FACILITY IN A B-3, COMMUNITY BUSINESS DISTRICT LOCATED AT 8209 & 8213 TIMBERLAKE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Quick Lube of Carolina to allow the construction of an oil change facility in a B-3, Community Business District located at 8209 & 8213 Timberlake Road is hereby approved subject to the following conditions:

1. Development of the property shall be in substantial compliance with the concept plan prepared by Kimley Horn, dated September 16, 2021 entitled "Take 5 Timberlake Road Concept Plan."
2. The building shall be generally consistent with the elevations prepared by Robert Johnson architects, dated May 4, 2021.

Adopted: November 9, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – 12th Street Apartments, I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District, 1619, 1701 12th Street & 1114 Buchanan Street

RECOMMENDATION: Approval of the rezoning from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District.

SUMMARY: Stud Muffins, LLC is petitioning to rezone 1619, 1701 12th Street & 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District. If approved the existing building would be renovated into twenty-four apartments with associated parking.

PRIOR ACTION(S):

September 22, 2021

The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the rezoning petition.

The Planning Division recommended approval of the rezoning petition.

FISCAL IMPACT:

Increased real estate value to be determined upon construction completion.

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Director Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – September 22, 2021
- Planning Commission Packet – September 22, 2021
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

127A

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1619 12TH STREET, 1701 12TH STREET AND 1114 BUCHANAN STREET FROM I-2, LIGHT INDUSTRIAL DISTRICT, B-5, GENERAL BUSINESS DISTRICT & R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT TO B-4, URBAN COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 1619 12th Street, 1701 12th Street and 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District.

The area embraced within the following boundaries:

1701 12th Street

Beginning at a point located at the north-west corner of the intersection of 12th Street and Buchanan Street; thence S 55°08'31" W a distance of 82.83 feet; thence N 35°07'29" W a distance of 112.90 feet; thence N 55°08'31" E a distance of 82.83 feet; thence S 35°07'29" E a distance of 112.90 feet and the POINT OF BEGINNING.

The above described parcel contains ± 0.21 acres (9351.94 sq. ft.)

1619 12th Street & 1114 Buchanan Street

Beginning at a point located on the north-east corner of the intersection of 12th Street and Buchanan Street; thence N 35°02'42" W a distance of 137.50 feet; thence N 55°27'18" E a distance of 124.00 feet; thence S 35°02'42" E a distance of 27.50 feet; thence S 55°27'18" W a distance of 74.00 feet; thence S 35°02'42" E a distance of 110.00 feet; thence S 55°27'18" W a distance of 50.00 feet and the POINT OF BEGINNING.

The above described parcel contains ± 0.20 acres (8909.66 sq. ft.)

...is hereby changed from I-2, Light Industrial District, B-5, General Business District, & R-3, Medium Density Residential District to B-4, Urban Commercial District.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE SEPTEMBER 22, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Stud Muffins, LLC to rezone approximately four hundred eighteen thousandths (.418) acres located at 1619, 1701 12th Street and 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District and R-3, Medium Density Residential District to B-4, Urban Commercial District to allow the reuse of an existing building as twenty-four apartments with associated parking.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. The property currently contains a four-story building and gravel parking area. The building is approximately twenty thousand (20,000) square feet. It was constructed in 1907, was used for textile production, and a portion of the building is currently being used for a woodworking facility. The building was listed in the state National Register of Historic Places (NRHP) in February 2021. The rezoning allows the redevelopment of the property for twenty-four (24) apartments with twenty-four (24) additional parking spaces. The submitted concept plan shows twenty-four (24) spaces but Mr. Martin noted they may lose a few parking spaces to adhere to City landscaping guidelines. The property is in the City's combined sewer overflow area. However, prior to final site plan approval, documentation will be needed as proof that the existing system is adequate. The Planning division recommends approval.

Chair Rogers asked who was present to speak on behalf of this petition.

Mr. Jamey White of White Engineering and Design, Inc. and Mr. Gordon Cudd of Gordon T. Cudd Construction, Inc. addressed the Commission. The existing building is a five-story building with four (4) apartments on the lower level and five (5) units going up. The lower level will have room for mechanic use. The existing parking lot on the west side is currently gravel. It will be improved and expanded. 1619 12th Street is currently a vacant lot covered with gravel and will also be used for parking. It will be expanded to 1114 Buchanan Street. This plan would provide twenty-four (24) parking spaces. Mr. White noted potential street parking on Buchanan Street. Mr. White stated that this is a great development and fit for the area. It also provides an opportunity for growth and provides a transition between different uses.

Chair Rogers asked if there was anyone else present who wished to speak in favor of the petition. When no one stepped forward, he asked if there was anyone present who wished to speak in opposition of the petition.

Ms. Naomie Toller addressed the Commission. She and her husband own the adjoining property at 1607 12th Street. Ms. Toller asked if these apartments would be Section 8.

Mr. Cudd stated the plan was not to be Section 8 housing.

Mr. Martin stated that the Commission should not consider whether the apartments are low income housing or market rate. The Commission should only consider the land use.

Chair Rogers asked if there was anyone else present who wished to speak in opposition.

Mr. James Crawford addressed the Commission. He lives on Buchanan Street and also owns a house on that side of street. He asked if any houses will be torn down in the near future.

Chair Rogers stated the Planning Commission discusses matters of land use. He also noted that the public forum is used for citizens to bring concerns such as these to officials.

Mr. Crawford asked if they would do away with houses on the left side of the street.

Mr. Martin stated the only matter being discussed today is the proposed rezoning.

Commissioner Perault stated if anyone comes to take a house down and replace it with an apartment building it is very unlikely to be approved.

Chair Rogers stated preservation and reuse is what they typically look at.

Commissioner Perault stated anything being done in the surrounding area would come before them.

Chair Rogers closed the public hearing.

Commissioner Light stated he was excited about positive activity in this area and noted the approvals that have already occurred that have had desirable outcomes.

Mr. Cudd noted this is a tax credit project so the historical integrity will remain intact.

Chair Rogers asked the difference between pavement surface and gravel surface.

Mr. White stated in terms of stormwater the two surfaces are considered impervious and they would be verifying the adequacy of the existing piping.

Commissioner Perault asked which parking areas might lose spots due of landscaping.

Mr. Martin displayed the spaces and stated that in the final plan adequate spacing will be noted.

Mr. White noted it was a tight space but they will do all the landscaping required. Landscaping may be located elsewhere to meet the requirements.

Chair Rogers asked if the parking area to northeast is used by the community or under rent.

Mr. White stated the auto facility next door has a verbal agreement to use that lot.

Commissioner Marion asked if they would expand the parking lot to the right of building.

Mr. Cudd stated it was not wide enough to do that.

Chair Rogers noted the parking lot would be extended into grass.

Commissioner Perault stated it was a great project and he was excited for this type of work. He stated he would like to see any safety issues are addressed such as pedestrian traffic/pedestrian crossing.

Mr. Martin stated they could talk with the City Engineer to see if it would be warranted.

Mr. White stated they will provide safe and adequate crossing.

Chair Rogers stated he was excited about this project progressing and hopes for other opportunities like this.

Mr. White stated all of the projects he is working on like this have been successful.

Commissioner Perault asked if there was an elevator or plans for one.

Mr. Cudd replied there will be an elevator.

Commissioner Light stated Mr. Cudd's recent project, the rooftop bar and restaurant, was a marvelous job and praised his work.

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

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition Stud Muffins, LLC to rezone approximately four hundred eighteen thousandths (.418) acres located at 1701, 1619 12th Street, and 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District and R-3, Medium Density Residential District to B-4, Urban Commercial District."

AYES:	Johnson, Light, Lowe, Marion, Perault, and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden	1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: September 22, 2021
Re: **Rezoning: 1701, 1619 12th Street, 1114 Buchanan Street – I-2, Light Industrial District, B-5, General Business District and R-3, Medium Density Residential District to B-4, Urban Commercial District**

I. PETITIONER

Stud Muffins, LLC, 4225 Murray Place, Lynchburg, Virginia 24501

Representative: Jamey White, PE, White Engineering & Design, Inc., P.O. Box 1334, Forest, Virginia 24551

Property Owner: Same as petitioner

II. LOCATION

The area is approximately four hundred eighteen thousandths (0.418) acres located at 1619, 1701 12th Street and 1114 Buchanan Street.

III. PURPOSE

The purpose of the rezoning is to allow the redevelopment of the property for residential apartments with associated parking.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends a Community Commercial use for 1701 12th Street. Neighborhood Commercial use is recommended for 1619 12th Street and 1114 Buchanan Street.
- The proposed rezoning is located within the 12th Street Revitalization Area as identified in the City's *Comprehensive Plan 2013-2030*.
- If approved, the building at 1701 12th Street would be renovated for twenty-four (24) residential apartments. Twenty-four (24) off-street parking spaces would be provided.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Community Commercial use for 1701 12th Street. Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings.

The *Future Land Use Map (FLUM)* recommends a Neighborhood Commercial use for 1619 12th Street and 1114 Buchanan Street. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (p. 75-76)

The property is also located within the 12th Street Revitalization Area. These areas consist of the City's older commercial areas that have experienced decreased vitality, following patterns of change common to older commercial areas in many cities. Revitalization Areas are targeted based on factors such as high vacancy rates, building obsolescence, proximity to residential areas underserved by retail, traffic, land use conflicts and historic character. (p. 62)

Both proposed land use categories, Neighborhood Commercial and Community Commercial would support the proposed residential use either as part of a mixed-use structure or transitional structure between residential and commercial buildings. The use of the existing building as apartments would help to transition the commercial uses located along 12th Street to the residential uses located north on Buchanan Street.

2. **Zoning.** The subject properties were annexed into the City 1870. The existing zoning districts (I-2, Light Industrial District, B-5, General Business District and R-3, Medium Density Residential District) were established in 1978.
3. **Proffers.** The petitioner has not submitted proffers.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 22, 1987, Council approved the conditional use permit (CUP) petition of Free Clinic of Central Virginia, Inc. to allow a health clinic in an existing church building at 1022 Floyd Street.
 - On September 8, 1987, Council approved the rezoning petition of Lynchburg Covenant Fellowship to rezone 1402 Fillmore Street from R-3, Two-Family Residential District to R-4, Multi-Family Residential District to allow the operation of a thirteen (13) apartment residential care center.
 - On September 8, 1987, Council approved the petition of Lynchburg Covenant Fellowship for a CUP to allow a residential care center for the mentally handicapped at 1402 Fillmore Street
 - On August 8, 1995, Council approved the rezoning petition of Virgil Naff, Jr. to rezone 1805 12th Street from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow retail sales, storage and repair service.
 - On June 13, 2000, Council approved the petition of Smyrna Seventh Day Adventist for a conditional use permit to allow a temporary tent revival at 902-904 Floyd Street.
 - On January 8, 2007, Council approved the rezoning petition of HROK, LLC to rezone 1401, 1405, 1415, 1417 and 1501 Kemper Street from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to amend previously approved proffers related to a cluster commercial development.
 - On January 8, 2007, Council approved the petition of HROK, LLC, for a conditional use permit to amend a previously approved cluster commercial development at 1401, 1405, 1415, 1417 and 1501 Kemper Street.
 - On February 13, 2007, Council approved the rezoning petition of Lynchburg Neighborhood Development Foundation to rezone 1402 Fillmore Street from R-4, Multi-Family Residential District (Conditional) to R-4, Multi-Family Residential District (Conditional) to amend previously approved proffers.

- On August 14, 2007, Council approved the petition of HROK, LLC, for a conditional use permit (CUP) to allow a cluster commercial development at 1401, 1405, 1415, 1417 and 1501 Kemper Street.
- On August 14, 2007, Council approved the rezoning petition of HROK, LLC to rezone 1401, 1405, 1415, 1417 and 1501 Kemper Street from I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow a cluster commercial development.
- On May 12, 2009, Council approved the rezoning petition of Cameron Lofts, LP to rezone 1300 Campbell Avenue from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the use of an existing building for sixty-two (62) apartments.
- On January 12, 2010, Council approved the (CUP) petition of Jennings Dorm, LLC, to allow one hundred and seven (107) apartments in an existing building at 1300 Campbell Avenue.
- On October 11, 2011, City Council approved the petition of Come As You Are Ministries to rezone 1713 12th Street and 1110 Kemper Street from I-2, Light Industrial District to B-3, Community Business District to allow the use of an existing building as a church and child care facility.
- On May 9, 2017, City Council denied the petition of Rose T. Properties rezone 1223 Fillmore Street from R-3, Medium Density Residential District to R-4, High Density Residential District to allow four (4) apartment units.

6. Site Description. The property currently consists of approximately four hundred eighteen thousandths (0.418) acres located at 1619, 1701 12th Street and 1114 Buchanan Street.

1701 12th Street contains a four-story industrial building. The building was constructed in 1907 and contains twenty thousand (20,000) square feet. The building was constructed as the DeWitt-Wharton Building and was historically used for textile production. A portion of the building is currently being used as a woodworking business, which would relocate if the rezoning is approved. The building was listed on the State & National Register of Historic Places on February 18, 2021. A gravel parking lot is also on the site.

1619 12th Street contains a gravel parking lot.

1114 Buchanan Street is currently vacant.

- 7. Proposed Use of Property.** If the rezoning is approved, the building at 1701 12th Street would be renovated for twenty-four (24) residential apartments with associated parking
- 8. Traffic, Parking and Public Transit.** The B-4, Urban Commercial District does not require off-street parking spaces. The petitioner has indicated that ten (10) parking spaces would be provided at 1701 12th Street and fourteen (14) would be provided at 1619 12th Street and 1114 Buchanan Street, for a total of twenty-four (24) off-street parking spaces.

The City Engineer did not require a traffic study for the reuse of the existing building.

The property is served by Greater Lynchburg Transit Company Routes 1A, 1B and 3A. There are two (2) bus stops located within one block of the proposed development. One to the north at 1020 Buchanan Street and the other to the south at 1620 13th Street. The area is connected by sidewalks.

- 9. Stormwater Management.** An erosion & sediment control plan will be required if disturbed areas exceed one thousand (1000) square feet. The proposed development is located in the Lynchburg Combined Sewer Overflow (CSO) area and would be exempt from Stormwater Management quantity and quality requirements. Adequate capacity of the system will need to be demonstrated prior to final site plan approval.

10. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.
11. **Impact.** The proposed adaptive reuse of the existing building as twenty (24) apartments should have little to no negative impact on the area. As stated in the City's Comprehensive Plan, areas recommended for Neighborhood and Community Commercial Uses may have residential uses to serve as a transition to adjacent residential areas.

One area of concern is the parking area expansion located at 1619 12th Street & 1114 Buchanan Street. As proposed the parking lot would remove cross access with the lot located at 1617 12th Street. This will result in vehicles using this lot to do turning maneuvers in the lot to exit onto 12th Street. Both parking lots do not appear to have been designed to leave the space for shade trees required by the Landscaping Ordinance. This issue will need to be addressed prior to final site plan approval and may result in the loss of parking spaces; however, on-street parking is available along Buchanan Street.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on August 17, 2021. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition Stud Muffins, LLC to rezone approximately four hundred eighteen thousandths (.418) acres located at 1701, 1619 12th Street, and 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District and R-3, Medium Density Residential District to B-4, Urban Commercial District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Jamey White, P.E.
Stud Muffins LLC

VII. ATTACHMENTS

1. Zoning Map with Adjoining Property Owners
2. Future Land Use Map
3. Watershed Map

- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Property Photographs**

Zoning

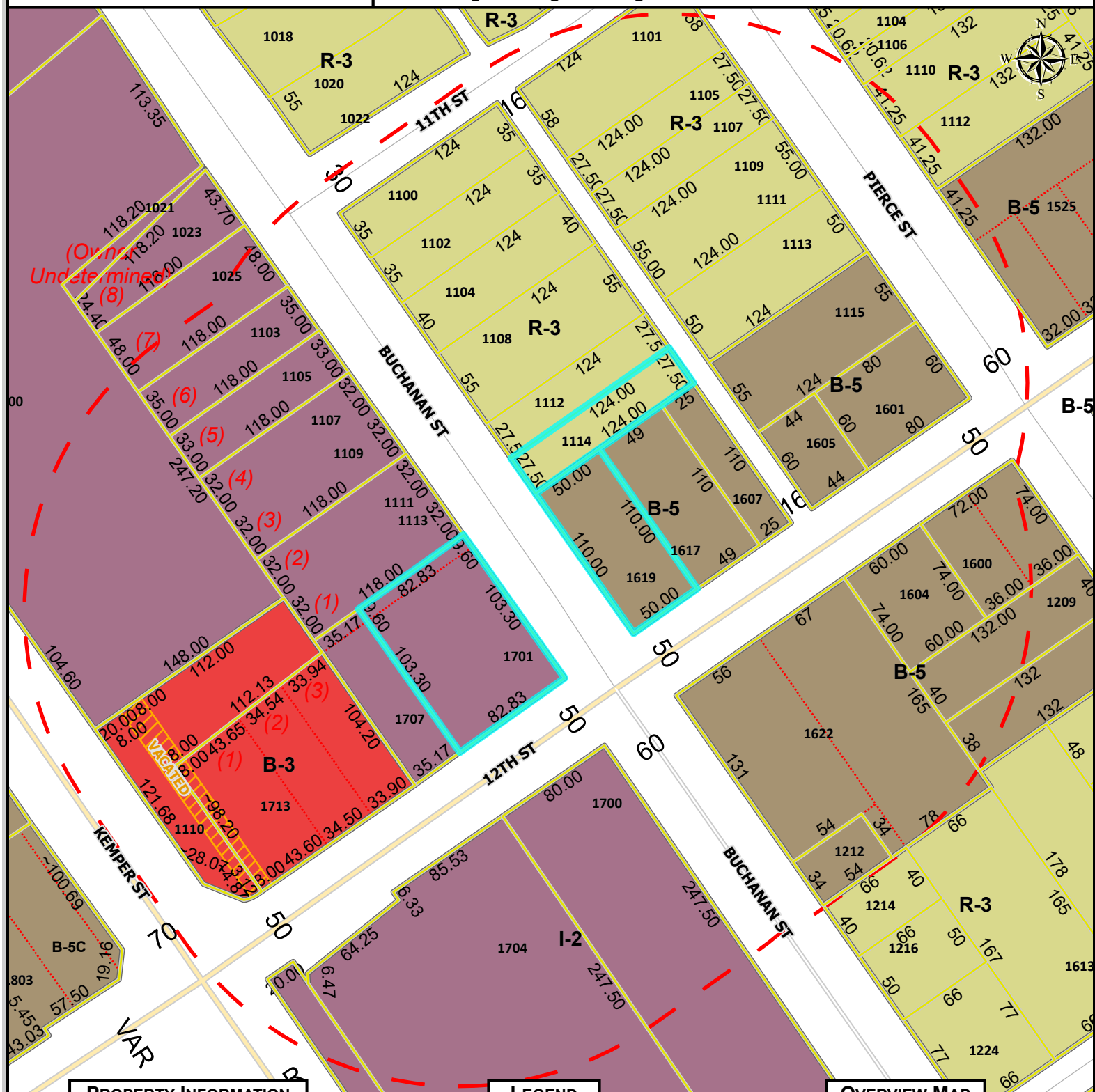
TRC

1619 12TH ST

1114 BUCHANAN ST

1701 12TH ST

White Engineering & Design



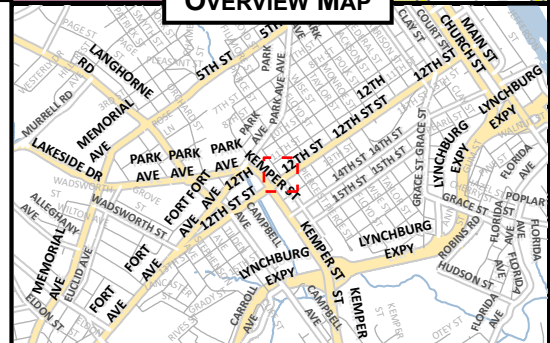
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01049010	1619 12TH ST
01049011	1114 BUCHANAN ST
01057008	1701 12TH ST

LEGEND

	Subject Property
	215 Foot Buffer
	B-1
	B-3
	B-4
	B-5
	R-C
	I-1
	I-2
	I-3
	IN-1
	IN-2
	R-1
	R-2
	R-3
	R-4

OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 8/11/2021

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.

1619/1701 12th Street and 1114 Buchanan Street

Parcel ID	Address	Owner
01057003	1025 BUCHANAN ST	ALFRED MARSHALL CRAWFORD LLC
02601011	1700 12TH ST	AMERICAN INVESTMENT PROPERTIES LLC
01057009	1707 12TH ST	BATEMAN, JUANITA DELORES
01048013	1106 PIERCE ST	BATES-ABBOTT, MARY
01049006	1601 12TH ST	CAMPBELL, CLYDE E
01049005	1115 PIERCE ST	CAMPBELL, CLYDE E
01048007	1525 12TH ST	CAMPBELL, CLYDE E & CONNIE W
01049015	1102 BUCHANAN ST	CENTRAL CITY HOMES LP
02601001	1200 KEMPER ST	CITY OF LYNCHBURG
01049016	1100 BUCHANAN ST	CRAWFORD, JAMES M
01049003	1109 PIERCE ST	DOMINION REALTY LLC
02602015	1214 BUCHANAN ST	EDLEY, CAROLYN L
02602003	1604 12TH ST	FAIZAN & DANYAL
02602004	1600 12TH ST	FAIZAN & DANYAL
02602012	1613 13TH ST	FARROW, WAYNE A
01049014	1104 BUCHANAN ST	FOSTER, DORA M S
01049013	1108 BUCHANAN ST	FOWLER, CIERRA
02602001	1622 12TH ST	GARDNER, BARBARA
01057004	1103 BUCHANAN ST	HAMLET, JACQUELINE E
01049007	1605 12TH ST	HICKS REALTY & DEVELOPMENT LLC
01049002	1105 PIERCE ST	HINES, EDWIN E
01057005	1105 BUCHANAN ST	JONES, EDWARD D SR & CLARA M
01057010	1713 12TH ST	MORRIS PROPERTY MANAGEMENT LLC
01057030	1110 KEMPER ST	MORRIS PROPERTY MANAGEMENT LLC
02602006	1209 PIERCE ST	NE HOLDINGS LLC
01057011	1100 KEMPER ST	NICHOLS, JOHN F & PATRICIA H
01048012	1110 PIERCE ST	PARRISH, LARRY P & JOYCE H
01049004	1113 PIERCE ST	REEVES, DALLAS
01049001	1101 PIERCE ST	REEVES, DALLAS
01049012	1112 BUCHANAN ST	REID, PHILICIA W
01048011	1112 PIERCE ST	SAMPSON, JEREMIAH & FLAHERTY, REAGAN
01049017	1107 PIERCE ST	SPAIN ENTERPRISES LLC
01049010	1619 12TH ST	STUD MUFFINS LLC
01049011	1114 BUCHANAN ST	STUD MUFFINS LLC
01057008	1701 12TH ST	STUD MUFFINS LLC
01049008	1607 12TH ST	TOLER, RUSSELL E & NAOMI M
01049009	1617 12TH ST	TOLER, RUSSELL E & NAOMI N
02601010	1704 12TH ST	TRENT, GLENN A SR &
02602007	1211 PIERCE ST	VAZQUEZ, JOSE DEL CARMEN MORALES &
02602016	1212 BUCHANAN ST	WOODSON, GEORGE JR & BERTHA D
01057007	1111 BUCHANAN ST	YUCO PROPERTY PARTNERS LLC
01057006	1107 BUCHANAN ST	YUCO PROPERTY PARTNERS LLC

Watershed

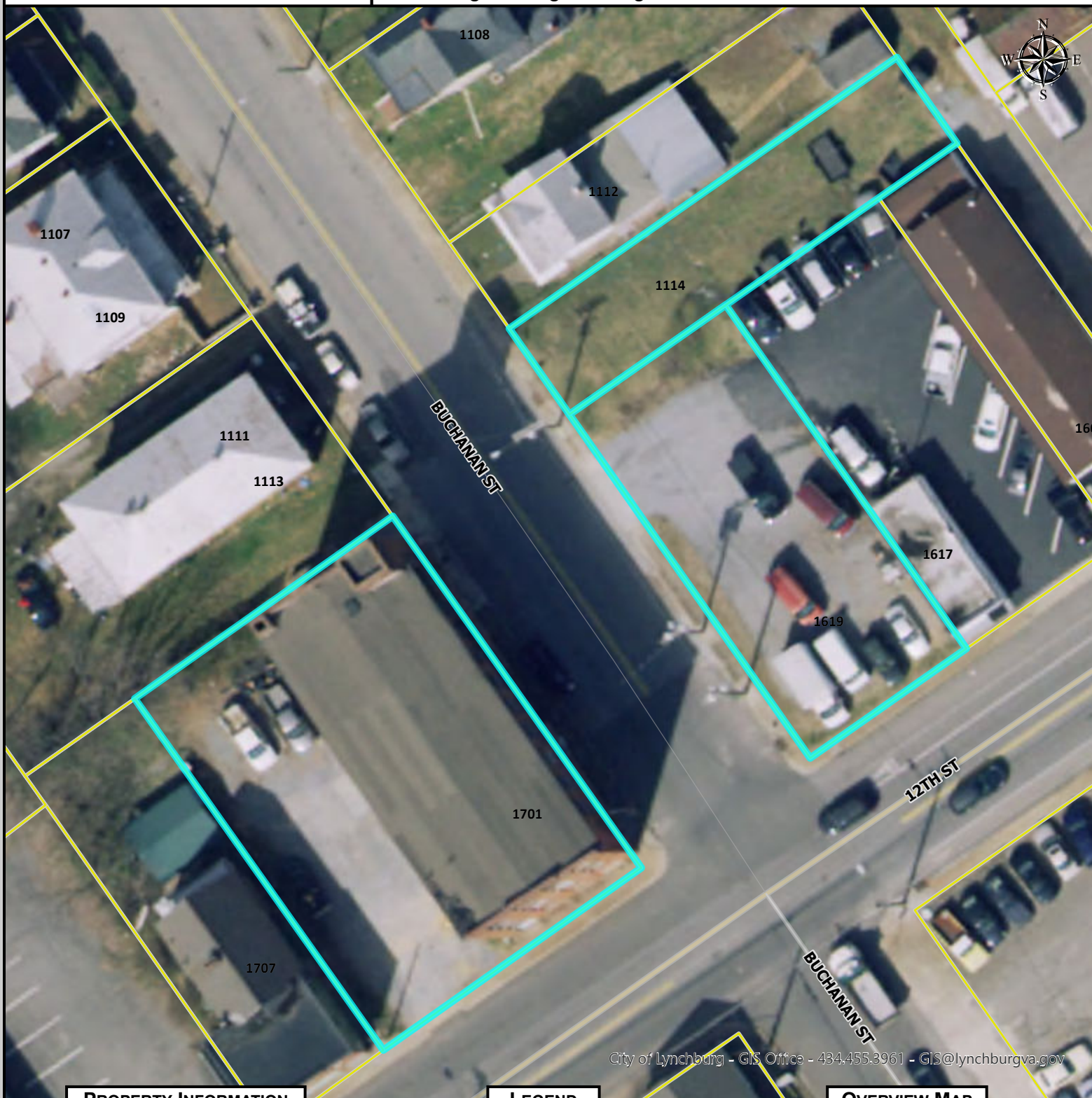
1619 12TH ST

1114 BUCHANAN ST

1701 12TH ST

TRC

White Engineering & Design



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

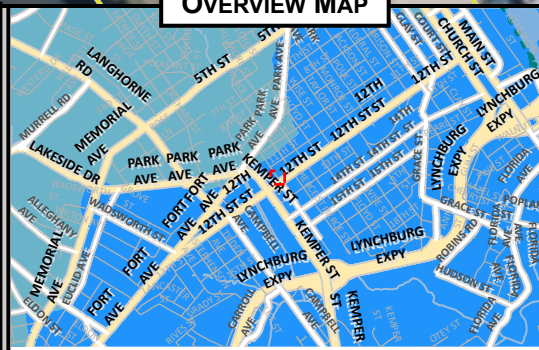
PARCEL ID	ADDRESS
01049010	1619 12TH ST
01049011	1114 BUCHANAN ST
01057008	1701 12TH ST

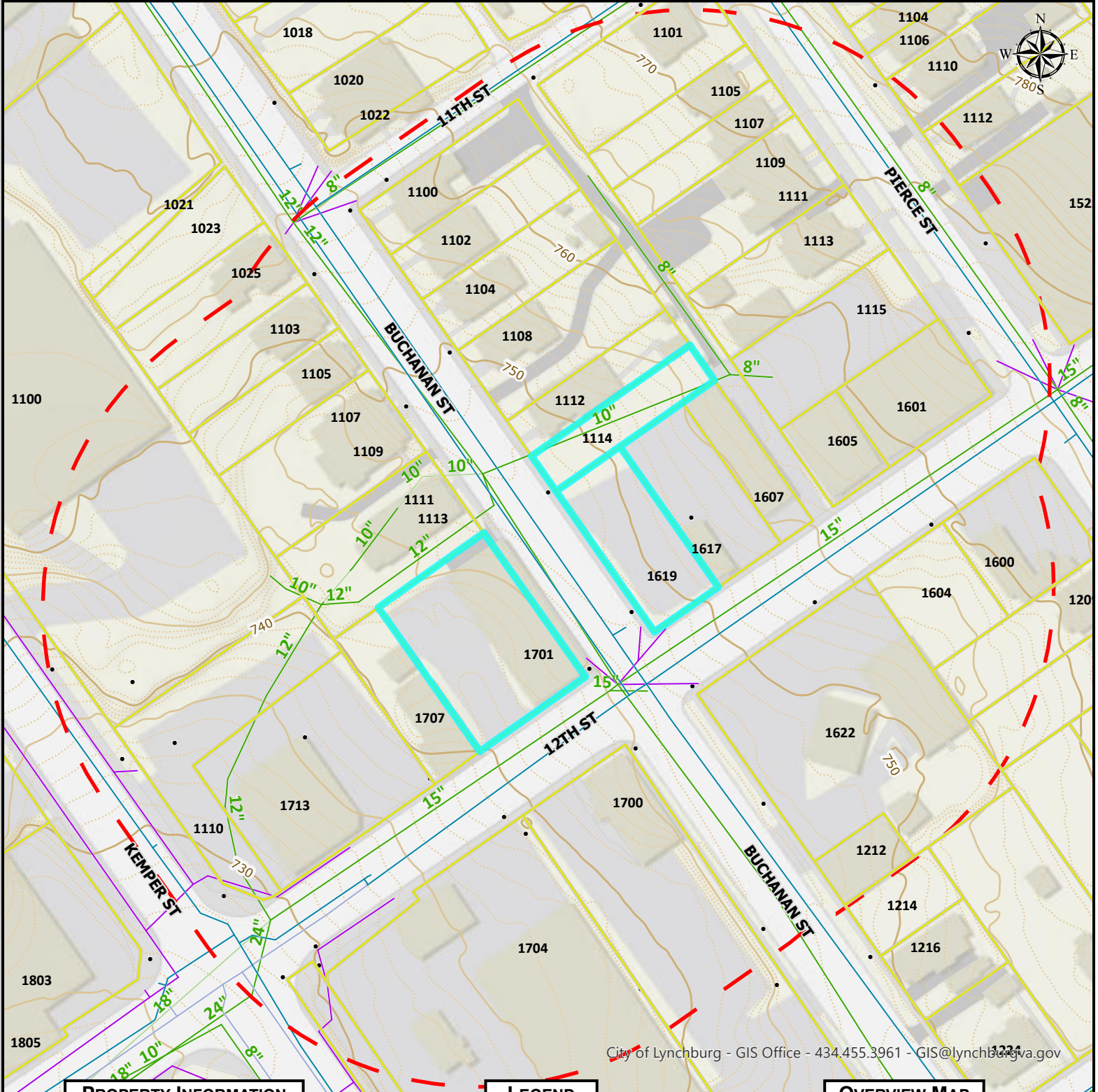
LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 8/11/2021

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

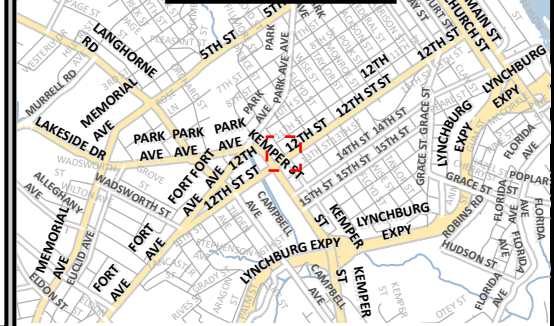
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01049010	1619 12TH ST
01049011	1114 BUCHANAN ST
01057008	1701 12TH ST

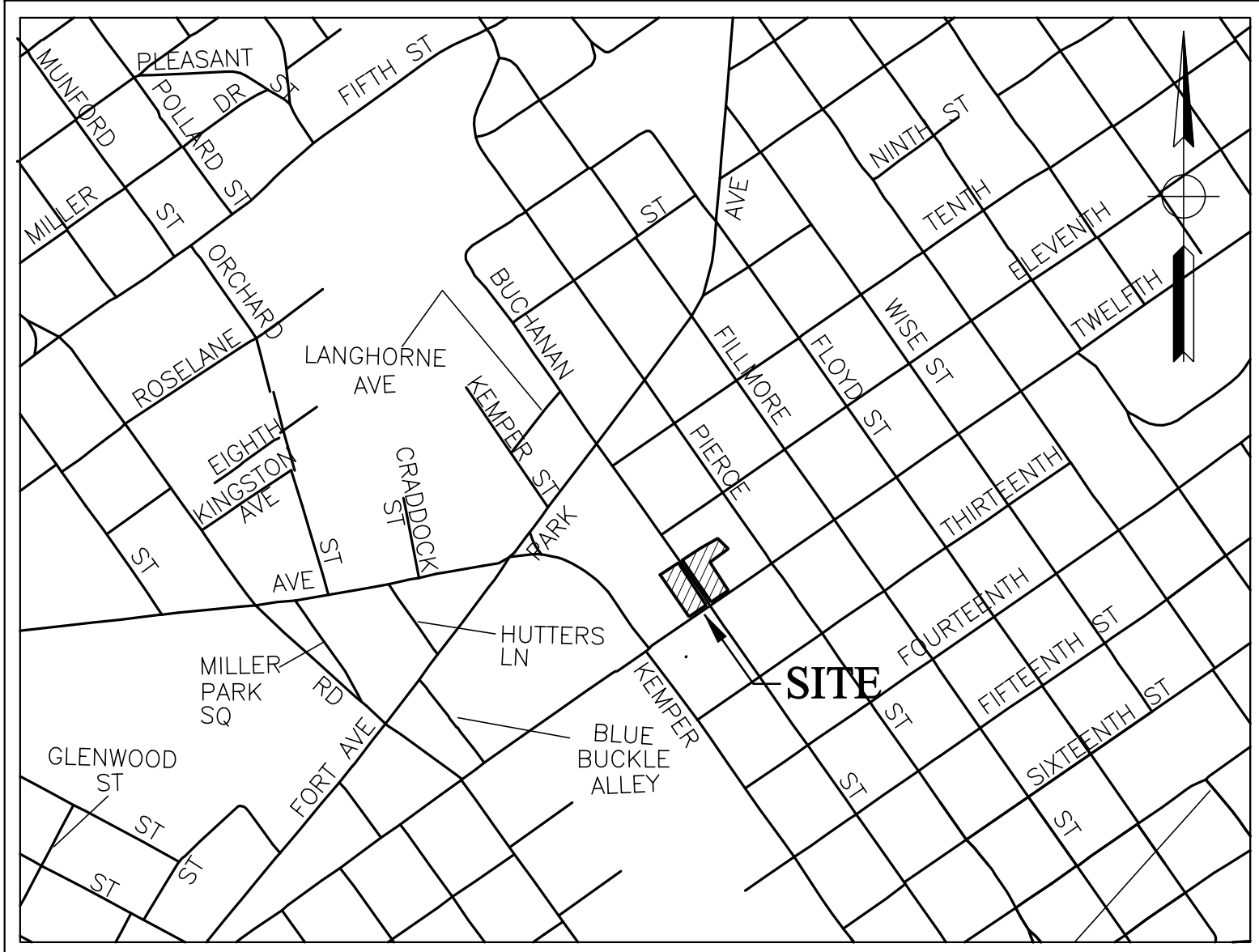
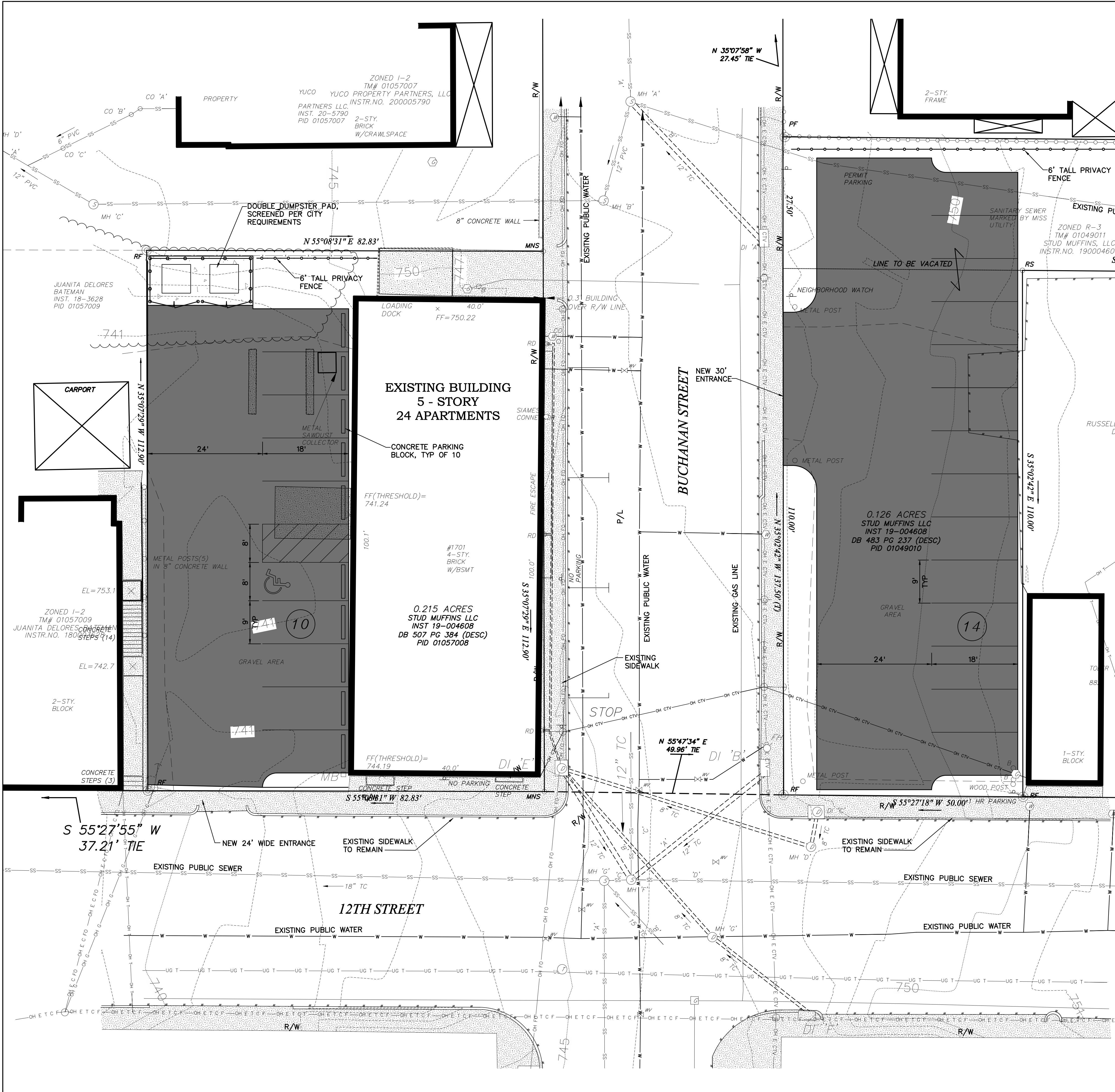
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour		
	100'	20'	5'
	50'	10'	1'

OVERVIEW MAP



MAP SCALE: 1"=48,000' DATE PRINTED: 8/11/2021



PROJECT NARRATIVE:

THE DEVELOPER IS PROPOSING TO RENOVATE AN EXISTING INDUSTRIAL BUILDING AT 1701 12TH STREET TO BECOME A 24 UNIT APARTMENT BUILDING. THE DEVELOPER IS MODIFYING THE EXISTING PARKING AREA AT THE EXISTING PARCEL AND WILL ADD A NEW PARKING LOT THE CORNER OF BUCHANAN ST. AND 12TH ST. (1619 12TH ST AND 1114 BUCHANAN ST.)

THE PROPERTIES ARE CURRENTLY ZONED I-2, B-5 AND R-3 AND THE OWNER IS REQUESTING THAT THE PARCELS BE REZONED TO B-4. THE DEVELOPER IS REQUESTING B-4 ZONING BECAUSE OF GREATER FLEXIBILITY WITH LANDSCAPING REQUIREMENTS, PARKING REQUIREMENTS AND BUFFER REQUIREMENTS.

THE DEVELOPMENT OVERLAPS THE COMMUNITY COMMERCIAL AND NEIGHBORHOOD COMMERCIAL ZONES ON THE FUTURE LAND USE MAP. A MULTIFAMILY USE WITH ADEQUATE PARKING PROVIDES FOR AN IDEAL TRANSITION BETWEEN THE EXISTING RESIDENTIAL AND COMMERCIAL AREAS ON 12TH STREET.

PROPERTY IS WITHIN 400 FT OF THE NEAREST GLTC BUS STOP LOCATED ON BUCHANAN STREET.

PARKING SUMMARY:

PARKING SPACES REQUIRED: NONE REQUIRED FOR B-4 ZONING

PARKING PROVIDED: 1701 PARCEL = 10 SPACES (1 HANDICAP SPACE - VAN)
1619 PARCEL = 14 SPACES
TOTAL = 24 SPACES

STORMWATER NARRATIVE:

THIS PROJECT AREA IS WITHIN THE CITY'S CSO ZONE AND IS EXEMPT FROM STORMWATER QUALITY AND QUANTITY STANDARDS. THE SITE DISCHARGE MUST MEET MS-19 STANDARDS.

IF THIS DRAWING IS A REDUCTION GRAPHIC SCALE MUST BE USED

10' 0 10'

PROJECT:	1701 12TH STREET APARTMENTS
DRAWN BY:	JLW
DESIGNED BY:	JLW
REVIEWED BY:	JLW
PROJECT NO.:	21018.00
SCALE:	GRAPHIC
ORIG. SUBMITTAL DATE:	9-3-21
REV. SUBMITTAL DATE:	
DRAWING NUMBER:	C-1
SHEET NUMBER:	1 OF 8
DATE:	
BY:	
REVISION:	
NO.:	
WHITE ENGINEERING & DESIGN P.O. BOX 1334 FOREST, VIRGINIA 24651 PHONE: 434-660-3007	
CONCEPT PLAN	
STUD MUFFINS, LLC LYNCHBURG, VIRGINIA	



BUCHANAN ST

PIERCE ST

BUCHANAN ST

12TH ST

12TH ST

BUCHANAN ST

03/08/2021

© All Pictometry

**12th Street Apartments Rezoning
1619/1701 12th Street and 1114 Buchanan Street
September 22, 2021**

PLEASE PRINT CLEARLY

[illegible]

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1619 12TH STREET, 1701 12TH STREET AND 1114 BUCHANAN STREET FROM I-2, LIGHT INDUSTRIAL DISTRICT, B-5, GENERAL BUSINESS DISTRICT & R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT TO B-4, URBAN COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 1619 12th Street, 1701 12th Street and 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District.

The area embraced within the following boundaries:

1701 12th Street

Beginning at a point located at the north-west corner of the intersection of 12th Street and Buchanan Street; thence S 55°08'31" W a distance of 82.83 feet; thence N 35°07'29" W a distance of 112.90 feet; thence N 55°08'31" E a distance of 82.83 feet; thence S 35°07'29" E a distance of 112.90 feet and the POINT OF BEGINNING.

The above described parcel contains ± 0.21 acres (9351.94 sq. ft.)

1619 12th Street & 1114 Buchanan Street

Beginning at a point located on the north-east corner of the intersection of 12th Street and Buchanan Street; thence N 35°02'42" W a distance of 137.50 feet; thence N 55°27'18" E a distance of 124.00 feet; thence S 35°02'42" E a distance of 27.50 feet; thence S 55°27'18" W a distance of 74.00 feet; thence S 35°02'42" E a distance of 110.00 feet; thence S 55°27'18" W a distance of 50.00 feet and the POINT OF BEGINNING.

The above described parcel contains ± 0.20 acres (8909.66 sq. ft.)

...is hereby changed from I-2, Light Industrial District, B-5, General Business District, & R-3, Medium Density Residential District to B-4, Urban Commercial District.

Adopted: November 9, 2021

Certified: Alicia L. Frings
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **11**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Public Hearing to Consider the Sale of Property 317 Hancock Street

RECOMMENDATION: After a public hearing, authorize the City Manager to sell 317 Hancock Street.

SUMMARY: The City-owned property at 317 Hancock Street is a vacant lot totaling approximately ninety-eight hundredths (0.98) of an acre. The City has owned the property since 1997 and the current assessed value is \$45,000.

The City advertised this property as being for sale with signage at the site, a listing through the Multiple Listing Service (MLS) since May 26, 2021 and by notice of public hearing. The City received an offer from Calfee & Hansen, LLC to purchase the property for the sum of \$39,000 subject to a soil, site, engineering, and/or environmental studies to determine the suitability of the Property for the Purchaser's intended use. The Purchaser's intent is to build a Commercial/Residential development as permitted under the existing Zoning and Historical District regulations.

PRIOR ACTION(S): July 12, 2021: City Council reviewed this item in closed session

FISCAL IMPACT: Proposed net proceeds of \$39,000.00

CONTACT(S): Reid Wodicka, Deputy City Manager, 455-3990
Marjette Upshur, Director of Economic Development, Tourism & Museums 455-4492

ATTACHMENT(S):
• Ordinance

REVIEWED BY: raw

AN UNCODIFIED ORDINANCE TO AUTHORIZE THE SALE OF CITY-OWNED REAL ESTATE, COMMONLY KNOWN AS 317 HANCOCK STREET, INCLUDING ANY, IF ANY, IMPROVEMENTS THEREON, BEING LOCATED IN LYNCHBURG, VIRGINIA

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

1. That the following described real estate, including any, if any, improvements thereon, may be sold by the City of Lynchburg, a Virginia municipal corporation, hereafter the "City", to Calfee & Hansen, LLC for \$39,000.00:

317 Hancock Street, Lynchburg, Virginia 24504

Tax Map No. 023-25-002

All that certain real estate, identified as Parcel No. 5, including any, if any, improvements and appurtenances thereunto belonging, described in a deed dated August 4, 1997, and of record in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia in Deed Book 1002 at Page 875.

2. That the City Manager is hereby authorized to take any and all actions necessary to effectuate the sale and disposal of the previously described real estate.
3. That all documents which may have been signed on behalf of the City before the adoption of this Ordinance, which are connected to the substance of this Ordinance, are hereby approved and ratified.
4. That this Ordinance shall become effective upon its adoption.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **12**

REGULAR: X

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: X

INFORMATION:

ITEM TITLE: Amendment(s) to the City's Charter: Public Hearing and Proposed Resolution

RECOMMENDATION: 1) Hold a Public Hearing regarding proposed amendment(s) to the City's charter.
2) Adopt the attached Resolution if Council wishes to amend the City's charter.

SUMMARY: A public hearing regarding the proposed charter amendment will be held on **November 9, 2021, at 7:30 p.m.** concerning an amendment of the City's charter. The proposed amendment(s), in addition to technical corrections, proposes to amend the City's existing charter to allow for Councilmember elections in 2022 and 2024 to be for three (3) year terms. Then, in 2025 and 2027 and thereafter, revert back to four (4) year terms.

PRIOR ACTION(S):

September 14, 2021: City Council discussed two (2) possible draft ordinances associated with changes from May to November general election dates. City Council requested (i) one draft be removed (f/k/a Option 2) that would have caused an extended office holdover (12 months or more) with a change to odd-year elections, (ii) one draft return again for discussion (Option 1 with corrections) that would meet the minimum standards now required by Virginia law with elections remaining in even years, and (iii) that two (2) potential charter amendment resolutions be presented for discussion would temporarily authorize new terms, create odd-year elections, and avoid holdovers extending beyond 6 months.

October 12, 2021: With a 5-2 vote (Helgeson and Faraldi), City Council chose to proceed seeking a charter amendment described in the above SUMMARY and adopt an uncodified ordinance to ensure the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while the said charter amendment is sought.

October 26, 2021: City Council had no objection to the form of the attached Resolution seeking amendment(s) to the City's Charter, and no objection to the form of the proposed uncodified ordinance that would ensure the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while the said charter amendment is sought.

FISCAL IMPACT: TBD

CONTACT(S): Matthew C. Freedman, City Attorney
(434) 455-3980

Christine Gibbons, Registrar
(434) 477-5999

ATTACHMENT(S):

- A RESOLUTION TO REQUEST THE AMENDMENT AND REENACTMENT OF SECTION 5 OF CHAPTER III OF THE EXISTING CHARTER FOR THE CITY OF LYNCHBURG

REVIEWED BY: raw

A RESOLUTION TO REQUEST THE AMENDMENT AND REENACTMENT OF SECTION
5 OF CHAPTER III OF THE EXISTING CHARTER FOR THE CITY OF LYNCHBURG

WHEREAS, a public hearing concerning the proposed charter amendment described in this Resolution was held before the Council of the City of Lynchburg on November 9, 2021, at 7:30 p.m., or as soon thereafter as may be heard, in its Council Chambers, after notice (with an informative summary or text of the proposed charter amendment) was duly published on October 20, 2021, in The News & Advance, a newspaper having general circulation within the corporate limits of the City of Lynchburg, Virginia. A copy of the Affidavit of Publication associated with such publication is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the General Assembly of Virginia is respectfully requested to amend and reenact Section 5 of Chapter III of the existing charter for the City of Lynchburg to read as follows¹:

§ 5. (a) Subject to paragraphs (b) through ~~(f)~~ (g) of this section, on and after September 1, 1928, the council shall consist of seven members, who shall be elected at large from qualified voters of the city and they shall serve for a term of four years from the first day of September next following the date of their election and until their successors shall have been elected and qualify; provided, however, ~~that at that~~ at the first election held hereunder in 1928, five councilmen shall be ~~elected, three of~~ elected, three of the councilmen elected at said first election hereunder shall succeed the three present councilmen, whose terms expire on August 31, 1928, and shall serve for a period of four years, and two of the councilmen elected at the first election hereunder shall serve for a period of two years; ~~the councilmen~~ the councilmen to serve for the two-year period shall be determined by lot between the five councilmen elected at the first election hereunder at the first meeting of the council held in September, 1928; and at the next election, four councilmen shall be elected to succeed the two present councilmen, whose terms expire on August 31, 1928, and ~~the two~~ the two councilmen elected at the first election hereunder to serve for two years, and at said election and each election thereafter, the councilmen elected to succeed those whose terms expire shall be elected for a period of four years.

(b) On and after July 1, 1976, the council shall consist of seven members of ~~whom four~~ whom four shall be elected from wards and three of whom shall be elected at large as hereinafter provided. The terms of councilmen elected in 1976 and thereafter shall begin July 1, succeeding their election.

(c) On March 1, 1976, the council in office shall divide the city into four wards with reasonably equal populations. Upon the completion thereof, notice shall be given by publication once a week for four successive weeks in a newspaper having general circulation in the city.

(d) At the election to be held in May, 1976, successors to four councilmen whose terms expire June 30 next shall be elected for a term of four years. The four councilmen shall be elected from and be registered voters in the wards established under paragraph (c) above with one councilman to be elected from each ward. At the same election to be held in May, 1976, three successors to the councilmen whose terms expire in such year shall be chosen by election at large in the city to serve for terms of two years.

¹ Text stricken is to be removed.
Text underlined is to be added.

(e) After May, 1976, successors to the councilmen elected under paragraph (d) hereof shall be elected for terms of four years by ward or at large, as the case may be, depending upon whether the respective office was filled by election at large or by ward.

(f) Notwithstanding any of the foregoing, any other provision of this charter, §§ 15.2-1400, 24.2-222, and 24.2-222.1 of the Code of Virginia, 1950, as amended, or any other special or general law, (i) in November 2022, successors to the councilmen elected at large pursuant to paragraph (e) hereof shall be elected for terms of three years, and in November 2024, successors to the councilmen elected by ward pursuant to paragraph (e) hereof shall be elected for terms of three years, and (ii) thereafter, whether elected at large or by ward, all successors to the councilmen elected pursuant to this paragraph shall be elected for terms of four years with their first elections respectively beginning in November 2025 and November 2027. The terms of councilmen elected in November 2022 and thereafter shall begin January 1, succeeding their election.

~~(f)~~ (g) The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. Vacancies occurring in the membership of the council shall be filled by the council within thirty days for a term to expire when the qualified voters of the city at large or the ward in which the vacancy occurred, as the case may be, have elected a successor at the next ensuing general election for councilmen and the person so chosen has duly qualified. If the vacancy occurs in a ward, the successor so chosen shall be a registered voter of that ward. All vacancies filled by the council shall be by majority vote of the remaining members.

2. That the Clerk of Council shall forward a certified copy of this Resolution with a copy of its attachment and a certified copy of the said Council's minutes showing the action taken at the advertised public hearing to the General Assembly of Virginia and as otherwise directed by said Council.

3. That this Resolution shall be effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

The News & Advance

Advertising Affidavit

101 Wyndale Drive
Lynchburg, Virginia 24501
(434) 385-5400

Account Number

3658718

Date

October 29, 2021

CITY OF LYNCH.C. MANAGER'S OFFICE
900 CHURCH STREET
LYNCHBURG, VA 24504

RECEIVED
NOV 01 2021

Council/Manager
Offices

Date	Category	Description	Ad Size	Total Cost
10/29/2021	Legal Notices	NOTICE IS HEREBY GIVEN that the Council of the City of Lyn	2 x 28 L	271.80

NOTICE IS HEREBY GIVEN that the Council of the City of Lynchburg, Virginia will hold a PUBLIC HEARING on November 9, 2021, at 7:30 p.m., or as soon thereafter as may be heard, in the Council Chambers of the City Hall of the City of Lynchburg, Virginia, 900 Church Street, Lynchburg, Virginia 24504, to receive input on proposed amendments to the existing charter for the City of Lynchburg, Virginia. Such amendments would include technical corrections and amendments to Section 5 of Chapter III of such charter and revising paragraph (f) of Section 5 of Chapter III of such charter to read as follows:

(f) Notwithstanding any of the foregoing, any other provision of this charter, §§ 15.2-1400, 24.2-222, and 24.2-222.1 of the Code of Virginia, 1950, as amended, or any other special or general law, (i) in November 2022, successors to the councilmen elected at large pursuant to paragraph (e) hereof shall be elected for terms of three years, and in November 2024, successors to the councilmen elected by ward pursuant to paragraph (e) hereof shall be elected for terms of three years, and (ii) thereafter, whether elected at large or by ward, all successors to the councilmen elected pursuant to this paragraph shall be elected for terms of four years with their first elections respectively beginning in November 2025 and November 2027. The terms of councilmen elected in November 2022 and thereafter shall begin January 1, succeeding their election.

The proposed Resolution requesting the above said amendments be made by the General Assembly of Virginia may be viewed in the City Manager's Office, 900 Church Street - 3rd Floor, Lynchburg, VA 24504, Monday through Friday, 8:30 a.m. to 5:00 p.m. All interested persons are invited to appear at the said PUBLIC HEARING and present their views.

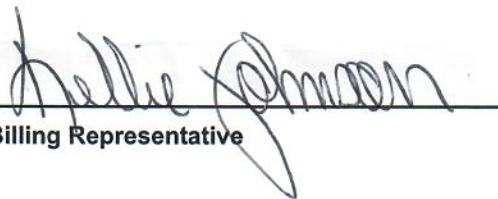
Publisher of the News & Advance

This is to certify that the attached NOTICE IS HEREBY GIVEN th was published by the News & Advance in the city of Lynchburg, in the State of Virginia, on the following dates:

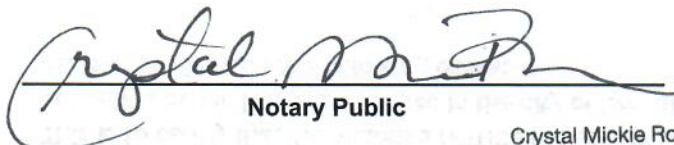
10/20/2021

The First insertion being given ... 10/20/2021

Newspaper reference: 0001270313


Billing Representative

Sworn to and subscribed before me this October 29, 2021


Notary Public

State of Virginia
County of Hanover
My Commission Expires _____

Crystal Mickie Robinson
Notary Public
Commonwealth of Virginia
Reg. No. 7932290
My Comm. Expires June 30, 2025

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

RESOLUTION:

#R-21-084

A RESOLUTION TO REQUEST THE AMENDMENT AND REENACTMENT OF SECTION 5 OF CHAPTER III OF THE EXISTING CHARTER FOR THE CITY OF LYNCHBURG

WHEREAS, a public hearing concerning the proposed charter amendment described in this Resolution was held before the Council of the City of Lynchburg on November 9, 2021, at 7:30 p.m., or as soon thereafter as may be heard, in its Council Chambers, after notice (with an informative summary or text of the proposed charter amendment) was duly published on October 20, 2021, in The News & Advance, a newspaper having general circulation within the corporate limits of the City of Lynchburg, Virginia. A copy of the Affidavit of Publication associated with such publication is attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the General Assembly of Virginia is respectfully requested to amend and reenact Section 5 of Chapter III of the existing charter for the City of Lynchburg to read as follows¹:

§ 5. (a) Subject to paragraphs (b) through ~~(f)~~ (g) of this section, on and after September 1, 1928, the council shall consist of seven members, who shall be elected at large from qualified voters of the city and they shall serve for a term of four years from the first day of September next following the date of their election and until their successors shall have been elected and qualify; provided, however, ~~that at that at~~ that at the first election held hereunder in 1928, five councilmen shall be ~~elected, three of~~ elected, three of the councilmen elected at said first election hereunder shall succeed the three present councilmen, whose terms expire on August 31, 1928, and shall serve for a period of four years, and two of the councilmen elected at the first election hereunder shall serve for a period of two years; ~~the councilmen~~ the councilmen to serve for the two-year period shall be determined by lot between the five councilmen elected at the first election hereunder at the first meeting of the council held in September, 1928; and at the next election, four councilmen shall be elected to succeed the two present councilmen, whose terms expire on August 31, 1928, and ~~the two~~ the two councilmen elected at the first election hereunder to serve for two years, and at said election and each election thereafter, the councilmen elected to succeed those whose terms expire shall be elected for a period of four years.

(b) On and after July 1, 1976, the council shall consist of seven members of ~~whom four~~ whom four shall be elected from wards and three of whom shall be elected at large as hereinafter provided. The terms of councilmen elected in 1976 and thereafter shall begin July 1, succeeding their election.

(c) On March 1, 1976, the council in office shall divide the city into four wards with reasonably equal populations. Upon the completion thereof, notice shall be given by publication once a week for four successive weeks in a newspaper having general circulation in the city.

(d) At the election to be held in May, 1976, successors to four councilmen whose terms expire June 30 next shall be elected for a term of four years. The four councilmen shall be elected from and be registered voters in the wards established under paragraph (c) above with one councilman to be elected from each ward. At the same election to be held in May, 1976, three successors to

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Text underlined is to be added.

the councilmen whose terms expire in such year shall be chosen by election at large in the city to serve for terms of two years.

(e) After May, 1976, successors to the councilmen elected under paragraph (d) hereof shall be elected for terms of four years by ward or at large, as the case may be, depending upon whether the respective office was filled by election at large or by ward.

(f) Notwithstanding any of the foregoing, any other provision of this charter, §§ 15.2-1400, 24.2-222, and 24.2-222.1 of the Code of Virginia, 1950, as amended, or any other special or general law, (i) in November 2022, successors to the councilmen elected at large pursuant to paragraph (e) hereof shall be elected for terms of three years, and in November 2024, successors to the councilmen elected by ward pursuant to paragraph (e) hereof shall be elected for terms of three years, and (ii) thereafter, whether elected at large or by ward, all successors to the councilmen elected pursuant to this paragraph shall be elected for terms of four years with their first elections respectively beginning in November 2025 and November 2027. The terms of councilmen elected in November 2022 and thereafter shall begin January 1, succeeding their election.

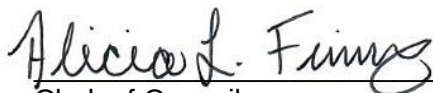
~~(f)~~ (g) The council shall be a continuing body and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of said body or any of them. Vacancies occurring in the membership of the council shall be filled by the council within thirty days for a term to expire when the qualified voters of the city at large or the ward in which the vacancy occurred, as the case may be, have elected a successor at the next ensuing general election for councilmen and the person so chosen has duly qualified. If the vacancy occurs in a ward, the successor so chosen shall be a registered voter of that ward. All vacancies filled by the council shall be by majority vote of the remaining members.

2. That the Clerk of Council shall forward a certified copy of this Resolution with a copy of its attachment and a certified copy of the said Council's minutes showing the action taken at the advertised public hearing to the General Assembly of Virginia and as otherwise directed by said Council.

3. That this Resolution shall be effective upon its adoption.

Adopted: November 9, 2021

Certified:


Clerk of Council



Lynchburg City Council – Agenda Addendum: Public Comment

Tuesday, November 9, 2021

7:30 P.M. – City Council Meeting

Council Chamber, City Hall, 900 Church Street

- A) [Hear from a citizen regarding a concern. \(James Crawford\)](#)
 - B) [Hear from a group representative regarding a concern. \(Jamie Maxwell\)](#)
-

RULES OF PROCEDURE

- // An individual may speak for up to 3 minutes; please state clearly your name and locality of residence.
- // A group spokesperson may speak for up to 5 minutes; please state clearly your name and the group you will be representing.

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.

Mr. James Crawford
1100 Buchanan Street

Requesting to speak at the November 9th City Council Meeting

*Request: Neighborhood safety concerns.

*Signature: James M. Crawford

*Date : 11-3-21

From: [Jamie Maxwell](#)
To: [Finney, Alicia](#)
Subject: Speak During council meetin9 on 9 Nov 2021
Date: Friday, November 5, 2021 11:21:09 AM

CAUTION: External Sender

Good morning Alicia. I wish to speak to the council on matters of public concern. I will be speaking as the President of the Lynchburg Firefighters Association.

--

In Unity,
Jamie Maxwell, President
Lynchburg Firefighters Association
IAFF Local 1146

"Rangers Lead the Way"

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9,2021**

AGENDA ITEM #: **13**

REGULAR: **X**
ACTION: **X**

WORK SESSION:
INFORMATION:

CLOSED SESSION (Confidential):

ITEM TITLE: Department of Forestry Spotted Lanternfly Grant

RECOMMENDATION: Approve grant awarded from the Department of Forestry to assist with response to the infestation of Spotted Lanternfly.

SUMMARY: Spotted Lanternfly (SLF) is an invasive planthopper insect first detected in the United States in Pennsylvania in 2014. As of July 2021, SLF is present in 15 states and has infestation-level populations in 9 states, including Virginia. Frederick County and Winchester City have been under State quarantine for SLF since 2019. Warren and Clark Counties were quarantined in March of 2021. When traveling out of quarantined area businesses are required to obtain a permit as well as inspect vehicles, trailers and loads to prevent the spread of the insect. The Virginia Department of Agriculture and Consumer Services (VDACS) found an isolated population in Lynchburg on June 4, 2021.

The insect poses a threat to both the agriculture and landscape industry including trees on City right-of-way and parks. It produces a sticky “honey dew” that covers cars, decks and sheds and often results in the decline of infested trees. They feed in clusters that look unseemly and disturbing and have the potential to be a nuisance to homeowners when present in high numbers. Potential impacts to City operations include: requirement to educate employees on SLF on how to stop the spread; additional equipment inspections, especially for vehicles traveling beyond the City limits; increased call volume from citizens complaining about the SLF on City owned properties as well as inquiring about how to stop the spread and insect treatment on City trees.

The City has been awarded a grant in the amount of \$20,000 from the Virginia Department of Forestry to hire an hourly employee to assist with providing a comprehensive response to the Spotted Lanternfly infestation that includes treatment and eradication of SLF on City- owned property along with training staff and citizen education and outreach. Funds in the FY 2022 Public Works Department General fund budget will be used to provide the match.

PRIOR ACTION(S):

October 26,2021 City Council Work Session

FISCAL IMPACT: \$31,004 in matching funds will be provided from the FY 2022 Public Works Department budget, no additional appropriation is required.

CONTACT(S): Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):
• Resolution

REVIEWED BY: raw
131A
RESOLUTION:

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$51,004 is appropriated with resources of \$20,000 from the Virginia Department of Forestry Urban and Community

Forestry Assistance Grant Program and \$31,004 from the FY 2022 Public Works Department General Fund budget to hire an hourly employee to assist with providing a comprehensive response to the Spotted Lanternfly infestation.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 9, 2021**

AGENDA ITEM #: **14**

REGULAR: X

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: X

INFORMATION:

ITEM TITLE: Uncodified Ordinance to Change the May general elections to November

RECOMMENDATION: Adopt the attached Ordinance to ensure compliance with Virginia law

SUMMARY: During 2021 General Assembly session, localities were required to change their elections from May to November. City Council has held several discussions on the topic and, after reviewing several options, has directed City staff to draft an ordinance utilizing the preferred approach. The attached uncodified ordinance ensures the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while amendment(s) to the City's charter is sought.

PRIOR ACTION(S):

September 14, 2021: City Council discussed two (2) possible draft ordinances associated with changes from May to November general election dates. City Council requested (i) one draft be removed (f/k/a Option 2) that would have caused an extended office holdover (12 months or more) with a change to odd-year elections, (ii) one draft return again for discussion (Option 1 with corrections) that would meet the minimum standards now required by Virginia law with elections remaining in even years, and (iii) that two (2) potential charter amendment resolutions be presented for discussion would temporarily authorize new terms, create odd-year elections, and avoid holdovers extending beyond 6 months.

October 12, 2021: With a 5-2 vote (Helgeson and Faraldi), City Council chose to proceed seeking a charter amendment described in the above SUMMARY and adopt an uncodified ordinance to ensure the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while the said charter amendment is sought.

October 26, 2021: City Council had no objection to the form of the attached Ordinance that would ensure the req(s). of Va. Code § 15.2-1400 are met while an amendment to the City's charter is sought.

FISCAL IMPACT: TBD

CONTACT(S): Matthew C. Freedman, City Attorney
(434) 455-3980

Christine Gibbons, Registrar
(434) 477-5999

ATTACHMENT(S):

- AN UNCODIFIED ORDINANCE TO CHANGE THE GENERAL ELECTIONS OF THE MEMBERS OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA TO THE TIME OF THE NOVEMBER GENERAL ELECTION

REVIEWED BY: raw

132A

ORDINANCE:

AN UNCODIFIED ORDINANCE TO CHANGE THE GENERAL ELECTIONS
OF THE MEMBERS OF THE COUNCIL OF THE CITY OF LYNCHBURG,
VIRGINIA TO THE TIME OF THE NOVEMBER GENERAL ELECTION

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

1. Irrespective of the requirements described under Section 2-16 of the Lynchburg City Code or contained in the existing charter for the City of Lynchburg, in accordance with § 15.2-1400 of the Code of Virginia, 1950, as amended, beginning with any election held after January 1, 2022, general elections for the members of the Council of the City of Lynchburg, Virginia shall be held at the time of the November general election. The terms of such members, whether such members are elected by ward or at large, shall commence on January 1, succeeding their election.
2. That this Ordinance shall be effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

ORDINANCE:

#O-21-086

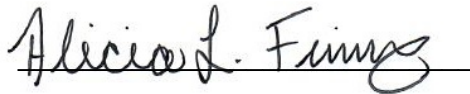
AN UNCODIFIED ORDINANCE TO CHANGE THE GENERAL ELECTIONS
OF THE MEMBERS OF THE COUNCIL OF THE CITY OF LYNCHBURG,
VIRGINIA TO THE TIME OF THE NOVEMBER GENERAL ELECTION

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

1. Irrespective of the requirements described under Section 2-16 of the Lynchburg City Code or contained in the existing charter for the City of Lynchburg, in accordance with § 15.2-1400 of the Code of Virginia, 1950, as amended, beginning with any election held after January 1, 2022, general elections for the members of the Council of the City of Lynchburg, Virginia shall be held at the time of the November general election. The terms of such members, whether such members are elected by ward or at large, shall commence on January 1, succeeding their election.
2. That this Ordinance shall be effective upon its adoption.

Adopted: November 9, 2021

Certified:


Clerk of Council