

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, July 14, 2015
9:00 a.m.**

Information Items

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

Update on priority projects – see attached report.

General Business

1. Downtown Improvements Don DeBerry
2. Roll Call

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

Next Meeting: August 11, 2015

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

July 14, 2015

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Right of Way	November 2015	Right of Way Discussions - On going
Wards Road Pedestrian X-ing 2B	*	Construction	May 2015	Complete
Midtown Connector		Construction	December 2015	Under Construction - Working on Langhorne 99% complete & Kemper 70% Complete -
Greenview Drive Phase 2		Construction	July 2017	Construction Proposed to Start March 2016.
Kemper Street Bridge / Interchange	*	Construction	September 2016	Bridge Construction and Grading
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design Completed to Determine Available R/W for Development - On Hold
Lower Bluffwalk Phase 2		Construction	July 2015	Closeout in Progress
Memorial - Park - Lakeside Intersection	*	Construction	September 2016	Project was Advertised - Projected Start is August/September
Odd Fellows Road - P3		Construction	August 2018	Construction Proposed to Start January 2016.
Lakeside Drive Improvements @ L.C.		Design	September 2014	30% Design - On Hold.
Juvenile Services Group Home		Construction	April 2016	On-going

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Downtown Improvements**

RECOMMENDATION:

Approve the following project goals:

- Create Pedestrian and Business Friendly space (safety and loading are major considerations)
- Focus on Economic Development
- Maximize on-street parking
- Sustainable, both environmentally and from a maintenance perspective

SUMMARY:

The first phase of the downtown utility replacement and streetscape project is proposed for 8 segments of street along Church Street, Main Street, 7th Street and 8th Street. The proposed schedule for the work would progress along Church Street from 5th Street to 8th Street, along 8th from Church Street to Main Street, along Main Street from 5th to 8th, and conclude along 7th Street from Church Street to Main Street.

The City will host a public meeting on July 16, 2015 at 6PM in the Parlor Ballroom to introduce the following concepts which address the project goals:

- Conversion of Main Street and Church Street from one way traffic to two way traffic.
- Work with businesses to develop loading policy.
- Traffic calming, including installation of all-way stops at all intersections on Church Street and Main Street from 5th Street to 12th Street.
- Provide "Share the Road" bike accommodation.
- Review space allocation options for streetscape improvements to the four streets in Phase I.
- Phasing plan to accommodate new development and downtown events, while providing reasonable access to existing properties.

PRIOR ACTION(S):

PDC October 14, 2014

FISCAL IMPACT:

Phase I roughly \$8 million

CONTACT(S):

Kimball Payne, Tim Mitchell, Kent White, Gaynelle Hart, Don DeBerry

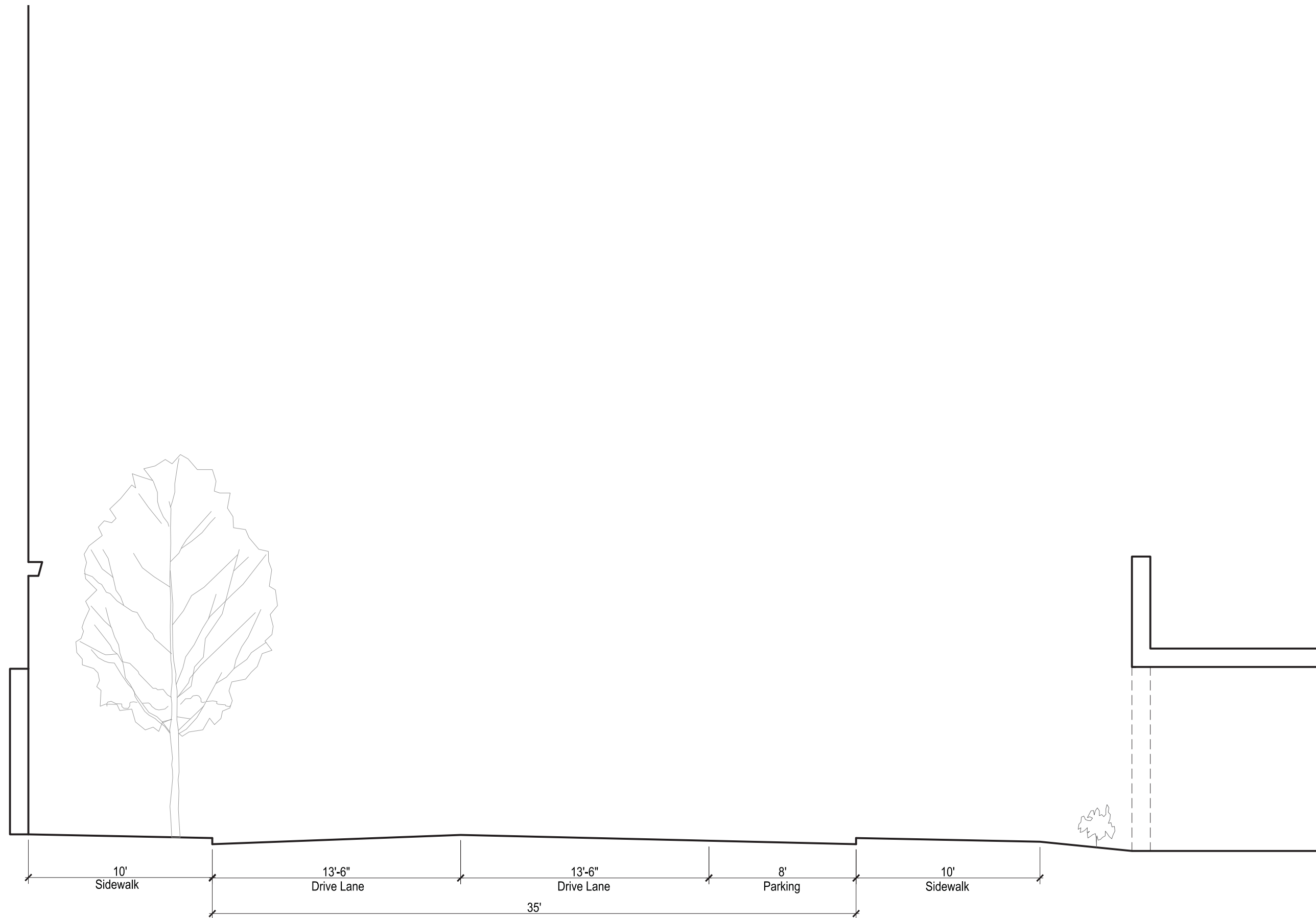
ATTACHMENT(S):

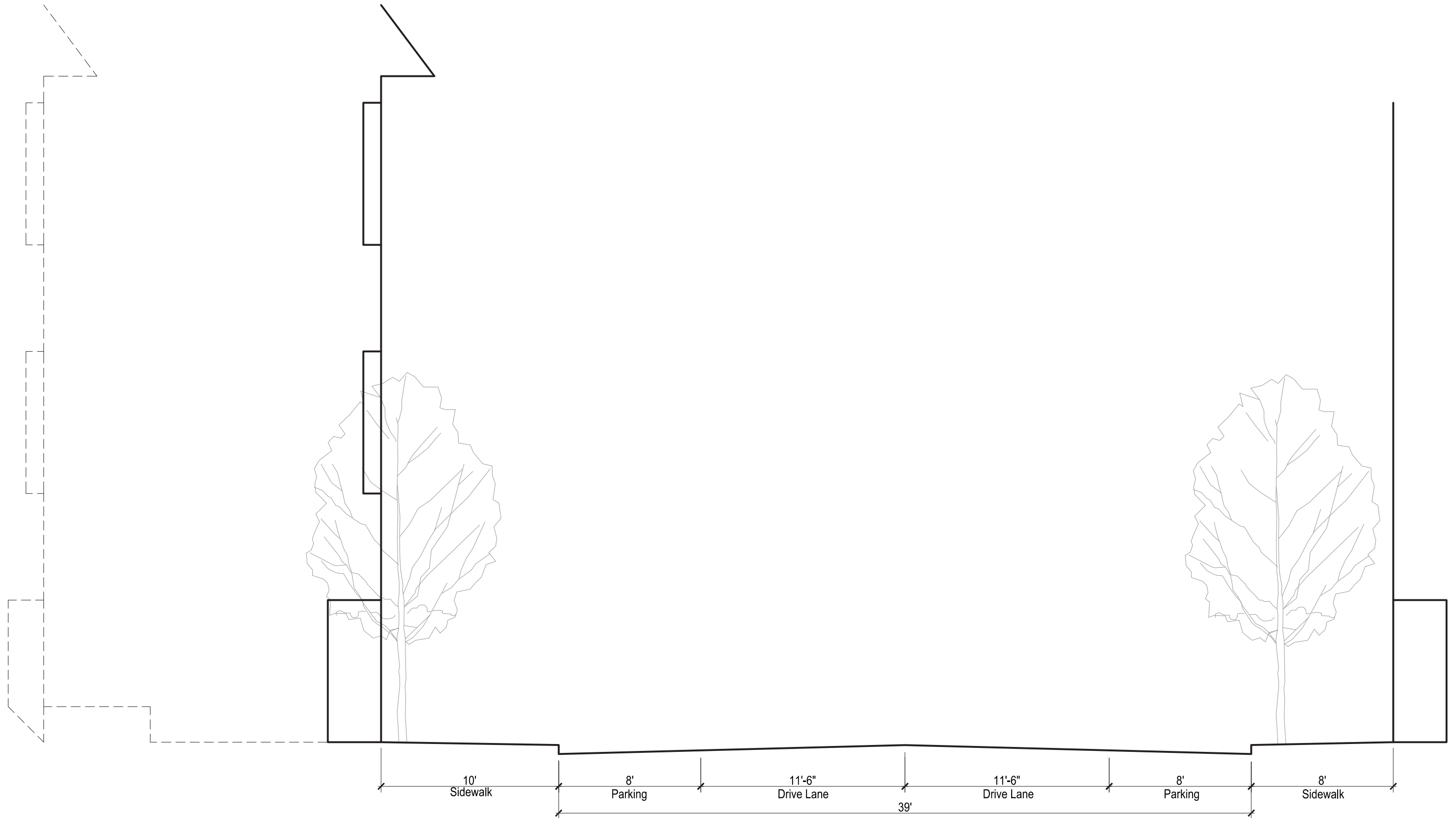
Sections

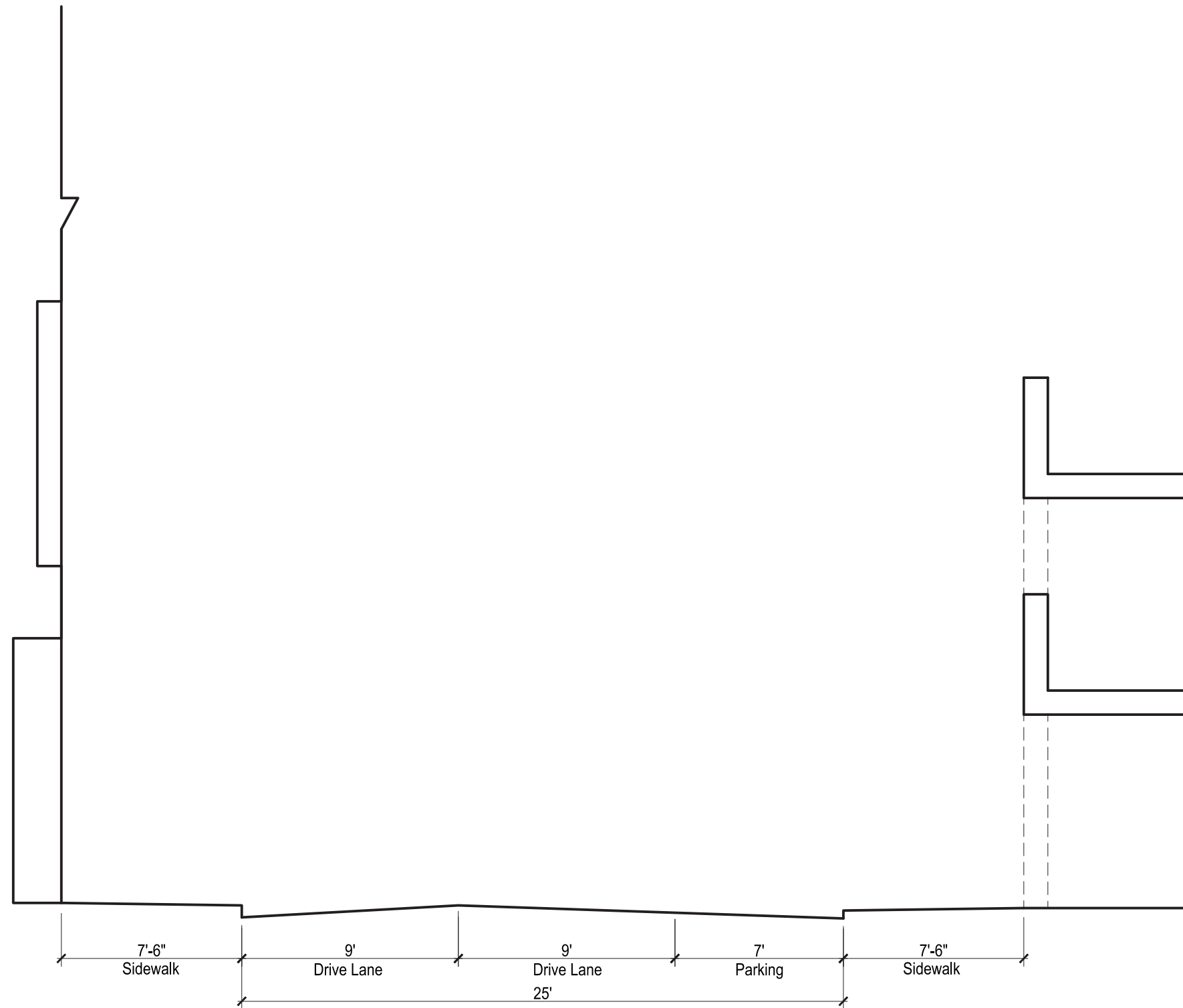
Plan view

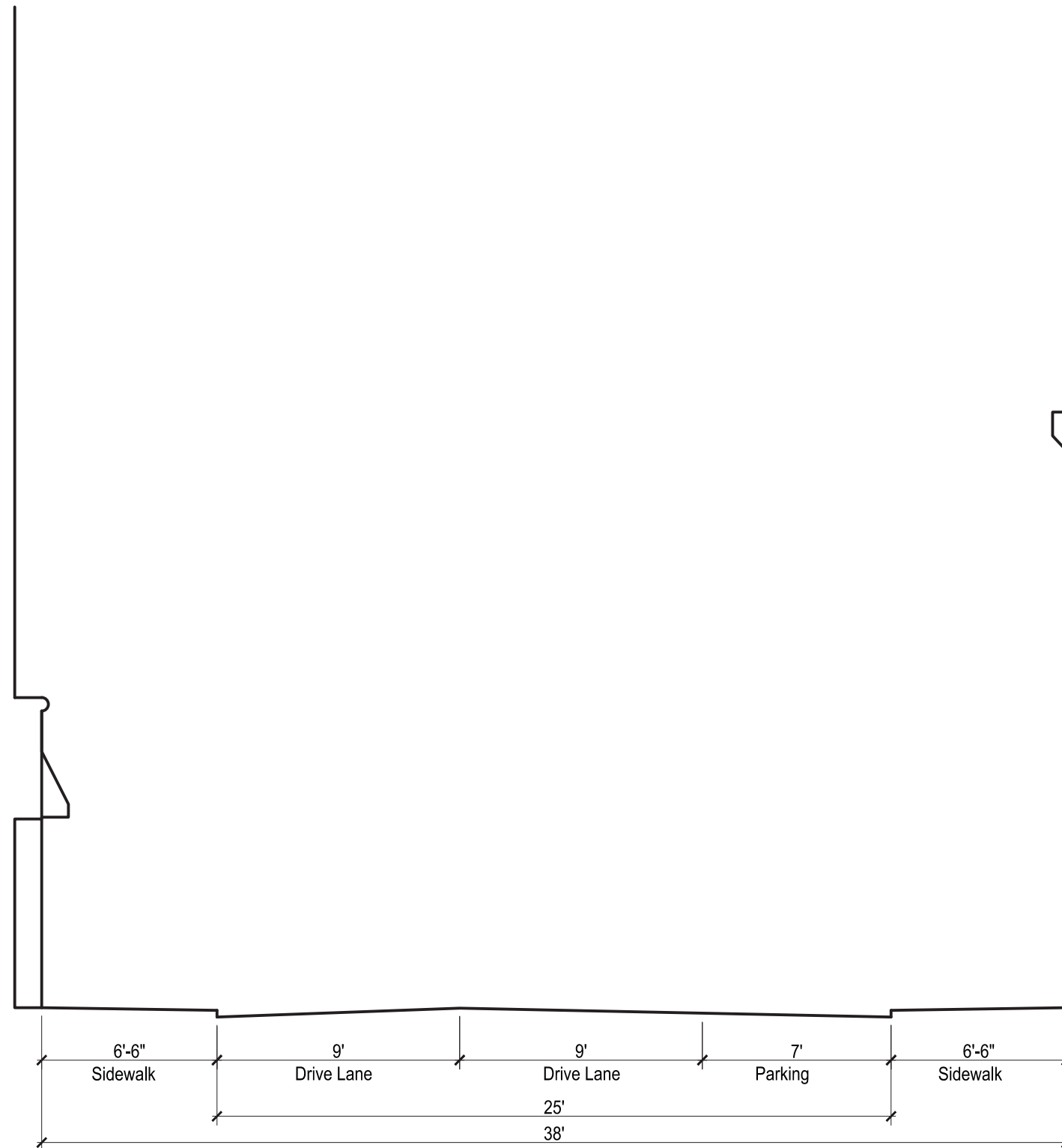
Two-way traffic information sheet – City of Roanoke

REVIEWED BY:











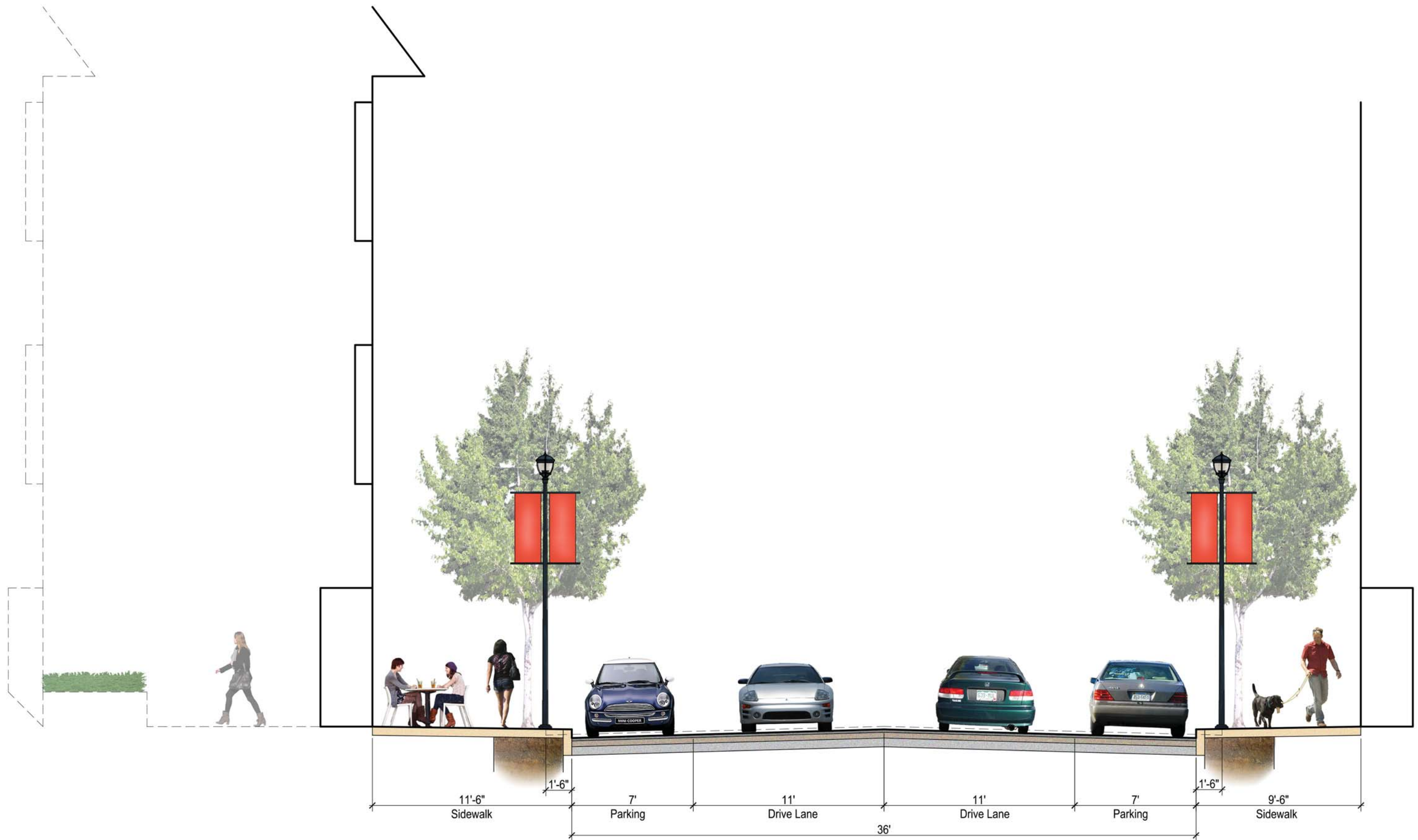


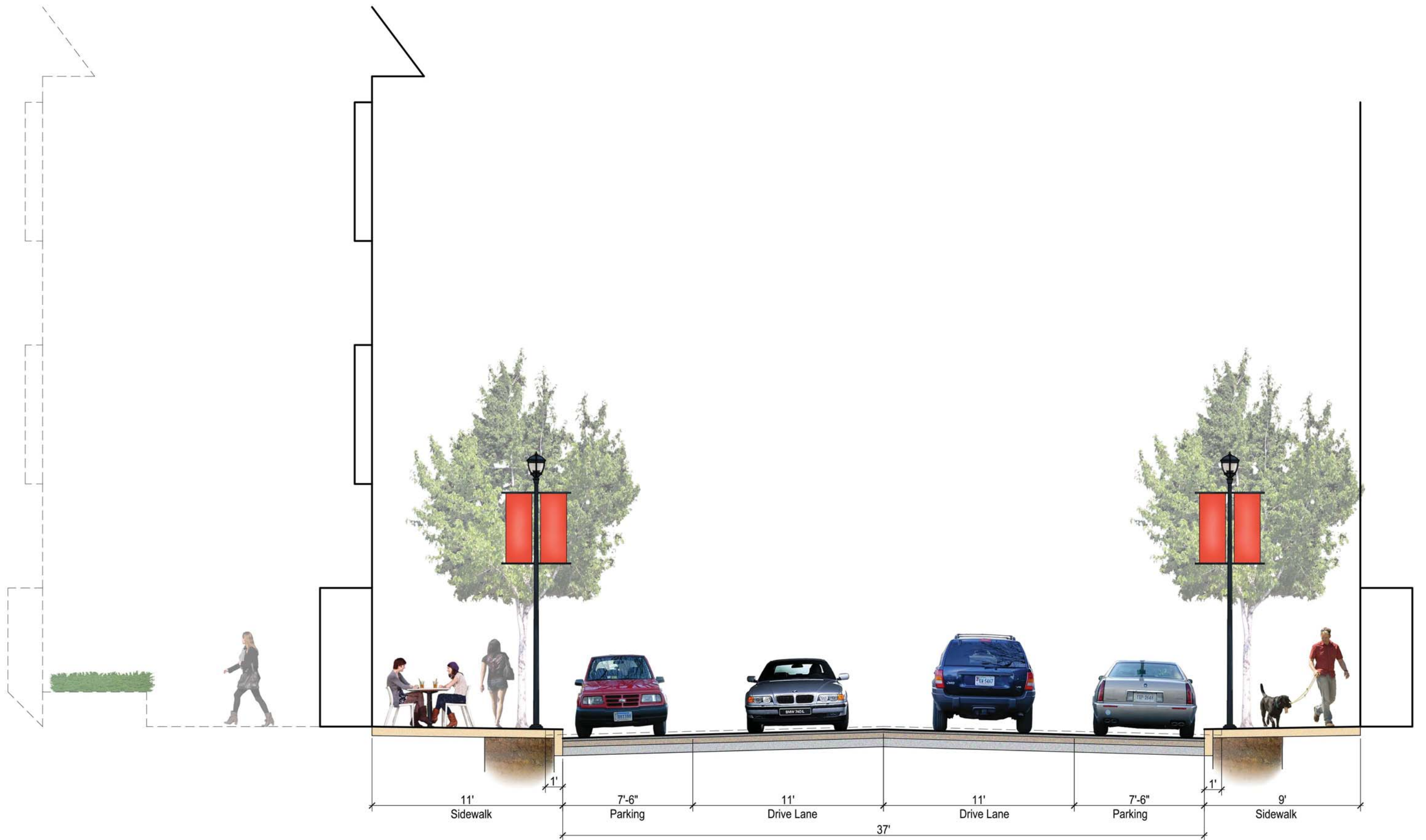
Lynchburg Downtown Streetscape
Church Street - Option 2 (by the Virginian Hotel)

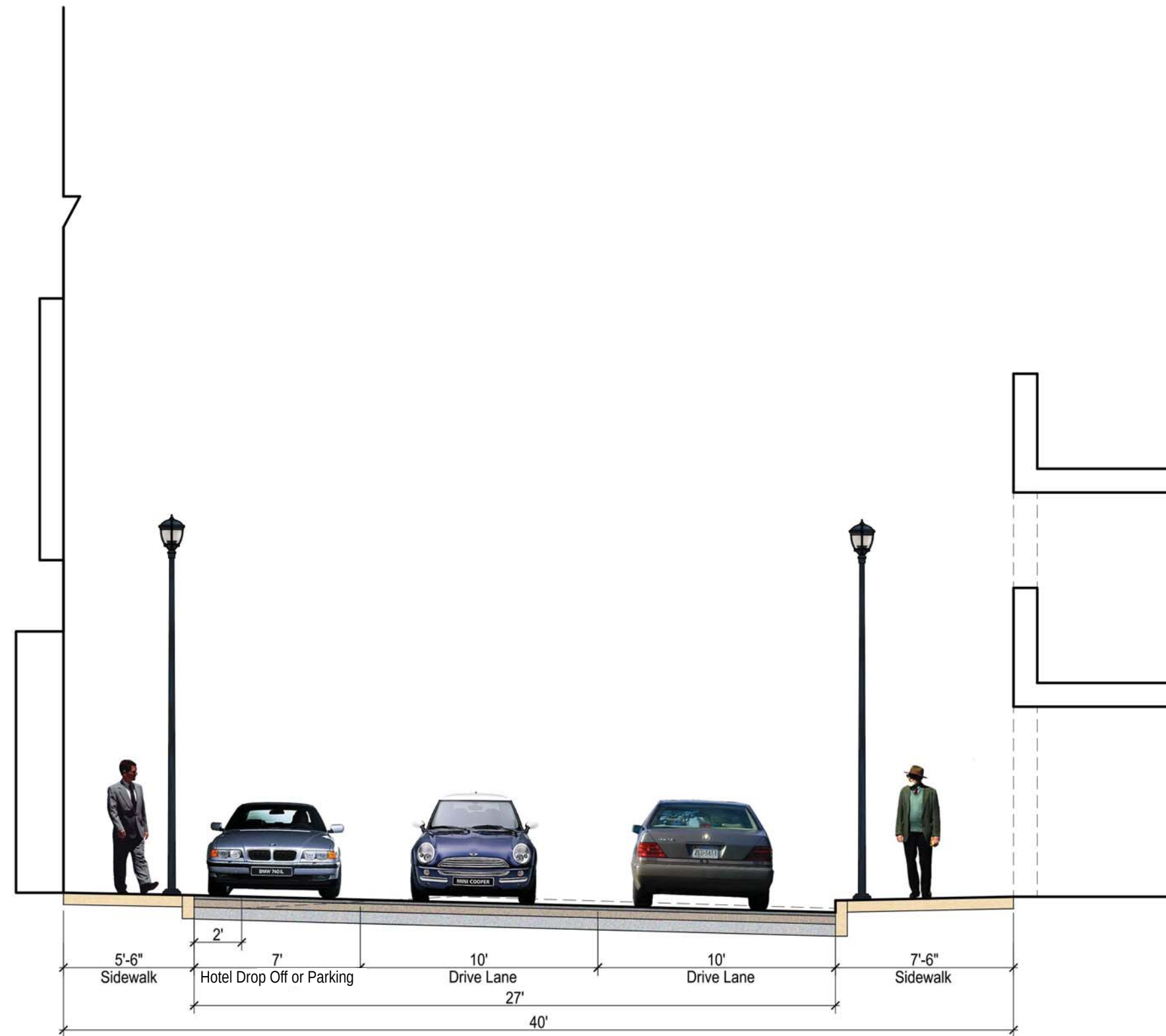


City of Lynchburg
6.30.15
Scale: 3/16" = 1'-0"

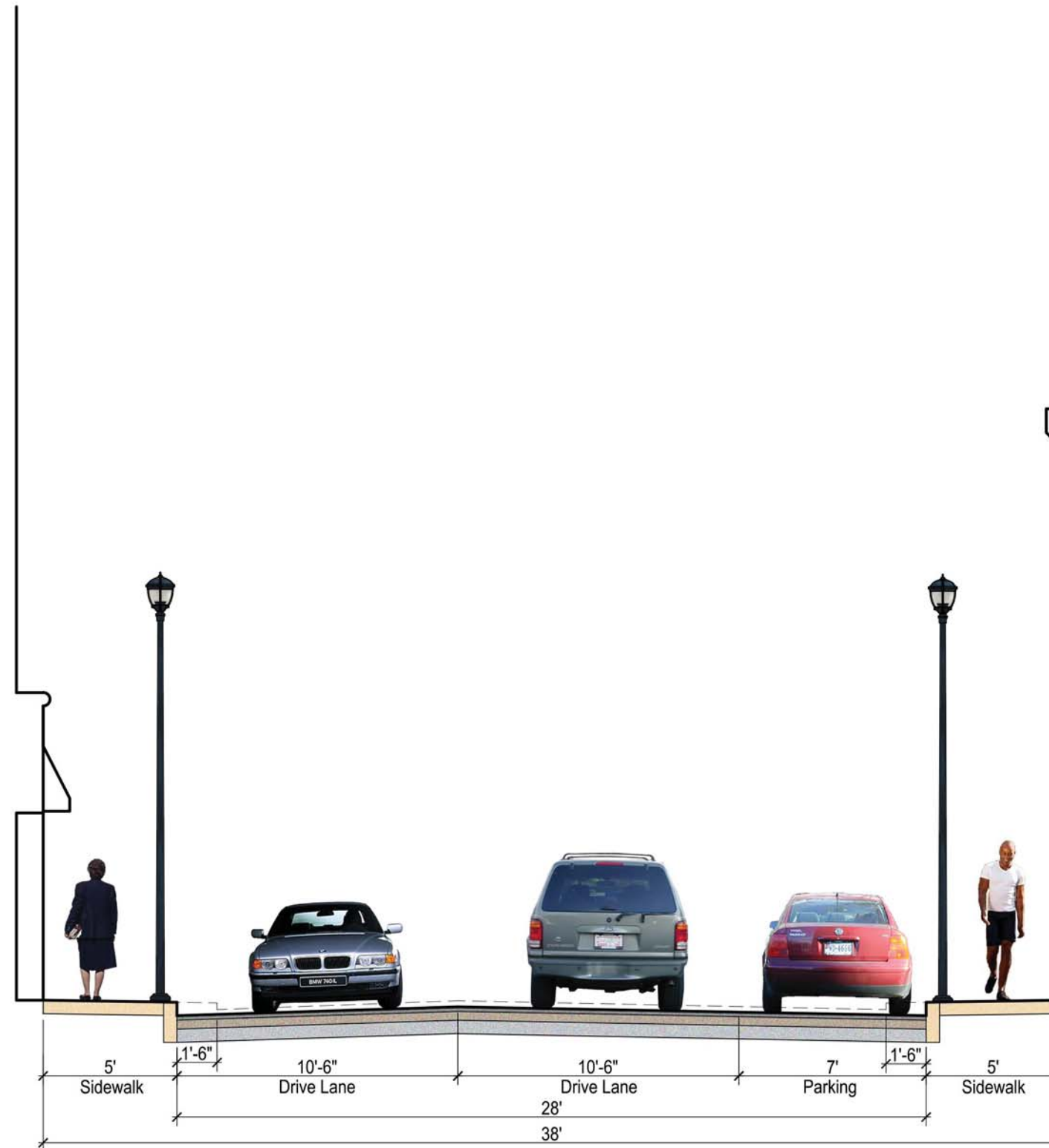




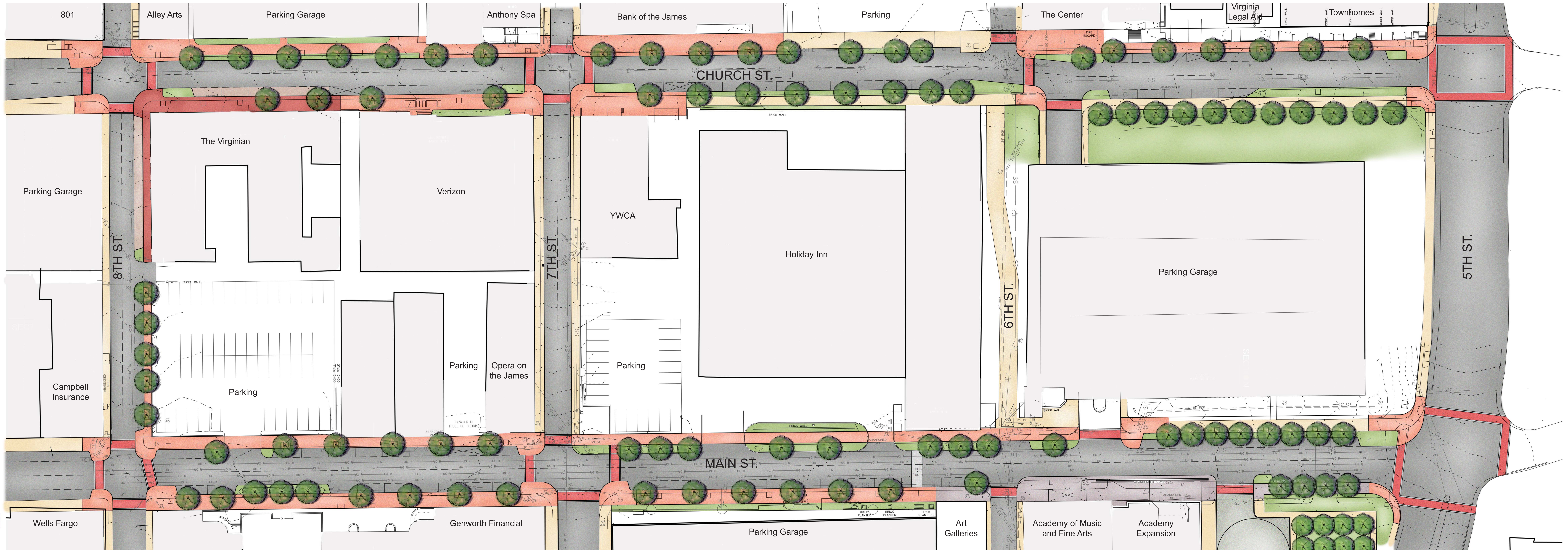












The Two-Way Conversion

In the 1950s, downtowns across the county were converting many of their two-way streets to one-way. The threat of nuclear attack created the perceived need to efficiently move traffic out of urban areas. The birth of the suburbs and commuters also encouraged the conversion to one-way streets to funnel vehicles in and out of downtowns. And it was effective. Speeds increased, congestion dissipated, and downtowns died.

Historically, all streets in Roanoke were two-way. Motor vehicles, street cars, busses, and people coexisted within the same right-of-way and businesses that lined the street thrived. In the early 2000s, Campbell Avenue, Salem Avenue, and a portion of Church Avenue were successfully converted back into two-way streets. Similarly, cities across the nation are restoring their original street networks with much the same positive effect.

Navigation: Two-way streets provide better circulation for all modes of transportation. There is an ease of use in the predictability of a two-way street system. While it may just be a convenience for existing customers, alleviating confusion is an absolute necessity for new customers and visitors. A frustrating experience could deter return visits.

Motorists: The goal should not be maximum vehicle flow but getting the motorist to their destination. One-way streets unnecessarily create circuitous vehicle routes, increasing the number of vehicles on the road at any one time. Rather two-way streets provides for a logical and direct routes to destinations downtown.

Public Transportation Riders: Two-way streets are also more user-friendly to public transportation riders by allowing stops for the same route to be located directly across the street from one another rather than on different streets.

Pedestrians: At some point, every downtown visitor becomes a pedestrian no matter how they arrive and two-way streets create a much more quality walking environment. Slower speeds, longer gaps in traffic, predictable vehicle flow at intersections, and the ability to walk against traffic both ways significantly increases pedestrian comfort and decreases the possibility of a vehicular-pedestrian conflict.

Economics: Two-way streets are also an economic driver by making the surrounding ground floor real estate more desirable. One-way street systems create “dead blocks” (blocks off the main thoroughfares) and “retail eclipsing” (properties always outside a motorist’s field of vision) resulting in depressed property values and vacant floor space. Two-way street systems increase visibility of and accessibility to downtown properties creating “street exposure” – a crucial factor in the success of many business types. The result is reduced vacancy rates as well as increased property values, retail sales revenue, and employment.

Safety: Contrary to conventional wisdom, two-way streets are also much safer than one-way streets. Speed is related to a driver’s perception of their surrounding environment. A visually narrower right-of-

way with frequent stops will inherently slow down traffic. A downtown two-way street has an average speed of 20 miles per hour. At this speed, a motorist is able to see pedestrians and details on buildings such as signage, and accidents involving pedestrians have only a 15% chance of being fatal. On the other hand, one-way streets have an average speed of 40 miles per hour. At this speed, a motorist is only able to focus on the roadway ahead and an accident involving a pedestrian has an 85% chance of being fatal.

Two-way streets are also a crime deterrent. With slower speeds and more legitimate users on the street, drug deals, theft, and prostitution are much less likely. And if an accident or criminal activity does occur, EMS has more route options reducing response times.

Environment: Two-way streets are also better for the environment as they result in less vehicle miles traveled resulting in reduced fuel consumption and emissions.

Case Study/ Louisville, KY: Three years after Louisville, Kentucky converted some of their one-way streets back to two-way streets, a professor and graduate students of the University Of Louisville Masters Of Urban Planning program studied before and after conditions of the affected streets.

1. 39% increase in property value.
2. 23% reduction in crime overall.
 - a. One-third reduction in auto thefts compared to 36% increase on nearby one-way streets.
 - b. 42% reduction in robberies.
3. 35% reduction in collisions.

Other Localities Making the Shift:

Austin, TX

Baltimore, MD

Berkeley, CA

Cambridge, MA

Chattanooga, TN

Dallas, TX

Denver, CO

Hickory, NC

Minneapolis, MN

Norfolk, VA

Richmond, VA

Oklahoma City, OK

Raleigh, NC

Sacramento, CA

Tampa, FL

Toledo, OH

Resources:

1. <http://www.preservationnation.org/main-street/main-street-news/2002/06/converting-one-way-to-two-way.html>
2. <http://www.accessmagazine.org/articles/fall-2012/two-way-street-networks-efficient-previously-thought/>
3. <http://www.planetizen.com/node/69354>
4. <http://www.ti.org/vaupdate30.html>
5. http://onlinepubs.trb.org/onlinepubs/circulars/ec019/Ec019_f2.pdf
6. <http://www.governing.com/topics/transportation-infrastructure/The-Return-of-the.html>
7. <https://richmondva.wordpress.com/2007/07/29/one-way-vs-two-way-streets-let-the-debate-begin/>
8. http://onlinepubs.trb.org/onlinepubs/circulars/ec019/Ec019_f2.pdf
9. <http://www.citylab.com/commute/2013/01/case-against-one-way-streets/4549/>

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Presentation by Assistant Superintendent Dr. Jay McClain**

RECOMMENDATION: No action required.

SUMMARY: Assistant Superintendent for Student Learning and Success, Dr. Jay C. McClain will make a presentation to Council on two programs currently underway in Lynchburg City Schools to enhance classroom learning: Lesson Plan Observation of Learning Engagement Teaching (LOLET) and Classroom Observation of Learning Engagement Teaching (COLET).

Information on these programs was shared at a recent City/Schools Leadership meeting and the consensus was that a presentation would be of interest to Council

PRIOR ACTION(S): None

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, City Manager, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

065K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Municode presentation of Lynchburg City Code**

RECOMMENDATION: No action required

SUMMARY: Scott Horton of Municipal Code Corporation will give a presentation of the Lynchburg City Code, which will now be maintained and hosted online by Municode. Links to the City Code will be provided on key pages of the City of Lynchburg website.

Background: Prior to 1991 the City Code was kept up to date by an outside vendor Municode. In 1991 an additional Deputy Clerk of Council was hired, bringing the staff to one clerk and two deputies. At that time maintaining the City Code was brought in-house and became the responsibility of one of the deputies. With the elimination of a deputy position it has become necessary to re-establish the relationship with Municode for maintaining the City Code. The web-based platform of Municode services will also provide a more user-friendly, searchable Code for a wide variety of users such as Lynchburg citizens, City leaders and others seeking information.

Hard copies of the City Code will be reduced from 17 to 11, and replaced in the following areas: City Manager's Office, City Attorney's Office, Main Library, Branch Library, J&D Court, and Circuit Court. Supplements will be provided on an annual basis; however, the frequency may be increased as the need arises. The outsourcing of the City Code was included in the FY 2015 Adopted Budget.

PRIOR ACTION(S): FY 2015 Budget approval

FISCAL IMPACT: \$1,195/year + per page supplement fee (to be invoiced April 2016; no charge for first year)

CONTACT(S): Valeria Chambers, Clerk of Council - 455-3990
Kyna Thomas, Deputy Clerk – 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

066K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Report on Lynchburg Crime Statistics**

RECOMMENDATION: No action required.

SUMMARY: During City Council's last strategic planning session in the Fall of 2014, a request was made for a presentation on crime statistics in the City. Command staff in the Lynchburg Police Department has prepared the attached presentation and will be at Council's work session to review the report.

PRIOR ACTION(S): September 29, 2014, Council Strategic Planning Session

FISCAL IMPACT: N/A

CONTACT(S): Col. Parks Snead, Chief of Police, 455-6104

ATTACHMENT(S): Crime Trends in Lynchburg, July 14, 2015

REVIEWED BY: lkp

069K



City of Lynchburg

Crime Trends in Lynchburg

July 14, 2015



Definitions

- National Incident Based Reporting
 - Crime in Lynchburg reported to VSP, who in turn report to FBI
 - Different than Uniform Crime Report
- Group A Offenses – more serious, felony and misdemeanor
- Group B Offenses – less serious, mostly misdemeanor offenses



IBR "Group A" Offenses	IBR "Group B" Offenses:
1 Arson	1 Bad Checks
2 Assault Offenses	2 Curfew/Loitering/Vagrancy
3 Bribery	3 Disorderly Conduct
4 Burglary/Breaking and Entering	4 Driving Under The Influence
5 Counterfeiting/Forgery	5 Drunkenness
6 Property Damage / Vandalism	6 Family Offenses, Non-violent
7 Drug/Narcotics Offenses	7 Liquor Law Violations
8 Embezzlement	8 Peeping Tom
9 Extortion/Blackmail	9 Runaway Juveniles
10 Fraud Offenses	10 Trespass of Real Property
11 Gambling Offenses	11 All Other Offenses
12 Homicide Offenses	❖ The number of Group A Offenses occurring in a jurisdiction determines that jurisdiction's overall crime rate. ❖ Only those Group B Offenses that are cleared by an arrest are reported under the IBR system.
13 Kidnapping/Abduction	
14 Larceny/Theft Offenses	
15 Motor Vehicle Theft	
16 Pornography/Obscene Material	
17 Prostitution Offenses	
18 Robbery	
19 Sex Offenses, Forcible	
20 Sex Offenses, Non-Forcible	
21 Stolen Property Offenses	
22 Weapon Law Violations	



Things to Remember

- A small percentage of criminal activity is discovered directly by police officers, most crimes are reported by community members, then investigated by police.
- “Reported Crime” means just that: information is provided to police by a person who believes criminal activity has occurred. Investigation might determine that no “crime” in fact occur or that what occurred was a civil matter and therefore not a crime. Some reported criminal activity may not be investigated due to a lack of information.
- Investigation of reported criminal activity does not therefore always lead to prosecution for committing a crime.
- A prosecution does not always result in a criminal conviction.



2013-2014 Crime Statistics

IBR OFFENSES			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TOTAL	Annual % CHANGE
REPORTED OFFENSE TOTALS																
OVERALL CRIME		2014	497	437	433	551	602	541	516	510	500	490	463	483	6023	-3.97
(ALL GROUP A OFFENSES)		2013	470	477	526	477	569	524	525	509	570	586	523	516	6272	
		5 YA	526	470	552	527	574	578	567	563	551	563	526	532	6529	-7.75
		Monthly % Change	-5.5	-7.0	-21.6	4.6	4.9	-6.4	-9.0	-9.4	-9.3	-13.0	-12.0	-9.2		
VIOLENT CRIME INDEX		2014	121	108	135	162	160	145	132	142	165	162	113	118	1663	0.18
		2013	125	132	133	133	156	133	145	138	159	135	129	142	1660	
(HOMICIDE, ALL ASSAULT, ROBBERY, SEXUAL ASSAULT)		5 YA	138	123	150	144	157	135	142	150	148	146	120	124	1677	-0.83
		Monthly % Change	-12.3	-12.2	-10.0	12.5	1.9	7.4	-7.0	-5.3	11.5	11.0	-5.8	-4.8		
PROPERTY CRIME INDEX		2014	163	120	108	180	193	178	179	170	160	137	146	169	1903	-5.37
		2013	132	134	140	145	182	167	161	164	208	204	196	178	2011	
(ARSON, BURGLARY, ALL LARCENY, STOLEN VEHICLES)		5 YA	173	138	169	171	195	203	192	195	195	192	189	197	2209	-13.85
		Monthly % Change	-5.8	-13.0	-36.1	5.3	-1.0	-12.3	-6.8	-12.8	-17.9	-28.6	-22.8	-14.2		
ALL GROUP A OFFENSES EXCLUDING DRUG CRIME		2014	424	361	379	491	505	481	458	445	450	430	396	418	5238	-0.72
		2013	370	388	404	404	486	446	451	429	485	504	459	450	5276	
		5 YA	448	382	463	454	494	496	487	493	479	487	452	461	5596	-6.40
		Monthly % Change	-5.4	-5.5	-18.1	8.1	2.2	-3.0	-6.0	-9.7	-6.1	-11.7	-12.4	-9.3		



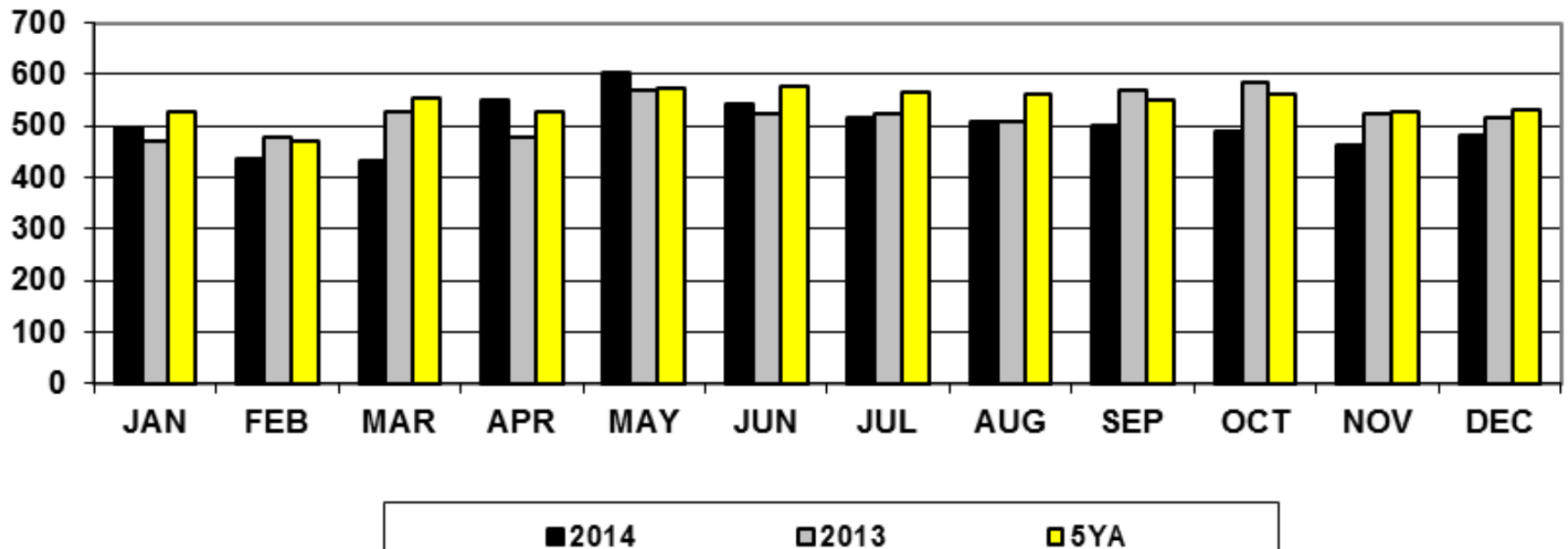
2015 YTD Crime Statistics

IBR OFFENSES			JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YEAR TOTAL	Annual % CHANGE
REPORTED OFFENSE TOTALS (Year to Date Comparison)																
OVERALL CRIME (ALL GROUP A OFFENSES)	2015	494	340	477	447	472	454								2684	-13.20
	2014	502	439	435	557	610	549								3092	
	5 YA	527	450	518	495	551	543								3084	-12.97
	Monthly % Change	-6.3	-24.4	-7.9	-9.7	-14.3	-16.4	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
VIOLENT CRIME INDEX (HOMICIDE, ALL ASSAULT, ROBBERY, SEXUAL ASSAULT)	2015	138	97	134	117	144	130								760	-9.09
	2014	122	108	136	163	162	145								836	
	5 YA	139	118	142	138	155	130								822	-7.54
	Monthly % Change	-0.7	-17.8	-5.6	-15.2	-7.1	0.0	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
PROPERTY CRIME INDEX (ARSON, BURGLARY, ALL LARCENY, STOLEN VEHICLES)	2015	157	86	125	143	139	150								800	-15.43
	2014	163	120	109	182	194	178								946	
	5 YA	165	125	148	160	180	191								969	-17.44
	Monthly % Change	-4.8	-31.2	-15.5	-10.6	-22.8	-21.5	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
ALL GROUP A OFFENSES EXCLUDING DRUG CRIME	2015	410	283	414	392	401	409								2309	-13.16
	2014	428	361	381	494	510	485								2659	
	5 YA	441	365	432	428	470	469								2605	-11.36
	Monthly % Change	-7.0	-22.5	-4.2	-8.4	-14.7	-12.8	N/A	N/A	N/A	N/A	N/A	N/A	N/A		



Overall Crime

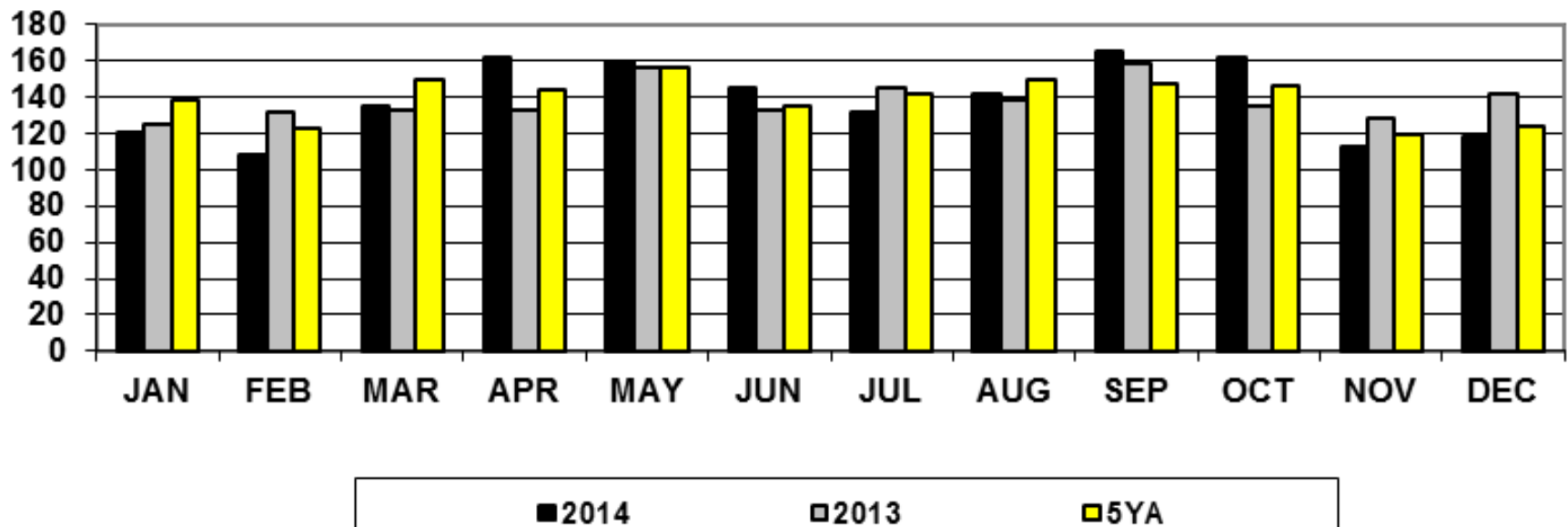
OVERALL CRIME
(ALL GROUP A OFFENSES)





Violent Crime

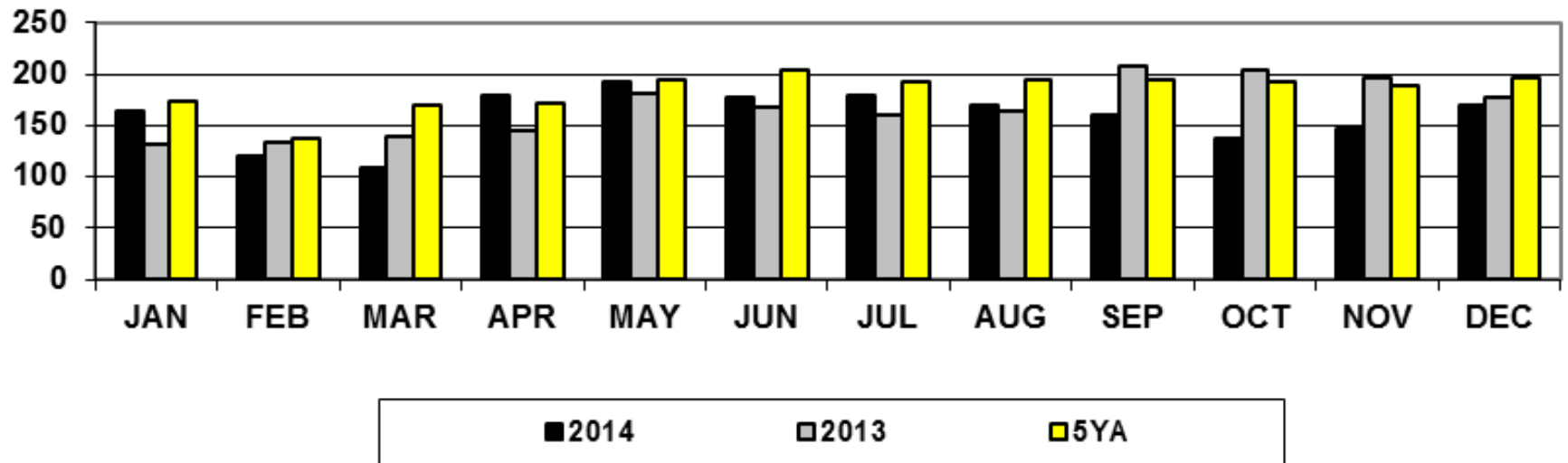
VIOLENT CRIME
(HOMICIDE, RAPE, ROBBERY, ALL ASSAULT, FORCIBLE SEX. ASSAULT)





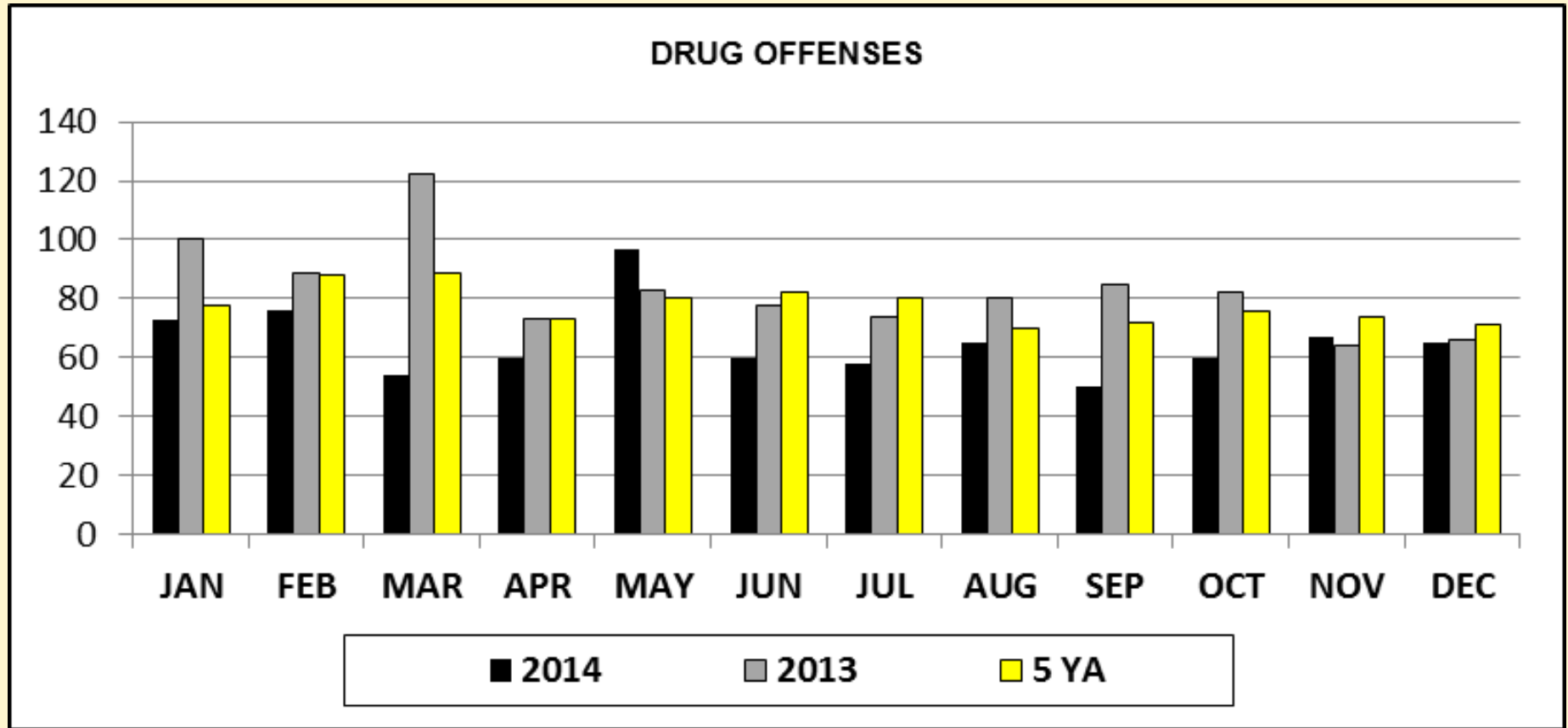
Property Crime

PROPERTY CRIME
(ARSON, BURGLARY, ALL LARCENY, STOLEN VEHICLES)





Drug Offenses



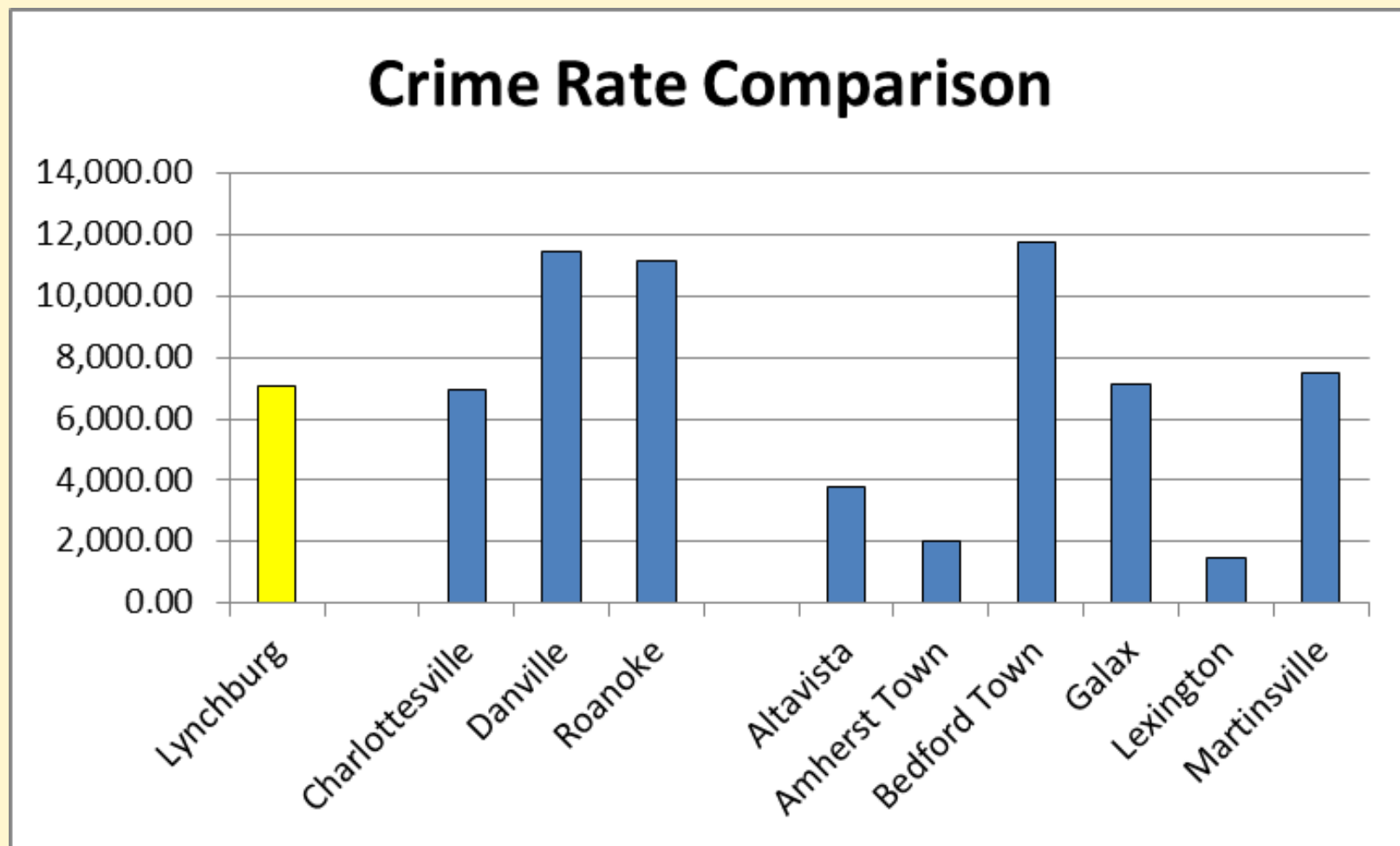


How Lynchburg Compares...

- Crime Rate is defined by the National Incident Based Reporting system as the number of Group A offenses occurring per 100,000 population. This formula allows for crime trend comparisons among localities with differing populations.
- *Crime in Virginia* (2014) reports the following:



How Lynchburg Compares...





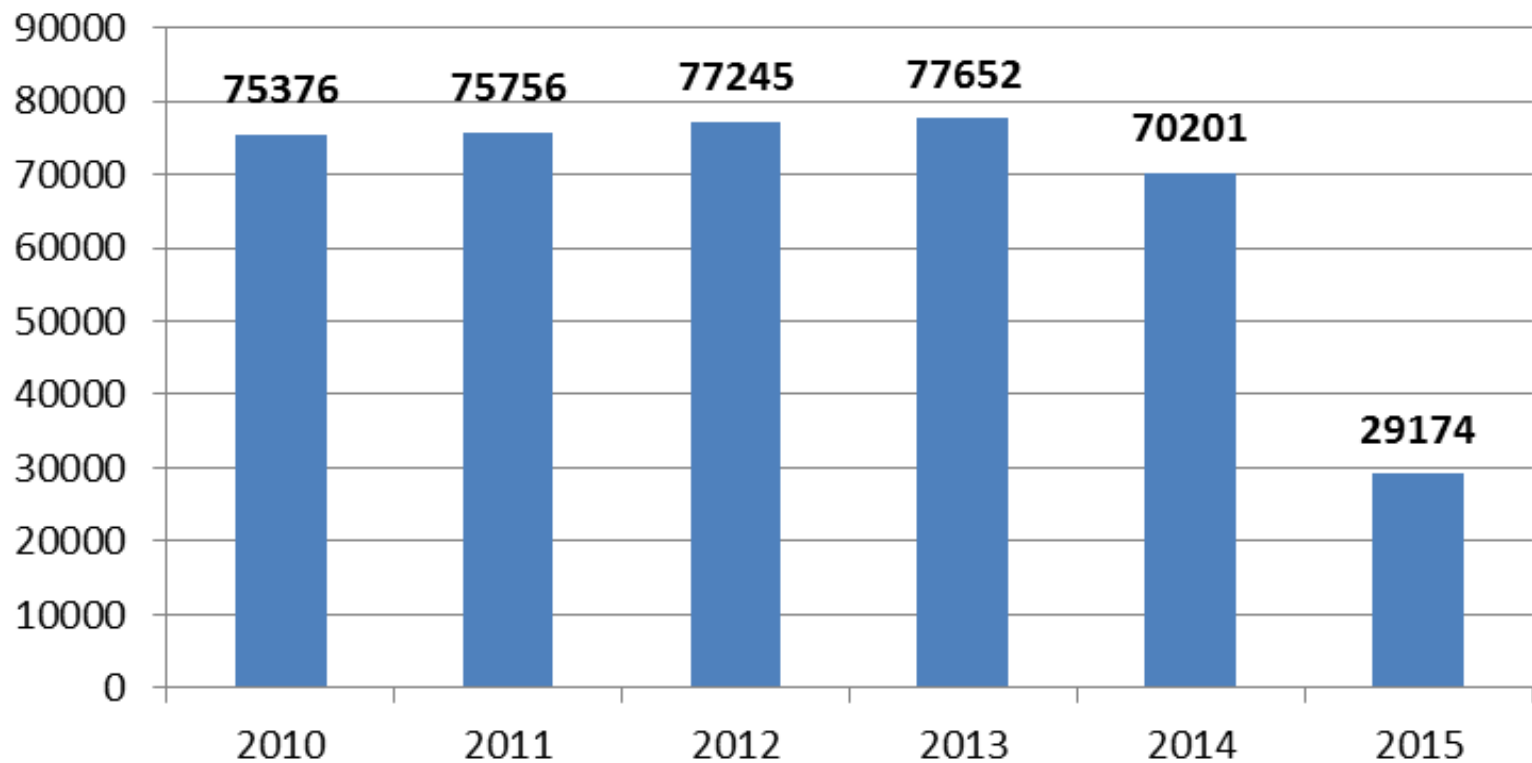
How Lynchburg Compares...

	Crime Rate	Population
Lynchburg	7,045.99	77,874
Charlottesville	6,948.07	47,783
Danville	11,448.51	42,975
Roanoke	11,138.74	99,320
Altavista	3,753.58	3,490
Amherst Town	2,027.94	2,219
Bedford Town	11,735.03	5,948
Galax	7,127.85	7,141
Lexington	1,473.59	7,329
Martinsville	7,466.70	13,741

***Population as reported by the VSP**

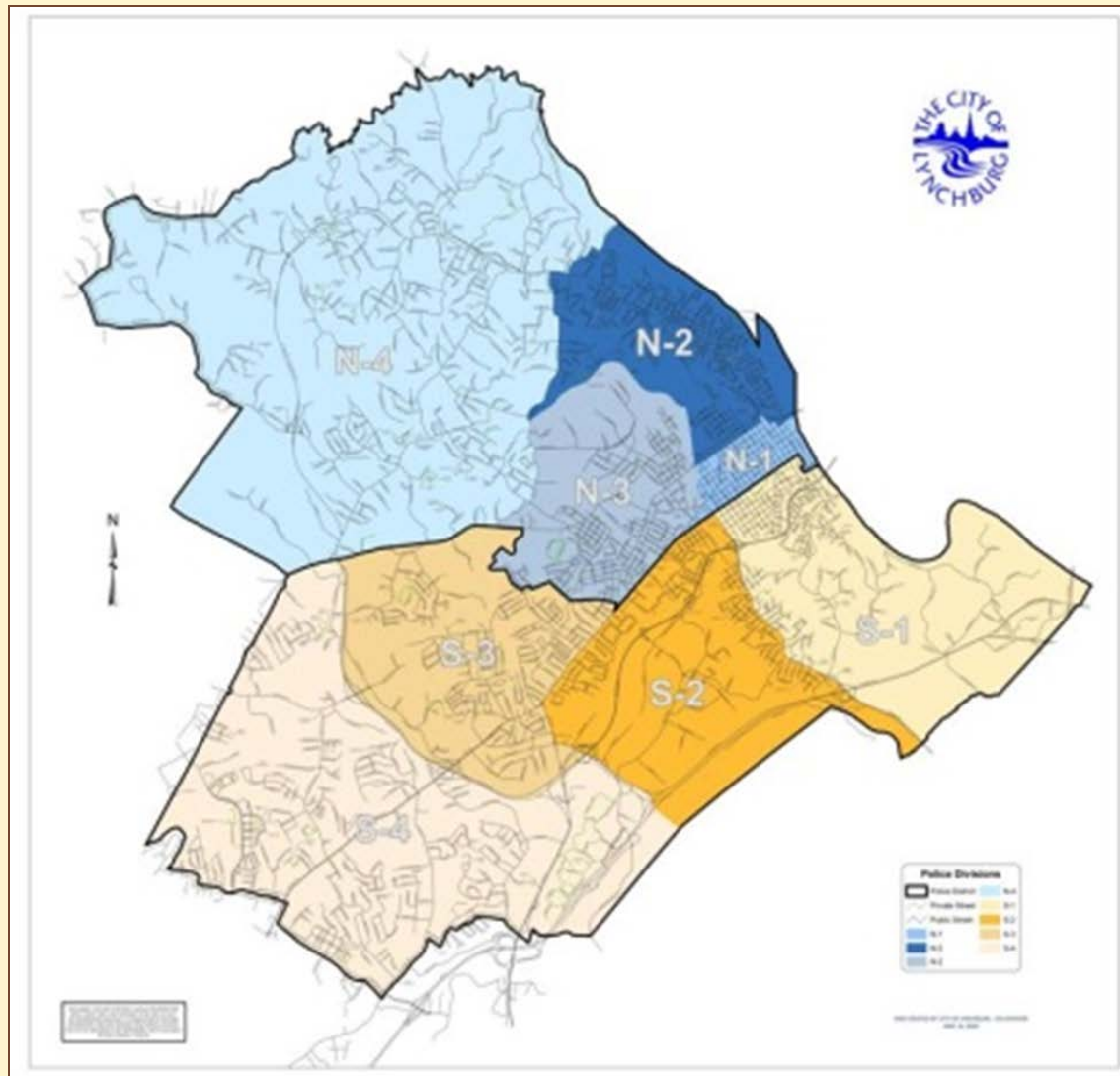


Calls for Service



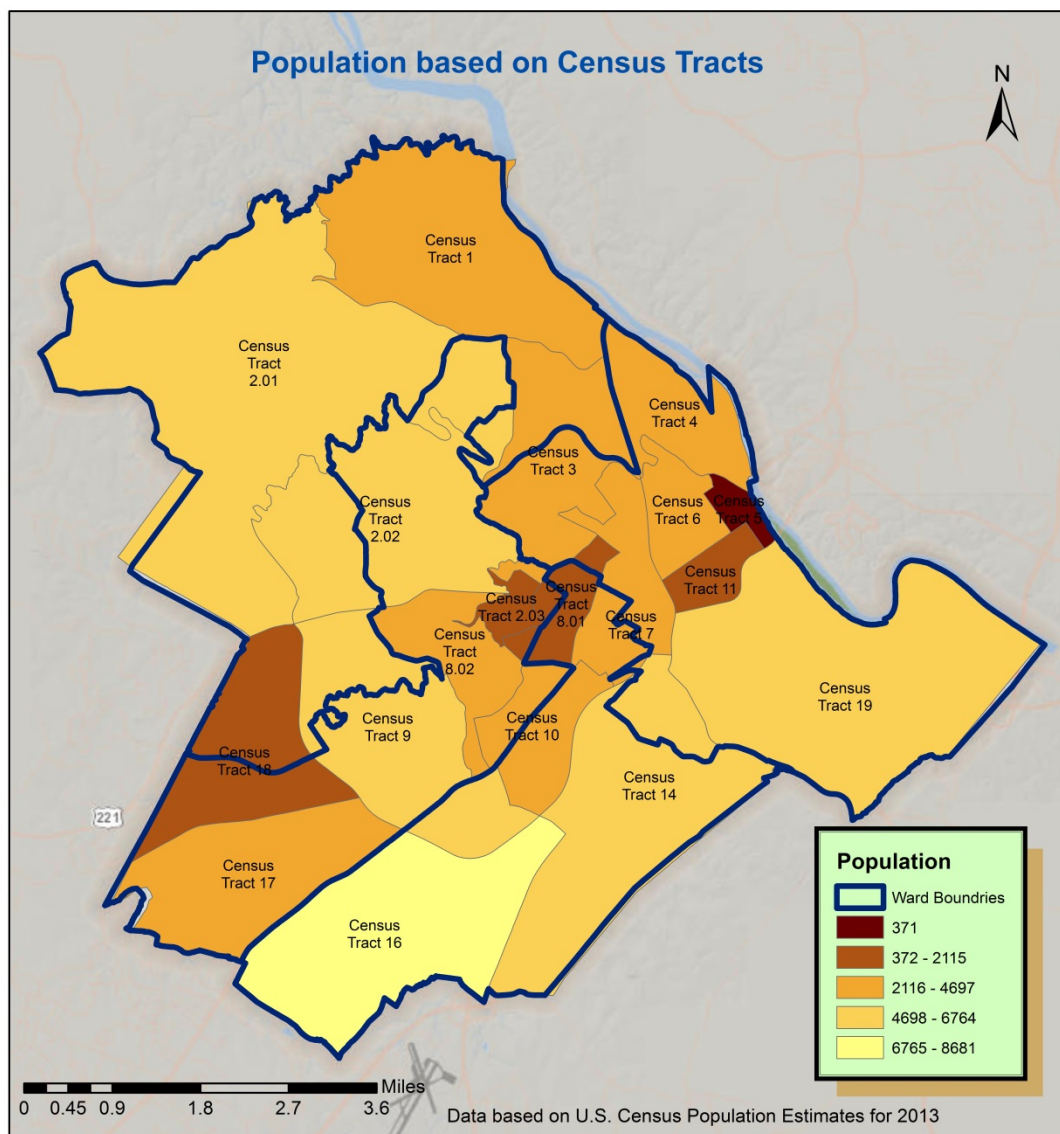


Police Beats



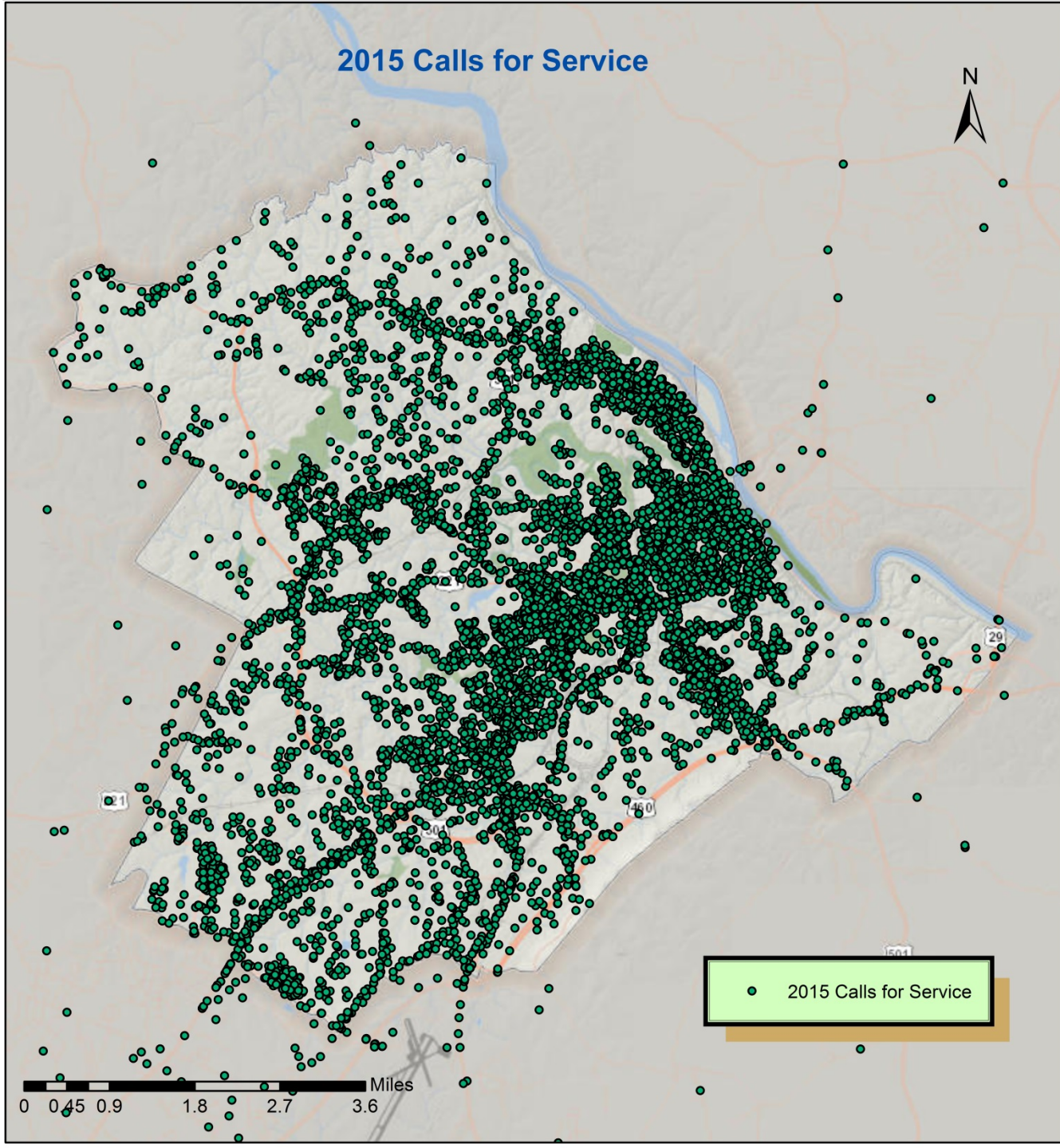


Population and Ward Map



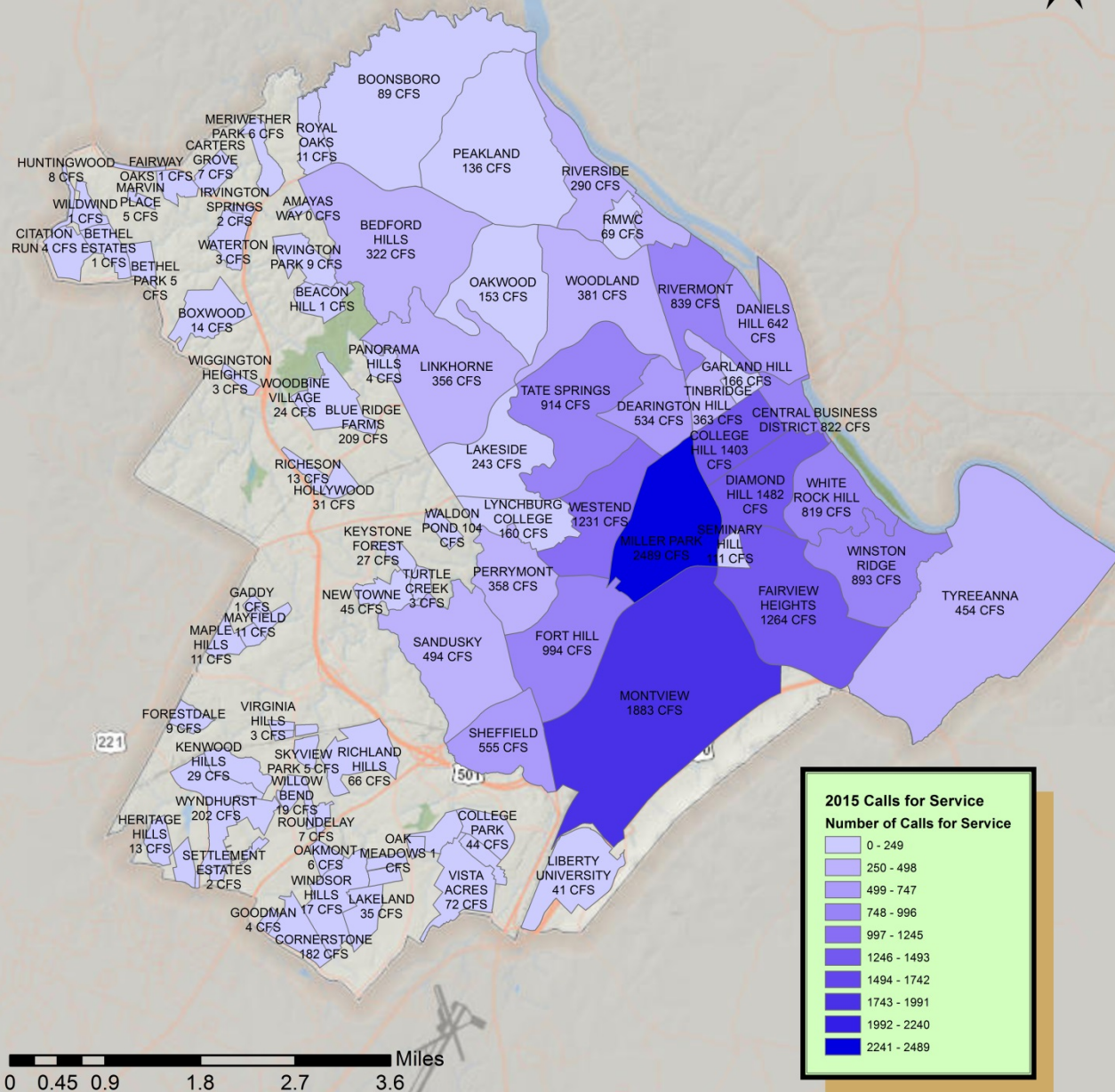


2015 Calls for Service



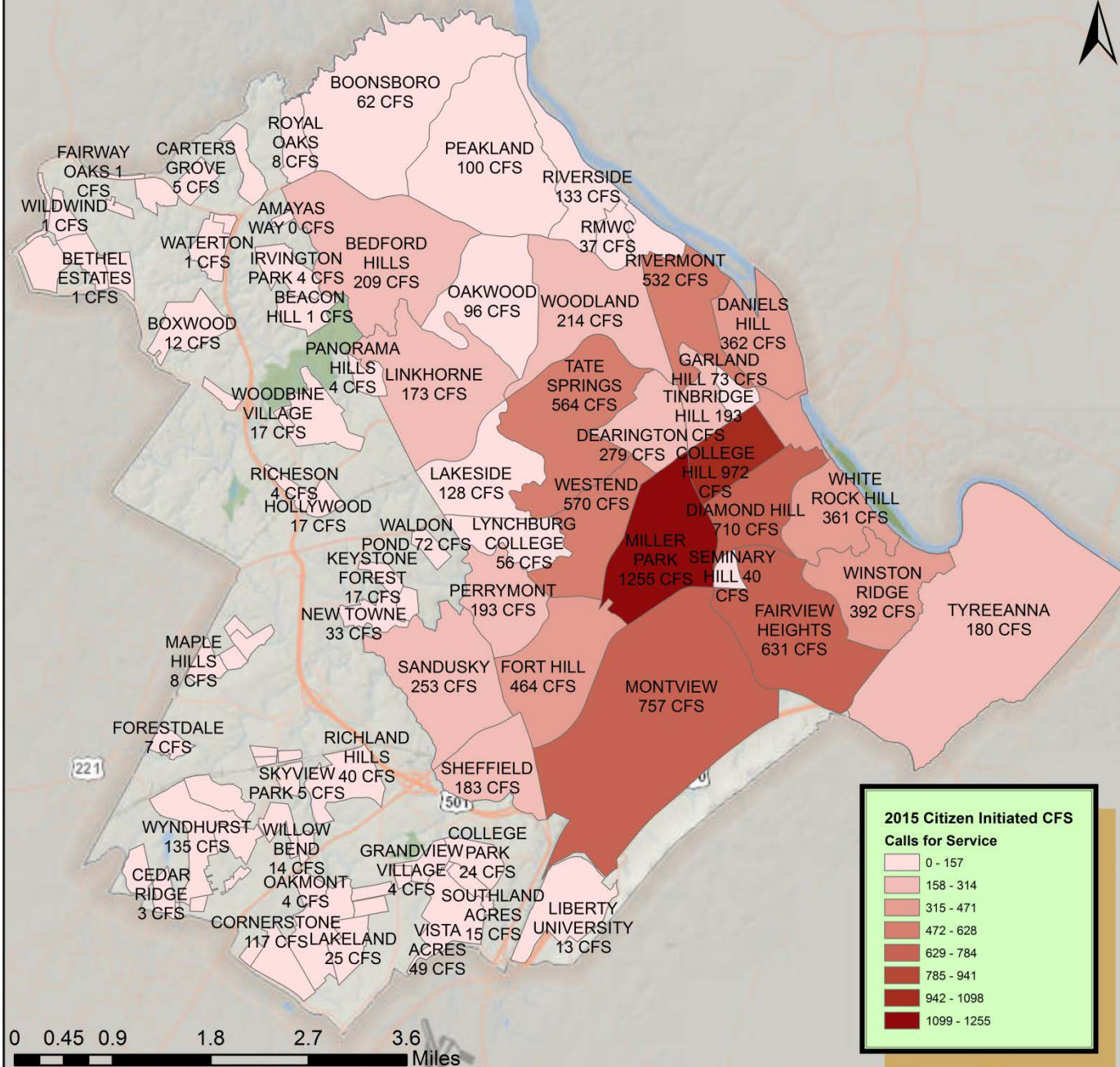


2015 Calls for Service





2015 Citizen Initiated Calls for Service





Lynchburg Crime Clock



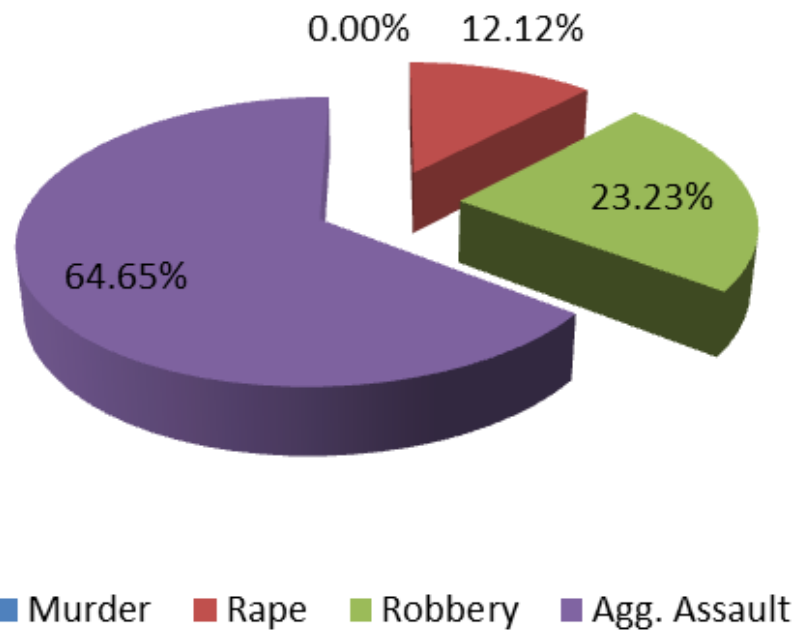
- **Violent Crime:** 1 day 6 hours and 29 min.
 - **Murder:** 60 days, 20 hours
 - **Rape:** 14 days, 14 hours and 24 Min.
 - **Robbery:** 6 days and 12 hours
 - **Agg. Assault:** 1 day, 19 hours and 48 min.



Crime Data

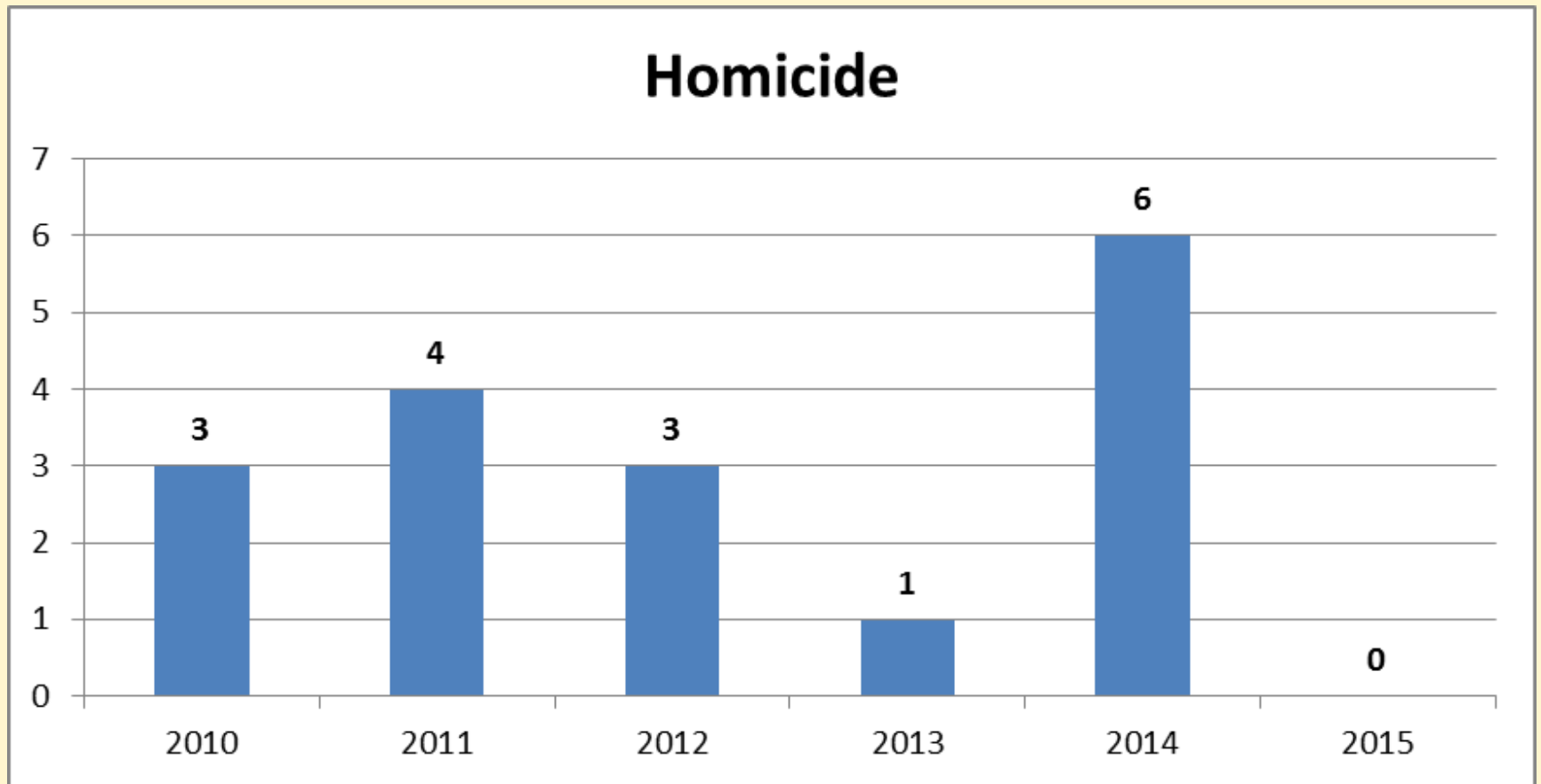
2015 Violent Crimes

As of June 15, 2015



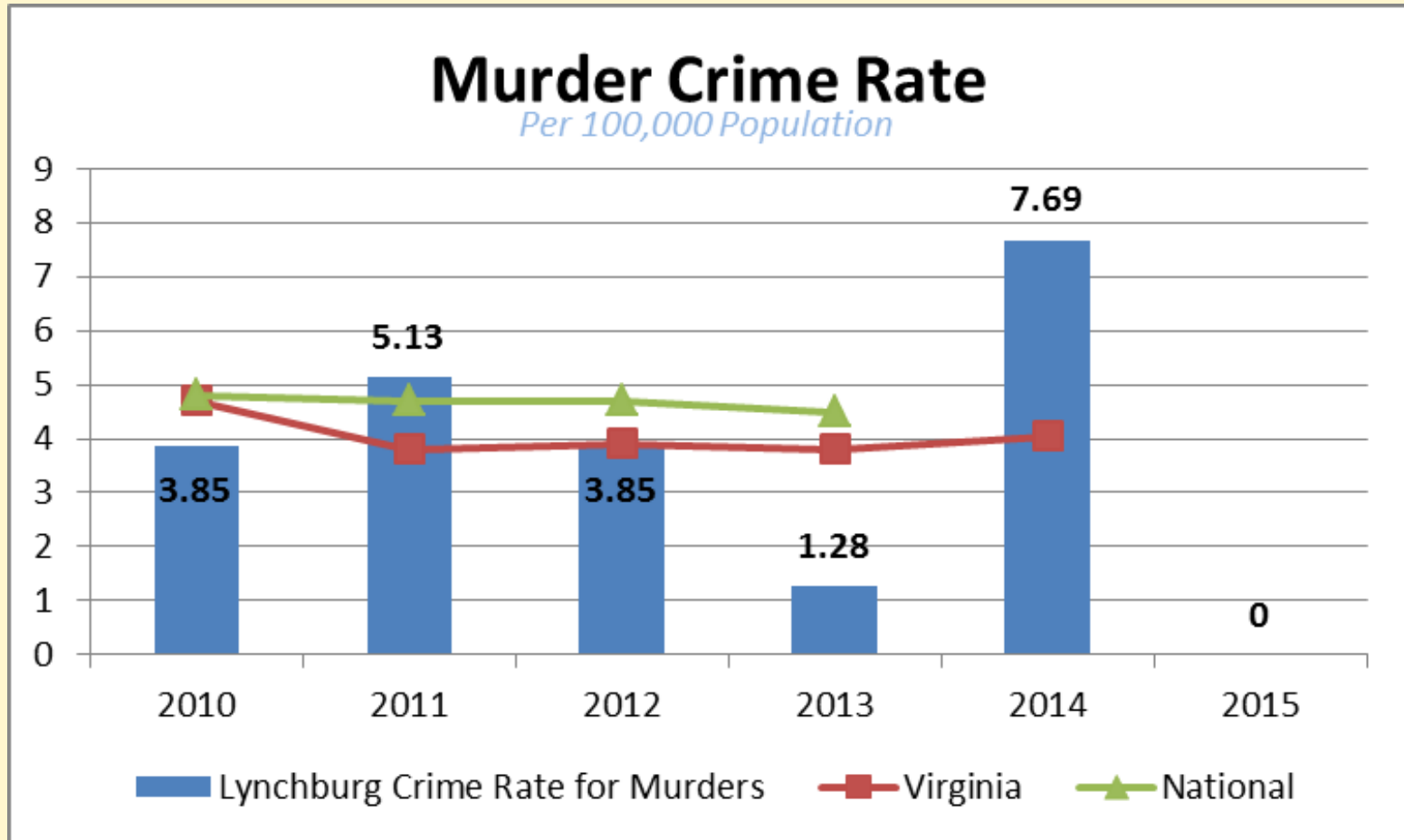


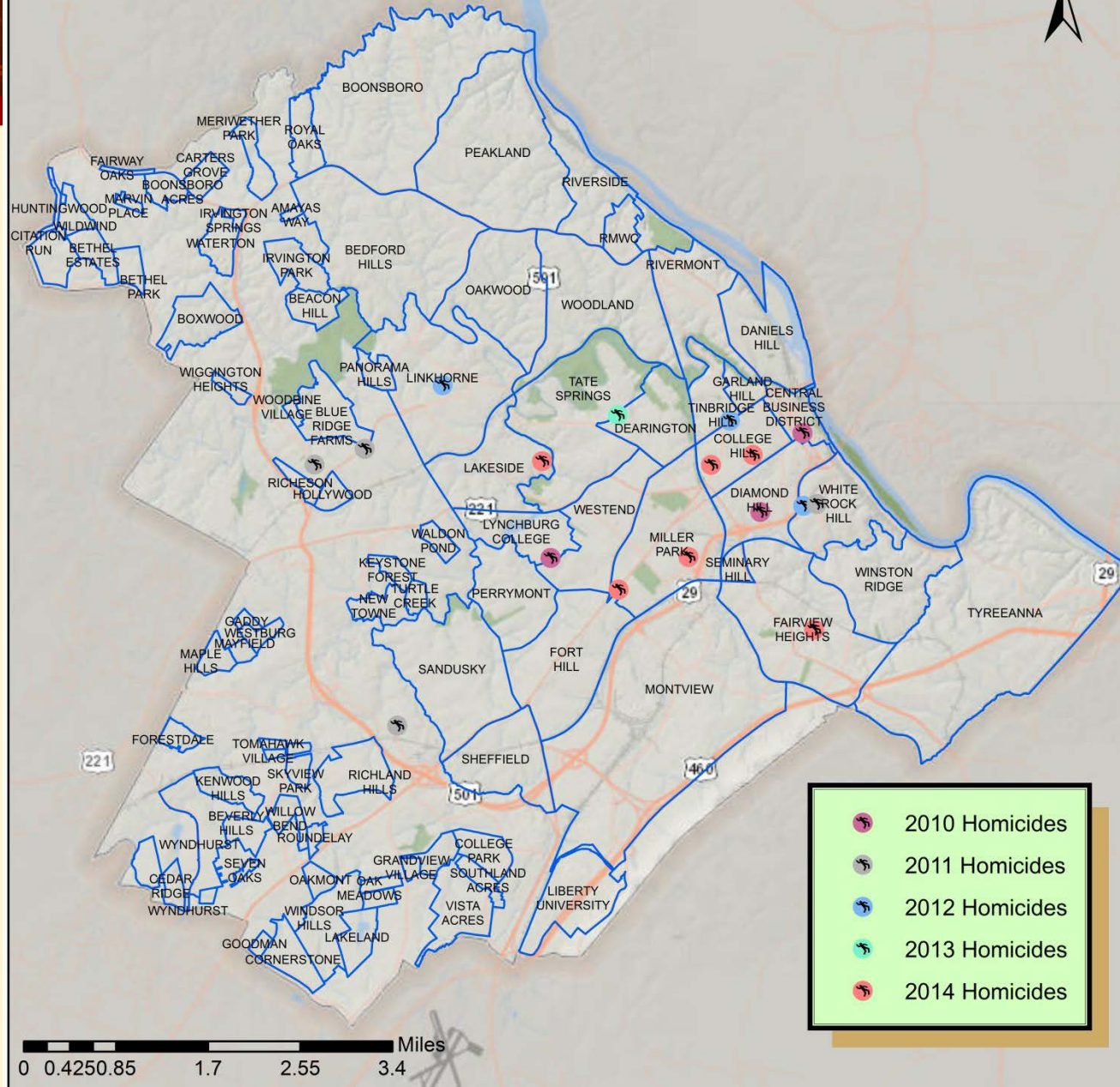
Crime Data

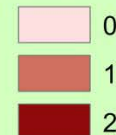




Crime Data

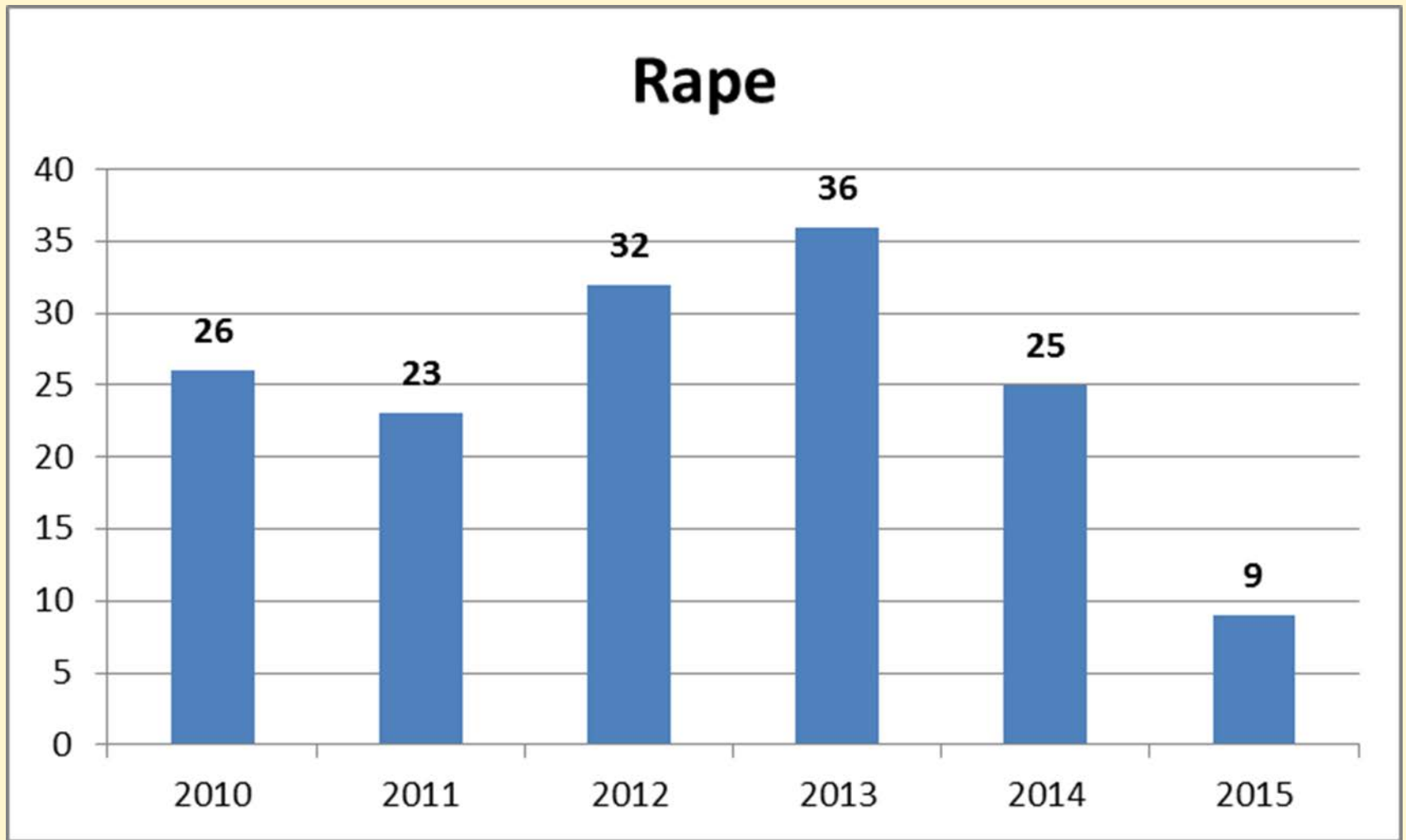




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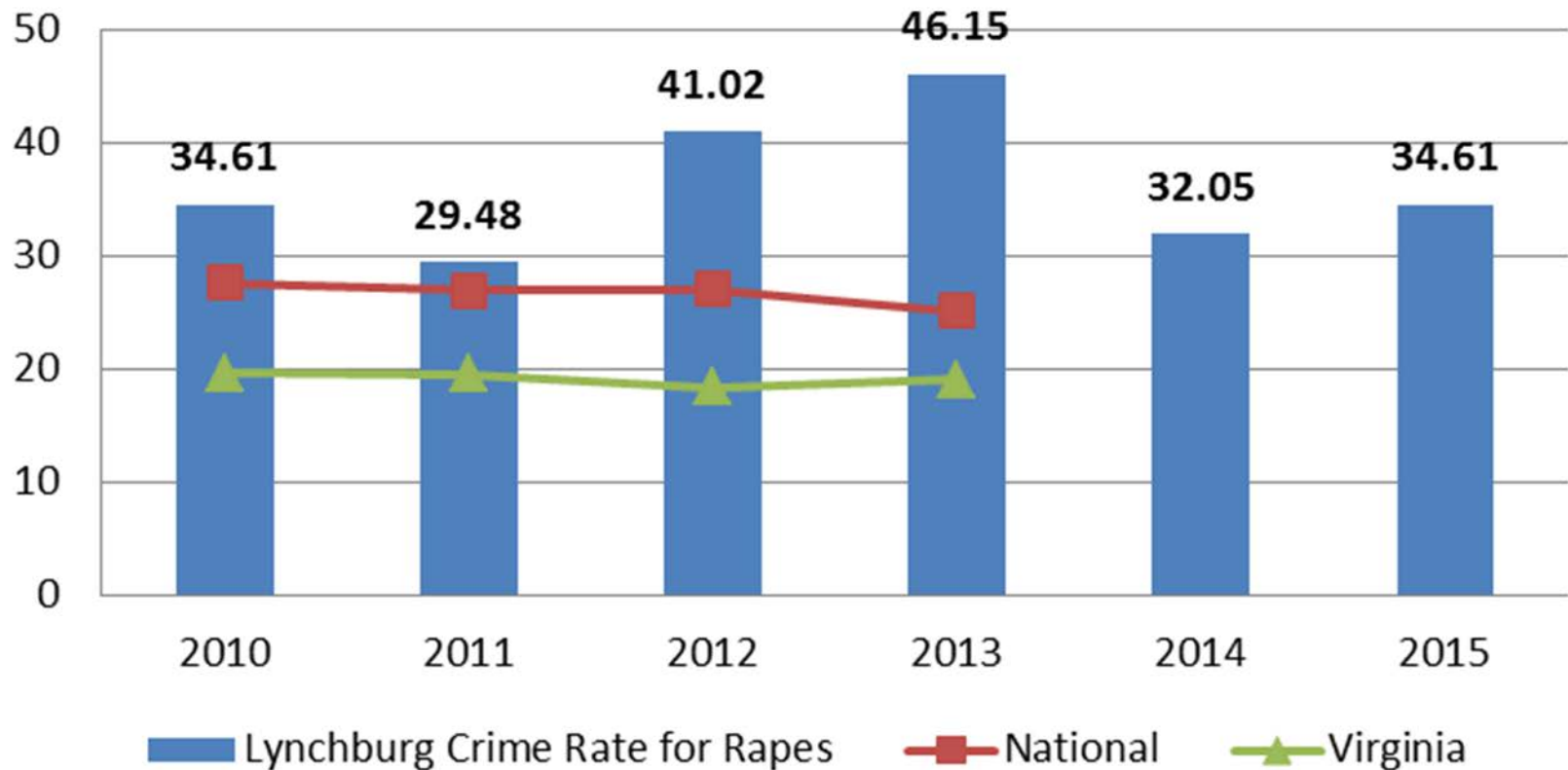
Crime Data

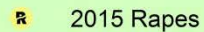




Crime Data

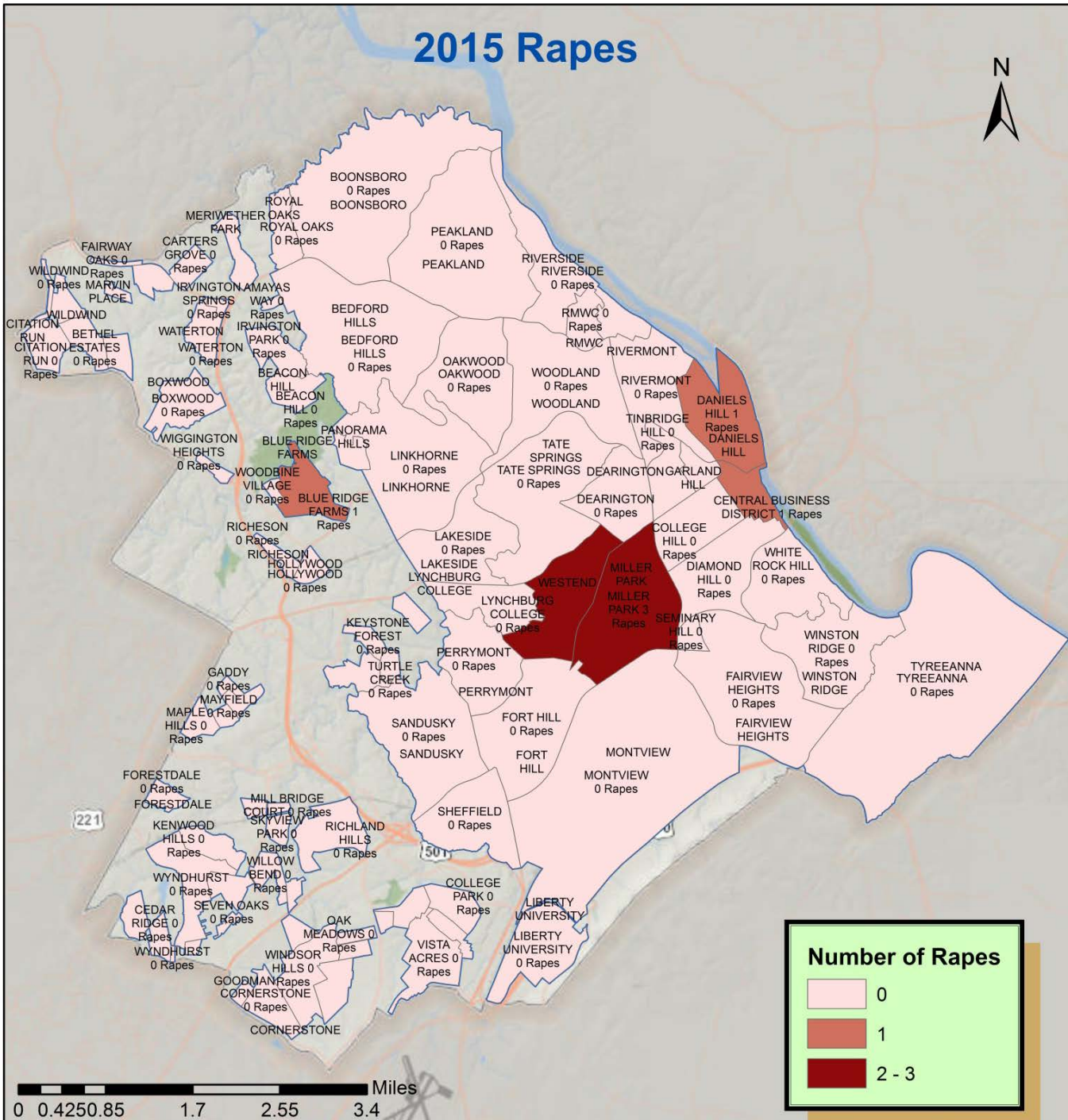
Rape Crime Rate *Per 100,000 Population*





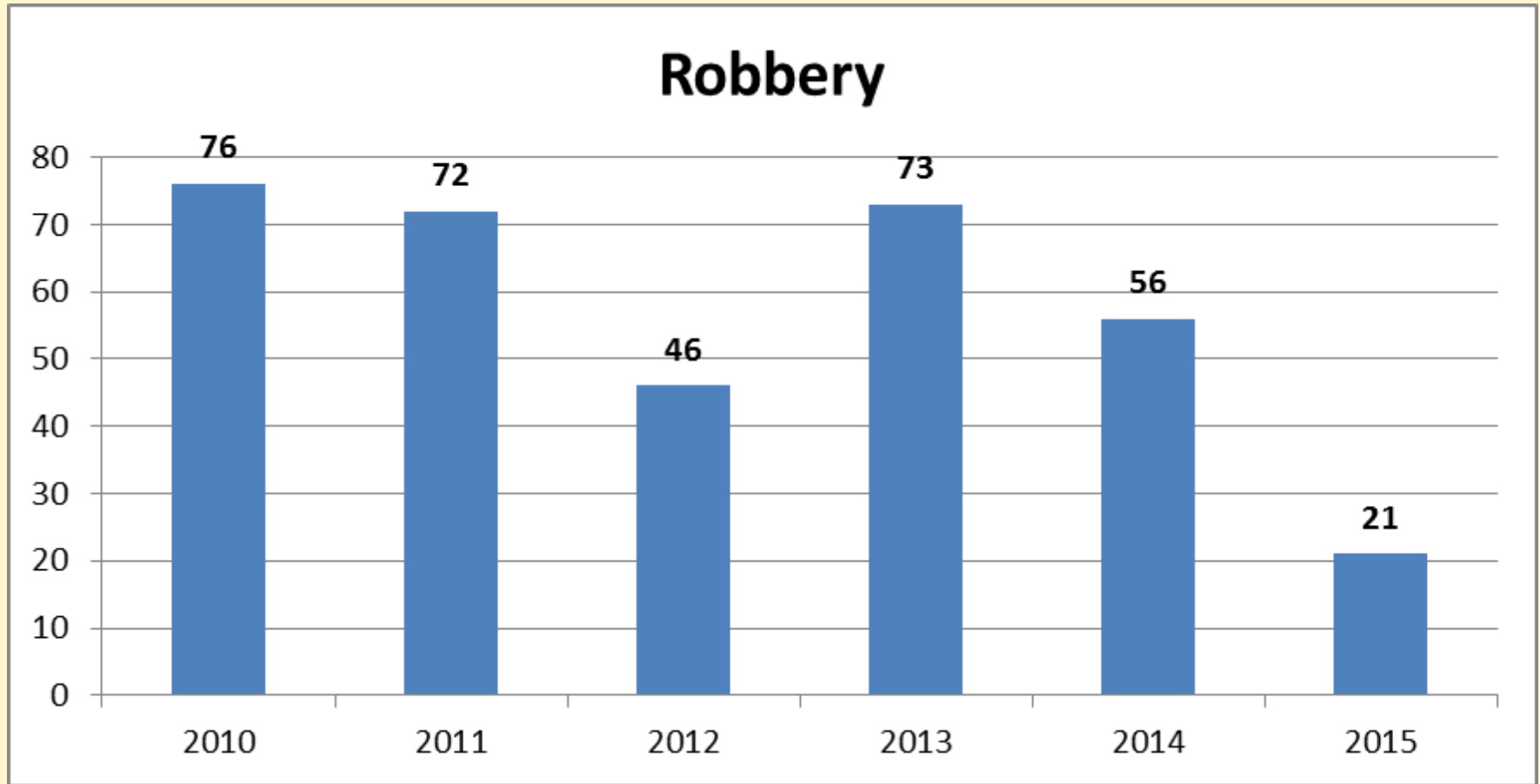


2015 Rapes





Crime Data

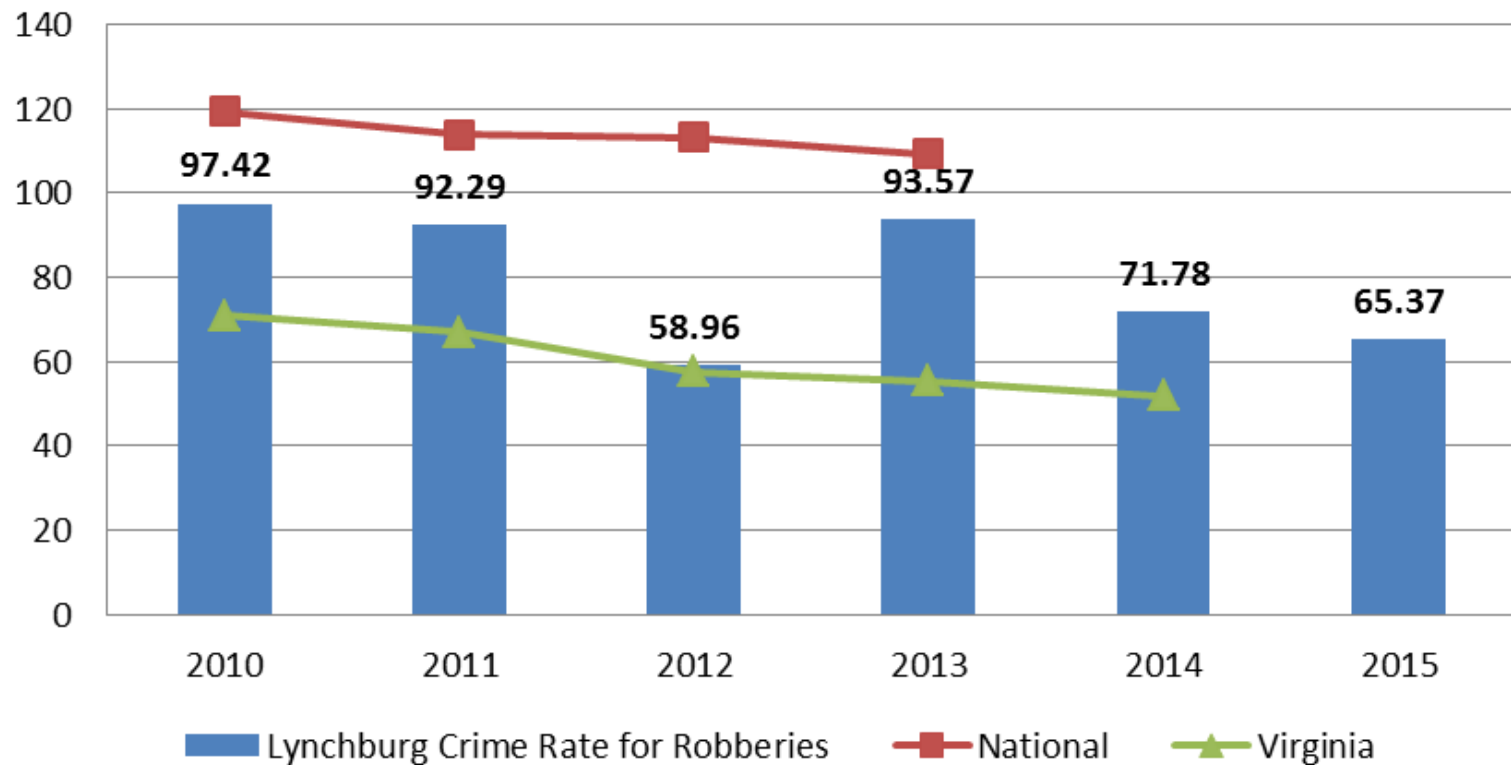




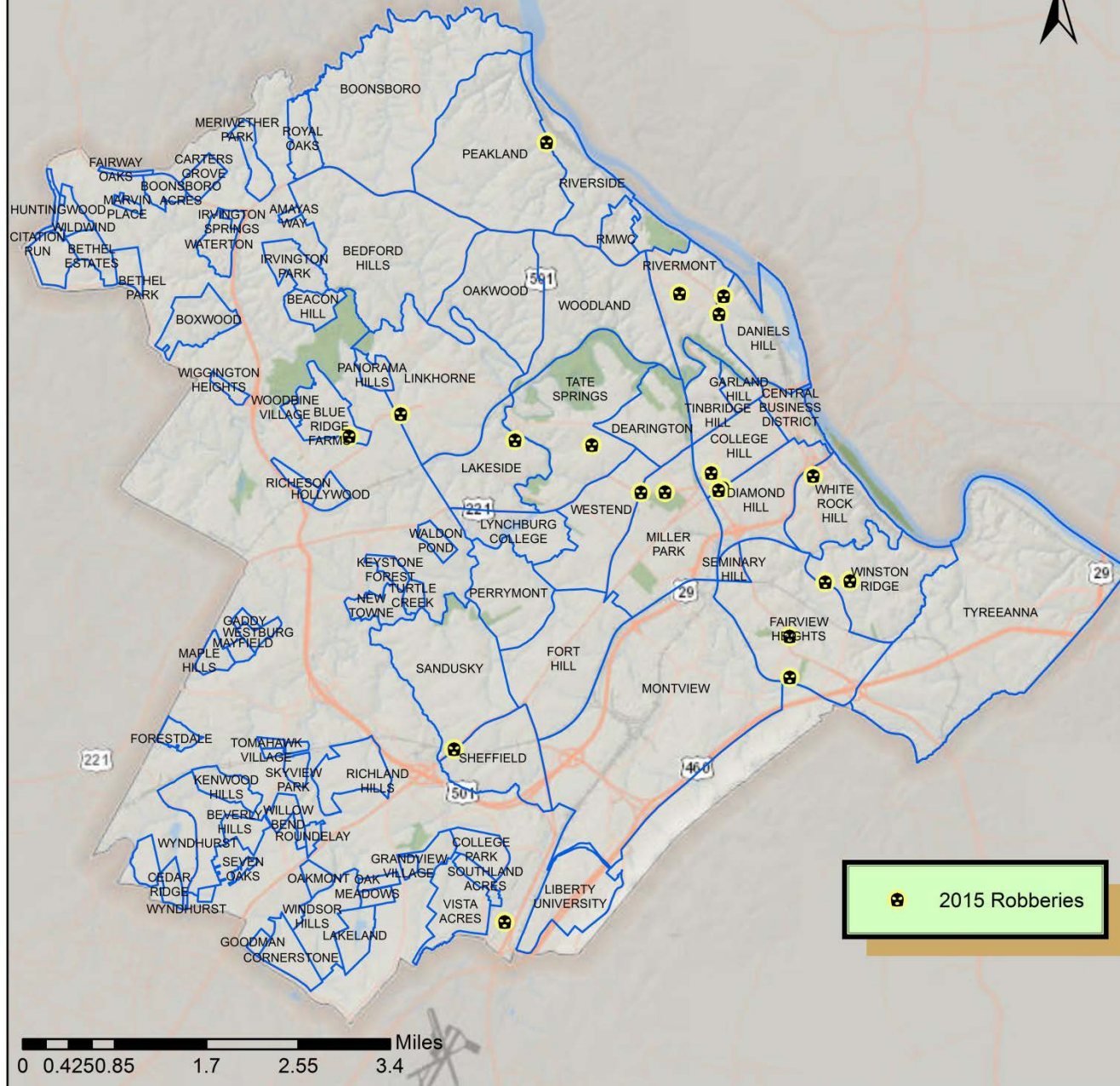
Crime Data

Robbery Crime Rate

Per 100,000 Population



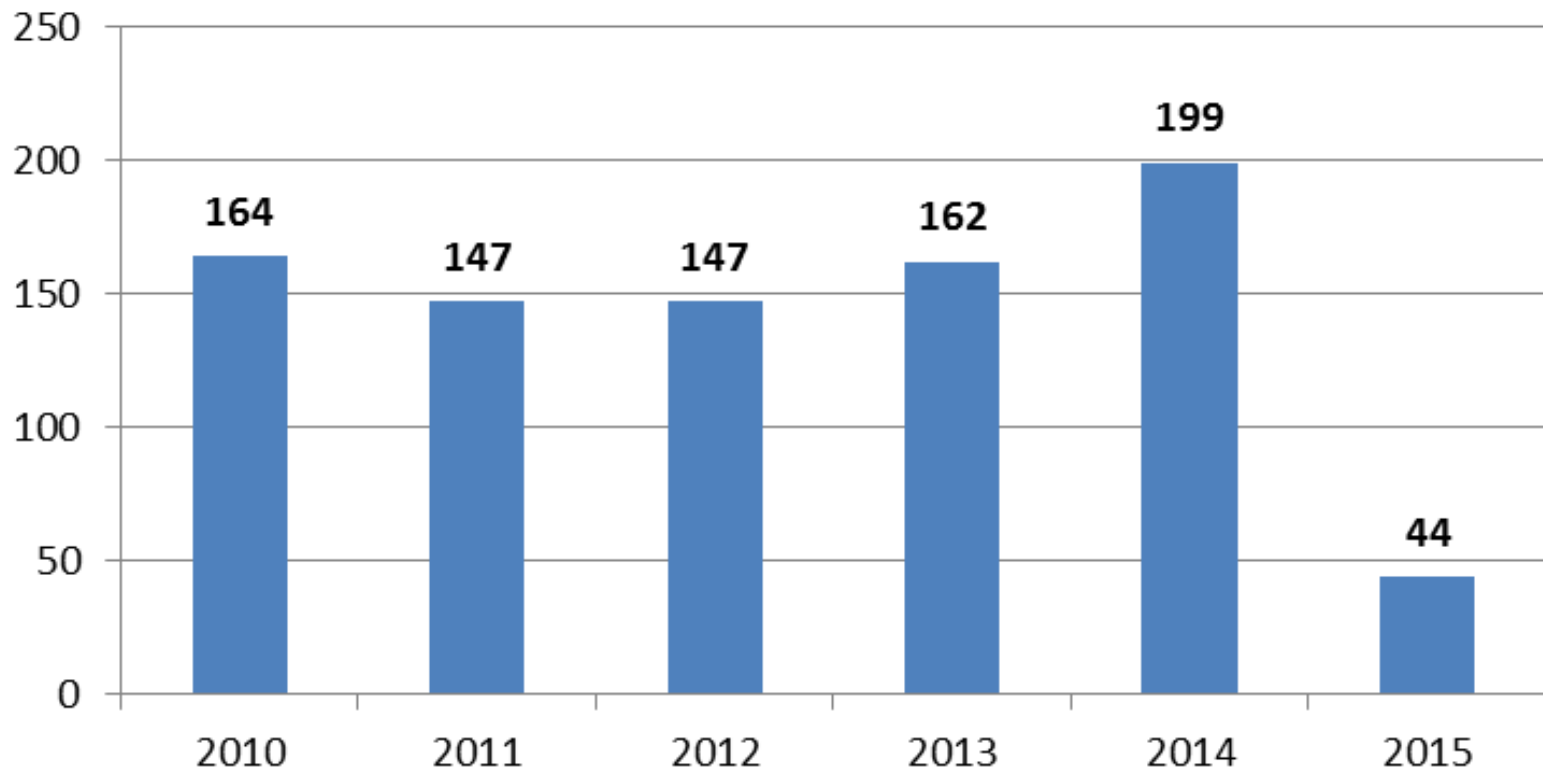
2015 Robberies





Crime Data

Aggravated Assault

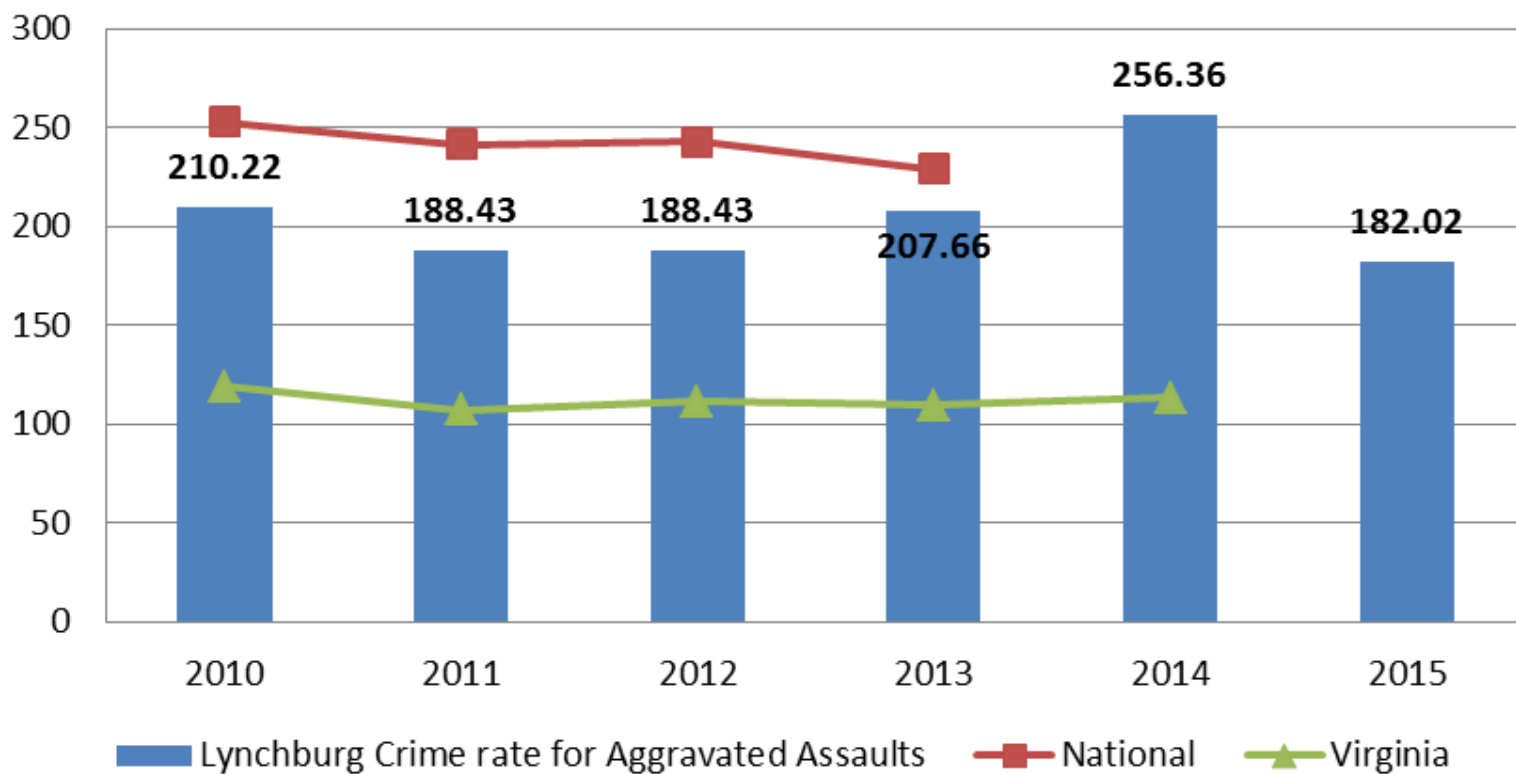




Crime Data

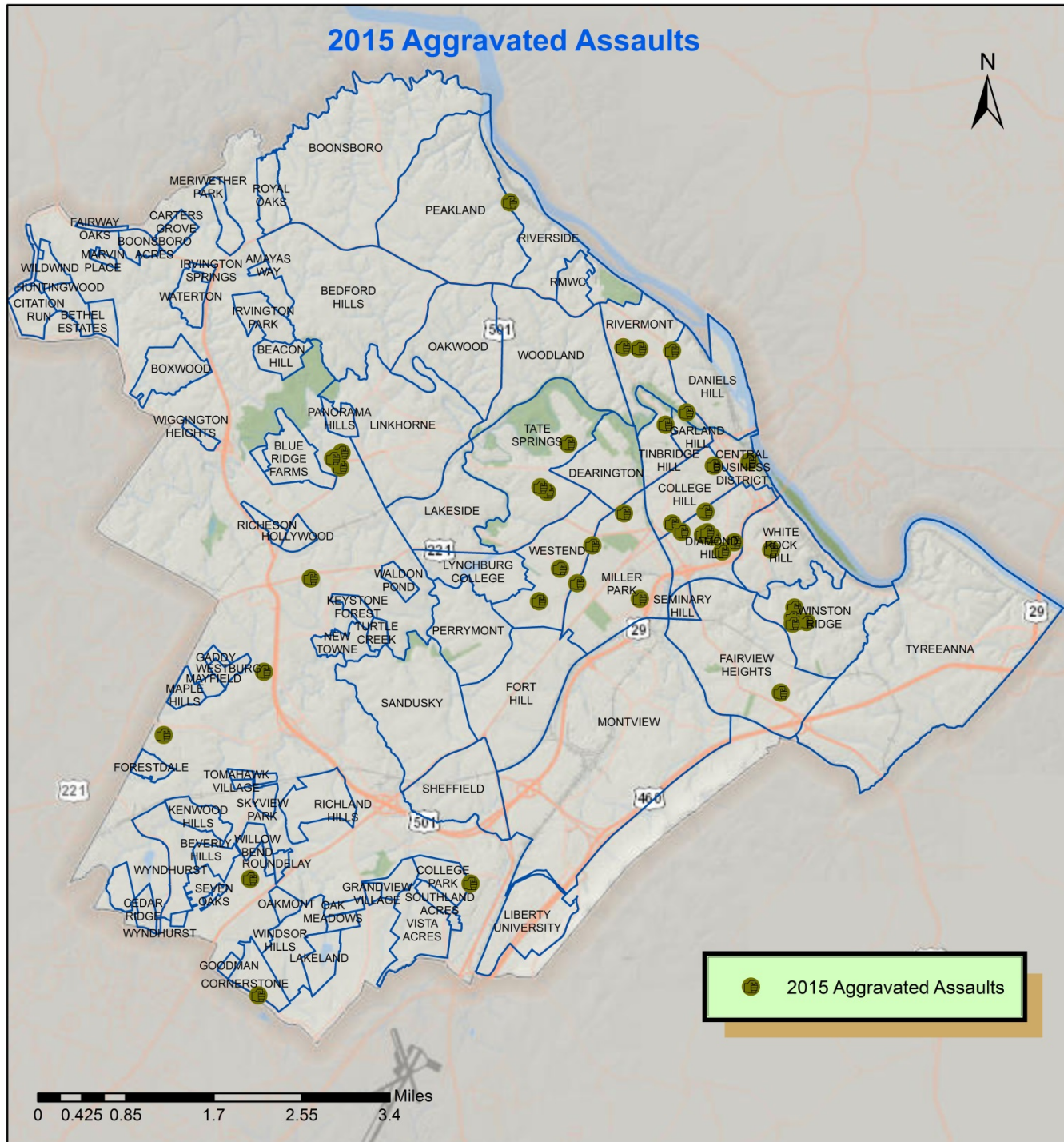
Aggravated Assault Crime Rate

Per 100,000 Population



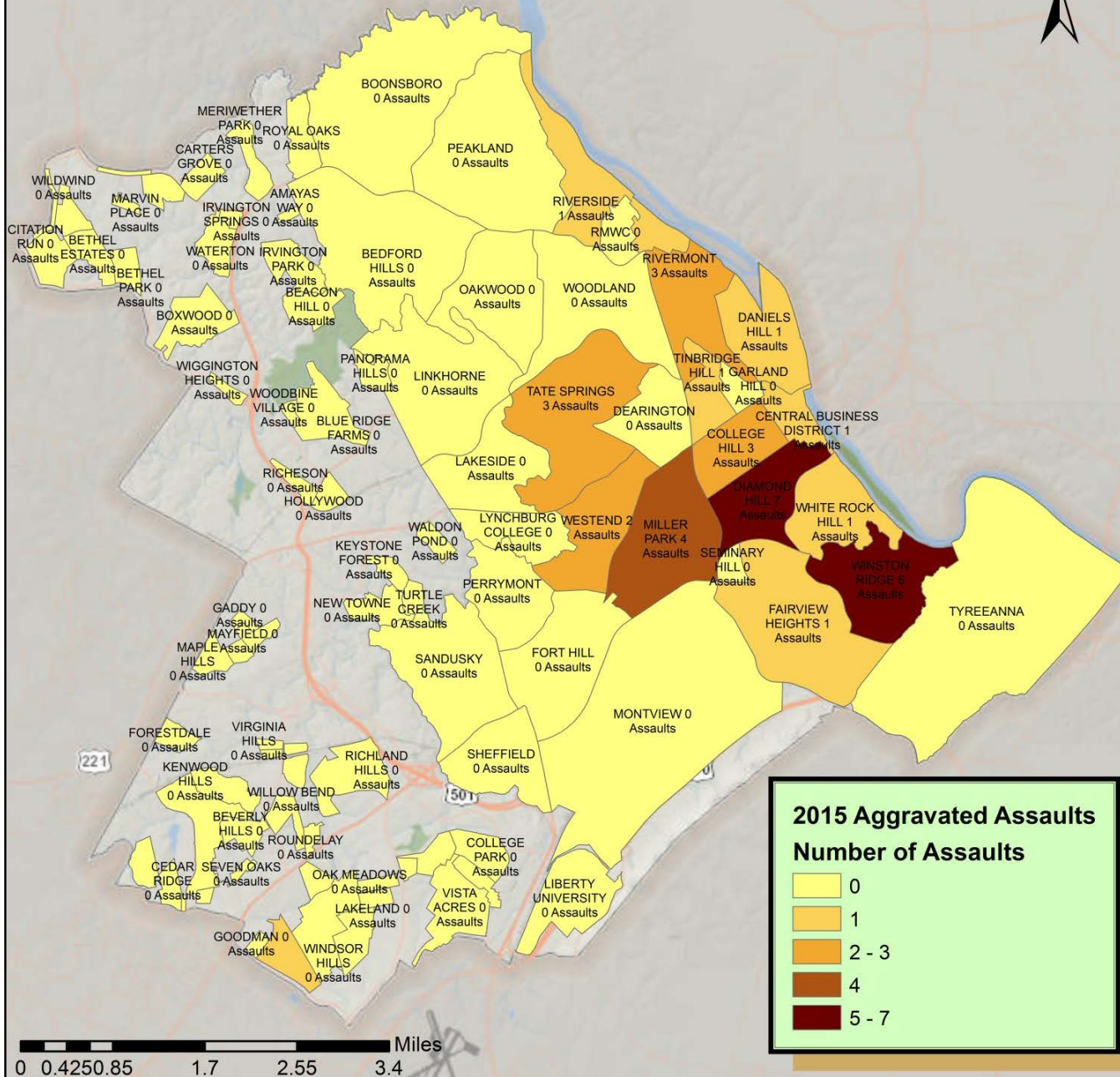


2015 Aggravated Assaults



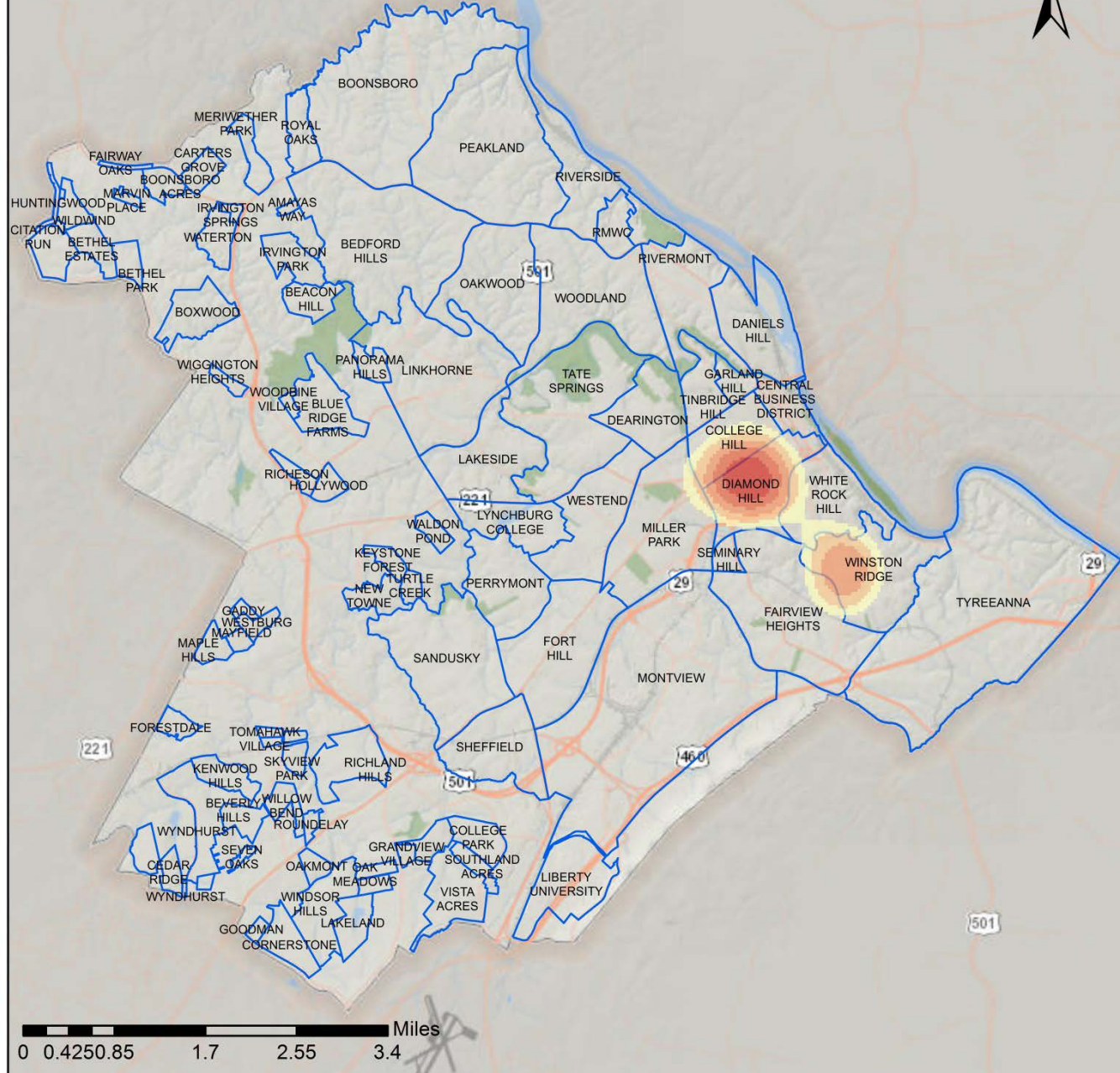


2015 Aggravated Assaults





2015 Aggravated Assaults





Lynchburg Crime Clock

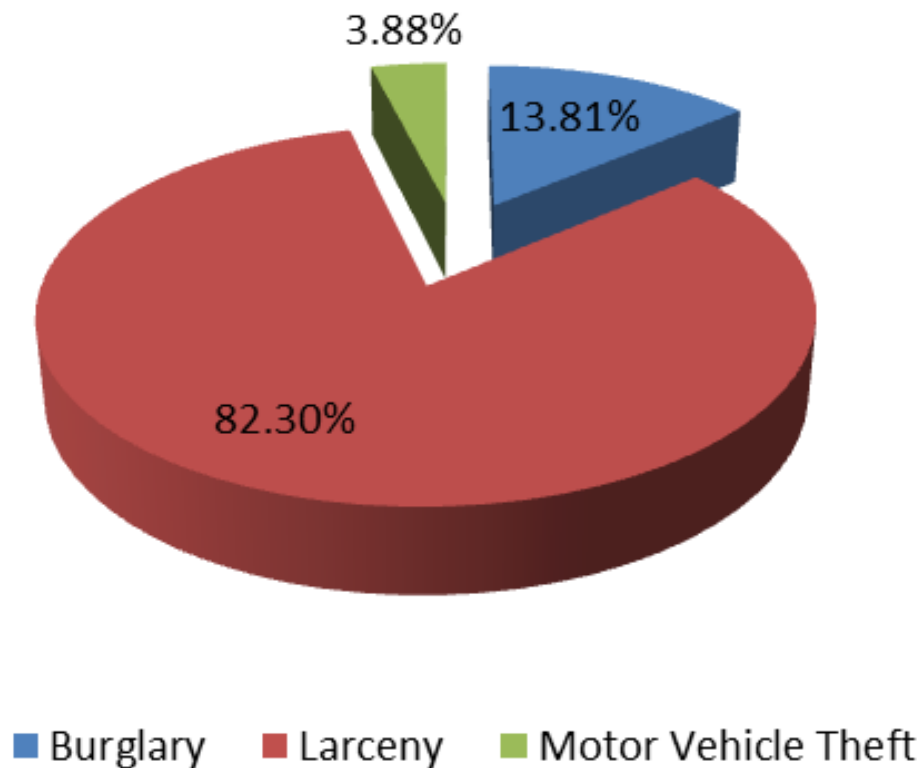
- **Property Crime:** 4 hours 30 min.
 - **Burglary:** 1 day, 1 hours and 36 Min.
 - **Larceny:** 5 hours and 49 Min.
 - **Motor Vehicle Theft:**
3 days, 10 hours and 33 min.





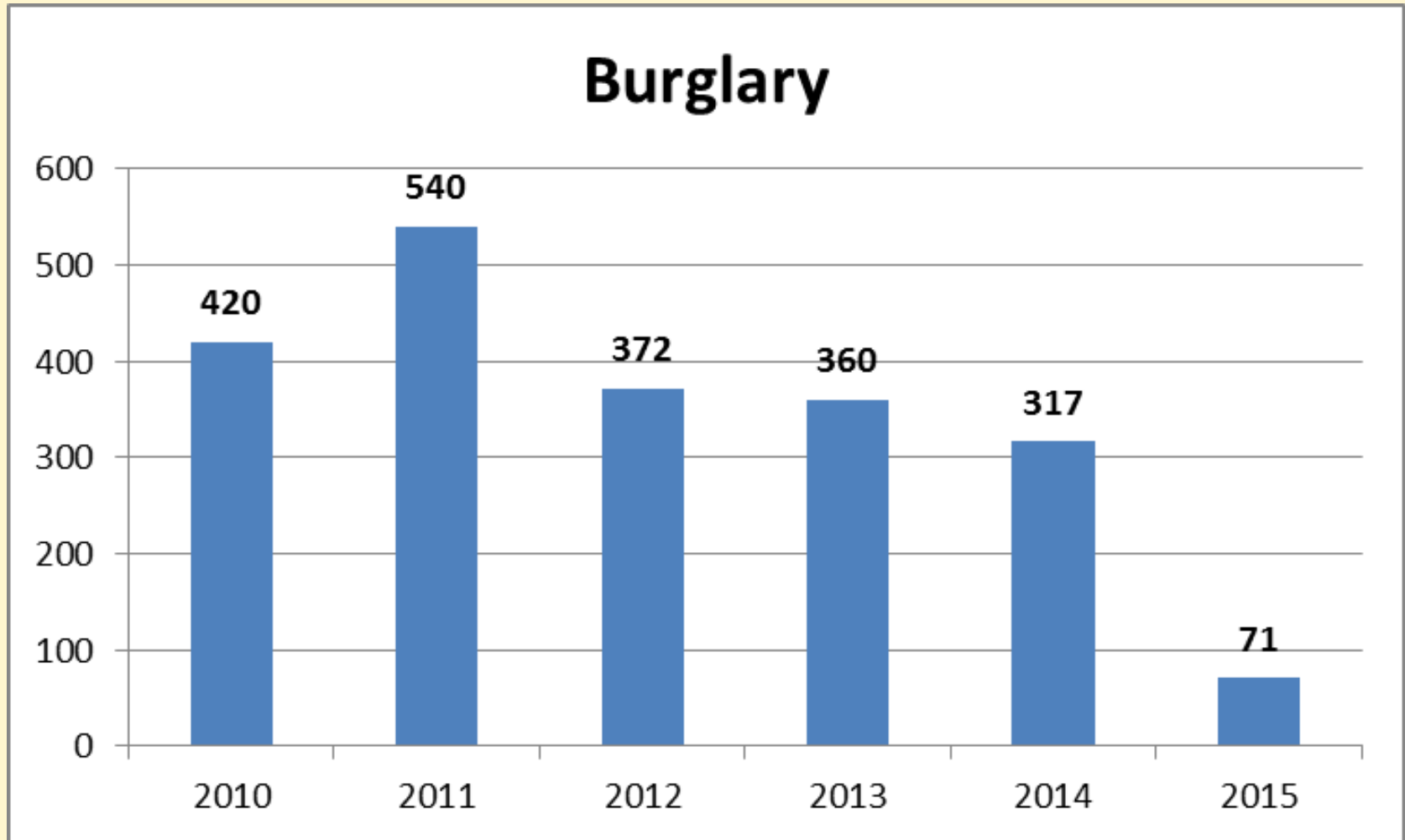
Crime Data

2015 Property Crime



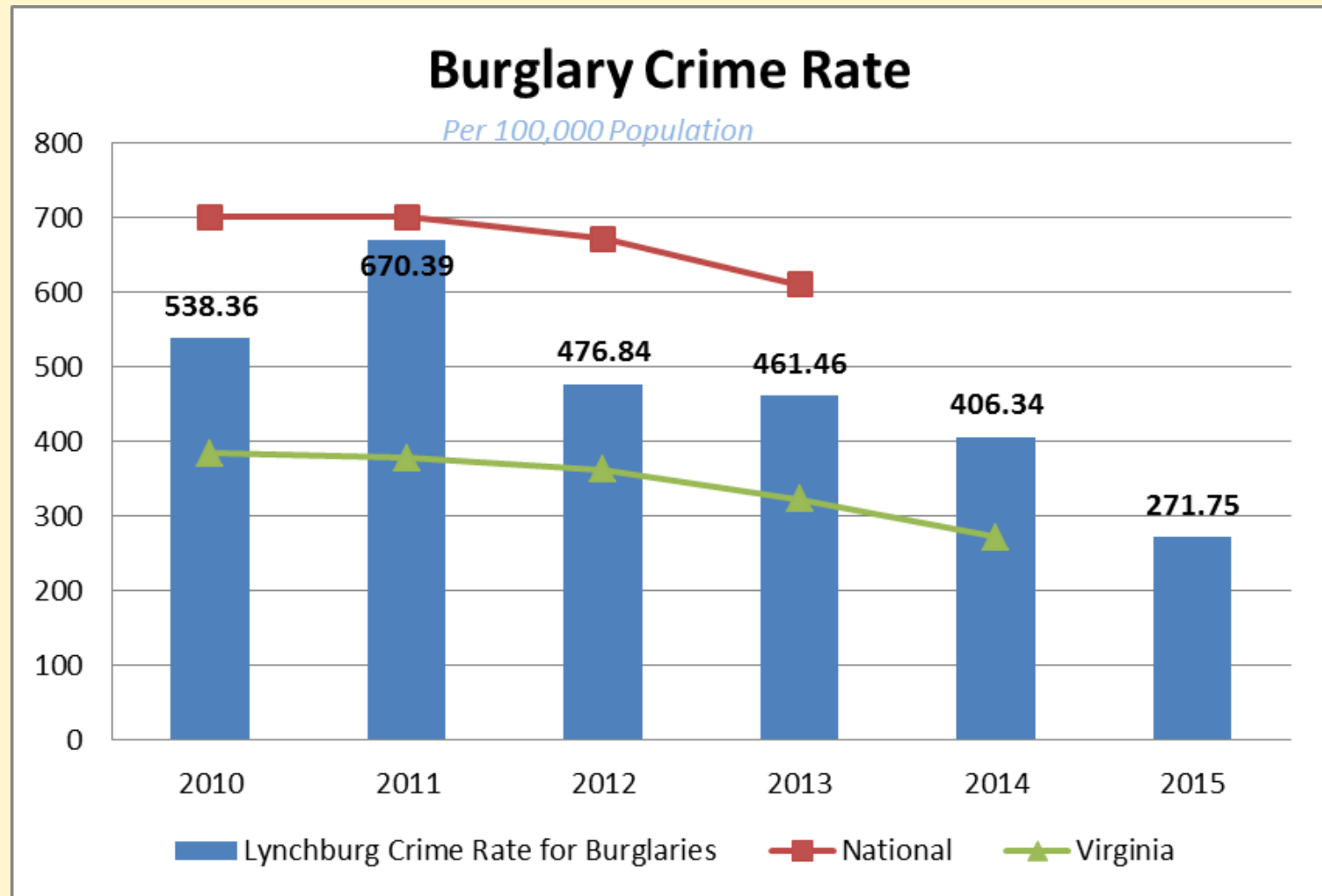


Crime Data



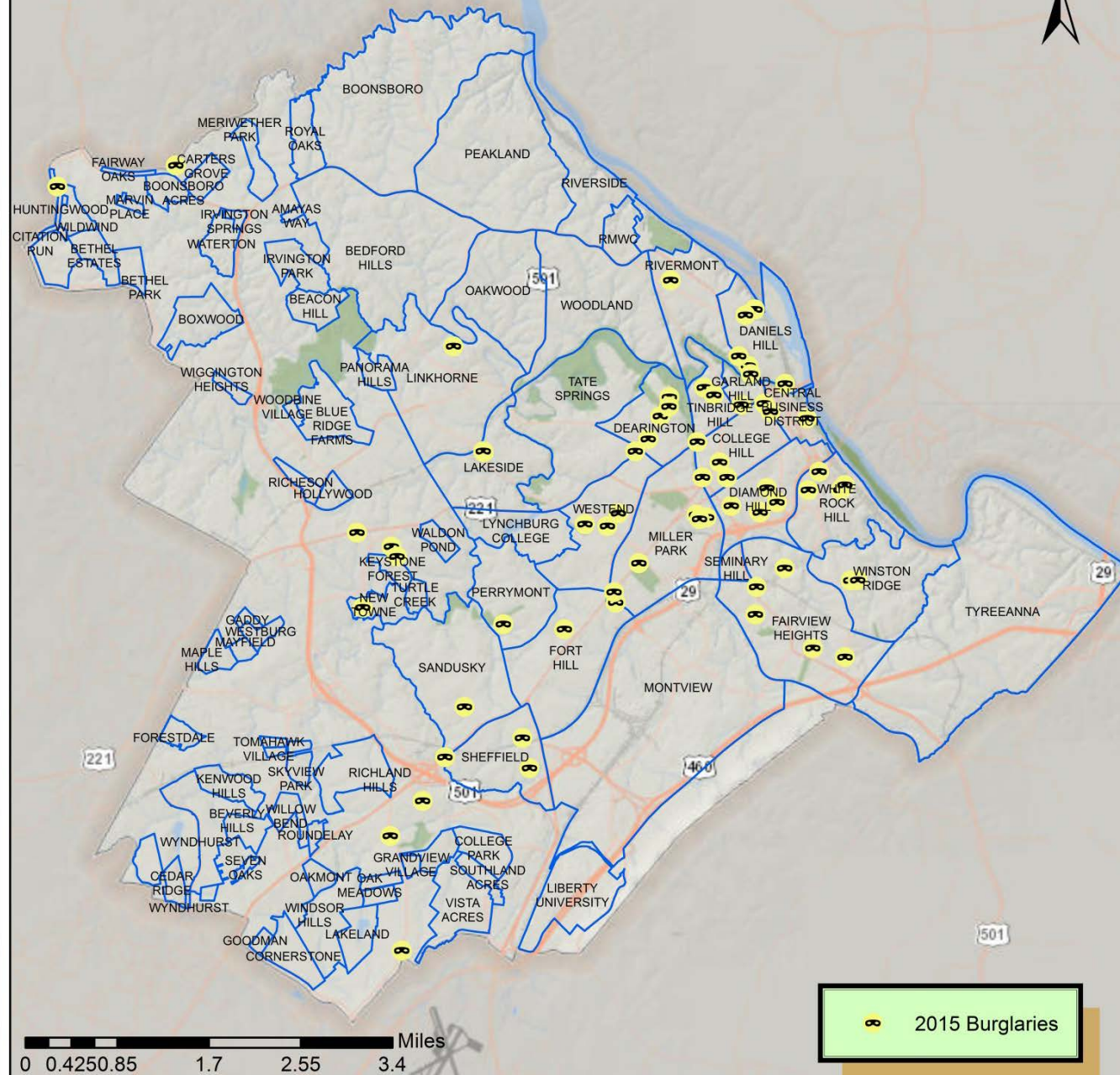


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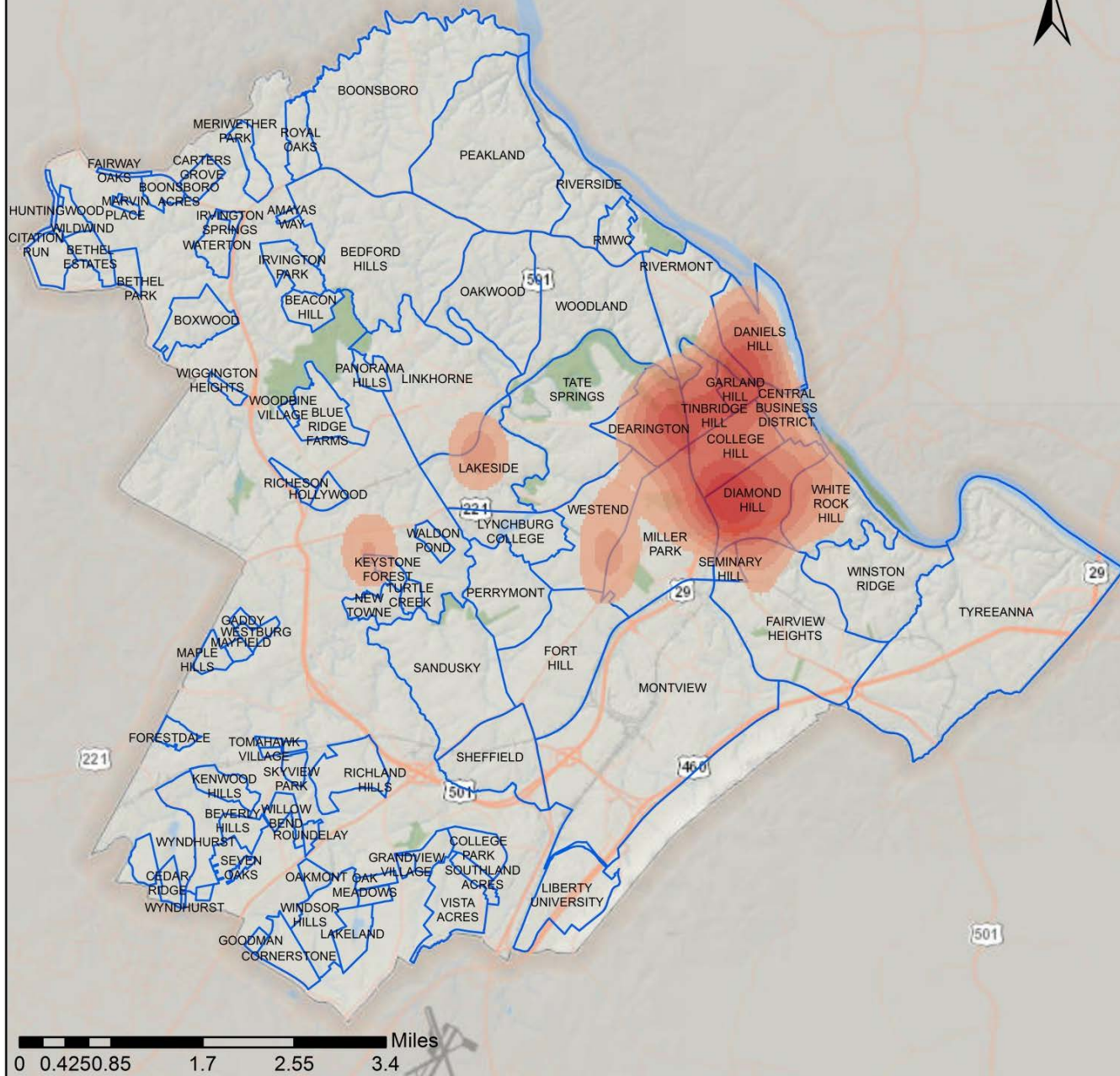


2015 Burglaries



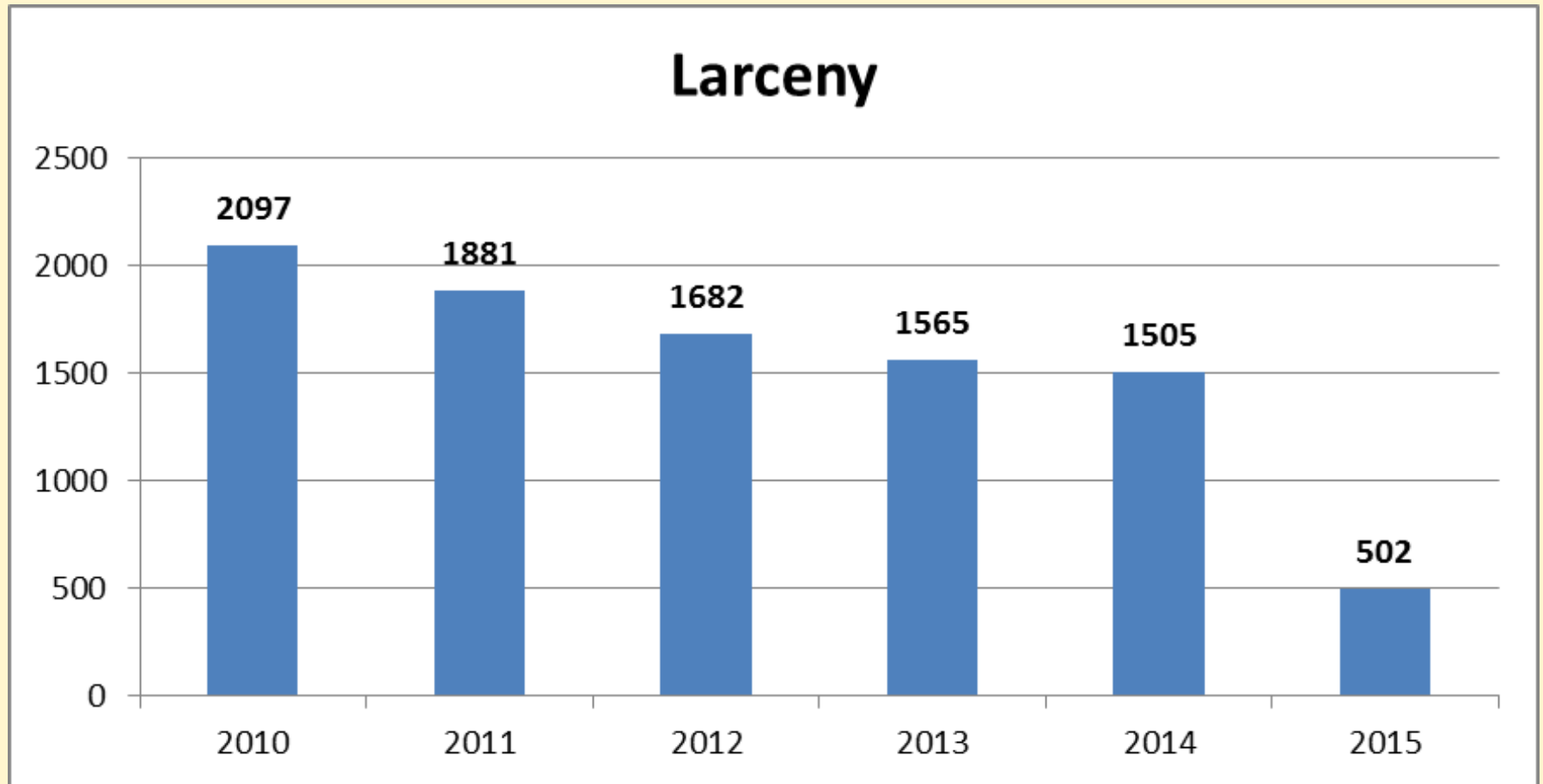


2015 Burglaries



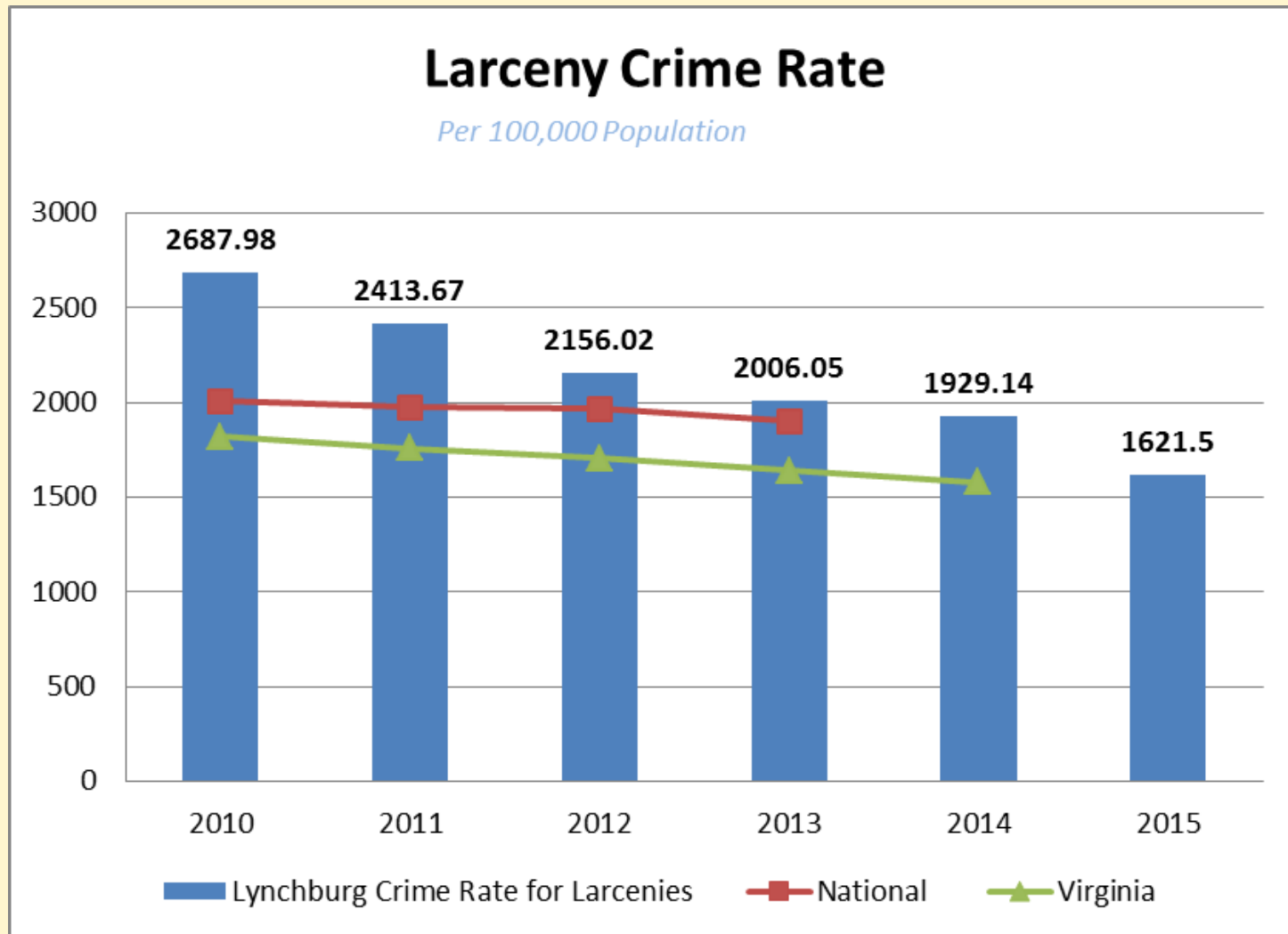


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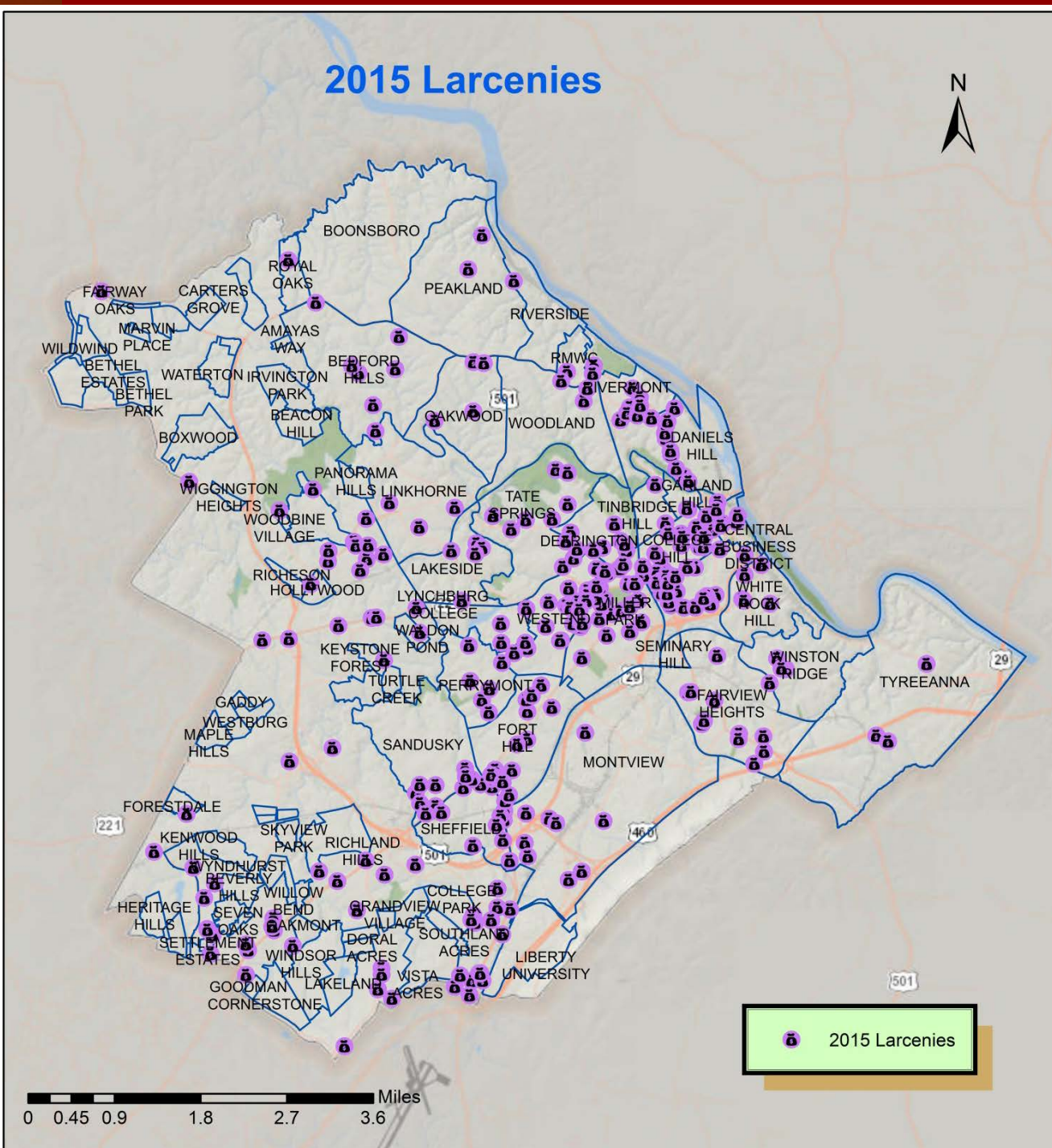


Crime Data



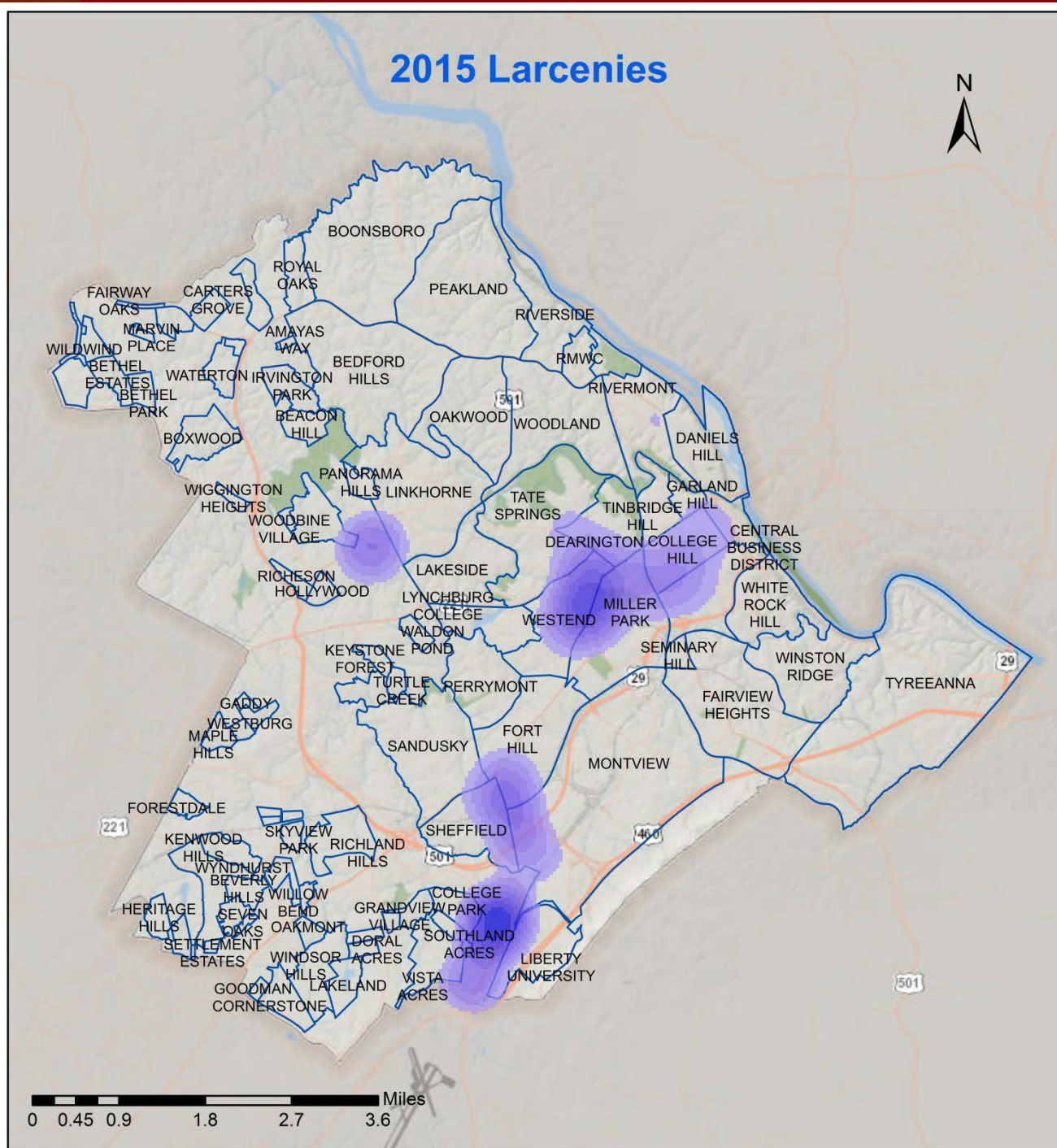


2015 Larcenies



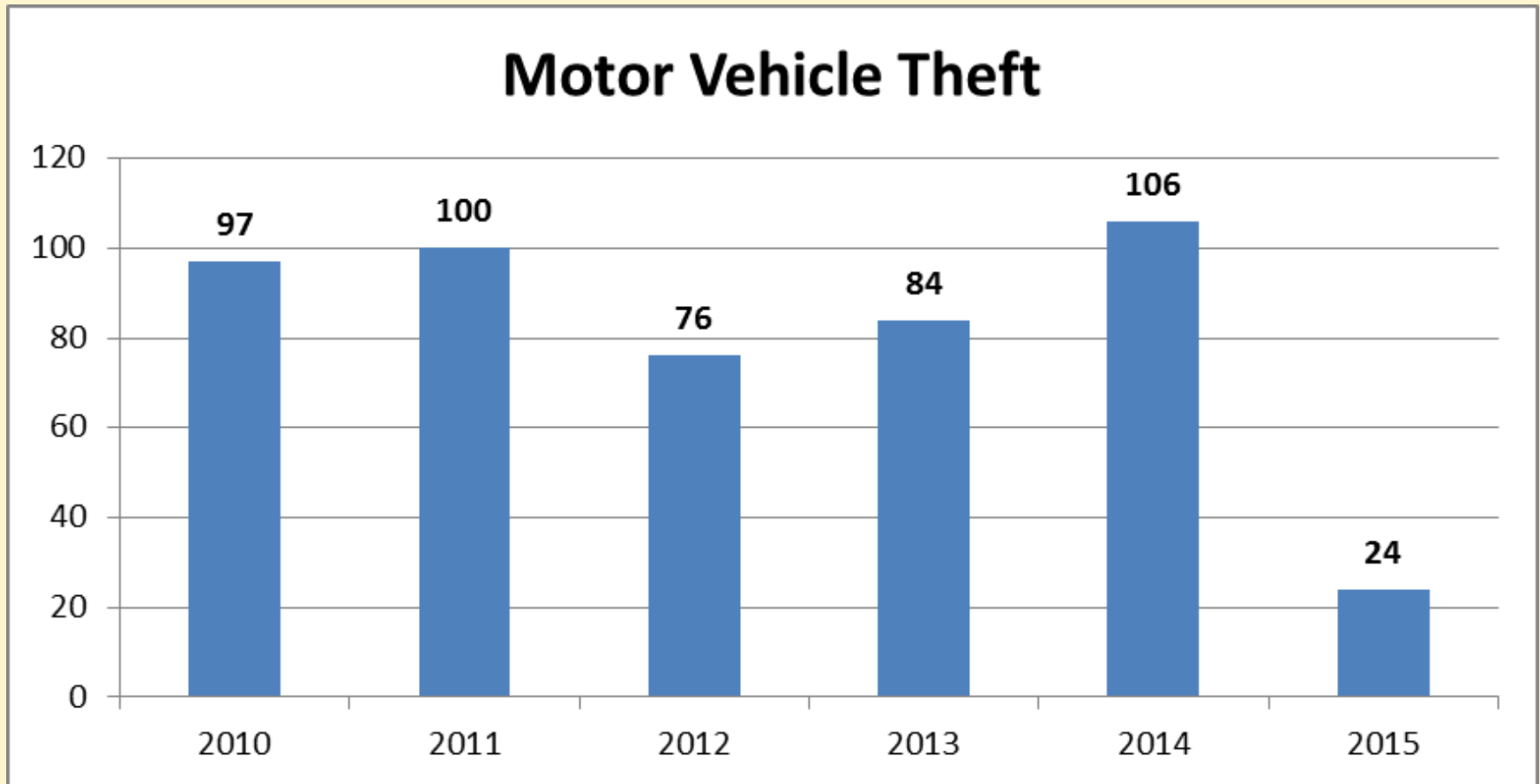


2015 Larcenies





Crime Data

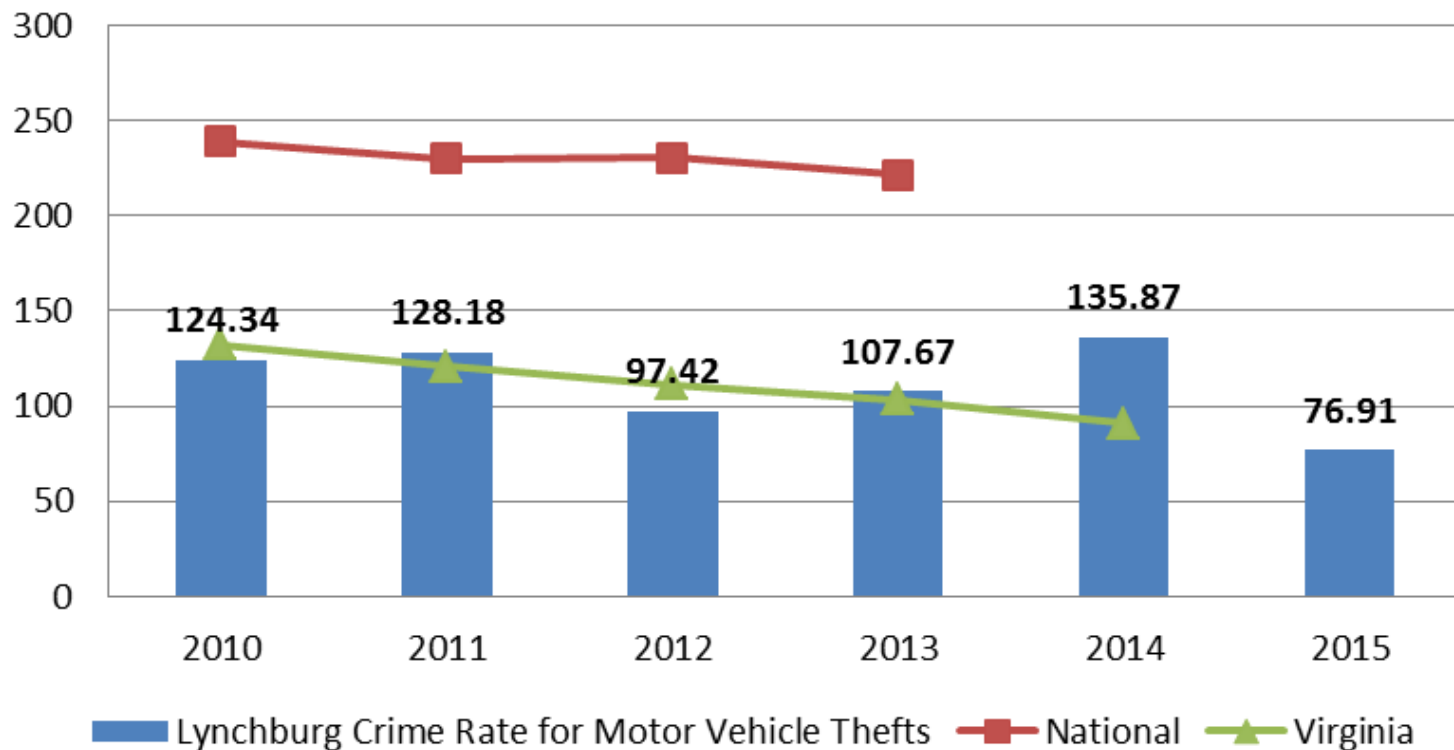




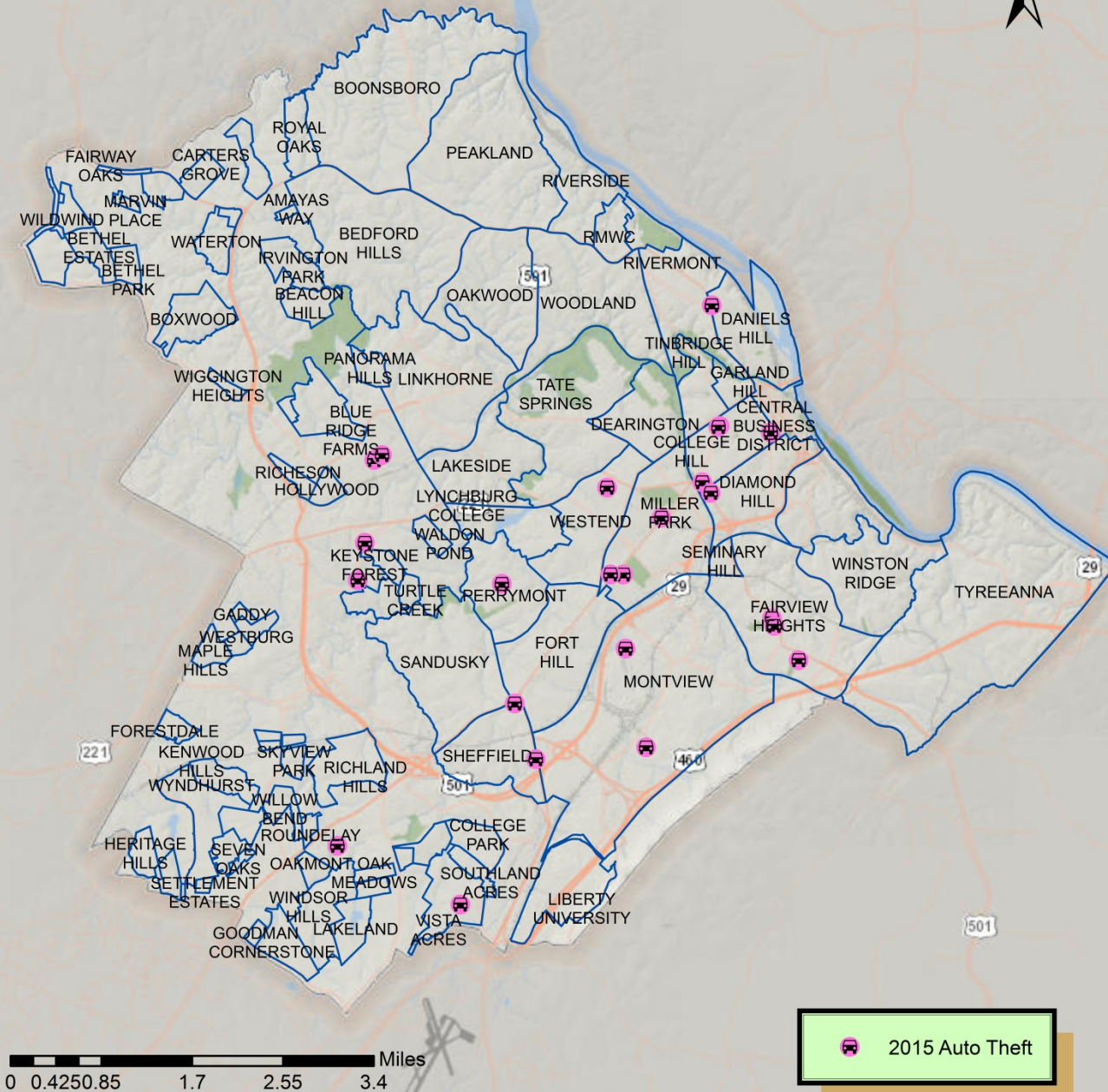
Crime Data

Motor Vehicle Theft Crime Rate

Per 100,000 Population



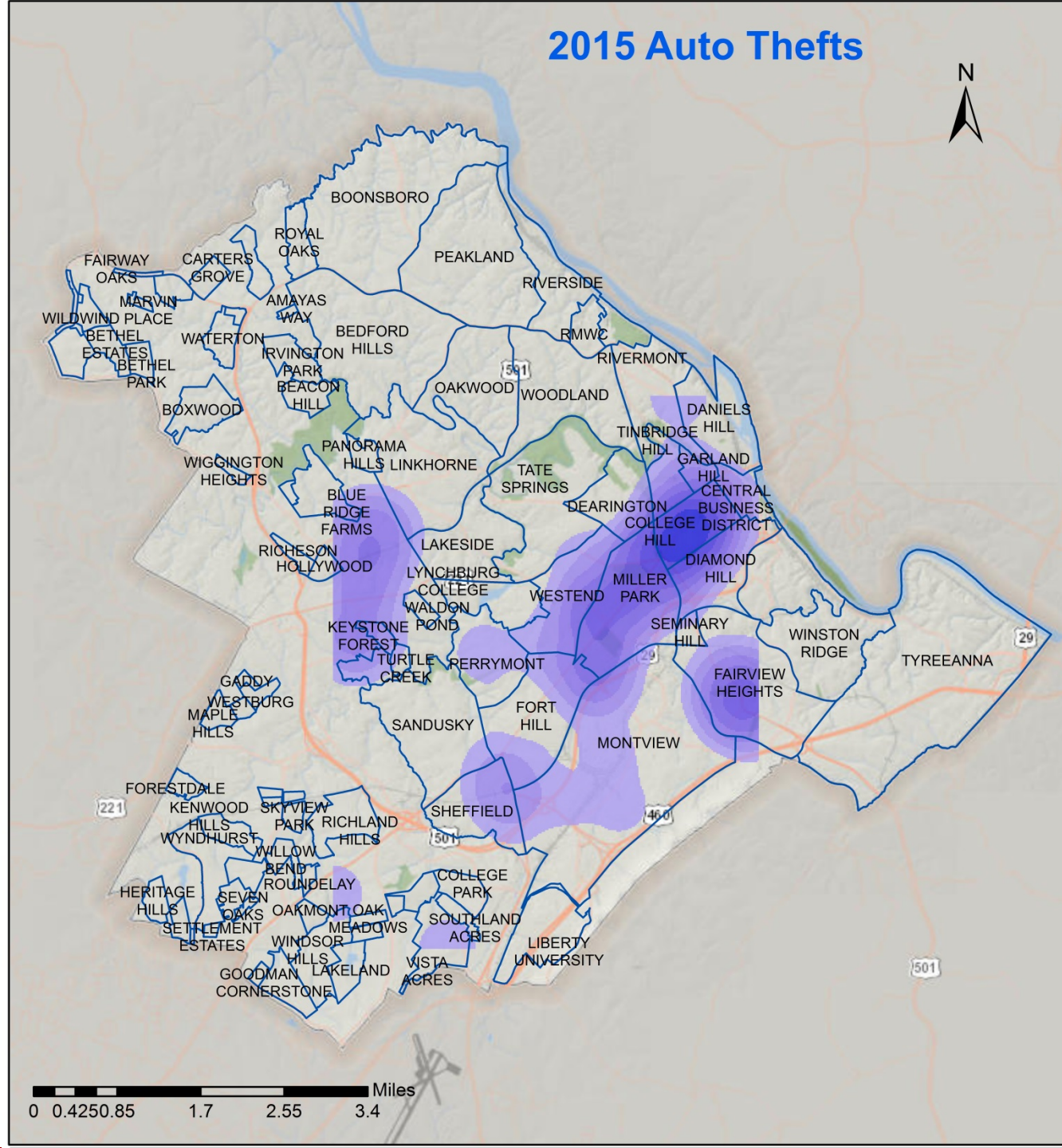
2015 Auto Thefts





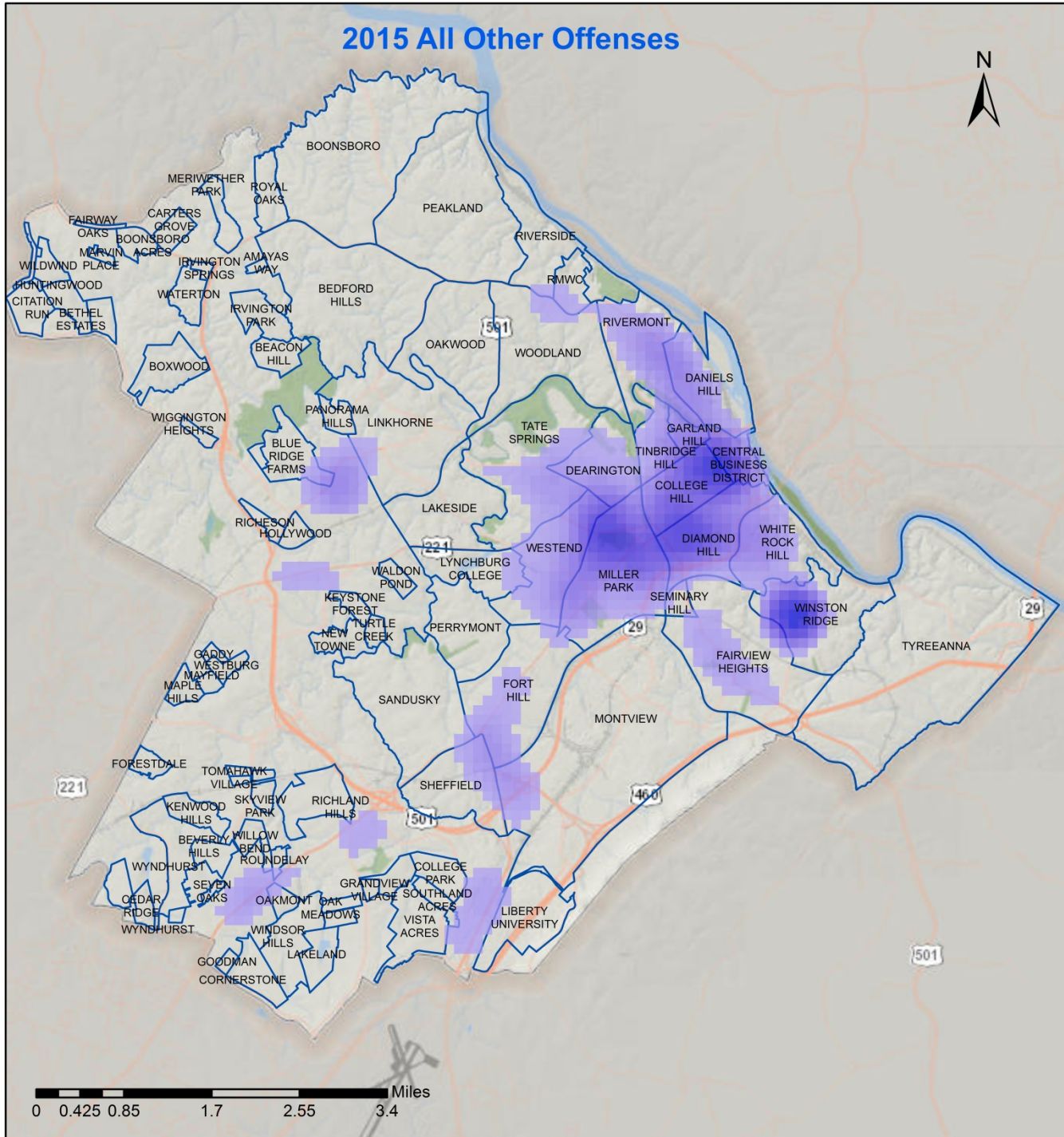


2015 Auto Thefts



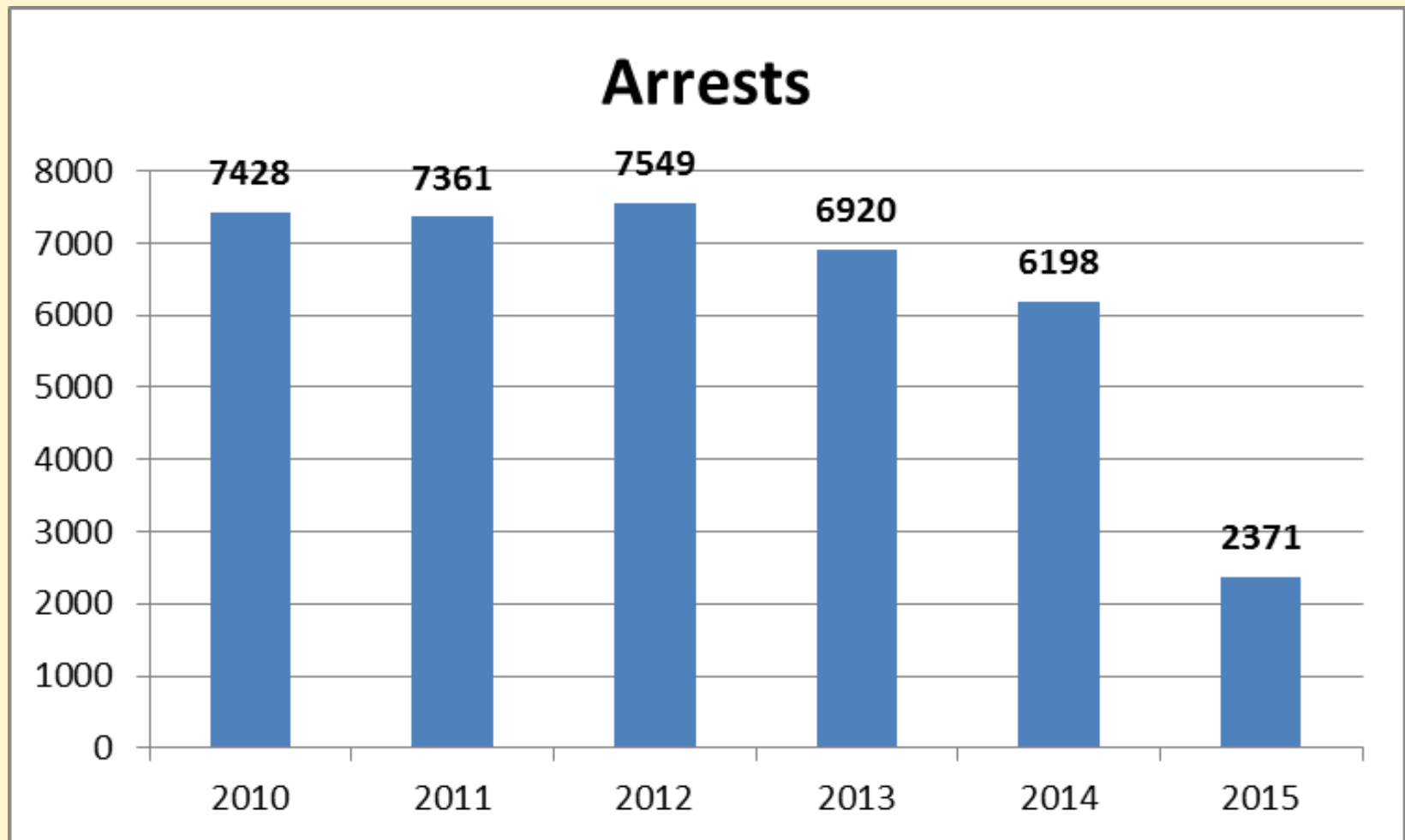


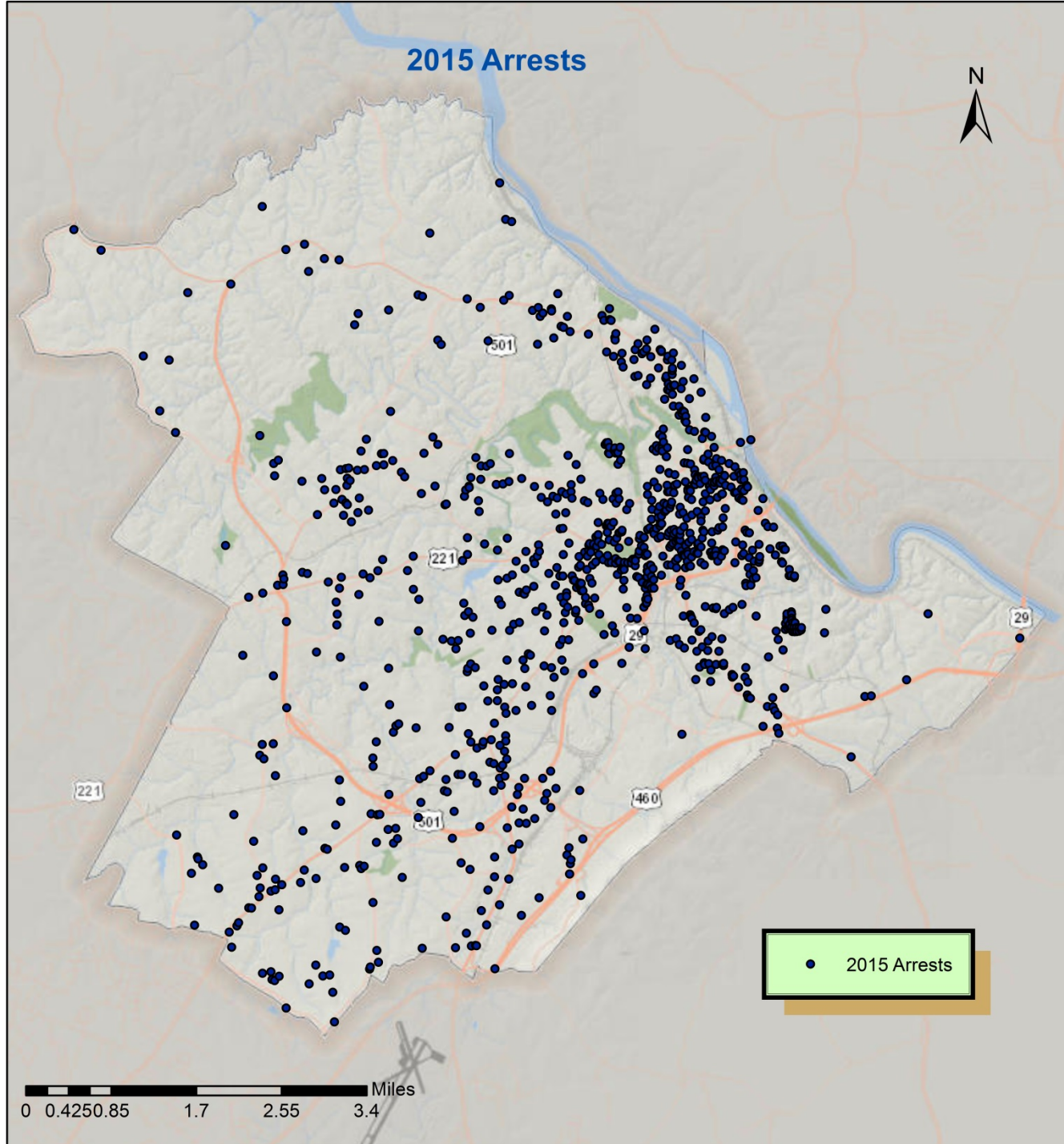
2015 All Other Offenses

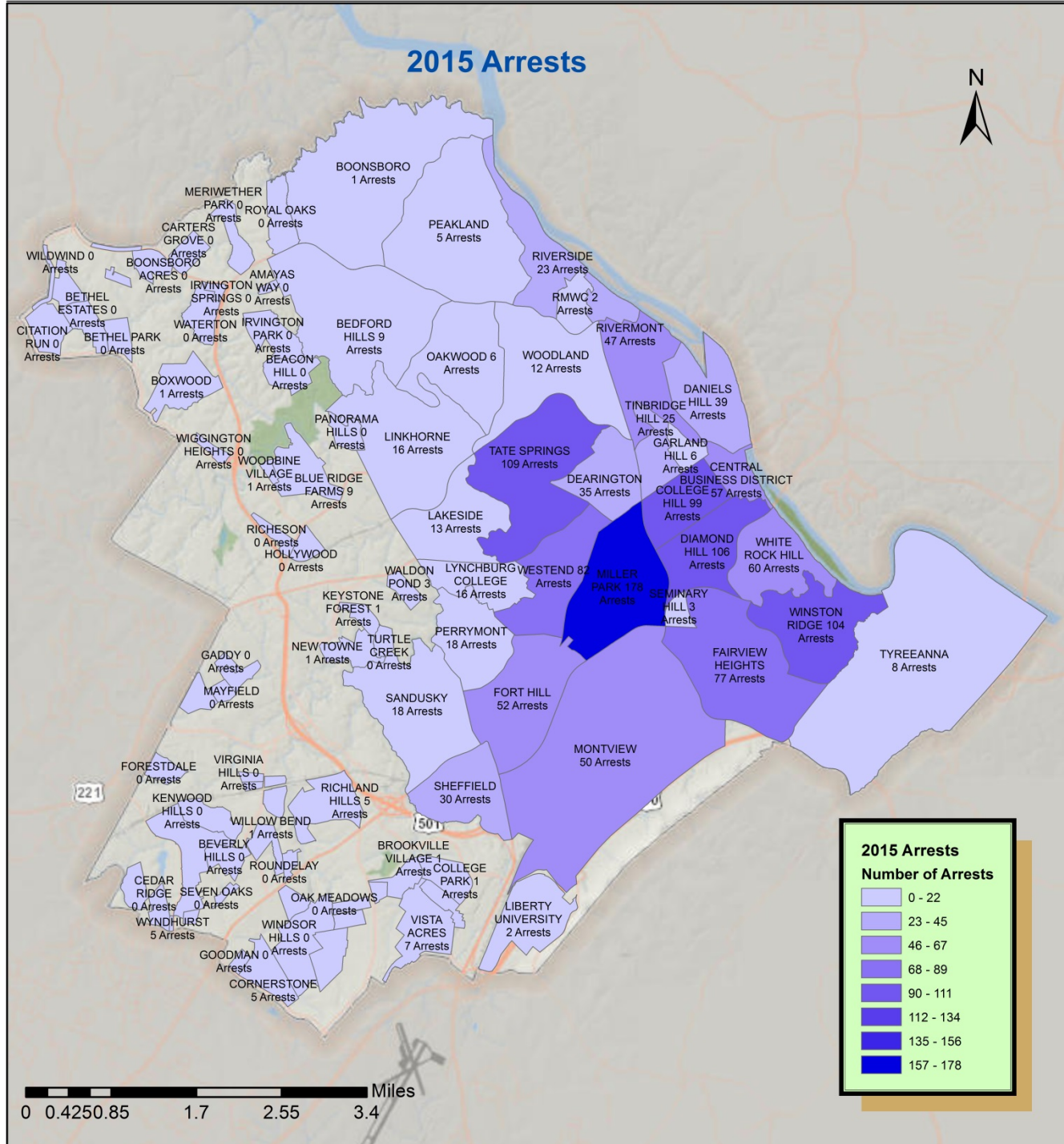


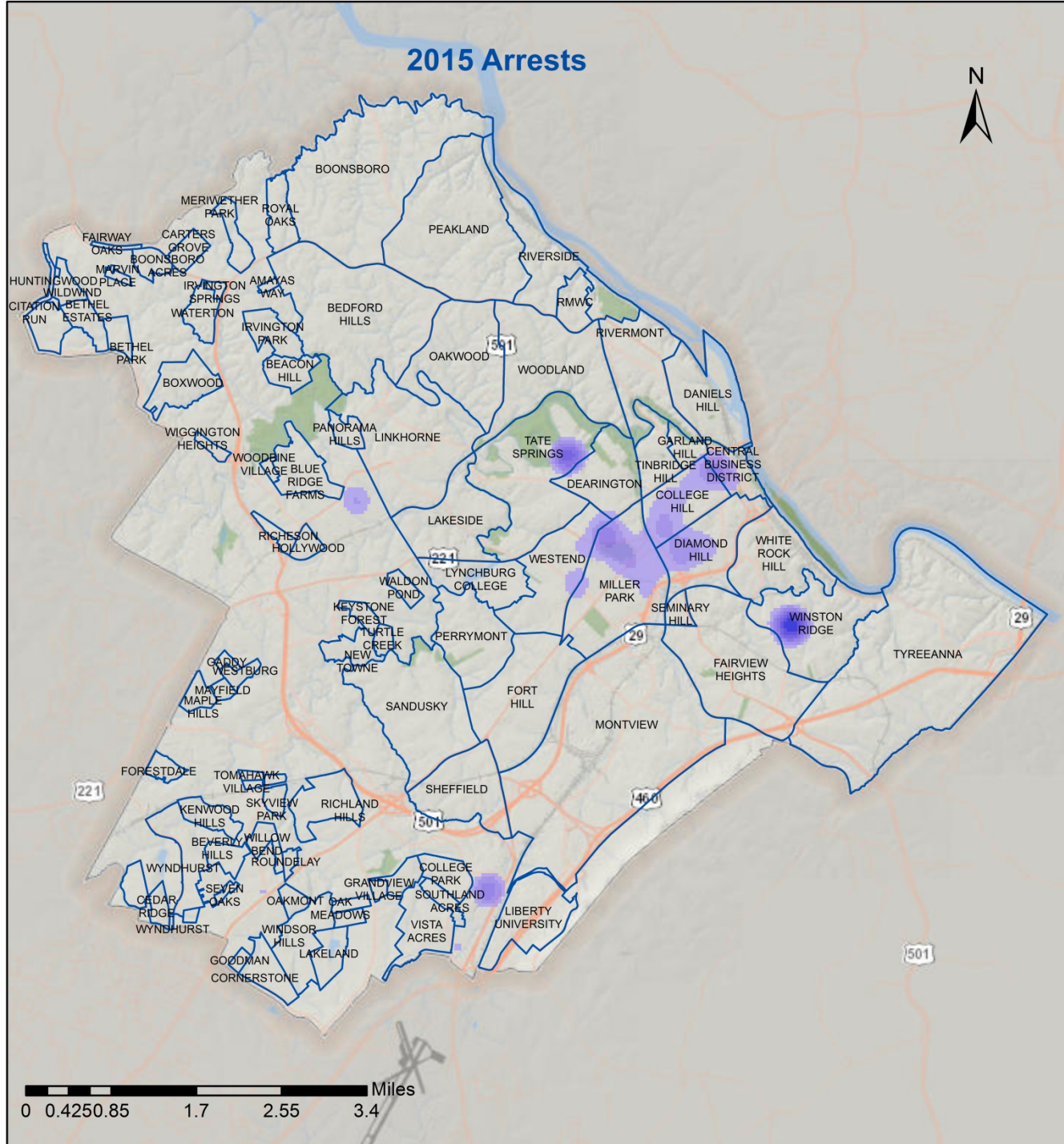


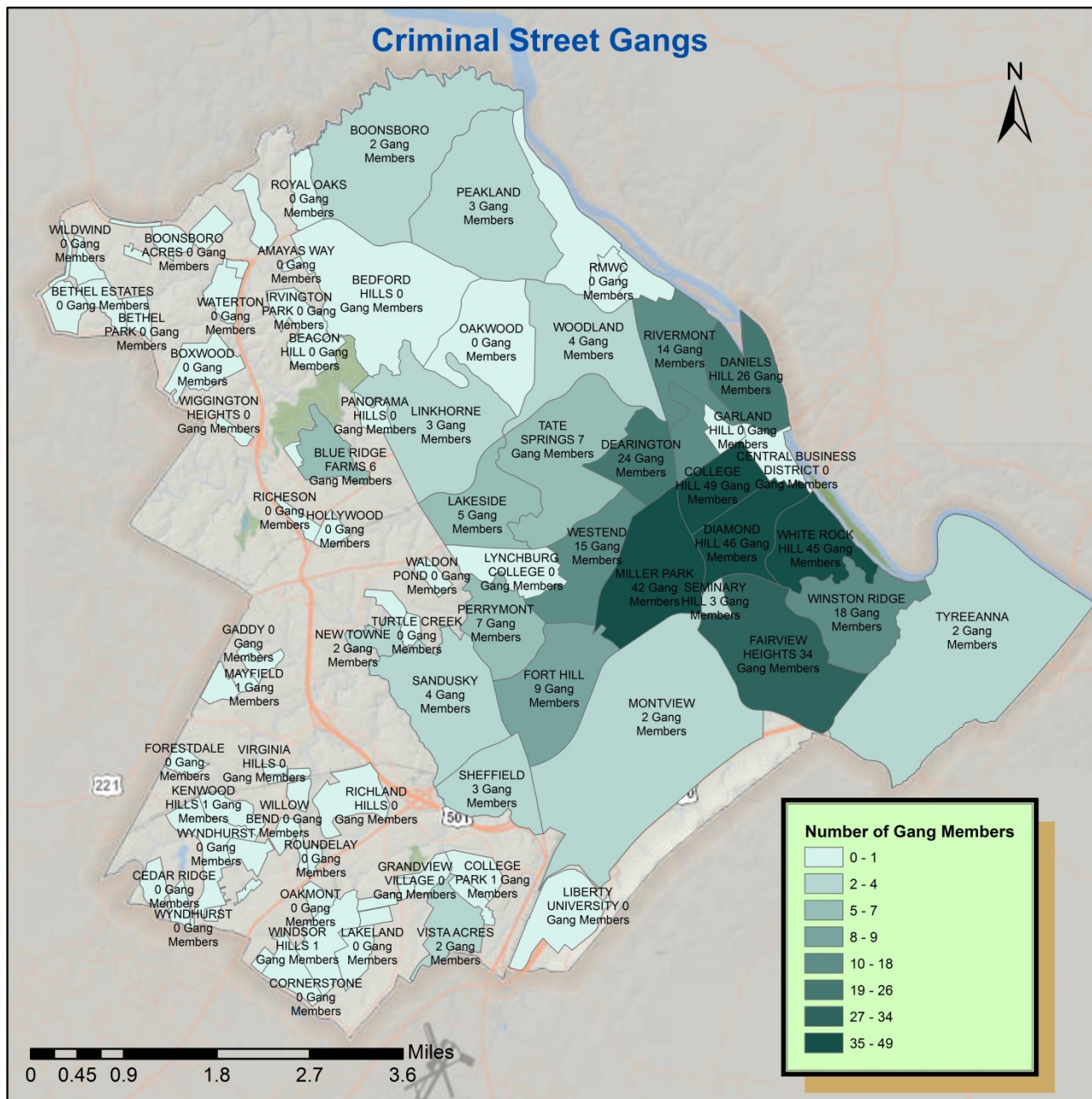
Arrest Data

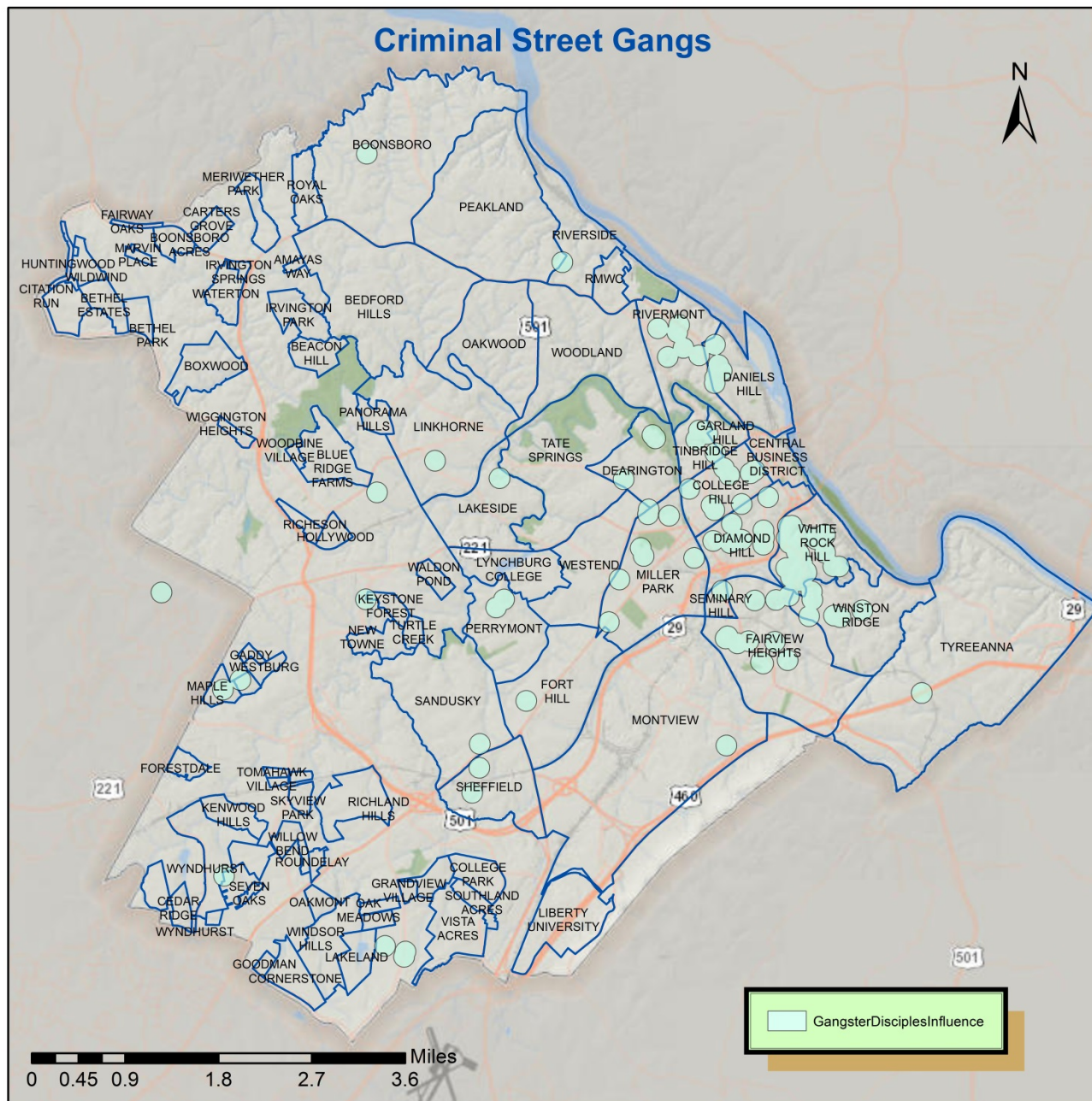






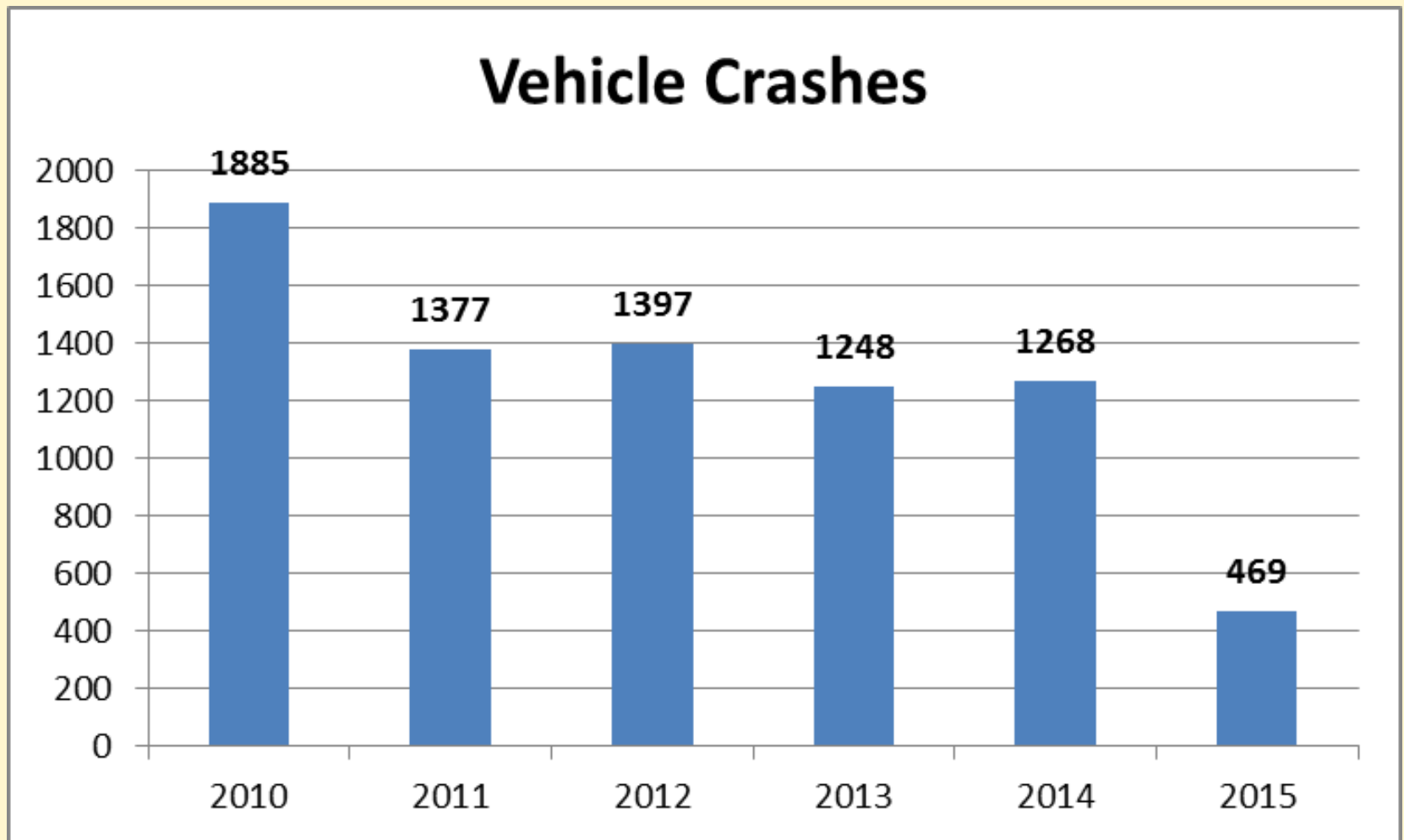


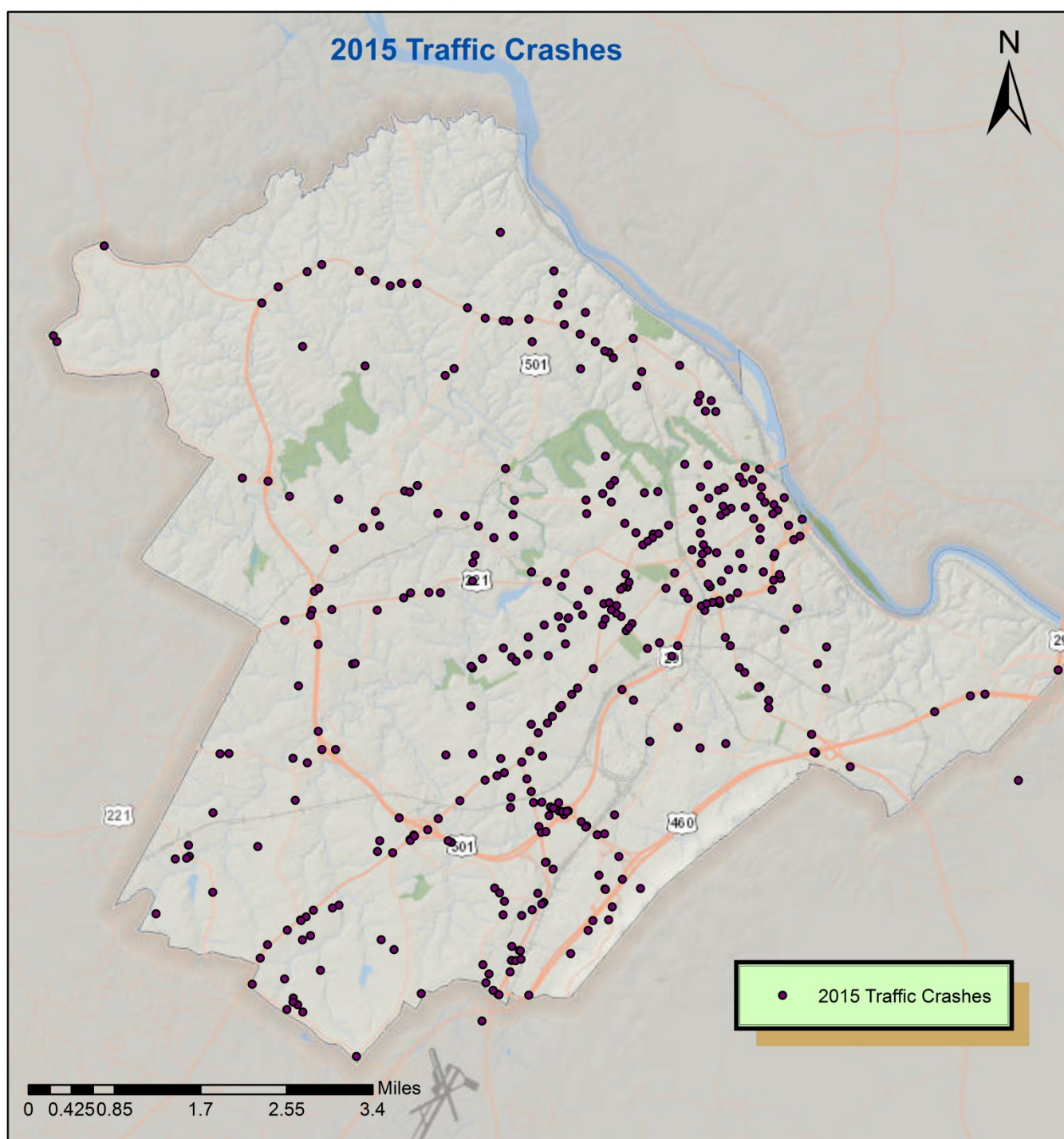






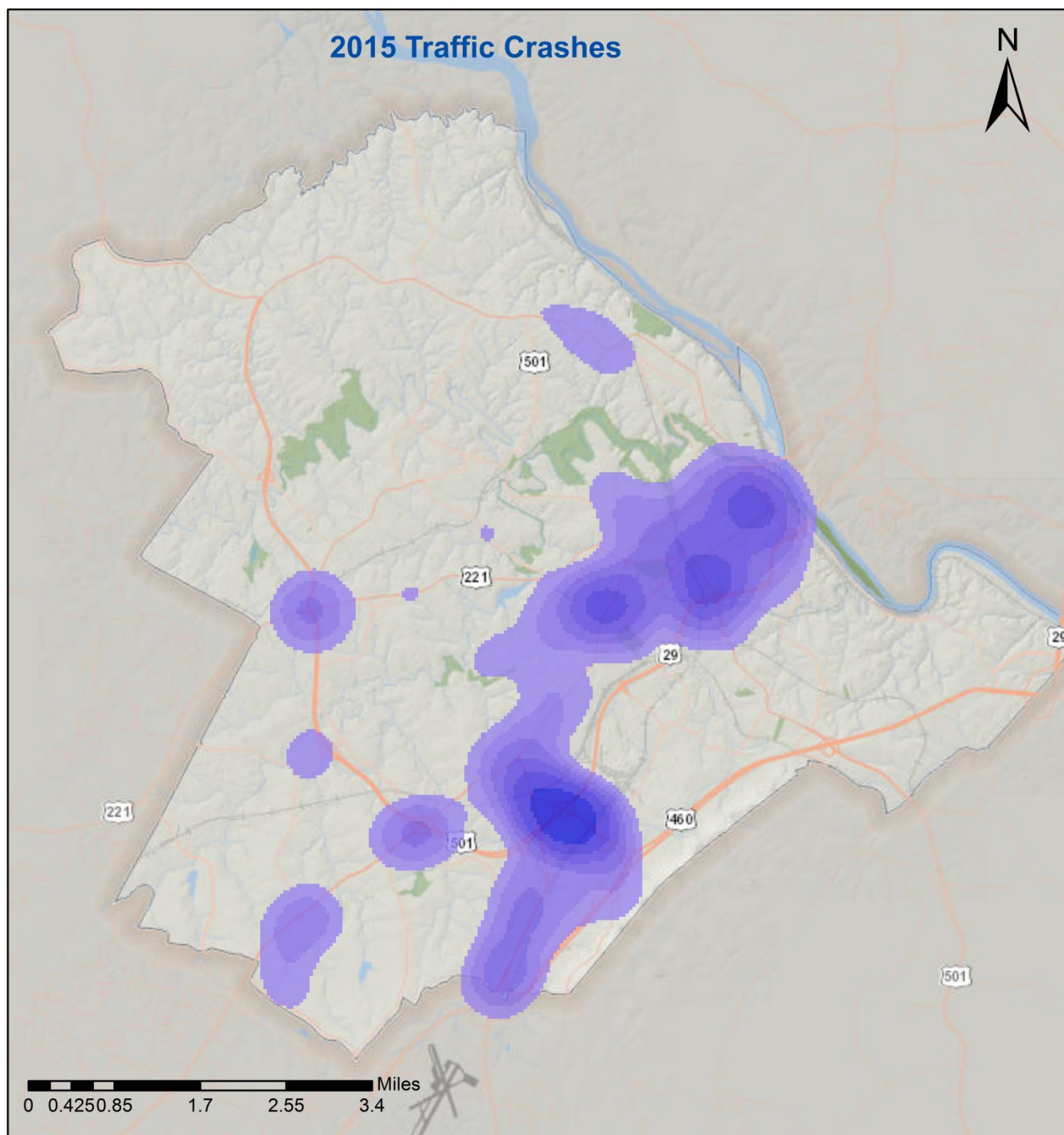
Traffic Crash Data





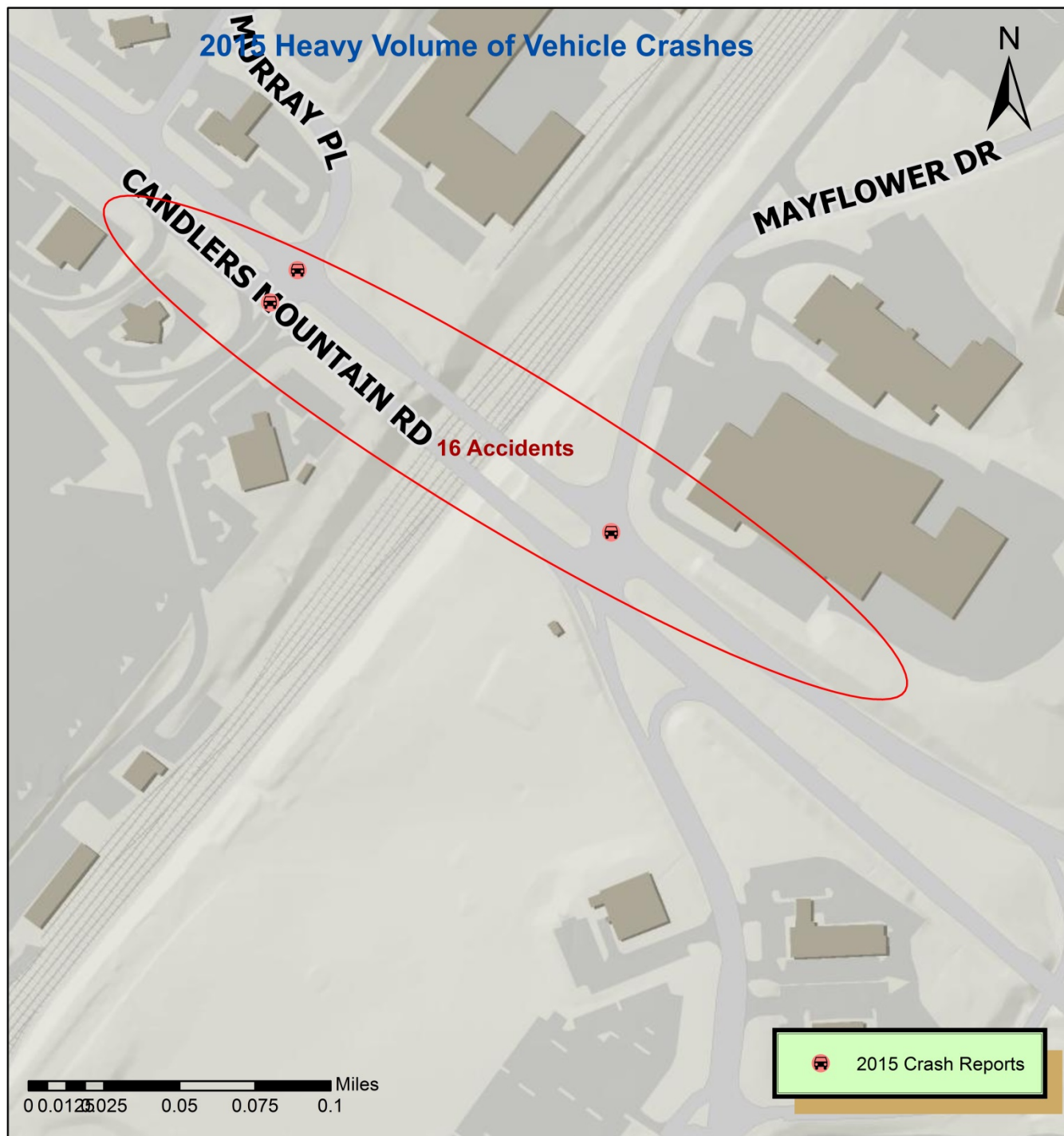


2015 Traffic Crashes



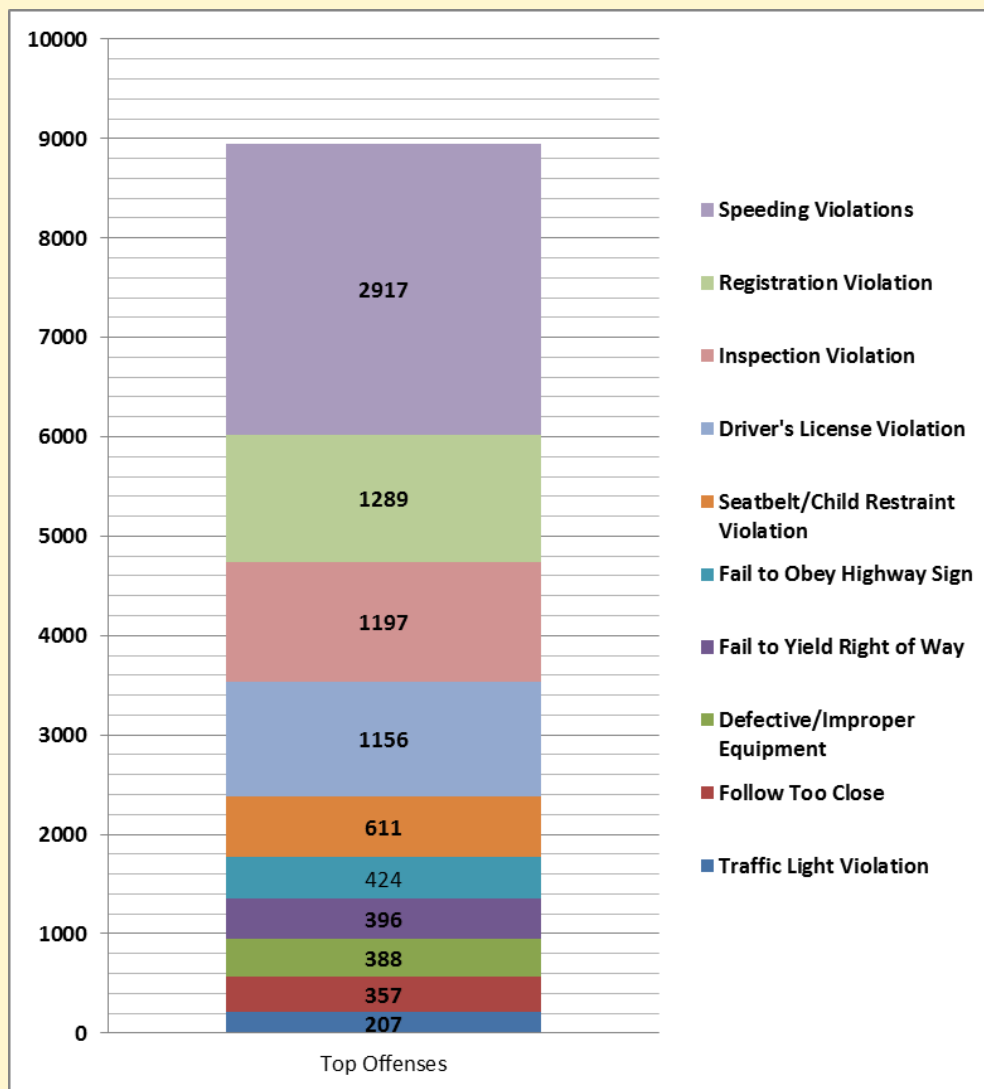


2015 Heavy Volume of Vehicle Crashes





Traffic Enforcement



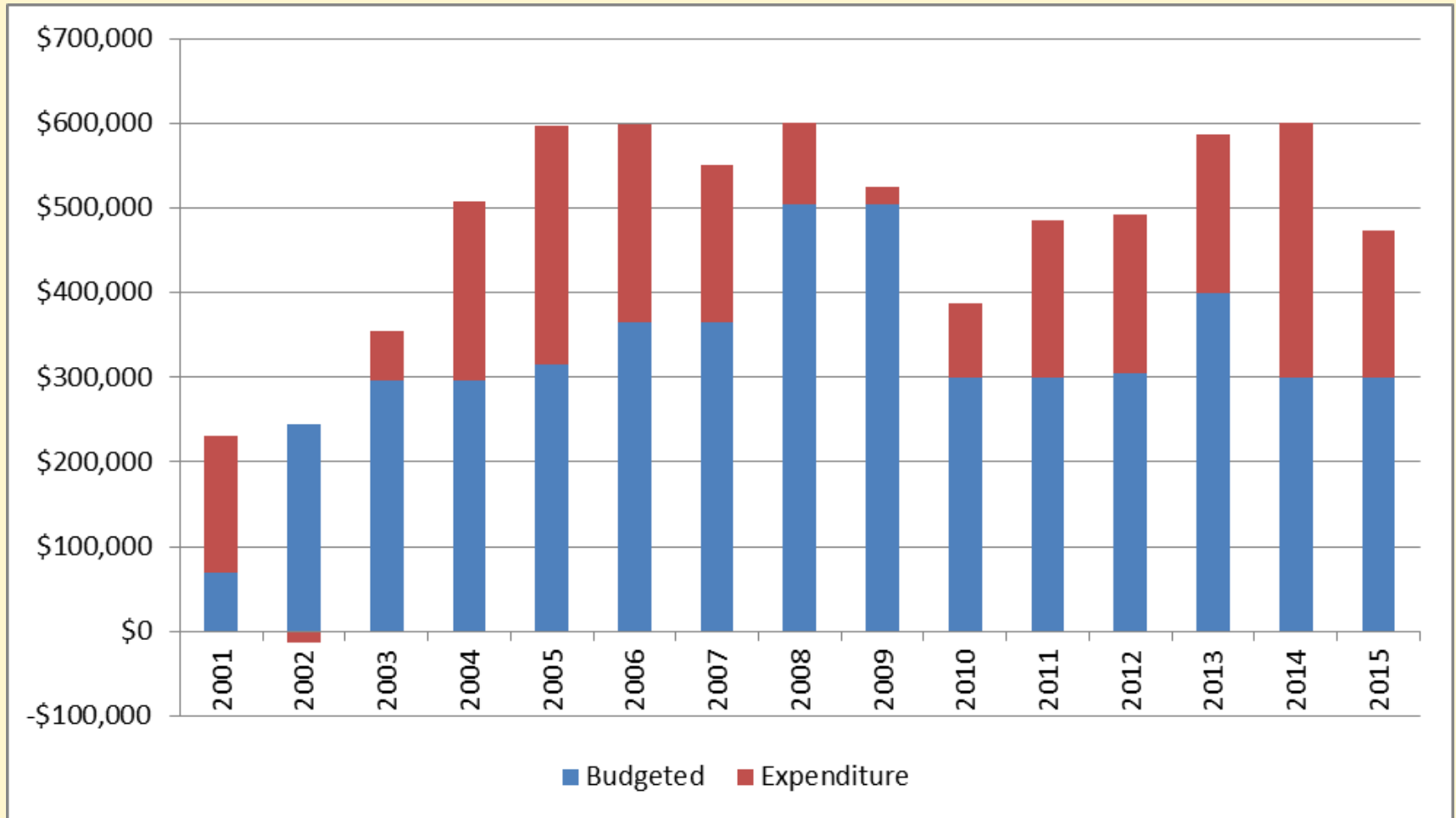


Speeding Enforcement Breakdown

Workzone Violation	55
10 to 14 Over - School Zone	2
15 to 19 Over - School Zone	278
20 and Over - School Zone	134
10 to 14 Over	82
15 to 19 Over	1360
20 and Over	380
Reckless Driving by Speeding	70
10 to 14 Over - 55 Zone	20
15 to 19 - 55 Zone	486
Other Speeding Violations	50
Total	2917

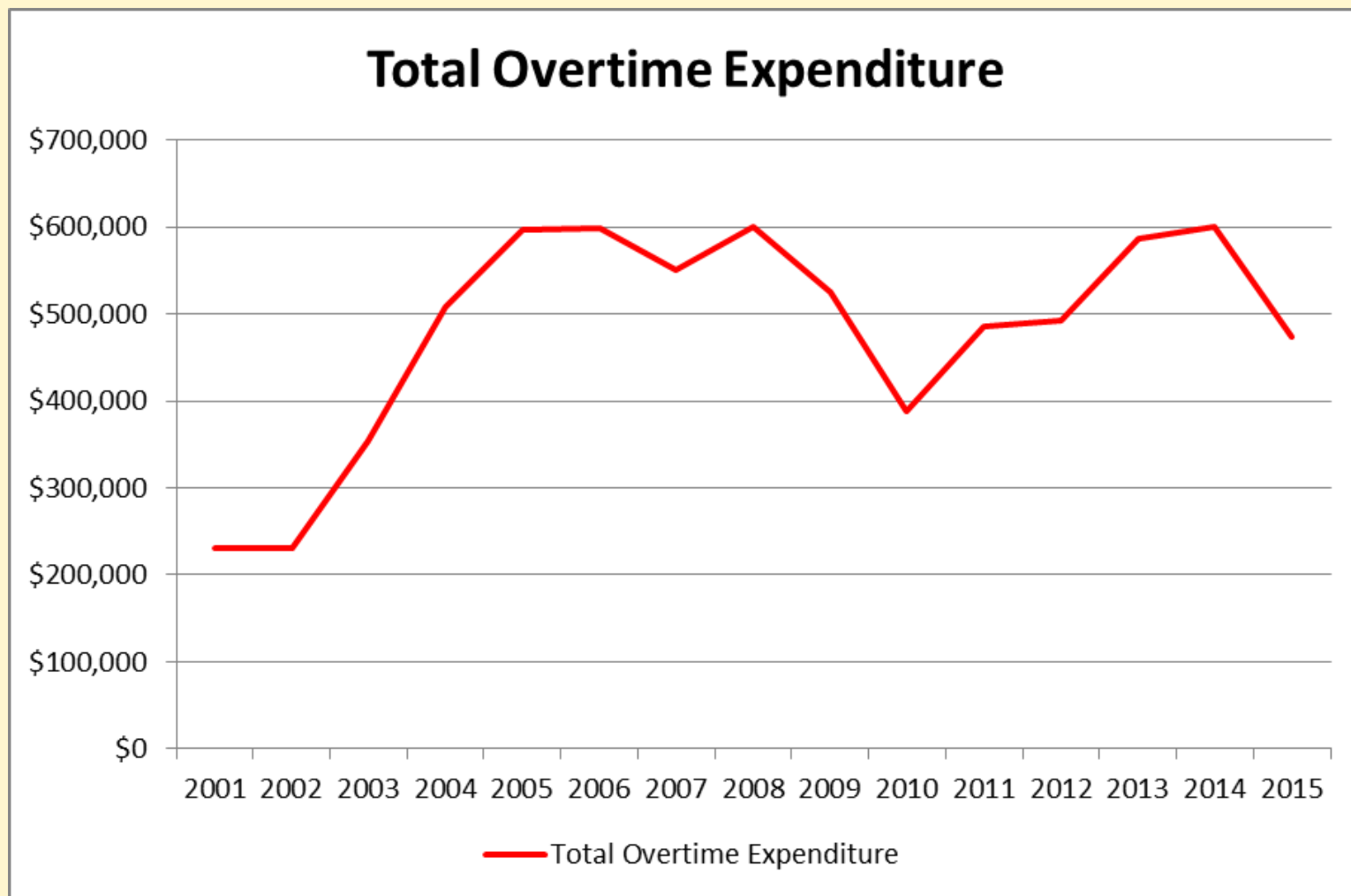


Sworn Staffing/Overtime Use



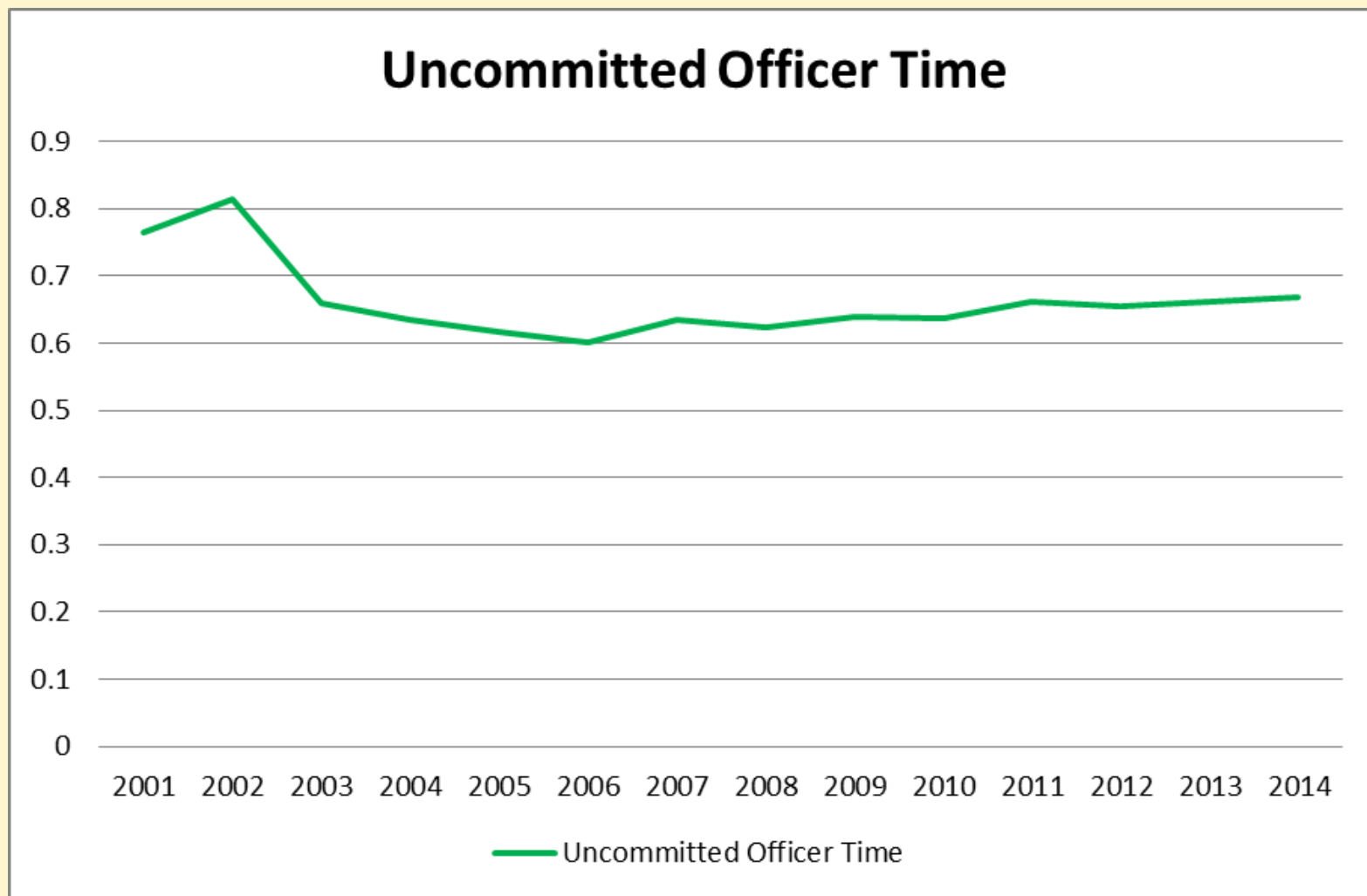


Police Staffing & Overtime



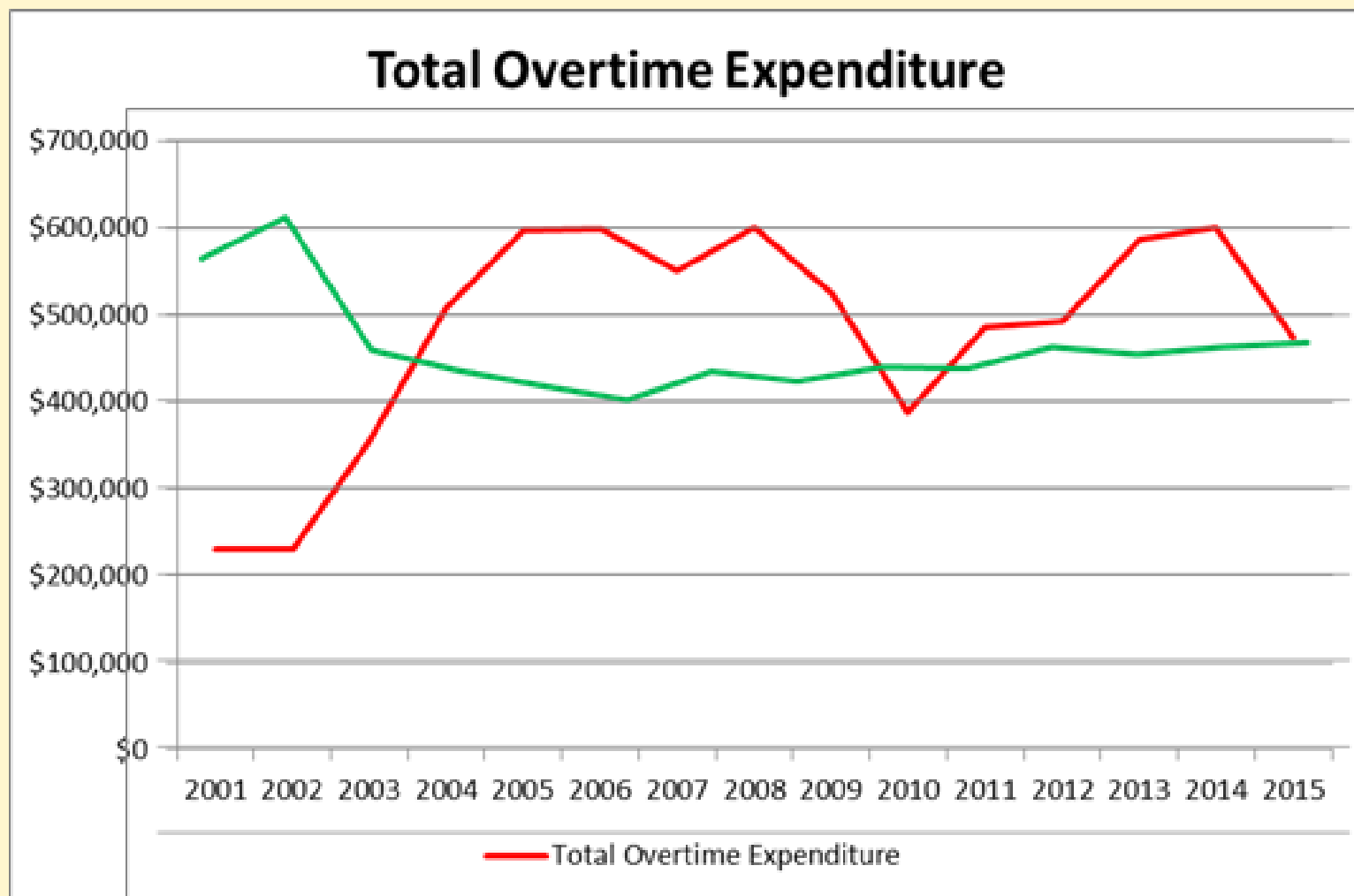


Police Staffing & Overtime



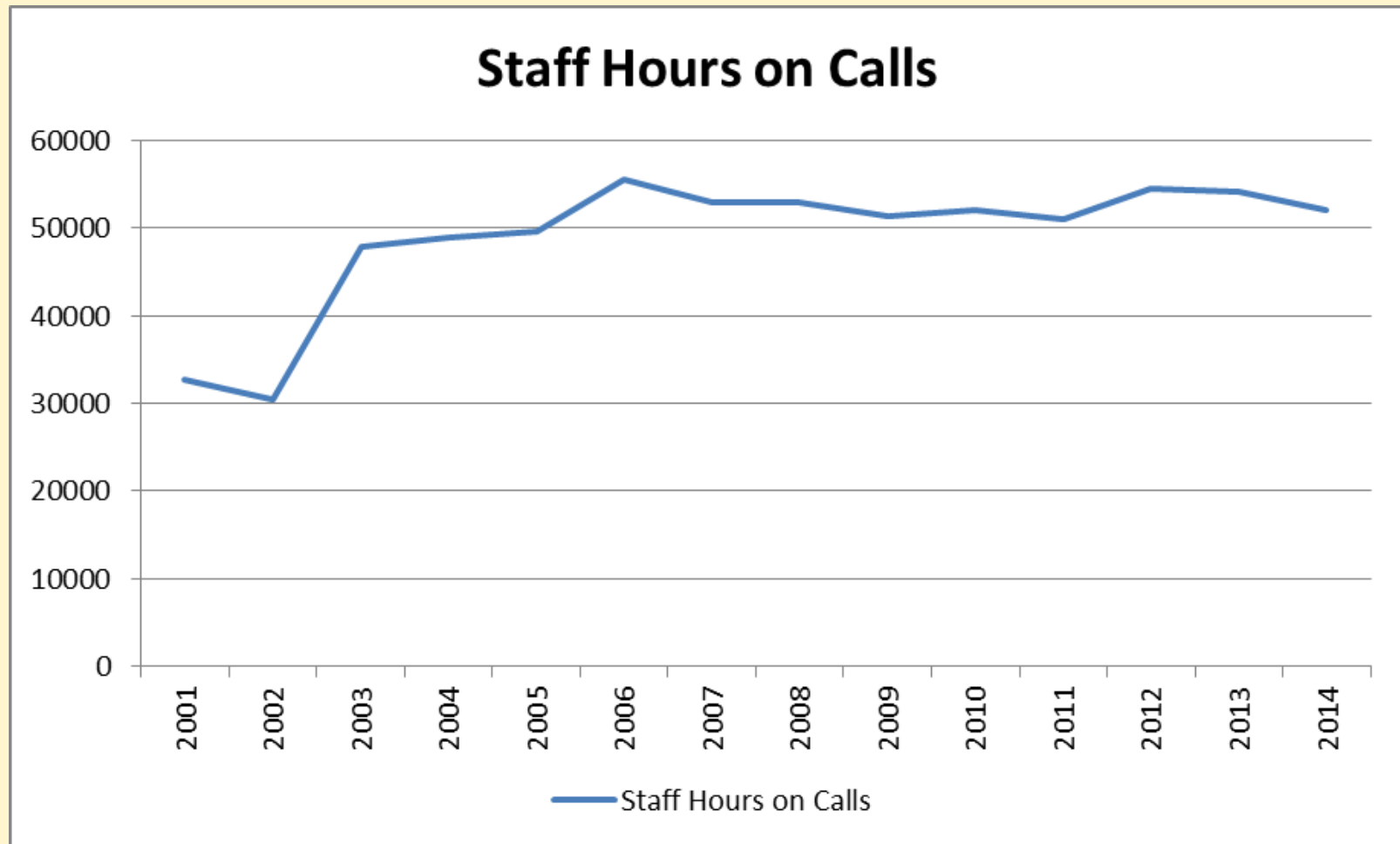


Overlay of Uncommitted Time



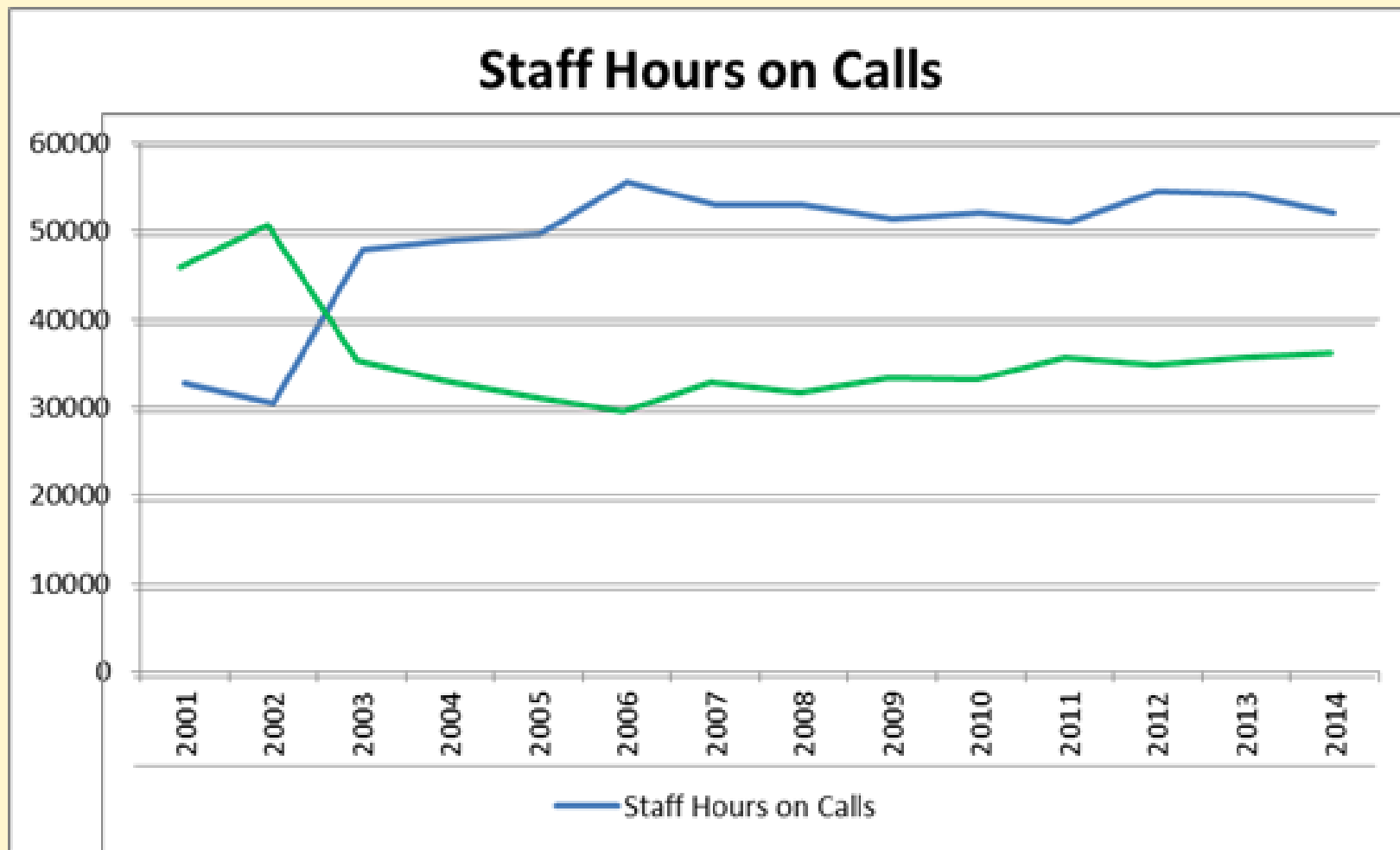


Officer Time Commitments



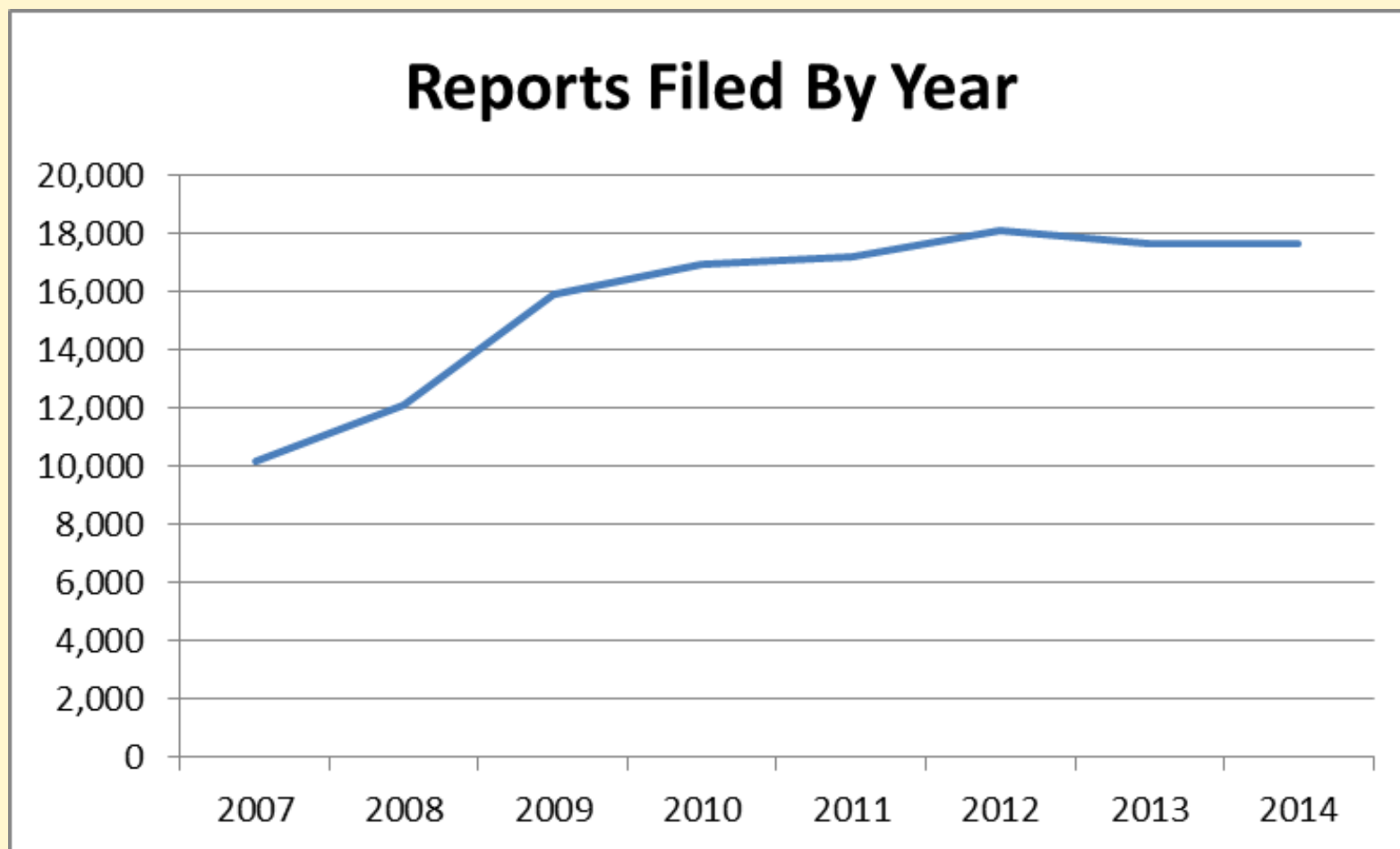


Overlay of Uncommitted Time



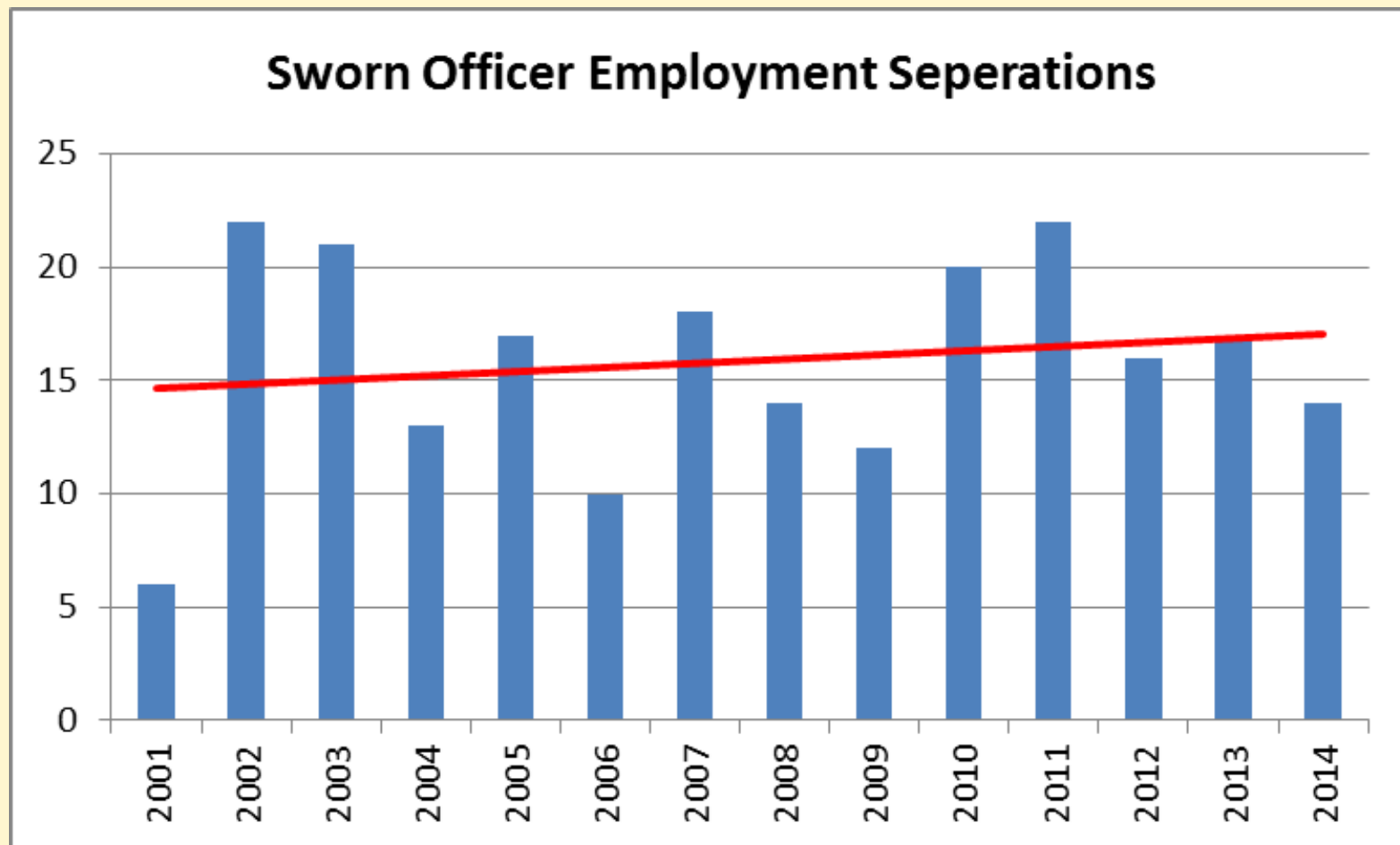


Officer Time Commitments



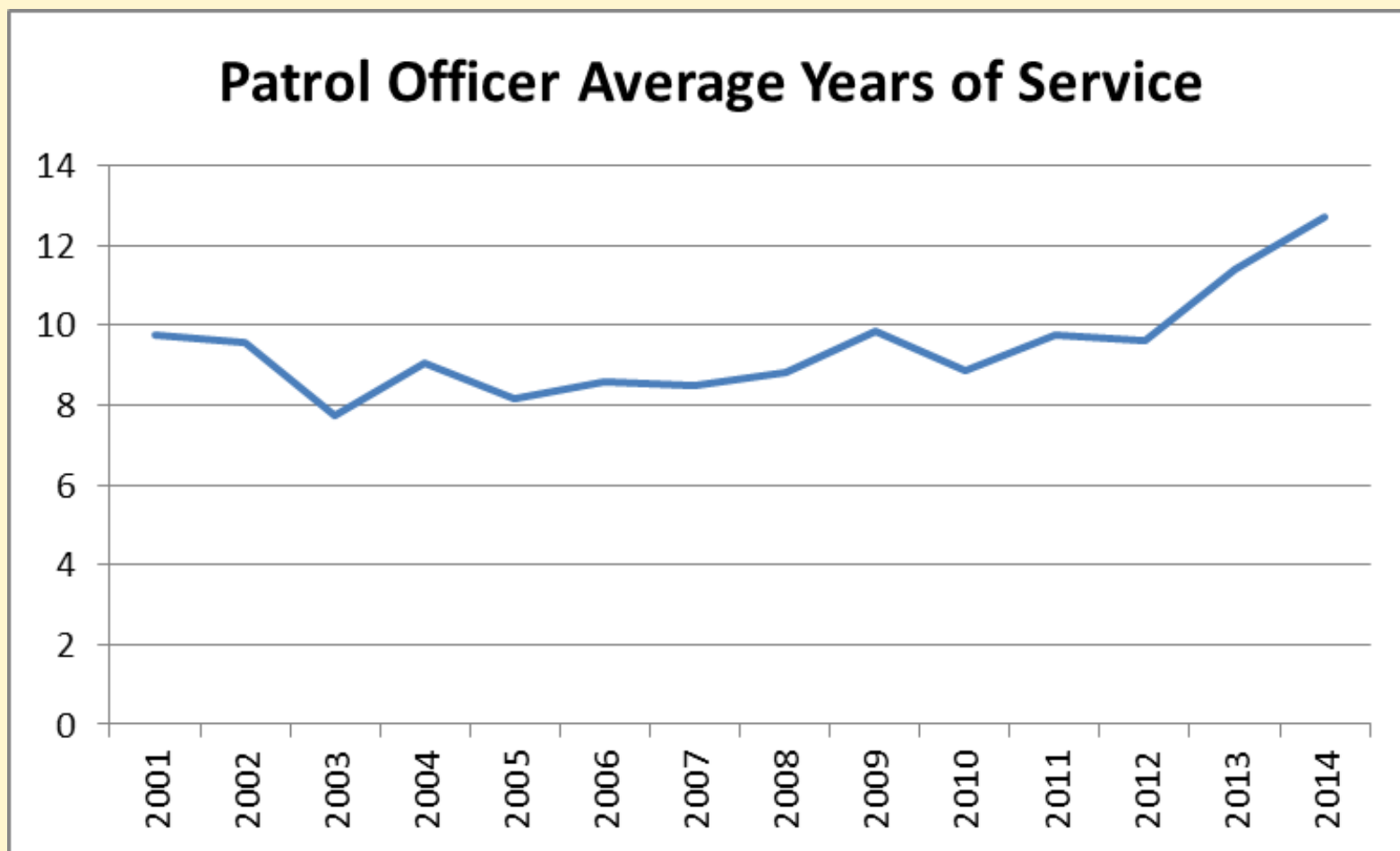


Officer Separation Factor





Officer Experience Factor





Questions?

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Briefing on Changes to the FOIA and COIA**

RECOMMENDATION: No action required.

SUMMARY: City Attorney Walter Erwin will brief Council on changes to the Freedom of Information Act (FOIA) and the Conflict of Interest Act (COIA) adopted by the General Assembly in its recent session and that became effective on July 1, 2015. Attached is a memorandum summarizing the changes that he will discuss.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Memo re Changes to the COIA & FOIA

REVIEWED BY: lkp

068K

Memorandum

To: The Honorable City Council

From: Walter C. Erwin, City Attorney

Date: July 8, 2015

Subject: 2015 Amendments to the COIA and the FOIA

I want to advise Council of several amendments to the Virginia Conflict of Interests Act and the Virginia Freedom of Information Act that were adopted during the 2015 session of the General Assembly.

Conflict of Interests Act

During its 2014 and 2015 sessions the General adopted comprehensive ethics reform legislation. As Council will recall, the 2014 amendments to the Conflict of Interests Act:

- Established a 15 member Virginia Conflict of Interest and Ethics Advisory Council to oversee conflict of interests issues.
- Required public officials to file financial disclosure forms twice a year instead of once a year.
- Reduced the personal interest threshold from \$10,000.00 to \$5,000.00.
- Expanded the definition of immediate family to include any person who resides with a public official who is a dependent of the official.
- Included new provisions regarding the disclosure of gifts to public officials and members of their immediate families.
- Prohibited tangible gifts with a value of more than \$250.00 from a lobbyist, a lobbyist's principal, or a person, business, or organization who is a party to or seeking to become a party to governmental contracts.

During its 2015 Session the General Assembly continued its efforts to implement comprehensive ethics reform, the 2015 amendments to the Conflict of Interests Act:

- Requires the disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50.00.

- Clarifies the definition of a gift to include “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, and includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. “
- Provides that the payment of in-state travel costs for a public official by a locality for travel that is incurred on behalf of the locality is not a gift for purposes of the Conflict of Interests Act and does not have to be listed on a public official’s financial disclosure form if the locality pays the travel costs. However, if the travel costs are paid by someone else, they must be listed on a public official’s financial disclosure form unless the Conflict of Interests Advisory Council approves the trip. Also, out-of state travel costs must be listed on a public official’s financial disclosure form.
- Sets a \$100.00 cap on gifts, that come from a person a public official knows or should know is a lobbyist, a lobbyist’s principal, or a party that has a contract or is looking to get a contract with the locality the public official serves. The \$100.00 dollar cap applies if the gift is to the public official or a member of his or her immediate family.

There are some exceptions to the \$100.00 cap on gifts, the cap does not apply to: (i) the payment of costs to attend widely attended gatherings of 25 or more individuals that are open to the public, who make up a civic or similar organization, or who are in a particular industry, or profession, or share a common interest; (ii) gifts from a personal friend of a public official even if the giver is a lobbyist, lobbyist principal, or has a contract with the locality if the relationship between the public official and the giver can pass a friendship test (i.e. how long as the official know the giver, did the giver personally pay for the gift, did the giver take a tax deduction for the gift, etc.); and (iii) travel costs for a trip that are paid by a third party if the Conflict of Interests Advisory Council approves the trip.

- Provides that if a public official fails to file a semi-annual financial disclosure form by the due dates, an automatic \$250.00 civil penalty is imposed on the official.

The enactment clause for the 2015 legislation provides that the amendments to the Conflict of Interests Act do not take effect until January 1, 2016.

Freedom of Information Act

The 2015 amendments to the Freedom of Information Act are not as substantive as the amendments to the Conflict of Interests Act, the amendments:

- Make it clear that two or more members of a public body may attend functions and gatherings where the purpose of the function and gathering is not the discussion or transaction of public business without violating the open meeting requirement of the

Freedom of Information Act. This is not really a change to the Act, but was an effort to clarify the requirements regarding public officials attending functions and gatherings.

- Expanded the closed meeting exemption to allow public officials to hold a closed meeting for the discussion of plans to protect public safety as it relates to terrorism and the security of governmental facilities including cyber security threats.
- Expanded the current exemption for records to provide that plans and other documents that were prepared to prevent or respond to terrorism and cyber security threats do not have to be disclosed.

I look forward to discussing these amendments with City Council at the July 14 Council meeting, in the meantime, if any of the members of Council have any questions concerning the 2015 amendments to the Conflict of Interests Act and the Freedom of Information Act, please do not hesitate to contact me.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of June, 2015, at 5:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

6

Absent: Foster

1

// Council Member Foster arrived at 5:08 p.m.

// Deputy City Manager Bonnie Svrcek introduced Jennifer Jones, the new Parks and Recreation Director.

Ms. Jones made several remarks and thanked the City for the opportunity to serve as the new director of Parks and Recreation.

// John Ramsey with Parks and Recreation gave a status update on the City Stadium Project. The purpose of the report is a briefing on the design and funding plans for the renovation of the City Football Stadium. Mr. Ramsey stated that Phase I project was completed in 2014, which included the installation of a new asphalt track and drainage improvements. In the fall of 2014, Parks & Recreation elected to seek a Construction Management at Risk contract in order to complete the second phase of the stadium renovation project. This phase is focused on the construction of a new main entrance, concession areas, restrooms, locker rooms, a new scoreboard and PA system, and pedestrian and visitor access improvements, including ADA seating. Mr. Ramsey stated while these changes reduced the projected budget overage significantly, the current project budget is currently still approximately \$825,000 short. He identified three sources to meet the \$800,000 deficit:

- Additional tax-credit monies received for the Miller Center Renovation project: \$125,000
- Funding approved for the Bikeway Bridge to Linkhorne project: \$500,000
- Carry-forward unspent funds from the Parks and Recreation FY 2015 budget: \$200,000

Mr. Ramsey stated that construction for Phase 2 project will begin by early July and is projected to be completed by August 2016.

// Director of Water Resources Tim Mitchell provided an overview on the terms of the Consent Order with the Virginia Department of Environmental Quality. Mr. Mitchell stated that after years of analysis, planning and negotiations, the Department of Water Resources and the Department of Environmental Quality (DEQ) have agreed on the terms of a Consent Order regarding the City's long-term water quality control plan, and more specifically the combined sewer overflow control program and the wastewater treatment plant. Mr. Mitchell went on to say that Council has been briefed previously on the proposed revisions to the long-term water quality plan which includes a more effective approach to addressing combined sewer overflow through modifications to the wastewater treatment plant and other actions to improve overall water quality. Mr. Mitchell further stated that the revised plan will result in better water quality, sooner than anticipated, and at less cost than the original plan. It was the consensus of Council to move forward with the Consent Order with the Virginia Department of Environmental Quality (DEQ).

// Shaun Conway with the GIS Division presented a demonstration on "My City Services".

First he provided background on how the GIS Division is working towards user and workflow web applications to make it easy to use, easy to maintain and serve a broad audience.

Mr. Conway explained the following points regarding "My City Services":

- Map based service catalog.
- Consolidates a wide array of service, facility, and other important information about the City of Lynchburg.
- Only requires a location which can be provided by address, interactive map, or device location.

Some of the key features were explained such as accessibility, service is available 24-7, Mobile and Tablet friendly and is supported in most browsers, and currently contains 8 categories with over 30 service topics that can be accessed from anywhere on the City's website. Further key features are:

- Consolidation of Information
- Uniformity
- Reduces Degree of Separation
- Exposure to City Services
- Scalability
- Cost

In conclusion, Mr. Conway stated that one of the most significant key features of this service is there is no license and maintenance fees.

// During roll call Council Member Nelson thanked Charlie White and Tom Webb for their service on the Lynchburg School Board.

// Council Member Tweedy mentioned a property clean up issue that will be handled by staff.

// Council Member Foster mentioned the wonderful appearance of the City lobby and thanked Communications and Marketing for the change.

// Council Member Perrow wanted to thank Water Resources and Public Works for a fine job that was done on Boonsboro Place.

// Council Member Helgeson had a concern that the City Schools leadership needs to welcome Lynchburg Christian Academy (LCA) to join the growing competition of the Virginia High School Association.

// City Council recessed the meeting at 6:33 p.m.

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

The following Members were present:

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

7

Absent:

0

Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Fire Chief Brad Ferguson stated that the Fire Department received the Gold Mission Lifeline Award presented by the American Heart Association.

// Mayor Gillette announced that Mort Sajadian, President/CEO of Amazement Square, has been declared a 2015 recipient of the National Medal for Museum and Library Service.

// Copies of the minutes of the May 26, 2015 meeting, having been previously furnished Council, reading

was dispensed with, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Fire – General, Resolution #R-15-052 to amend the FY 2015 General Fund budget and appropriate \$17,758 with resources from the Reserve for Fire Equipment Assigned Fund Balance to purchase radio equipment for two replacement Battalion Chief vehicles in the Fire Department, laid over from the May 26, 2015 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of School – Board, a public hearing was held regarding City Council Report #8 to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Gillette read into the record additional names of volunteers who have applied to-date to serve on the School Board: District I – Douglas Thom, III and Bryan E. Tiller; District 2 – Sharon Y. Carter, Jennie M. Dyke, Tami Tice Jacob, Edward Stamps, James W. Tolbert, Jr., and Eugene Tweedy; District 3 – Desmond Mosby. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Gregory J. Belisle, Sharon Y. Carter, Jennie M. Dyke, Tami Tice Jacob, Edward Stamps and James Tolbert. Ms. Bonnie Gentry spoke on behalf of Tami Tice Jacob, who's name was offered as a candidate for the School Board. 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 to close the public hearing, seconded by Council Member Helgeson, Council by the following recorded vote closed the public hearing and after the regular meeting will select candidates in a closed meeting to interview for the School Board:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 9 outlining the petition of Chief Investments, LLC to rezone approximately thirteen and eight hundred fifty-four thousandths (13.854) acres at 2634 Lakeside Drive from B-3, Community Business District to B-5C, General Business District (Conditional) to allow automobile sales, leasing and service. City Planner Tom Martin provided a summary of the request. The Planning Commission recommended approval of the rezoning petition. The representative for the petitioner, Gary Case, with Gary Case & Company asked Council for approval of the rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-15-053, as presented, granting the petition of Chief Investments, LLC to rezone approximately thirteen and eight hundred fifty-four thousandths (13.854) acres at 2634 Lakeside Drive

from B-3, Community Business District to B-5C, General Business District (Conditional) to allow automobile sales, leasing and service:

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

7

Noes:

0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #10 outlining the petition of Lynchburg College for a Conditional Use Permit (CUP) at 307 Stafford Street to allow graduate student housing for up to four (4) students in an R-2, Low-Medium Density, Single-Family Residential District. After Mayor Gillette read the item, Council Member Nelson stated that he represented Lynchburg College when it purchased this property and, therefore, he has a legal conflict of interest that requires him to abstain from discussion and from voting on this item. Rachel Frischeisen, Planner I, gave a summary of the request to grant a CUP. The Planning Commission recommended approval of the CUP. The representative for the petitioner, John C. Lewis with Lynchburg College asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-054, as presented, granting the Conditional Use Permit at 307 Stafford Street to allow graduate student housing for up to four (4) students in an R-2, Low-Medium Density, Single-Family Residential District:

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

6

Noes:

0

Abstention: Nelson

1

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #11 to execute a nonexclusive license agreement with Centurylink for the installation, maintenance, and operation of aerial fiber optic cable in City owned right-of-way along Holcomb Path Road, Richmond Highway and Pleasant Valley Road. City Engineer Lee Newland gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-055, as presented, to execute a nonexclusive license agreement with Centurylink for the installation, maintenance, and operation of aerial fiber optic cable in City owned right-of-way along Holcomb Path Road, Richmond Highway and Pleasant Valley Road:

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

7

Noes:

0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #12 outlining the petition of Rush Lifetime Homes to rezone approximately five and one hundred and sixty-six thousandths (5.166) acres at 2516 Old Forest Road from R-2, Low-Medium Density, Single-Family Residential District, and R-3, Medium Density, Two-Family Residential District, to R-4, Medium-High Density, Multi-Family Residential District to allow construction of twenty-eight affordable and accessible residential units, a sidewalk connection to Old Forest Road, a community room and

associated parking. City Planner Tom Martin gave a summary of the request. The Planning Commission recommended approval of the rezoning petition. The representative for the petitioner, Russ Nixon, with Nixon Land Surveying, LLC asked Council for approval of the rezoning petition. Six individuals spoke in favor of the request. Three individuals spoke in opposition and some of their concerns were traffic, widening Anthony Place, installing a sidewalk and parking. There was no one else present who wished to speak to this item, and the public hearing was closed.

Council Member Nelson stated that this item regarding the Rush Homes project addresses key City housing and service needs, would improve the quality of life for residents of Anthony Place, and improve property values on Anthony Place. But, since he represents property owners on Anthony Place that would directly benefit if this project were approved, legal ethics prevent him from using his office on City Council to benefit those clients, and compel him to abstain from voting on this issue. During Council discussion several Council Members had concerns regarding traffic as well as changing the zoning of an area that is clearly a low to medium density area. Other Council Members were in favor of the request stating it was a good project because the concerns had been addressed such as traffic, parking and emergency vehicle access.

After Council discussion, Council Member Perrow made a motion, seconded by Council Member Helgeson to deny the rezoning petition. This motion failed by the following recorded vote to deny the petition to Rush Homes:

Ayes: Helgeson, Perrow	2
Noes: Foster, Johnson, Tweedy, Gillette	4
Abstention: Nelson	1

Vice Mayor Johnson made a motion to approve the original petition, seconded by Council Member Tweedy. Council Member Perrow asked for a friendly amendment to this motion to ensure the proposed sidewalk is ADA compliant. Vice Mayor Johnson agreed with the friendly amendment, seconded by Council Member Tweedy. Council by the following recorded vote adopted Ordinance #0-15-056, as presented, outlining the petition of Rush Lifetime Homes to rezone approximately five and one hundred and sixty-six thousandths (5.166) acres at 2516 Old Forest Road from R-2, Low-Medium Density, Single-Family Residential District, and R-3, Medium Density, Two-Family Residential District, to R-4, Medium-High Density, Multi-Family Residential District to allow construction of twenty-eight affordable and accessible residential units, a sidewalk connection to Old Forest Road, a community room and associated parking:

Ayes: Foster, Johnson, Tweedy, Gillette	4
Noes: Helgeson, Perrow	2
Abstention: Nelson	1

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council appointed Boards and

June 9, 2015

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Commissions, i.e. to choose which candidates to interview from among those interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

7

Noes:

0

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

// Council Member Helgeson made the following motion:

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

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

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

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

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

7

Noes:

0

// The meeting was adjourned at 11:00 P.M.

Clerk of Council

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June 23, 2015

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 23rd day of June, 2015, at 2:30 p.m. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The purpose of the meeting was to interview candidates interested in serving on the Lynchburg School Board. The following members were present.

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

Absent: Foster 1

Vice Mayor Johnson left the closed session at 3:18 p.m. and returned at 4:20 p.m.

// On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., to interview candidates interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

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

// Council Member Helgeson made the following motion:

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

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

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

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

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

A motion made by Council Member Helgeson seconded by Council Member Nelson to appoint the following persons to serve on the School Board. School District I – Derek Polley; School District II – Sharon Carter; and School District III – Katie Snyder, and Council by the following recorded vote adopted the motion:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

// The meeting was adjourned at 6:40 P.M.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of June, 2015, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Tweedy gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: Foster 1

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #1 regarding the 2015-2020 Consolidated Plan and FY 2016 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program and adopt a Resolution approving these Plans. Grants Manager Melva Walker provided a summary of the 2015-2020 Consolidated Plan and FY 2016 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-15-057, as presented, approving the 2015-2020 Consolidated Plan and FY 2016 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

// Megan Lucas, Executive Director of the Region 2000 Business and Economic Development Alliance gave a presentation. Ms. Lucas provided information on the recent activities of the organization and shared discussions with the Lynchburg Regional Chamber of Commerce. Ms. Lucas went on to say that the purpose of the discussions with the Chamber is to promote collaboration and coordination of regional economic development initiatives.

// Director of Tourism, Sergei Troubetzkoy presented the Tourism Annual Report. Mr. Troubetzkoy stated that tourism in the City of Lynchburg (COL) remains strong with exciting new projects and programs on the horizon that will strengthen the City's position as a leading destination for visitors and meetings/conferences in 2015 and beyond.

// Director of Water Resources Tim Mitchell provided a briefing on the Water Purchase Agreement between the City of Lynchburg and the Bedford Regional Water Authority (BRWA). Mr. Mitchell explained that a few goals of the contract were to preserve revenue and keep rates as low as possible. Mr. Mitchell further explained that BRWA is planning on constructing a water treatment plant at Smith Mountain Lake and water lines to the Town of Bedford and the Forest area. Once complete the BRWA will have the ability to provide water to most of the Forest service area and do so more economically than continuing to purchase water from the City of Lynchburg. Mr. Mitchell further stated that the Water Purchase Agreement is the result of several years of discussion and negotiation with the BRWA. The agreement strikes a balance between the BRWA's desire to deliver water to its customers at the lowest possible cost and the City's desire to preserve water system revenues to the greatest extent possible. It will also allow

for future cooperation and coordination between the BRWA and the Department of Water Resources to ensure the uninterrupted delivery of water to their respective customers through the interconnected systems. Mr. Mitchell further explained that the Water Fund will receive approximately \$600,000 less revenue in FY 2017 and \$850,000 less revenue every year thereafter. However, if BRWA were to supply water to all of the Forest service area the annual revenue reduction would be approximately \$1,500,000. Members of Council agreed that this contract was the best option for the City. On motion of Vice Mayor Johnson seconded by Council Member Nelson to approve the Water Purchase Agreement with Bedford Regional Water Authority and the City, Council by the following recorded vote agreed to execute the Water Purchase Agreement with the Bedford Regional Water Authority:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

// In the matter of Police – General, City Council Report #5 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC, which recommended approval. The motion did not require a second. Council by the following recorded vote adopted Resolution #R-15-058, as presented, authorizing an application for the 2015 Edward Byrne Memorial Justice Assistance Grant in the amount of \$36,964 to purchase law enforcement software, flashlights and holsters, targets, desktop computer and a laptop computer:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

// In the matter of Fire – General, City Council Report #6 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC, which recommended approval. The motion did not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-059. as presented, amending the FY 2015 City Capital Projects Fund budget and appropriating \$58,046 to fully fund the renovation of Fire Station #6 (Miller Park Station):

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

// In the matter of Parking, City Council Report #7 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC, which recommended approval. The motion did not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-15-060, as presented, to amend the FY 2015 General Fund budget and appropriate \$168,000 with resources of \$56,000 from the Assigned Fund Balance Reserve for Parking and \$112,000 from additional Parking revenue to purchase a new software system and align

expenditures based on a new accounting process:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

// In the matter of Economic Development, City Council Report #8 was considered. Director of Economic Development Marjette Upshur gave a summary of the request to appropriate \$250,000 from the Governor's Agriculture and Forestry Industries Development Grant to assist with the establishment of Seven Hills Food, LLC. Upon inquiry from Mayor Gillette, City Attorney Walter Erwin stated that Council may suspend provisions of its Rules of Procedures calling for at least a three day waiting period or two readings before appropriating money exceeding the sum of one thousand dollars (\$1,000.00). Mayor Gillette called for a vote to suspend a three day waiting period on this item so the funds would be available within the 30-day guidelines as dictated by the grant. A motion was made by Council Member Nelson, seconded by Vice Mayor Johnson to suspend the three day waiting period. Council by the following vote approved suspending the three day waiting period:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC, which recommended approval. The motion did not require a second. Council by the following recorded vote adopted Resolution #R-15-061, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$250,000 with resources from the Governor's Agriculture and Forestry Industries Development Grant to assist with the establishment of Seven Hills Food, LLC:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

// On motion of Council Member Helgeson, 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., Equalization Board, Youth Services Citizens Board, City Employees Appeal Board, Central Virginia Community College Board, Zoning Appeals Board, School Board, Dr. Martin Luther King, Jr. / Lynchburg Community Council, Economic Development Authority Board, Museum Advisory Board, Historic Preservation Commission and for discussion and consideration of Council Member Ceasor T. Johnson's performance in regard to his compliance with the City's policy governing the use of city issued devices, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

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

// Council Member Helgeson made the following motion:

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

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

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

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

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Desmond R. Mosby to serve on the Youth Services Citizens Board for a term to expire June 30, 2018:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote reappointed Dianne M. Mills to serve on the City Employee Appeal Board for a term to expire June 30, 2018:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote reappointed Lloyd Tannenbaum to serve on the Central Virginia Community College Board for a term to expire June 30, 2019:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette	6
Noes:	0
Absent: Foster	1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Franklin Swann to serve on the Central Virginia Community College

June 23, 2015

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Board for a term to expire June 30, 2019:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Jennie M. Dyke, Betty Jean Payne and Gloria Preston to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for terms to expire June 30, 2018:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed John M. Stone to serve on the Economic Development Authority Board for a term to expire June 30, 2019:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Garrett T. Ford, H. Victor Millner, Jr., and Joseph M. Seiffert to serve on the Museum Advisory Board for terms to expire June 30, 2018:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote reappointed Richard C. Morris to serve on the Historic Preservation Commission for a term to expire June 30, 2018:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote appointed Lauren Dianich and James M. Peery, III to serve on the Historic Preservation Commission for terms to expire June 30, 2018:

Ayes: Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 6

Noes: 0

Absent: Foster 1

// The meeting was adjourned at 9:15 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Centra Health Outpatient Clinic – 1331 Oak Lane**

RECOMMENDATION: Approval of the conditional use permit (CUP) petition.

SUMMARY: Centra Health is petitioning to allow the use of the existing structure at 1331 Oak Lane as a hospital related outpatient clinic for autism therapy. The petition is consistent with the *Zoning Ordinance* which allows hospitals and their related uses in residential districts upon approval of a CUP by Council. The proposed use is consistent with the *Comprehensive Plan* which recommends an Institutional use for the property. Exterior modifications to the property would be minimal, including items such as paint, signage and the addition of American with Disabilities (ADA) features.

PRIOR ACTION(S):

June 10, 2015: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval of the CUP petition (4-0-1-1, with one absent, Mays; one abstention, Perault and one vacancy)

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution
- Planning Commission Report and Minutes – June 10, 2015
- Zoning Map
- FLUM Map
- Watershed Map
- Planimetric and Topographic Map
- Site Plan
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR CENTRA HEALTH TO ALLOW THE USE OF THE EXISTING STRUCTURE AT 1331 OAK LANE AS A HOSPITAL RELATED OUTPATIENT CLINIC.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition by Centra Health for a conditional use permit at 1331 Oak Lane to allow the use of the existing structure as a hospital related outpatient clinic is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan entitled Centra Bridges Autism Clinic dated May 5, 2015.
2. All exterior lighting shall be controlled so that no direct illumination will occur beyond the property line.
3. The property shall be brought into compliance with the Landscaping Ordinance.

Adopted:

Certified: _____
Clerk of Council

064K

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: June 10, 2015

Re: **Conditional Use Permit (CUP): Centra Health Outpatient Clinic – 1331 Oak Lane**

I. PETITIONER

Centra Health, Inc., 1920 Atherholt Road, Lynchburg, VA 24501

Representative: Mark Ayles, Hughes Associates Architects & Engineers, 656 Elm Avenue, Roanoke, VA, 24016

II. LOCATION

The subject property is a tract of one and ninety-four hundredths (1.94) acres located at 1331 Oak Lane.

Property Owner:

Centra Health, Inc., 1920 Atherholt Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow the use of an existing structure as a hospital related outpatient clinic for autism therapy.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends an Institutional use for the subject property.
- The petition agrees with the Zoning Ordinance in that hospitals and their related uses are permitted in R-2, Low-Medium Density Residential Districts upon approval of a Conditional Use Permit by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg Comprehensive Plan 2013-2030 recommends an Institutional use for the property. “The City’s institutions include the religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions”. (p. 76)
2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low-Medium Density Single-Family Residential District was established in 1978 with the adoption of the Zoning Ordinance. The petition would not change the underlying zoning.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On December 11, 1979, Council approved the CUP petition of Virginia Baptist Hospital to allow an expansion of the existing Hospital at 3300 Rivermont Avenue.
 - On August 13, 1985, Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a “Helistop” at 3300 Rivermont Avenue.

- On November 11, 1986, Council approved the CUP petition of First Christian Church to allow the construction of building additions for classrooms and offices at 3109 Rivermont Avenue.
 - On April 14, 1987, Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a parking lot expansion on Vassar Street.
 - On November 11, 1988, Council approved the CUP petition of Virginia Baptist Hospital to allow a child care facility at 1343 Oak Lane.
 - On February 12, 1989, Council approved the CUP petition of Virginia Baptist Hospital for a master plan at 3300 Rivermont Avenue.
 - On December 12, 1989, Council approved the CUP petition of Oakwood Country Club to allow the construction of a pool house and parking area at 3409 Rivermont Avenue.
 - On April 10, 1990, Council approved the CUP petition of Virginia Baptist Hospital to allow a parking lot expansion on Vassar Street.
 - On February 9, 1993, Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a parking deck on Vassar Street.
 - On September 14, 1993, Council approved the CUP petition of Hold Trinity Lutheran Church to allow the construction of a columbarium at 1000 Langhorne Road.
 - On August 9, 1994, Council approved the CUP petition of Oakwood Country Club to allow the construction of an indoor tennis facility at 3409 Rivermont Avenue.
 - On July 8, 1997, Council approved the CUP petition of Virginia Baptist Hospital to allow the construction of a building addition and access improvements at 3300 Rivermont Avenue.
 - On April 13, 1999, Council approved the CUP petition of Oakwood Country Club to allow the construction of an indoor tennis facility at 3409 Rivermont Avenue.
 - On February 8, 2005, Council approved the CUP petition of the Williams Home to allow the construction of a building addition at 1201 Langhorne Road.
 - On April 10, 2012, Council approved the petition of Oaklink, LLC, to rezone 207 Preserve Drive from R-2, Low-Medium Density, Single-Family Residential District to R-3C, Medium Density, Two-Family Residential District (Conditional) to allow the construction of seventy-eight (78) single-family detached and semi-detached homes.
5. **Site Description.** The subject property includes a one story, three thousand sixty (3,060) square foot structure which was constructed in 1984. The property also contains forty-six (46) parking spaces. The property was most recently used as a day care facility.
6. **Proposed Use of Property.** The purpose of the CUP petition is to allow the use of the existing structure as an outpatient clinic related to the existing hospital. The clinic will provide diagnostic testing and treatment for people with autism.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the CUP petition.

The property is served by Greater Lynchburg Transit Company (GLTC) Route 3B, which is located on Rivermont Avenue.

Section 35.1-25 of the City's Zoning Ordinance would require a total of thirty-eight (38) parking spaces for the use as proposed. A total of forty-six (46) spaces are existing on site.

8. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan will not be required.
9. **Emergency Services.** The City's Fire Marshal & Police Department had no concerns regarding the CUP.
10. **Impact.** The proposed conversion of the existing structure to an outpatient clinic associated with the hospital should have little to no impact on the surrounding neighborhood. Exterior improvements are proposed to include: paint; new sign, removal of toys and debris in fenced area, and the addition of a curb ramp in the driveway to meet American with Disabilities (ADA) guidelines.

As a condition of approval, the Planning Division recommends the site be brought into compliance with current landscaping standards. This would include planting additional trees within the parking area, foundation plantings and parking area screening.

The petitioner conducted a neighborhood meeting on Wednesday, June 3.

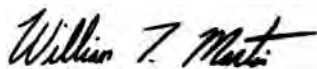
11. **Technical Review Committee.** The TRC reviewed the concept plan on May 19, 2015. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Centra Health for a Conditional Use Permit at 1331 Oak Lane to allow the use of an existing structure as an outpatient clinic associated with the existing hospital subject to the following conditions:

1. **The property will be developed in substantial compliance with the site plan entitled Centra Bridges Autism Clinic dated May 5, 2015.**
2. **All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.**
3. **The property will be brought into compliance with the Landscaping Ordinance.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Mark Ayles, Representative
Mr. Bob Clopper, Petitioner

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Site Plan**
- 6. Narrative**
- 7. Property Photograph**

MINUTES OF THE JUNE 10, 2015 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND MEETING JUNE):

a. Petition of Centra Health Incorporated for a conditional use permit (CUP) at 1331 Oak Lane to allow an outpatient clinic for autism therapy associated with Virginia Baptist Hospital in an R-2, Low-Medium Density, Single-Family Residential District.

Commissioner Perault indicated that his wife is employed by Centra Health and he would be abstaining from the discussion and vote on this petition. Mr. Martin explained to the commission that this property has been used in the past for uses related to the hospital. Most recently, it has been used as a day care center but has been vacant for a period of time. The previous CUP granted for this address did not indicate that it could be used for an office.

Hospitals and their uses are permitted by right in residential districts upon approval of a CUP. This property is zoned R-2 but is indicated for an Institutional use on the *Future Land Use Map*. There will be no stormwater management requirements for the site as the impervious area will not be changed. There will be minimal changes to the property from its present appearance. The Technical Review Committee did not have any comments of concern related to the petition. The Planning Division recommends approval of the petition with the conditions outlined in the report.

Mr. Mark Ayles of Hughes Associates Architects and Engineers was present to represent the petitioner. They have been employed by Centra to handle the interior renovations and minor exterior renovations for this property. Mr. Ayles said that the owner is not opposed to doing additional landscaping but would like to retain the six mature trees that are on the property. Mr. Ayles indicated that the site already has a significant number of attractive foundation plantings. Each island is already capped with trees as well. They would like to work with the Planning Division as the plan progresses on what additional landscaping needs to be planted, as well as preserving the existing mature trees as opposed to a berm.

Mr. Charles Felmlee was present to speak in favor of the petition. He owns 1501 Fairway Place, the property adjacent to 1331 Oak Lane. He presented a letter of support for the petition. He thinks this is an excellent choice of use for the property. However, he would not support or endorse any substantive change in reprogramming of this facility. For example, this proposal is to use the facility for persons with a developmental disability. However, should economic necessities require the reprogramming of the facility to a different use such as behavioral health operation, he would request that Centra Health be required to come back to the Planning Commission and at least have it reviewed before that took place.

Chair Swienton asked if there was anyone else to speak in favor of the petition. No one came forward. He asked if there was anyone to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Marion asked for clarification from Mr. Martin on the issue of the mature trees. Mr. Martin said he was not sure how Mr. Ayles understands that there is a berm requirement. That is one way to satisfy the parking area screening. That is not what City staff would recommend. They would recommend the planting of three-foot shrubs along the edge of the parking lot. The existing trees would remain to satisfy the street tree requirement. Then there would be very minimal requirements for additional foundation plantings. Mr. Ayles said that he was just trying to clarify that they are willing to work with the City on the landscaping requirements in a way that would preserve the mature trees. Mr. Martin clarified that the landscaping ordinance allows you to count mature trees and the Planning Division would not encourage the removal of the trees.

Commissioner Light thought that the paperwork for this petition indicates that the use will be for autism therapy and that Centra Health would need to come back for a change in use. He asked

Mr. Martin for clarification of that interpretation. Mr. Martin remarked that the site plan indicates that it will be used as a business use for an outpatient clinic. As far as it being used as an inpatient clinic, he does not think the CUP would allow for that use. However, the *Future Land Use Map* does recommend an Institutional use for the property. City staff would not want Centra to have to come back each time they wanted to change the use of the outpatient clinic. The report was written to give them a little bit of leeway in order to use it for what use they deemed appropriate. Mr. Martin does not know how appropriate it would be to just prohibit one use. That is something that the Planning Commission could definitely discuss.

Commissioner Light clarified that it could certainly not be changed from an outpatient clinic to an inpatient clinic without another CUP. Mr. Martin said that is correct. Chair Swienton asked Mr. Felmlee to clarify his concerns regarding any possible change to the proposed use. Mr. Felmlee indicated that he did not think it could be easily changed to an inpatient facility without a great deal of renovations. Mr. Felmlee indicated that the proposed use for a developmental disability seems a natural flow from its prior use as a day care facility. His concern is that within the scope of behavioral health, there are a lot of different things. There are a lot of things within adult behavioral health that would not rankle the neighborhood. However, other things have been touched on that might cause some concern. He also pointed out that Virginia Baptist Hospital is transitioning to a long-term facility. Since there is some uncertainty generally in the health care industry, he wanted to bring his concerns forward for consideration. If it changed to a substance abuse outpatient facility, everybody would have a lot of concern and would like Centra Health to have to come back for a review of any proposed change in use.

Chair Swienton commented that although the use being indicated is for an autism clinic, the recommendation in the report is "to allow the use of an existing structure as an outpatient clinic associated with the existing hospital." Chair Swienton pointed out that the site plan says "Centra Bridges Autism Clinic." Mr. Martin indicated that if it is the intent of the Planning Commission to limit it to autism therapy that they should do so specifically. Mr. Martin would be hard pressed to limit its use to just an autism clinic. If Centra came to him and said they wanted to change it to an outpatient clinic for cardiology treatment, for example, it would difficult for him to say no and that it can only be used for autism therapy nor does Mr. Martin think that we would want to do that. Commissioner Light said that with all due respect to the concern raised by Mr. Felmlee, Commissioner Light's big red line would be the protection against it becoming an inpatient clinic. You always want the security of certainty as to what can happen to a building in your neighborhood, but to him the big concern is whether or not it can be changed to an inpatient facility. That to him is the surest guard. If he were living in the neighborhood and heard the use were changing to the treatment of substance abuse, he might not be too happy about it but the Rubicon has been crossed. The big security issue is that it cannot be used as an inpatient facility.

Chair Swienton indicated that if this was worded at the outset that it was being used for an outpatient clinic and they did not know the end use, would they be supportive of it. He thinks that is one way they could look at it and personally he would be supportive of it. Sometimes this process requires very tight rigid language and there are other times that require a common sense trust approach. He would like to think that if it were ever used for an outpatient clinic that would potentially put any surrounding neighbors at risk that Centra would certainly have protocols in place to handle it. That would be the right thing to do, as well as there would be legal liability issues for Centra to consider. One of those would certainly drive safety protocols should it ever be required.

Commissioner Marion commented that right on the other side of the hospital is the psychiatric wing. She does not think that there has been much of a problem with it. She pointed out that there are a lot of neighbors within a block of the hospital that could be concerned with the psychiatric ward and she does not think that it has been a concern. She thinks that Centra will do the right thing with this property as well in terms of whatever they use it for in the future.

Commissioner Marion made the following motion:

“That the Planning Commission recommends to City Council approval of the petition of Centra Health for a Conditional Use Permit at 1331 Oak Lane to allow the use of an existing structure as an outpatient clinic associated with the existing hospital subject to the following conditions:

- 1. The property will be developed in substantial compliance with the site plan entitled Centra Bridges Autism Clinic dated May 5, 2015.**
- 2. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.**
- 3. The property will be brought into compliance with the Landscaping Ordinance.”**

Commissioner Lowe asked for clarification that they are looking at this as a general outpatient clinic and not just for one specific type of treatment. Chair Swienton explained that they could attach a condition if it feels that it is necessary. If anyone would like a motion to do so, they are free to do so. Commissioner Lowe said that he does not see a need to make a clarification or tie an organization like Centra to say that it can only be used for one type of outpatient treatment and seconded the motion.

Chair Swienton explained to Mr. Felmlee that if this passes as is and if the neighbors feel strongly that there are certain uses that should be restrictive, City Council can still place those restrictions on this CUP. There is still a process and mechanism for them to express their concerns at the City Council public hearing. Chair Swienton explained that the Planning Commission is mainly a land use decision body.

The motion passed by the following vote:

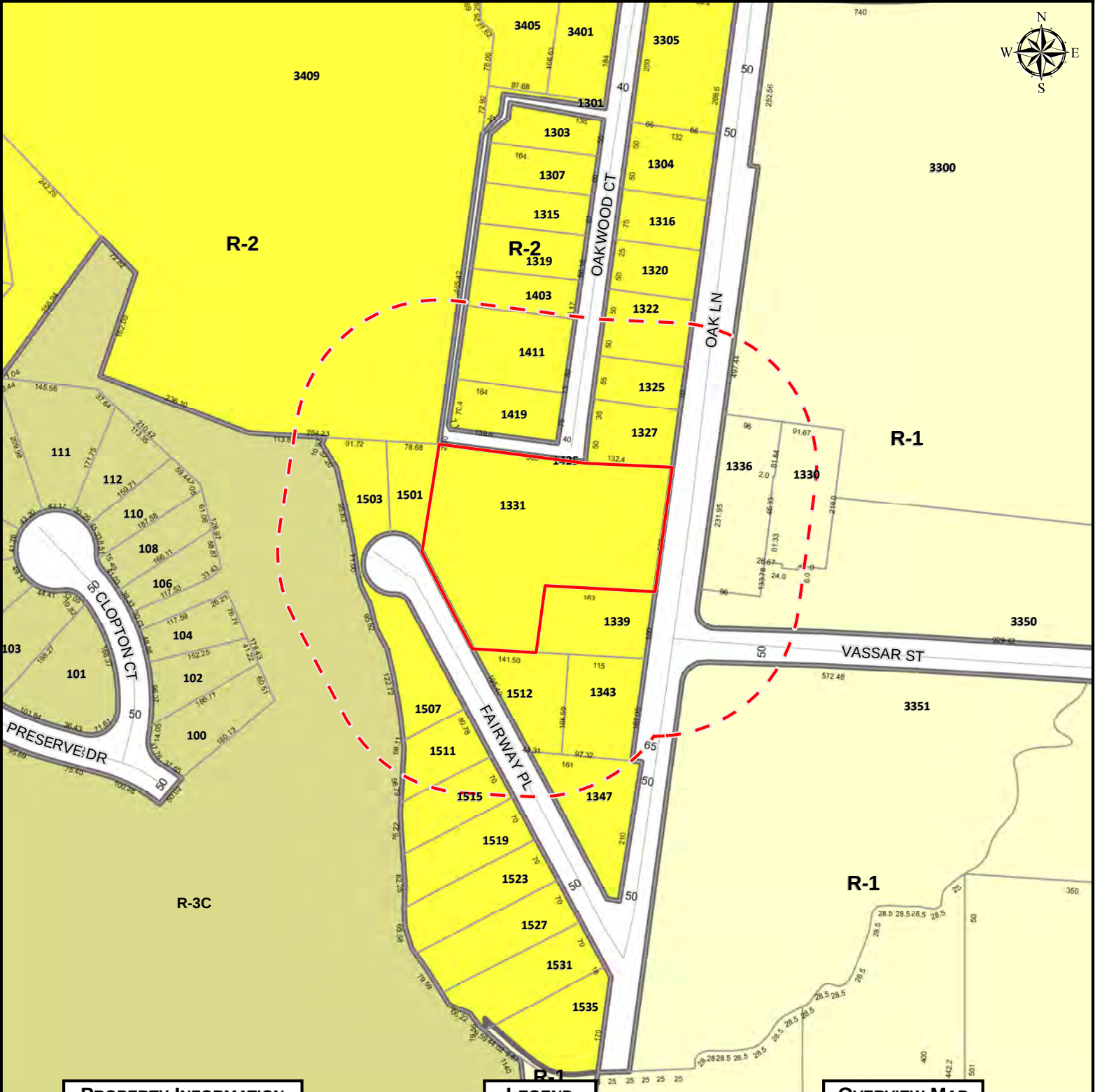
AYES:	Light, Lowe, Marion and Swienton	4
NOES:		0
ABSTENTIONS:	Perault	1
ABSENT:	Mays	1
VACANCIES:		1

Zoning Map

CENTRA HEALTH AUTISM CLINIC

Conditional Use Permit Request

Centra Health



PROPERTY INFORMATION

PARCEL ID	ADDRESS
03702014	1331 OAK LN

LEGEND

Subject Property

215' Buffer

B-1

B-6

R-2

B-2

I-1

R-3

B-3

I-2

R-4

B-4

I-3

R-5

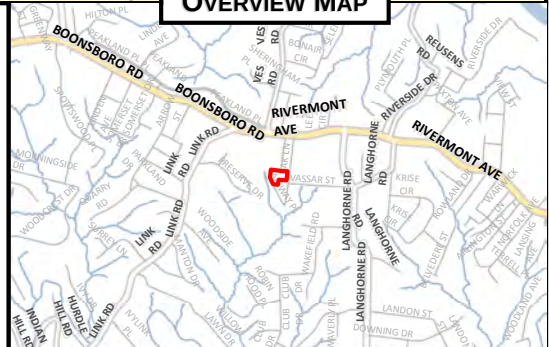
B-5

R-1

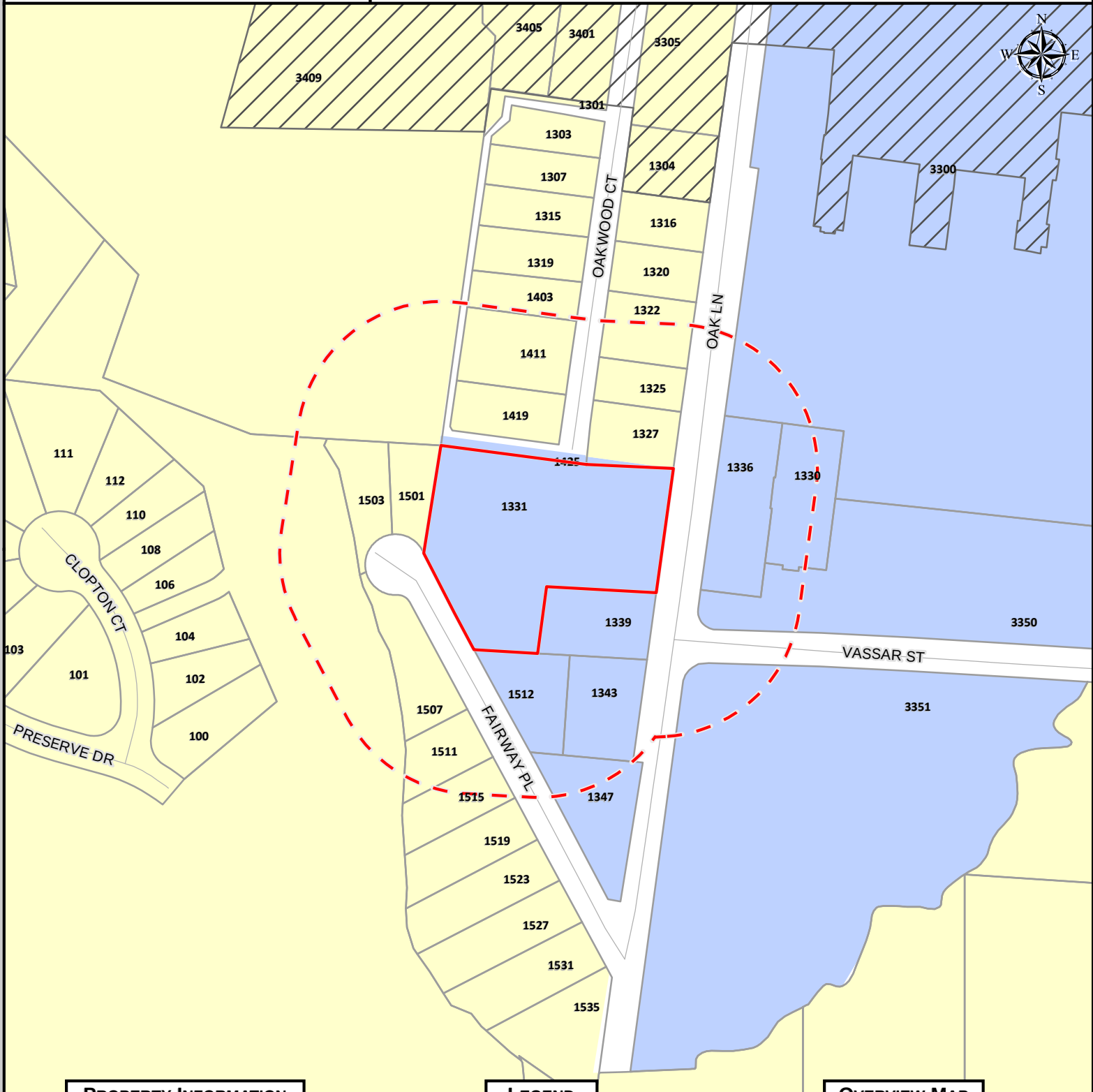
R-C

MAP SCALE: 1" to 200' DATE PRINTED: 5/29/2015

OVERVIEW MAP



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



PROPERTY INFORMATION

PARCEL ID

ADDRESS

03702014 1331 OAK LN

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 5/29/2015

OVERVIEW MAP



Watershed Map

CENTRA HEALTH AUTISM CLINIC

Conditional Use Permit Request

Centra Health



PROPERTY INFORMATION

PARCEL ID	ADDRESS
03702014	1331 OAK LN

LEGEND

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

OVERVIEW MAP



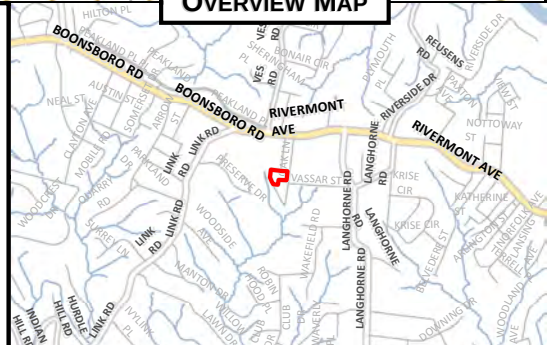
MAP SCALE: 1" to 200' DATE PRINTED: 5/29/2015

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LEGEND

OVERVIEW MAP



MAP SCALE: 1 " to 200 ' **DATE PRINTED:** 5/29/2015

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COMM. NO. 15004

INDEX OF DRAWINGS

COVER SHEET

1

SITE PLAN

CONTACT INFORMATION

OWNER:

CENTRA

Lynchburg General Hospital

1920 ATHERHOLT RD.

Lynchburg, VA 24501-1104

Tel: (434) 200-6074

Fax: (434) 200-3278

Mark Layne, Centra Director of Facilities

Mark.Layne@centrahealth.com

DESIGNER:

Hughes Associates Architects & Engineers

A Professional Corporation

656 Elm Ave. Roanoke, VA 24016

P.O. Box 1034 Roanoke, VA 24005-1034

Tel: (540) 342-4002

Fax: (540) 342-2060

Mark Ayles

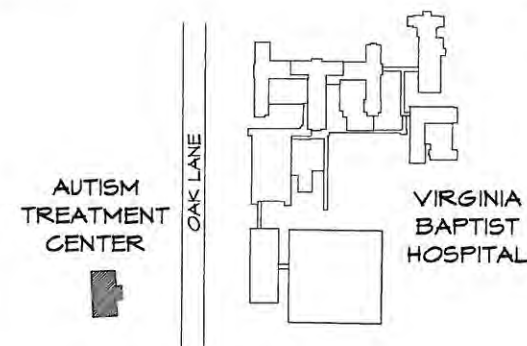
mayles@hughesae.com

DEVELOPER:

N/A

VICINITY KEY PLAN

NOT TO SCALE



LOCATION MAP

NOT TO SCALE



CENTRA

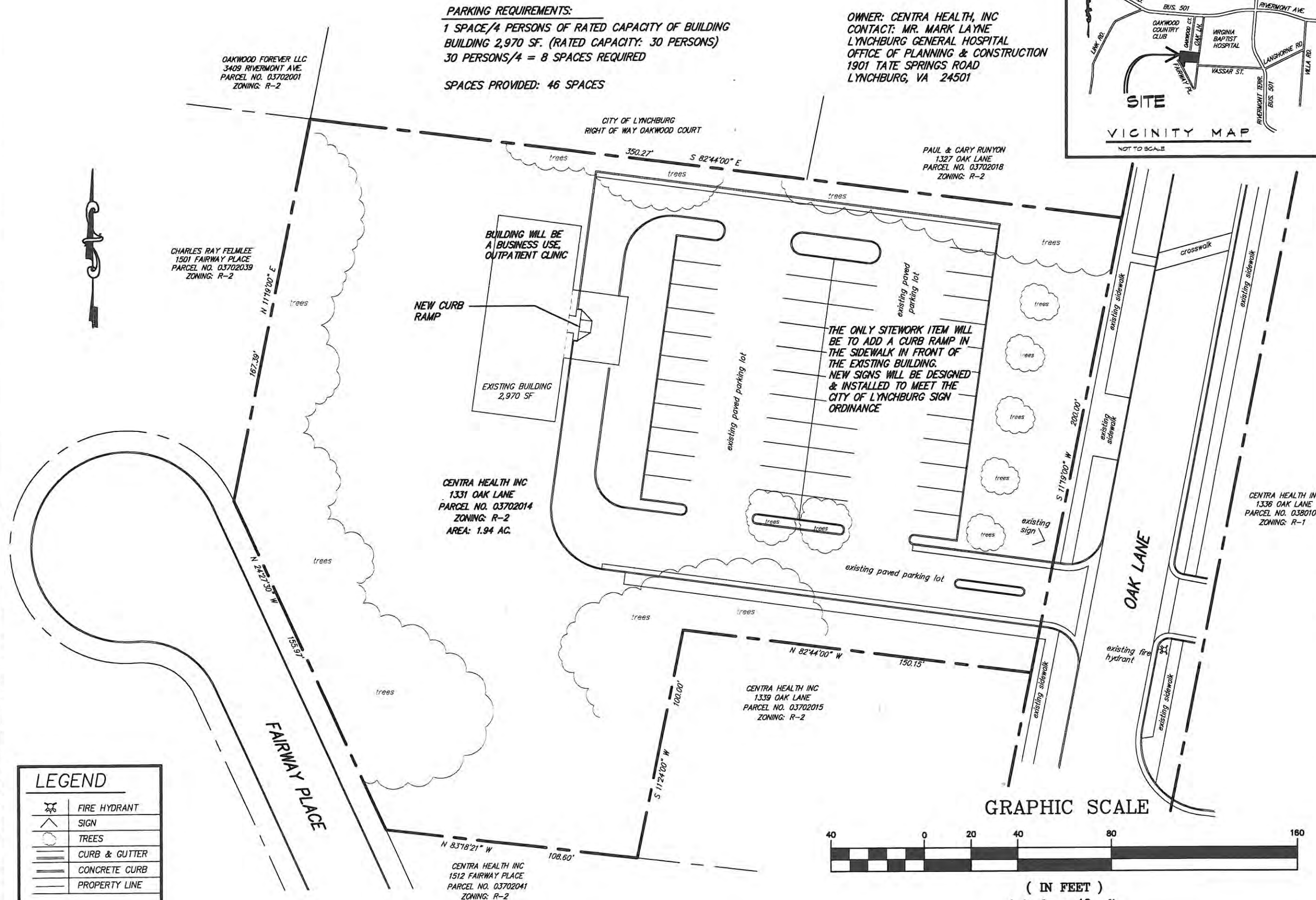
RENOVATIONS FOR CHILDREN'S AUTISM CENTER

RECEIVED

MAY 05 2015

COMMUNITY
DEVELOPMENT

1331 OAK LANE
LYNCHBURG, VIRGINIA 24503
MAY 5, 2015





Autism clinic – 1331 Oak Lane

Current estimated traffic: parking for 30-50 Centra staff X 8-12 hour shifts = **100-125 cars** entering and exiting the lot at all hours of the day and night.

Clinic traffic: 5-10 cars entering and exiting every 2-3 hours between the hours of 8:30am-5pm.

Outside construction: addition of curb ramp in driveway per ADA guidelines

Outside amenity changes:

- Fresh coat of paint
- new sign compliant with City of Lynchburg zoning
- removal of toys and debris in fenced area
- cut grass, plant flowers around sign and front flower bed

Treatment:

- Diagnostic testing
- Occupational/Speech therapy
- medication management
- Appointments lengths between 1-2 hours
- At peak times: *max 40 people in bldg.* (includes staff, parents and patients)
- Minimal to zero use of outdoor space/playground (treatment is clinic focused, indoors)
- Parents of children with autism, ages 2-adult. Never left unsupervised.

Staff: Psychiatrists, Speech/OT therapists, therapists. # of Clinic staff: 8-10

RECEIVED

MAY 05 2015

**COMMUNITY
DEVELOPMENT**



1331 Oak Lane
Conditional Use Permit
June 10, 2015

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Request a Special Meeting to conduct a Public Hearing and Adopt a Resolution for an Enterprise Zone Designation Application

RECOMMENDATION: Conduct a Special Meeting and hold a public hearing regarding the City's intent to submit an application to the Virginia Department of Housing and Community Development (DHCD) for a Virginia Enterprise Zone Designation Application on July 28, 2015.

SUMMARY: The City of Lynchburg's Virginia Enterprise Zone #46 expires on December 31, 2015. The City must re-apply in order for the Zone to be considered for re-designation. The Enterprise Zone application procedure requires a public hearing and that City Council to pass a resolution stating the locality's intent to apply for the Enterprise Zone designation, as mandated by DHCD. The Resolution will include the City's intent to apply for Enterprise Zone Designation; authorize its Chief Administrator (or designee) to submit all information needed to apply for Zone designation, and authorize its Chief Administrator (or designee) to meet all program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the Zone.

Lynchburg is an active participant in the Virginia Enterprise Zone Program, with two Enterprise Zones identified by DHCD as #2 and #46. The zones were established by the State of Virginia to provide incentives for businesses to locate or expand, stimulating economic development within the designated areas. Although the General Assembly has changed the benefits of Enterprise Zone designation over the years, two primary incentives remain for businesses: job creation grants and real estate improvement grants. The City of Lynchburg Office of Economic Development is the designated administrator for both of the City Zones. Enterprise Zone #46 was established in 1995 and expires on December 31, 2015. The Office of Economic Development has amended Zone #46 over the last five years to maximize the benefits to our commercial and industrial property owners and businesses. The recipients of these awards and the amounts awarded are attached for your review.

There are fourteen zones expiring on December 31st, 2015 and only four designations available on January 1, 2016. Obtaining a designation will be extremely competitive. The application process is open to all cities and counties; however, the program is targeted towards economically distressed localities. The application is due to DHCD on August 1, 2015.

PRIOR ACTION(S): Amended Zone #2 and #46 boundaries in FY2014.

FISCAL IMPACT: May positively impact tax receipts as business growth and expansion is incentivized.

CONTACT(S): Marjette Upshur, Director of Economic Development, 434-455-4490

ATTACHMENT(S): Resolution for Special Meeting, Application Overview and Enterprise Zone # 46 Impact

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED THAT The Lynchburg City Council does hereby schedule a special called meeting for Tuesday, July 28, 2015, at 7:30 p.m., in City Hall for the purpose of conducting a public hearing to receive comment on an application for Enterprise Zone Designation for a portion of the City, currently in Enterprise Zone #46.

Adopted:

Certified:

Clerk of Council

070K

July 14, 2015

City of Lynchburg Re-designation Application Overview and Impact of Enterprise Zone #46

ENTERPRISE ZONE BACKGROUND INFORMATION

According to the Virginia Enterprise Zone Act passed in 2005, the Department of Housing and Community Development has the authority to designate up to 30 Enterprise Zones. As of January 1st, 2015, DHCD has designated 26 of these 30 zones. Therefore, there are currently four Virginia Enterprise Zone designations available for designation on January 1st, 2016. While only 4 designations are available, the following zones will expire on December 31, 2015:

- Brunswick County/Lawrenceville
- Chesterfield County (Walthall Zone)
- Greenville County
- Hampton (Hampton Roads Center)
- Henry County/Martinsville
- James City County
- Mecklenburg County / South Hill/Lacrosse
- Town of Orange
- Pulaski County (Zone 2)
- Town of Pulaski
- City of Roanoke (Zone 2)
- Tazewell County
- Warren County
- City of Lynchburg (Zone 2)

As a result, the Department of Housing and Community Development (DHCD) is holding a competitive application process to fill the 4 remaining positions. The new zones will be designated on January 1, 2016. Following the designation of these 4 zones, the Enterprise Zone Program will have reached the maximum number of zones available through the Enterprise Zone Act of 2005.

Therefore, the next regularly-scheduled competitive designation round will occur in 2024, to fill available designations due to the expiration of the 5 zones designated in 2005. Until then, should any zones (designated since 2005) get terminated due to inactivity or failure to offer local incentives, a competitive application process will be held to fill those positions. The remaining 17 zones that were designated between 1998 and 2004 do not contribute to the 30-zone quote and will remain in effect for their full 20-year term, provided all other statutory requirements are met. The City of Lynchburg's other Enterprise Zone, state Zone #2, will expire December 31, 2024.

The application process is open to all cities and counties; however, the program is targeted towards economically distressed localities. The application is worth a total of 1500 points of which 750 will be determined on the basis of a locality-wide distress score. The remaining 750 points will be awarded based on answers to questions regarding strategy, impact and capacity. The City of Lynchburg's distress score is 555 out of 750. The deadline for application submittal is August 1, 2015.

IMPACT

Since 2010, through the Enterprise Zone program, businesses in Zone #46 have received \$1.6 Million with a capital investment of \$27 Million. 208 jobs have been created and 647 jobs have been retained. There are 315 commercial and/or industrial parcels currently in Enterprise Zone #46.

Real Property Improvement Grant				
Year	Company	Capital Investment	Grant Amount	
2010	Wegmann	\$761,571.00	\$100,000.00	
2010	NovaTech	\$981,629.00	\$100,000.00	
2010	AMG	\$484,069.00	\$100,000.00	
2011	True Value	\$866,608.00	\$100,000.00	
2011	Dotter Par V	\$210,261.00	\$22,052.00	
2012	Belvac	\$763,275.00	\$100,000.00	
2012	Clarion Investments	\$2,064,586.00	\$100,000.00	
2012	J.Crew	\$7,581,707.00	\$200,000.00	
2013	Lakeside Crossing	\$5,518,578.00	\$200,000.00	
2013	Liberty	\$624,606.00	\$100,000.00	
2013	Tessy Plastics	\$795,626.00	\$100,000.00	
2013	Red Lobster	\$441,946.00	\$68,389.00	
2014	Apple Ford	\$629,231.00	\$100,000.00	
2014	Automated Conveyor Systems	\$1,460,409.00	\$100,000.00	
2014	Hammersley	\$444,274.00	\$100,000.00	
2014	Lynchburg Humane Society	\$3,740,057.00	\$100,000.00	
TOTAL		\$27,368,433.00	\$1,690,441.00	
Job Creation Grant				
Year	Company	Jobs Retained	Jobs Created	Grant Amount
2012	Belvac	133	33	\$23,563.00
2013	Belvac	134	48	\$35,368.00
2013	Hanwha Azdel, Inc.	123	37	\$26,432.00
2014	Belvac	134	50	\$39,760.00
2014	Hanwha Azdel, Inc.	123	40	\$32,008.00
TOTAL		647	208	\$157,131.00

LOCAL INCENTIVES

Local Enterprise Zone Job Creation Program

Businesses that qualified for the Virginia Enterprise Zone Job Creation Grant were eligible to receive a reimbursement of their “net new” taxes paid. This refund requires proof of qualification and receipt of the Virginia Enterprise Zone Job Creation Grant during each year of eligibility.

- Business & Professional License Tax (BPOL) - refund of 100% in Years 1-3 and 50% in Years 4-5—based on gross receipts.
- Machinery & Tools Tax—refund of 100% in years 1-3 and 50% in years 4-5.

This incentive was removed from City Code in 2014 at the request of the Virginia Department of Housing and Community Development. This incentive was replaced by the Local Enterprise Zone Redevelopment Program. Five businesses were “grandfathered” when the incentive change took place, Azdel, Griffin Pipe, Belvac, Delta Star, and Porter’s Fabrication. In Fiscal Year 2015, these companies received \$149,108 in reimbursements for job creation.

Local Enterprise Zone Redevelopment Program

The Local Enterprise Zone Redevelopment Program provides an investment overlay district corresponding to existing Enterprise Zone boundaries. Designed to support small business real property investments and expand real estate tax receipts for the city, the grant has been effective in incentivizing public-private partnerships and private investments. In 2014, \$74,115 in grants generated \$1,860,071 in capital investment across the city.

Real Estate Rehabilitation and Renovation Program

This program grants real estate tax exemptions for eligible and qualified properties under rehabilitation/renovation. The tax exemption is equal to the increase in assessed value resulting from the substantial rehabilitation/ renovation of a structure as determined by the City Assessor. This program does not freeze taxes; however, the exemption is subtracted from the fair market value assessment before taxes are calculated.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 14, 2015**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Adoption of an Ordinance to Establish the Lynchburg Regional Airport Police Department as authorized by the General Assembly of Virginia**

RECOMMENDATION: To approve a City Ordinance that establishes a Lynchburg Regional Airport (LYH) police department as authorized by the General Assembly of Virginia on March 16, 2015.

SUMMARY: LYH has been operating a stand-alone police department for many years following the establishment of the Transportation Security Administration (TSA) shortly after the events of September 11 under the authority of the Department of Criminal Justice Services (DCJS). In April of 2014, however, the airport was notified by the DCJS that, based on advice it had received from the Office of the Attorney General, the department could no longer recognize the Lynchburg Regional Airport Police Department as a police department. The DCJS indicated that despite prior communications to the contrary, it did not have the statutory authority to "recognize, classify or designate any entity as a police department." In response, LYH immediately made arrangements with the Campbell County Sheriff to have the airport's officers deputized in order to ensure the required law enforcement authority under TSA Regulation 1542.217 was maintained. Since that time, LYH police have continued that separate authority pending a legislative solution during the 2015 General Assembly Session.

House Bill (HB) 2035 was crafted by Delegate Kathy Byron in order to authorize the City of Lynchburg to establish by ordinance an airport police department that is limited to the real property owned or leased by the City and controlled by the airport. Jurisdiction is within the airport alone and its authority will not supersede the authority of the local sheriff's office. The legislation requires the airport to comply with any regulations adopted by the DCJS, and airport police officers will not be entitled to benefits under the Line of Duty Act or the VRS. HB 2035 was passed by the General Assembly, signed by the Governor, and is effective as of July 1, 2015.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Mark F. Courtney, Airport Director, 455-6089

ATTACHMENT(S):

- 1) An Ordinance with revisions to Chapter 9 of the City Code
- 2) Acts of the Assembly, Chapter 213, HB 2035

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO NEW SECTIONS NUMBERED 31-18 THROUGH 31-18.3, THE NEW SECTIONS RELATING TO THE CREATION OF AN AIRPORT POLICE DEPARTMENT.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Sections 31-18, 31-18.1, 31-18.2, and 31-18.3, as follows:

Article II. Airport Police Department

Sec. 31-18. Airport Police Department.

There is hereby established an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport.

Sec. 31-18.1. Purpose.

The airport police department shall protect the lives and property of the public through the enforcement of federal, state, and local laws, ordinances and regulations.

Sec. 31-18.2. Duties of Airport Director and Airport Police Officers.

(a) Subject to the supervision and control of the city manager, the airport director shall appoint an airport police chief who shall be in direct charge of the airport police department, whose term of office shall be at the pleasure of the airport director. The airport police chief shall see that the federal, state, and local laws, ordinances and regulations that are applicable to the Lynchburg Regional Airport are duly obeyed and enforced. The airport police chief shall exercise general supervision over the airport police force, and require its members to discharge their duties.

(b) It shall be the duty of the airport police officers to endeavor by all legal means to enforce the federal, state, and local laws, ordinances and regulations that are applicable to the Lynchburg Regional Airport, and further to perform such other acts and duties as may be necessary for the preservation of peace, health and good order.

Sec. 31-18.3. General Conditions.

(a) The authority of the airport police department shall not supersede the authority, duties, or jurisdiction vested by law with the Lynchburg Police Department or Campbell County Sheriff's Office, including as provided in Section 15.2-1609 and Section 15.2-1704 of the Code of Virginia.

(b) The airport police department, airport police chief, and airport police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of Section 9.1-600, Sections 15.2-1705 through 15.2-1708, Section 15.2-1719, Section 15.2-1721, and Section 15.2-1722 of the Code of Virginia; and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments.

(c) Any person employed as an airport police officer pursuant to this act shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (Section 9.1-100 *et seq.*) of Title 9.1 of the Code of Virginia. An airport police officer is not entitled to benefits under the Line of Duty Act (Section 9.1-400 *et seq.*) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law

Enforcement Officers Safety Act, 18 U.S.C. § 926B *et seq.*, and shall not be deemed an employee of the Commonwealth.

(d) The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (Section 15.2-1747 *et seq.*) of Chapter 17 of Title 15.2 of the Code of Virginia.

(e) The airport police chief shall cause to be designed and shall adopt a uniform with appropriate insignia and badge for the use of the airport's police officers. Such uniform shall be worn by airport police officers on uniformed assignment and at such other times as the airport police chief may designate. When an official uniform and insignia have been adopted by the airport police chief, no security guard, private investigator or detective, conservator of the peace, special police officer or other person in the city, shall wear the uniform, badge or patch used by the airport police department or any uniform of similar appearance or bearing an insignia or markings similar to an airport police officer's uniform.

Article III. Reserved

Secs. 31-19 -31-26. Reserved

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

Adopted:

Certified:

Clerk of Council

067K

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION
CHAPTER 213

An Act to allow the City of Lynchburg to establish an airport police department at the Lynchburg Regional Airport.

[H 2035]

Approved March 16, 2015

Be it enacted by the General Assembly of Virginia:

1. § 1. *The City of Lynchburg may by ordinance establish an airport police department at the Lynchburg Regional Airport. The authority of the airport police department shall be limited to real property owned, leased, or controlled by the Airport. Such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office, including as provided in §§ 15.2-1609 and 15.2-1704 of the Code of Virginia. The airport police department and airport police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722 of the Code of Virginia; and any regulations adopted by the Criminal Justice Services Board that the Department of Criminal Justice Services designates as applicable to private police departments. Any person employed as an airport police officer pursuant to this act shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 of the Code of Virginia. An airport police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth. The airport police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2 of the Code of Virginia.*