// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of July, 2009, at 1:00 P.M., in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Absent:	0

// Planning Commission Chair Laura Hamilton provided a brief overview regarding the Annual Report on the activities of the Planning Commission for the fiscal year ending June 30, 2009, including a status report regarding the implementation of the City's Comprehensive Plan 2002-2020. Ms. Hamilton explained that the report contains suggested priorities as City departments determine capital improvement requests for existing and planned projects and that while approval of this Annual Report will encourage its use in the Capital Improvement Plan (CIP) and Budget development process, the report does not mandate new funds or projects.

// Wyllys Vanderwerker, Director of Special Education for the Lynchburg City Schools and Chairman of the Community Policy Management Team (CPMT) provided an overview regarding the "Keep Them Home" initiative that is coordinated through the CPMT. Mr. Vanderwerker stated that the purpose of the Comprehensive Services Act is to provide high quality, child centered, family focused, cost effective, community-based services to high risk youth and their families, and that the CPMT formed the Keep Them Home Committee in December, 2007, in an effort to increase local service options for children. Mr. Vanderwerker went on to say that these options will enhance children's access to their natural family members and local support system while minimizing the required local financial match. Mr. Vanderwerker also noted that due to the increase in the required local match for youth placed outside the community, the CPMT formed the "Keep Them Home Committee" in an effort to, first and foremost, keep high-risk youth in our community where they can be closest to their family and community-based services, and secondarily, minimize the required local match. Mr. Vanderwerker stated that following a rather intensive review of data, the Committee identified gaps in service delivery to children and families, and that the outcome of this review was to focus on four specific initiatives: truancy, parental accountability and training, mental health services and prevention. Mr. Vanderwerker then described the progress that has been made in these four focus areas.

// Council Member Turner Perrow stated that since the earlier presentation, he has had a chance to further study the request from the Wellons Foundation regarding the proposed senior housing project on Old Graves Mill Road. Council Member Perrow explained that he feels that the proposed development of up to 50 one-bedroom apartments for individuals aged 62 and older with incomes at or below 50% of the area median income ($19,300 for one person and $22,050 for two people) would be a better use for the property than what could be built by right under its current zoning, i.e., 80 multi-family units. Council Member Perrow also noted that the proposed site is located behind the Timberlake Road Kroger and adjacent to the City's fire station and that the proposed project would be similar to the Clearbrook Apartments on Hill Street. With Council approval, Mr. Curtis Roberts, a resident of Stonegate Villas, came forward and expressed concerns regarding the proposed low income senior housing project. Mr. Roberts stated that he has spoken with some of his neighbors in the Stonegate Villas complex regarding the project and that there is a concern that this type of project would devalue the property values of their homes. City Council also requested that Wellons Foundation Housing Consultant Wendy Painter and City Traffic Engineer Gerry Harter come forward to respond to questions from Council members. In response to questioning, Ms. Painter stated that there is a waiting list for the Clearbrook Apartments and that background checks are done on all residents. In response to questioning, Mr. Harter stated that he did look at the site on Old Graves Mill Road, which is rated at a Level C capacity, and that he has recommended that the driveway be moved more toward the Fire Station. At the request of Vice Mayor Dodson, one of the property owners stated that the owners would prefer having a senior housing project on this site rather than a commercial development. Council Member Perrow explained his reasons for supporting the project, i.e., none of the five recently approved low income housing projects were for elderly housing, this type of facility would provide a safe and convenient environment for the elderly, which are mainly women over 62 years of age, that the current property owners would prefer this type of housing versus the type that could be built by right on the property, and that there would be less traffic onto Old Graves Mill Road since most of the residents probably would not have vehicles or would travel the road on off-peak times. Council Member Perrow noted that without a letter of support, the project would probably not happen. Council Member Helgeson stated that he has heard nothing new to change his reasons for not supporting the project. Vice Mayor Dodson noted that this would be a good investment in that it would provide needed jobs and provide additional tax revenue to the City. Council Member Johnson stated that there is a need for more elderly housing in the City. Council Member Perrow made a motion, seconded by Vice Mayor Dodson, to request that the City provide a letter of support on behalf of the Wellons Foundation for a proposed senior housing project on Old Graves Mill Road, and Council by the following recorded vote defeated the motion:

Ayes:	Dodson, Johnson, Perrow	3
Noes:	Garrett, Gillette, Helgeson, Foster	4

// Police Chief Parks Snead along with Police Captain Brandon Zuidema provided an overview regarding the Lynchburg Police Department Field Operations Bureau 12-hour shift transition, scheduled to commence on August 5. Captain Zuidema explained that the groundwork for this transition is the product of a Staffing Enhancement Committee and is a means of more effectively deploying patrol officers to better deliver services to meet community needs. Captain Zuidema highlighted the benefits of the transition, noting that the 12-hour shift transition would put more police officers on the street without the need for additional resources. Police Chief Snead did note that there is a Fatigue Management Plan in place and that the program will be reevaluated in six months.

// Construction Coordinator Ed Wood along with representatives from Swartz & Associates provided a status report regarding the D Street Bridge replacement. Mr. Daniel Runion explained that it is anticipated that the construction will begin in October with completion scheduled for December 2010. Council Member Garrett questioned the increase in the cost of replacing the D Street Bridge, i.e., $4.5 million versus the $3

million in cash already earmarked for the project. Mr. Wood explained that the biggest factor for the increase was created by unexpected utility costs, aesthetic touches such as nicer lampposts and a failure to budget for design and engineering work early on in the process. City Manager Kimball Payne stated that a plan has been developed to address the escalating costs and that the City is moving ahead with construction as scheduled. Mr. Charles Grant provided a breakdown of the unexpected costs that added to the cost of the project, i.e., $400,000 for the addition of aesthetic elements such as decorative lampposts and the preservation of the arched structure seen in the current bridge; $415,000 for the relocation during the construction of the water and sewer lines running under the bridge; and anywhere from $500,000 to $800,000 for the addition of design and engineering costs, routine expenses inadvertently left out of early budget projections for this project. Mr. Payne explained that initial budget estimates tended to be focused on the cost of actual construction alone, and stated that the additional costs will be funded via surplus funds from the Lynchburg Expressway repaving project. Council Member Helgeson suggested that the $1.5 million for downtown revitalization be used to fund the additional costs of this project. Some Council Members commented that they did not want to use the $1.5 million set aside for downtown revitalization since it generates additional private investment in the City's downtown area.
// Parks & Recreation Director Kay Frazier stated that staff is requesting the use of $75,000 in FY 2010 Community Park Investment Fund, Capital Projects Fund, to support a public/private partnership to construct an addition to the Yoder Neighborhood Center. Ms. Frazier explained that the Department is working in partnership with the Tinbridge Hill Neighborhood Council and Saint John's Episcopal Church to design and construct an addition to the Yoder Neighborhood Center, which will include renovating and expanding the existing kitchen, a storage area, study room, office and craft room. In response to Council questioning, Ms. Frazier stated that the new revenue will be for the additional fees generated for use of the Center due to these renovations. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-09-063, as presented, approving the use of $75,000 from the FY 2010 Community Park Investment Fund, Capital Projects Fund, to support a public/private partnership to construct an addition to the Yoder Neighborhood Center:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// City Planner Tom Martin stated that following the February 24 work session, City Council discussed a desire to simplify the proposed Large Retail Establishment Ordinance and developed general consensus on the following items:

1. The threshold for the proposed ordinance should be increased from fifty thousand (50,000) square feet to seventy-five thousand (75,000) square feet.
2. The increase in threshold resulted in no longer needing to provide a redevelopment incentive for retail establishments existing prior to the adoption of the ordinance.
3. The requirements of the proposed ordinance would apply to developments at or above the threshold. There will be no retroactive requirements for developments constructed below the threshold and enlarged.

4. The proposed ordinance would contain no voluntary provisions; however the City Council would review the voluntary provisions and select those that may be included as mandatory.

Mr. Martin explained that City Council also discussed the possibility of including a mechanism for allowing a waiver to the requirements via a Conditional Use Permit. Council Members reviewed the voluntary provisions and reached general consensus to discuss including the following four provisions as mandatory provisions -- use of porous pavement, use of Crime Prevention through Environmental Design, use of wall plane projections for facades greater than 150' in length, and incorporating loading and other service areas in the overall design of the site. Some Council Members questioned the definition of "retail establishment" and Mr. Martin suggested that staff confer with the City Attorney and revise the definition. Council Member Helgeson expressed concern regarding the "shared access" provision, stating that it should be up to the property owners to decide if they want to share access with others across their property. Some Council Members commented that the requirement would allow some control regarding the placement of access points along heavily traveled roads in the City. Council Members also reached general consensus to include a mechanism in the ordinance for a large scale retail establishment to obtain a Conditional Use Permit if the standards of the proposed ordinance were not met. Following discussion, Council asked that staff revise the Large Retail Establishment Ordinance to incorporate the changes made at today's work session and to schedule this item for further discussion at a future work session. Council Member Helgeson stated that he would also like for Council to further discuss the "shared access" requirement.

// During roll call, Council Member Johnson stated that he has recently taken a job that would prevent him from attending the afternoon work session and asked that City Council consider changing the time of the work session so that he would be able to attend. Mayor Foster presented some options for Council to consider:

<u>Option #1</u>

2nd Tuesday, 5:00 p.m. – 7:00 p.m.

<u>Option #2</u>

4th Tuesday, 6:00 p.m. – 8:00 p.m. or 9:00 p.m.

<u>Option #3</u>

3rd Tuesday, 5:00 p.m. – 9:00 p.m.

<u>Option #4</u>

2nd Tuesday, 5:00 p.m. – 7:00 p.m.

4th Tuesday, 6:00 p.m. – 8:00 p.m.

<u>Option #5</u>

Council Member Johnson watch video and Council not vote on items during the work session.

In response to Council questioning, City Manager Kimball Payne stated that staff would accommodate their schedule to whatever schedule that Council decides to implement. Council Members discussed the options and the majority agreed that the work session would be held the second and fourth Tuesdays from 5:00 p.m. – 7:00 p.m., followed by the regular meetings which would begin at 7:30 p.m. Council Member

Helgeson stated that he did not think that the City Council meeting schedule should change to accommodate one member of City Council, noting that all members have to rearrange their personal schedules in order to fulfill the responsibilities of their office. Other Council Members commented that the change will make it easier for working citizens to run for City Council, that eliminating the afternoon meeting will give Council Members more time to focus on their private jobs, and it will also give the City staff more flexibility to schedule public hearings as there will now be two 7:30 p.m. meetings. Mr. Payne indicated that Council's Rules of Procedure would need to be amended in order to change the meeting schedule and stated that he would add that item to the August agenda.

// Council Member Helgeson stated that at the last meeting, City Council voted to correct the record for the Cornerstone development to accurately reflect the action taken by City Council on February 12, 2008, with regard to the housing mix listed in Condition #2 of the Resolution approving the Conditional Use Permit (CUP). Mr. Helgeson explained that Condition #2 was amended to state that the design estimates for Cornerstone shall be a maximum of 600 multi-family units, 300 single family attached units, and 150 single family detached units. Mr. Helgeson went on to say that there is another issue that City Council needs to deal with and that is Condition #1 in that same Resolution which states "1. The property shall be developed in substantial compliance with the submitted master plan entitled "Cornerstone Conditional Use Permit Street Additions" dated January 23, 2008…" Mr. Helgeson explained that the January 23, 2008, master plan shows the housing mix to be 600 multi-family (condominiums), 250 single family attached (townhomes) and 150 single-family detached (residential homes), and that there is no mention on the master plan regarding the construction of apartments. Mr. Helgeson went on to say that if apartments are constructed in this development, then he would question if the developer would be in substantial compliance with the January 23 master plan. Mr. Helgeson suggested that if the developer would like to amend the master plan to show that multi-family units can either be condominiums or apartments, then he needs to go back through the zoning process which would include a public hearing. Council Member Helgeson made a motion to request that the developer go through the normal zoning process, which would include a public hearing, in order to amend the master plan to show that multi-family units can either be condominiums or apartments in the Cornerstone complex. Council Member Gillette stated that he would second to motion in order to open up the question for discussion. In response to questioning, City Attorney Walter Erwin stated that in order for a contract to be binding between two parties, there has to be an offer made and then that offer has to be accepted. Mr. Erwin explained that according to the developer a mistake was made on the master plan by a new engineering firm and that no offer was made to restrict the multi-family units to condominiums only. Mr. Erwin went on to say that at the last meeting, Council made it clear that it was never its intention to prohibit the developer from building apartments in this development. Mr. Erwin concluded that in this instance there was no binding contract since there was no offer made and accepted. Council Member Gillette stated that it was his understanding that the intent of the developer for the CUP amendment acted on by Council on February 12, 2008, was to address only the allowed number of single family detached units and street extensions, and that when he made his motion that it was not his intent to take away from the original mix of housing in the Cornerstone development that was approved by City Council in June 2006, i.e., multifamily (apartments and condominiums), townhouses and single family detached housing. Council Member Gillette noted that the developer has said that he did not make an offer in February 2008 to change the original mix of housing in the Cornerstone development and that Council at its last meeting made it clear that it was never its intent to prohibit the developer from building apartments in this development, so no offer was made and accepted and therefore according to the City Attorney there was no binding contract. Some Council Members commented that the original CUP allowed for both apartments and condominiums and acknowledged that the matter before Council in February 2008 was to address only the number of single family detached units and street extensions. Council Member Helgeson stated that all of the documents submitted in February 2008 indicated that the developer was requesting a change in the original mix of housing and he still feels that the developer needs to go back through a public hearing process. The vote was called on the motion, and Council by the following recorded vote defeated the motion:

Ayes: Garrett, Helgeson 2
Noes: Dodson, Gillette, Johnson, Perrow, Foster 5

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Economic Development Authority pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster 6
Noes: Helgeson 1

// Council Member Helgeson left the meeting at 6:20 p.m. and did not attend the closed meeting.

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

// Council Member Perrow made the following motion:

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

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

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

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster 6
Noes: 0
Absent: Helgeson 1

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Louise Mitchell to serve on the Economic Development Authority for a term to expire June 30, 2013:

Ayes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster	6
Noes:	0
Absent: Helgeson	1

// The meeting was adjourned at 6:30 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of July, 2009, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Garrett gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Absent: Johnson	1

// Senator Steve Newman presented to the family of Terrell Reid a Senate Resolution adopted unanimously by both the Virginia House of Delegates and Virginia Senate celebrating the life and accomplishments of Terrell Reid.

// Mayor Foster recognized the four seniors who will be leaving the Mayor's Youth Council, i.e., Jennifer Knight, E. C. Glass High School, Brian Jones, E. C. Glass High School, Lindsay Shaughnessy, New Covenant Schools, and Stuart Carrington, Virginia Episcopal School.

// Copies of the minutes of the June 19, 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// Copies of the minutes of the June 23 (two meetings), 2009 meetings, having been previously furnished Council, reading was dispensed with. Mayor Foster announced that there were some corrections to the June 23 work session minutes. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as corrected:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning – Historic Preservation, City Council Report #3 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-064, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $10,000, fully reimbursable, to provide a Preservation Virginia training workshop for the Historic Preservation Commission and staff:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Police - General, City Council Report #4 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-065, as presented, amending the FY 2010 Fleet

Fund budget and appropriating $251,447, with resources from Fleet Services' surplus auction, to purchase ten replacement police vehicles:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6
Noes: 0
Absent: Johnson 1

// In the matter of Community Planning - CDBG, a public hearing was held regarding City Council Report #5 regarding the 2009/2010 Community Development Block Grant (CDBG) and HOME Programs allocations. Community Development Director Charlene Montford provided a brief summary regarding the CDBG and HOME Programs. Three (3) individuals spoke in support of the following projects: Miriam's House Special Needs Housing, New Land Samaritan Inns, Inc./The Gateway, and Rusty Lifetime Homes/Victoria Ridge. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to questioning, Ms. Montford stated that the deadline for submittal of the allocations to the Department of Housing and Development is August 16. Mayor Foster announced that a work session regarding the 2009/2010 Community Development Block Grant (CDBG) and HOME Programs is scheduled for August 11.

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #6 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted properties at 517 and 521 Winston Ridge Road under Section 36-19.5 of the Code of Virginia. LRHA Manager of Community Development Connie Snavely provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-09-066, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted properties at 517 and 521 Winston Ridge Road under Section 36-19.5 of the Code of Virginia:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6
Noes: 0
Absent: Johnson 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Griffin Pipe Products, Inc. for a Conditional Use Permit (CUP) to allow fill within the limits of the 100-year floodplain for a building and manufacturing expansion at 10 Adams Street. City Planner Tom Martin provided a brief summary regarding the petition, stating that the Planning Commission recommended approval of the CUP. Mr. Bob Ingram, Director of Manufacturing for Griffin Pipe, outlined the request and asked for approval. Mr. Ingram stated that Griffin Pipe has worked to cleanup the debris on the river bank, that a river cleanup of the debris that has fallen from their property over the years into the river is a very complicated process, but that they are committed to removing the pipe and debris and would like to request that the CUP be adopted as presented and not include a condition that would mandate the cleanup. Joe Seiffert, Stuart Brust, and Laura-Gray Street, President of the Greater Lynchburg Environmental Network, all spoke in support of the CUP with a condition being added to require Griffin Pipe to clean up the pipe and debris that has fallen from their property into the James River within the next ten to twelve months. There was no one else present who wished to speak to

// In the matter of Commonwealth Attorney, Donna Nash along with Susan Clark, members of the Lynchburg City Family Violence Fatality Review Team, presented its second report regarding a review of family violence related fatalities. Ms. Nash stated that heightened awareness and continuous attention to this very important issue are the keys to improving the community's response to domestic violence within the City.

// In the matter of Recreation - General, City Council Report #6 regarding appropriating $51,000, fully reimbursable, to provide funding for improvements to the Sandusky Regional Visitor Center was considered. City Manager Kimball Payne provided a brief summary regarding the request. Council Member Garrett stated that he is a member of the Board of Directors of the Sandusky Foundation, that he receives no income for his service, that the City Attorney has advised that he does not have a conflict of interest that would prevent him from voting on this matter, and that he will participate in and vote on this matter. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-001, as presented, amending the FY 2009 City Capital Projects Fund budget and appropriating $51,000, fully reimbursable, to provide funding for improvements to the Sandusky Regional Visitor Center:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// City Manager Kimball Payne provided an overview regarding budget cost reductions for the FY2009 Budget due to the current economic recession. Following the presentation, Mr. Payne stated that with crisis comes opportunity and that he is confident that the City will weather this fiscal storm with creativity and resourcefulness.

// On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Boards and Commissions, i.e., Community Development Advisory Committee, Transit Company Board, Tourism Board, Region 2000 Greenways Alliance and Audit Committee, and to discuss the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-3711(A)(1) and (3), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

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

// Council Member Helgeson made the following motion:

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

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Allen Ward for a conditional use permit to allow the use of an existing residence at 2144 Rivermont Avenue as a bed and breakfast with up to five guest rooms and associated parking in an R-3, Medium Density Two-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Allen Ward outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-09-068, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning - Zoning Amendments, City Council Report #9 outlining the petition of Thomas Bell to rezone 2.04 acres at 224 Lake Crest Lane from an R-2, Low-Medium Density Single-Family Residential District, to a B-5C, General Business District (Conditional), to allow the use of an existing building and property for a contractor’s office and shop with associated parking was presented. Mayor Foster announced that City staff has received a request that Thomas Bell would like to withdraw his rezoning petition. City Council by consensus approved the withdrawal of the rezoning petition.

// In the matter of Police – General/Sheriff, a public hearing was held to receive public comment regarding a grant application for A. Byrne Justice Assistance Grant (JAG) funding in the amount of $57,361. Police Department staff provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote approved the submittal of a grant application for A. Byrne Justice Assistance Grant (JAG) funding in the amount of $57,361 to support IT projects:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Finance - Bonds, a public hearing was held regarding the issuance of not to exceed 48,300,000 principal amount New General Obligation Public Improvement Bonds for FY 2010 Capital Projects. City Manager Kimball Payne provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-09-069, as presented, authorizing the issuance of not to exceed $69,300,000 principal amount of General Obligation Public Improvement and Refunding Bonds to finance the costs of various public improvement projects:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-070, as presented, to amend the FY 2010 General, Water, Sewer and Airport Funds' Operating Budgets for funding of $188,991, $110,170, $58,438 and $1,659, respectively, for expenses associated with the issuance of the FY 2010 General Obligation Public Improvement Bonds:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// In the matter of City Code, City Council Report #12 regarding amending the City Code relating to the recovery of expenses incurred when responding to driving under the influence (DUI) and other traffic related offenses was considered. City Attorney Walter Erwin stated that Section 15.2–1716 of the Code of Virginia authorized localities to provide by ordinance that a person convicted of certain traffic related offenses, such as driving under the influence, reckless driving, hit and run, and driving without a license, would be liable for restitution to the locality for costs related to emergency response to the incident. Mr. Erwin explained that due to the way the statute was written, it was problematic to implement although City Council did adopt Section 25-169 in the City Code to utilize the authority granted in the State Code, it has never been utilized. Mr. Erwin went on to say that effective July 1, 2009, Section 15.2– 1716 was amended to make it easier for a locality to receive restitution from an individual convicted of the traffic offenses and in order to take advantage of the amended statute, the City Code will need to be amended. Several Council Members questioned requiring the additional expense for reckless driving offenses when such reckless driving did not involve an accident. Although some Council Members were willing to approve the ordinance as submitted, other Council Members suggested that they would like additional time to review the request before making a final decision. City Council, by consensus, agreed to schedule this item for further discussion at the August work session.

// In the matter of Budget, City Council Report #13 regarding appropriating funds to restore the 3% salary reduction to all City employees was considered. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. On motion of Council Member Garrett, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-071, as presented, amending the FY 2010 General Fund, Juvenile Detention Fund, Water Fund, Sewer Fund, Airport Fund and Fleet Fund budgets and appropriating funds to restore the 3% salary reduction to all City employees:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// The meeting was adjourned at 10:09 P.M.

Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 3rd day of August, 2009, at 10:00 A.M., in the Second Floor Training Room, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct City Council's Annual Retreat. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6

Absent: Johnson 1

// City Manager Kimball Payne reviewed the agenda and expectations for the day long retreat.

// The majority of the morning session focused on pre-planning for the FY2011 Budget development, which included a power point presentation entitled "The Impacts of a Shrinking State Budget", Virginia Municipal League Finance Policy Committee, July 23, 2009. The presentation focused on additional FY2010 state budget cuts due to a likely $300 million General Fund revenue shortfall in FY2009, plus lower revenue growth than forecasted in the current budget.

// Financial Services Director Donna Witt provided an overview regarding the nine major FY2011 budget drivers that are used by City staff in preparing for the upcoming budget, i.e., debt service—$866,161 increase; health insurance—9% increase in premiums/$574,013; Virginia Retirement System (VRS)—4% increase/$1.7 million; potential aid to the Commonwealth—consistent with FY2010/$500,000; electric utility rates—16% increase/$182,719; natural gas—5% increase/$16,776; Capital Improvement Program—increase pay as you go/$4,321,843; fleet replacement--$1,700,500; other post employment benefits--$128,000 based on 10 year phase in plan; and employee compensation—1% salary increase equals $524,000. Council Member Gillette suggested that the City should look at its street light policy to determine if savings could be achieved by reducing the number of street lights or replacing the bulbs with energy efficient lights. Council Member Helgeson commented that any reduction in the number of street lights should not be to the detriment of safety.

// Senior Human Resources Manager Beth McDaniel provided an overview regarding four high level workforce issues, i.e., retention, compensation, benefits and regulation.

// City Manager Payne stated that forty-two employees have taken the retirement package, with the majority of them leaving at the end of the year. Mr. Payne explained that a list of questions has been developed and will need to be answered before any vacancy can be filled. Mr. Payne noted that it is anticipated that some of the positions may be eliminated or the responsibility fulfilled by alternative means.

// City Manager Payne provided a brief overview regarding a FY2011 cost savings initiative whereby each department was asked to identify potential cost savings initiatives. Mr. Payne explained that the departments were asked to provide information in three phases with the Statement of Purpose and Guiding Principles developed by the Leadership Team serving as guidance for the process. Mr. Payne stated that each department has been asked to rebuild their budget for FY2011 based on information gathered during this process and to assume that resources equal to 90% of FY2010 allocations. Mr. Payne went on to say that the process will incorporate opportunities for citizen and employee engagement.

// Communications and Marketing Director JoAnn Martin provided an overview regarding a Citizen Engagement Proposal intended to create an avenue to engage citizens in the development of the FY2011 budget. Ms. Martin explained that it is also intended to be the first step in the ongoing process of citizen engagement and community building. Ms. Martin noted that the purpose will be to listen to citizens regarding their priorities for City services and to begin an ongoing conversation with citizens regarding their City. Ms. Martin went on to say that participants will be required to attend four sessions and actively participate in the discussions. Ms. Martin did note that the four sessions will coincide with the Citizens Academy and questioned if the Citizens Academy should either be postponed this year or moved to a later date. Council Members indicated that they did not want to cancel the Citizens Academy and that moving the date would be okay. The majority of Council Members also indicated that staff should move forward with the Citizen Engagement Proposal.

// City Council took a brief lunch break and reconvened the meeting at 1:03 p.m.

// Council Member Helgeson rejoined the meeting at 1:55 p.m. towards the end of the discussion regarding the City/Schools Consolidation Initiative.

// City Manager Kimball Payne provided an update regarding the City/Schools Consolidation Initiative. Mr. Payne stated that both he and Dr. McKendrick are meeting on a regular basis and have identified the following areas to examine -- Finance, Buildings & Grounds, Capital Projects Management, Information Technology, Fleet Management, Procurement, Human Resources, Communications & Marketing, Parks & Recreation, Transportation, Food Service, Libraries, Energy Management and Youth Programs. Council Members discussed the importance of this effort and indicated that they are still expecting to see some progress by the next budget process. Council also indicated that they would like to continue to receive updates regarding this effort.

// City Council reviewed the job description of the Clerk of Council, who is retiring at the end of the year, including some proposed changes to reflect the duties currently performed by that individual.

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of prospective candidates to serve as the interim Clerk of Council pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

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

// Council Member Perrow made the following motion:

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

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

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

The Motion was seconded by Council Member Gillette, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster	6
Noes:	0
Absent: Johnson	1

// City Manager Payne stated that the next three items on the agenda, Update on Community Dialogue on Race and Racism, Review Plan for Revising the Zoning Ordinance and Sustainable City Update, could be deferred. Mr. Payne noted that each of those items did have a written report.

// City Manager Payne requested and Council agreed that the Heritage High School timeline would be the next item for discussion. Mr. Payne explained that at last year's retreat a date of 2018 was discussed regarding Heritage High School completion, which would mean that the preliminary planning work would need to commence as early as 2014. Mr. Payne went on to say that before any preliminary work begins, the public needs an opportunity to comment and provide input regarding this project and suggested that sometime after July 1, 2010, that some sort of community discussion occur to receive public input regarding the Heritage High School project. Several Council Members agreed that public input was important, especially when it comes to the financing of this project, and agreed with the City Manager's suggestion to begin that process next year. It was also suggested that a task force be appointed comprised of Council Members, School Board members, and citizens to help guide the process.

// Utilities Director Tim Mitchell presented a power point presentation regarding major issues and challenges facing the City relating to water quality. Mr. Mitchell explained that managing issues related to water quality is becoming increasingly more challenging and costly and as a result, the City needs to work towards a way to address water quality in the most efficient and effective manner possible. Mr. Mitchell went on to say that the issues related to water quality are extremely complex and intertwined and that there are a number of regulatory efforts currently underway which will impact many existing programs. Mr. Mitchell stated that efforts underway include the Chesapeake Bay Nutrient Total Maximum Daily Load (TMDL) report which is scheduled to be completed in December 2010. Mr. Mitchell noted that the water quality in the Bay and this TMDL are overarching and will drive many of the issues such as stormwater permits, water quality standards, stormwater regulations, wastewater treatment plant permits, etc. Mr. Mitchell stated that in addition to the nutrient issues with the Bay, in December 2007 the Environmental Protection Agency approved a bacteria TMDL for seven streams in Lynchburg including the James River and Blackwater Creek, and the State is currently revising its Stormwater Management regulations. Mr. Mitchell stated that the challenge will be to develop an approach that meets the various regulatory requirements, is the most cost effective, and achieves the greatest water quality benefit with the limited resources available. City Manager Kimball Payne presented several ways that the City could use to address future regulations and the funding that will be necessary, i.e., keep current structure but seek a dedicated funding source, such as a stormwater utility fee; reorganize to enhance accountability but still keep funding the same; stormwater responsibilities and accountability spread throughout the organization and funded from the General Fund and Enterprise Funds, or seek a watershed approach involving the surrounding counties.

// Prior to adjournment, Mayor Foster reminded Council Members regarding the Sandusky Middle School tour, which is scheduled to begin at 6:00 p.m.

// The meeting was adjourned at 5:17 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of August, 2009, at 1:00 P.M., in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Perrow, Foster 6

Absent: Johnson 1

// Robert H. Cary, Virginia Department of Transportation (VDOT) Lynchburg District Manager, Charlie Hepper, VDOT Project Manager, and Joseph Springer, Project Manager, Parsons Transportation Group, provided a briefing regarding the Route 29 Corridor Study. The presentation focused on the key issues/concerns with respect to controlling access on Route 29, the development of a corridor master plan, detailed land use planning to support improved mobility and safety, provisions of increased rail capacity, and short-term safety improvements. Several Council Members voiced concern regarding the difficulty of traveling the Route 29 corridor around the Charlottesville area and stated that something needed to be done to improve that situation as quickly as possible.

// Dr. Kerry Gateley, Director, Lynchburg Health Department, provided information regarding health issues that Lynchburg is facing and stated that a lot of different organizations will need to work together to affect change.

// Council Member Johnson arrived at 2:20 p.m. towards the end of Agenda Item #2.

// City Manager Kimball Payne stated that last month City Council conducted its public hearing regarding the 2009/10 Community Development Block Grant (CDBG) and HOME Program funds and asked that this item be scheduled for today's work session. Council Member Gillette, Chair of the Community Development Advisory Committee (CDAC), provided a brief summary regarding the process used by CDAC in the development of their recommendation regarding the allocation of 2009/10 CDBG and HOME funds. Council Member Gillette explained that this year mandatory training was required for all recipients who applied for funds and that CDAC did reduce the number of organizations who would receive funds. Council Member Gillette went on to say that CDAC plans to complete its strategic planning work prior to next year's program. Council Member Helgeson, CDAC Vice Chair, stated that he would like to see more funds allocated to the Housing Authority for the spot blight program since that program has a direct affect on neighborhoods. Council Member Helgeson voiced concern that the increase this year for City Administration was excessive and questioned if the Hunton Center had met all of the requirements by not filing a copy of its audit documents with the application. Council Member Helgeson suggested increasing the funding to the Housing Authority spot blight program by taking $25,000 from Hunton and $43,000 from City Administration. Council Member Gillette explained that all of the applications were reviewed by City staff and if the Hunton application was not complete, then it would not have been forwarded to CDAC for review. City Manager Payne stated that the City needs to take control of these programs and that with the current staffing issues, the City may need to bring in consultants. Council Member Gillette also noted that if City Administration funds were not totally utilized, what was not used could be later reprogrammed for other programs. Council Member Garrett read the following statement: "In addition to serving on City

Council, I also serve as commissioner for the Lynchburg Redevelopment and Housing Authority. However, I do not receive a financial interest or benefit from my service as a commissioner and therefore I do not have a conflict of interest in this manner. Even though I serve as a member of City Council and as a commissioner for the Redevelopment and Housing Authority, I am able to participate in the distribution of CDBG funds fairly, objectively and in the public interest. Therefore I will participate in the discussion of and vote on this matter." Council Member Garrett stated that policy needs to be set as to whether these funds should be used for "bricks and mortar" projects or continue to be allocated as in the past. Council Member Johnson stated that he would support the CDAC recommendation and noted that the Hunton Center is the only center in that neighborhood for children to attend and that these funds would help with building repairs. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote approved the Community Development Advisory Committee (CDAC) recommendation regarding the 2009/10 allocation of CDBG and HOME Program funds:

Ayes: Dodson, Garrett, Gillette, Johnson, Foster	5
Noes: Helgeson, Perrow	2

// City Planner Tom Martin stated that following the July 14 work session, staff revised the proposed large scale retail establishments Ordinance based upon general consensus of City Council:

1. The definition of a retail establishment was revised based upon City Council concerns and information provided by the City Attorney's office.
2. The B-3, Community Business and B-5, General Business Sections of the Zoning Ordinance were revised to include a mechanism for a large scale retail establishment to obtain a Conditional Use Permit if the standards of the proposed ordinance were not met.
3. The language concerning the threshold for the draft ordinance in Section 35.1-43.24 was clarified.
4. The following items were reinserted in the draft ordinance as requirements:
   - Use of porous pavement.
   - Crime Prevention through Environmental Design.
   - Use of wall plane projections for facades greater than 150' in length.
   - Incorporating loading and other service areas in the overall design of the site.
5. Unused definitions were stricken.

Council Member Helgeson stated that he believes that the shared access requirement places a restriction on individual property rights and he would like to have that language removed from the ordinance. Council Member Helgeson explained that it should be up to the property owners to decide if they want to share access with others across their property. Some Council Members did not agree and noted that the requirement would allow some control regarding the placement of access points along heavily traveled roads in the City. Council Member Garrett expressed concern regarding the ordinance and especially the section that would require the use of porous pavement in parking areas, explaining that it would be very expensive and may place an undue burden on businesses. Council Member Perrow agreed with Council Member Garrett and Helgeson's concerns and also commented that in parking areas there are other substances, such as oil, that may end up in the groundwater via porous pavement and thereby cause an environment concern. Council Member Perrow suggested that the ordinance should set standards for water quality and leave it up to the developers to come up with a way to comply with the standards. Some Council Members commented that porous pavement would only be required in parking areas in excess of the required parking and that it is important that the groundwater be managed on site. Council discussed some possible changes to section (g) as follows: (g) All parking areas in excess of that required by Section 35.1-25, Off Street Parking and Loading shall ~~incorporate porous pavement~~ implement practices that allow the stormwater attributable to that additional surface area to infiltrate through to the soil below. Council agreed that they would like to see the entire ordinance with revisions prior to voting and asked that staff bring this back to a future work session.

// During roll call, Council Member Garrett stated that in light of the current litigation regarding the City Manager, he would like to add personnel issues to the upcoming closed meeting. Mayor Foster mentioned that Council would be conducting the performance evaluations on September 8. Council Member Johnson wanted to thank City staff for cutting the brush in the Diamond Hill community. Council Member Helgeson commented that the City needed to make sure that City property complied with City standards regarding the height of grass/weeds, suggested that in order to deter speeding, that parking be allowed on both sides of Euclid Avenue, and asked staff to look at the signal timer to increase the time for traffic exiting Walmart/Sams on Wards Road. Council Member Perrow wanted to thank City employee Willie Reeves for activating the traffic signal on Paulette Circle on Saturday. Council Member Gillette mentioned a safety concern on Elmwood Avenue involving a CSO project and informed that the Hunton YMCA did deliver a copy of its audit to staff. Vice Mayor Dodson commented that the Code Enforcement Task Force would like to get some administrative staff to work with Keith Wright to assist with notes, correspondence, etc. Mayor Foster mentioned that the Lynchburg City Cemetery is featured in the current issue of Better Homes and Garden, Country Gardens.

// Council Member Gillette made a motion, seconded by Council Member Perrow, to hold a closed meeting for discussion and consideration of a prospective candidate to serve as the Interim Clerk of Council, to discuss the disposition of publicly held real property to be used for the location of an unannounced prospective business or industry because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city, and discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community pursuant to Section 2.2-3711(A)(1), (3) and (5), respectively, of the Code of Virginia (1950), as amended. Council Member Helgeson made a substitute motion, seconded by Council Member Garrett, to add two additional items to the closed meeting, i.e., the performance evaluation of the City Manager and consultation with legal counsel regarding pending litigation. Some Council Members stated that they were not prepared to discuss the City Manager's performance evaluation at this time. Council Member Perrow offered a friendly amendment to the substitute motion to add only the consultation with legal counsel regarding pending litigation, and Council Member Helgeson accepted the friendly amendment to his substitute motion. The vote was called, and Council by the following recorded vote approved the substitute motion to hold a closed meeting for discussion and consideration of a prospective candidate to serve as the Interim Clerk of Council, to discuss the disposition of publicly held real property to be used for the location of an unannounced prospective business or industry because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the city, for discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community, and for consultation with legal counsel regarding pending litigation pursuant to Section 2.2-3711(A) (1), (3), (5) and (7), respectively, of the Code of Virginia (1950), as amended:

Ayes: Garrett, Gillette, Helgeson, Perrow, Foster 5
Noes: Dodson, Johnson 2

// The meeting was reopened to the public.

// Council Member Perrow made the following motion:

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

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

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

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

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// The meeting was adjourned at 5:35 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of August, 2009, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Johnson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Absent: 0

// In the matter of Community Planning – Historic Preservation, Resolution #R-09-064 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $10,000, fully reimbursable, to provide a Preservation Virginia training workshop for the Historic Preservation Commission and staff, laid over from the July 14, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Police - General, Resolution #R-09-065 amending the FY 2010 Fleet Fund budget and appropriating $251,447, with resources from Fleet Services' surplus auction, to purchase ten replacement police vehicles, laid over from the July 14, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Finance – Bonds, Resolution #R-09-070 amending the FY 2010 General, Water, Sewer and Airport Funds' Operating Budgets for funding of $188,991, $110,170, $58,438 and $1,659, respectively, for expenses associated with the issuance of the FY 2010 General Obligation Public Improvement Bonds, laid over from the July 14, 2009 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Budget, Resolution #R-09-071 amending the FY 2010 General Fund, Juvenile Detention Fund, Water Fund, Sewer Fund, Airport Fund and Fleet Fund budgets and appropriating funds to restore the 3% salary reduction to all City employees, laid over from the July 14, 2009 meeting, was again presented and read, and on motion of Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Parks and Recreation – General, City Council Report #5 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-09-072, as presented, to support an application for a Virginia Recreation Trails Program grant in the amount of $100,000 to construct the trail system in Ivy Creek Park:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Parks & Recreation – General, City Council Report #6 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-073, as presented, amending the FY 2010 City Capital Project Fund budget and appropriating $208,519, fully reimbursable, for improvements to Riverside Park:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Fire – General, City Council Report #7 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-074, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $16,600, fully reimbursable, to purchase equipment for the Fire Department's Hazardous Materials Response Team:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Fire – General, City Council Report #8 was considered. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-075, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $40,150, fully reimbursable, to purchase eleven laptop/notebook computers, nine computers for the Lynchburg Fire Department and two for the Lynchburg Life Saving Crew:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Peakland United Methodist Church for a conditional use permit to allow the construction of a columbarium wall at 4434 Boonsboro Road in an R-1, Low Density Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition. Ms. Elizabeth Austin, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Garrett read the following statement: "In addition to serving on City Council, I am also a member and serve as a trustee at the Peakland United Methodist Church. However, I do not receive a financial interest or benefit from my involvement with the Church and therefore I do not have a conflict of interest in this manner. Even though I serve as a member of City Council and as a member and trustee at the Peakland United Methodist Church, I am able to participate in this matter fairly, objectively and in the public interest. Therefore I will participate in the discussion of and vote on this matter." On motion of Council Member

Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-09-076, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of J.M.U., LLC, to amend the Future Land Use Map for 1700 Graves Mill Road from an Office use to a Medium Density Residential use and for a Conditional Use Permit (CUP) to allow the construction of 50 townhouses with associated parking and amenities in a B-1, Limited Business District. City Planner Tom Martin stated that on May 13 the Planning Commission recommended denial of an earlier request by the petitioner for the construction of seventy-five (75) townhouses. Mr. Martin explained that on June 23 City Council received a revised concept plan for the project that reduced the number of proposed units from seventy-five (75) to fifty (50) townhouses; relocated the remaining units to the end of the private driveway; removed a portion of the proposed drive, a stream crossing, seventy-five (75) parking spaces, a stormwater detention basin, the townhouse units with lower level garages and the walking trail; and preserved a five (5) acre wooded portion of the property on the northern side of the Tomahawk Creek tributary. Mr. Martin went on to say that City Council determined that the proposed changes were significant and referred the petition back to Planning Commission for consideration whereby it was approved by them on July 22. Mr. Martin also noted that this matter was mistakenly advertised for a public hearing on September 8, 2009, counter to Council's direction that it be reconsidered on August 11 and that once the error was discovered, the public hearing was re-advertised and notices sent advising of the August 11 consideration. Mr. Martin explained that some stakeholders indicated that they made vacation plans based on the earlier notice and would not be present on August 11 and that they were advised that any comments they wish to forward would be read into the record. Mr. Martin went on to say that while Council should proceed with the scheduled public hearing, it has at least two options for bringing this matter to closure: (1) close the public hearing after comment on August 11 and take action; or (2) continue the public hearing to September 8 and then take action. Mr. Rick Read, Coldwell Banker, stated that the petitioner has made some significant sacrifices to address the concerns of the neighborhood and to address the traffic concerns expressed earlier by Council. Mr. Read explained that the number of units has been reduced and that the petitioner has agreed that the rear five acres adjoining the residential neighborhood would remain undeveloped. Mr. Read also noted that even though no through road was ever planned to go into Maple Hills, the new design further assures that this should not be a concern for the neighborhood. Mr. Read went on to say that with the reduction of units no traffic study would be required and that there would be no need for a turn lane. Mr. Ed Ewers, James C. May & Associates, stated that there are two existing apartment buildings in front of this project on Graves Mill Road and that this project would be complimentary to the existing multi-family use. Mr. Ewers also noted that the only way in and out of this project will be via Graves Mill Road and that the access will be upgraded so that it meets the Virginia Department of

Transportation (VDOT) standards. Mr. John O'Keefe, one of the property owners, stated that the property has been on the market for the past seven years and that the only interest they have received is for townhome development. Mr. Jay Parker, spokesperson for the Maple Hills Subdivision, spoke in opposition to the petition stating the a townhome community on the proposed site would be an encroachment on their quality of life, a detriment to their property values, and an infringement on their right to own homes in the type of community they choose—not in a community that is forced on them. Mr. Parker went on to say that the City is already oversaturated with vacant, unsold townhomes, expressed concern regarding the future extension of the road into the Maple Hill Subdivision, and noted that the property already corresponds perfectly with the City's plan for development in the area. Seven residents of the Maple Hills Subdivision also spoke in opposition to the proposed development citing similar concerns. There was no one else present who wished to speak to this item, and the public hearing was closed. Several Council Members commented that to respond to neighborhood concerns the developer has reduced the number of units by one-third, has removed any possibility of a future connector road into the Maple Hills Subdivision, and has agreed that the five acres adjoining the neighborhood shall not be developed. They also noted that the Planning Commission did recommend approval. Other Council Members questioned whether this project is a compelling reason to change the current use of the property, especially in light of the concerns expressed by the Maple Hills neighborhood. They also expressed safety concerns regarding the additional traffic on Graves Mill Road, especially without a left turn lane, and expressed a belief that the property could be developed as currently zoned. In response to questioning, Mr. Martin stated that City Council cannot require the developer to put a deed restriction on the property. Mr. Martin went on to say that he spoke with Mr. Hartless who stated that he would be willing to consider a fifteen year deed restriction on the five acres adjoining the Maple Hills subdivision. City Attorney Walter Erwin explained that even though City Council cannot impose a deed restriction, if the developer is willing to offer a deed restriction then City Council can accept the offer and include it as a condition to the approval of the CUP. Mr. Mark Hartless indicated that the developer is willing to offer a fifteen year deed restriction on the parcel adjoining the Maple Hills subdivision. City Attorney Erwin stated that Condition #5 can be added to the Resolution to approve the CUP as follows: "It is mutually agreed by JMU, LLC and the City that the City's approval of the conditional use permit is contingent upon a deed restriction being placed on the 4.96 acre parcel prohibiting its development for a period of 15 years. The failure to comply with this condition shall render the granting of the conditional use permit null and void." On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-09-077, as presented, amending the Future Land Use Map for 1700 Graves Mill Road from an Office use to a Medium Density Residential use:

Ayes: Dodson, Garrett, Helgeson, Perrow 4

Noes: Gillette, Johnson, Foster 3

On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-09-078, as amended by adding condition #5, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Helgeson, Perrow 4

Noes: Gillette, Johnson, Foster 3

// In the matter of Community Development, a public hearing was held regarding the 2009/2010 Annual Action Plan for Community Development Block Grant (CDBG) and HOME Programs. City Manager Kimball Payne stated that at the earlier work session, City Council approved the allocations for the 2009/10 CDBG and HOME Program funds and that one of the requirements from the Department of Housing and Urban Development (HUD) is for City Council to authorize the submission of the Annual Action Plan to HUD. Mr. Payne explained that the fiscal year 2009/2010 Plan describes allocations, objectives, activities, and performance measures for the City and links the goals and objectives of the 2005-2010 Consolidated Plan to the Annual Plan. Mr. Payne went on to say that the Plan also includes the 2009/10 CDBD and HOME Program allocations approved at the earlier work session. There was no one present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson still voiced concern regarding the increase in funding for City Administration and the need to increase funding to the Housing Authority spot blight program. Council Member Perrow stated that since Council voted earlier to approve the allocations that he would vote in favor of the Plan. In response to questioning, City Manager Payne stated that he would provide to CDAC a copy of the final Action Plan that is submitted to HUD. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote approved the 2009/2010 Annual Action Plan for CDBG and HOME Programs for submission to the Department of Housing and Development:

Ayes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster 6

Noes: Helgeson 1

// In the matter of Public Works - Street Vacations, a public hearing was held regarding City Council Report #12 regarding a request from St. Augustine Properties to vacate an unopened portion of Price Street between Kemper Street and Tazewell Avenue. City Planner Tom Martin provided a brief summary regarding the request. Mr. Tommy Brooks, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, Physical Development Committee (PDC) Chair, stated that this item came before the PDC and made a motion to approve the street vacation. The motion required no second, and Council by the following recorded vote adopted Ordinance #O-09-079, as presented, vacating an unopened portion of Price Street between Kemper Street and Tazewell Avenue:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #13 regarding the vacation of a portion of Kings Drive and approving the dedication of 0.162 acres of Kings Drive as a portion of a public street. City Planner Tom Martin provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Johnson, Physical Development Committee (PDC) Chair, stated that this item came before the PDC and made a motion to approve the street vacation. The motion required no second, and Council by the following recorded vote adopted Ordinance #O-09-080, as presented, approving the vacation of a portion of Kings Drive:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

Council Member Johnson, Physical Development Committee (PDC) Chair, made a motion to approve the street dedication. The motion required no second, and Council by the following recorded vote adopted Resolution #R-09-081, as presented, approving the dedication of 0.162 acres of Kings Drive at the terminus of Kings Drive at 114 Kings Drive as a portion of a public street:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #14 regarding the vacation of a portion of the public right-of-way at the northern corner of 2617 Lakeside Drive and to relinquish any interest the City may acquire by virtue of said vacation to WCI., L.C. Real Estate Manager Steve Lawson provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-09-082, as presented, vacating a portion of the public right-of-way at the northern corner of 2617 Lakeside Drive and relinquishing any interest the City may acquire by virtue of said vacation to WCI, L.C.:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Property, a public hearing was held regarding City Council Report #15 regarding the disposition of a property right, i.e. the right to repurchase property known as “The Galleria,” located at 915 Main Street, in 2059 for $75. City Manager Kimball Payne stated that the land on which the Galleria was built was donated by the City to the developer of the project and that the deed contains two provisions whereby the City retained certain rights with respect to the property. Mr. Payne explained that the first provision provides for a “first right of refusal” to the City in the event that someone makes an offer to purchase the property and that City Council waived this right in 2005 with respect to an earlier purchase. Mr. Payne went on to say that the second provision in the deed allows the City to repurchase the property for $75 after seventy-five years, i.e., in 2059. Mr. Payne stated that Lynchburg Community Action (Lyn-CAG) has purchased the property and has asked that the repurchase provision be waived since the repurchase provision is an issue raised by the bank, Mr. Payne also noted that at some point it will provide a disincentive for an owner to provide routine maintenance to the building. Mr. Payne explained that the value for the repurchase provision is determined to be no more than $15,000 once the time value of money is calculated and that in return for waiver of the repurchase provision, Lyn-CAG has proposed that the City’s annual contribution to the maintenance of the Galleria property be reduced by $2,000 for the next fifty years. Dr. James Mundy, Lyn-CAG Executive Director, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson expressed concern regarding relinquishing the City's right to repurchase the property for $75 especially since City funds were used to purchase the property and stated that if this right is relinquished, the minimum the City should accept should be the amount the City paid for the property, i.e., $186,000. Council Member Helgeson also noted that if the City is going to relinquish this right for a new owner, then it should also be relinquished for the current owner. In response to questioning, City Manager Payne did note that the City would still retain its permanent access right for an entrance via this building into City Hall. Some Council Members noted that the City will be receiving a $2,000 reduction in the City's annual contribution to the maintenance of the Galleria property for the next fifty years, that the current owner did not request the City to relinquish this right, and that the City will continue to receive real estate taxes on the property. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-09-083, as presented, waiving the right to repurchase property known as "The Galleria," located at 915 Main Street, in 2059 for $75:

Ayes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster 6

Noes: Helgeson 1

// In the matter of City Council, Tulane Patterson personally invited Council Members to an Age Wage Summit in the fall. Mr. Patterson explained that the event will be sponsored jointly by Lynchburg College, the Central Virginia Area Agency on Aging, and the Consortium on Aging, a partnership of area companies serving the aged. Mr. Patterson went on to say that once a date has been set for the Summit, personal invitations will be sent to each Council Member.

// In the matter of Community Planning – General, City Council Report #17 regarding amending Chapter 12, Natural Systems, of the City's Comprehensive Plan 2002-2020 was considered. Environmental Reviewer Erin Hawkins provided a brief summary regarding the changes. Council Member Johnson made a motion, seconded by Council Member Gillette, to approve the amendment to the Comprehensive Plan. Several Council Members stated that they would like more time to review the changes and suggested that this item be deferred to a future work session. Council Member Perrow made a substitute motion, seconded by Council Member Helgeson, to defer this item to a future work session, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Fire – General, City Council Report #18 regarding amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $24,125, with $11,226 reimbursement, to purchase a monitor/defibrillator for the Lynchburg Fire Department was considered. Council Member Helgeson, Finance Committee (FC) Chair, stated that this item came before the FC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-084, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $24,125, with $11,226 reimbursement, to purchase a monitor/defibrillator for the Lynchburg Fire Department:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Police/Emergency Communications, City Council Report #19 regarding amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $235,915, fully reimbursable, to add three new Communication Specialist positions to the Emergency Communications Center was considered. Council Member Helgeson, Finance Committee (FC) Chair, stated that this item came before the FC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-085, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $235,915, fully reimbursable, to add three new Communication Specialist positions to the Emergency Communications Center:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Parks & Recreation – Riverside Park, City Council Report #20 regarding amending the FY 2010 City Capital Projects Fund budget and appropriating $125,000, fully reimbursable, to construct a sprayground in Riverside Park was considered. Council Member Helgeson stated that he still had some concerns regarding the City's maintenance costs for the sprayground. Council Member Garrett commented that this is a good example of public/private partnership. On motion of Council Member Garrett, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-086, as presented, amending the FY 2010 City Capital Projects Fund budget and appropriating $125,000, fully reimbursable, to construct a sprayground in Riverside Park:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of City Council, City Council Report #21 regarding amending City Council's Rules of Procedure relating to regular meetings and work sessions was considered. Council Member Helgeson stated that he did not think that the City Council meeting schedule should change to accommodate one member of City Council, noting that all members have to rearrange their personal schedules in order to fulfill the responsibilities of their office. Some Council Members commented that the change will make it easier for working citizens to run for City Council, that eliminating the afternoon meeting will give Council Members more time to focus on their private jobs, and it will also give the City staff more flexibility to schedule public hearings as there will now be two 7:30 p.m. meetings. On motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-09-087, as presented, amending City Council's Rules of Procedure relating to regular meetings and work sessions:

Ayes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster 6

Noes: Helgeson 1

// The meeting was adjourned at 10:34 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 10

CONSENT: **X** REGULAR: CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Lynchburg Family Violence Fatality Review Team Grant to Conduct Workshops on Family Violence and Assist Special Populations**

RECOMMENDATION:
Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate $3,500 with resources from the Virginia Family and Children's Trust Fund (FACT) to conduct workshops on family violence and assist special populations.

SUMMARY:
The Office of the Commonwealth's Attorney applied to the Virginia Family and Children's Trust Fund (FACT) in 2008 and was awarded $8,025 for a one-year grant. The Office of the Commonwealth's Attorney applied again in 2009 and has been notified of an award for $3,500 for a one year period (July 1, 2009 – June 30, 2009). The overarching goal of the grant program is to provide community outreach materials and educational programming to an estimated 450-500 individuals and organizations within the Central Virginia area in an effort to improve system response and reduce incidents of family violence.

The $3,500 is a cost-reimbursable award from the Family and Children's Trust Fund (FACT) and no local match is required.

PRIOR ACTION(S):
Finance Committee, August 11, 2009

BUDGET IMPACT:
None, no local match is required.

CONTACT(S):
Michael R. Doucette, Commonwealth's Attorney, 455-3762
Donna Nash, Grants Administrator, 455-3770

ATTACHMENT(S):
Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and $3,500 is appropriated with resources from the Virginia Family and Children's Trust Fund (FACT) to conduct workshops on family violence and assist special populations.

Introduced: Adopted:

Certified: __________________________________
Clerk of Council

094L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009**		AGENDA ITEM NO.: 11
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **V-STOP Grant Program to hire a part-time Community Safety Liaison**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate $52,682 with resources from the Virginia Department of Criminal Justice Services Recovery Act – V-STOP (Services Training Officers Prosecution) Violence Against Women Grant Program to hire a part-time Community Safety Liaison.

SUMMARY: The Office of the Commonwealth's Attorney (Office) is requesting approval to accept the award for Virginia Recovery Act V-STOP (Prosecution category) funding through the Virginia Department of Criminal Justice Services to hire a new position to support the activities related to the Domestic Violence Prosecution Unit. The award project period is for 18 months commencing July 1, 2009 and ending December 31, 2010. There is an opportunity to extend this grant beyond the 18 month period.

The Office is seeking to hire a new Community Safety Liaison to enhance the efforts of the Lynchburg Domestic Violence Community Prosecution Unit (DVPU). The DVPU will work in collaboration with the Police Department, Regional Domestic Violence Coalition, Lynchburg Fatality Review Team, and system responders to implement this project. This highly trained individual will serve to help meet the critical need to: 1) identify cases of dating violence, sexual assault, and stalking as these cases are not always apparent and tend to fall through the cracks; 2) to employ immediate interventions for victims in need of protection; 3) to assist in obtaining and enforcing protection orders (including full faith and credit); 4) to assess the degree of dangerousness/lethality of cases; and 5) to provide training to law enforcement and system responders.

V-STOP funding can only be used for personnel costs (salary and benefits). Additionally, a 25% ($17,560) in-kind or cash match is required. The total cost of the project is estimated at $70,242 (75% DCJS $52,682 and in-kind match of $17,560). In-kind can include cell phones, computers, office supplies, work space, and personnel that is not supported through the state or federal governments. The required match will be fulfilled through in-kind contributions, which are already available in the Office's current adopted budget; no new funds are required.

If this position proves to be effective in enforcing protective orders, the OCA will work to seek alternative funding sources and plans for V-STOP funds outside of the Recovery Act initiative.

PRIOR ACTION(S): Finance Committee May 26, 2009
Finance Committee August 11, 2009

FISCAL IMPACT: None, the 25% required local match is available in the current budget.

CONTACT(S): Michael Doucette, Commonwealth's Attorney, 455-3762
Donna Nash, Grants Administrator, 455-3770

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and $52,682 is appropriated with resources from the Virginia Department of Criminal Justice Services Recovery Act – V-STOP (Services Training Officers Prosecution) Violence Against Women Grant Program to hire a part-time Community Safety Liaison.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

095L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 12

CONSENT: **X** REGULAR: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Business License Tax Refund for Floor Show, Inc** .

RECOMMENDATION:
Adopt a resolution to amend the FY 2010 General Fund budget and appropriate $15,584 with resources from the General Fund Reserve for Contingencies to refund an overpayment of erroneously paid business license taxes by the Floor Show, Inc. for the calendar years 2006, 2007, 2008, and 2009.

SUMMARY:
Floor Show, Inc. erroneously paid business license tax for calendar years 2006, 2007, 2008, and 2009. Floor Show, Inc. is in the business of selling and installing carpet and floor coverings. Floor Show, Inc. is located in Campbell County and all gross receipts should be remitted to Campbell County for taxation.

PRIOR ACTION(S):
August 11, 2009 Finance Committee

FISCAL IMPACT:
A reduction of $15,584 from the General Fund Reserve for Contingencies. An annual loss of approximately $3,000 will occur as a result of this correction from FY 2010 forward.

CONTACT(S):
Mitchell W Nuckles, Commissioner of Revenue, 455-3871

ATTACHMENT(S):
Resolution
Statement of review and approval by the City Attorney

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 General Fund budget is amended and $15,584 is appropriated with resources from the General Fund Reserve for Contingencies to refund an overpayment of erroneously paid business license taxes by the Floor Show, Inc. for the calendar years 2006, 2007, 2008, and 2009.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

100L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009**		AGENDA ITEM NO.: 13
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **FY10 Public Safety Answering Point (PSAP) Grant Program**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate $115,069 with resources from the Commonwealth of Virginia, E-911 Wireless Services Board, to replace aging equipment, provide training, purchase Automatic Vehicle Location (AVL) software, purchase additional Computer Aided Dispatch (CAD) packages, and perform network improvements.

SUMMARY: The computer used in the personnel and training office is 4 years old and needs to be replaced in order to continue to use it for training new hires. This computer allows new hires to access the training CAD to become familiar with the functions as well as practice their call taking skills. There is also a laptop, which is over 4 years old that is used to train new hires once they are assigned to the floor. The laptop allows the trainer to sit with the new employee without tying up another work station that can be used for taking 911 calls. This grant will also provide the opportunity for six telecommunicators to complete the Association of Public-Safety Communications Officials (APCO) Fire Communications course, furtherer enhancing their job knowledge.

The AVL software will allow the telecommunicators to see the current location of police officers and CAD will be able to recommend the closest responder, resulting in a more timely and efficient response to 911 calls.

There would be a total of six CAD packages purchased. These purchases would upgrade the backup facility so that in an emergency the telecommunicators would have access to live CAD, which is an essential tool when processing 911 calls. One package would be installed at the computer in the Supervisor's office to be used as a call taking position if necessary. An additional CAD package would be used to monitor the work of new hires on the laptop.

Two equipment failures have occurred in the last year where network switches have malfunctioned. This grant will assist with the purchase of three new network switches to allow for redundancy of processes.

PRIOR ACTION(S): Finance Committee August 11, 2009

FISCAL IMPACT: None, no matching funds are required for this grant.

CONTACT(S): William A. Aldrich, Director Emergency Communications, 455-4285
Melissa D. Foster, Deputy Director Emergency Communications, 455-4149

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and $115,069 is appropriated with resources from the Commonwealth of Virginia, E-911 Wireless Services Board, to replace aging equipment, provide training, purchase Automatic Vehicle Location (AVL) software, purchase additional Computer Aided Dispatch (CAD) packages, and perform network improvements.

Introduced: Adopted:

Certified: ________________________________
Clerk of Council

096L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 14

CONSENT: **X** REGULAR: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Lynchburg Public Library – Donation from Library Friends**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 General Fund budget and appropriate $2,500 with resources from the Friends of the Lynchburg Public Library to fund a temporary employee.

SUMMARY: The public library is experiencing the busiest period in its 44 year history; circulation in FY 2009 was 566,000, an all-time high. Due to the hiring freeze, the library staff is down 2 full-time equivalents. The Friends of the Library generously offered to donate $2,500 to supplement the library's personnel budget so a temporary employee in the Circulation Department, could continue to work through the busy summer months; City funding for this position has been exhausted. This donation will enable the individual to work until September 22, or approximately 233 hours, whichever comes first. At that time the employment will be terminated. The $2,500 will cover all costs - salary and FICA; no additional City funds will be expended.

PRIOR ACTION(S): Finance Committee August 11, 2009

FISCAL IMPACT: None

CONTACT(S): Lynn Dodge, Director of Libraries and Museums, 455-6330

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:
BE IT RESOLVED that the FY 2010 General Fund budget is amended and $2,500 is appropriated with resources from the Friends of the Lynchburg Public Library to fund a temporary employee, and

BE IT ALSO RESOLVED That the Financial Services Director is authorized to increase the estimated General Fund revenues by $2,500 for FY 2010.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

098L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 15

CONSENT: **X** REGULAR: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Opportunity Online Hardware Grant to Qualifying Virginia Public Libraries, Year 2**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate $5,200 with resources from the Gates Foundation to purchase personal computers and related hardware for the Downtown Branch Library.

SUMMARY: The Bill and Melinda Gates Foundation initiated the Opportunity Online Hardware Grant to support the replacement or addition of public access personal computers (PCs) in public libraries. The Library of Virginia worked with the Gates Foundation to determine public library eligibility for the Grant based on, first, the level of poverty in the service area, and second, the age of the hardware and the number of updated workstations per number of people living in poverty. Based on the criteria, the Downtown Branch Library was eligible for grant funding totaling $13,000 over a two year period, to replace and/or add seven public use PCs and purchase a youth Early Learning Station and purchase related software and equipment

FY 2009: The Downtown Branch Library received $7,800 through the Opportunity Online Hardware Grant to purchase three additional personal computers (increasing the number of available PCs from 4 to 7) and one youth Early Learning Station. A local match of $2,600 was absorbed in the library's FY2009 budget; no new funds were requested.

FY 2010: The Downtown Branch Library will receive $5,200 through the Opportunity Online Hardware Grant. Four (4) existing personal computers will be replaced and related software and equipment will be purchased. A local match of $5,200 will be absorbed in the library's FY 2010 budget; no new funds are being requested.

PRIOR ACTION(S): City Council: October 14, 2008, approved Year One of the grant
August 11, 2009, Finance Committee

FISCAL IMPACT: None, the required local match will be met by already-budgeted expenditures in the FY2010 library budget.

CONTACT(S): Lynn L. Dodge, Director of Libraries and Museums, 455-6330

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and $5,200 is appropriated with resources from the Gates Foundation to purchase personal computers and related hardware for the Downtown Branch Library.

Introduced: Adopted:

Certified: ________________________________
Clerk of Council

097L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 16

CONSENT: **X** REGULAR**:** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Virginia Department of Environmental Quality Voluntary Remediation Program, City Stadium Park**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City Capital Projects Fund budget and appropriate $58,000 with full reimbursement from the Virginia Department of Environmental Quality, Voluntary Remediation Program, to complete a site specific environmental assessment and remediation plan for the former Allen Morrison property.

SUMMARY: As a participant in the Virginia Department of Environmental Quality (VDEQ), Brownfield Voluntary Remediation Program, the City has been awarded $58,000 to complete a site assessment and remediation plan for the former Allen Morrison site. A site assessment has been substantially completed and this funding will allow the City to complete all required samplings and development of a remediation plan as defined by VDEQ. To date the City has received over $100,000 from VDEQ in technical assistance and direct funding for remediation of the former Allen Morrison property.

This award requires no match. No additional funds are needed or requested to support this award.

PRIOR ACTION(S): Finance Committee August 11, 2009

FISCAL IMPACT: None, no local match is required.

CONTACT(S): Kay Frazier, Director of Parks and Recreation, 455-5868
Dee Dee Conner, Principal Engineer, 455-3928

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City Capital Projects Fund budget is amended and $58,000 is appropriated with full reimbursement from the Virginia Department of Environmental Quality, Voluntary Remediation Program, to complete a site specific environmental assessment and remediation plan for the former Allen Morrison property.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

099L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009**		AGENDA ITEM NO.: 17
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **VDOT Revenue Sharing Program**

RECOMMENDATION: Approve the attached resolution to participate in the VDOT Revenue Sharing Program for FY2010.

SUMMARY: The Kemper St. Bridge and Interchange Improvement Project has been established to provide structural improvements to the bridge and safety improvements to the vehicular and pedestrian facilities at this location. Bridge improvements include removal and replacement of bridge superstructure, including beams, deck, sidewalks and railings. The bridge is constructed of concrete box beams and evidence of deterioration in the beams is visible on the outside of the beams. The internal cavities of the beams can not be inspected, thus compromising our ability to accurately determine the condition of the bridge. An evaluation was performed in early 2005 and recommends replacement of the superstructure within five (5) to ten (10) years. Replacement of this type of box beam has been necessitated on a state-wide basis due to the inability to inspect the condition of the structure.

The interchange will be reconstructed to provide increased acceleration lane lengths on the expressway and provide signalized intersections at Kemper St. Pedestrian accommodations will be included along Kemper St., including the bridge. This project is to be constructed concurrent with the Midtown Connector Phase I project.

Engineering Division has procured professional services to proceed through final design. City funds are currently available for the engineering phase of the project, and a portion of the funds needed to proceed through construction are also budgeted. VDOT Revenue Sharing funds are necessary to advance the advertisement date and complete the project.

Preliminary Estimated Project Costs are as follows:

Engineering	$ 500,000
Construction	$3,500,000
Total:	$4,000,000

PRIOR ACTION(S): Council Adoption of FY2010 Capital Improvement Program
Physical Development Committee Meeting 8/11/09

FISCAL IMPACT: Funds for the $1 million match will have to be budgeted in FY 2011 of the Capital Improvement Plan (Transportation).

CONTACT(S):

J. P. Morris P. E.	Project Manager (Revenue Sharing)	455-3918
Charles Grant	Project Manager	455-3934
Lee Newland, P.E.	Director of Engineering	455-3947
Bonnie Svrcek	Deputy City Manager/Acting Director of Community Development	455-3900

ATTACHMENT(S): Resolution; Project Description Sheet, FY2010 Adopted Budget

REVIEWED BY: lkp

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to one million dollars ($1,000,000) through the Virginia Department of Transportation Fiscal Year 2009-2010, Revenue Sharing Program; and,

WHEREAS, one million dollars ($1,000,000) of these funds are requested to fund the Kemper Street Bridge and Interchange Improvement Project, located at the intersection of Route 29 Business and Kemper Street; and,

NOW, THEREFORE, BE IT RESOLVED That the Lynchburg City Council hereby supports this application for an allocation of one million dollars ($1,000,000) through the Virginia Department of Transportation Revenue Sharing Program.

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

Adopted:

Certified: ____________________________
Clerk of Council

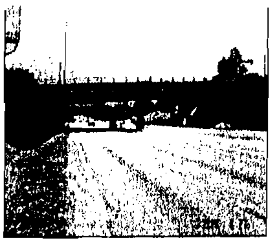
101L

SERVICE AREA	DEPARTMENT	LOCATION
Transportation	**Community Development**	**Kemper Street Bridge**

PROJECT TITLE/PROJECT NUMBER
KEMPER STREET BRIDGE / TB007

PROJECT TYPE
Maintenance

DEPARTMENT PRIORITY
Project supports essential services



PROJECT DESCRIPTION
Rehabilitation, and repairs, including deck replacement, precast concrete beam replacement and miscellaneous sidewalk, median barrier, and parapet repairs. Project includes intersection modifications. Project will be coordinated with construction of Phase I of Midtown Connector.

RELATIONSHIP TO COMPREHENSIVE PLAN
Chapter 14, Page 14.9, Goal 3: Commit adequate resources to the operation and maintenance of existing and future transportation facilities.

PROJECT MANAGER(S)
Charles Grant, Construction Manager

PROJECT START DATE 07/2009
PROJECT COMPLETION DATE 06/2011

COMPLETION SCHEDULE

Activity	Complete - Quarter
City Engineering Service Charges	Q2 FY 2010 - Q4 FY 2011
Consultant Engineering	Q2 FY 2010 - Q3 FY 2011
Construction	Q1 - Q3 2011

OPERATING BUDGET IMPACT (OVERALL OPERATING EXPENSES & PROJECTED STAFFING REQUIREMENTS):
None anticipated.

FIVE YEAR PROPOSED PROJECT **APPROPRIATIONS** BY SUB-PROJECT

Sub-Projects	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	Program Period
Consultant Engineering	100,000	0	0	0	0	$100,000
Construction	3,360,000	0	0	0	0	$3,360,000
Contingency	250,000	0	0	0	0	$250,000
TOTAL	**$3,710,000**	**$0**	**$0**	**$0**	**$0**	**$3,710,000**

TOTAL PROJECT COST

TOTAL PRIOR APPROPRIATIONS THROUGH 7/1/08	FY 2010-2014 APPROPRIATIONS	BEYOND FY 2014 APPROPRIATIONS	TOTAL PROJECT APPROPRIATIONS
$290,000	$3,710,000	$0	$4,000,000

FIVE YEAR PROPOSED PROJECT **EXPENDITURE CASH FLOW PROJECTIONS** BY SOURCE OF FUNDING

Funding Source	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	Program Period Total
Local: Pay-As-You-Go	80,000	0	0	0	0	$80,000
State: Urban Allocation	490,000	2,352,000	1,078,000	0	0	$3,920,000
TOTAL	**$570,000**	**$2,352,000**	**$1,078,000**	**$0**	**$0**	**$4,000,000**

SOURCES OF PROJECT FUNDING FY 2010 - 2014 (%): LOCAL = 2% STATE = 98% FEDERAL = 0% OTHER = 0%

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 18

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Trinity Episcopal Church Building and Parking Addition – 104 Walnut Hollow Road**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Trinity Episcopal Church is petitioning for a CUP to allow the construction of a one thousand four hundred thirty-three (1,433) square foot building addition and a twenty-eight (28)-space parking addition. The Planning Commission recommended approval of the CUP petition because:

- The *Comprehensive Plan 2002-2020* recommends that institutional uses, compatible in scale with single-family residential homes, be permitted in Low Density Residential areas. Building materials would consist of vinyl or aluminum siding that would match the existing office and educational wings of the building and the proposed parking addition would include screening and interior landscaping, as well as the preservation of some of the large trees along the perimeter of the lot. The proposed setbacks and landscaping between the church and the nearest residences ensure the project's compatibility with the standards for Low Density Residential areas set forth within the *Comprehensive Plan 2002-2020*.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-2, Low-Medium Density Single-Family Residential District with approval of a CUP by City Council.

PRIOR ACTION(S): July 22, 2009: Planning Division recommended approval of the CUP.
July 22, 2009: Planning Commission recommended approval of the CUP petition (4-0, with three members absent, Hamilton, Swienton and Oglesby) subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan dated June 23, 2009, and received by the Department of Community Development on July 7, 2009.
2. The building addition will be similar to the architectural renderings received by the Department of Community Development on July 9, 2009.
3. All lighting will be glare-shielded and non-directional to prevent illumination across the property line.

BUDGET IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900
Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Architectural Renderings
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO TRINITY EPISCOPAL CHURCH TO ALLOW THE CONSTRUCTION OF A ONE THOUSAND FOUR HUNDRED THIRTY-THREE (1,433) SQUARE FOOT BUILDING ADDITION AND TWENTY-EIGHT (28)-SPACE PARKING ADDITION AT 104 WALNUT HOLLOW ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Trinity Episcopal Church to allow the construction of a one thousand four hundred thirty-three (1,433) square foot building addition and a twenty-eight (28)-space parking addition at 104 Walnut Hollow Road be, and the same is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan dated June 23, 2009, and received by the Department of Community Development on July 7, 2009.

2. The building addition will be similar to the architectural renderings received by the Department of Community Development on July 9, 2009.

3. All lighting will be glare-shielded and non-directional to prevent illumination across the property line.

Adopted:

Certified: _______________________
Clerk of Council

104L

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: July 22, 2009
Re: **CONDITIONAL USE PERMIT (CUP): Trinity Episcopal Church Building and Parking Additions at 104 Walnut Hollow Road**

I. PETITIONER

Trinity Episcopal Church, 104 Walnut Hollow Road, Lynchburg, VA 24503
Representative: Russell Nixon, Nixon Land Surveying, LLC, 1063 Airport Road, Suite C, Lynchburg, VA 24502

II. LOCATION

The subject property includes one (1) tract totaling one and fifty-seven hundredths (1.57) acres at 104 Walnut Hollow Road.

Property Owner: Trinity Episcopal Church, 104 Walnut Hollow Road, Lynchburg, VA 24503

III. PURPOSE

The purpose of this petition is to allow the expansion of Trinity Episcopal Church's parish hall and offices, as well as the construction of a future parking area.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Low Density Residential use in this area.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-2, Low-Medium Density Single-Family Residential District with approval of a CUP by City Council.

<u>The Planning Division recommends approval of the conditional use permit petition.</u>

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Low Density Residential use in this area. Low Density Residential areas are dominated by single-family detached housing at densities of up to four (4) dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes.

   The parish addition would allow for a larger meeting area and office space; however, no additional seating is proposed as part of the church expansion. Building materials would consist of vinyl or aluminum siding that would match the existing office and educational wings of the building. The CUP would also allow for the future expansion of the existing parking area. The proposed twenty-eight (28)-space parking addition would include new parking area screening and interior landscaping, as well as the preservation of some of the large trees along the perimeter of the lot. The proposed setbacks and landscaping between the church and the nearest residences ensure its compatibility with the standards for Low Density Residential areas set forth within the *Comprehensive Plan*.

2. **Zoning.** The existing R-2, Low-Medium Density Single-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.

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

- On September 28, 1999, City Council approved Workman Oil Company, Inc.'s petition to rezone approximately three (3) acres within the 6000 block of Boonsboro Road from B-3, Community Business District to B-3(C), Community Business District (Conditional) to allow the construction of a convenience store.
- On May 11, 1999, City Council approved Perry Karnes's petition to rezone one and seven tenths (1.7) acres at 5909 Raiford Circle from R-2 Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building as multiple offices.
- On July 13, 1993, City Council approved Trinity Episcopal Church's CUP petition to allow the construction of a study and classroom addition to the existing church at 104 Walnut Hollow Road in an R-2, Low-Medium Density Single-Family Residential District.
- On June 8, 1993, City Council approved Brett Smith's CUP petition to allow the addition to and conversion of an existing shed to a groundskeeper cottage with kitchen facilities at 5913 Raiford Circle in an R-2, Low-Medium Density Single-Family Residential District.
- On September 12, 1989, City Council amended the Official Zoning Map of the City of Lynchburg to reflect the rezoning of the Northwest Expressway Area as shown on the map entitled "Northwest Expressway Land Use Study – 1989 – Proposed Official Zoning Map – 9-12-89." The action was taken as a result of a growth management study for the six and five tenths (6.5) square mile area along the Boonsboro Road corridor and created Section 35.1-43.3 of the *Zoning Ordinance* governing the Scenic Corridor Overlay District.
- On March 8, 1988, City Council approved Dr. David Case's CUP petition to allow the construction of a veterinary clinic with indoor kennels at 6097 Boonsboro Road in a B-3, Community Business District.
- On September 9, 1980, City Council approved Boonsboro United Methodist Church's CUP petition to allow the operation of a child care center within the existing church at 6205 Boonsboro Road in an R-2, Low-Medium Density Single-Family Residential District.

5. **Site Description.** The subject property includes an existing one (1)-story church with associated parking; the balance of the property is undeveloped. The site is bound to the north and west by single-family homes in Bedford County; to the east by single-family homes, commercial businesses, and Boonsboro United Methodist Church; and to the south by single-family homes and multi-family apartments.

6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a one thousand four hundred thirty-three (1,433) square foot addition to the existing building and a future twenty-eight (28)-space addition to the existing parking area. The building addition would create an extra meeting area and church offices; no new sanctuary seating is proposed. The site is served by City water service and sewer service is provided by an existing septic drainfield.

   The northeastern portion of the property is within the limits of the Scenic Corridor Overlay District (SCOD). Although neither the building nor the parking additions are located within the district, the architectural treatment, utility and lighting provisions of the project would meet the requirements of the SCOD. The site is heavily landscaped, including existing foundation plantings, parking area landscaping and buffers. The proposed building would require additional foundation plantings and the future parking area would include parking landscaping and screening to comply with the requirements of the City's *Zoning Ordinance*.

7. **Traffic, Parking and Public Transit.** No new seating is proposed as a result of the building addition. The representative has also provided that the future parking area would be used as an overflow lot for holiday services. The City's Transportation Engineer had no concerns regarding the CUP petition.

   Parking requirements for the church are set at one (1) space for every three (3) seats by the *Zoning Ordinance*. The existing sanctuary includes a maximum of sixty (60) seats, which requires twenty (20) spaces. The parking addition would add twenty-eight (28) spaces to the existing thirty-four (34)-space lot for a total of sixty-two (62) spaces, thus meeting the requirement of the City Code.

   Public transit is not accessible from the site.

8. **Stormwater Management.** The one thousand four hundred thirty-three (1,433) square foot building addition to the church will result in a slight increase in stormwater run-off. The City's *Stormwater Management Ordinance* provides that projects with new impervious cover between one thousand (1,000) and five thousand (5,000) square feet may mitigate stormwater run-off with landscaping, as long as run-off from the site is discharged into an adequate receiving channel. All run-off from the addition will be managed by landscaping to mitigate the slight increase of surface water run-off to the existing channel.

   At such time that the proposed parking addition would be constructed, the new impervious cover for the project would exceed one thousand (1,000) square feet; a plan to address water quantity and quality of the surface water run-off would be required for the construction of the parking area. Stormwater from the development would be directed to a proposed detention pond before being released into an existing drainage swale at a rate not to exceed the pre-development run-off rate. Preliminary review of the stream indicates that the channel is adequate to receive the water from the basin. Stormwater quality would be addressed through a variety of best management practice options that would filter the surface water and promote infiltration.

9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the proposed building and parking addition.

   The Police Department commented that the building perimeter and parking area should be well lit for security. They also provided that trespassing signs and signage directing both traffic and pedestrians to the entrances should be clearly visible. The revised plan notes that any new lighting will be glare shielded and non-directional. The final lighting and signage layout would be determined during site plan review.

10. **Impact.** The proposed addition will have limited impact on the surrounding area. Although staff recommends the petitioner consider pervious parking options and pedestrian connections from the church to the parking area be considered as part of the final design, traffic, stormwater management and public safety concerns have all been addressed to the satisfaction of City staff. The result is a project that would blend seamlessly into the existing church campus.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on June 16, 2009. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer 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 Trinity Episcopal Church's petition for a conditional use permit (CUP) at 104 Walnut Hollow Road subject to the following conditions:

4. **The property shall be developed in substantial compliance with the concept plan dated June 23, 2009, and received by the Department of Community Development on July 7, 2009.**
5. **The building addition will be similar to the architectural renderings received by the Department of Community Development on July 9, 2009.**
6. **All lighting will be glare-shielded and non-directional to prevent illumination across the property line.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transporation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Mrs. Erin Hawkins, Environmental Reviewer
Mr. D. Blair Fairbrother, Applicant, Trinity Episcopal Church
Mr. Russell Nixon, Representative, Nixon Land Surveying, LLC

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**
4. **Concept Plan**
5. **Architectural Renderings**

MINUTES FROM THE JULY 22, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Trinity Episcopal Church for a conditional use permit to allow the construction of a one thousand, four hundred thirty-three (1,433) square foot addition to the existing church and a future parking area in an R-2, Low-Medium Density Single-Family Residential District at 104 Walnut Hollow Road.

Mr. Martin addressed the commissioners with the following comments. The *Future Land Use Map (FLUM)* indicates a Low Density Residential use for the subject property. These areas are characterized by single-family homes with densities of up to four units per acre; however, institutional uses that are compatible in character and scale with single-family homes may be appropriate in the area. It is the opinion of staff that the proposed addition would fit into that category. The City's Transportation Engineer reviewed this proposal and had no comments or concerns regarding the project. At the time that the proposed parking area is constructed, there will need to be a stormwater detention facility constructed. Water quality at that time would be addressed by best management practices. For the church addition, which is the first phase of this project, water quality and stormwater will be managed through additional landscaping. The City's Fire Marshal had no concerns regarding the project. The City's police department recommended "No Trespassing" signs and lighting for the development. The Planning Division recommends approval of the conditional use permit with the conditions outlined in the report.

Mr. Russell Nixon with Nixon Land Surveying came forward to represent the petition. The church needs permission to construct a 1,433 square foot addition. This addition will allow for meeting rooms and a general office for the ministry. In addition, Mr. Nixon recommended that the church do a master concept plan to allow for the 28-space parking lot. This will ensure that they do not have to come back in the future for another conditional use permit to expand the parking lot. Currently, this addition will not increase the membership of the church; however, in the future they hope to grow and the expansion of the parking lot would help with overflow parking. Mr. Nixon asked the Planning Commission to consider recommending the church addition. The architectural designs will match what is currently in place there. A portion of the original sanctuary has some historical value. There will be no work to that portion of the building. The church feels this will be a good addition to the property and help with its value in the future.

Vice-Chair Sale asked for anyone else present to speak in favor of the petition. No one came forward. He asked for anyone present to speak in opposition or with questions. No one came forward. He closed the public hearing portion of the petition.

Commissioner Barnes asked what the timeline was for the future parking lot. Mr. Nixon said there is no set timeline. Mr. Nixon had advised the church that it would be a good idea to put any future potential building or parking lot expansions in this master plan to save them time and money in the future. The only plan they indicated was to possibly expand the parking lot but did not give him a timeline.

Commissioner Barnes said he had no problem with the addition. It fits in well with the site and structures. He has a little bit of a problem with the design of the parking lot because there are six large trees that would be eliminated by this parking lot. Since we are currently debating parking requirement reductions, it might be possible that there are not as many spaces needed at the time this parking lot is built. Commissioner Barnes hopes that the parking lot could be designed in such a way as to avoid cutting down some of the trees. He knows the land drops off fairly steeply to the left side of the parking lot. Commissioner Barnes thinks that by angling the parking lot differently, it could be designed to preserve more of the trees because they are a significant aesthetic attribute to the site.

Commissioner Barnes asked Mr. Martin what their options are in terms of approving the addition but not the parking lot. He asked if the Planning Commission could be allowed to review the parking lot at a later date. Mr. Martin thought they have a couple of options. They could approve the addition but not the parking lot or they could deny the whole thing. Mr. Martin acknowledged that there are some mature trees there and everyone is in favor of trying to retain the trees if at all possible. However, one of the reasons the City adopted a revised *Landscape Ordinance* was to make sure that areas were replanted at an acceptable rate. We are not going to be able to preserve every tree in the City. If you look at the site plan, pretty much wherever a parking area of that size was placed would end up taking out some mature trees. We have talked about reducing the amount of parking, but that was getting more or less to letting the end user decide how much parking they need. The church already has enough parking under the current ordinance, but it is not meeting the need that they see. In the end, while it would be nice to preserve those trees, Mr. Martin is not sure that would be a reason to not approve the parking lot when there are ordinances that require the replanting at a pretty substantial rate.

Commissioner Barnes raised this question because these particular trees are kind of in a row and it looked to him that if the parking spaces in the middle of the lot were not done or if the lot was angled slightly differently, you could avoid cutting down some of those trees. Commissioner Barnes does not think it is a reason to turn down the proposal, but he would like to see as many of those trees preserved as possible. Mr. Martin said that the benefits of preserving those trees would be a credit on their landscaping; they would not have to do any additional plantings. Mr. Martin's reservations would be that the root system has to be protected during construction if you want to save them. From a staff perspective, he would probably leave that up to the church.

Reverend Marion Kanour from Trinity Episcopal Church came forward. It is not the church's intent to take any trees in the parking lot. They appreciate the commissioner's concern about the trees; the church loves them. As time goes forward and the parking lot becomes necessary, they want to save the trees. They are a part of what makes the lot beautiful.

Commissioner Worthington agreed with Mr. Martin's comment about the root system of the trees. The trees may die if care is not taken with them or if the pavement goes right up to the trees. It can be tough to design around them and still save them.

Vice-Chair Sale noticed that there was a recommendation for pervious pavement. That may reduce some of the water retention issues and it would make it much more of a natural setting to use a bricked surface that support the roots of the trees. Commissioner Sale is ready to vote for the petition. He hopes that the church has good stewardship ideas in mind in terms of nature.

Mr. Nixon remarked that they are currently forced by some of the design criteria for size of parking spaces and that type of thing. He could have designed this differently so that the parking lots were put together. He left the island as a pedestrian access between the two parking lots. Instead of having one large massive piece of asphalt, he left them separate. Mr. Nixon remarked that his company might not be the one doing the design, since it is proposed for the future. However, if the design is within substantial compliance with this site plan and the trees are saved or the parking lot size is reduced, Mr. Nixon asked Mr. Martin if it could still be constructed or would the church have to go through the conditional use permit process. Mr. Martin answered that as long as the number of spaces didn't increase significantly or get any closer to the lot lines and stormwater was addressed, the church would not have to go through the process again. Mr. Nixon asked if a condition could be placed on the petition that the trees would be preserved at all costs. Mr. Martin answered that the Planning Commission could place a condition on it to preserve the trees, but he thinks that might hinder more than it would help in the long run. If the trees cannot be saved, the church would have to come back through the entire process.

Vice-Chair Sale commented that the church is fulfilling the spirit, if not the letter of law, of the *Landscape Ordinance.* The church could maybe go further. These are good, solid recommendations for the church to consider because it could be helpful to the church as well as helpful to the environment.

Commissioner Worthington made the following motion, which was seconded by Commissioner Hannon:

"That the Planning Commission recommends to City Council approval of Trinity Episcopal Church's petition for a conditional use permit (CUP) at 104 Walnut Hollow Road subject to the following conditions:

7. **The property shall be developed in substantial compliance with the concept plan dated June 23, 2009, and received by the Department of Community Development on July 7, 2009.**
8. **The building addition will be similar to the architectural renderings received by the Department of Community Development on July 9, 2009.**
9. **All lighting will be glare-shielded and non-directional to prevent illumination across the property line."**

The motion passed by the following vote:

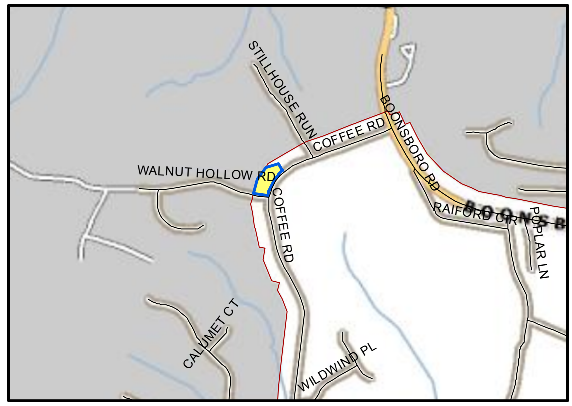
AYES:	Barnes, Hannon, Sale and Worthington	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hamilton, Oglesby and Swienton	3

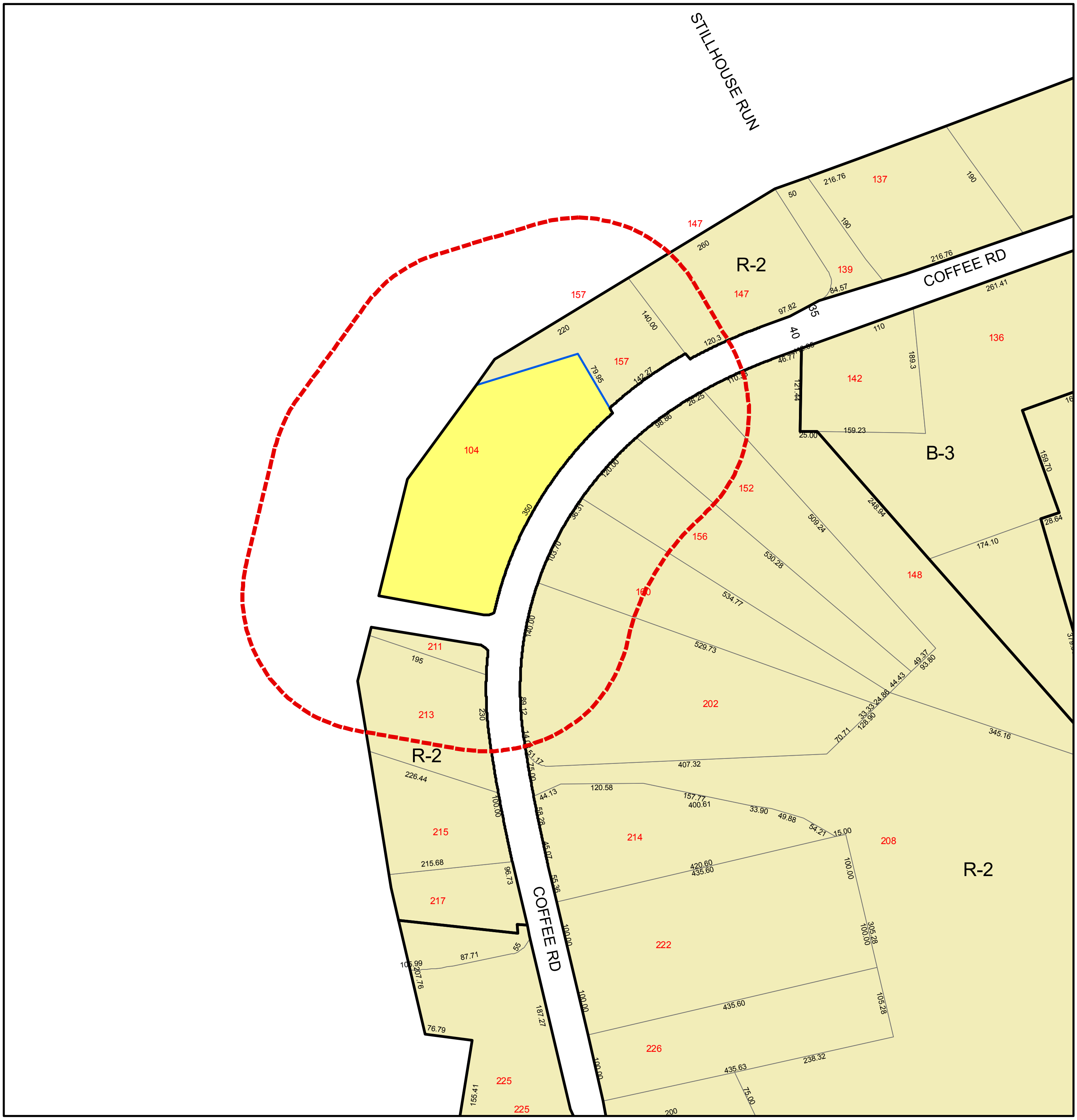
TRINITY EPISCOPAL CHURCH

104 Walnut Hollow Road
PIN# 206-02-007
Conditional Use Permit Request
Petitioner-Trinity Episcopal Church

Subject Property

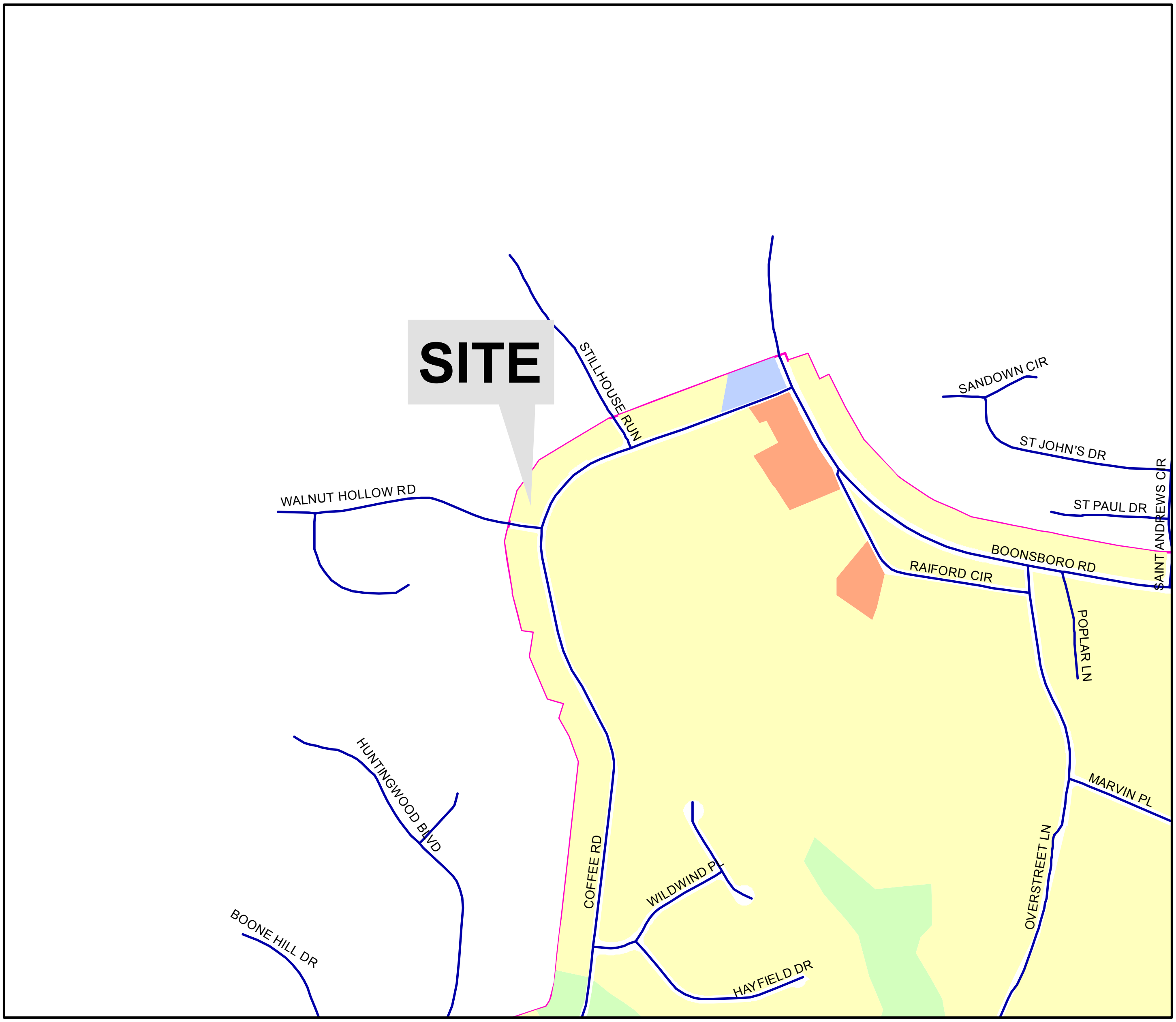
200 FT Buffer





TRINITY EPISCOPAL CHURCH ADJOINING OWNERS

PIN	Owner	LocAddr
20602005	STRUBE EDWARD W	147 COFFEE RD
20602006	NEWLAND JOSEPH L & EVELYN S	157 COFFEE RD
20602007	TRINITY EPISCOPAL CHURCH	104 WALNUT HOLLOW RD
20602008	TRINITY EPISCOPAL CHURCH	213 COFFEE RD
20602010	TRINITY EPISCOPAL CHURCH TR	211 COFFEE RD
20604001	ANDERSON COLIN C & CHARLSIE C	148 COFFEE RD
20604002	ANDERSON COLIN C & CHARLSIE C	152 COFFEE RD
20604003	ANDERSON COLIN C & CHARLSIE C	156 COFFEE RD
20604004	DAVIS PAULA D	160 COFFEE RD
20604005	HAIAR CHAD C & WILBORN BROOKE K	202 COFFEE RD
20604011	BEASLEY DIRK L	208 COFFEE RD
Bedford County		
63 A 49B	IVY-HUNTINGWOOD LLC	COFFEE RD
63 A 53A	NEWLAND JOSEPH L & EVELYN S	157 COFFEE RD
63 A 53C	HALL JEFFERY L & LORETTA W	WALNUT HOLLOW RD
63 A 55C	STRUBE EDWARD W	147 COFFEE RD
63A 1 10	GUTHRIE BILLY WAYNE	1060 WALNUT HOLLOW RD
63A 1 9	BUBICK DONNA M	1090 WALNUT HOLLOW RD
63A 2 16	HALL BETH CHERISH	WALNUT HOLLOW RD
63A 2 17	BAILEY GEORGETTE	100 BRIDLE ROCK CT
Owner	TRINITY EPISCOPAL CHURCH	
Petitioner	TRINITY EPISCOPAL CHURCH	
Representative	RUSSELL NIXON/NIXON LAND SURVEYING	



LocalHistoricDistrict
Traditional Residential
Low Density Residential
Medium Density Residential
High Density Residential
Neighborhood Commercial
Community Commercial
Regional Commercial
Employment 1
Employment 2
Office
Institution
Downtown
Public Use
Public Parks
Resource Conservation
Residential Mixed Use
General Mixed Use
Employment Mixed Use

TRINITY EPISCOPAL CHURCH 104 WALNUT HOLLOW ROAD LAND USE PLAN

N

Trinity Episcopal Church

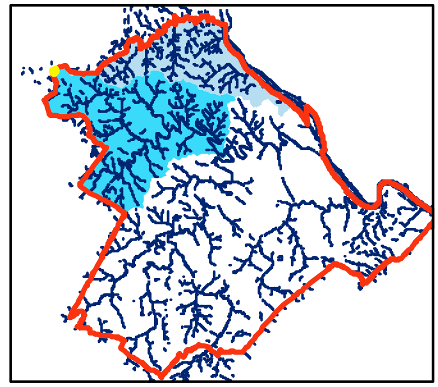
Watershed Location Map

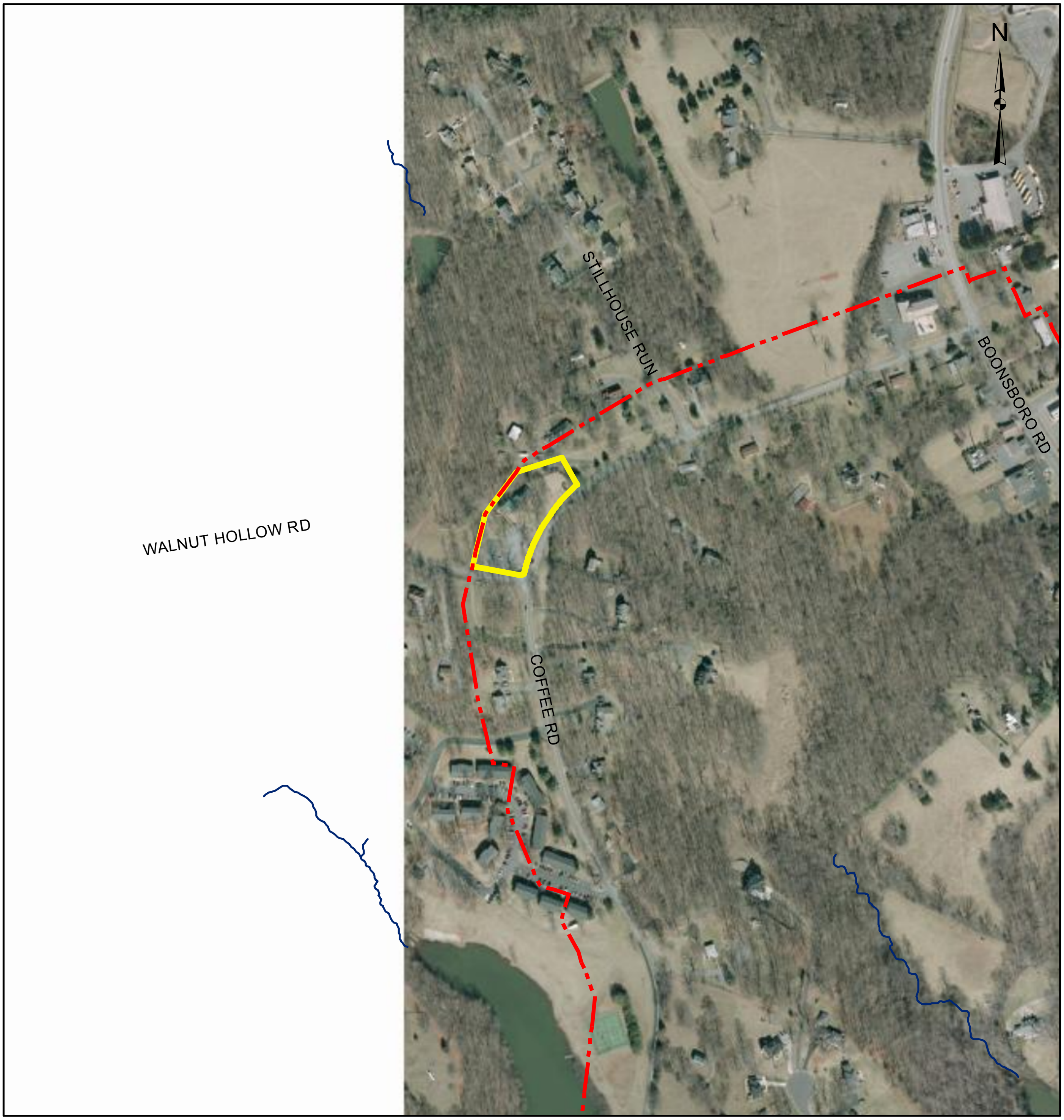
Project Site

Corporate Limit

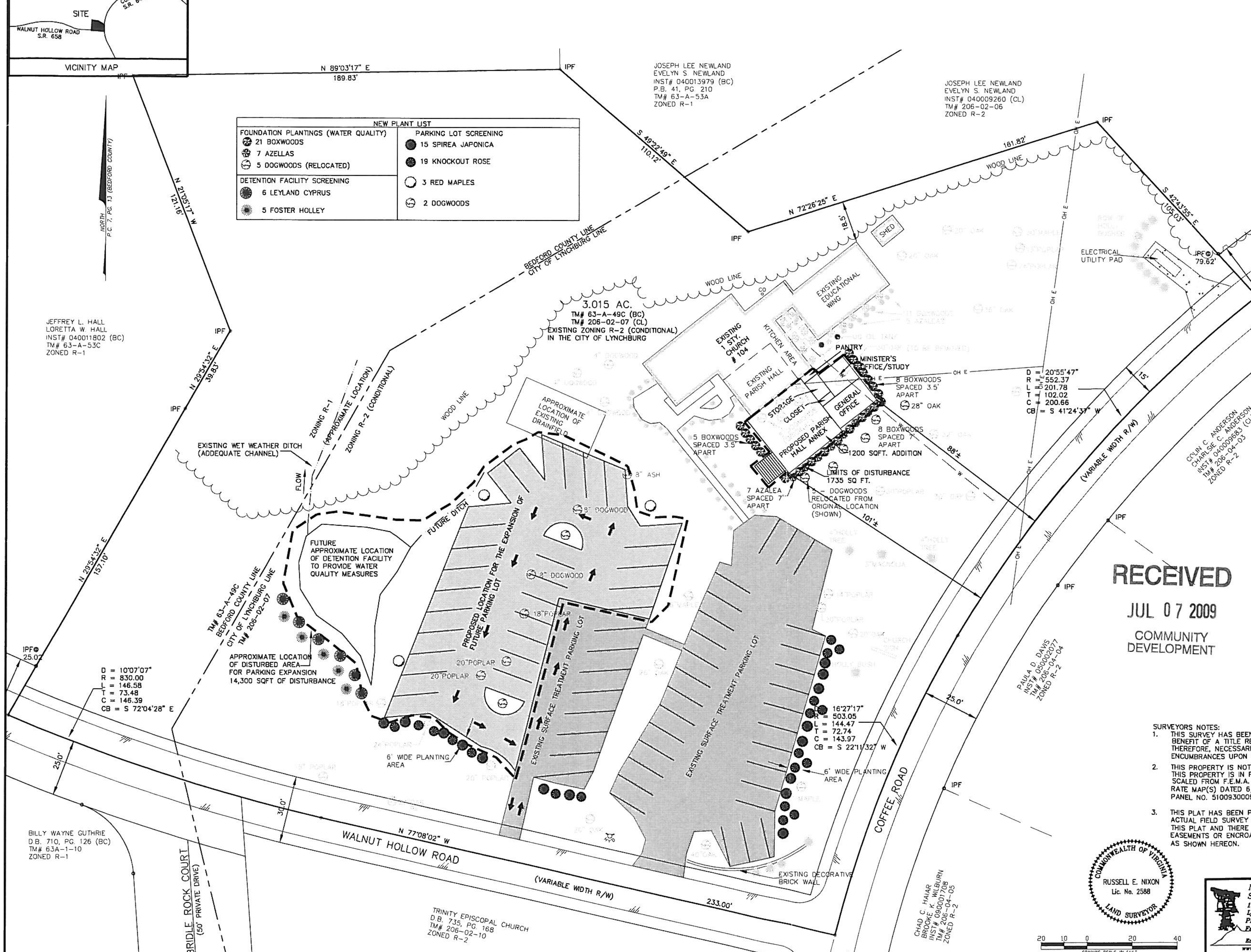
Ivy Creek

Judith Creek





MASTER CONCEPT PLAN FOR CONDITIONAL USE PERMIT



NARRATIVE:
ALL STORMWATER WILL BE CONTROLLED ON SITE BY THE PROPER CONSTRUCTION OF A WATER QUALITY DETENTION FACILITY (POND) THE STORM WATER FOR THE FUTURE PARKING LOT WILL BE CONTAINED AND RELEASED AT THE CURRENT RATE FOR THIS SITE. ALL POST DEVELOPMENT RATES WILL MATCH THE PRE-DEVELOPMENT RATES. STORM WATER QUALITY MEASURES WILL BE IMPLEMENTED PER THE CITY OF LYNCHBURG ORDINANCE, ALL MEASURES WILL BE REVIEWED AND APPROVED PRIOR TO THE CONSTRUCTION OF ANY AND ALL STORM WATER QUALITY AND QUANTITY FEATURES.

THIS MASTER PLAN PROPOSES THE CONSTRUCTION OF A 1200 SQUARE FOOT ADDITION, THE STORM WATER QUALITY AND QUANTITY CONTROL PER THE CITY ORDINANCE CAN BE CONTROLLED BY THE PROPER PLACEMENT OF LANDSCAPE FOUNDATION PLANTINGS.

THE PROPOSED 28 SPACE PARKING LOT ADDITION TO BE BUILT AT AN UNKNOWN DATE MUST HAVE A DETENTION FACILITY BUILT TO CONTROL STORM WATER RUN OFF, FOR BUT NOT LIMITED TO STORM WATER QUALITY AND SEDIMENT CONTROL. THIS FACILITY WILL ACT AS A STORM WATER QUALITY FEATURE, WITH PLANTINGS INSIDE THE FACILITY TO FILTER ALL STORM WATER RUN OFF. THIS DETENTION FACILITY WILL ALSO CONTROL THE POST DEVELOPMENT RATES TO ASSURE THAT THEY MEET THE PRE-DEVELOPMENT RATES.

GENERAL NOTES:
1. PROPERTY IS SERVED BY A PUBLIC WATER SYSTEM.
2. PROPERTY SERVED BY A PRIVATE SEWER SYSTEM.
3. THE PURPOSE OF THIS CONDITIONAL USE PERMIT IS TO ALLOW FOR THE EXPANSION OF THE EXISTING CHURCH BUILDING.
4. ALL OF THE CITY OF LYNCHBURG DESIGN CRITERIA WILL BE FOLLOWED FOR BUT NOT LIMITED TOO, E&S LANDSCAPING, STORMWATER MANAGEMENT.
5. THE TOTAL AREA PROPOSED TO BE BUILT FOR THIS NEW ADDITION IS 1200 SQFT.
6. DEVELOPER OWNER IF GRANTED THE CONDITIONAL USE PERMIT WILL BE SUBSTANTIALLY COMPLIANT WITH THIS SITE PLAN.
7. NO LAND DISTURBANCE CAN BEGIN UNTIL A LAND DISTURBANCE PERMIT HAS BEEN OBTAINED FROM THE CITY OF LYNCHBURG.
8. A SITE PLAN MUST BE SUBMITTED FOR REVIEW BY THE CITY OF LYNCHBURG TECHNICAL REVIEW COMMITTEE IN RELATIONSHIP TO THE PROPOSED LAND DISTURBANCE AND CONSTRUCTION.
9. NO NEW PARKING IS REQUIRED AT THIS TIME.
10. EXISTING SEATING COMPACITY FOR SANCTUARY IS 60 PERSONS.
11. THIS ADDITION DOES NOT REQUIRE ADDITIONAL SEATING FOR THE CHURCH SANCTUARY.
12. THE EXISTING PARISH SEATS ONLY 60 PERSONS COMFORTABLY, THIS ADDITION ALLOWS FOR A LARGER MEETING AREA DURING INTERMITANT TIMES WHEN A LARGER MEETING HALL IS NEEDED.
13. THE SHADED PROPOSED PARKING EXPANSION AREA IS SHOWN AS A PROVISION TO ALLOW FOR THE EXPANSION OF THE EXISTING PARKING LOT. NO NEW PARKING AREA IS PROPOSED TO BE BUILT AT THIS TIME. THE EXPANSION OF THE PARKING LOT WILL TAKE PLACE AT AN UNKNOWN FUTURE DATE AND WILL BE DONE PER ALL APPLICABLE CITY ORDINANCES.
14. THE NUMBER OF PARKING SPACES TO BE PROVIDED IN THE PROPOSED EXPANDED PARKING LOT HAS NOT BEEN DECIDED. THE AREA SHOWN IS APPROXIMATE IN SIZE.
15. ALL FUTURE LIGHTING FOR THIS SITE IS TO BE GLARE SHEILDED AND NON DIRECTIONAL, AND THE LIGHTING WILL BE CONTROLED SO THAT NO ILLUMINATION WILL OCCUR BEYOND THE PROPERTY LINE.
16. PARKING CALCULATIONS PER EXISTING SEATING CAPACITY, 1 SPACE PER 3 FIXED SEATS, THUS 60 FIXED SEATS REQUIRES 20 PARKING SPACES. 1/3 X 60 = 20 SPACES (REQUIRED)
17. CURRENTLY THE EXISTING PARKING LOTS HAVE THE AREA TO SUSTAIN 34 PARKING SPACES. THE PARKING SPACES SHOWN ARE NOT CURRENTLY PAINTED ON THE GROUND. IT IS RECOMMENDED THAT THESE SPACES BE PAINTED ON THE GROUND TO ASSURE CONTINUITY FOR TRAFFIC FLOW.

RECEIVED
JUL 07 2009
COMMUNITY DEVELOPMENT

SOURCE OF TITLE AS RECORDED IN THE BEDFORD COUNTY CLERKS OFFICE:
TRINITY EPISCOPAL CHURCH
D.B. 20, PG. 87

ADDRESS OF PROPERTY:
104 WALNUT HOLLOW ROAD
LYNCHBURG, VA 24503

ALL EXISTING LANDSCAPE INFORMATION SHOWN IS APPROXIMATE LOCATION ONLY, A TOPOGRPAHIC SURVEY HAS NOT BEEN COMPLETED. AT SUCH TIME THAT A TOPOGRAPHIC SURVEY IS COMPLETED A MORE ACCURATE LOCATION WILL BE MADE. THE TYPE OF TREES AND THEIR SIZES WILL BE SHOWN ON THE FUTURE SITE PLAN FOR THE EXPANSION OF THIS BUILDING.

SURVEYORS NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PROPERTY IS NOT IN A FLOOD ZONE THIS PROPERTY IS IN FLOOD ZONE X AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP(S) DATED 6/3/08 PANEL NO. 5100930009 D
3. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.

COMMONWEALTH OF VIRGINIA
RUSSELL E. NIXON
Lic. No. 2588
LAND SURVEYOR

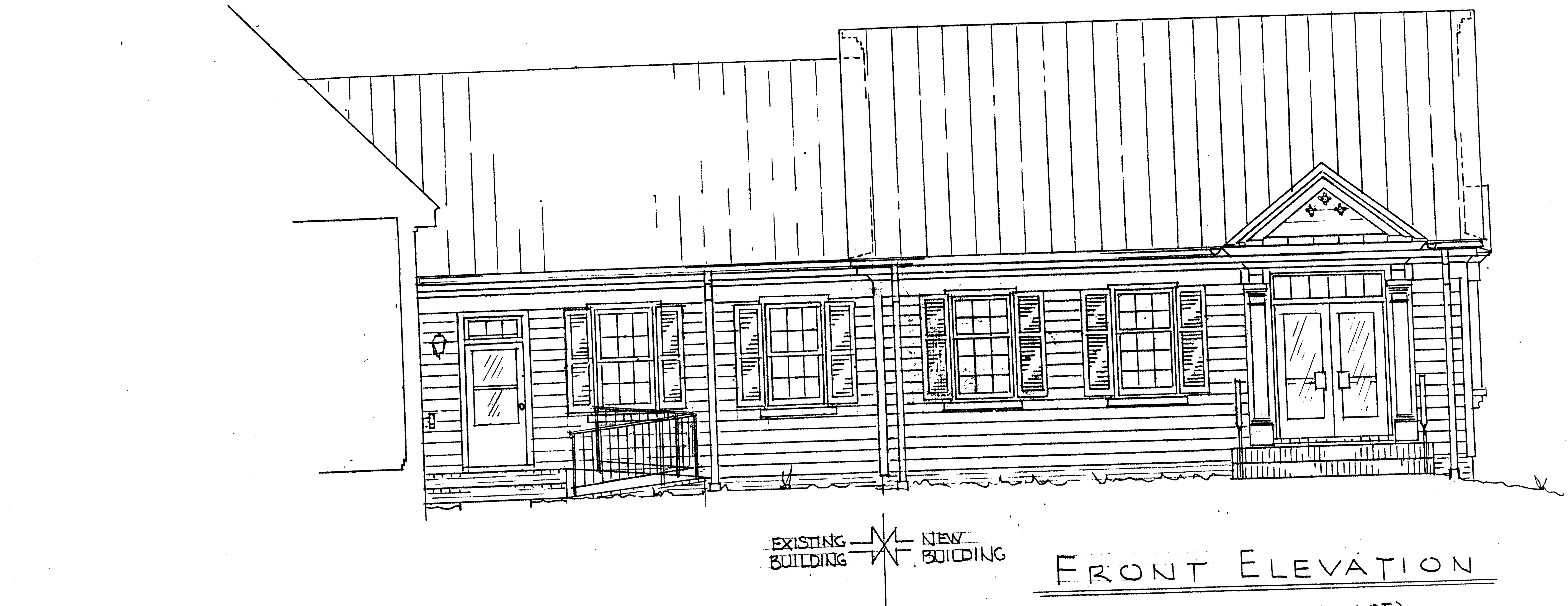
20 10 0 20 40
GRAPHIC SCALE IN FEET

SURVEYED FOR: TRINITY EPISCOPAL CHURCH

Nixon Land Surveying, L.L.C.
1063C Airport Road
Lynchburg, VA 24502
Phone: (434) 237-3600
Fax: (434) 237-0699
Email: ren@nixonlsec.com
www.nixonlandsurveying.com
DO NOT MOVE AN ANCIENT BOUNDARY STONE OR ENCROACH ON THE FIELDS OF THE FATHERLESS. PROVERBS 23:10 (NIV)

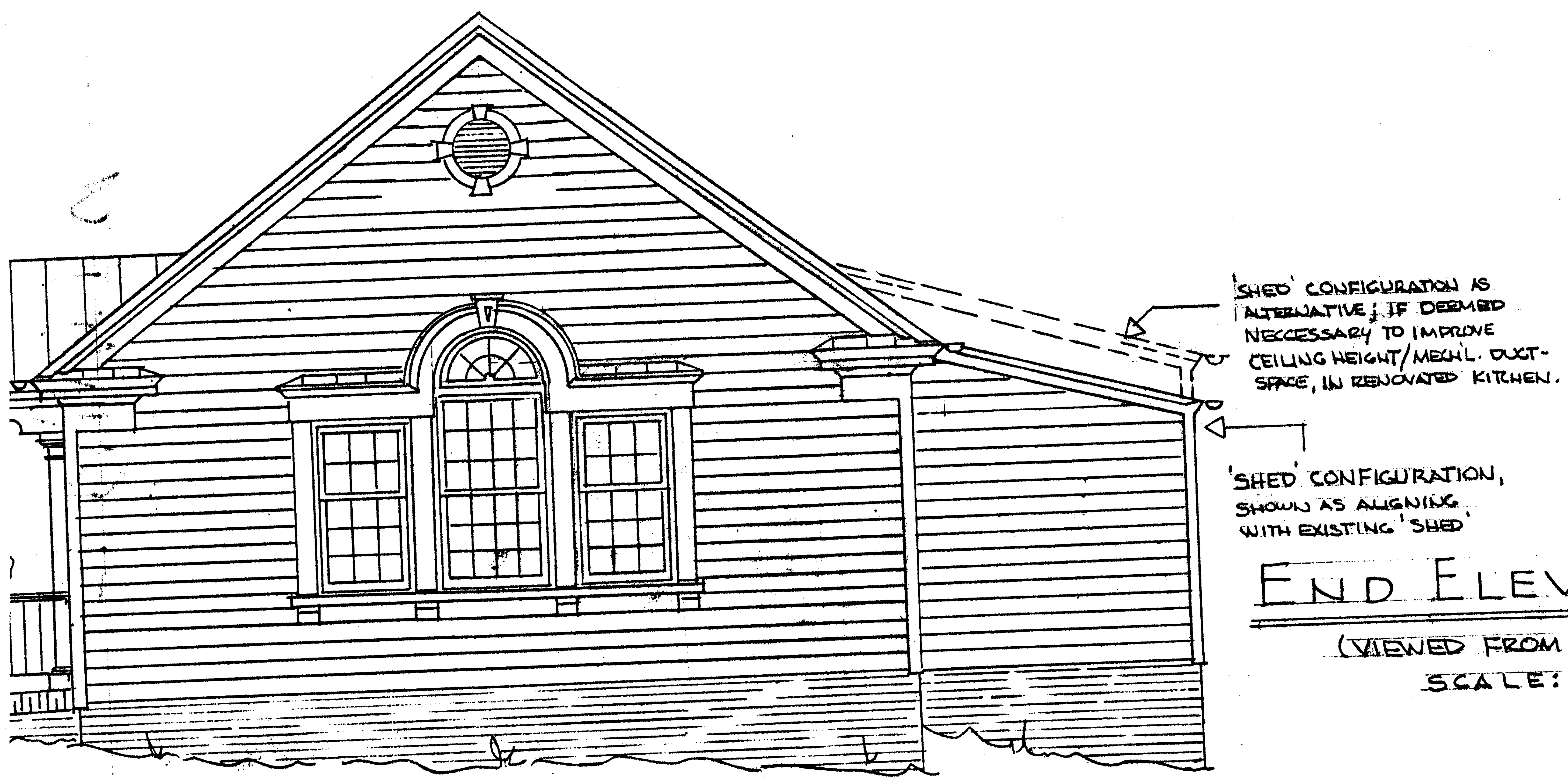
CONDITIONAL USE PERMIT PLAN
FOR TRINITY EPISCOPAL CHURCH
ON COFFEE ROAD
JEFFERSON DIST. BEDFORD COUNTY AND CITY OF LYNCHBURG, VA

COMM. NO.: 2009094		REVISED: 6/23/09
SCALE: 1"=20'	DR. BY: REN	DATE: 5/28/09
SHEET: 1 OF 1	CHK. BY: REN	DRW. NME. SITE



FRONT ELEVATION

(VIEWED FROM PARKING LOT)
SCALE: 1/4"=1'-0"



END ELEVATION

(VIEWED FROM COFFEE RD.)
SCALE: 1/4"=1'-0"

PROPOSED ADDITION TO TRINITY EPISCOPAL CHURCH		
SCALE: 1/4"=1'-0"	COFFEE + WALNUT HOLLOW RDS.	DRAWN BY PHS-JR
DATE: SEPT. 20, 07	BOONSBORO, LYNCHBURG, VA.	REVISED
OWEN BUILDING & REMODELING, INC. GENERAL CONTRACTORS, BEDFORD, VIRGINIA		
ELEVATI IS	2ND. PRELIM.	DRAWING NUMBER TW... OF 2

Conditional Use Permit

Trinity Episcopal Church

July 22, 2009

PLEASE PRINT

NAME	ADDRESS	PHONE #	IN FAVOR	IN OPPOSITION	NEUTRAL
RUSSEll E. NiXON	1063 AIRPORT RD.	237-3600	✓		
MARION KANOYR	TRINITY EPIS.	384-2257	✓		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 19

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Public Hearing Regarding Vacating the Paper Street Known as Barker Street**

RECOMMENDATION:
Vacate Barker Street (unopened) between Talbot Street and 2707 and 2705 Memorial Avenue.

SUMMARY:
Thomas Brooks, Sr., representative for Pris, PLC, is petitioning to vacate the unopened Barker Street located between Talbot Street and 2707 and 2705 Memorial Avenue. Barker Street begins at its intersection with Talbot Street and extends in a northeasterly direction approximately two hundred and seventy-five (275) feet to terminate at 2707 and 2705 Memorial Avenue. All adjoining property owners are in agreement. The Technical Review Committee comments have been incorporated into the proposed ordinance.

PRIOR ACTION(S):
August 11, 2009: Physical Development Committee review
June 16, 2009: Technical Review Committee Administrative review

BUDGET IMPACT:
None

CONTACT(S):
Tom Martin, City Planner - 455-3900
Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):
- Ordinance
- Vicinity Map
- Technical Review Committee Report
- Application
- Subdivision Plat

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE VACATING A PAPER STREET KNOWN AS BARKER STREET BETWEEN TALBOT STREET AND 2707 AND 2705 MEMORIAL AVENUE

WHEREAS, Pris, PLC is petitioning to vacate the unopened Barker Street which begins at the intersection of Barker Street and Talbot Street and extends in a northeasterly direction approximately two hundred and seventy-five (275) feet to terminate at 2707 and 2705 Memorial Avenue; and

WHEREAS, the adjoining property owners are in agreement to the vacation of the unopened Barker Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the unopened Barker Street;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, the following described street be, and the same hereby is, discontinued and vacated, namely:

Barker Street beginning at the intersection of Barker Street and Talbot Street and extending in a northeasterly direction approximately two hundred and seventy-five (275) feet to terminate at 2707 and 2705 Memorial Avenue.

Said vacation is contingent upon the following: that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager’s Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: ___________________________
Clerk of Council

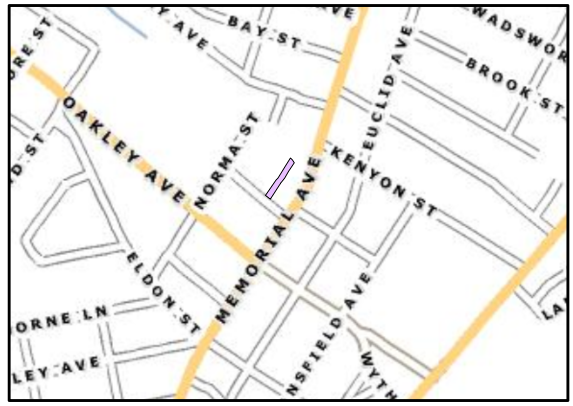
102L

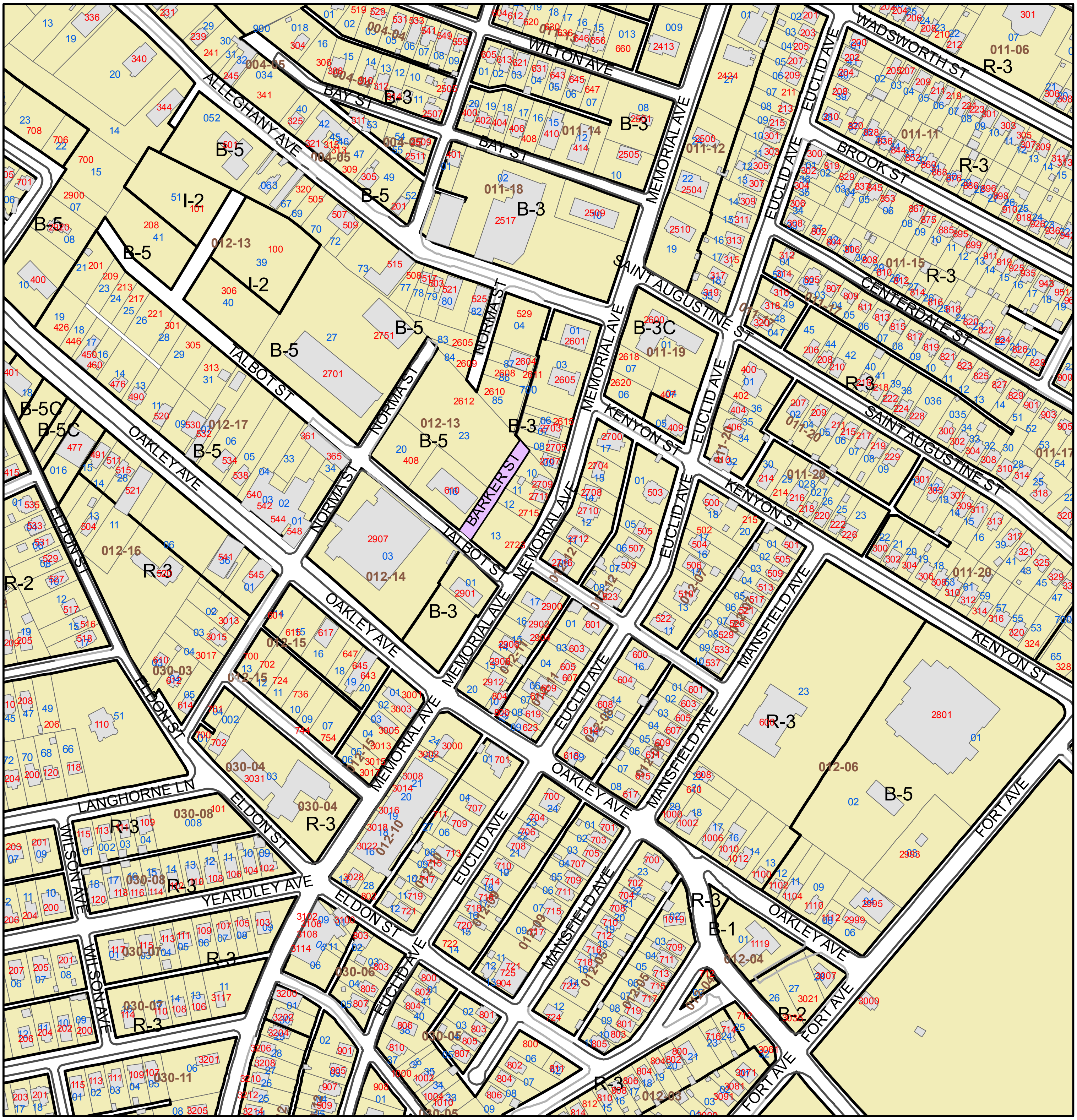
BARKER STREET
STREET VACATION

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N
W E
S

Proposed Street Vacation





TRC Report Date
6/23/2009

Project Number	**SUB0906-0006**
Project Name	**Barker Street Partial Vacation**
Site Address	

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	No comments.
EngineeringAdm	Lee Newland	No comments.
EngineeringDesign	James Talian	The City does not vacate one half of a street. The entire width must be vacated.
EngineeringMapRoom	Debbie Stinson	1. Retain a public easement for the sewer line. 2. Tazewell Street should be Tazewell Avenue.
Fire	Greg Wormser	No comments.
Neighbor Svcs	Rob Fowler	No comments.
Planning	Rebecca McCharen	1. All adjoining property owners of Barker Street must be in agreement to vacation before this procedure can be used. All adjoining property owners must be an applicant or sign the application form or file a separate statement indicating that they are not opposed to the vacation. If all adjoining property owners are not in agreement, applicant must send certified letters to all adjoining property owners notifying them of the date of the public hearing before City Council (applicant pays costs of these notices). Applicant will need to return to Planner the green cards showing that the adjoining property owners received notice prior to the public hearing. In addition to the notices, a statement that a sign, required by law, stating 'a notice of application for vacation of a street within the city' has been posted and the date it was posted. 2. The application will be reviewed by the Physical Development Committee on July 14, 2009 and City Council on August 11, 2009. Applicant will need to attend. 3. The City does not guarantee the vesting of title to any portions of a public right-of-way that is vacated. In vacating a public right of way, the City is only giving up its interest in the public right of way. Virginia State law determines disposition of vacated right of way. 4. If the right-of-way was dedicated for public use prior to 1928, all the City owns is an easement to use the right-of-way for public purposes. The title to the right-of-way remains with the person that dedicated the right-of-way, his heirs or assigns. When a right-of-way is vacated, the City is simply giving up its right to use the property for public purposes. The vacation of a public

Project Number **SUB0906-0006**

Project Name **Barker Street Partial Vacation**

Site Address

Review Type	Contact	Notes
		right-of-way by the City does not convey title of the right-of-way to abutting property owners because the City never owned the right-of-way. If the abutting property owners want to acquire title to the right-of-way property, they have to acquire title from the original owner, or his heirs or assigns. 5. If the right-of-way was dedicated for public use after 1928, State law provides that when the right of way is vacated, title to the property encompassed in the right-of-way is divided in half and title passes to the abutting property owners. 6. The city does not vacate half of a street. The vacation must be the entire width of the street. 7. All lots bounding this street have frontage on other public streets. Therefore, the Planning Division has no concerns with the proposed alley vacation. 8. If there are utilities in the street, contact the Engineering Division for information on whether easements should be reserved.
PWStreets	Dave Owen	No comments.
Traffic	Gerry Harter	The City does not vacate only half of the right-of-way.
Utilities	Eric E Schrader	No comments.
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

1/2 of Barker Street
(Street/Alley)

LOCATED BETWEEN

Talbot Street and eastern property line of 2723 Memorial Avenue

The undersigned applicant, Pris, PLC/Brenda Waller, Pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain street described as follows:

Beginning at the most western corner of Lot 18, Oakley Addition, thence N 45°45'00" W 20.18' to an IRS on the eastern right of way line of Talbot Street at the center of Barker Street (not open) thence N 36°30'00" E 132.00' to an IRS in the center of Barker Street (not open), thence S 45°45'00" E 20.18' to the most northern corner of Lot 20, Oakley Addition, thence S 36°30'00" W 132.00' along the rear property lines of Lots 18, 19, & 20, Oakley Addition to the point of beginning at the right of way line of Talbot Street. The area contained within the portion of Barker Street to be vacated is 0.061 acres.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on June 16, 2009, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described street.

Given under my hand this 1st day of June, 20 09

Thomas C. Brooks
THOMAS C. BROOKS, SR
Applicant

c/o Acres of Virginia, Inc. 404 Clay Street
Lynchburg, VA 24504
Address
434-528-4674
Telephone Number

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

Parcel ID: 01213010
Property Address: 2709 MEMORIAL AVE
LYNCHBURG, VA 24501
Property Class: RESIDENTIAL - COMMERCIAL ZONED
Owner's Name DAVIS, BERNICE P
Mailing Address: 2709 MEMORIAL AVE
LYNCHBURG, VA 24501-2625

Parcel ID: 01213011
Property Address: 2711 MEMORIAL AVE
LYNCHBURG, VA 24501
Property Class: RESIDENTIAL - COMMERCIAL ZONED
Owner's Name DAWSON, WANDA K
Mailing Address: 2711 MEMORIAL AVE
LYNCHBURG, VA 24501-2625

Parcel ID: 01213012
Property Address: 2715 MEMORIAL AVE
LYNCHBURG, VA 24501
Property Class: VACANT - COMMERCIAL
Owner's Name KEITH, FLETCHER G.
Mailing Address: 4016 TRIANGLE DR
CHARLOTTE, NC 28208-2828

Parcel ID: 01213016
Property Address: 610 TALBOT ST
LYNCHBURG, VA 24501
Property Class: INDUSTRIAL - WAREHOUSE
Owner's Name ANDRE COMPANYC/O GARY CLICK
Mailing Address: 3140 SHENANDOAH AVE NW
ROANOKE, VA 24017-4938

Parcel ID: 01213023
Property Address: 2612 NORMA ST
LYNCHBURG, VA 24501
Property Class: VACANT - COMMERCIAL
Owner's Name CHOPPER'S INCORPORATED
Mailing Address: 400 HARRISON ST
LYNCHBURG, VA 24504-2432

Parcel ID: 01213009
Property Address: 2707 MEMORIAL AVE
LYNCHBURG, VA 24501
Property Class: RESIDENTIAL - COMMERCIAL ZONED
Owner's Name REYNOLDS, EARNEST L & DELORES
Mailing Address: 2707 MEMORIAL AVE
LYNCHBURG, VA 24501-2625

Parcel ID: 01213008
Property Address: 2705 MEMORIAL AVE
LYNCHBURG, VA 24501
Property Class: RESIDENTIAL - COMMERCIAL ZONED
Owner's Name GRAY, HARRY L & ANN C
Mailing Address: 1168 HAWKINS MILL RD
LYNCHBURG, VA 24503-4954

THE UNDERSIGNED PROPERTY OWNER/OWNERS DOES HEREBY AGREE WITH THE PETITION FILED BY PRIS, PLC/DR. BRENDA WALLER TO VACATE BARKER STREET AS DESCRIBED IN THE APPLICATOIN FOR STREET VACATION DATED JUNE 18, 2009. REFER TO SHEET 1 OF 3

Signature: Luida S. Andrews 8-4-09
Andre Company by its partner
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: 540 728 4454
Date

Signature: ______
Chopper's Incorporated by its ______
400 Harrison Street
Lynchburg, VA 24504
Phone: ______
Date

Signature: ______
Fletcher G. Keith
4016 Triangle Drive
Charlotte, NC 28208
Phone: ______
Date

Signature: ______
Wanda K. Dawson
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ______
Date

Signature: ______
Bernice P. Davis
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______
Date

Signature: ______
Signature: ______
Earnest L. & Delores Reynolds
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______
Date

Signature: ______
Signature: ______
Harry L & Ann C. Gray
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______
Date

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Signature: ______________________ 8/10/09
Andre Company by its ____________ Date
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: ____________

Signature: Ralph Wilson Jr. 8/10/09
Chopper's Incorporated by its Owner/Pres. Date
400 Harrison Street
Lynchburg, VA 24504
Phone: (434) 851-4684

Signature: ______________________
Fletcher G. Keith Date
4016 Triangle Drive
Charlotte, NC 28208
Phone: ____________

Signature: ______________________
Wanda K. Dawson Date
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ____________

Signature: ______________________
Bernice P. Davis Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ____________

Signature: ______________________
Signature: ______________________
Earnest L. & Delores Reynolds Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ____________

Signature: ______________________
Signature: ______________________
Harry L & Ann C. Gray Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ____________

THE UNDERSIGNED PROPERTY OWNER/OWNERS DOES HEREBY AGREE WITH THE PETITION FILED BY PRIS, PLC/DR. BRENDA WALLER TO VACATE BARKER STREET AS DESCRIBED IN THE APPLICATOIN FOR STREET VACATION DATED JULY 28, 2009 REFER TO SHEET 1 OF 3

Signature: ______________________ ______________
Andre Company by its ______________ Date
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: ______________

Signature: ______________________ ______________
Chopper's Incorporated by its ______________ Date
400 Harrison Street
Lynchburg, VA 24504
Phone: ______________

Signature: [signature] 8/26/09
William Carlisle Date
2715 Memorial Avenue (Partner w/ Fletcher Keith)
Lynchburg, VA 24501
Phone: 704-525-0026

Signature: ______________________ ______________
Wanda K. Dawson Date
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Bernice P. Davis Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Earnest L. & Delores Reynolds Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Harry L & Ann C. Gray Date
1168 Hawkins Mill road
Lynchburg, VA 24503
Phone: ______________

THE UNDERSIGNED PROPERTY OWNER/OWNERS DOES HEREBY AGREE WITH THE PETITION FILED BY PRIS, PLC/DR. BRENDA WALLER TO VACATE BARKER STREET AS DESCRIBED IN THE APPLICATOIN FOR STREET VACATION DATED JULY 28, 2009. REFER TO SHEET 1 OF 3

Signature: ______________________ ______________
Andre Company by its ______________ Date
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: ______________

Signature: ______________________ ______________
Chopper's Incorporated by its ______________ Date
400 Harrison Street
Lynchburg, VA 24504
Phone: ______________

Signature: ______________________ ______________
Fletcher G. Keith Date
4016 Triangle Drive
Charlotte, NC 28208
Phone: ______________

Signature: Wanda K. Dawson 8-24-09
Wanda K. Dawson Date
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Bernice P. Davis Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Earnest L. & Delores Reynolds Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Harry L & Ann C. Gray Date
1168 Hawkins Mill road
Lynchburg, VA 24503
Phone: ______________

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REFER TO SHEET 1 OF 3

Signature: ______________________ ______________
Andre Company by its ______________ Date
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: ______________

Signature: ______________________ ______________
Chopper's Incorporated by its ______________ Date
400 Harrison Street
Lynchburg, VA 24504
Phone: ______________

Signature: ______________________ ______________
Fletcher G. Keith Date
4016 Triangle Drive
Charlotte, NC 28208
Phone: ______________

Signature: ______________________ ______________
Wanda K. Dawson Date
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: Bernice P Davis 8-24-09
Bernice P. Davis Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Earnest L. & Delores Reynolds Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Harry L & Ann C. Gray Date
1168 Hawkins Mill road
Lynchburg, VA 24503
Phone: ______________

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Signature: ______________________________ ____________________
Andre Company by its ________________ Date
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: ____________________

Signature: ______________________________ ____________________
Chopper's Incorporated by its ________________ Date
400 Harrison Street
Lynchburg, VA 24504
Phone: ____________________

Signature: ______________________________ ____________________
Fletcher G. Keith Date
4016 Triangle Drive
Charlotte, NC 28208
Phone: ____________________

Signature: ______________________________ ____________________
Wanda K. Dawson Date
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ____________________

Signature: ______________________________ ____________________
Bernice P. Davis Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ____________________

Signature: Earnest L. Reynolds 8-24-09
Signature: DELORES REYNOLDS, DEC'D ____________________
Earnest L. & Delores Reynolds Date
2707 ~~2709~~ Memorial Avenue
Lynchburg, VA 24501
Phone: ____________________

Signature: ______________________________ ____________________
Signature: ______________________________ ____________________
Harry L & Ann C. Gray Date
1168 Hawkins Mill road
Lynchburg, VA 24503
Phone: ____________________

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Signature: ______________________ ______________
Andre Company by its ______________ Date
3140 Shenandoah Avenue, NW
Roanoke, VA 24017-4938
Phone: ______________

Signature: ______________________ ______________
Chopper's Incorporated by its ______________ Date
400 Harrison Street
Lynchburg, VA 24504
Phone: ______________

Signature: ______________________ ______________
Fletcher G. Keith Date
4016 Triangle Drive
Charlotte, NC 28208
Phone: ______________

Signature: ______________________ ______________
Wanda K. Dawson Date
2711 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Bernice P. Davis Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: ______________________ ______________
Signature: ______________________ ______________
Earnest L. & Delores Reynolds Date
2709 Memorial Avenue
Lynchburg, VA 24501
Phone: ______________

Signature: Harry L Gray 8/25/09
Signature: Ann C Gray 8/27/09
Harry L & Ann C. Gray Date
2705 ~~2709~~ Memorial Avenue 2705 MEMORIAL AVE.
Lynchburg, VA 24501
Phone: 434-385-9483

NOTES:

1. THIS PLAT WAS PREPARED TO SHOW BARKER STREET VACATION.

2. NO DETERMINATION OF WETLANDS WAS REQUESTED OF, NOR WAS ANY DETERMINATION/DELINEATION MADE BY ACRES OF VIRGINIA INC. OR THIS SURVEYOR . THIS PLAT DOES NOT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.

3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

4. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMERLY.

5. THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP PANEL NO. 51008300430 DATED REVISION JUNE 3, 2008. NO CERTIFICATION BY THIS SURVEYOR IS MADE TO THE ACCURACY OF THE FLOOD INSURANCE RATE MAP.

6. IN PROVIDING THIS PLAT NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED.

7. IF THE SURVEYORS SIGNATURE ON THIS PLAT IS NOT SIGNED WITH BLUE INK, THIS PLAT IS A COPY AND COULD CONTAIN UNAUTHORIZED ALTERATIONS. CERTIFICATION APPLIES TO ORIGINAL COPIES AND IS CERTIFIED SOLELY THE PERSON(S) OR ENTITIES FOR WHOM THE PLAT WAS PREPARED.

8. ANY SUBAQUEOUS BEDS LOCATED WITHIN THE BOUNDARIES OF THIS PROPERTY MAY BE THE PROPERTY OF THE COMMONWEALTH OF VIRGINIA. THIS SURVEYOR HAS MADE NO ATTEMPT TO DETERMINE SAID OWNERSHIP. THEREFORE THE AREA SHOWN ON THIS PLAT IS PLUS OR MINUS AND IS INCLUSIVE OF ANY SUBAQUEOUS BEDS UNLESS OTHERWISE NOTED.

9. IT IS UNLAWFUL TO DISTURB ANY GRAVE OR GRAVE MARKER. ACCORDINGLY, ANY GRAVE OR ANY OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL IDENTIFIED DURING THE SURVEY, PROPERTY RESEARCH OR PLAT PREPARATION OR AS DENOTED ON THIS PLAT, ACRES OF VIRGINIA, INC. AND THIS SURVEYOR EXPRESSLY DISCLAIM ANY RESPONSIBILITY (MONETARY OR OTHERWISE) FOR THE DESTRUCTION, REMOVAL OR DISTURBANCE OF ANY GRAVES OR GRAVE MARKERS THAT MAY NOT HAVE BEEN DETECTED OR SHOWN ON THIS PLAT AS WELL AS ANY GRAVES OR GRAVE MARKERS THAT HAVE BEEN SHOWN.

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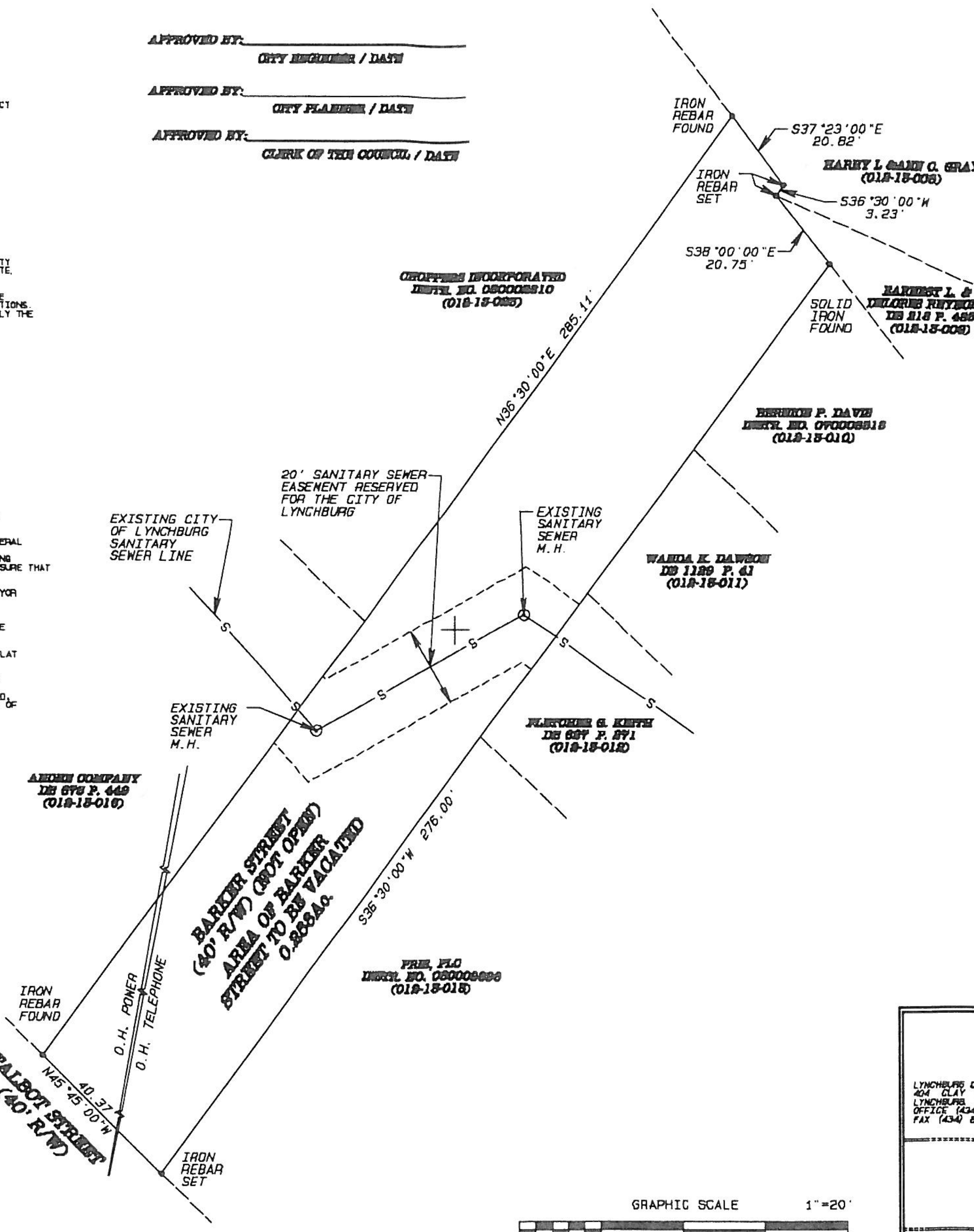

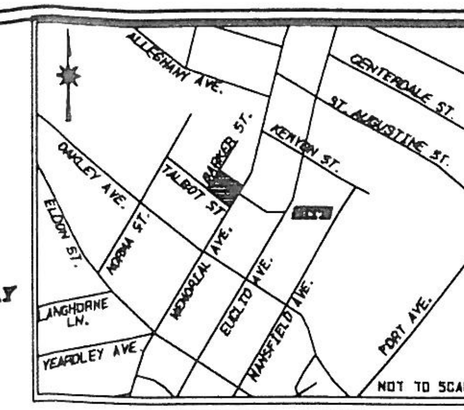

VICINITY MAP

THIS PLAT WAS PREPARED (JULY 3, 2009) FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

COMMONWEALTH OF VIRGINIA
FRED EDWARD WILLMAN
Lic. No. 2746
07/03/09
LAND SURVEYOR

ACRES OF VIRGINIA, INC.

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STREET VACATION PLAT
SHOWING

BARKER STREET

LYNCHBURG, VIRGINIA

SCALE: 1"=20'	DATE: JULY 3, 2009
COMM. NO. 09788/PLAT209788-SERVER-NEWJOB52009	
TAX MAP # (N/A)	COPYRIGHTED ©

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009**		AGENDA ITEM NO.: 20
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Wards Road Pedestrian & Bicycle Concept Plan – Wards Road between Harvard Street & Wards Ferry Road**

RECOMMENDATION: Approval as part of the *Comprehensive Plan 2002-2020*.

SUMMARY: The Wards Road Pedestrian & Bicycle Concept Plan was prepared to address future pedestrian and bicycle facility infrastructure needs in the Wards Road retail corridor. The primary goal of the study is to provide for the safety of pedestrian and bicycle traffic in the area. These modes of transportation will increase once tunnels under the Norfolk & Southern railroad are installed by Liberty University in the spring of 2010. The Planning Commission recommended approval of the plan because:

- The petition agrees with the *Comprehensive Plan* which recommends "priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multimodal and environmental considerations; physical economic, and policy constraints; contribution to quality urban design; required right of way needs; level of service; and appropriate system continuity". ***(Objective 1.A7, pg 14.6)***
- The petition agrees with the Comprehensive Plan which recommends "include alternative transportation modes in the Transportation Master Plan (TMP), including pedestrians, bikeways, trails and transit. ***(Objective 1.A8, pg 14.6)***

PRIOR ACTION(S):
August 12, 2009: Planning Division recommended approval of the plan.
August 12, 2009: Planning Commission recommended approval of the plan (6-0 with 1 member absent, Worthington).

BUDGET IMPACT:
None associated with approval of the Concept Plan.
Preliminary planning budget: Phase I - $995,000, Phase II, $755,000, Phase III, $780,000. Community Development staff will be applying for Transportation Enhancement and other safety grants from the Virginia Department of Transportation (VDOT). These grants require a 20% local match.

CONTACT(S):
Tom Martin, City Planner - 455-3900
Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):
- Resolution
- Planning Commission Memorandum
- Planning Commission Minutes
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION ADOPTING THE WARDS ROAD PEDESTRIAN & BICYCLE CONCEPT PLAN AS PART OF THE CITY'S COMPREHENSIVE PLAN 2002-2020.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Wards Road Pedestrian & Bicycle Concept Plan be, and the same is hereby approved and adopted as part of the City's Comprehensive Plan 2002-2020.

Adopted:

Certified: ________________________

Clerk of Council

105L

MINUTES FROM THE AUGUST 12, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED – THERE WAS NO PLANNING COMMISSION MEETING ON AUGUST 26, 2009):

a. Consideration of adopting the "Wards Road Pedestrian and Bicycle Study" as part of the City of Lynchburg *Comprehensive Plan 2002-2020*. The study includes recommendations for a pedestrian crossing at Wards Road near the proposed Liberty University pedestrian tunnel, a greenway trail along Rock Castle Creek from Harvard Street to Atlanta Avenue and a multiuse trail extension along Wards Road from Atlanta Avenue to Wards Ferry Road.

Mr. Martin addressed the commissioners with the following comments. This study was a collective effort between the City of Lynchburg's Planning Division, Engineering Division, Parks and Recreation, Greater Lynchburg Transit Company (GLTC), Virginia Department of Transportation (VDOT), Liberty University (LU), Central Virginia Community College (CVCC), student representatives, many corridor business owners and their representatives, as well as consulting planners and designers (Sympoetica and Renaissance Planning Group). Renaissance Planning Group helped them look at some of the signal timings and what would happen to traffic conditions on Wards Road if we implemented some of these things. Mr. Martin commented that LU has been a key player in this and has helped out a great deal and that he appreciates Mr. Beaumont being at the meeting today.

The purpose of the study was to provide a vision and a blueprint of ways to improve pedestrian and bicycle facilities on Wards Road from Harvard Street to Wards Ferry Road. There were some little connectors into the shopping center across Wards Ferry Road and Campbell County, although the study area stopped at the city limits. Not only will the study improve the conditions but will also address safety concerns that exist. When school is in session, you can see students crossing anywhere and everywhere on Wards Road. We think the need for this is going to increase once the tunnels are put in place. That was the main reason for doing the study, but the need for it really exists now.

The objective of the study was to get a very inclusive public process in place. We wanted to enhance the pedestrian and bicycle safety in the area. We wanted to improve the connectivity between mass transit and those connections. We wanted to maintain vehicular movement. We did not want to put things in place that would constrict or slow down traffic conditions in that area because we know that is a very sensitive area in terms of traffic conditions now. One of the main reasons for bringing Renaissance Planning Group in was to help us look at traffic conditions. We wanted to look at ways to enhance environmental resources, namely Rock Castle Creek. We wanted to prepare this report for adoption and inclusion in the City's *Comprehensive Plan.*

The catalyst for this study was the proposed pedestrian and vehicular tunnels that are going to put in by LU. The pedestrian tunnel will be put in sometime early in 2010. We looked at some planning determinants. We wanted to look at origin and destinations in the corridor, obviously, origins being LU and their connections into the retail area. There are right-of-way constraints with Wards Road. There is Rock Castle Creek on one side and the railroad on the other, so there are constraints with the amount of area we had. We wanted to look at barriers to pedestrian and bicycle movement. We had to look at floodplains, wetlands, environmental conditions, protecting open space and then we needed to look at ways to improve access to the businesses outside of the public right-of-way. We had to consider the City's and VDOT's design standards.

Mr. Martin went over the existing conditions summary. We looked at the built and the natural environment. We looked at five and ten minute walking distances from the tunnel entrance. That is what is considered a comfortable walk. That is about a quarter of a mile. We looked at the locations for the pedestrian and vehicular tunnels coming under the railroad. We looked at traffic lanes, medians and all the barriers and the Rock Castle Creek stream valley.

The existing zoning in the study area is commercial. LU has a B-5 zoning. All the other areas on the western side of Wards Road are commercial, essentially built out. If you look at the *Future Land Use Map,* it is going to remain that way, even with the *FLUM* recommendation of an additional commercial area on Wards Ferry Road where Simplamatic is. That could change from an industrial zone to more of a commercial zone. We don't look for things to dramatically change in the way the land use is in the area. We have a major commercial area adjacent to a major institution, and we need to work on ways to provide a link between the two other than getting in a car and driving.

Mr. Martin went through some pictures of the area entitled "A Quick Walk-Around" and pointed out where the proposed vehicular/pedestrian tunnel will come out. Mr. Martin pointed out the green area next to Rock Castle Creek, which is maintained by Wal-Mart and Sam's Club. They have been very good to deal with and are very supportive of this plan. Mr. Martin pointed out where the pedestrian tunnel will come out by The Vitamin Shoppe. Mr. Martin pointed out the sidewalks by Barnes and Nobles and noted that early on it was realized that in order to make this system work, it would have to be a public/private partnership in order to get people through these areas. So far, everyone has been very supportive of that. Mr. Martin pointed out a more difficult area of the study—where the ramp comes down off of U.S. 460. We are not really supporting or proposing a lot of pedestrian movement in this area because of the traffic conditions, but there are some small sidewalk segments in that area that we can take advantage of. Mr. Martin pointed out the railroad crossings that will be closed once the pedestrian tunnels go in. Not only will it be safer for pedestrians, but vehicles could get through the tunnels at Harvard Street. Mr. Martin indicated the area by R. B. Taylor where the right-of-way is very wide. The plan proposes taking advantage of some of the right-of-way width and putting in some pedestrian/bicycle features.

Mr. Martin discussed the charrette that was held on October 23, 2008. Some of the commissioners were in attendance. This was a public process where we got input from the key stakeholders. Not as many students turned out as was hoped, but there were a few of them there. The participants were divided into three groups and the information that came out of those groups was put into a concept summary. What this chart shows are the areas where there was agreement between the different groups. This was used to prepare the basis of the plan.

Mr. Martin pointed out the matrix that was used to come up with the recommendation that an at grade crossing would be the best case scenario. The three options that came out of the charrette were a bridge, a tunnel or an at grade crossing. They were looked at as far as enhancing the pedestrian safety, minimizing site needs, meeting the American Disabilities Act, minimizing floodplain and utility relocation issues, minimizing the traffic disruption during construction, minimizing the impact on the traffic levels of service, cost and funding options and how long it would take to actually implement the choice. We devised a scoring system for this, one being poor, five being superior. The at grade crossing came out at the top. If you look at the cost of a bridge, it is very expensive and would take a long time to implement. In order to have it meet ADA requirements you would have to have a great deal of right-of-way if you did a ramp system or even elevators. If you look at a tunnel, you have the same problems, but then you also run into floodplain issues.

Next, Mr. Martin showed a design concept plan and pointed out where the proposed tunnel under the railroad would come out. He pointed out an existing tunnel under U.S. 460 that LU put in some years ago. If they can get students under U.S. 460 safely, we should be able to get students across Wards Road safely. Mr. Martin indicated where the connection comes through campus, through the tunnel and where you get into a distribution network. You would use existing facilities within the different retail areas on the east side of Wards Road. Along the stream valley, we would create a greenway trail system that is in compliance with the Greenway/Blueways plan and was really a component of that. One of the things that we have determined in talking with Parks and Recreation is we need to consider how will the trail connect with other things in the future. Mr. Martin indicated where the vehicular tunnels would come out at Harvard Street and the pedestrian features and another crossing. You will also be able to get into the greenway network from there. At key places where topography permits, it would allow you to come back from the trail system. Mr. Martin pointed out another crossing at Sam's and the greenway trail system would extend over to Wards Ferry Road. There would be a pedestrian and bicycle feature on the frontage of Wards Road because it is very difficult to access some of the businesses on Wards Road from the rear.

Next, Mr. Martin showed a cross section of the main crossing and indicated how you would come across to the at grade crossing. He remarked that there would be the need to put in a new signal at the crossing. Mr. Martin commented that the crossing fits in the existing right-of-way. We worked very hard to work within the existing right-of-way and on the private side to recommend things that are of low cost but can really enhance pedestrian features and did not take up parking spaces.

There was an illustrative showing how the crossing would work. The plan is proposing a two-stage system. The reason we chose a two-stage system, which VDOT is really supportive of, is that it doesn't require stopping traffic in both directions at once. If you had a one-stage system, you would have to stop traffic in both directions. The two-stage system allows a person to cross into a holding area and then push another button to cross the next section. The holding area also forces a person to turn toward oncoming traffic, which creates awareness. This prevents someone that is slower moving from getting stranded within this island without a push button to get out. The plan also recommends fencing the medians to really channel bicycles and pedestrians to approved crossings and get them across safely. It discourages people from crossing wherever they want. This illustrative also shows the link trails to the multipurpose greenway trail. These are throughout the plan. You can see it using the existing sidewalk.

Mr. Martin commented that when the transportation engineers looked at this, they found that when the signals were optimized and the crossing was put in, there was really no change.

At R. B. Taylor, we would propose a ten-foot multiuse trail along that section within the existing right-of-way. There is pedestrian lighting throughout and there would be some type of safety fencing to make people feel more separated and protected from traffic.

There was a rendering showing where the pedestrian tunnel comes out. This will be another major way to access LU. On the private side, we are really using the existing features and just enhancing them to designate the pedestrian crossings.

There was a rendering showing what the main pedestrian/bicycle path could look like northbound on Wards Road. There was an example of the fencing and how a two-stage crossing works. There was also an illustrative of how the existing Sam's Club bridge will be enhanced. All the areas are marked with good pedestrian signage and countdown heads. The walkway would extend to the Sam's entrance.

There was a rendering of how the greenway could look with a pedestrian/bicycle trail, lighting, call boxes and more plantings to further protect Rock Castle Creek. Sam's Club and Wal-Mart would like to talk to the City about donating the property because they do have to maintain it. That would be a plus.

Another thing we looked at were ways we could change the potential transit loops and enhance them.

There was a stakeholder meeting at LU on July 23, 2009 where this same synopsis was presented. LU has been very supportive and has let us use their facilities on two occasions and provided refreshments.

Chair Hamilton asked for anyone who wished to speak in favor of the study, and Mr. Beaumont came forward. He commented that LU is supportive of this for a variety of reasons, number one being safety. Once the tunnels are built under the railroad, that will provide a huge safety feature for LU and the railroad. Also, once the students get to the east side of U.S. 460, they will want to go to the west side. This will protect the students as well as the motorists. There will also be a big economic impact of having 6,000 customers just a quarter of a mile away from businesses.

Chair Hamilton asked for anyone else present to speak in favor of the study. No one came forward. She asked for anyone who wished to speak in opposition to the study and no one came forward. She closed the public hearing.

Commissioner Hannon asked about the status of the negotiations with the railroad. Mr. Beaumont said they are working on some of the engineering designs. They are trying to find a cheaper way of accomplishing some of the structural mandates that they have. LU has to design head walls that support two fully loaded trains in an earthquake, which is quite substantial. LU is coming up with some innovative ways to reduce some of the concrete they have to pour. They really have only one remaining comment with the railroad and a couple of comments that remain with the City which deal with some right-of-way and some signalization. That is on the vehicular side, but they are doing this all as a composite project. This is the biggest tunnel that Norfolk and Southern has ever allowed under a live railroad track.

Chair Hamilton asked when the vehicular tunnel became a vehicular and pedestrian tunnel. Mr. Beaumont said that the City had made some good points about installing a pedestrian feature inside the vehicular tunnel. It will be a pretty narrow path for pedestrians, but you only get one shot at building this, so LU figured it would be a good idea to put it in now in case this becomes a main pedestrian thoroughfare. The locations of the tunnels were picked by looking at the paths the students were naturally walking. It coincides well with the one under U.S. 460.

Commissioner Hannon asked if there were plans for bicycles to use the tunnels. Mr. Beaumont answered that there are no plans for them to use either one. The GLTC routes that go around can fit bicycles on the front of the buses. Mr. Beaumont said you could ride a bicycle on the vehicular tunnels if you chose to, but he is not sure he would recommend that they do. The tunnels are as big as they can make them but there are construction limitations. It will just barely fit fire trucks and other safety vehicles in them. They are limited by the railroad stipulations.

Commissioner Hannon asked if they would have to excavate below the Wards Road grade. Mr. Beaumont said they would not. The railroad track is quite a bit higher than the Wards Road elevation.

Commissioner Sale asked about what the plans are for the pedestrian crossing at Harvard Street. Mr. Martin said it would have to be another at grade crossing and the sidewalk would go up Harvard Street and get you back to the greenway. It is in the plan, but there was no design done for it. That is because the pedestrian tunnel is coming first and we want to focus our efforts on that. It won't be difficult to design the crossing and it could kind of work the same way.

Mr. Beaumont mentioned that the pedestrian tunnel is coming first because the railroad wants them to try that first because it is an innovative method of building it. It is a smaller tunnel, it is easier and there is a lot more fill above the tunnel. Secondly, there is not a lot of foot traffic on that part of campus at this point in time. There is really not a huge need for students to come out there. There are no origination points, no dorms on that side of campus. They did not see that as the primary stressor. The primary stressor is going to be where the pedestrian tunnel is going and how the students will be funneled.

Commissioner Hannon asked if there was a way to tie the pedestrian traffic coming from the Harvard Street tunnel down the east side of Wards Road and put them into the crossing proposed at Sam's Club. Mr. Martin said they could also use the existing facilities through the parking areas and stores, but it was a good point. Again, we designated that as an at grade crossing point but did not spend a lot of time on it because we knew the Sam's Club crossing was the most important piece right now.

Commissioner Hannon asked if the traffic study addressed the pedestrian crossing at Harvard Street. Mr. Martin was not entirely sure that it took into account that far up or not. Mr. Beaumont commented that based on their traffic patterns, they do not feel that it is one of their most important crossings because there are not a lot of origination points or a whole lot of places to go. If people want to go up that hill to CVCC, they will probably drive, ride a bike or catch a bus. At some point, if there are dorms on that side of campus, it will become more important. Chair Hamilton pointed out that there are a lot of students in the townhomes up there. Mr. Beaumont agreed but said they have the bus routes there. They do not see a need for it yet, but as Mr. Martin said, it is a very simple process of putting the signalization on the poles, painting crosswalks and putting in sidewalks.

Mr. Martin remarked that they have worked with CVCC because CVCC was concerned with the amount of traffic on Harvard Street. They worked with CVCC on doing some traffic calming that would also incorporate some pedestrian facilities. Putting these things in is not going to cause everyone to walk. If people do choose to walk or bicycle, they may have to get off their bicycle and push it through a tunnel or a certain portion of it. We want to make sure that they can do whatever option they choose safely. Commissioner Sale asked if a person could push their bicycle through the pedestrian tunnel and Mr. Beaumont said they could. There won't be any restrictions.

Commissioner Sale asked about the coordinated lights. How do you coordinate a light when you have individuals punching a button to stop traffic? Mr. Martin said that basically the lights are talking to one another. If someone pushes the button, it is changing the cycles throughout. Commissioner Sale asked how far up and down Wards Road the cycle would be affected. Mr. Newland was present and said he was not an expert on it, but it does change the beginning cycle of the lights. Mr. Newland thought they were tied together beginning at Glass Avenue out to Wards Ferry Road. Commissioner Sale asked if we have that anywhere else in Lynchburg right now. Mr. Newland said not in such a span; we have it on two signals that are close together but not on a system.

Commissioner Barnes commented that he is impressed with the level of buy in of the stakeholders. He thinks that the process that was used for this is very commendable. Commissioner Barnes asked about the area right beside The Vitamin Shoppe. In some ways, that is a little bit of a choke point. The sidewalk is narrow and passes right beside the wall of the store. This was raised at the stakeholder meeting. What options have been considered for that area? Mr. Martin said that the concern is that when vehicles pull in that their bumpers will pull across the sidewalk and choke it off more. We would talk with the owners about putting in some tire stops to prevent that from happening. That is a very cost effective fix for that. Mr. Beaumont said that they have a good relationship with the owner; he has been very supportive.

Commissioner Barnes asked if any thought had been given to the need for fewer parking spaces since there should be more students walking. Mr. Martin thought there may be a need for fewer spaces, but we are taking more of a market driven approach to parking. Right now, they firmly believe that they need all those parking spaces. They have been so good to work with, we really don't see any reason to force that issue.

Chair Hamilton asked who would be paying for the widening of sidewalks in the various places that is called for by the plan. Mr. Martin answered that they are planning to submit for a Transportation Enhancement grant for Phase I from VDOT. This should be a very good submittal for that. We are probably looking at somewhere around $700,000 to fence the median, the crossings, the signals, the lighting and the sidewalk widening. Chair Hamilton asked about the construction of the greenway. Mr. Martin said that is further off, but we would have to identify some funding options. It could be the Transportation Enhancement grant, other VDOT grants or CIP money.

Commission Sale asked Mr. Beaumont how many students he thought might use this system. Mr. Beaumont was not sure he could extrapolate those numbers. He commented that he knows there are a number who brave it now. Once they are provided a safe feature to get across Wards Road, you will naturally have more students using it. LU is really making a concerted effort for a mass transit/pedestrian mindset on the campus. Mr. Beaumont could not give a hard number, but he believes there will be a significant number of students using it. Mr. Beaumont also believes that you will see regular patrons using it as well. The greenway feature will also be a nice attraction.

Chair Hamilton asked about safety in the tunnels. Mr. Martin commented that call boxes will definitely be recommended for the greenway trail system. Mr. Beaumont said that the tunnels are so short that they do not feel they need call boxes. The one under U.S. 460 is well lit and has cameras. There will probably be surveillance cameras in these as well that feed back to the LU police.

Commissioner Swienton remarked that he did not recall a future transportation management plan for U.S. 29 South, whether it be widening of the road, that has to be factored in with this plan. Mr. Martin commented that they are working on updating the regional plan. Mr. Martin wondered if he was concerned about future traffic counts on this road. Commissioner Swienton said that he is wondering if this plan could be in place and implemented for a while without worrying about revising it due to a change in traffic management plans. Mr. Martin said he would hope so. He hopes that we can find a funding source soon. If LU puts the tunnel in and we do not have these facilities in place, it might be really difficult to deal with things.

Mr. Beaumont said that is something they are working on as well. There are certain time lines when they want to build these things due to the weather. It will create problems if they build this tunnel and there are not the additional safety features in place. It would be ideal if we can coordinate the two.

Mr. Beaumont added that they have coordinated with the railroad in the design to anticipate a third rail at some point because of the light rail push and everything. There won't be any need to change their tunnels once the third rail is built.

Commissioner Oglesby commented that she thinks it is a great plan and that she hopes it goes through and works accordingly. She asked Mr. Martin if the other crosswalk would be about the same thing as the one in front of Sam's, as far as it being a two-stage signal. Mr. Martin said he is a definite proponent of the two-stage signal because it only stops one direction of traffic. He thinks that would be strongly considered.

Chair Hamilton thought that the process was phenomenal and what came out of it is beyond what she had imagined. She is really impressed.

Commissioner Sale remarked that he could see people parking in Sam's and Wal-Mart parking lots and going over to the Vines Center. Mr. Beaumont thought that was definitely a possibility. They are looking at some expansion plans for that facility.

Commissioner Swienton commented that since City Council approved a master plan with tunnels, they have a responsibility to get the students to where they are going safely once they come out of the tunnels.

Commissioner Swienton made a motion to adopt the plan, which was seconded by Commissioner Oglesby. It passed by the following vote:

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Oglesby, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Worthington	1

MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner TM

Subj: Wards Road Pedestrian & Bicycle Study

Date: August 12, 2009

The attached Wards Road Pedestrian & Bicycle Study was prepared to address future pedestrian and bicycle facility infrastructure needs of the Wards Road retail corridor. The primary goal of the study is to provide for the safety of pedestrian and bicycle traffic that will increase dramatically once a tunnel is installed from Liberty University to the corridor.

The draft study was a collective effort between the City of Lynchburg, Greater Lynchburg Transit Company, Virginia Department of Transportation, Liberty University, Central Virginia Community College, Corridor Property Owners & Businesses and area residents.

A Charrette was held on October 23, 2008 to garner input from key stakeholders. The results from the Charrette were the basis for the draft plan. The draft plan was presented to stakeholders and the public on July 23, 2009.

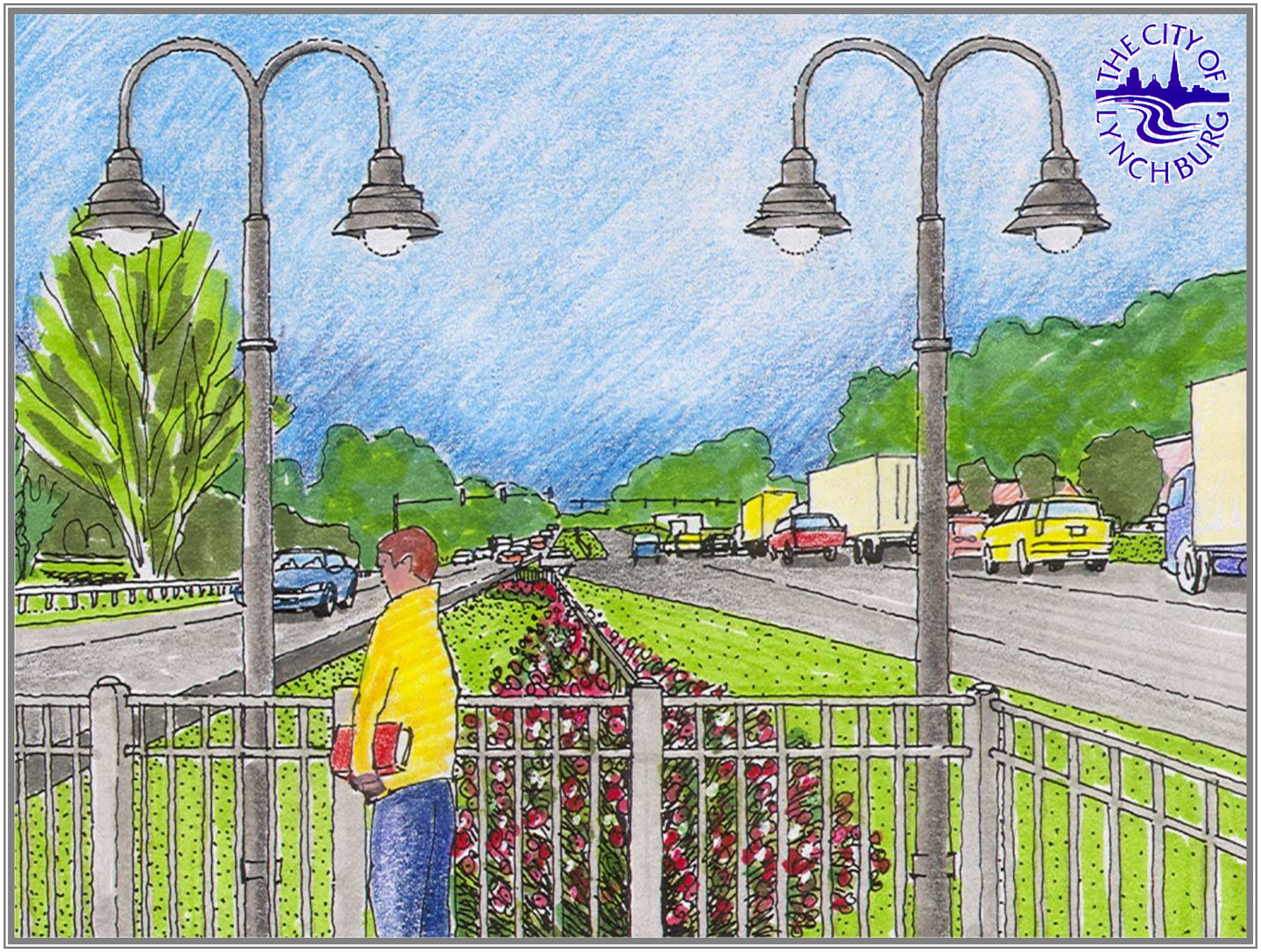
It is recommended that the draft plan be adopted as part of the City's *Comprehensive Plan 2002-2020*. I look forward to discussing the draft plan with you. If you have any questions please do not hesitate to contact me at 455-3909.

Wards Road Area Pedestrian & Bicycle Concept Plan

August 12, 2009

PLEASE PRINT

NAME	ADDRESS	PHONE #	IN FAVOR	IN OPPOSITION	NEUTRAL
LEE BEAUMONT	Liberty University		X		



Final Draft

Wards Road Area Pedestrian & Bicycle Concept Plan

City of Lynchburg, Virginia

Final Draft

Wards Road Area
Pedestrian & Bicycle Concept Plan

Prepared for

The City of Lynchburg
Department of Community Development

.Prepared by

sympoetica
CREATING COMMUNITY

Community Planners and Designers
Woodstock, Virginia

July 24, 2009

Wards Road Area Pedestrian & Bicycle Concept Plan

Key Stakeholders / Project Team

City Of Lynchburg
Greater Lynchburg Transit Company (GLTC)
Virginia Department of Transportation (VDOT)
Liberty University
Central Virginia Community College (CVCC)
Student Representatives
Corridor Property Owner, Retailers & Business Representatives
Area Neighborhood Residents

City Of Lynchburg / Department of Community Development
Tom Martin, AICP, City Planner / Project Director
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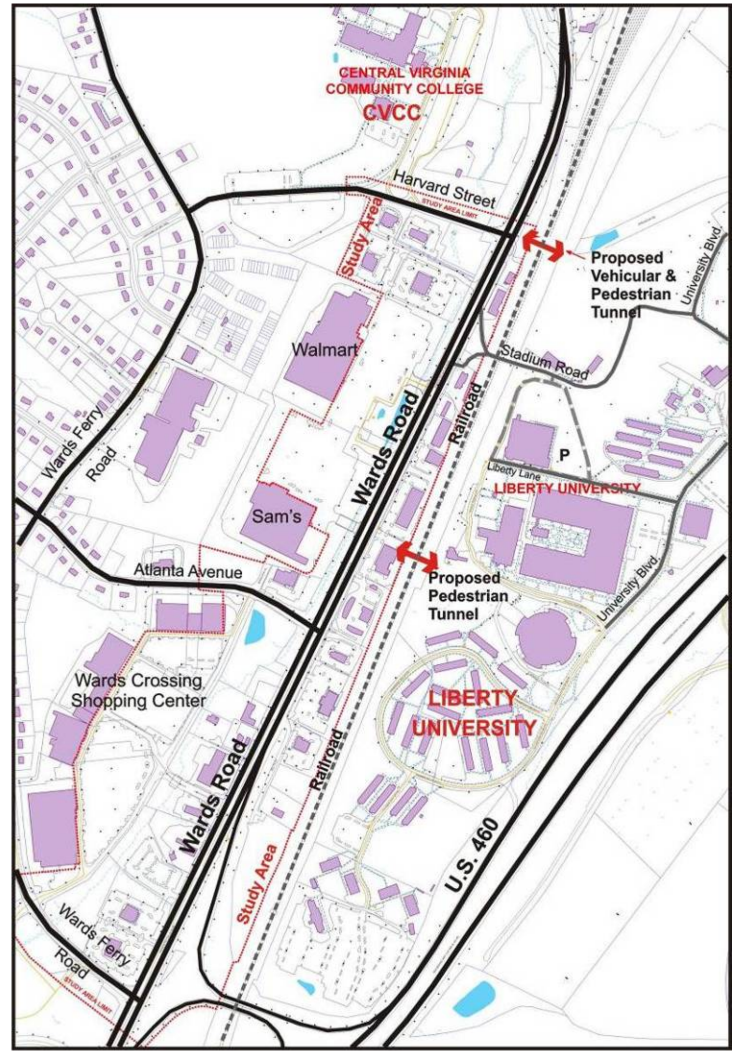
Table of Contents

1.0 INTRODUCTION

1.1 Background

The City of Lynchburg initiated this planning study aimed at improving pedestrian and bicycle facilities in the Wards Road retail corridor, from Wards Ferry Road to Harvard Street. The primary catalyst for the study is the planned pedestrian and bicycle tunnel connecting Liberty University directly to the corridor. The tunnel, slated for construction in early-to-mid 2010, will encourage an increased pedestrian and bicyclist presence along Wards Road. The City's planning effort invites the cooperation and input of other key stakeholders such as Liberty University, CVCC, VDOT, GLTC, corridor retailers and businesses, area residents, and particularly the users of the improved pedestrian and bicycle facilities --- the local college student population.

The study approach, described in detail in Section 1.4, includes analysis of existing study area conditions, current roadway and pedestrian system conditions, traffic volumes, environmental features, and other aspects that may influence the development of an improved pedestrian and bicycle system for the area. A public charrette provided valuable user and property owner input into the process. After the draft concept plan was developed, it was presented to the stake holders and general public. With that input, the draft plan was refined for presentation to the City Planning Commission and Council for inclusion into the City's Comprehensive Plan.



Study Area Limits (within red line)

1.2 Study Purpose

The purpose of this plan is to provide a vision and a blueprint for improving the pedestrian and bicycle facilities in the Wards Road retail corridor from Wards Ferry Road to Harvard Street.

1.3 Study Objectives

The primary study objective is the preparation of an area-wide pedestrian and bicycle concept plan for the study area using planning analyses and public stakeholder input as the plan foundation. Further, the plan objectives include:

- Enhancing pedestrian and bicyclist safety.
- Improving pedestrian/bicycle/transit function and connectivity.
- Maintaining vehicular movement.
- Enhancing environmental resources.

The culmination of the study includes the preparation of a report documenting the study for presentation to the City Planning Commission and Council, and subsequent inclusion into the City's Comprehensive Plan.

1.4 Planning Approach

<u>Project Initiation, Data Collection & Analysis</u>

To initiate the study, Sympoetica met with City project staff from the Department of Community Development, and with key institutional stakeholders, to review the project goals, work plan, schedule and data requirements. This group included the City Planner (Project Director), City Engineer, City Traffic Engineer, General Manager of the Greater Lynchburg Transit Company (GLTC), Virginia Department of Transportation (VDOT) representative, Liberty University staff and student representatives, and, the Central Virginia Community College (CVCC) staff representative. The client group set out a public outreach program to obtain local business and resident input in the planning process. The study team conducted a study area reconnaissance, recording existing study area conditions and key planning influences in map notation and photographic form.

<u>Summary Analyses & Public Design Charrette</u>

Sympoetica prepared a summary map highlighting the built environment in terms of study area opportunities and constraints influencing future pedestrian and bicycle improvements. This was accompanied by narrative summary of influential traffic, land use and environmental aspects of the study area. These summaries provide a framework under for the development of concept plans and determination of the public charrette content, invitees list, agenda, and meeting logistics. (*See the origins of the "charrette" event in Section 1.5 later in this section.*)

The content and agenda for a Wards Road Area Pedestrian & Bicycle Concept Plan Charrette in the study area was developed by Sympoetica. The City notified local property owners and stakeholders of the event via mailings, and broader public notice was provided through media coverage by local city and university newspapers and web outreach.

Sympoetica directed the charrette, while City staff acted as small group facilitators during the 'break-out' sessions. Each group prepared and presented a list of planning issues and opportunities to be considered and drafted a concept plan for future pedestrian and bicycle improvement for the study area. Each group selected a member to present its guidelines and plan concept to the wider group. The charrette was held on Thursday, October 23 from 4:00 p.m. to 7:00 p.m. at the Reber-Thomas Dining Hall at Liberty University. The charrette findings were incorporated into the draft concept plan. The charrette proceedings were digitally recorded by the City's Communications & Marketing Department and made available to the public on LTV Channel 15, the City's government cable channel.

Prepare Draft Concept Plan

Based upon the results of the charrette and the client's direction, Sympoetica prepared a preliminary concept diagram for the pedestrian/bicycle system for the study area. The concept features pedestrian links from Liberty University to Wards Road; Wards Road crossings and sidewalks along the roadway corridor; access across retail parking areas to building entries on the west side of Wards Road; Rock Castle Creek greenway potential; and overall walk/trail system themes. With further client's direction, an illustrative Draft Wards Road Area Pedestrian & Bicycle Concept Plan, along with supporting illustrative graphics was prepared.

Prepare Draft Concept Plan Documentation

This summary report was prepared, offering narrative and graphic description of the proposed plan; the purpose of this document is in support of both public information and City legislative approval. The document content can be integrated into the Comprehensive Plan upon approval by the Planning Commission and City Council. The Draft Wards Road Area Pedestrian & Bicycle Concept Plan was presented to key stakeholders in a public forum on July 23, 2009.

Public Approvals Process

Refinements were made to the Draft Plan based upon client's, stakeholder and public forum input. The revised draft document was then presented in a public hearing before the City Planning Commission on August 12, 2009. The Planning Commission recommended adoption. Subsequently, the Draft Plan was presented in a public hearing before the City Council on September 8, 2009. The City Council adopted the Wards Road Area Pedestrian & Bicycle Plan as part of the City Comprehensive Plan 2002-2020.

1.5 What's a Charrette?

In the 19th century, architecture students at the École des Beaux-Arts in Paris were given design problems to complete under very short timeframes. When time came for the projects to be due, the instructor would have the students' design boards collected in a little cart. In French, "little cart" is "charrette." Legend has it that students would jump atop the cart and continue sketching as the cart carried their boards away to be graded. Hence, the term has today come to describe an intensive group brainstorming session focused on generating quick, creative ideas (and designs) for a specific problem at hand…in this case, creating a safe, functional and exciting pedestrian and bicycle environment for the Wards Road Area.

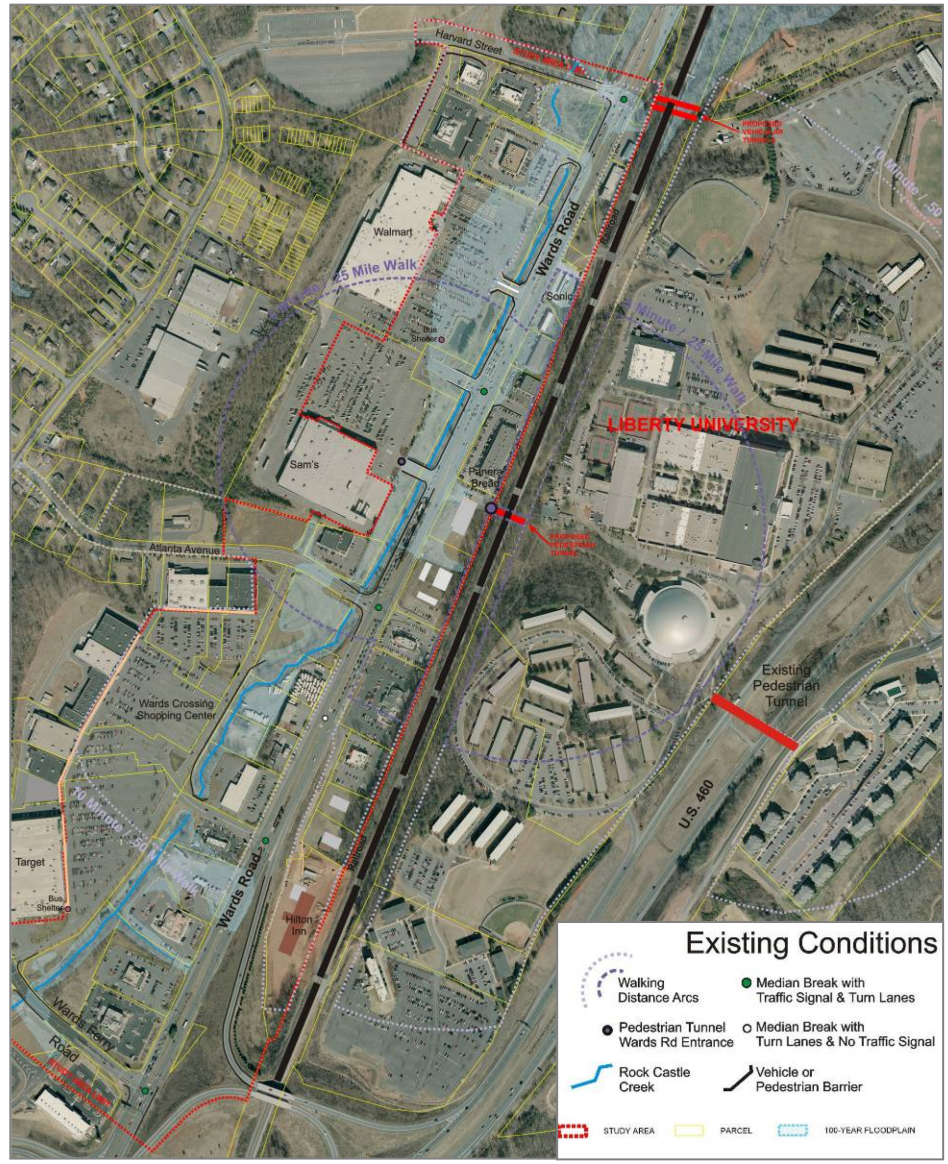
Our public design charrette provided the opportunity for creative interaction between a wide array of stakeholders for the Wards Road Pedestrian & Bicycle Concept Plan Study. Each charrette group identified issues and opportunities, developed a set of guiding principles for the creation of its own concept, then presented those principles and plan to the larger group. A summary of charrette concepts can be found in Section 2.5.

2.0 OPPORTUNITIES AND CHALLENGES

2.1 Existing Physical Conditions

Sympoetica conducted an analysis of the existing physical conditions within the study area that may affect pedestrian and bicycle movement and the development of plan concepts, including:

- Built & natural environment within the study area (buildings, parking, roads, etc.)
- Proposed pedestrian, bicycle and vehicular tunnel locations, with particular emphasis on the proposed pedestrian and bicycle tunnel
- 5 and 10-minute walking distance arcs from west entrance of the proposed pedestrian and bicycle tunnel
- Wards Road traffic lanes, medians, intersections & traffic signals
- Barriers to pedestrian & vehicular movement, including railroad tracks, highway guard rails and medians, steep slopes and water bodies, etc.
- Rock Castle Creek stream valley open space, valley walls, vegetation, floodplain, wetlands and underground utilities



2.2 Planning Determinants

Sympoetica identified a set of planning determinants as a framework for developing early pedestrian and bicycle plan concepts, including:

- Pedestrian & bicyclist trip origin-to-destination paths (desire lines) between Liberty University Campus (via the proposed tunnels) and Wards Road corridor retail, restaurant and services destinations
- Opportunities for involving local stakeholders in the planning process; in addition to the City, key stakeholders include: Liberty University, CVCC, VDOT, GLTC, corridor retailers and businesses, area residents, and particularly the primary users of improved pedestrian and bicycle facilities --- the local college student population.
- Wards Road traffic, right-of-way & roadway constraints, particularly the lack of right-of-way on the east side and major barriers on the west side adjacent to the Rock Castle Creek valley wall.
- Barriers to pedestrian & vehicular movement, including railroad tracks, lack of pedestrian space, highway guard rails and medians, steep slopes and water bodies, etc.
- Opportunities for pedestrian crossing of Rock Castle Creek at existing vehicular bridges from Wards Road to retail destinations west of Rock Castle Creek. Note that not all bridges afford safe pedestrian usage.
- Rock Castle Creek floodplain, wetland, environmental conditions, and the potential for open space and trail development along the creek
- City of Lynchburg Future Land Use Map designations within the study area, particularly for the Rock Castle Creek corridor
- Potential for regional trail connections for the area proposed under the *Region 2000 Greenways & Blueways Plan, 2003*
- Potential for improved access to corridor businesses on those private properties, outside the public right-of-way
- Potential for improved GLTC Bus Service in the corridor, particularly to serve the local college student population
- Effects of City of Lynchburg and Virginia Department of Transportation (VDOT) engineering criteria & standards

2.3 Current Study Area Physical & Visual Attributes

The study area encompasses approximately 132 acres along the Wards Road retail corridor from Harvard Street on the north to Wards Ferry Road on the south, and from the railroad tracks on the east to the major retail building frontages, including restaurants, on the west. The study area is entirely urbanized except for the Rock Castle Creek stream valley. Following is a brief photographic overview of current study area conditions:

Panorama from Harvard Street at CVCC

North and south along Wards Road at restaurant entrance

Retaining walls in restaurant area; old Walmart entrance & parking

Rock Castle Creek stream valley along Walmart frontage

Right-in/right-out entrances & median: Vitamin Shoppe & Sam's

Atlanta Avenue at Wards Crossing Shopping Center

Wards Road west-side frontage south of Atlanta Avenue

Southern end of study area; higher speed traffic areas

Wards Road east side frontage conditions south of Atlanta Avenue

Montford Commons Shopping Center frontage & tunnel location

University Shops Shopping Center frontage, parking & access drive

Wards Road north on east side, Stadium Drive & railroad crossing

2.4 Incorporating Stakeholder Input

<u>Design Charrette Ideas, Issues and Concepts</u>

Over 30 people participated in the Public Stakeholder Charrette held on October 23, 2008. The City and the project team received invaluable input and ideas from those who attended. The ideas, issues and concepts generated by the charrette working groups were summarized. The accompanying table summarizes both the key ideas and plan features developed by the three charrette groups; it also highlights (in green) key areas of idea and plan feature agreement between the groups. There is substantial agreement in many planning suggestions among the charrette groups. Key areas of agreement on ideas and concept plan features include, but are not limited to:

- Create a major, highly visible pedestrian/bicycle crosswalk on Wards Road across from the Sam's Club entrance.
- Create secondary crosswalks at key signalized intersections.
- Maintain as a possible long-term option, the potential of a grade-separated pedestrian/bicycle crossing (tunnel or bridge) of Wards Road should the user volumes support such a solution.
- Try to 'channelize' pedestrians and bicyclists to a limited number of safe crossings of Wards Road.
- Provide sidewalks/crosswalks linking businesses on the east and west sides of Wards Road.
- Provide pedestrian/bicycle links to adjacent neighborhoods and other parts of the City.

Key Ideas/Features	**Group 1**	**Group 2**	**Group 3**
■ Green Box: Idea Agreement & Group Plan Feature			
Pedestrian/Bicycle Improvements			
Crosswalks/Wards Road			
• 'Channel' Users to Adequate Crossings; limit to 2	**Sam's**	**Walmart**	**Sam's**
► Note: Locations are secondary information	**Atlanta**	**Atlanta**	**Atlanta**
• Bold/Highly Visible to Motorists (At-Grade)			
• Direct, Functional Routes to Key Destinations			
• Pedestrian Refuges in Roadway Median			
Sidewalks/Wards Road			
Sidewalks/To & Between West Side Businesses			
Spur Walk/Trail to Walmart & Along Atlanta Avenue			
Greenway/Trail/Boardwalk west of Rock Castle Creek			
Boardwalk/West Side Wards Road			
Links to Local Neighborhoods & City Greenways			
Pedestrian Bridge over Wards Road (Future Alternative)		**Sam's**	**Sam's**
Pedestrian Tunnel under Wards Rd. (Future Alternative)	**Sam's**		
Transit Service/Facilities			
Make Connections to Transit System			
Bi-directional, Multi-route Bus Lane			
Higher Frequency Bus Service			
Park & Ride Facilities			
Accommodate Alt Motorized Vehicles (scooters, etc.)			
Vehicular Traffic (Wards Road)			
Maintain Adequate Sight Distances			
Maintain level of service (VDOT input)			
Eliminate U-Turns (reduce pedestrian/vehicle conflicts)			
Design Regulations & Standards			
ADA Conformance (Americans with Disabilities Act)			
Adhere to Pedestrian & Bicycle Design Standards			
Pedestrian/Bicyclist Safety			
Provide Safe User Environment			
Walk & Trail Lighting for Night-time Users			
Other Issues/Points			
Retain Green Space along Creek (Trail, Green & Buffer)			
Funding Constraints			
Lack of Right-Of-Way on Wards Road			
Minimize Elimination of Business Parking			
Big Box Infill (with Pedestrian Facilities)			
Improve Internal Circulation in Business Areas			

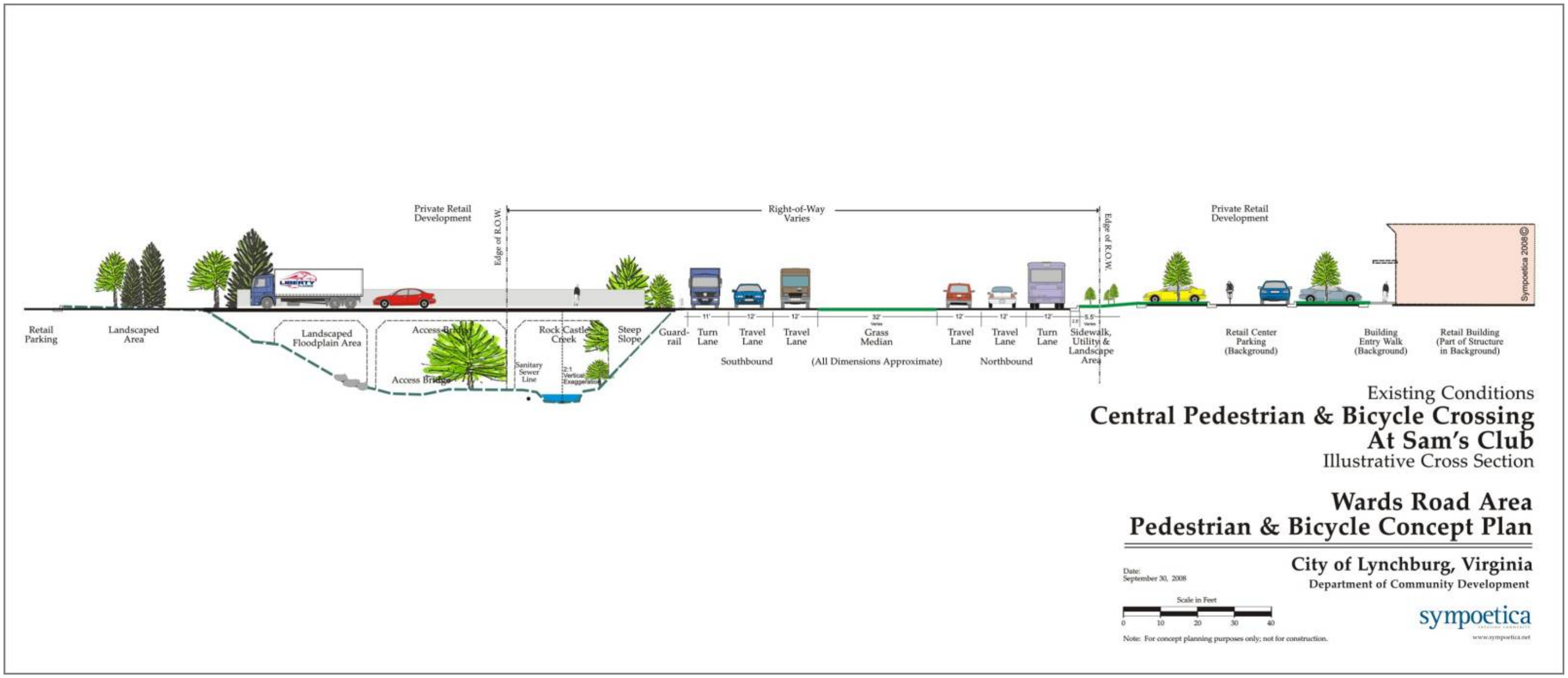
- Create a greenway trail system along Rock Castle Creek.
- Improve transit service within the corridor that serves the campuses and businesses more directly.
- Make safety a priority and adhere to ADA standards in pedestrian system development.
- Consider vehicular traffic levels of service in concert with pedestrian crossing improvements.

The City project team incorporated the charrette input, along with other analyses and criteria, into a preliminary draft concept plan for the pedestrian/bicycle improvements. These concepts were evaluated within a wider analysis to optimize (synchronize) intersection signalization within the entire study area corridor. This traffic study is described in a later section.

2.5 Proposed Primary Pedestrian Crossing Location

A primary point of agreement on ideas and concept plan features among the Public Stakeholder Charrette participants included the creation of a major, highly visible pedestrian / bicycle crosswalk on Wards Road across from the Sam's Club entrance.

As stated earlier, Liberty University's building of a pedestrian and bicycle tunnel beneath the railroad (with the west entrance to the tunnel located behind the Vitamin Shoppe in the Montview Commons Shopping Center) will afford students a safer, more direct path from the campus to the Wards Road corridor. There will be a strong pedestrian origin-to-destination path (desire line) across Wards Road between the vehicular entrances to Montview Commons on the east and Sam's Club on the west. This is the crossing location favored by both the study team and the stakeholder group; it affords crossing of Wards Road in the most direct manner once pedestrians have exited the tunnel. Below is an illustrative cross-section of the existing conditions at that location. Note that the Wards Road right-of-way is quite constrained by the Rock Castle Creek stream valley, its adjacent steep slopes, and by highway safety guardrails. There is also little room for pedestrian sidewalks within the right-of-way on either side of Wards Road.



2.6 Evaluation Of Alternative Crossing Types

The study team evaluated three different types of pedestrian and bicycle crossings for the primary location between the Montview Commons and Sam's Club entrances, linking the proposed (Liberty University) pedestrian and bicycle tunnel (under the railroad) to businesses west of Wards Road. It is notable that all three charrette groups proposed major pedestrian and bicycle crossings at this location (see group concept plans below). Following is a matrix which qualitatively compares the pro's and con's of the these alternative crossing types:

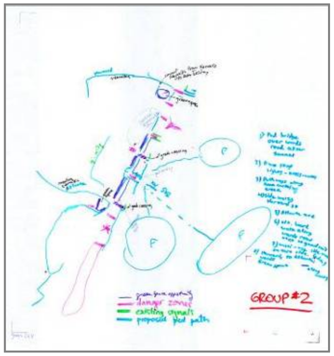
- Bridge over Wards Road
- Tunnel under Wards Road
- At-Grade, signalized crossing on Wards Road

It was determined from the scoring and subsequent ranking of the alternative crossing types that the at-grade option satisfies the qualitative criteria at the highest level, particularly when special efforts are made to create a highly visible, functional and safe primary crossing of Wards Road.

It is recommended that a 2-Stage crossing signal be installed at the Sam's Club location. A 2-Stage configuration would allow pedestrians to cross only one set of travel lanes at a time which would result in less vehicular delays. A 2-Stage system would also prevent pedestrians from becoming stranded in the refuge island with no crossing pushbutton. A staggered crossing design as shown on page 25 is also recommended. A staggered crossing layout would direct pedestrians to look at on coming traffic.

While a bridge over or a tunnel under Wards Road could meet the needs of pedestrians and bicyclist, these options would be difficult to implement physically and fiscally. Americans with Disabilities (ADA) requirements would also be difficult to meet due to right of way and other natural feature constraints.

Charrette Group 1 Plan Concept



Charrette Group 2 Plan Concept

Charrette Group 3 Plan Concept

Crossing Types	Qualitative Evaluation Factors Enhance Pedestrian Safety*	Minimize Site Needs & Meet ADA	Minimize Floodplain & Utility Issues	Impacts on Wards Road Minimize Traffic Disruption During Const.	Minimize Impact on Traffic Levels-of-Service	Minimize Costs & Enhance Funding Opps	Enhance Timing for Implement.	Score	Rank
Bridge	**5**	**1**	**3**	**3**	**5**	**1**	**1**	**19**	**2nd**
Tunnel	**5**	**1**	**1**	**1**	**5**	**2**	**1**	**16**	**3rd**
At-Grade	**3**	**5**	**5**	**5**	**3**	**5**	**5**	**31**	**1st**

Scoring System: Satisfies Stated Criteria

1	Poor	Does not satisfy, or satisfies criteria at lowest level.
2		
3		
4		
5	Superior	Satisfies criteria at highest level.

*"Enhance Pedestrian Safety" refers to capacity to reduce pedestrian/bicyclist -to- vehicle conflicts and accidents.

Notes:

1. Traffic study findings (3/18/09) by RPG indicate that the proposed at-grade signalized pedestrian crossings will not negatively impact vehicular traffic when integrated into the optimized corridor signalization plan.
2. This table has been revised to reflect comments and input from City of Lynchburg, Community Development Department staff (12/8/08).

Comparison of Major Wards Road Crossing Types

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3.0 DRAFT CONCEPT PLAN

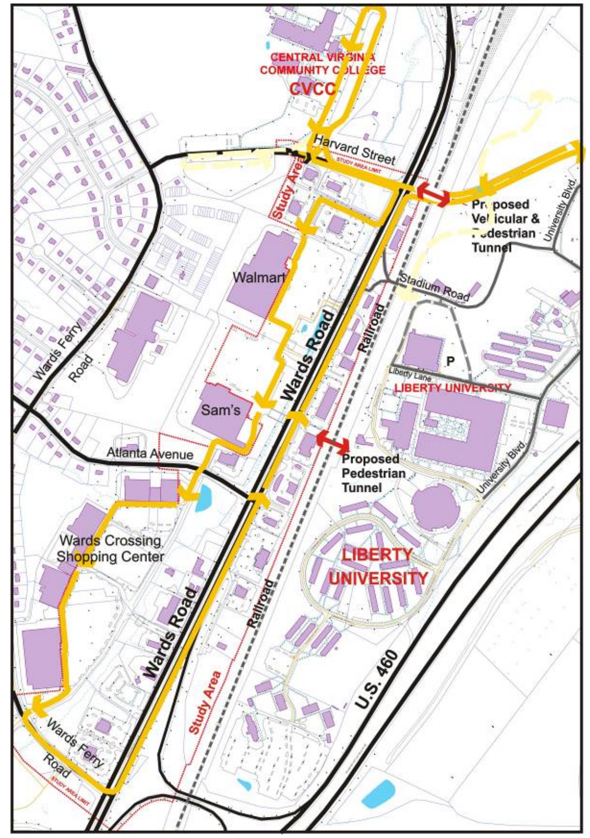
3.1 Concept Plan Features

The City project team incorporated the charrette input, along with other analyses and criteria and relevant traffic study findings, into a preliminary draft concept diagram for the pedestrian/bicycle improvements. After conducting review sessions with key City staff and stakeholder representatives, the project planning team refined this diagrammatic plan into a more refined Draft Concept Plan. This plan also reflected the final evaluations of the traffic study. Key plan features include:

- Enhanced pedestrian crosswalks, "wayfinder links", across travel lanes within private business parking lots along both sides of Wards Road. *(Please note the "before & after" illustrations later in this section.)* These crosswalks will be painted in bright colors on the pavement and will connect to building-front sidewalks within the shopping areas. These "wayfinder" links will direct pedestrians moving between businesses; they are also intended to reinforce pedestrian crossing visibility for motorists within the parking lots.
- New, at-grade, signalized pedestrian and bicycle crossings at the following locations:
  - Between the Montview Commons and Sam's Club entrances, linking the proposed (Liberty University) pedestrian and bicycle tunnel under the railroad to businesses west of Wards Road. *(Please note the "before & after" illustrations later in this section.)*
  - At Harvard Street, linking the proposed (Liberty University) vehicle and pedestrian tunnels under the railroad to destinations west of Wards Road
  - At Atlanta Avenue, linking businesses east and west of Wards Road
- The proposed pedestrian signal at the Sam's Club entrance may be either a single- or two-stage signal. A two-stage signal would provide pedestrian crossing signal activation buttons within the median safety refuge area.
- A staggered pedestrian crossing configuration could be implemented using a two-stage signal. This design would direct pedestrians to a central north-south walk within the median which is surrounded by safety fencing. The pedestrians would be channeled to see on-coming traffic before they reach the signal activation button.
- Rock Castle Creek Greenway. As part of this new greenway, a multi-purpose trail, along with links to nearby crosswalks and sidewalks, is proposed along the west side of the creek. It should be noted that the development of this stream valley trail would fulfill one of the planned greenway linkages within the City as designated in the *Region 2000 Greenways & Blueways Plan* . This ADA-accessible trail would be developed in two increments with the first being between Harvard Street and Atlanta Avenue; the second increment will link Atlanta Avenue to Wards Ferry Road. Potential open space / amenity areas are designated (green circles). *(Please note the "before & after" illustrations later in this section.)*
- Pedestrian barriers along Wards Road to direct pedestrians to new signalized crosswalks, as described earlier. The barrier system would be comprised of ornamental metal

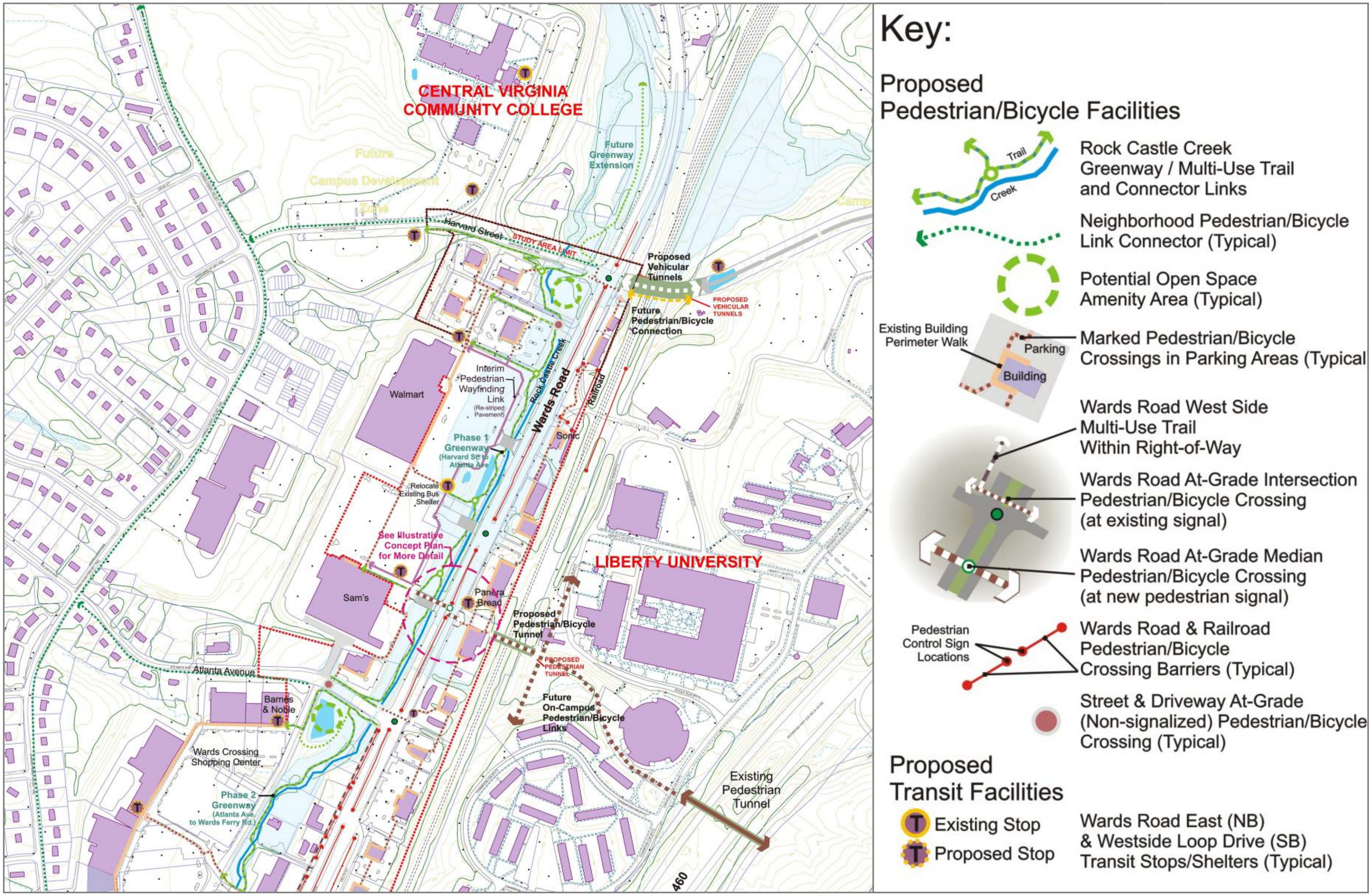
fencing augmented by thick native ground cover and shrub plantings, thus providing an improved streetscape environment. Pedestrian and vehicular barriers are also proposed at the Stadium Road Crossing of the railroad tracks; this assumes that the existing at-grade vehicle crossing at that location will be closed when the new vehicular tunnels open at Harvard Street and Wards Road.

- Multi-purpose trail on west side of Wards Road from Atlanta Avenue to Wards Ferry Road. This is the only portion of the right-of way sufficient to accommodate a roadside trail.
- Connector walks from new Wards Road pedestrian crossings to retail shopping centers on the west side of Wards Road.
- Signed connector bicycle routes from adjoining neighborhoods west of the study area along Wards Ferry Road, Atlanta Avenue and Harvard Street.
- Non-signalized pedestrian crossings of intervening public streets and parking lot drives, as appropriate.
- Enhanced transit service provided by a new circulator bus route (yellow line) serving Liberty University and CVCC campuses and retail establishments within the study area. The southbound route will serve the shopping centers and restaurants along the west side of Wards Road within the parking lot areas. It will run from the Liberty University campus via the new vehicle tunnels at Harvard Street, then connect to CVCC along Harvard Street, before turning south on Wards Road an then into the shopping areas. Transit stops will also be located at key greenway connector trailheads. The northbound route will travel along the east side of Wards Road from Wards Ferry Road to the new Harvard Street tunnels to Liberty University. New bus stops and shelters will be provided as appropriate along the route.

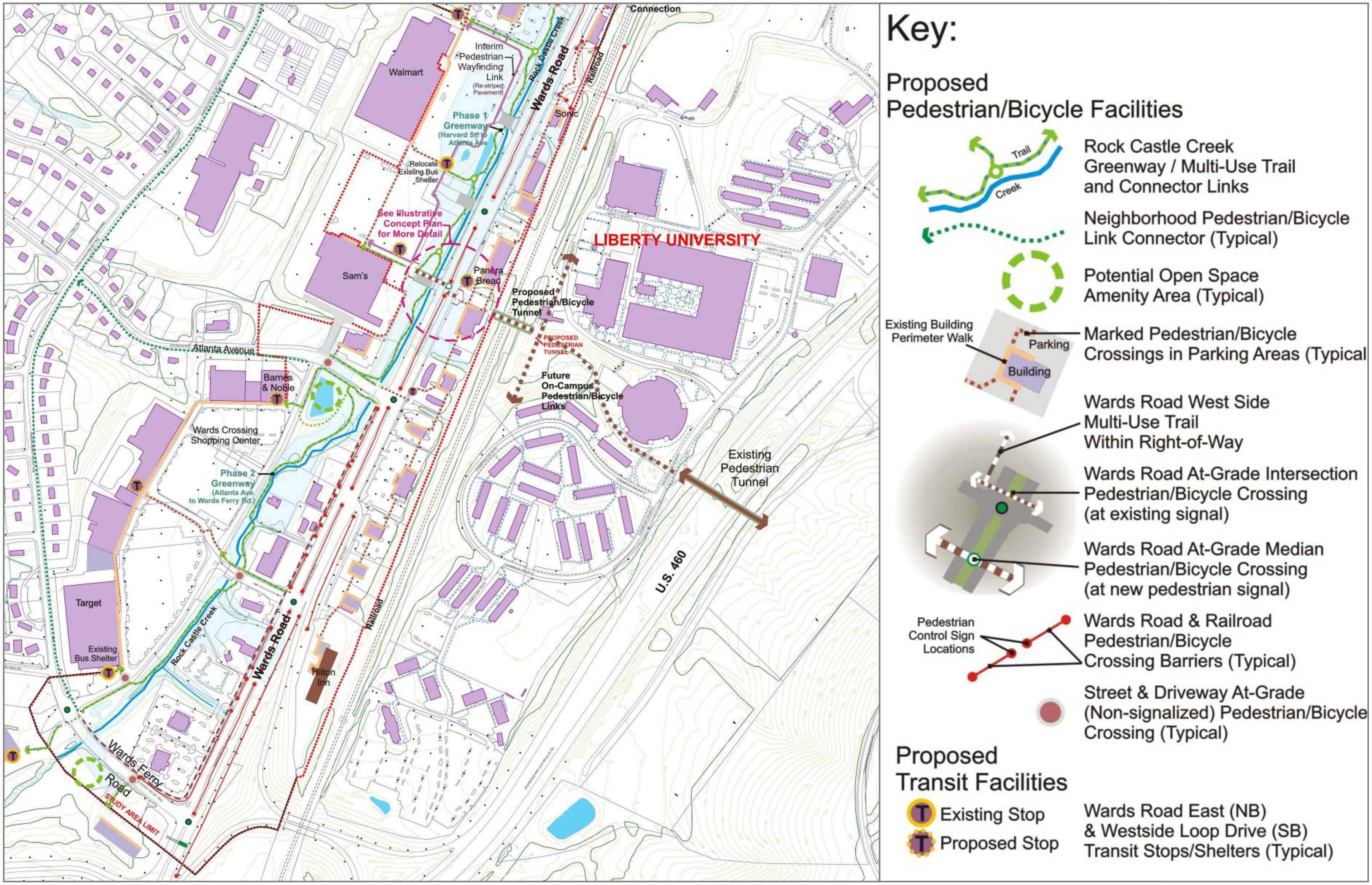


Potential GLTC Circulator Bus Route

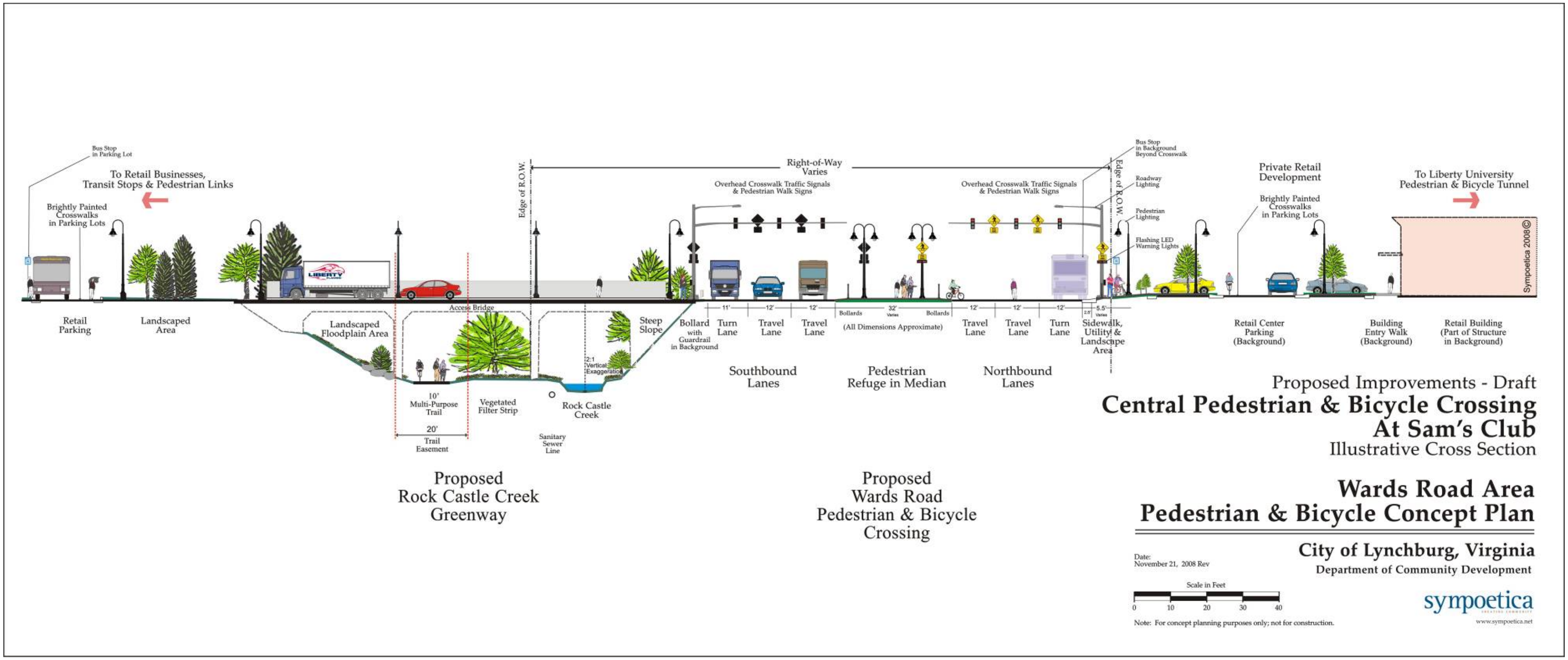
Following are details of the Draft Concept Plan and illustrations of key design elements:



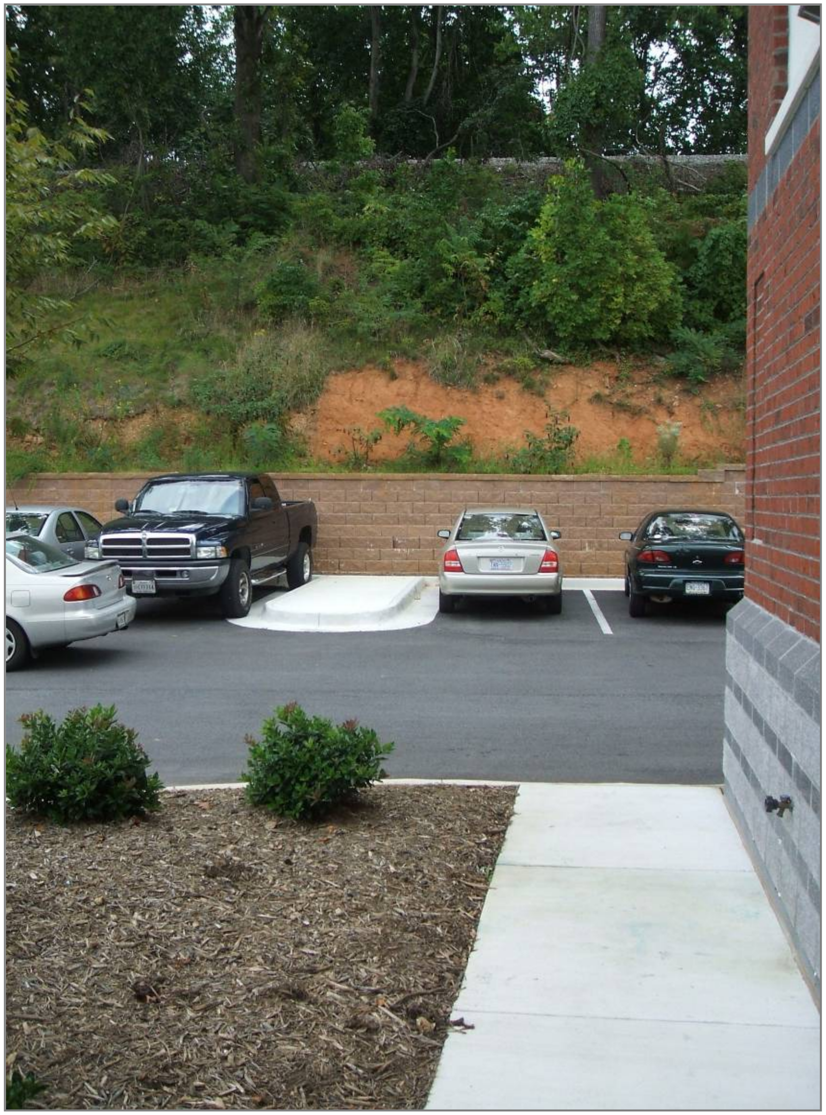
Draft Concept Plan / North & Central



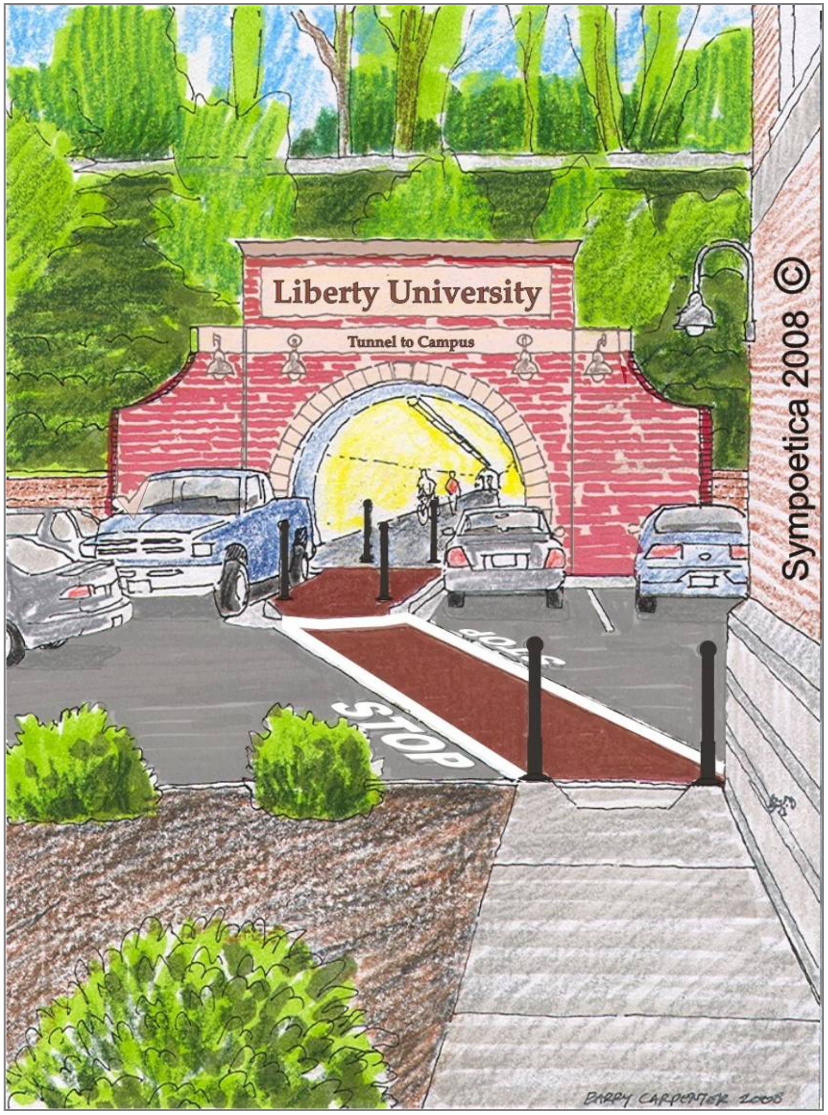
Draft Concept Plan / South & Central



Illustrative Cross Section: Proposed Pedestrian & Bicycle Crossing at Sam's Club Entrance



Pedestrian & Bicycle Tunnel Location / Existing Conditions



Proposed Pedestrian & Bicycle Tunnel / Illustrative Concept

Pedestrian & Bicycle Crossing Location / Existing Conditions

Proposed Pedestrian & Bicycle Crossing with Pedestrian Control Fencing & Landscaping / Illustrative Concept

Pedestrian and Bicycle Crossing of SB Lanes / Existing Conditions

Proposed Crossing of SB Lanes / Illustrative Concept

Rock Castle Creek Stream Valley at Walmart / Existing Conditions

Proposed Rock Castle Creek Greenway / Illustrative Concept

3.2 Wards Road Corridor Traffic Study

The City Traffic Engineer requested that a broader study of intersection signalization along the corridor be undertaken. The study goal was to improve traffic flow along the corridor through enhanced signal synchronization / optimization. Further, the preferred signalized pedestrian and bicycle crossing location (at the Sam's Club entrance) could be tested under alternative corridor signalization scenarios. This would gauge the impact, if any of a new signalized pedestrian and bicycle crossing on corridor vehicle traffic operations. In early 2009, the Renaissance Planning Group conducted a *Corridor Signal Timing Study for Wards Road from Glass Avenue to Wards Ferry Road*; this study is available from the office of the City Traffic Engineer. Below is a brief summary of the study's key objectives and findings:

Objectives:

- Examine crash patterns in the corridor
- Identify opportunities to improve traffic operations
- Develop coordinated timing plans to improve progression and also allow for signalized pedestrian crossing movements
- Develop coordinated timing plans for:
    - existing conditions
    - with pedestrian crossings once constructed, and
    - future conditions with the new LU entrance at Harvard Street

Findings:

- Crash Analysis - 360 crashes over a 3 year period
- Crashes were primarily rear-end accidents
- Signal phasing at Atlanta and also at the Sam's / Montview Commons entrances could be changed to allow for concurrent left turn movements (remove split phasing)
- Coordination of signals in the peak hours will result in less congestion and stopping along Wards Road
- Improved signal coordination and vehicular progression in the corridor could help to reduce the frequency of rear-end crashes in the corridor.
- Pedestrian crossings can be implemented without degrading traffic operations in the corridor

3.3 Traffic and Pedestrian/Bicycle Study Findings Affecting the Proposed Wards Road Corridor Pedestrian & Bicycle Concept Plan

Key findings affecting the proposed pedestrian and bicycle improvements within the Wards Road study area include:

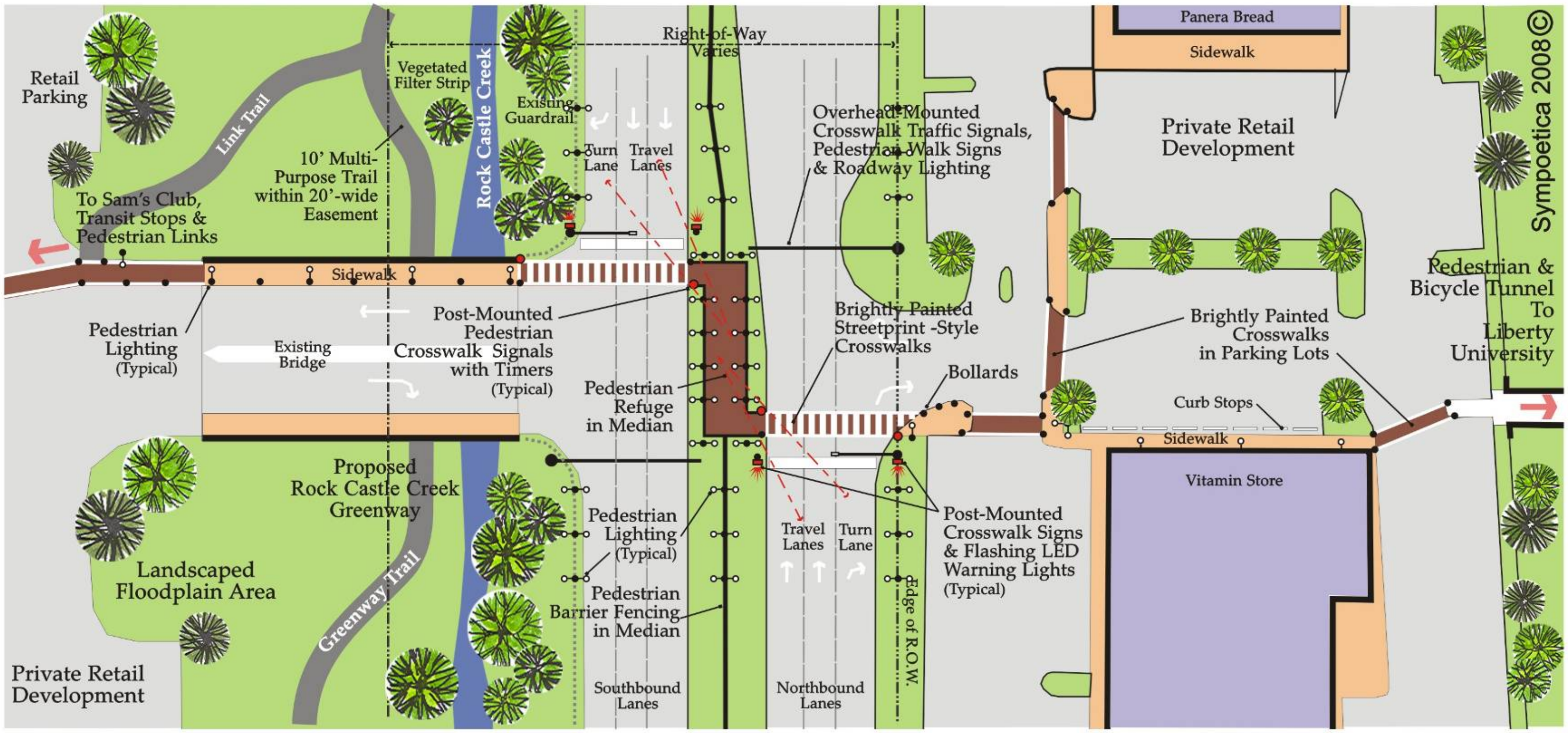
- Pedestrian and bicycle crossings can be accommodated within the proposed signal optimization plan at the following locations:
    - Between the Montview Commons and Sam's Club entrances, linking the proposed (Liberty University) pedestrian and bicycle tunnel under the railroad to businesses west of Wards Road
    - At Harvard Street, linking the proposed (Liberty University) vehicle and pedestrian

- At Atlanta Avenue, linking businesses east and west of Wards Road

- For the proposed pedestrian signal at the Sam's Club entrance, a staggered pedestrian crossing configuration is recommended using a two-stage signal. A two-stage signal would provide pedestrian crossing signal activation buttons within the median safety refuge area. *(An illustrative concept plan for this crossing follows later in this section.)* Attributes of this configuration include:
  - Channels pedestrians directly west from the tunnel, offers refuge and directs pedestrians to see on-coming traffic as the follow a central north-south walk within the median which is surrounded by safety fencing.
  - The pedestrians would be channeled to see on-coming traffic before they reach the signal activation button.
  - Allows pedestrians to cross only one set of travel lanes at a time.
  - Northbound and southbound Wards Road traffic signals do not have to work in concert
  - Reduces vehicular traffic 'wait time' by half that of the 1-stage cycle because the pedestrian need only traverse half the distance across Wards Road in each signal segment
  - Prevents pedestrians from becoming stranded in the refuge median with no crossing pushbutton

3.4 Proposed Linkages from Pedestrian & Bicycle Crossings

- Supporting sidewalks and trails are planned to convey pedestrians from the Wards Road crossings along Harvard Street to the CVCC campus and along Atlanta Avenue to the shopping areas to the west. A multi-purpose trail will convey pedestrians and bicyclists along the west side of Wards Road between Atlanta Avenue and Wards Ferry Road. Also, a proposed greenway trail along Rock Castle Creek will provide north-south pedestrian movement from Harvard Street to Atlanta Avenue along the west side of Wards Road.
- Pedestrian systems within private business properties along Wards Road will consist of walkways directly serving building entrances and internal parking lot crosswalks. These brightly painted crosswalks will link pedestrians with the proposed pedestrian tunnels, to building entrances and to signalized pedestrian crossings of Wards Road.



Proposed Improvements - Draft

Central Pedestrian & Bicycle Crossing At Sam's Club

Illustrative Concept Plan

4.0 PLANNING & ZONING CONTEXT

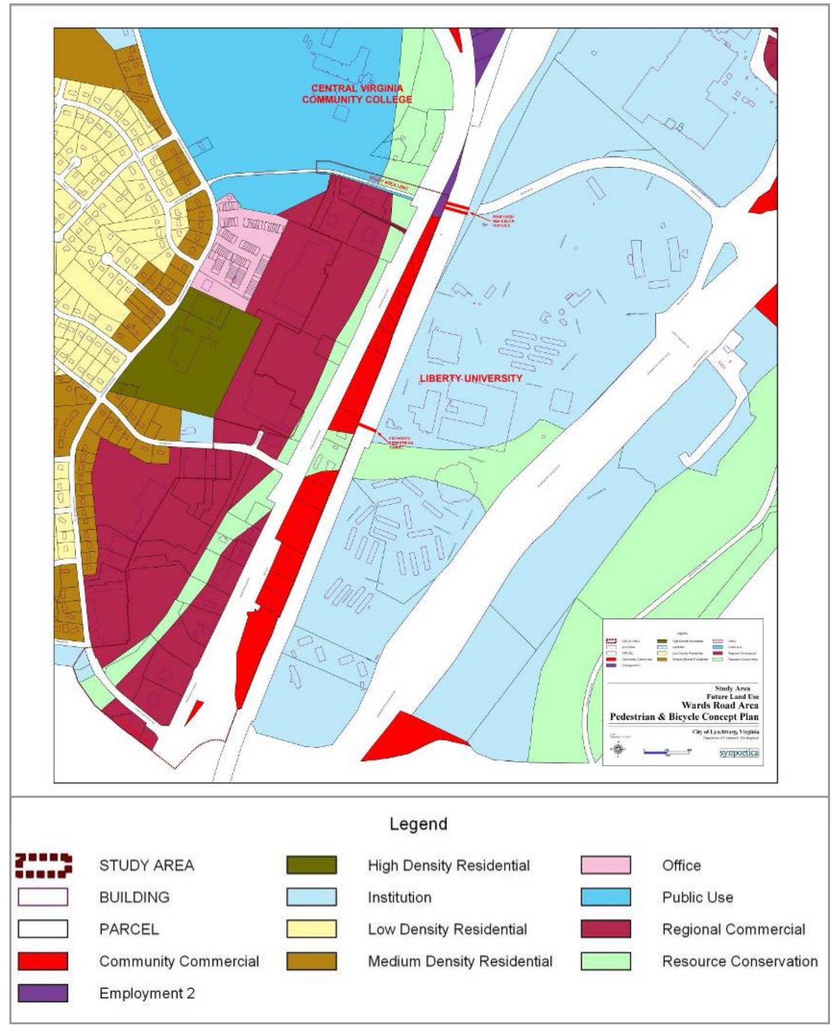
4.1 Future Land Use

The City of Lynchburg's *Comprehensive Plan 2002 – 2020* Future Land Use Plan for the study area generally reflects the existing land use pattern. This area of Wards Road is a virtually built-out suburban retail corridor, with free standing as well as shopping center style retail, restaurant and service establishments.

The east side of Wards Road is designated "Community Commercial", except for a small area designated "Resource Conservation just north of the Atlanta Avenue intersection.; this area is zoned for and has been developed as commercial. West of Wards Road the study area is planned predominantly for "Regional Commercial", except for the Rock Castle Creek stream valley, which is denoted as "Resource Conservation".

Beyond the study area limit on the east side of Wards Road is the Liberty University Campus, which is designated for "Institutional" use. West of the study area lies planned residential office uses.

The Wards Road Area Pedestrian & Bicycle Concept Plan is an amendment to the City of Lynchburg Comprehensive Plan 2002 – 2020. The recommendations in this plan augment those in that plan as they apply to the project study area.



Future Land Use

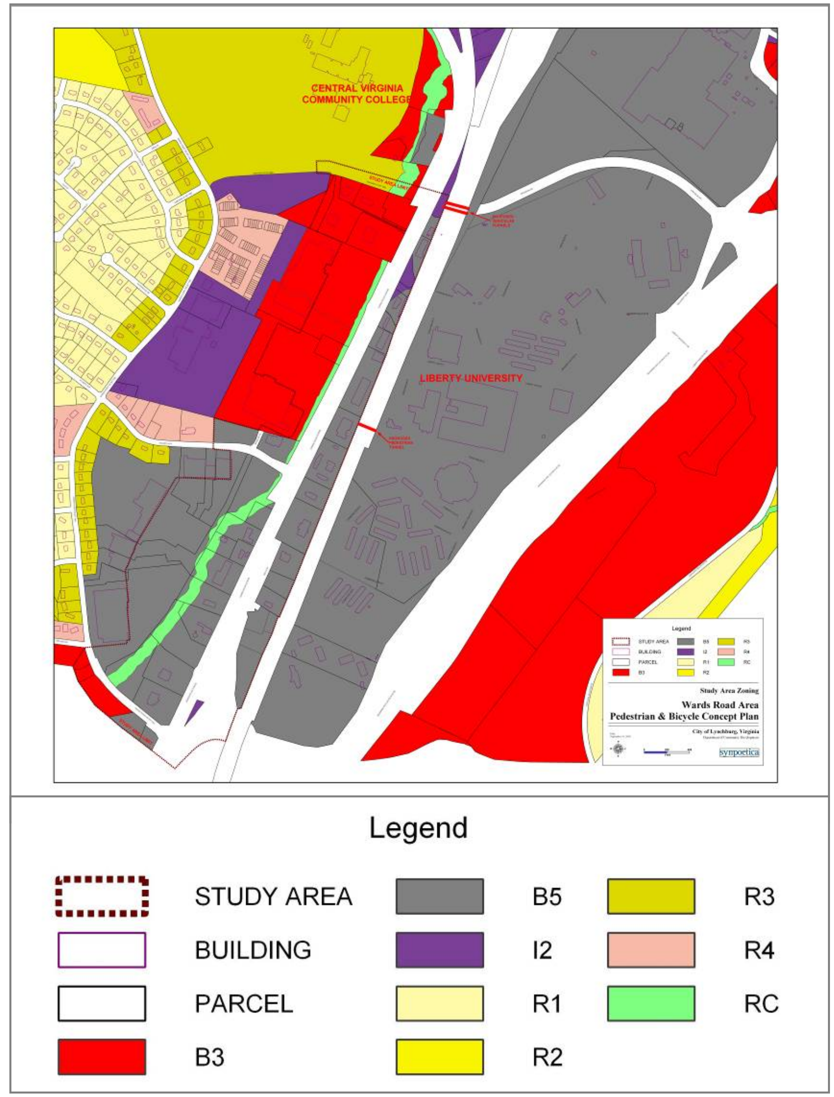
4.2 Existing Zoning

Current zoning for the study area generally reflects the existing land use, as portrayed in the existing conditions map in Section 2.0 of this report. Generally, the patterns of existing zoning can be described as follows:

"R-C" Conservation District: A narrow (approximately 100' wide) band along Rock Castle Creek, between Atlanta Avenue and Wards Ferry Road, is designated "R-C" Conservation District. This zoning designation continues north of Atlanta Avenue to the northern Walmart boundary, generally along the creek center line, although at a much narrower width (approximately 25').

"B-3" Community Business District: This area includes the Walmart and Sam's Club developments as well as the free-standing restaurant cluster just south of Harvard Street on the west side of Wards Road.

"B-5" General Business District: Virtually the entire study area east of Wards Road is designated "B-5" General Business District; the area includes retail and restaurant establishments. This is also true for the area west of Wards Road and south of Atlanta Avenue. This area includes strip commercial uses along the west side of Wards Road and the Wards Crossing Shopping Center to the west of that strip. Small leftover areas of "I-2" Light Industrial District zoning occur at the Stadium Drive and Harvard Street intersections.

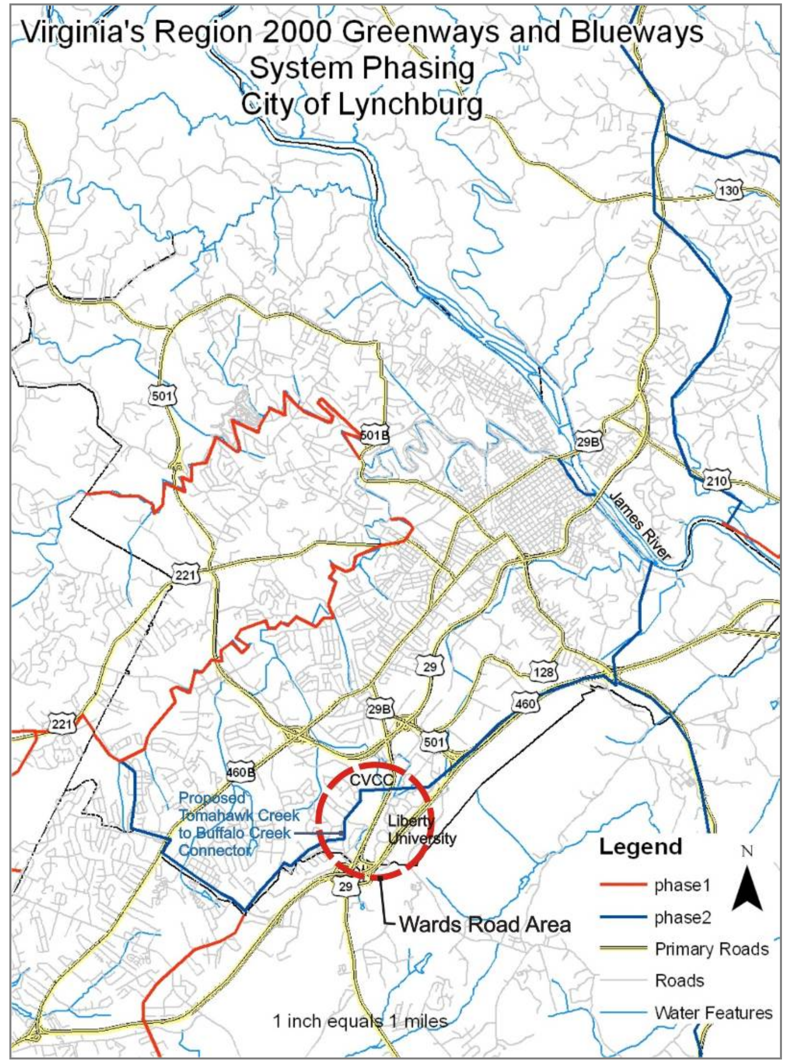


Existing Zoning

4.3 Rock Castle Creek Greenway

Region 2000 Greenways & Blueways Context

The new greenway proposed along Rock Castle Creek will include a multi-purpose trail, along with links to nearby crosswalks and sidewalks, is proposed along the west side of the creek. It should be noted that the development of this stream valley trail would fulfill a segment of one of the planned greenway linkages within the City as designated in the *Region 2000 Greenways & Blueways Plan* . The Rock Castle Creek Greenway segment proposed within the study area would function as part of a"Tomahawk Creek to Buffalo Creek Connector."



Potential for Water Quality Improvement

Environmental analysis studies undertaken by ecology students at Lynchburg College in 2008 focused on water quality characteristics for six stream segments within the Blackwater Creek watershed. One of the stream segments was Rock Castle Creek, with the sampling station near the Cracker Barrel restaurant. Of the six stream sub-watersheds, Rock Castle Creek is the most urbanized, and the resulting analyses scored the creek as rating "poor" for channel condition, riparian buffer, and channel alteration, and "fair" for instream habitat. From a water quality standpoint, the stream health rankings were: Physical-Poor; Chemical-Fair; Macroinvertebrates-Poor; and, Fish-Poor. A key recommendation for improving water quality in the stream segment was to implement stream buffer measures. The proposed greenway project could include the provision of buffers and filter strip plantings along the stream, thereby reducing direct runoff into the stream in this segment. The designation of the stream valley as a City greenway would also preserve the area as permanent open space.

5.0 Phasing & Implementation Measures

5.1 Phasing & Budget Considerations

The project phasing proposed can be described a follows:

<u>Phase I:</u>

Phase I program development will coincide with the opening of the proposed Liberty University pedestrian tunnel. The centerpiece of the plan is the proposed primary pedestrian and bicycle crossing to be located between the entrance to Sam's Club and the Montview Commons Shopping Center. This signalized, at-grade crossing will be implemented first, along with an interim parking lot restriping of the Walmart and Sam's Club parking lot fringe adjacent to the Rock Castle Creek stream valley. Key to the success of the new pedestrian crossing is the construction of median fencing and landscaping for pedestrian control within the entire length of the Wards Road median from Harvard Street to Wards Ferry Road. The goal of this fencing is to channel pedestrians to signalized intersections and inhibit mid-block crossing elsewhere along the corridor; signing will encourage pedestrians to use signalized crossing locations. As an interim pedestrian and bicycle link from the restaurant area to Sam's Club on the west side of Wards Road, temporary pavement striping will be installed within the Walmart and Sam's Club parking lots, along the west side of the Rock Castle Creek stream valley. The initial phase of an in-parking lot system of pedestrian and bicycle wayfinding links will be developed on both sides of Wards Road within retail center parking areas; these will feature colored pavement and link storefront walks between buildings in a north-south direction.

The preliminary, planning level, budget for Phase I development is $995,000; this budget excludes the cost of the Liberty University pedestrian tunnel.

<u>Phase II:</u>

Phase II program development will coincide with the opening of the proposed Liberty University vehicular and pedestrian tunnels at Harvard Street. Included in this phase are additional at-grade, signalized pedestrian crossings at Harvard Street and Atlanta Avenue. A series of connector walks will be constructed to link these new pedestrian crossings of Wards Road to retail, commercial and residential destinations via Harvard Street, Atlanta Avenue and Wards Ferry Road. A key element within this phase is the initial segment of the proposed Rock Castle Creek Greenway Trail within the stream valley between Harvard Street and Atlanta Avenue. This project will provide a designated pedestrian and bicycle system along the west side of Wards Road that also preserves the stream valley as open space.

The preliminary, planning level, budget for Phase II development is $755,000; this budget excludes the cost of the Liberty University pedestrian and vehicular tunnel at Harvard Street.

Phase III:

Phase III program development will occur some years after the completion of Phase II development. The intent is to complete the area-wide pedestrian and bicycle plan within this final phase; it is anticipated that Phase III can be completed by 2020, but that date is subject ot change. Included in this phase is a multi-use trail along the west side of Wards road (within the right-of-way) from Atlanta Avenue to Wards Ferry Road. Additionally, bicycle routes will be signed and striped (as appropriate) along Wards Ferry Road, Atlanta Avenue and Harvard Street, providing linkages to existing residential neighborhoods. The second phase of the Rock Castle Creek Greenway would be completed from Atlanta Avenue south to Wards Ferry Road. In support of a new (GLTC) circulator bus transit route for the corridor, new transit stop shelter would be installed at key points along the loop; this loop would connect the corridor retail and commercial services with the campuses of Central Virginia Community College and Liberty University. It is anticipated that additional in-parking lot pedestrian and bicycle wayfinding links will be developed on both sides of Wards Road within retail center parking areas to extend the reach of the pedestrian system; these will feature colored pavement and link storefront walks between buildings in a north-south direction.

The preliminary, planning level, budget for Phase III development is $780,000.

5.2 Funding Opportunities

Wards Road Area Pedestrian & Bicycle Concept Plan (including Rock Castle Creek Greenway) Funding Opportunities:

State & Federal Government Funding Sources

There are a wide range of grants available from state and federal agencies and programs, as well as from institutions and foundations. Some state monies are pass-though funds from federal agencies; most grant opportunities require a 'local match' and some are reimbursement-based. Following is a summary outline of those funding sources:

State Government Funding Sources

- SAFETEA-LU Grants (VDOT)
- Federal Economic Stimulus Funding (via VDOT)
- Safe Routes to School Program (VDOT)
- Virginia Land Conservation Foundation
- Virginia Department of Conservation and Recreation (DCR)
- Virginia Recreation Trails Fund
- Land and Water Conservation Fund (LWCF)
- Virginia Department of Forestry (DOF)
- Water Quality Improvement Fund

Federal Government Funding Sources:

- Federal Economic Stimulus Funding (via VDOT)
- Community Development Block Grant Program
- U.S. Environmental Protection Agency, Environmental Education Grants Program
- Chesapeake Bay Gateways Program
- Conservation Reserve Program (USDA)
- Wetlands Reserve Program (USDA)
- Watershed Protection and Flood Prevention (Small Watersheds) Grants (USDA/NRCS)
- Urban and Community Forestry Assistance Program (USDA)
- Small Business Tree Planting Program (SBA)
- Economic Development Grants for Public Works and Development of Facilities (The US Department of Commerce, Economic Development Administration (EDA)

CIP Funding

Local governments can commit an annual appropriation for pedestrian & bicycle facilities and park & open space development through a Capital Improvements Program (CIP). The area master plan will define projects for inclusion into the CIP. CIP funds can be earmarked for matching funds when seeking grants with such requirements.

Local Private-Sector Funding

Private industries and businesses may donate property, cash, discounted materials, and/or in-kind services. Examples include: Donations of trail easements; cash for a wayfinding link, walks, street furnishings or specific greenway projects. Donations of services by businesses can reduce the cost of park implementation expenses including equipment and labor costs.

Volunteer Organizations

A volunteer organization called Friends of Rock Castle Creek Greenway can be created. Volunteers are an invaluable resource either in actual greenway construction or by conducting fund-raisers. A manual for park volunteers should be developed to guide and regulate their work. The manual should include a description of appropriate volunteer efforts, request forms, waiver and release forms, and a completion form (where volunteers are asked to summarize their accomplishments). Virginia State Parks has been quite successful in using such ‘friends’ groups for special park project implementation.

Trail and Greenway Sponsors

A sponsorship program for greenway amenities and trails system elements of the master plan, allows for smaller donations to be received both from individuals and businesses. Lynchburg has already had success in using private sector sponsorship of street and roadway landscaping projects. The program must be well planned and organized, with design standards and associated costs established for each amenity. Project elements can include mile markers, call boxes, trash receptacles, benches, entry signage, directional signs, interpretive brochures, bollards, and picnic areas.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009**		AGENDA ITEM NO.: 21
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Zoning Ordinance Amendment – Section 35.1-25, Off Street Parking and Loading, Section 35.1-11.11 Terms beginning with "P" through "R"**

RECOMMENDATION: Approval of the Zoning Ordinance Amendments relating to Off Street Parking and Loading.

SUMMARY: The Planning Commission initiated amendments to the Off Street Parking and Loading section of the Zoning Ordinance on March 11, 2009. The primary goal of the proposed amendments is to reduce the amount of required off street parking. Reducing the amount of required off street parking will help transition the City to a market driven needs approach, encourage infill and redevelopment, preserve land and reduce environmental impacts.
In addition to reducing required off street parking, the proposed amendments provide for:

- Shared parking agreements
- Parallel parking spaces
- Reduction of required spaces when mass transit is available
- Reduction of required spaces for mixed uses

The Planning Commission recommended approval of the amendments because:

- The petition agrees with the *Comprehensive Plan* which recommends "amending existing development ordinances to ensure clarity, ease of interpretation, and administration, and effectiveness in promoting high quality development". ***(Goal 1, pg 5.12)***
- The petition agrees with the *Comprehensive Plan* which recommends "ensuring flexibility in zoning codes by identifying site, building, buffer, design and other code provisions that restrict development potential". ***(Goal 3, pg7.8)***

PRIOR ACTION(S):
July 22, 2009: Planning Division recommended approval of the amendments.
July 22, 2009: Planning Commission recommended approval of the amendments (4-0 with 3 members absent, Hamilton, Oglesby, Swienton).
July 8, 2009: Planning Commission closed public hearing and conducted a work session on the amendments.
May 27, 2009: Planning Commission conducted work session on the amendments.
May 13, 2009: Planning Commission opened the public hearing concerning the amendments.

BUDGET IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900
Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):
- Ordinance
- Planning Commission Minutes (July 22, 2009/July 8, 2009/May 13, 2009)
- Speaker Sign Up Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT SECTION 35.1-25, OFF STREET PARKING AND LOADING AND SECTION 35.1-11.11, TERMS BEGINNING WITH “P” THROUGH “R” OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTIONS RELATING TO OFF STREET PARKING REQUIREMENTS AND DEFINITIONS.

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

1. In order to promote the public necessity, convenience, general welfare, and good zoning practice, Section 35.1-25, Off Street Parking and Loading and Section 35.1-11.11, Terms Beginning with “P” Through “R”, of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 35.1-25. Off-street parking and loading.

(a) General. All structures and land uses hereafter enlarged, erected or extended shall be provided with the amount of off-street parking and loading space required by the terms of this section. Parking requirements shall be calculated prior to final site plan or zoning approval.

(b) Existing structures and uses. Structures and land uses in existence on the date of enactment of this ordinance, or structures and uses for which building permits have been approved on the said date, shall not be subject to the parking and loading requirements set forth in this section. However, any parking and loading facilities now existing to serve such structures or uses shall not, in the future, be reduced except where they exceed such requirements, in which case they shall not be reduced below such requirements.

(c) Location of off-street parking facilities. Off-street parking facilities required by this article shall be provided on the same lot with the structure or land use served or on a lot ~~adjacent~~ connected by pedestrian facilities to the said lot provided that excess parking is available and a shared parking agreement is executed. A shared parking agreement shall not be required for lots under common ownership. ~~except as specified in Section 35.1-25(i).~~ On-street parking located within one thousand (1000) feet and connected by pedestrian facilities may be used to satisfy off-street parking requirements. Except for one (1) family and duplex residential parking facilities, no off-street parking facilities shall be located within twenty (20) feet of any residential lot line, nor shall they be located in any required front yard.

(d) Parking specifications. Each parking space and the necessary access aisles shall have at least the minimum dimensions listed in the chart below, depending on the parking angle and the direction of the traffic flow. Parking and loading areas shall be graded, surfaced-treated or paved, marked and maintained to the satisfaction of the department of ~~public works~~ community development. Parking areas having ten (10) or less parking spaces may be gravel and shall require marking (tire stops). Parking areas having more than ten (10) spaces may also be gravel if the ~~Superintendent of Inspections and the Traffic Engineer~~ city planner in accordance will the technical review committee determine that the use of gravel is appropriate. Decisions on whether or not the use of gravel for a larger parking area is appropriate will include, but not be limited to, the following factors: its volume of traffic, its frequency of use, its size, the type of land use requiring the parking, the topography, and the control measures needed for stormwater management, ~~runoff~~ erosion and dust. Landscaping shall be installed and maintained for gravel parking and vehicular areas to the same standards required for paved parking and vehicular areas. The future conversion of gravel parking areas to surface-treatment or pavement shall be subject to the provisions of the city's stormwater and erosion and sediment control ordinance.

MINIMUM PARKING DIMENSIONS (FT.)

Parking Angle	Stall Width	Stall Depth	Stall Length	Cross Aisle Width (One Way)	Cross Aisle Width (Two Way)
45°	9	19	25	12	20
60°	9	20	22	16	20
75°	9	20	20	20	20
90°	9	18	18	24	24
180°	23	8.5	8.5	11	20

(e) Schedule of parking requirements. The following are minimum requirements for all districts except B-4 and B-6 and may be increased as specified in the standards for conditional uses in Article X:

Use	Minimum Spaces
(1) Residential uses ~~(except multifamily housing limited to the elderly)~~	~~two and five tenths (2.5) per dwelling unit~~ One (1) per unit
~~Multifamily housing limited to elderly occupants~~	~~one (1) for each two (2) units; provided that sufficient space suitable for parking shall be reserved, free of buildings, to provide the number of spaces which would otherwise be required in the event such building should thereafter fail to be a multifamily dwelling for the elderly~~
Uses supplementary to residential uses, extra spaces as follows:	
roomers and boarders	one (1) per boarder
~~professional offices~~	~~four (4) per professional person maintaining office hours~~
tourist homes or bed and breakfast	one (1) for each guest bedroom ~~used for this purpose~~
home occupation	one (1)
(2) Institutional uses	
Places of worship	one (1) for each ~~three (3)~~ four (4) fixed seats included; benches shall be deemed to have capacity of one (1) person per twenty (20) linear inches of bench
Arenas, auditoriums, and stadiums	one (1) per each ~~(three)~~ four (4) fixed seats
Art galleries, libraries, museums	~~one (1) per each three hundred (300)~~ (3) per

	one thousand (1000) square feet of floor space, exclusive of utility areas
Clubs, lodges and other recreational facilities	one (1) per each ~~two (2)~~ four (4) persons of the rated capacity of the building~~s~~
Schools, public and private, elementary and junior high	two (2) per three (3) teachers and other employees
High schools, public and private	two (2) per three (3) teachers and employees plus one (1) per ten (10) students
Colleges	two (2) per three (3) teachers and employees plus one (1) per ~~two and~~ five ~~tenths (2.5)~~ (5) students up to one hundred (100) on campus and commuting students. For colleges exceeding one hundred (100) on campus and commuting students the parking need shall be determined by the petitioner and approved as part of a conditional use permit as required by Section 35.1-15.
Group homes	two (2) per home plus one (1) per eight (8) residents plus one (1) per three (3) staff members
Hospitals and Sanitoriums	one (1) per three (3) patient beds, plus one (1) per resident doctor, plus one (1) per three (3) three other employees
Nursing homes	one (1) per ~~three (3)~~ four (4) beds, plus one (1) per resident doctor, plus one (1) per each three (3) staff members
Other institutional and special uses and facilities	~~as determined by the planning commission or by conditional use standards~~ one (1) per each four (4) persons of the rated capacity of the building~~s~~
(3) Commercial uses	
Offices for business, banking, professional and similar uses	~~one (1) per each three hundred (300)~~ two (2) per one thousand (1000) square feet of gross floor area, exclusive of utility area
Retail sales and services	~~one (1) per each three hundred (300)~~ two (2) per one thousand (1000) square feet of gross floor area plus one (1) for each three (3) employees on duty at any one time
Commercial and trade schools	one (1) per five (5) students and one (1) per two (2) employees
Hotels and motels	one (1) per guest room plus one (1) for each three (3) employees on duty at any one time
Mortuaries and funeral parlors	~~one (1) per fifty (50) square feet of floor space~~ one (1) for each four (4) fixed seats included; benches shall be deemed to have capacity of

	one (1) person per twenty (20) linear inches of bench
Restaurants, night clubs, taverns, places of assembly (including theaters)	~~one (1) per three (3) fixed seats or one (1) per one hundred (100) square feet of usable floor space~~ one (1) per each four (4) persons of the rated capacity of the building plus one (1) for each three (3) employees on duty at any one time
Bowling alleys	~~four (4) per alley~~ one (1) per each four (4) persons of the rated capacity of the building
Automobile service stations	two (2) per three (3) employees on main shift plus two (2) for each service bay
Warehouse	two (2) per three (3) employees on main shift
All others	~~one (1) per two hundred (200) square feet~~ one (1) per each four (4) persons of the rated capacity of the building
(4) Industrial uses	
Manufacturing, wholesale and other industrial uses	two (2) per three (3) employees on main shift
(5) Other uses	
~~For uses which are not covered above or in Article X of this ordinance, minimum parking requirements shall be determined by the planning commission.~~	

(f) Two (2) or more uses on the same lot. Where two (2) or more uses occur on the same lot, the minimum parking requirement shall be the sum of the requirements for each individual use calculated separately; except that where the ~~planning commission~~ city planner in accordance with the technical review committee shall find that by reason of noncoinciding hours of parking use, less than the sum of the several requirements is appropriate, it may reduce the minimum requirements by a suitable amount. ~~, but not to exceed a total reduction of twenty (20) per cent.~~

(g) Mass transit provision. Where mass transit is available and facilities are provided in the form of shelters and benches are adjacent to or within one thousand (1000) feet of a development and connected to the building entrance by pedestrian facilities the city planner in accordance with the technical review committee may reduce the minimum requirements by a suitable amount.

(h) For uses not listed above, not listed in Article X, or where the city planner and property owner agree the minimum required standards would create excess parking, the city planner in accordance with the technical review committee shall determine the appropriate minimum requirements.

~~(g)~~ (i) Special conditions in the central business district and the riverfront business district. In the central business district and the riverfront business district the minimum off-street parking requirements shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers of new buildings will be strongly encouraged to provide parking up to the minimum cited in these regulations.

~~(h)~~ (j) Off-street loading berth requirements. Off-street loading and unloading berths, as defined in this ordinance and located on the same lot with the use to be served, except as provided in Subsection (i) below, shall be provided as follows:

(1) For retail and service business establishments, one (1) berth for the first four thousand (4,000) square feet of floor area or portion thereof used for business purposes, and one (1) additional berth for each ten thousand (10,000) square feet or portion thereof in excess of the first four thousand (4,000) square feet.

(2) For business, professional, financial and other office buildings, one (1) berth for each one hundred thousand (100,000) square feet of gross floor space.

(3) For manufacturing, wholesale business, storage, warehouses and similar activities, one (1) berth for the first four thousand (4,000) square feet of floor area or portion thereof used for such purposes and one (1) additional berth for each ten thousand (10,000) square feet or portion thereof in excess of the first four thousand (4,000) square feet.

~~(4) For uses not listed above and for which standards are not listed in Article X, the planning commission shall determine the appropriate minimum requirements.~~

~~(i)~~ (k) Joint use of loading berths. In B-3 and B-4 business districts several business establishments within one (1) block may provide off-street loading berths for joint use, provided that the design and location of such berths is satisfactory to the director of ~~the department of public works~~ community development. The minimum requirements for such berths shall be figured on the basis of the total floor space of all the establishments served.

Sec. 35.1-11.11. Terms beginning with "P" through "R".

Terms used in this zoning ordinance, when defined in this section, shall have the following meaning:

(a) Parking area, off-street: An off-street area containing one (1) or more parking spaces, with passageways and driveways appurtenant thereto. In general, there shall be an average of at least three hundred (300) square feet of parking area per parking space and the required number of usable parking spaces.

(b) Parking garages: A building occupied by a public, community, commercial or private establishment providing space for the temporary storage of six (6) or more automobiles and other vehicles, where service or repair facilities are not permitted. A parking garage shall not be considered an accessory use, nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk, nor shall the sale of automobiles or trailers take place within it unless otherwise permitted by the zoning ordinance.

(c) Parking lot: An open lot serving the functions defined above for a parking garage.

(d) Parking space: An off-street space available for the parking of one (1) motor vehicle on a transient basis and having a minimum width of nine (9) feet and an area of not less than one hundred ~~ninety~~ sixty-two (~~190~~ 162) square feet, exclusive of passageways and driveways appurtenant thereto and having direct usable access to the street.

(e) Pedestrian facility: A sidewalk, walking path, bike path or transit / shuttle stop.

~~(e)~~ (f) Planned unit development: A multiple-unit residential development of at least five (5) acres laid out in accordance with a preconceived site plan and in harmony with provisions and procedures for the "PUD", planned unit development zoning district.

~~(f)~~ (g) Preservation: Any activity designed to prevent deterioration or destruction of a structure, a group of structures, or an area or a district.

~~(g)~~ (h) Private recreational facilities: A facility such as a swimming pool, tennis court or basketball court which is an accessory use located on a residential lot, the use of which is restricted to the occupants of the principal use and guests for whom no admission or membership fees are charged.

~~(h)~~ (i) Programmed: For the purposes of the zoning ordinance, the word "programmed" shall refer to a public facility which has been formally scheduled for construction within the following ten (10) years. Such formal scheduling may be in terms of an approved capital improvements program, an officially adopted thoroughfare, public utilities or community facilities plan specifying the approximate date of construction of the facility, or a similar official plan or program.

~~(i)~~ (j) Public: Any land, structure or building owned, used or maintained by the city government, or a regional authority of which the city is a member, or their agencies.

~~(j)~~ (k) Public utility: A public utility is an activity, or a building housing such an activity, which operates to serve the community as a whole, or a portion of the community, and which is publicly run or subject to special government controls.

~~(k)~~ (l) Reach: Longitudinal segments of a river or stream, which will be affected by the placement of an obstruction in a floodway or floodway fringe.

~~(l)~~ (m) Recreational vehicle: A vehicle which is:

(1) built on a single chassis;

(2) four hundred (400) square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.

~~(m)~~ (n) Reconstruction: Any activity designed to rebuild entirely, or partially, a structure.

~~(n)~~ (o) Recycling bins: Recycling bin operations shall be located in industrial or business districts in an area no larger than five thousand (5,000) square feet or at public school or public recreation sites for the collection of recyclable materials. The operation of the recycling bins and the materials allowed to be collected, shall be under the supervision of the director of public works, and the location of the recycling bins shall be approved by the director of community planning and development. The definition does not include recycling containers which are used on site by a private entity for the purpose of storing recyclable waste materials generated only by such private entity.

~~(o)~~ (p) Rehabilitation: Any activity designed to place a structure into a usable condition with or without architectural change.

~~(p)~~ (q) Regulatory flood protection level: That level delineated by the one hundred (100) year flood.

~~(q)~~ (r) Renovation: Any activity relating to the updating and/or the modernization of an older structure involving architectural change.

~~(r)~~ (s) Residence or residential: A building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple dwellings, boarding or rooming houses or apartment hotels. Residences do not include the following:

(1) Such transient accommodations as transient hotels, motels, tourist cabins or trailer courts.

(2) Dormitories, fraternity or sorority houses, monasteries or convents.

(3) In a mixed building, that part of the building used for any nonresidential uses, except accessory to residential uses.

"Residential" means pertaining to a residence.

~~(s)~~ (t) Residence district: Any district whose designation begins with the letter "R".

~~(t)~~ (u) Residence, single-family: A building containing only one (1) dwelling unit.

~~(u)~~ (v) Restoration: Any activity designed to impart a major flavor of an earlier state of a building.

~~(v)~~ (w) Riding stable: Any zoning lot used or designed for the boarding, breeding or care of horses or ponies, other than for farming or agricultural purposes, either with or without instruction in riding.

~~(w)~~ (x) Rooming house: A dwelling consisting of one (1) single building in which, for compensation, lodging or meals, or both, are furnished to transient or nontransient guests. A rooming house shall not be deemed a home occupation. Rooming houses shall adhere to Section 35.1-51.1, Boardinghouses, lodging houses, or rooming houses, of the zoning ordinance.

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

Adopted:

Certified: ______________________________
Clerk of Council

103L

MINUTES FROM THE JULY 22, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Changes to the *Zoning Ordinance,* Section 35.1.24, Off- Street Parking and Loading: This has come before the Planning Commission for public hearing and work sessions already. Within the parking space definition, the parking lot size was revised from 190 square feet to 162 square feet. The draft was revised to make sure there was no maximum reduction when there were two or more uses on the same lot. There was no maximum reduction for mass transit, as was recommended by the Planning Commission. Wording was also added where the property owner and the City Planner agree that the minimum parking requirements may be altered in accordance with the Technical Review Committee review. That built in further flexibility. The public hearing has been held on this, and it is awaiting the recommendation of the Planning Commission.

Commissioner Barnes commented that there has been extensive discussion of this at the earlier meetings, and he is satisfied with the changes. He made the motion to forward this document, as amended, to City Council for their consideration. The motion was seconded by Commissioner Worthington, and it passed by the following vote:

AYES:	Barnes, Hannon, Sale and Worthington	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hamilton, Oglesby and Swienton	3

MINUTES FROM THE JULY 8, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Continuation of the public hearing for consideration of amending Section 35.1-25, Off-street parking and loading of the *Zoning Ordinance*, as it pertains to parking requirements for residential, commercial, institutional and mixed uses. The proposed revisions would also provide for amendments to the Section 35.1-25(d) regarding parking area materials.

Mr. Martin addressed the commissioners with the following comments. This ordinance amendment was initiated by the Planning Commission on March 11, 2009. There was a public hearing conducted on May 13, 2009, which was continued. Since that time, we have worked very closely with Liberty University and forwarded the ordinance to Randolph College and Lynchburg College for their review. Mr. Martin would like to briefly go over the changes that have occurred since the May 13, 2009 meeting.

The first change was to include the definition for a pedestrian facility. The second change was to remove the requirement for a conditional use permit to construct a gravel parking lot over ten spaces. It has been clarified that the approving authority for those will be the City Planner in accordance with the Technical Review Committee. The third change was to remove the requirement for a transportation planner or engineer to conduct a parking needs analysis for colleges and universities. One of the concerns at the previous public hearing was that type of study would be very cost prohibitive. Staff agrees with that and is trying to allow the universities to tell us their parking needs. That is going to vary from college to college. The idea is that through the conditional use permit process, the college would say how much parking they need and justify why. If that is feasible and while going the public hearing process, it would get worked out. It would become quite obvious through that process if there was not going to be enough parking.

Another change was to clarify that parking requirements for bed and breakfasts are per bedroom and not per room. The term “fixed seats” for church, mortuary and funeral parlors has been reinserted. Another change was to clarify that parking lots with common ownership do not need to have a shared parking agreement. The definition for utility area was also included. These are areas for such things as HVAC, mechanical, water, sewer and similar mechanical items that are not calculated in determining parking requirements. It was clarified that parking requirements are for public or private high schools. It was clarified that parking requirements for colleges and universities are for on-campus and commuting students, so as not to include on-line students.

It was clarified that parking requirements are determined at the time of site plan or zoning approval. A change was made to allow the City Planner in conjunction with the Technical Review Committee to determine parking requirements for uses not listed. Mr. Martin noted that in the definition for “parking space” it should read 162 square feet rather than 190 square feet. Mr. Martin also noted that on page five of the ordinance, the sentence about other uses being determined by the Planning Commission needs to be stricken. That has been covered on page six and states that the City Planner in accordance with the Technical Review Committee will determine the appropriate minimum requirements. Chair Hamilton asked for an example of a use not listed. Mr. Martin gave the example of a delicatessen. It is really not a restaurant because you stop in for your food and so you wouldn’t base the parking requirements on those of a restaurant.

Chair Hamilton thanked Mr. Martin for his worked and asked Mr. Lee Beaumont of Liberty University to come forward. He remarked that they have worked hand in hand on this and they think it is a very good ordinance as it is written now. It has addressed a lot of their concerns. He agreed with Mr. Martin that each college is different on how they run them, whether or not they are heavily vested in mass transit and vary on the amount of land they have as well. They really need the ability to make their own decisions on parking. The conditional use permit process will flush out any inadequacies because it is very rigorous.

This was a collaborative effort. Lynchburg College sent an e-mail supporting the ordinance today. Chair Hamilton thanked Mr. Beaumont for his hard work. She asked Mr. Beaumont about incentives to use mass transit and whether the 20 percent reduction in parking was what they had in mind. Mr. Beaumont thought it was very fair. It really gives the incentive to property owners to build benches, bus stops and shelters because there is not a lot of public money available for those types of things. If we can get the public/private sectors in partnership and incentivize the use mass transit, they feel it will not only help the mass transit system but keep the property owner from having to pave unnecessarily. It also encourages mass transit use, which has a number of virtues.

Commissioner Sale asked about other forms of transportation—bicycles, motorcycles and mopeds—and how the parking requirements are affected by their use. Mr. Beaumont remarked that there was discussion about that and felt that they should keep the term “mass transit” vague because who knows what will be the next technology. If it is left vague, it can be interpreted as new technologies and new modes of transportation become available. Commissioner Sale asked if the use of bicycles and other forms of transportation would be taken into consideration when a school determines their parking needs, and Mr. Beaumont said that is correct. Mr. Beaumont said that would all be included in the conditional use permit process and a college’s customized plan. Commissioner Sale clarified that using other modes of transportation would be an incentive and give the college the freedom to determine their parking needs. Mr. Beaumont commented that no one wins when you pave flat land for a parking lot. Flat land is hard to come by; parking lots are expensive. A college does not want to build parking if it doesn’t have to; it does not want traffic that will tear up the roads. Having people walking, riding bikes and riding the bus is what you want, so there is inherent value in promoting these types of transportation.

Chair Hamilton asked about paragraph (d) on the first page. It states that the parking specifications have to be done to the satisfaction of the department of Community Development. She asked who the enforcement mechanism is and how are they making sure that all that is being done. Mr. Martin stated that the enforcement would fall to the zoning official and the Technical Review Committee during site plan review.

Commissioner Worthington brought up a discussion of the definition of yard sales in terms of them being restricted to “the sale being primarily those personal items accumulated or used by the occupant of the premises”. He knows that other people bring their goods to a yard sale. He didn’t know if this definition needed to be changed. Mr. Martin said that the only reason these definitions were before the Planning Commission was to show where the parking definitions had been inserted. That is the way the definition of yard sales is now and it is not being changed. Chair Hamilton asked if this definition exists anywhere else in the *Zoning Ordinance.* Mr. Martin said probably not. Commissioner Worthington said there will be a lot of people who break this ordinance; Mr. Martin said they already are. Mr. Martin said this definition is trying to prevent flea markets from being held on private property.

Commissioner Sale asked for clarification that this definition has been operational for many years, and Mr. Martin said that was correct. There was discussion about whether or not the commissioners wanted to change the definition. Commissioner Barnes thought that the loophole is the word “primarily,” which allows neighbors to bring over items. Commissioner Hannon wasn’t sure why they were looking at this because they would essentially be criminalizing yard sales that are not in conformance with this definition. This is not the right place to do that. There is no penalty for violations and no enforcement mechanism. Mr. Martin commented that if a person was having an excessive number of yard sales, they could be hit with a zoning violation. Commissioner Hannon felt that violations should be handled by the police department and not have them burden the zoning department. If there is a problem, someone ought to be able to call the police. Mr. Martin did not think it was burdening the zoning department at this time. Chair Hamilton agreed that you do not want the potential for flea markets in a residential district and that is the reason for this definition. Commissioner Hannon commented that if a use rises to the level of someone operating a flea market, there are all kinds of restrictions that come into play. There is no enforcement mechanism for the level of control in this definition. Chair Hamilton asked him if he would strike the entire language from the *Zoning Ordinance.* Commissioner Hannon thought that if yard sales become a problem, that should be handled as a police matter not as a zoning matter. It is more of a nuisance issue. Chair Hamilton asked if the *Zoning Ordinance* says who is the enforcement mechanism and if it is Community Development, Chair Hamilton thought they could defer to the police department if they wanted. Mr. Martin said the zoning administrator is the enforcer of the *Zoning Ordinance.* Commissioner Barnes thought if there were concerns about other parts of this document, they should be taken up as a separate issue.

Chair Hamilton asked if the commissioners felt this was ready to go to public hearing. Commissioner Barnes asked for clarification on page five, paragraph (f) as to why the parking reduction is only twenty percent for two or more uses on a property. He said he could imagine a situation where the hours of two uses do not coincide at all, and a fifty percent reduction could be reasonable. Mr. Martin stated that is a valid point. Twenty percent is what we had allowed in the past, but it could be more, if the commissioners wished. Mr. Martin pointed out that if there are different uses and mass transit, that would allow for a forty percent reduction in the parking requirement. Commissioner Hannon suggested putting in the wording “by a suitable amount” instead of assigning a percentage. They trust the City Planner and the property owner to come to an agreement. Mr. Martin said that would be acceptable and it was the consensus of the commissioners to make this change. That change will also be made in paragraph (g) pertaining to mass transit.

Commissioner Swienton asked if a gravel parking lot is put in, is a land disturbance permit still required and Mr. Martin said it would be and it would have to be landscaped.

Commissioner Hannon reminded them of their lengthy discussion with the City Manager about parking philosophies. This document doesn't seem to have incorporated any of the ideas that they discussed. There are still flat parking calculations in here, but Mr. Payne's suggestion is that this approach has not always worked well for us. One of the comments Commissioner Hannon remembers from the discussion on Wyndhurst is that it is overparked. That was the result of mathematical calculations. Commissioner Hannon is suggesting that if variations work for a college, why can't they work for something like a wholesale business? That business would not need one parking space for every 4,000 square feet. Commissioner Hannon would like to see language like the City Planner and property owner sitting down and taking into consideration reasons for variation from the parking requirements. He is not sure why this approach could not work across the board.

Commissioner Worthington commented that it is in a developer's best interest to make sure that they have adequate parking for the use of the building. It is true that uses can change over time but to use "a one size fits all" approach and have no flexibility means that we are often paving over more land than we need to and adding unnecessary costs to a project. Chair Hamilton pointed out that the industrial and warehouse uses are based on employees per main shift as opposed to square footage. That already allows for some flexibility, but retail is obviously different. Commissioner Barnes said he is trying to think of worst case scenarios and unintended effects. Ideally, it would be appropriate to leave it up to the developer and the City to come up with appropriate parking for that use. But you could imagine someone saying they are not going to have any parking and everyone can park on the street. Philosophically, Commissioner Barnes agrees with Commissioner Hannon. Commissioner Hannon stated that he is not talking about taking it out of the planning process because that is the danger. It could be drafted so that there is a minimum requirement but if the applicant wants to work out a plan with the City Planner, he can have an alternative parking scheme that is appropriate to the use.

Chair Hamilton asked Mr. Martin what his thoughts were on that proposal. Mr. Martin thought that after the discussion with the City Manager, we did do a couple things. We let people count off-street parking spaces if they were within a certain distance. One of the things that Mr. Shoup recommends in his book is to try and get the different parking requirements closer to one another so that if uses change in a building they were more in line with each other. One of the things that Mr. Martin discussed with the Planning Commission was that in order to make parking requirements not needed anymore, we needed to change the way we do some things. We need to use other forms of transportation more, and we don't necessarily have the infrastructure in place for that at this time. How that is different for the entire city than it is for a major university like Liberty is that Liberty is providing all of those things on their campus where it is really easy to know who their users are, you know what their population is; you know what kind of facilities they are providing. It is a little easier to look at it and determine their parking needs and the colleges are very stable institutions that have been in the City for a long time. Retail establishments unfortunately come and go and it might be a lot harder to negotiate each time a different use comes in. That might make the process a little more cumbersome. What Mr. Martin had taken from the discussion with the City Manager was that what this ordinance is proposing in terms of the colleges might be a first step in going toward the bigger philosophy we are talking about.

Mr. Beaumont came forward and said that they just went through the master planning of the Plaza with Mr. Martin. This ordinance gives them more than enough parking for what they want to do. Whenever your use changes, you don't want to have to go back and recalculate parking. That would be a nightmare. It would also be a nightmare from a leasing standpoint because you might not be able to rent to someone because you don't have enough parking. You want to give the owner the ability to lease to the best possible tenant that fits the need, as well as the one that makes the most money. Maybe during the initial construction, he could see doing something like what Commissioner Hannon is suggesting, but once your site plan is approved, your parking should be approved.

Commissioner Hannon commented that maybe he was misunderstood or did not make his point clear. Each zoning category has uses by right, so if you were going to change a building's use, you would have to come back. Mr. Martin said you would need to come back for zoning approval. Commissioner Hannon said that would be ministerial and Mr.

Beaumont said it could change your parking requirements. Commissioner Hannon remarked that he is suggesting two alternative approaches; you have the minimum requirements that are spelled out or you can negotiate for something else. Commissioner Hannon is trying to build in more flexibility not less. Commissioner Worthington clarified that we are saying minimum requirements or a conversation. Mr. Beaumont thought you might want to give it some parameters. Mr. Martin gave an example of Babcock Furniture. When they were looked at, they were looked at as a wholesaler and not a retail establishment. If we looked at each individual retailer and got into this parking need discussion with each one, retailer A might leave and retailer B comes in, would that have to be renegotiated each time? Commissioner Hannon wasn't sure that would be a change in use and does not know why that would affect parking. Mr. Beaumont said that a shopping center full of restaurants would have different needs than a shopping center full of warehouses. Chair Hamilton pointed out that the reduction for shared parking for the Plaza is probably a big plus. Mr. Beaumont said it was a huge plus; they had more than enough parking even in the worst case scenario but that may not always be the case for other people.

Commissioner Hannon thought that a situation where this would come up is when you have an existing restaurant and then someone wants to change it to an upscale jewelry establishment. It wouldn't necessarily have to meet the retail requirement and the developer thinks they can justify a waiver. Chair Hamilton asked if the owner of the jewelry boutique would be allowed to fill in the parking. Commissioner Hannon said that he was just trying to make it more flexible, and Mr. Beaumont commented that the Plaza is putting building pads on existing parking. Commissioner Hannon said that he is trying to put language in this to allow a developer to negotiate and show the City that this shouldn't be just by the numbers. Commissioner Hannon said he is thinking of a use that someone wants to put in and the site doesn't have the required parking but the developer thinks he has a reason why the parking will work.

Mr. Martin said he understands what Commissioner Hannon is saying, but wouldn't the end result be not having parking requirements at all and letting the market dictate. Commissioner Hannon did not think so because the City would be involved in the process. The City has a legitimate interest in making sure that a use at any given time does not have an adverse effect on the City.

Commissioner Sale commented that in any situation the market will dictate the parking requirements. You would not lease a piece of property if you will not have adequate parking. What Commissioner Hannon is suggesting makes sense to Commissioner Sale. There are a set of guidelines for the normal framework of parking, however, if you want to come in with a different scenario, that would be a reasonable way of reducing the parking requirements. It seems to him that is the goal that we are after, even if it comes to a point where we may not have strict parking requirements.

Mr. Martin clarified with Commissioner Hannon that there would be the minimum requirements or you can justify to us why you do not need to meet those. Commissioner Hannon said that is correct. Mr. McRorie pointed out that the owner would still have a right of appeal if he did not like the decision of City staff; he could go to City Council. Commissioner Swienton commented that this would allow for a variance if the requirements are too strict or, as Commissioner Hannon pointed out, if they do not work for a particular use. Commissioner Hannon had not thought about the exact language or where to insert it. Mr. Martin asked Mr. McRorie if he was suggesting that this would be a negative. Mr. McRorie stated that he was not saying it would be a negative and the language could go at the end as a catchall situation with language that would allow for negotiation. Mr. Martin clarified that the City would be able to grant relief when the City sees fit to do so. If the City does not see fit to do so and the property owner still has objections, Mr. McRorie pointed out that they could appeal it to City Council. Mr. Martin said they would end up appealing it to the Board of Zoning Appeals probably. Mr. McRorie commented that it makes a lot of sense to let people use some common sense and practical judgment. It also says to the owner that if he can be reasonable and reach agreement with the City, you will get it resolved pretty quickly. If he cannot, then it would cost him time and money.

Commissioner Sale thought the language should go after all the minimum parking requirements. He did not have the appropriate wording. Chair Hamilton suggested that Mr. Martin could work on the language and get it ready for public hearing. Mr. Martin clarified that the general idea is that they would like to be able to grant relief from the minimum standards if the Technical Review Committee and the City Planner agree. The commissioners said that was correct. There was some discussion about moving paragraph (4) to a place after all the minimum requirements and adding some more language about being able to negotiate for lower parking requirements in other situations. There was consensus about doing that and Commissioner Hannon said the language should be clear that it applies to all situations.

Mr. McRorie commented that there are a lot of things in the definitions section that need to be cleaned up, like the definition of public use and other wordsmith items. He did not want to distract them with those today. Chair Hamilton suggested that he put those suggestions in writing and give them to Mr. Martin.

Mr. Martin stated that he understands the concept of what they would like and he will word it and have it for them at their next meeting. Chair Hamilton asked if Mr. Erwin has seen this and Mr. Martin said he has. Chair Hamilton asked if there was a motion to move this to public hearing, but Mr. Martin clarified that this has already gone to public hearing. Commissioner Sale asked if there was any urgency on doing this right now or could it come back to them. Mr. Martin asked for clarification on what they would like him to work on because the definitions that Mr. McRorie is referring to have nothing to do with what we are doing to the parking ordinance. They are other definitions that relate throughout the *Zoning Ordinance.* Mr. Martin believes that we clarified everything that dealt with parking. Mr. McRorie said that he was making the observation that no one has gone through and wordsmithed the whole thing; you may or may not want to do that. Chair Hamilton said that at some point they should probably look at all the definitions and Mr. Martin agreed. The commissioners clarified that they wanted to table this so that Mr. Martin could work on the additional language not to work on the definitions. Chair Hamilton closed the public hearing portion and asked that this be brought back to the July 22nd meeting.

Mr. McRorie commented that they had stumbled over something very significant that gives the opportunity for people to come to a mutually satisfactory agreement. It saves a lot for the developer and it saves a lot for the City if there are incentives and opportunities for those kinds of things to take place. Otherwise, we go in a different direction where it is usually adversarial and costly and time consuming. He thinks that this same principle will apply to other decision making that the City will be doing.

MINUTES FROM THE MAY 13, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Consideration of amending Section 35.1-25, Off-street parking and loading of the *Zoning Ordinance*, as it pertains to parking requirements for residential, commercial, institutional and mixed uses. The proposed revisions would also provide for amendments to the Section 35.1-25(d) regarding parking area materials.

Mr. Martin addressed the commissioners with the following comments. This ordinance amendment was initiated by the Planning Commission on March 11, 2009. The primary goal of the ordinance is to reduce the amount of required off-street parking. He also provided the commissioners with the first four chapters of Donald Shoup's book, *The High Cost of Free Parking.* Mr. Martin commented that this is a very good opportunity for the City to examine its parking philosophy and its overall development goals because parking is not free. It often takes up more space than the actual building or the actual space inside the building for the people that are using it. That being said, what is before you is a draft. There are some representatives from the universities present today to speak, and Mr. Martin has had an opportunity to talk to Mr. Beaumont of Liberty about this. Mr. Martin thinks Mr. Beaumont has some very valid points. They are asking you not to consider approval of this document in its current form. Mr. Martin thinks that is a very valid point and he would recommend the same. He thinks the commissioners should consider what they hear and consider all the information Mr. Martin has provided them.

One of the things Mr. Martin believes will be brought up is the section on colleges and universities. The overall intent was to not regulate how much parking they provide because we really don't have a good feel for how much parking they need. One of the points that Mr. Shoup makes is that parking regulations are very arbitrary. He really takes some digs at planners on that even though he is a planner. When writing parking regulations, planners go to one of two places: the Institute of Transportation Engineers (ITE) requirement or other localities' parking ordinances. The studies have shown that typically the ITE requirements are too high and we don't know if our neighboring cities are doing it correctly either. Typically, we are probably requiring too much just because of the way areas and cities have developed. That being said, Liberty has a tremendous amount of parking and the other institutions probably do too. From what Mr. Martin understands, on any given day, there are probably 1,000 or so spaces that are vacant at Liberty. Mr. Martin doesn't think that we can really write a regulation that tells them how many parking spaces they need or if we should even attempt to do that.

What Mr. Martin wrote in the ordinance is that during their conditional use permit process for expanding the number of students, the university would tell them how many parking spaces they need. Mr. Martin put in the ordinance that a study would be performed by a transportation planner or traffic engineer. Those are expensive and he is not sure that is fair to put that expense on them. He is not sure it is even necessary because if they don't manage their parking, especially with Liberty, the only people they will be hurting is themselves because the students will be very upset. Liberty has also instituted some very good mass transit policies and has been working with the City on pedestrian policies. Mr. Martin would recommend changing that requirement in the ordinance.

There are some other discrepancies that they will talk about, and they will likely bring up the issue of gravel parking lots and whether or not they should be allowed for large areas (over ten spaces). That is one point that may bring up some disagreement. There are valid reasons on both sides of the issue. What Mr. Martin would hope for today is to open the discussion, think about the philosophies and what the costs associated with parking have done to the City over the years and what it will continue to do if we continue on the route that we are on now. He would also like to point out that we are not going to change things over night. Mr. Shoup says that it could take decades to recover from the amount of parking that has been required.

Chair Hamilton asked if there was anyone present to speak in favor of this amendment. No one came forward. She asked if there was anyone present to speak in opposition or with concerns. Mr. Bill McRorie, a local attorney representing Liberty University and Thomas Road Baptist Church (TRBC), came forward first. He first wished to comment on the previous public hearing. When he was on City Council, they discovered that about 75 percent of the so-called subsidized housing for all of Region 2000 was provided by the City of Lynchburg. Like everything else in life, there needs to be a balance. What we have done is taken a lot of people from the adjoining counties that need and deserve some help with their housing. These people have multiple needs. As a result, the City bears some costs and expenses that our county neighbors have told him they have no intention of incurring if they can possibly avoid it. He thinks that we have to be careful in looking to this balance. The costs of educating children--if you have a family with three or four children--you will never see enough tax revenue to balance that cost. That money has to come from somewhere, so real estate taxes have to be higher. He encouraged the commissioners to get the data they need to help them in their struggle with this issue.

Mr. McRorie reiterated that they would like the commissioners not to approve this amendment in its present form. It needs some work and could be improved. One of the issues is gravel lots. There is a place for gravel lots. Sometimes an organization like Liberty is going through multiple transitions on the same space. A transitional lot gives them the opportunity to not put expensive paving in because it might ultimately be used entirely differently. There have been gravel lots over the years, and they have not created any problems for people. They haven't created dust or other practical problems. A multi-inch base of stone does wonders because the water goes in the ground and you don't have the dust that you have with something that isn't surface treated. There wouldn't be the problems like were experienced at Cornerstone. Liberty and TRBC's physical situations do not compare with Cornerstone and shouldn't have a Cornerstone result.

Requiring parking to be adjacent or connected by pedestrian facilities is not defined. He is not sure what pedestrian facilities means. In Liberty's case and other facilities as well, there will be situations where there is not an adjacency. There is a road or there is some distance between the parking and the desired location. That needs to be taken into consideration. Allowing the use of mass transit and shuttle service should be encouraged. Liberty is doing both.

Requiring something like a conditional use permit for as little as eleven parking spaces on a gravel lot is a bit of overkill. Some of the things in the City Code use a break of 100, when you talk about schools, for example. He thinks eleven spaces as the breaking point is too small.

There is agreement that requiring an outside expert is probably not something that you would want to require in all cases. There might be situations where it would help, but not automatically in all cases.

There are some other wordsmith things. Regarding the bed and breakfast, there is mention of space per room; it doesn't say bedroom, which it should. There are a lot of things like that in this particular draft. He doubts that Walter Erwin has seen it, but he should.

Mr. McRorie doesn't think that the requirement for non-industrial warehouse space was anticipated. The focus was on industrial facilities, whether you are talking about berth requirements for shipping or talking about the requirement for warehouse space, it is unclear in the current draft whether you are talking about three spaces per 1,000 square feet or as determined by the Planning Commission. They feel that, where possible, we ought to move some of these decisions to City staff—that they find are quite capable of making them—as opposed to bringing them to Planning Commission. Of course, it is the Commission's call as to which items they would like to examine.

The language has been changed on churches, mortuaries and funeral parlors. It used to say "fixed seat" instead of "seat". This could create a situation where you have to count folding chairs.

They like the twenty percent reduction for mass transit and the twenty percent reduction for two or more uses for the same parking area. That would mean a possible forty percent discount. He assumes that was the intention.

There is some language called "conditional use standards or appropriate minimum standards." He would think that Mr. Erwin would probably say that it needs to be a little more exact than that. The general requirement for a law to be enforceable is that it has to be clear enough and precise enough that a person with a reasonable education could read it and understand what is required before the fact, not after the fact.

They think that for shopping centers, which aren't really addressed, perhaps two spaces per 1,000 feet or something like that should be done. Otherwise, you are going to be trying to reconfigure parking based upon what the current use is, which he does not think is what was intended.

He has provided a copy of all his suggestions to the commissioners. He thinks that it would be helpful in the future if the draft could be circulated to the stakeholders in advance. There ought to be some developers here today that would be impacted by this because of the cost. Mr. McRorie does think that the City is requiring more parking than is needed. The City's parking study determined that the City did not have the need that it thought it did for all the parking it has—even downtown. They would be delighted to continue working with Mr. Martin to improve this draft. They appreciate the chance for comment today and that the City is getting to the revision of the parking code, which is long overdue.

Mr. Lee Beaumont from Liberty came forward next. He has a unique perspective because he has to figure out how to implement the ordinance. He and Mr. Martin have talked at great length about this proposal. Liberty has about 1,000 extra spaces on its busiest day. Of course, they are not the most desirable spots; that is about 6.2 acres of flat land. For anyone who has done any development, they know that is expensive. He pointed out that on Wards Road, a half acre goes for about a half million dollars. Mr. Martin pointed out that this excess parking even takes into account a twenty percent variance that was granted. Mr. Beaumont commented that their students would tell you that the parking is not great, but that is because they can't park at the front door. They have excellent parking for any major institution. Liberty can obviously do more efficient things with their land rather turning it into an asphalt jungle.

The last time Liberty did a conditional use permit proposal, they spent about $200,000 between traffic studies and engineering costs. Now they would be looking at an additional study by a certified transportation planner. There are only 216 of those in the country. Anytime you get that specialized, you are looking at a lot of money, probably $25,000 to $35,000. As a planning group, they need to be cognizant of what it does to developers when you require special studies. Mr. Martin and Mr. Beaumont agree that it is probably not best to hire someone to tell them what they already knew. Liberty spends a lot of time in parking planning in conjunction with City staff. There is not a parking or transportation problem at Liberty now. They have a mass transit system that only trails people like the University of Georgia and some other big schools as far as usage rates. That is due to the current partnership with City staff and Liberty's in-house experts. They think they already have the expertise to effectively manage their parking. There have also not been any public complaints about parking at Liberty, as far as from their neighbors. He agreed with Mr. McRorie that the Commission should rely on the City staff. There are good people on City staff and the Commission should use them.

As far as gravel lots go, they just went through the waiver process last week. The current process works just fine. There are qualified and competent individuals on the planning staff that been issuing waivers for a while.

He also wanted to talk about the mass transit provision because he is on the GLTC board. This is a great thing that has been put in the ordinance, as far as the incentive for developers. It is to encourage private developers to install benches and shelters because the budget doesn't really exist for GLTC to do that. He would also encourage them to include pull off areas because the busses clog up the roads. They have done that at Liberty. Another overarching concern is operational funds for new routes. Using Cornerstone as an example, bus shelters and a pull off lane were provided, but there is not a current route there. For a moderate service level, it would cost GLTC $60,000 a year to run a route there. That is obviously local match funding that is not there. Mr. Beaumont thinks we need to encourage private developers to do more private/public partnerships to pay for the operational funds. It is done in Texas and it would incentivize people to do it because you could attract more students to live there and you don't have cars on the road, which is really what it is all about.

Mr. John Lewis, the Associate Vice President for Lynchburg College, came forward next. He did not think he could add anything to what Liberty has already said other than to reiterate some of it. He appreciated Liberty sharing a copy of the ordinance with them yesterday, especially since colleges and universities are being singled out. He understands that Mr. Martin is recognizing that maybe the requirement for a study should be taken out, and he appreciates that. That would add a lot of cost, and it doesn't even say with what frequency it would need to be done.

Mr. Lewis agrees with their points on gravel lots. Lynchburg College is a much simpler institution, but they would like to be aware as a stakeholder, especially if there is going to be something unique in the ordinance that applies just to colleges and universities. They would like to be part of coming to the table as it is being drafted.

Chair Hamilton thought that they needed to continue the public hearing. Rather than send this to work session, she would suggest continuing the public hearing, maybe in a month. Commissioner Worthington wondered if they should do this in a public hearing or should they send it to the stakeholders for comment. Commissioner Barnes asked if he was considering appointing a Parking Advisory group or pulling people together one time. Commissioner Worthington said it would be great if it only took one time, but it seems to him that we need more people than we have. Chair Hamilton asked Mr. Martin for his thoughts.

Mr. Martin stated that they have typically appointed committees in the past for ordinance revisions. He thinks that the general thought was that since we are actually reducing parking, it maybe wasn't necessary at this point. He thinks that there are some issues in here that need to be worked through, but the intent of this was to make it easier for people but still have some standards. Mr. Martin suggested that they give him the opportunity to work with others to redraft this. Some of the things that Mr. McRorie brought up were not changed; that is the way they have always been. Mr. Erwin did look at it, but we do need to reword some things. That could be done by establishing a committee, but he thinks that it is very important to get the commissioners' thoughts on parking from a philosophical standpoint. While Mr. Martin is working on a new draft, the commissioners should be thinking philosophically about "Do we even need to set a requirement at all?" That is a big philosophical change.

Mr. Martin commented that he has struggled with this because he has been on both sides of it. We have set parking minimums in the ordinance, but he looked at some submittals over the past few years, and typically, all but two, provided more parking than what we require now. There has to be a mind change starting with the City, and it will be slow to come about, regarding the consequences of providing this much parking. We waste a lot of land; we do a lot of negative things to the environment. If people want to have that much parking, in a sense that is great, but we shouldn't be telling them they have to have more than they need.

Commissioner Barnes thought that appointing a committee for this was kind of overkill and Chair Hamilton agreed. He suggested that Mr. Martin work with stakeholders and in the meantime, the Planning Commission could have a working group amongst themselves to talk about the philosophical issues. There could then be a second meeting with the stakeholders once they have a revised draft. Mr. Martin said he could get a group together, maybe including Centra Health. Chair Hamilton asked Mr. Martin if they should have a separate work session or if it should be on next meeting's agenda. It was the consensus to put it on next meeting's agenda.

Commissioner Sale commented that Mr. Shoup makes some interesting points about the rethinking of parking. He would like them to focus their attention on this book. That was the consensus of the commissioners that this be the focus for next meeting's discussion.

Mr. Martin also wished to pass on a comment from Mr. Jim Talian, who wondered if we should give credit for on-street parking. Chair Hamilton thought it was surprising that this is not being done already.

Zoning Amendment

Section 35.1-25 – Off-street parking and loading

May 13, 2009

PLEASE PRINT

NAME	ADDRESS	PHONE #	IN FAVOR	IN OPPOSITION	NEUTRAL
Bill McRorie	717 Crt St.				
Lee Beaumont	L.U.				
JOHN LEWIS	LYNCHBURG COLLEGE	544-8212		✓	

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 8, 2009** AGENDA ITEM NO.: 22

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **FY 2009 Carry Forward**

RECOMMENDATION:
Hold a public hearing and adopt a resolution amending the FY 2010 Operating Budget and appropriating funds to reflect the carry forward of unexpended funds in FY 2009, as well as amending the FY 2009 Operating Budget, and appropriating funds as noted below.

SUMMARY:
The following funds are amended to reflect the carry forward of unexpended funds in FY 2009:

	Adopted 2010	Recommended Carry Forward	Amended FY 2010
General Fund			
Operations	$101,184,160	$367,355	$101,551,515
Transfers To/From Other Funds	1,311,322	71,342	1,382,664
Debt Service	15,237,900		15,237,900
Schools-Operations	32,442,103		32,442,103
Greater Lynchburg Transit Co.	1,128,884		1,128,884
Reserve for Contingencies	200,000	1,027,913	1,227,913
Juvenile Detention Workers Comp Reserve	20,000		20,000
Capital Improvements	2,820,617		2,820,617
Ending Balance	15,093,589		15,093,589
Total	**$169,438,575**	**$1,466,610**	**$170,905,185**
Technology Fund			
Operations	$687,977	$294,026	$982,003
Capital Outlay	102,000		102,000
Ending Balance	887,509	0	887,509
Total	**$1,677,486**	**$294,026**	**$1,971,512**
City Capital Projects Fund	**$15,087,964**	**($6,110,212)**	**$8,977,752**
Schools Capital Projects Fund	**$0**	**$425,000**	**$425,000**
City/Federal/State Aid Fund			
Operations	$2,434,467	$81,342	$2,515,809
Ending Balance	0	0	0
Total	**$2,434,467**	**$81,342**	**$2,515,809**

	Adopted 2010	Recommended Carry Forward	Amended FY 2010
Fleet Fund			
Operations	$3,498,083	$486,000	$3,984,083
Debt Service	411,101	0	411,101
Reserves	59,504	0	59,504
Transfer to Capital	1,330,876		1,330,876
Ending Balance	156,845	0	156,845
Total	**$5,456,409**	**$486,000**	**$5,942,409**
Community Development Block Grant Fund			
Operations	$875,000	$357,483	$1,232,483
Ending Balance	0	0	0
Total	**$875,000**	**$357,483**	**$1,232,483**
Home Investment Partnership Fund			
Operations	$420,000	$122,942	$542,942
Ending Balance	0	0	0
Total	**$420,000**	**$122,942**	**$542,942**
Asset Forfeiture Fund			
Operations	$15,063	$271,901	$286,964
Ending Balance	151,136	0	151,136
Total	**$166,199**	**$271,901**	**$438,100**
Water Fund			
Operations	$8,051,499	$33,000	$8,084,499
Debt Service	3,416,077	0	3,416,077
Transfer to Water Capital Fund	500,000	0	500,000
Ending Balance	15,963,494	0	15,963,494
Total	**$27,931,070**	**$33,000**	**$27,964,070**
Comprehensive Services Act Fund			
Operations	$3,578,873	$50,000	$3,628,873
Ending Balance	0	0	0
Total	**$3,578,873**	**$50,000**	**$3,628,873**
LEAF Special Revenue Fund			
Operations	$0	$35,327	$35,327
Ending Balance	3,576	0	3,576
Total	**$3,576**	**$35,327**	**$38,903**

The following funds are amended to reflect additional appropriations for FY 2009:

	FY 2009 NEW INITIATIVES
GENERAL FUND	**$1,548,450**
CITY/FEDERAL/STATE AID FUND	**$55,946**
SOLID WASTE FUND	**$1,941,903**
SOLID WASTE CAPITAL FUND	**$168,756**

Details of these adjustments can be found on Attachments A, B, C, and D.

Finally, Council policy requires a minimum Undesignated General Fund Balance of 10% of General Fund revenues. Fund Balance is projected to be approximately $23.2 million, or 14.4%, of General Fund revenues as of June 30, 2009.

PRIOR ACTION(S): N/A

BUDGET IMPACT:
As noted above

CONTACT(S):
Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):
Resolution
Attachment A: FY 2009 Carry Forward Requests to Amend FY 2010 Budget - Summary
Attachment B: FY 2009 Carry Forward Requests to Amend FY 2010 Budget - Detail
Attachment C: FY 2009 Adjustments - Summary
Attachment D: FY 2009 Adjustments - Detail

REVIEWED BY: lkp

RESOLUTION:
BE IT RESOLVED That the FY 2010 Budget is amended and funds are appropriated to reflect the carry forward of FY 2009 appropriations that were unexpended as of June 30, 2009, in the General, Technology, City Capital Projects, School Capital Projects, City/Federal/State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Water, Comprehensive Services Act, and LEAF Special Revenue Funds as follows:

	Adopted 2010	**Recommended Carry Forward**	**Amended FY 2010**
General Fund			
Operations	$101,184,160	$367,355	$101,551,515
Transfers To/From Other Funds	1,311,322	71,342	1,382,664
Debt Service	15,237,900		15,237,900
Schools-Operations	32,442,103		32,442,103
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Reserve for Contingencies	200,000	1,027,913	1,227,913
Juvenile Detention Workers Comp Reserve	20,000		20,000
Capital Improvements	2,820,617		2,820,617
Ending Balance	15,093,589		15,093,589
Total	**$169,438,575**	**$1,466,610**	**$170,905,185**
Technology Fund			
Operations	$687,977	$294,026	$982,003
Capital Outlay	102,000		102,000
Ending Balance	887,509	0	887,509
Total	**$1,677,486**	**$294,026**	**$1,971,512**
City Capital Projects Fund	**$15,087,964**	**($6,110,212)**	**$8,977,752**
Schools Capital Projects Fund	**$0**	**$425,000**	**$425,000**
City/Federal/State Aid Fund			
Operations	$2,434,467	$81,342	$2,515,809
Ending Balance	0	0	0
Total	**$2,434,467**	**$81,342**	**$2,515,809**
Fleet Fund			
Operations	$3,498,083	$486,000	$3,984,083
Debt Service	411,101	0	411,101
Reserves	59,504	0	59,504
Transfer to Capital	1,330,876		1,330,876
Ending Balance	156,845	0	156,845
Total	**$5,456,409**	**$486,000**	**$5,942,409**
Community Development Block Grant Fund			
Operations	$875,000	$357,483	$1,232,483
Ending Balance	0	0	0
Total	**$875,000**	**$357,483**	**$1,232,483**

	Adopted 2010	Recommended Carry Forward	Amended FY 2010
Home Investment Partnership Fund			
Operations	$420,000	$122,942	$542,942
Ending Balance	0	0	0
Total	**$420,000**	**$122,942**	**$542,942**
Asset Forfeiture Fund			
Operations	$15,063	$271,901	$286,964
Ending Balance	151,136	0	151,136
Total	**$166,199**	**$271,901**	**$438,100**
Water Fund			
Operations	$8,051,499	$33,000	$8,084,499
Debt Service	3,416,077	0	3,416,077
Transfer to Water Capital Fund	500,000	0	500,000
Ending Balance	15,963,494	0	15,963,494
Total	**$27,931,070**	**$33,000**	**$27,964,070**
Comprehensive Services Act Fund			
Operations	$3,578,873	$50,000	$3,628,873
Ending Balance	0	0	0
Total	**$3,578,873**	**$50,000**	**$3,628,873**
LEAF Special Revenue Fund			
Operations	$0	$35,327	$35,327
Ending Balance	3,576	0	3,576
Total	**$3,576**	**$35,327**	**$38,903**

And, BE IT RESOLVED that the FY 2009 Budget be amended and funds be appropriated in the General, City/Federal/State Aid, Solid Waste, and Solid Waste Capital Funds as follows:

	FY 2009 NEW INITIATIVES
GENERAL FUND	**$1,548,450**
CITY/FEDERAL/STATE AID FUND	**$55,946**
SOLID WASTE FUND	**$1,941,903**
SOLID WASTE CAPITAL FUND	**$168,756**

And, BE IT FURTHER RESOLVED that the funds shall be used as identified in Attachments A, B, C, and D.

Introduced: Adopted:

Certified: ____________________________
Clerk of Council

106L

ATTACHMENT A

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET
SUMMARY BY FUND

	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL
GENERAL FUND	$291,997	$1,036,863	$137,750	$1,466,610
CITY FEDERAL STATE AID FUND	$21,342	$60,000	$0	$81,342
COMMUNITY DEVELOPMENT BLOCK GRANT FUND	$0	$357,483	$0	$357,483
ASSET FORFEITURE FUND	$0	$271,901	$0	$271,901
COMPREHENSIVE SERVICES ACT FUND	$50,000	$0	$0	$50,000
LEAF SPECIAL REVENUE FUND	$35,327	$0	$0	$35,327
HOME INVESTMENT PARTNERSHIP FUND	$0	$122,942	$0	$122,942
TECHNOLOGY FUND	$0	$0	$294,026	$294,026
CITY CAPITAL PROJECTS FUND	$89,056	($5,472,065)	($727,203)	($6,110,212)
SCHOOL CAPITAL PROJECTS FUND	$0	$0	$425,000	$425,000
WATER OPERATING FUND	$33,000	$0	$0	$33,000
FLEET SERVICES FUND	$349,000	$0	$137,000	$486,000

ATTACHMENT C

FY 2009 ADJUSTMENTS
SUMMARY BY FUND

	NEW INITIATIVES	FY 2009 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL
GENERAL FUND	$1,548,450	$0	$0	$1,548,450
CITY/FEDERAL/STATE AID FUND	$55,946	$0	$0	$55,946
SOLID WASTE FUND	$1,941,903	$0	$0	$1,941,903
SOLID WASTE CAPITAL FUND	$168,756	$0	$0	$168,756

ATTACHMENT D

FY 2009 ADJUSTMENTS

	NEW INITIATIVES	FY 2009 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
GENERAL FUND FY 2009					
Transfer to City/Federal/State Aid Fund	$2,120			**$2,120**	Transfer funds from the General Fund E-911 Budget to cover a local match for the Public Safety Answering Point Grant Program for Two Additional Wireless 911 Trunk Lines.
Transfer from Solid Waste Fund	$1,546,330			**$1,546,330**	Transfer remaining Solid Waste Fund Balance to the General Fund to close the Solid Waste Fund.
TOTAL GENERAL FUND	$1,548,450	$0	$0	**$1,548,450**	
CITY/FEDERAL/STATE AID FUND FY 2009					
Transfer from General Fund	$2,120			**$2,120**	Appropriation needed for the local match for the Public Safety Answering Point Grant Program.
Workforce Investment Act Grant (WIA)	$53,826			**$53,826**	Appropriate additional Funds for WIA from American Recovery and Reinvestment Act.
TOTAL CITY/FEDERAL/STATE AID FUND	$55,946	$0	$0	**$55,946**	
SOLID WASTE FUND FY 2009					
Transfer to General Fund	$1,546,330			**$1,546,330**	Transfer remaining Solid Waste Fund Balance to the General Fund to close the Solid Waste Fund.
Transfer from Solid Waste Capital Fund	$168,756			**$168,756**	Transfer revenue from the Solid Waste Capital Fund to close the Solid Waste Fund.
Solid Waste FY 2009 Expenses	$226,817			**$226,817**	Appropriate expenses within the fund to close the Solid Waste Fund.
TOTAL SOLID WASTE FUND	$1,941,903	$0	$0	**$1,941,903**	
SOLID WASTE CAPITAL FUND FY 2009					
Transfer to Solid Waste Operating Fund	$168,756			**$168,756**	Transfer revenue from the Solid Waste Capital Fund to close the Solid Waste Fund.
TOTAL SOLID WASTE CAPITAL FUND	$168,756	$0	$0	**$168,756**	

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET

GENERAL FUND FY 2010	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
City Manager			$13,771	$13,771	Funding support for Community Dialogue Program which is an on-going initiative.
City Manager		$8,950		$8,950	Funding to provide supplies and uniforms for two Parking Patrol Specialists and the Parking Manager's employment agreement.
City Manager Subtotal	$0	$8,950	$13,771	$22,721	
Public Works	$12,694			$12,694	Carry Forward additional revenues received for the Adopt a Bed Program and also unspent funds for FY 2009.
Public Works	$118,905			$118,905	Appropriate funds for leachate seep repair under contract.
Public Works Subtotal	$131,599	$0	$0	$131,599	
Registrar - Electoral Board			$35,000	$35,000	Carry forward for purchase or repair of voting equipment and to provide peripheral items for the new Electronic Pollbooks.
Transfer from City/Federal/State Aid	$21,342			$21,342	Transfer prior Revenue Max funds for Juvenile Services Family Group Conference Expenses.
Reserve for Contingencies		$1,000,000		$1,000,000	Carry forward funds to increase the FY 2010 Reserve for Contingencies to $1.2 million.
Reserve for Contingencies		$27,913		$27,913	Carry forward funds previously reserved for the local match of 4 Fire Grants. The grants are for a monitor/defibrillator, an investigations trailer and fire extinguisher simulator, a regional training initiative, and Plymovent and fire alarm systems.
Reserve for Contingencies Subtotal	$0	$1,027,913	$0	$1,027,913	
Communications and Marketing			$5,000	$5,000	Carry forward funds for the replacement of failed equipment in the broadcast studio and control room.

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET

GENERAL FUND FY 2010 continued

	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Transfer to CSA Fund	$50,000			$50,000	Transfer funds to the Comprehensive Services Act Fund to provide the local match for additional expenditures for FY 2010. Funds from savings in the Lynchburg per diem for Detention.
Community Development - Engineering	$89,056			$89,056	Transfer funds from the City Capital Projects Fund to General Fund to fund wage project managers.
Community Development - Inspections			$67,919	$67,919	Carry forward funds for housing demolition that was not completed in FY 2009.
Community Development Subtotal	$89,056	$0	$67,919	$156,975	
Human Resources			$6,000	$6,000	Carry forward funds for Tuition assistance.
Human Resources			$4,000	$4,000	Carry forward funds for on-site training to deliver technical, interpersonal and supervisory training programs.
Human Resources Subtotal	$0	$0	$10,000	$10,000	
Information Technology			$6,060	$6,060	Carry forward funds for continued implementation of the Work Management System. This project spans multiple years; the system was acquired in Spring 2008 and installation began Fall 2008.
GENERAL FUND TOTAL	**$291,997**	$1,036,863	$137,750	**$1,466,610**	

CITY FEDERAL STATE AID FUND FY 2010

	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Community Corrections		$60,000		$60,000	Appropriate additional $60,000 State Revenue for Community Corrections Grant-includes a position.
Transfer to General Fund	$21,342			$21,342	Transfer Revenue Max funds to the General Fund for Juvenile Services Department Family Group Conference expenses.
CITY FEDERAL STATE AID FUND TOTAL	$21,342	$60,000	$0	**$81,342**	

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET

	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND FY 2010					
Community Development		$237,404		$237,404	Appropriate additional grant funding from the Federal stimulus plan.
Community Development		$120,079		$120,079	Appropriate additional grant funding to equal the grant award.
CDBG FUND TOTAL	$0	$357,483	$0	**$357,483**	
ASSET FORFEITURE FUND FY 2010					
Police Department		$252,622		$252,622	Appropriate federal and state revenue received in order for funds to be expended in compliance with Fund guidelines.
Commonwealth Attorney		$19,279		$19,279	Appropriate revenue received in order for funds to be expended in compliance with Fund guidelines including a local match for the Americorp Grant.
ASSET FORFEITURE FUND TOTAL	$0	$271,901	$0	**$271,901**	
COMPREHENSIVE SERVICES ACT FY 2010					
Transfer from General Fund	$50,000			**$50,000**	Transfer funds from the General Fund to provide the local match for additional expenditures. Funds from savings in the Lynchburg per diem for Detention.
LEAF SPECIAL REVENUE FUND FY 2010					
LEAF Fund	$35,327			**$35,327**	Appropriate donations received in FY 2009 to be spent in FY 2010.
HOME INVESTMENT PARTNERSHIP FUND FY 2010					
Community Development		$122,942		**$122,942**	Appropriate additional grant funding to equal the grant award.

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET

TECHNOLOGY FUND FY 2010	**NEW INITIATIVES**	**FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED**	**FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT**	**TOTAL**	
Information Technology			$23,000	$23,000	Carry Forward for Datawarehouse project to create a repository of electronically stored data with tools to manage and retrieve for reporting and analysis. Slated to begin in late FY 2009 but moved to Fall 2010.
Information Technology			$5,460	$5,460	Carry forward funds to implement a multi-year project to test using mobile technology for Community Planning.
Information Technology			$100,240	$100,240	Carry forward funds for implementation of a documentation management system.
Information Technology			$51,475	$51,475	Continue generator purchase and installation at the Library for a disaster recovery site for IT.
Information Technology			$4,500	$4,500	Carry forward funds for continued staff training on software for Life Cycle Management project.
Information Technology			$109,351	$109,351	Carry forward funds for the completion of HVAC upgrades, sprinkler system compliance, and contingency for other facility related needs that may arise.
TECHNOLOGY FUND TOTAL	$0	$0	$294,026	**$294,026**	

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET

	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
CITY CAPITAL PROJECTS FUND FY 2010					
Carter Glass Rehabilitation			($1,274,693)	($1,274,693)	Rescind appropriations for the Carter Glass Bridge Rehab to reflect the State appropriation.
Community Development - Engineering	$89,056			$89,056	Transfer funds to General Fund to fund wage employees.
D Street Bridge			$487,544	$487,544	Appropriate UCI interest to help fully fund the D Street Bridge project.
Kemper Street Station Phase II			$59,946	$59,946	Appropriate an additional Federal Reimbursement for the Kemper Street Station Phase II project.
Midtown Phase I		$571,632		$571,632	Additional appropriation needed for Midtown Phase I to match VDOT budget.
Midtown Phase II		($1,288,196)		($1,288,196)	Rescind appropriation due to a reduction in VDOT's 6 year plan.
Breezewood Dr. Phase II		($458,858)		($458,858)	Rescind appropriation due to a reduction in VDOT's 6 year plan.
Greenview Dr Phase II		($4,296,643)		($4,296,643)	Rescind appropriation due to a reduction in VDOT's 6 year plan.
CITY CAPITAL PROJECTS FUND TOTAL	$89,056	($5,472,065)	($727,203)	**($6,110,212)**	

SCHOOL CAPITAL PROJECTS FUND FY 2010					
Fort Hill School Renovations			$425,000	**$425,000**	Appropriate funds for the Renovation of Fort Hill School.

WATER OPERATING FUND FY 2010					
Utilities	$15,000			$15,000	Carry forward funds for the continued implementation of the Work Management System.
Utilities	$3,000			$3,000	Carry forward funds to implement the upgrade of the Utility Billing software.
Utilities	$15,000			$15,000	Carry forward funds for continued implementation of the migration to ESRI for the GIS system.
WATER OPERATING FUND TOTAL	$33,000	$0	$0	**$33,000**	

ATTACHMENT B

FY 2009 CARRY FORWARD REQUESTS TO AMEND FY 2010 BUDGET

FLEET SERVICES FUND FY 2010	NEW INITIATIVES	FY 2010 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2009 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Fleet			$130,000	$130,000	Carry Forward to provide future vehicle replacements for Utilities that could be deferred until FY 2010.
Fleet	$40,000			$40,000	Carry forward funds to provide ancillary equipment for the new LPD vehicles acquired for the new 12 hour shifts.
Fleet	$9,000			$9,000	Carry forward funds for one leased vehicle for LPD. Fleet is obligated with a current signed contract.
Fleet			$5,000	$5,000	Carry forward funds for anticipated electricity increases.
Fleet			$2,000	$2,000	Carry forward funds for anticipated natural gas increases.
Fleet	$300,000			$300,000	Appropriate funds for ambulance chassis. Funds from sale of Landfill equipment to Regional Landfill.
FLEET SERVICES FUND TOTAL	$349,000	$0	$137,000	**$486,000**	