

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, July 12, 2016
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: -No new contract awards.

Update on priority projects: -See attached report.

General Business

- | | |
|---|------------------|
| 1. Burton Creek Interceptor Replacement Project | Timothy Mitchell |
| 2. VDOT Revenue Sharing Awards 2017 | Lee Newland |
| 3. Physical Development Committee Guidelines | Lee Newland |
| 4. Roll Call | |

Pc: Bonnie Svrcek, City Manager
Margaret Schmitt, Interim Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: August 9, 2016

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

July 12, 2016

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	December 2016	Proceeding with Design
Midtown Connector		Construction	August 2016	Punchlist work
Greenview Drive Phase 2		Construction	July 2017	Construction Underway
Kemper Street Bridge / Interchange		Construction	September 2016	Lighting and Paving Underway
One Way Pairs @ 501/221		Preliminary	September 2016	Smart Scale Application Submittal
Main Street Bridge		Design	August 2017	Design Underway
Memorial - Park - Lakeside Intersection		Construction	October 2017	Construction Underway
Odd Fellows Road - P3		Construction	August 2018	Construction Underway
Juvenile Services Group Home		Construction	August 2016	Department of Juvenile Justice Inspection end of July - Furniture being Installed
Downtown Streetscapes		Construction	September 2017	Construction Underway
LU Intramural Field Road - Phase 1		Construction	October 2016	Underway
LU Intramural Field Road - Phase 2		Construction	April 2017	Notice to Proceed July 18, 2016

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016 PDC**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Burton Creek Interceptor Replacement Project – Easement Condemnation

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Review resolution authorizing the condemnation of Permanent and Temporary easements, located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001, for the Burton Creek Interceptor Sewer Replacement project.

SUMMARY: As part of the Burton Creek Interceptor Sewer Replacement project it was necessary for the City to acquire sewer easements needed to construct a replacement of the Burton Creek Interceptor Sewer. The current interceptor does not have adequate capacity for future growth and is in poor condition. The City has come to an agreement with all but one of the 38 properties along the approximately 12,000' project corridor. Despite reasonable efforts we not been able to purchase the easements located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001. The needed easements for the property in question were appraised by Milton & Neal Properties, Inc., in April of 2016, with a value of \$1,925. The property owner has declined to sell the easements to the City. In order to construct a replacement of the Burton Creek Interceptor Sewer starting in October of 2016, the City needs to use the condemnation process to acquire the remaining easements at 745 Custer Drive.

PRIOR ACTION(S): None

FISCAL IMPACT: The fair market value of the easement has been appraised at \$1,925.00.

CONTACT(S): Timothy Mitchell, Director Department of Water Resources, 455-4252
Eric Schrader, Utility Engineer, 455-4089

ATTACHMENT(S): Condemnation Resolution; Easement Plat

REVIEWED BY: bms

RESOLUTION

A RESOLUTION AUTHORIZING A CONDEMNATION PROCEEDING BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE TITLE TO A SANITARY SEWER EASEMENT, A TEMPORARY CONSTRUCTION EASEMENT, AND A TEMPORARY ACCESS EASEMENT ON A PARCEL OF LAND IN THE CITY OF LYNCHBURG, LOCATED AT 745 CUSTER DRIVE, TAX MAP NO. 157-01-001, FOR THE CONSTRUCTION OF THE BURTON CREEK INTERCEPTOR SANITARY SEWER LINE.

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is necessary and appropriate to institute and prosecute a condemnation proceeding in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire easements on the parcel of land owned by Linda D. Scott, located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001, as shown on a plat made by Wiley Wilson, titled "Burton Creek Interceptor Sanitary Sewer Easement On The Property Of: Linda D Scott 745 Custer Dr." and dated June 20, 2016.

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

1. That the City Attorney be, and is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire easements on the property owned by Linda D. Scott, located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001, which easements are described as follows:

Fee Simple Sanitary Sewer Easement

The area shown on the attached plat as "Permanent Sanitary Line Easement Area: 7195.5 sq ft"

Temporary Construction Easement

The area shown on the attached plat as "Temporary Construction Easement Area: 13,558.2 sq ft"

Temporary Access Easement

The area shown on the attached plat as "30' Wide Temporary Construction Easement For Site Access"

2. That in the opinion of the City Council, a public necessity exists for the acquisition of a permanent sanitary sewer easement, a temporary construction easement, and a temporary access easement, said easements being needed for a public use, as defined in Section 1-219.1 of the Code of Virginia, 1950, as amended, specifically, for the construction of the Burton Creek Sanitary Interceptor Sewer Line.

3. That in order to provide the total estimated necessary funds to compensate the owner of the property for the acquisition of the easements, the sum of which is determined to be \$1,925.00 which has been heretofore appropriated, and the Director of Finance be, and is hereby, authorized and directed when so requested by the City Attorney to present a check for deposit with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

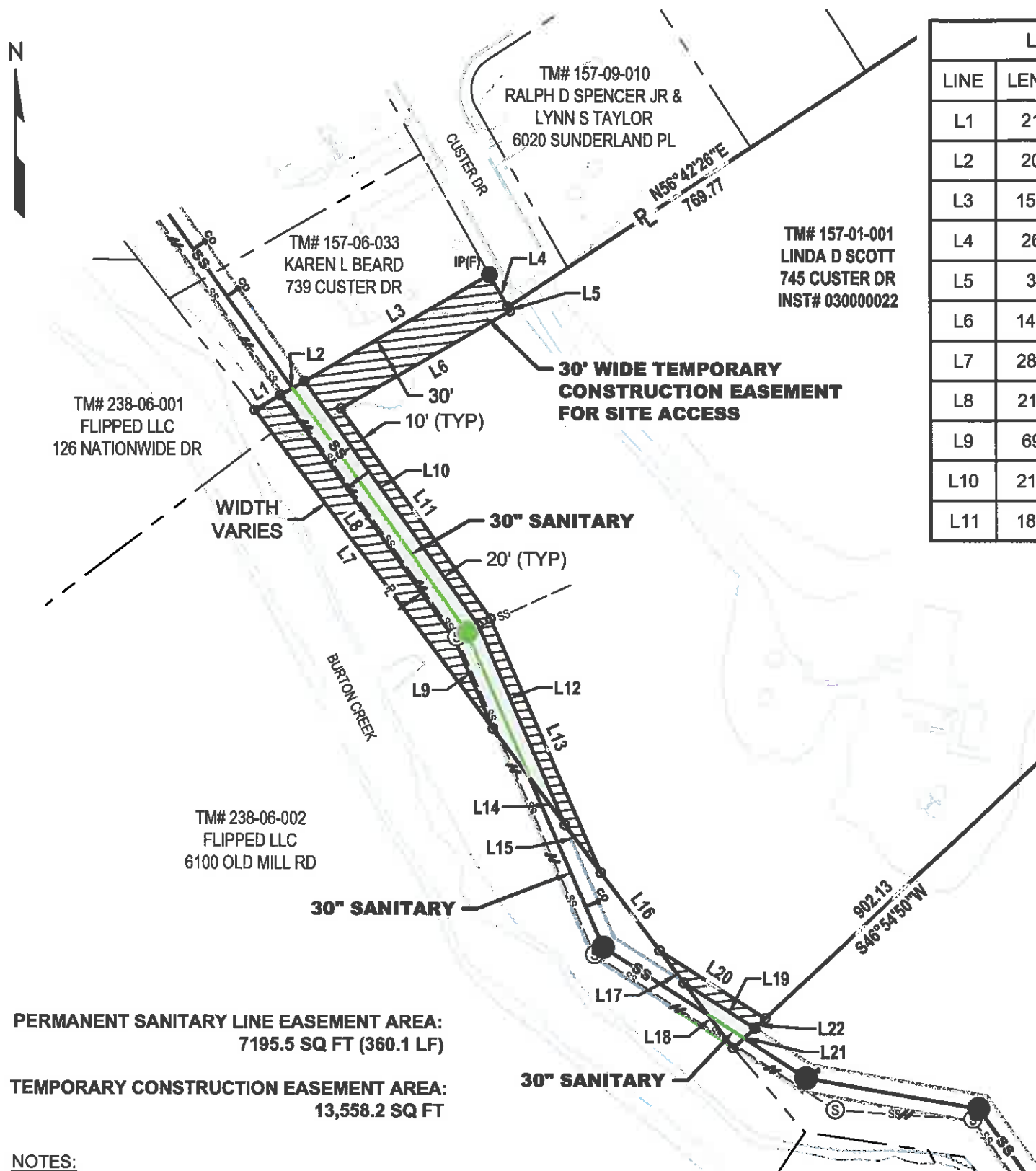
That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owner of said property upon the compensation to be paid therefore within the limits of the funds provided for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified:

Clerk of Council

\\WILEY\WILSON\COM\PROJ\2014\214042 LYBG BURTON CREEK AERIAL SURVEY\CAD\EASEMENTS\214042A14 ESMT04.DWG



LINE TABLE		
LINE	LENGTH	BEARING
L1	21.22	N60°08'26"E
L2	20.10	N60°08'26"E
L3	154.32	N60°08'26"E
L4	26.73	S29°51'34"E
L5	3.27	S29°51'34"E
L6	141.19	S60°08'26"W
L7	286.50	N37°00'34"W
L8	215.91	N35°42'52"W
L9	69.90	N23°37'36"W
L10	215.98	N35°42'52"W
L11	185.85	S35°42'52"E

LINE TABLE		
LINE	LENGTH	BEARING
L12	156.08	N23°37'36"W
L13	199.17	S23°37'36"E
L14	86.41	N37°00'34"W
L15	43.20	N37°00'34"W
L16	69.94	S37°00'34"E
L17	28.93	N37°00'34"W
L18	58.99	N37°00'34"W
L19	60.51	N57°13'43"W
L20	90.17	S57°13'43"E
L21	21.03	S46°54'50"W
L22	10.31	S46°54'50"W

LEGEND

	OWNER'S PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING SANITARY SEWER
	EXISTING SANITARY SEWER TO BE ABANDONED
	PROPOSED SANITARY SEWER ON ADJACENT PROPERTY
	PROPOSED SANITARY SEWER ON SUBJECT PROPERTY
	PROPOSED SANITARY MANHOLE ON SUBJECT PROPERTY
	PROPOSED SANITARY MANHOLE ON ADJACENT PROPERTY
	POINT
	IRON PIN FOUND
	EXISTING SANITARY MANHOLE
	PERMANENT SANITARY LINE EASEMENT
	TEMPORARY CONSTRUCTION EASEMENT

PLAT ACCEPTED BY:

CITY ENGINEER

**BURTON CREEK INTERCEPTOR
SANITARY SEWER EASEMENT
ON THE PROPERTY OF:
LINDA D SCOTT
745 CUSTER DR.**



127 Nationwide Drive
Lynchburg, VA 24502
434.947.1901 .phone
434.947.1601 .fax
wileywilson.com

DESIGNED BY:	LDB	DRAWN BY:	CTS	CHECKED BY:	BSH
SCALE:	1"=100'	PROJECT NO.:	214042		
DATE:	6/20/2016	SHEET:	1 OF 1		

PERMANENT SANITARY LINE EASEMENT AREA:
7195.5 SQ FT (360.1 LF)

TEMPORARY CONSTRUCTION EASEMENT AREA:
13,558.2 SQ FT

NOTES:

- THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING AN EASEMENT, NO BOUNDARY SURVEY WAS PERFORMED.
- THE EASEMENT SHOWN HEREON REPRESENTS A PORTION OF THE INTEREST IN PROPERTY DESCRIBED IN INSTRUMENT# 030000022 AND KNOWN AS TM #157-01-001.
- BEARINGS, DISTANCES, AND MONUMENTS SHOWN HEREON MAY OR MAY NOT CONFORM WITH THOSE THAT WOULD BE SHOWN ON AN ACTUAL BOUNDARY SURVEY, AND NO CERTIFICATION IS MADE TO THAT EFFECT.
- THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

0 100' 200'
SCALE: 1" = 100'



B-2234

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016 PDC**

AGENDA ITEM #:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION:

INFORMATION: **X**

(Confidential)

ITEM TITLE: VDOT Revenue Sharing Awards 2017

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☒ Transportation
			☒ Administrative

RECOMMENDATION: For Information only.

SUMMARY: Staff submitted applications to participate in the VDOT Revenue Sharing Program to help with the funding of four projects. The projects were submitted and approved by the Commonwealth Transportation Board in June. Their estimated costs are listed below.

Main Street Bridge (Add'l. Funding)	\$ 6,923,812	Total Project	\$ 9,800,000
Timberlake/Logan's Lane Imp. (Add'l. Funding)	5,063,550	Total Project	\$ 8,828,350
Wards Ferry Road Widening (Construction)	3,073,500	Total Project	\$ 4,253,500
McConnville Road Culvert	1,500,000	Total Project	\$ 1,950,000
Total	\$16,560,862		\$24,831,850

The Wards Ferry widening is from Timberlake to improve access to the new Heritage High School. The McConnville Road Culvert is a replacement and realignment of roadway to improve the vertical curve. The project has been designed and right of way secured and only needs construction funding.

PRIOR ACTION(S): January 26, 2016; City Council Resolution to apply for funds
November 10, 2015; PDC

FISCAL IMPACT: Funds for the \$8.28 million match have to be budgeted in the FY 2017 Budget and will be Capital Funds.

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

ATTACHMENT(S): None.

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016 PDC**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Physical Development Committee Guidelines

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: Review and approve/or modify the attached guidelines for the operation of City Council's Physical Development Committee (PDC).

SUMMARY: The Physical Development Committee (PDC) reviews the guidelines every two years to ensure the committee is organized for a high degree of effectiveness and efficiency.

PRIOR ACTION(S): October 14, 2014 Review and adoption by Physical Development Committee

FISCAL IMPACT: None.

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

ATTACHMENT(S): Physical Development Committee Guidelines

REVIEWED BY:

Lynchburg City Council

Physical Development Committee Guidelines

2014

General Purpose Statement

To guide the City in the execution of Council-adopted physical development policies; to review and serve as a filter in determining specific physical development actions to be considered by City Council; and, to review reports regarding physical development and capital projects on a quarterly basis to determine if any adjustments are necessary during the fiscal year.

To better facilitate the Physical Development Committee meetings, there are three types of agenda items: General Business, Other Information and Items to be considered later by the full City Council. Following are examples of items that may be included in each of these sections:

I. Items considered as General Business include:

1. Presentations by and requests from City departments, citizens, outside agencies and private entities including those seeking relief from City Code requirements (preliminary review) and City policies, such as utility connection fees;
2. Petitions for non-routine utility line extensions;
3. Reallocations (greater than \$50,000) of non-project specific Capital Budget appropriations.

II. Items considered as Other Information include:

Items that do not require immediate Committee action, but are to advise the Committee on upcoming items or issues. Examples include: quarterly and special reports regarding the status of the City's physical development including City capital projects and other items relating to the City's solid waste system and water and wastewater systems, including the Combined Sewer Overflow (CSO) program.

III. Items to be considered later by the full City Council at a Regular City Council Meeting or Work Session include:

1. Street vacations and disposition of other real property;
2. Input into the planning and approach for the annual Capital Improvement Program;
3. Review and deliberations regarding the Proposed Capital Improvement Program;
4. Changes to the City Code relating to the physical development of the City;
5. City Council reports relating to the physical development of the City;
6. Demolition of City owned buildings; and
7. Waivers of municipal property liens.
8. Leases and terms of leases (renewals will not come to PDC unless terms change);
9. License Agreements for R/W use (setting fees);
10. Grant applications for infrastructure
11. Contracts that exceed 25% of bid amount.

IV. Committee Procedures Regarding Items from the General Public

In order to make the best use of the Committee's meeting time, requests for new items from the general public should be provided, preferably in writing, to the City Engineer two weeks prior to the Committee's scheduled meeting date. This schedule will provide City staff with adequate time to prepare background information, if necessary, and provide this information to the Committee prior its meeting. Exceptions to this procedure will be made in emergency situations. The Chair of the Committee makes the final decision about which items are on the agenda. If the Chair is not available, the decision will be made by the City Engineer, who will contact

the Chair as soon as he or she is available. The Chair of the Committee may require that citizens/petitioners hold their opening statements/remarks to five minutes.

FINANCE COMMITTEE AGENDA

**Tuesday, July 12, 2016
11:30 a.m. - Bidder's Room**

GENERAL BUSINESS

11:30 a.m.

1. Approval of the Draft Finance Committee Meeting Notes from May 24, 2016

Contact: Donna Witt, Director of Financial Services 455-3968

11:35 a.m.

2. Report on the General Fund Reserve for Contingencies

Contact: Donna Witt, Director of Financial Services 455-3968

11:40 a.m.

3. Consider a request to adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$24,490 with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbered 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office.

Contact: Eugene Wingfield, Circuit Court Clerk 455-2611

11:45 a.m.

4. Consider a request to adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from a marketing leverage grant from the Virginia Tourism Corporation. The funds will be used for the Website Development Program for the Lynchburg Regional Convention & Visitors Bureau.

Contact: Sergei Troubetzkoy 455-7297

11:50 a.m.

5. Finance Committee Guidelines Review

Contact: Donna Witt, Director of Financial Services 455-3968

11:55 a.m.

6. Investment Summary

Contact: Donna Witt, Director of Financial Services 455-3968

12:00 p.m.

7. Review collections received from five of the City's largest revenue sources.

Contact: Donna Witt, Director of Financial Services 455-3968

12:05 p.m.

8. Roll Call

The next Finance Committee meeting is Tuesday, August 9, 2016, at 11:30 a.m.

FINANCE COMMITTEE NOTES-- DRAFT
Tuesday, May 24, 2016

GENERAL BUSINESS

Meeting commenced at 11:30 a.m.

ATTENDEES

Committee Members: Councilmember Jeff S. Helgeson, Chairman; Councilmember Randy Nelson; Councilmember Treney Tweedy, Mayor Michael A. Gillette, Ex-Officio

Others: Kim Payne, City Manager; Bonnie Svrcek, Deputy City Manager; Reid Lanham, Accounting Operations Manager; Starlette Early, Budget Analyst

1. Approval of the Draft Finance Committee Meeting Notes from April 26, 2016

The Finance Committee meeting notes for April 26, 2016 were unanimously approved as submitted.

2. Report on the General Fund Reserve for Contingencies

Reid Lanham reported there were no new items, and one item, FY 2017 CIP Pay-As-You-Go, on Council's agenda for the second reading at tonight's meeting.

3. Approve the submittal of the grant application for the Bulletproof Vest Partnership 2016 Grant Program for the amount of \$49,460. This grant requires a 50% match which is included as part of the FY 2017 LPD and LSO operating budgets. \$24,730 will come from the Bulletproof Vest Partnership 2016 Grant Program and \$24,730 transferred from the FY 2017 General Fund Police Department (\$23,290) and Sheriff's Office (\$1,440) budgets to purchase 64 replacement bulletproof vests for law enforcement officers.

The Committee unanimously approved this item.

4. Approve the Police Department's application for the 2016 COPS Hiring Program thirty-six (36) month Grant funding in the amount of \$1,096,643 to enhance the newly created Community Action Team (CAT) program. The \$1,096,643 total includes a 25% local match of \$274,161 over the course of the thirty-six (36) month period of time.

The Committee unanimously approved this item.

5. Adopt a resolution to amend the FY 2016 Water Capital Projects Fund budget and appropriate \$8,000 with resources from a 2012 Dam Safety, Flood Prevention and Protection Assistance Fund grant to reimburse costs associated with bringing Pedlar Dam into compliance with minimum standards for dam safety.

The Committee unanimously approved this item. The item will be taken to full Council for consideration on June 14, 2016.

6. Review collections received from five of the City's largest revenue sources.

Reid Lanham presented the latest revenues through the month of March with no significant events or performance issues to report. Sales Tax for March is typically one of the highest revenue months, Consumer Utility Tax is on track with cooler weather, and Communications Sales and Use Tax had its highest month so far for the year. March was a good month for Meals Tax revenues, including delinquent collections and Lodging Tax showed an increase mainly from timing of payments from collections from January and February.

7. Roll Call

There were no items for roll call.

Meeting adjourned at 11:52 a.m.

The next Finance Committee meeting is Tuesday, June 28, 2016, at 11:30 a.m.

FY 2016 GENERAL FUND RESERVE FOR CONTINGENCIES

BEGINNING BALANCE, JULY 1, 2015

Carryforward to FY 2016 Reserve for Contingencies - 05/26/15 Council Meeting
BALANCE

Reserve for Contingencies	City Manager's Discretionary Funding
\$565,917	\$50,000
584,083	
\$1,150,000	\$50,000

APPROPRIATIONS (Second Reading)

Body-Worn Camera Pilot Implementation Program - 11/10/15 Council Meeting
Technology-related Equipment for Circuit Court - 03/08/16 Council Meeting
Third Quarter Adjustments - 04/26/16 Council Meeting
FY 2017 to be used for CIP Pay-As-You-Go - 05/24/2016 Second Reading

(\$103,818)	
(\$84,071)	
(\$21,442)	
(\$648,243)	
(\$857,574)	\$0
\$292,426	\$50,000

TOTAL APPROPRIATIONS

REMAINING BALANCE

ITEMS INTRODUCED

TOTAL INTRODUCED ITEMS

REMAINING BALANCE

PENDING ITEMS

TOTAL PENDING ITEMS

PROJECTED BALANCE

\$0	\$0
\$292,426	\$50,000
\$0	\$0
\$292,426	\$50,000

FY 2017 GENERAL FUND RESERVE FOR CONTINGENCIES

BEGINNING BALANCE, JULY 1, 2016

Carryforward to FY 2017 Reserve for Contingencies - 05/24/16 Council Meeting

BALANCE

Reserve for Contingencies	City Manager's Discretionary Funding
\$1,150,000	\$50,000
0	
\$1,150,000	\$50,000

APPROPRIATIONS (Second Reading)

TOTAL APPROPRIATIONS

\$0	\$0
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REMAINING BALANCE

\$1,150,000	\$50,000
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ITEMS INTRODUCED

TOTAL INTRODUCED ITEMS

\$0	\$0
------------	------------

REMAINING BALANCE

\$1,150,000	\$50,000
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PENDING ITEMS

TOTAL PENDING ITEMS

\$0	\$0
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PROJECTED BALANCE

\$1,150,000	\$50,000
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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Grant to Preserve Deed books 298 – 381 at the Circuit Court Clerk's Office

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$24,490 with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbered 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office.

SUMMARY: Twice annually the Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The grant funding of \$24,490 will allow eighty-four (84) Deed books numbered 298 through 381 with records dating from July 1955 to November 1963 to be reformatted and preserved.

No local match is required of this grant.

PRIOR ACTION(S): Finance Committee, July 12, 2016

FISCAL IMPACT: None – no local match is required.

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

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$24,490 is appropriated with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbered 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Lynchburg Regional Convention & Visitors Bureau Marketing Leverage Grant

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☒ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from a marketing leverage grant from the Virginia Tourism Corporation. The funds will be used for the Website Development Program for the Lynchburg Regional Convention & Visitors Bureau. An in-kind match of \$100,000 in additional marketing efforts is required, with resources of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), the Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

SUMMARY: The Lynchburg Regional Convention & Visitors Bureau (LRCVB) was awarded a \$50,000 marketing leverage grant from the Virginia Tourism Corporation to fund the Website Development Program. This grant leverages marketing efforts by the Tourism Department to create the next-generation tourism website with professional photography to elevate the tourism program for Lynchburg and the surrounding region.

The LRCVB Website Development Program will accomplish the following: Create the next-generation website; elevate the Lynchburg region tourism brand; Tell a more visually vibrant and compelling story; Generate more leisure, group, conference and sporting leads for the region; Advanced reporting and analytics; An updated store of high-resolution photographs; and a more positive front and back-end site experience.

An in-kind match of \$100,000 in marketing efforts is part of the grant agreement. These marketing initiatives include a state-of-the-art website development program, advertising placements, marketing communications, and conference and travel showcase attendance. These marketing efforts are funded with resources of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), the Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

PRIOR ACTION(S): Finance Committee, July 12, 2016

FISCAL IMPACT: An in-kind match of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), the Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

CONTACT(S): Sergei Troubetzkoy, Director of Tourism, 455-7297

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$50,000 is appropriated with resources from a marketing leverage grant from the Virginia Tourism Corporation. The funds will be used for the Website Development Program for the Lynchburg Regional Convention & Visitors Bureau. An in-kind match of \$100,000 in additional marketing efforts is required, with resources of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), The Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 9, 2016**

AGENDA ITEM #: **5**

CONSENT: **X**
ACTION:

REGULAR:
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Review, Amend and Reaffirm the City's Finance Committee Guidelines

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: Approve the attached guidelines for the operation of the City Council's Finance Committee.

SUMMARY: The Finance Committee Guidelines are reviewed by the Committee for relevance bi-annually with the appointment of the Finance Committee Chairman. The guidelines were reviewed by the Finance Committee on July 12, 2016 and require Council approval.

PRIOR ACTION(S): Finance Committee, July 12, 2016

FISCAL IMPACT: None

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

ATTACHMENT(S): Draft Finance Committee Guidelines

REVIEWED BY:

Finance Committee Guidelines
(Staff Recommendations, July 12, 2016)

General Purpose Statement

To guide the City in the execution of Council-adopted financial policies; to review and serve as a filter in determining specific budget/financial actions to be considered by City Council; and, to review financial reports on a quarterly basis to determine if any revenue or expenditure adjustments are necessary during the fiscal year.

To better facilitate the Finance Committee meetings, the agenda format is divided into two sections: General Business and Other Information. Following is a sample of items that may be included in each of these sections:

I. Items considered as General Business

1. A review of the status of the General Fund Reserve for Contingencies
2. Any item requesting an appropriation from:
 - Reserve for Contingencies-All Funds
 - Fund Balance-All Funds
3. Review of grant applications:
Prior to submitting grant applications, the grant application or concept will be reviewed by the Finance Committee if local funding is required during or following the end of the grant period. Departments applying for grants must include a strategy for consideration by the Committee outlining what action will occur when the grant funding expires.
4. Discuss quarterly financial reports for the General, Water, Sewer, Stormwater, Airport, Juvenile Detention Home, ~~Comprehensive~~ Children's Services Act (CSA) Funds, and Greater Lynchburg Transit Company (GLTC).
5. Proposed Amendments to Fiscal Management Policies.
6. The structure and timing of proposed bond sales.
7. Other items deemed appropriate by the City Manager.

II. Items Considered as Other Information

1. Items that do not require immediate Council action but are to advise Council on future items, issues, or simply information sharing. Examples include: reports from bond rating agencies, changes in Virginia Retirement System costs, changes in accounting identified by the Governmental Accounting Standards Board (GASB), grants that are fully reimbursable, requiring no current or local funding.

III. Financial items to be considered by the full City Council

1. Input into the planning and approach for the annual Capital Improvement Program and Operating Budget.
2. Review and deliberations regarding the Proposed Capital Improvement Program and Operating Budget.
3. Requests for funding by outside agencies.
4. ~~Carry Forward~~ First Quarter Adjustments
5. Third Quarter Adjustments
6. Use of Contingency
7. Financial Trend Indicator Reports
8. New programs or changes in programs creating a current or future budget impact, to include both revenue and expenditure impact.

IV. Roll Call Items

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM NO.: **6**

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Investment Summary**

RECOMMENDATION: Review a summary of the City's investment activity for the Quarter ending April 30, 2016.

SUMMARY: According to the Investment Policy that was reaffirmed March 22, 2016, a quarterly report will be prepared and presented to City Council for information and comment. Attached are the Investment Summary prepared by Davenport & Company, LLC and the State Street & LGIP Investments by Security Type and Bank prepared by Department of Financial Services staff for the Quarter ending April 30, 2016.

These reports give a summary of the investment activity and the City Manager, Deputy City Manager, and Director of Financial Services review these reports with staff of the City's Investment Advisor, Davenport & Company, LLC on a quarterly basis.

PRIOR ACTION(S): This information is provided quarterly to the Finance Committee.

FISCAL IMPACT: None

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

ATTACHMENT(S):

Investment Summary, prepared by Davenport & Compnay, LLC
State Street & LGIP Investments by Security Type and Bank

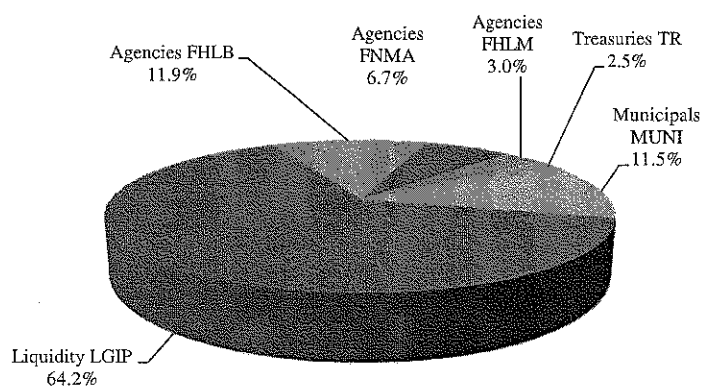
REVIEWED BY:

Investment Summary

Quarterly Investment Review - 4/30/2016

City of Lynchburg

Current Holdings



Portfolio Statistics

Total Investments

This Quarter	82,444,266
Last Quarter	71,837,014
One Year Ago	92,244,066

Weighted Average Yield

Portfolio	0.62%
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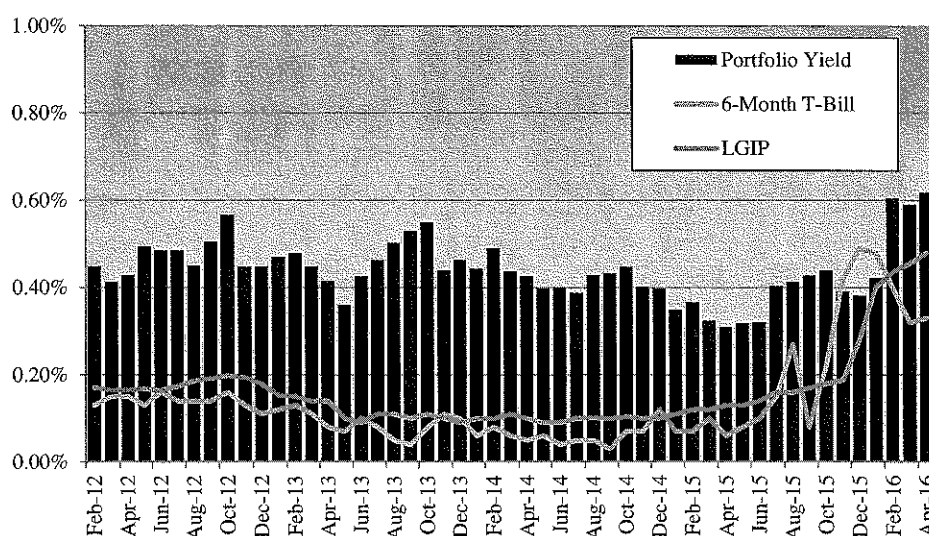
Weighted Average Maturity (days)

Excluding Liquidity (days)	286
Including Liquidity (days)	102

Comments

This quarter, the City made ten purchases, totaling \$10.85 million in new investments. Additionally, \$8.89 million of the portfolio's securities matured during the quarter. The weighted average yield increased over the quarter, from 0.42% to 0.62%, while the average maturity of the portfolio (excluding liquidity) increased by 17 days.

Portfolio Yield



**STATE STREET & LGIP INVESTMENTS
BY SECURITY TYPE AND BANK
April 30, 2016**

Type	Amount Invested	Investment Percentages	Target Investment %
SSGA	\$67,157.70	0%	
Certificate of Deposits	0.00	0%	8%
FFCB	0.00	0%	10%
FHLB	9,800,000.00	12%	20%
FHLMC	2,500,000.00	3%	10%
FNMA	5,550,000.00	7%	10%
Subtotal Agencies	<u>\$17,850,000.00</u>		
Treasuries	2,100,000.00	3%	10%
Commercial Paper	0.00	0%	8%
Bonds	9,520,000.00	11%	8%
INVESTED ST STREET	<u>\$29,470,000.00</u>		
INVESTED LGIP	<u>\$53,907,514.89</u>	65%	16%
		100%	100%
TOTAL INVESTED	<u>\$83,444,672.59</u>		
(Includes SSGA & LGIP Funds)			
BANK DISTRIBUTION			
B B & T Capital Mkts	\$1,500,000.00	5%	
Baird & Company	4,500,000.00	15%	
FTN Financial	1,000,000.00	3%	
Raymond James	16,470,000.00	56%	
SunTrust Capital Mkts	2,350,000.00	8%	
Wells Fargo Securities	3,650,000.00	12%	
INVESTED ST STREET	<u>\$29,470,000.00</u>	100%	
State Street (SSGA)	<u>\$67,157.70</u>		
TOTAL INVESTED ST STREET	<u>\$29,537,157.70</u>		

LGIP Funds	
1. General	17,117,099.02
City Capital Projects	4,128,784.18
City Capital/VDOT Fnds	3,673,374.56
School Capital Projects	8,719,627.59
Technology	96,438.97
Regional Airport	958,191.71
Airport Debt Reserve	112,667.62
Airport Projects Grant	1,603,627.74
Self Insurance	1,332,559.74
Internal Services	1,278,976.10
Special Welfare	44,043.99
2. Water Operating	1,793,296.01
Water Capital	2,992,715.28
3. Sewer Operating	4,572,095.61
Sewer Capital	4,253,135.66
4. Stormwater Operating	406.45
Stormwater Capital Projects	1,000,000.00
5. PFC Fund	230,474.66
TOTAL LGIP	<u>\$53,907,514.89</u>

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM NO.: **7**

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Revenue Update**

RECOMMENDATION: Review the collections received from five of the City's largest revenue sources.

SUMMARY: Five of the City's major revenue sources are taxes collected on a monthly basis: Sales Tax, Consumer Utility Tax – Electric, Communications Sales and Use Tax, Meals Tax, and Lodging Tax. Since the last Finance Committee meeting, revenue information through April 2016 has been posted for these five revenue streams.

PRIOR ACTION(S):

This information is provided monthly to the Finance Committee.

FISCAL IMPACT:

None

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Comparison of Collections Budget to Actual FY 2015 – FY 2016

REVIEWED BY:

**Comparison of Collections
Budget to Actual FY 2015 - FY 2016**

	Actual FY 2012	Actual FY 2013	Actual FY 2014	Actual FY 2015	Adopted FY 2016	Actual FY 2016	Actual FY 2016 to Adopted FY 2016	Actual FY 2016 to Actual FY 2015
SALES & USE TAX								
<i>ADOPTED FY 2016 BUDGET - \$14,700,000</i>								
JULY	\$1,014,596	\$996,646	\$1,075,816	\$1,131,485	\$1,119,202	\$1,207,589	\$88,387	\$76,104
AUGUST ¹	1,079,129	1,145,592	1,098,342	1,299,763	1,142,228	1,198,772	56,544	(100,991)
SEPTEMBER	1,100,698	1,117,209	1,083,199	1,204,336	1,191,262	1,269,930	78,668	65,594
OCTOBER	1,055,941	1,033,859	1,161,965	1,185,608	1,172,738	1,231,666	58,928	46,058
NOVEMBER	1,117,090	1,187,008	1,155,729	1,241,898	1,228,417	1,227,636	(781)	(14,262)
DECEMBER ²	1,488,926	1,466,715	1,316,419	1,669,810	1,651,684	1,600,507	(51,177)	(69,303)
JANUARY	998,052	1,085,312	1,103,175	1,073,237	1,061,587	1,055,364	(6,223)	(17,873)
FEBRUARY	1,134,434	1,074,819	1,172,252	1,131,392	1,119,110	1,161,810	42,700	30,418
MARCH	1,196,149	1,138,611	1,217,930	1,282,807	1,268,882	1,323,375	54,493	40,568
APRIL	1,053,637	1,129,443	1,183,748	1,311,297	1,297,062	1,202,186	(94,876)	(109,111)
TOTAL	\$11,238,652	\$11,375,214	\$11,568,575	\$12,531,633	\$12,252,172	\$12,478,835	\$226,663	(\$52,798)
CONSUMER UTILITY TAX - ELECTRIC								
<i>ADOPTED FY 2016 BUDGET - \$3,790,000</i>								
JULY	\$341,729	\$323,141	\$325,815	\$321,596	\$320,615	\$332,876	\$12,261	\$11,280
AUGUST	345,615	345,163	318,738	305,012	304,082	333,953	29,871	28,941
SEPTEMBER	325,754	318,915	317,324	317,947	316,978	328,411	11,433	10,464
OCTOBER	280,745	279,145	273,646	273,264	272,431	281,514	9,083	8,250
NOVEMBER	281,842	282,035	280,945	273,353	272,520	270,434	(2,086)	(2,919)
DECEMBER	325,287	330,714	348,750	346,565	345,509	321,380	(24,129)	(25,185)
JANUARY	344,439	346,399	374,541	365,859	364,744	346,212	(18,532)	(19,647)
FEBRUARY	322,546	342,839	372,254	381,844	380,680	361,670	(19,010)	(20,174)
MARCH	298,405	326,828	334,289	339,965	338,929	312,928	(26,001)	(27,037)
APRIL	271,034	320,253	306,485	288,704	287,824	282,659	(5,165)	(6,045)
TOTAL	\$3,137,396	\$3,215,432	\$3,252,787	\$3,214,109	\$3,204,311	\$3,172,037	(\$32,274)	(\$42,072)
COMMUNICATIONS SALES & USE TAX								
<i>ADOPTED FY 2016 BUDGET - \$3,300,000</i>								
JULY	\$349,339	\$293,358	\$286,999	\$283,594	\$275,000	\$276,750	\$1,750	(\$6,844)
AUGUST	294,910	291,560	284,691	281,957	275,000	270,038	(4,962)	(11,919)
SEPTEMBER	179,549	263,295	284,249	283,441	275,000	273,974	(1,026)	(9,467)
OCTOBER	309,437	319,011	288,830	287,702	275,000	277,686	2,686	(10,016)
NOVEMBER	284,123	300,665	284,176	279,441	275,000	271,470	(3,530)	(7,971)
DECEMBER	233,654	297,855	289,726	282,491	275,000	276,524	1,524	(5,967)
JANUARY	337,936	282,620	264,960	275,361	275,000	271,160	(3,840)	(4,201)
FEBRUARY	287,492	287,759	280,480	291,186	275,000	275,887	887	(15,299)
MARCH	302,278	299,333	288,500	285,971	275,000	282,470	7,470	(3,501)
APRIL	292,542	287,442	285,052	276,473	275,000	270,594	(4,406)	(5,879)
TOTAL	\$2,871,260	\$2,922,898	\$2,837,663	\$2,827,617	\$2,750,000	\$2,746,553	(\$6,511)	(\$71,684)

**Comparison of Collections
Budget to Actual FY 2015 - FY 2016**

	Actual Assessed FY 2013	Actual Collected FY 2013 ⁵	Actual Assessed FY 2014	Actual Collected FY 2014 ⁵	Actual Assessed FY 2015	Actual Collected FY 2015 ⁵	Adopted FY 2016	Actual Assessed FY 2016	Actual Assessed FY 2016 to Adopted FY 2016	Actual Collected FY 2016 ⁵	Actual Collected FY 2016 to Adopted FY 2016	Actual Collected FY 2016 to Assessed FY 2016
MEALS TAX												
<i>ADOPTED FY 2016 BUDGET - \$13,715,000</i>												
JULY ³	\$943,431	\$1,044,556	\$944,920	\$1,159,786	\$1,009,124	\$970,597	\$1,026,218	\$1,090,368	\$64,150	\$1,046,770	\$20,552	(\$43,598)
AUGUST	1,042,850	1,026,544	1,056,821	1,024,718	1,152,551	1,119,585	1,172,074	1,173,209	1,135	1,213,559	41,485	40,350
SEPTEMBER	1,011,701	1,012,294	1,030,134	1,052,079	1,107,413	1,159,391	1,126,172	1,187,734	61,562	1,167,356	41,184	(20,378)
OCTOBER	1,006,966	1,003,032	1,046,550	958,359	1,149,721	1,119,430	1,169,196	1,181,133	11,937	1,152,017	(17,179)	(29,116)
NOVEMBER	964,775	868,692	1,019,305	1,064,385	1,079,590	1,099,028	1,097,877	1,104,321	6,444	1,156,651	58,774	52,330
DECEMBER	1,044,178	1,083,983	1,061,859	1,035,379	1,138,978	1,117,510	1,158,271	1,225,475	67,204	1,224,108	65,837	(1,367)
JANUARY	927,026	889,358	968,124	971,677	1,089,143	963,288	1,107,592	1,007,562	(100,030)	908,712	(198,880)	(98,850)
FEBRUARY	983,390	995,618	987,205	957,979	1,032,923	1,198,810	1,050,420	1,143,880	93,460	1,154,457	104,037	10,577
MARCH	1,092,759	1,091,421	1,144,197	1,142,746	1,222,307	1,177,822	1,243,012	1,258,241	15,229	1,393,915	150,903	135,674
APRIL	1,052,568	1,067,037	1,098,389	1,034,811	1,206,781	978,156	1,227,223	1,241,103	13,880	1,244,722	17,499	3,619
TOTAL	\$10,069,644	\$10,082,535	\$10,357,504	\$10,401,919	\$11,188,531	\$10,903,617	\$11,378,055	\$11,613,026	\$234,971	\$11,662,267	\$284,212	\$49,241
LODGING TAX												
<i>ADOPTED FY 2016 BUDGET - \$2,037,000</i>												
JULY ³	\$180,074	\$197,072	\$174,759	\$223,419	\$189,065	\$180,395	\$186,540	\$180,587	(\$5,953)	\$180,808	(\$5,732)	\$221
AUGUST ⁴	163,020	275,903	185,662	185,340	185,946	185,402	183,463	206,422	22,959	202,217	18,754	(4,205)
SEPTEMBER	160,661	157,680	181,706	204,758	173,904	173,875	171,582	204,267	32,685	206,009	34,427	1,742
OCTOBER	183,064	191,453	184,462	185,014	209,859	209,788	207,056	196,681	(10,375)	160,131	(46,925)	(36,550)
NOVEMBER	131,993	129,941	153,745	148,082	141,855	144,988	139,961	140,923	962	177,048	37,087	36,125
DECEMBER	112,277	113,067	141,137	126,077	115,033	119,891	113,497	130,478	16,653	130,150	16,653	(328)
JANUARY	134,471	129,578	133,071	125,716	117,665	108,523	116,094	120,072	3,978	109,217	(6,877)	(10,855)
FEBRUARY	136,660	136,660	136,497	139,851	130,777	133,217	129,031	150,144	21,113	140,716	11,685	(9,428)
MARCH	158,737	158,706	176,151	172,029	184,242	178,963	181,782	204,178	22,396	222,261	40,479	18,083
APRIL	161,422	161,391	170,639	171,590	181,003	162,085	178,586	177,191	(1,395)	175,590	(2,996)	(1,601)
TOTAL	\$1,522,379	\$1,651,451	\$1,637,829	\$1,681,876	\$1,629,349	\$1,597,127	\$1,607,590	\$1,710,943	\$103,025	\$1,704,147	\$96,557	(\$6,796)

¹ The August FY 2015 Actual amount includes a one-time, \$145,000 payment in taxes, which was redistributed to the City from another locality.

² Retailer over-reported Sales & Use Tax in December FY 2015 by \$50,000; Corrected in December FY 2016 by reducing owed tax of \$39,000 and taking additional \$11,000

³ Due to year end accounting activities, a portion of Meals and Lodging Tax revenues associated with May and June were posted in June and July.

⁴ The August FY 2013 collection amount includes a one-time, \$140,000 payment in delinquent taxes.

⁵ Meals and Lodging Tax data includes columns titled "Actual Collected". The figures listed under these columns include all revenue received per month regardless of whether the payment is current or delinquent.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit: Lynchburg College Student Housing, 200 Bell Street

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☒ Land Use	☒ Lifelong Learning	☐ Natural Resources
☒ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Approval of the conditional use permit (CUP) petition for 200 Bell Street.

SUMMARY: Lynchburg College is petitioning to add the property at 200 Bell Street to their Master Plan and to allow the conversion of the existing single-family dwelling to student housing for up to four (4) students. The petition is consistent with the *Zoning Ordinance* as well as the *Comprehensive Plan 2013-2030*, which provides that institutional uses compatible in scale with residential homes are appropriate in Low Density Residential districts.

The proposed conversion of the residence at 200 Bell Street to student housing would have limited impact on the surrounding area. The College's Master Plan Update indicates sufficient parking facilities and the property is located in an area that is close to the campus and other student housing facilities. Planning staff and Planning Commission recommend approval of the CUP for this property.

This petition previously included additional properties at 1210 Bristol Street and 402 Monticello Avenue. Additional information was needed regarding Lynchburg College's overall vision for the area, particularly regarding the extension of student housing across Lakeside Drive. These two properties have been removed from this petition and will continue through the public hearing process at a later date.

PRIOR ACTION(S):

May 11, 2016: The Planning Division recommended partial approval of the CUP petition (approval for 200 Bell Street, denial for the other properties).

The Planning Commission recommended partial approval (6-0, with one abstention - Perault) of the CUP petition (approval for 200 Bell Street, denial for other properties).

FISCAL IMPACT: N/A

CONTACT(S): Rachel Frischeisen, Planner I -- 455-3900
Tom Martin, City Planner -- 455-3900
Kent White, Community Development Director -- 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – May 11, 2016
- Planning Commission Packet – May 11, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Lynchburg College Revised Master Plan for Conditional Use Permit
 - o Master Plan Update, Concept Plan and Property Photographs of 200 Bell Street
 - o Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE TO ADD THE PROPERTY AT 200 BELL STREET TO THE LYNCHBURG COLLEGE MASTER PLAN AND ALLOW THE CONVERSION OF THE EXISTING DWELLING TO STUDENT HOUSING FOR FOUR (4) STUDENTS IN AN R-2, MEDIUM DENSITY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg College for a conditional use permit to add the property at 200 Bell Street to the Lynchburg College Master Plan and allow the conversion of the existing dwelling to house four (4) students is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on May 2, 2016.
2. A maximum of four (4) students will reside in the structure.
3. All exterior lights shall be controlled so that no direct illumination will occur beyond any property line.
4. Parking will be available in the existing driveway on the property and the parking lot across the street.

Adopted:

Certified: _____
Clerk of Council

100K

MINUTES OF THE MAY 11, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Lynchburg College for a conditional use permit to allow housing for up to four (4) students at 200 Bell Street which is zoned R-2, Low-Medium Density Residential District and at 402 Monticello Avenue and 1210 Bristol Street which are zoned R-3, Medium Density Residential District.

Chair Perault is employed by Lynchburg College and indicated that he would be abstaining from the discussion and vote for this petition. Vice-Chair Light oversaw this portion of the meeting.

Ms. Rachel Frischeisen commented that the *Comprehensive Plan* recommends Low Density Residential land use for the property at 200 Bell Street. Low Density Residential areas are dominated by single-family homes, up to four (4) dwelling units per acre.

The plan recommends Medium Density Residential land use for the properties at 1210 Bristol Street and 402 Monticello Avenue. These areas are characterized by single-family homes, duplexes and townhouses at densities of up to twelve (12) units per acre. Institutional uses that are compatible in scale with residential homes are also appropriate in both Low and Medium Density Residential districts. There are no proposed exterior alterations to the existing dwellings; therefore, the properties will continue to blend with the fabric of the neighborhood. The Zoning Ordinance permits schools and colleges in R-2 and R-3 districts upon approval of a CUP by City Council.

Each of these three properties has one existing single-family dwelling, which would be converted to housing for four (4) students each. The current R-2 zoning at 200 Bell Street and R-3 zoning at 1210 Bristol Street and 402 Monticello Avenue would only allow this use by CUP. This is due to the following statement in the Zoning Ordinance: "not more than three (3) unrelated individuals may occupy a dwelling unit in the R-2 [or R-3] district unless allowed pursuant to a use authorized by conditional use permit."

The proposed conversion of the residence at 200 Bell Street to student housing would have limited impact on the surrounding area. The narrative indicates sufficient parking facilities and the property is located in an area that is close to the campus and other student housing facilities.

While past conversions of single-family homes have served the needs of the college and stabilized the neighborhood, staff is concerned with the extension of student housing further from the main campus. Of particular concern is the expansion of student housing into the neighborhood across Lakeside Drive. Building, preserving and strengthening neighborhoods is a goal that is repeated throughout the *Comprehensive Plan*. The introduction of student housing changes the character and dynamic of a neighborhood. Although negative feedback was not received during the college's two neighborhood meetings, staff must consider the long term implications on the future of the neighborhood as a whole. The neighborhood directly adjacent to the main campus has seen a major shift due to the overwhelming number of student housing facilities. Staff does not wish to set precedence for creating a similar situation in the neighborhood across Lakeside Drive. Some of these same concerns were echoed by the Lynchburg Police Department at the Technical Review Committee meeting on April 19. There are also insufficient pedestrian facilities in the area to safely get students across Lakeside Drive. It is for these reasons that staff recommends that the properties at 1210 Bristol Street and 402 Monticello Avenue not be approved as part of the CUP.

Mr. Boyce Hamlet and Ms. Cindy Ponton from Lynchburg College were present to represent the petition. Mr. Hamlet indicated that the college put in a light and crosswalk at Oakley Avenue, as requested by the City. He also indicated that there is parking available at the Physical Therapy building across the street from the two houses that are not recommended for approval. The students that will be occupying these houses would be graduate students not underclassmen. They spend most of their day

on campus in class or studying. Ms. Ponton pointed out that these students will be attending classes at the Health Sciences building across the street, so it seems like a natural fit. It was further pointed out by the representatives that the college's graduate programs have been expanding and the college is trying to offer housing to its graduate students. It is trying to make the best use of its assets. The college has owned these homes for some time but have been using them for other uses accessory to the college. They did exterior modifications to the homes, which made them more attractive for the neighborhood. They have also made safety modifications to the interior of the homes such as upgrading the wiring and installing centralized fire alarms.

Vice-Chair Light asked for anyone else who wished to speak in favor of the petition. No one came forward. He asked if there was anyone present to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Marion indicated that her sister is on the board of Lynchburg College. Commissioner Marion does not feel that will impede her ability to fairly participate in the discussion and vote for this petition.

Commissioner Lowe indicated that he understands planning staff's concern about the expansion of student housing into the area across Lakeside Drive. He asked how many more homes the college owns in that area and it was clarified that these are the only two homes.

Vice-Chair Light asked Ms. Frischeisen to elaborate on the concerns the police department had expressed. She indicated that it was a general comment that living next door to four students is not the same as living next door to a family. Ms. Frischeisen did commend the college for its efforts to house underclassmen on campus except for properties that are zoned R-4, unless the housing is owned by the college. That policy is in place so that the college can keep a close eye on its students living off campus. The concern of planning staff and the police department representative was that in the future there would be further expansion by the college into this neighborhood.

Commissioner Bowden asked for clarification about what is meant by the college's plans to offer housing to graduate students. Ms. Ponton indicated that in the past housing was not offered to them. The college can accommodate them with a six-month lease as opposed to the normal one-year lease that most apartments require of a tenant. They plan on locating them in houses near the Health Sciences building and near the campus proper for those graduate students that are not in a Health Sciences program. She mentioned homes on College Drive and Bell Street namely.

Commissioner Bowden noted that as a graduate student he did not have much free time but noted that he was not home much during the day either. Ms. Ponton indicated that there is the campus police to police the area. Mr. Hamlet indicated that the homes are positioned near surveillance cameras as well due to their close proximity to the parking lot.

Commissioner Rogers asked if this neighborhood is going to continue to be taken over by the college for student housing and begin to look like the other neighborhoods on the college's master plan. He wondered if there was any strategy for keeping housing closer together or will it spread out more in this neighborhood as well.

Mr. Hamlet indicated that they are not actively seeking to buy homes on College Drive or Lakewood Street but if any are offered for sale, they would not rule out the possibility of acquiring them. As far as Bristol Street and Monticello Avenue, one of the homes was left to the college by a deceased faculty member and the other one was originally bought to tear down and build a parking lot. The college decided to save the home and renovate it. As far as further expansion into that neighborhood, they are just trying to make better use of these two homes already owned by the college.

Commissioner Marion asked if the college can tear these homes down and put in parking lots. Mr. Martin said they cannot do so by right. The planning staff's concern is that the college will continue to acquire more properties in this neighborhood. Planning staff and City Council had asked the college to show them their areas of interest on the plan. That is shown by the red line on the master plan. At some point, Mr. Martin thinks that it needs to be clear to the college that it is not the responsibility of this neighborhood to provide student housing because you are drastically changing these areas. There are no longer families living in the homes and you are expanding the campus of the college. If the Planning Commission is okay with that, it may be reasonable to expand across to Lakeside Drive.

Mr. Martin remarked that over time you are setting precedence that when the colleges comes back the next time and the next time (like they have done historically on the other side of Lakeside Drive) you are not going to have much reason not to approve them. Mr. Martin could see the college taking up that whole neighborhood for graduate housing and that is staff's concern.

Commissioner Lowe agrees with those comments. If they approve housing for these two houses, it sends a subliminal message to homeowners that they can sell their home to Lynchburg College and Lynchburg College will be happy to buy it. Pretty soon we have another neighborhood that is student housing. He feels we need to try and preserve our single-family homes. Commissioner Marion echoed those comments. She pointed out that they can put three students each in these homes without a conditional use permit and that should be fine. She does not think that presents a big problem for the college if they deny the conditional use permit for these two homes.

Commissioner Gahagan asked if this will hinder the college's ability to house graduate students. Mr. Hamlet said they have converted some of the undergraduate homes for graduate students already. Commissioner Lowe made the following motion, which was seconded by Commissioner Marion.

The motion passed by the following vote:

"That the Planning Commission recommends to City Council approval of Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include the property at 200 Bell Street within an R-2, Low-Medium Density Residential District, and to allow the conversion of the existing single-family dwelling to housing for four (4) students, subject to the following conditions:

- 1. The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on May 2, 2016.**
- 2. A maximum of four (4) students will reside in the structure.**
- 3. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.**
- 4. Parking will be available in the existing driveway on the property and the parking lot across the street.**

"That the Planning Commission recommends to City Council denial of Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include the properties at 1210 Bristol Street and 402 Monticello Avenue within an R-3, Medium Density Residential District, and to allow the conversion of the existing single-family dwellings to housing for four (4) students each."

The motion passed by the following vote:

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

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: May 11, 2016

Re: Conditional Use Permit: Amend the Lynchburg College Master Plan to convert three Single-Family Dwellings to Graduate Student Housing – 200 Bell Street, 1210 Bristol Street, and 402 Monticello Avenue

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

Representative: Ms. Carol Key, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject properties are located at 200 Bell Street, comprising one hundred, forty-three hundredths (0.143) of an acre, 1210 Bristol Street, comprising three hundred, twenty-two hundredths (0.322) of an acre, and 402 Monticello Avenue, comprising three hundred, seventeen hundredths (0.317) of an acre. The total acreage of all properties is seven hundred, eighty-two hundredths (0.782) of an acre.

Property Owner:

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to add the three aforementioned properties to the Lynchburg College Master Plan and to allow the conversion of the existing single-family dwelling on each property to housing for four (4) students each.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends Low Density Residential land use for the property at 200 Bell Street. The plan recommends Medium Density Residential land use for the properties at 1210 Bristol Street and 402 Monticello Avenue.
- The petition agrees with the Zoning Ordinance in that schools and colleges are allowed in an R-2, Low-Medium Density Residential District upon approval of a CUP by City Council for the property at 200 Bell Street. The Zoning Ordinance allows for the same in the R-3, Medium Density Residential District at 1210 Bristol Street and 402 Monticello Avenue.

The Planning Division recommends approval of the CUP petition for 200 Bell Street and recommends denial of the CUP petition for 1210 Bristol Street and 402 Monticello Avenue.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Low Density Residential land use for the property at 200 Bell Street. Low Density Residential areas are dominated by single-family homes at densities of up to four (4) dwelling units per acre. Institutional uses that are compatible in scale with residential homes are appropriate in these areas. (p. 72)

The plan recommends Medium Density Residential land use for the properties at 1210 Bristol Street and 402 Monticello Avenue. Medium Density Residential areas are characterized by single-family homes, duplexes, and townhouses at densities of up to twelve (12) units per acre. Institutional uses that are compatible in scale with residential homes are also appropriate in these areas. (p. 72) There are no proposed exterior alterations to the existing dwellings, therefore the properties will continue to blend with the fabric of the neighborhood.

The Comprehensive Plan also states that quality education opportunities must be provided for youth at the secondary school level and college level and for adults as part of continuing education. The City places a high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low-Medium Density Residential District and R-3, Medium Density Residential District were 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 Administrator has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On October 28, 1980, City Council approved Lester Heyer's petition for a CUP to allow a Family Amusement Center in an R-2, Low-Medium Density Two-Family Residential District off Lakeside Drive.
 - On September 25, 1984, City Council approved Lynchburg College's petition for a CUP to allow the development of an alumni house in an R-2, Low-Medium Density Two-Family Residential District off Lakeside Drive.
 - On October 9, 1984, City Council approved Pinesbrook Buick, Inc.'s petition to rezone one (1) acre at 1311 and 1325 Lakeside Drive from B-3, Community Business District, to B-5 (Conditional), General Business District, to allow the construction and operation of a new and used car dealership with repair work.
 - On August 13, 1985, City Council approved Lynchburg College's petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking in an R-2, Low-Medium Density Two-Family Residential District on College Street.
 - On June 10, 1986: City Council approved Knight Gallery LTD's petition for a CUP to allow the construction of a building and parking lot addition in an R-2, Low-Medium Density Two-Family Residential District at 2034 Lakeside Drive.
 - On October 14, 1986, City Council approved Lynchburg College's petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building in an R-2, Low-Medium Density Two-Family Residential District at the intersection of Lakeside Drive and Faculty Drive.
 - On April 12, 1988, City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.

- On July 12, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of office space in an R-2, Low-Medium Density Two-Family Residential District at 185 Vernon Street and 500 Westwood Avenue.
- On August 9, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of a dormitory and office in an R-2, Low-Medium Density Two-Family Residential District at 349 College Street.
- On November 8, 1988, City Council approved Farris and Iseman's petition for a CUP to allow the expansion of a mobile home park in an R-2, Low-Medium Density Two-Family Residential District at 2134 Lakeside Drive.
- On February 14, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of faculty offices in an R-2, Low-Medium Density Two-Family Residential District at 505 Brevard Street.
- On August 1, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of college offices and student housing in an R-2, Low-Medium Density Two-Family Residential District on College, McCausland Street and Brevard Street.
- On June 11, 1991, City Council approved James Mitchel's petition to rezone approximately one and three tenths (1.3) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On January 12, 1993, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of the School of Business in an R-2 Low-Medium Density Two-Family Residential District within the 300 Block of College Street.
- On December 12, 1995, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing in an R-2, Low-Medium Density Two-Family Residential District at 511 Brevard Street.
- On May 14, 1997, City Council approved Robert Kerr's petition to rezone seventy-five hundredths (0.75) of an acre at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
- On July 8, 1997, City Council approved The Salvation Army's petition to rezone one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 12, 1998, City Council approved Lynchburg College's petition for a CUP to allow the development of special interest student housing in an R-2, Low-Medium Density Two-Family Residential District at 512 Brevard Street.
- On June 9, 1998, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.

- On August 11, 1998, City Council approved Lynchburg College's petition for a CUP to allow the use of an existing residence for student housing in an R-2, Low-Medium Density Two-Family Residential District at 215 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent's petition to rezone one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On July 13, 1999, City Council approved Lynchburg College's petition for a CUP to allow the development of a college office and student housing in an R-2, Low-Medium Density Two-Family Residential District at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On March 14, 2000, City Council approved Lynchburg College's petition for a CUP to amend its master development plan to allow the construction of student townhomes in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On June 12, 2001, City Council approved Lynchburg College's petition for a CUP to allow the development of student housing in an R-2, Low-Medium Density Two-Family Residential District at 511 Brevard Street, 312, 420, 425 Lakewood Street and 504 Westwood Avenue.
- On June 8, 2004 City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.
- On October 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the construction of student housing and associated parking areas in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On December 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
- On January 11, 2005, City Council approved C&G Properties' request to rezone one and nine hundredths (1.09 acres) at 1400 Lakeside Drive from B-3, Community Business District, and R-3, Medium Density Two-Family Residential District, to B-5C, General Business District (Conditional) to allow the operation of a thrift shop and related parking.
- On July 12, 2005, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
- On June 13, 2006, City Council approved DSZ Properties' petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium Density Single-Family Residential District, to R-4C, Medium-High Density Multi-Family

Residential District (Conditional) to allow the construction of a thirty-six (36)-unit townhouse complex with associated parking.

- On June 13, 2006, City Council approved Lynchburg College's petition for a CUP to allow college-supervised student housing in an R-2, Low-Medium Density Two-Family Residential District at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
- On November 14, 2006, City Council approved Milton & Neal Properties' petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
- On February 13, 2007, City Council approved Lynchburg College's petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive and 503 Brevard Street.
- On July 10, 2007, City Council approved Milton & Neal Realty's petition to rezone two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran's Administration Clinic and a future office building.
- On February 12, 2008, City Council approved Lynchburg College's petition for a CUP to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480)-square foot press box for baseball on Fox Field in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On March 10, 2009, City Council approved Lynchburg College's petition for a CUP to amend the previously approved master plan to allow the construction of a softball batting cage for "Moon" field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street in an R-2, Low-Medium Density Two-Family Residential District. On August 12, 2008, City Council approved William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend the proffers for the subject property to allow additional retail uses within the existing Aztec Rental building.
- On July 13, 2010, City Council approved Lynchburg College's petition for a CUP to amend the previously approved master plan to allow the conversion of two (2) existing single-family dwellings at 315 and College Street and 431 Lakewood Street to housing for a total of thirteen (13) students.
- On June 6, 2015, City Council approved Lynchburg College's petition for a CUP to amend the previously approved master plan to allow the conversion of the existing single-family dwelling at 307 Stafford Street to housing for a total of four (4) graduate students.

5. Site Description.

The property at 200 Bell Street includes a two-story, wood frame, wood sided house consisting of one thousand, six hundred and eighty square (1,680) feet. The structure was

constructed in 1937. It is bound to the north, east, and south by single family homes, including four (4) other Lynchburg College student homes in the immediate vicinity. The property is bound to the west by vacant land, also owned by Lynchburg College.

The property at 1210 Bristol Street includes a one-story, wood frame, brick veneer house consisting of one thousand, three hundred and fifty (1,350) square feet. The structure was constructed in 1963. It is bound to the north, west, and south by single family homes. To the east lies Lynchburg College's Graduate Health Sciences building.

The property at 402 Monticello Avenue includes a two-story, wood frame, vinyl-sided house consisting of one thousand, eight hundred and seventy (1,870) square feet. The structure was built in 1900. It is bound to the north by single family homes and the LAUREL Regional School, to the west by single family homes, and to the south and east by Lynchburg College's Graduate Health Sciences building.

6. **Proposed Use of Property.** The purpose of the CUP petition is to amend the existing master plan to allow the addition of the properties at 200 Bell Street, 1210 Bristol Street, and 402 Monticello Avenue. Each of these properties has one existing single-family dwelling, which would be converted to housing for four (4) students. The current R-2 zoning (at 200 Bell Street) and R-3 zoning (at 1210 Bristol Street and 402 Monticello Avenue) would only allow this use by CUP, as it states “not more than three (3) unrelated individuals may occupy a dwelling unit in the R-2 [or R-3] district unless allowed pursuant to a use authorized by conditional use permit.” (section 35.2-42.3c) The Zoning Ordinance defines “related people” as those “who are related by blood, are married to each other or are in a substantially similar relationship, and children under their care.” (section 35.2-113)

The College currently requires that “traditional” aged students live in college-owned housing until their senior year. During their senior year, a student may live in off-campus housing; however, the housing must be in an area zoned R-4 or R-5. These requirements have eliminated the ability of the students to rent single-family dwellings not under the ownership of the college. This has greatly reduced the potential for student activity to be disruptive to neighborhoods.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the CUP petition.

Section 35.2-62.4 of the City's Zoning Ordinance provides that the parking need for colleges exceeding one hundred (100) on campus and commuting students shall be determined by the petitioner and approved as part of a CUP. Lynchburg College's current student population is two thousand, seven hundred ninety-four (2,794) students, with seven hundred and twenty-nine (729) faculty and staff. The college has determined that this would require one thousand, six hundred and four (1,604) parking spaces. The Lynchburg College Master Plan provides for two thousand, two hundred and seventy-five (2,275) parking spaces, six hundred and seventy-one (671) more than required.

The property at 200 Bell Street has a front driveway and a parking area in the rear, which is accessed through an alley off College Drive. Students also have access to a parking lot owned by Lynchburg College located directly across Chapel Drive.

The properties at 1210 Bristol Street and 410 Monticello Avenue both have driveways and there are seven (7) parallel spaces located on the other side of Bristol Street. Students have access to a parking lot owned by Lynchburg College located across Bristol Street.

The Greater Lynchburg Transit Company Bus Route 67 has a stop located at the intersection of Bell and Richmond Streets and Route 8 has a stop at the intersection of Hood Street and Lakeside Drive.

8. **Stormwater Management.** An Erosion & Sediment Control / Stormwater Management Plan is not required because there are no exterior changes proposed, therefore land disturbance will not exceed the threshold for stormwater management.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP.

The City Police Department expressed concern about the presence of four (4) unrelated people living next door to single family homes. The College did conduct neighborhood meetings on April 12th and 13th, at which time they received no negative feedback.

10. **Impact.** The proposed conversion of the residence at 200 Bell Street to student housing would have limited impact on the surrounding area. The narrative indicates sufficient parking facilities and the property is located in an area that is close to the campus and other student housing facilities.

While past conversions of single-family homes have served the needs of the college and stabilized the neighborhood, staff is concerned with the extension of student housing further from the main campus. Of particular concern is the expansion of student housing into the neighborhood across Lakeside Drive. Building, preserving, and strengthening neighborhoods is a goal that is repeated throughout the Comprehensive Plan, and the introduction of student housing changes the character and dynamic of a neighborhood. The neighborhood directly adjacent to the main campus has seen a major shift due to the overwhelming number of student housing facilities, and staff does not wish to set a precedence for creating a similar situation in the neighborhood across Lakeside Drive. It is for this reason that staff recommends that the properties at 1210 Bristol Street and 402 Monticello Avenue are not approved as part of the CUP.

11. **Technical Review Committee.** The TRC reviewed the concept plan on April 19, 2016. 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 Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include the property at 200 Bell Street within an R-2, Low-Medium Density Residential District, and to allow the conversion of the existing single-family dwelling to housing for four (4) students, subject to the following conditions:

1. **The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on May 2, 2016.**
2. **A maximum of four (4) students will reside in the structure.**

3. **All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.**
4. **Parking will be available in the existing driveway on the property and the parking lot across the street.**

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include the properties at 1210 Bristol Street and 402 Monticello Avenue within an R-3, Medium Density Residential District, and to allow the conversion of the existing single-family dwellings to housing for four (4) students each.

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 Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Ms. Carol Key, Petitioner, Lynchburg College

VII. ATTACHMENTS

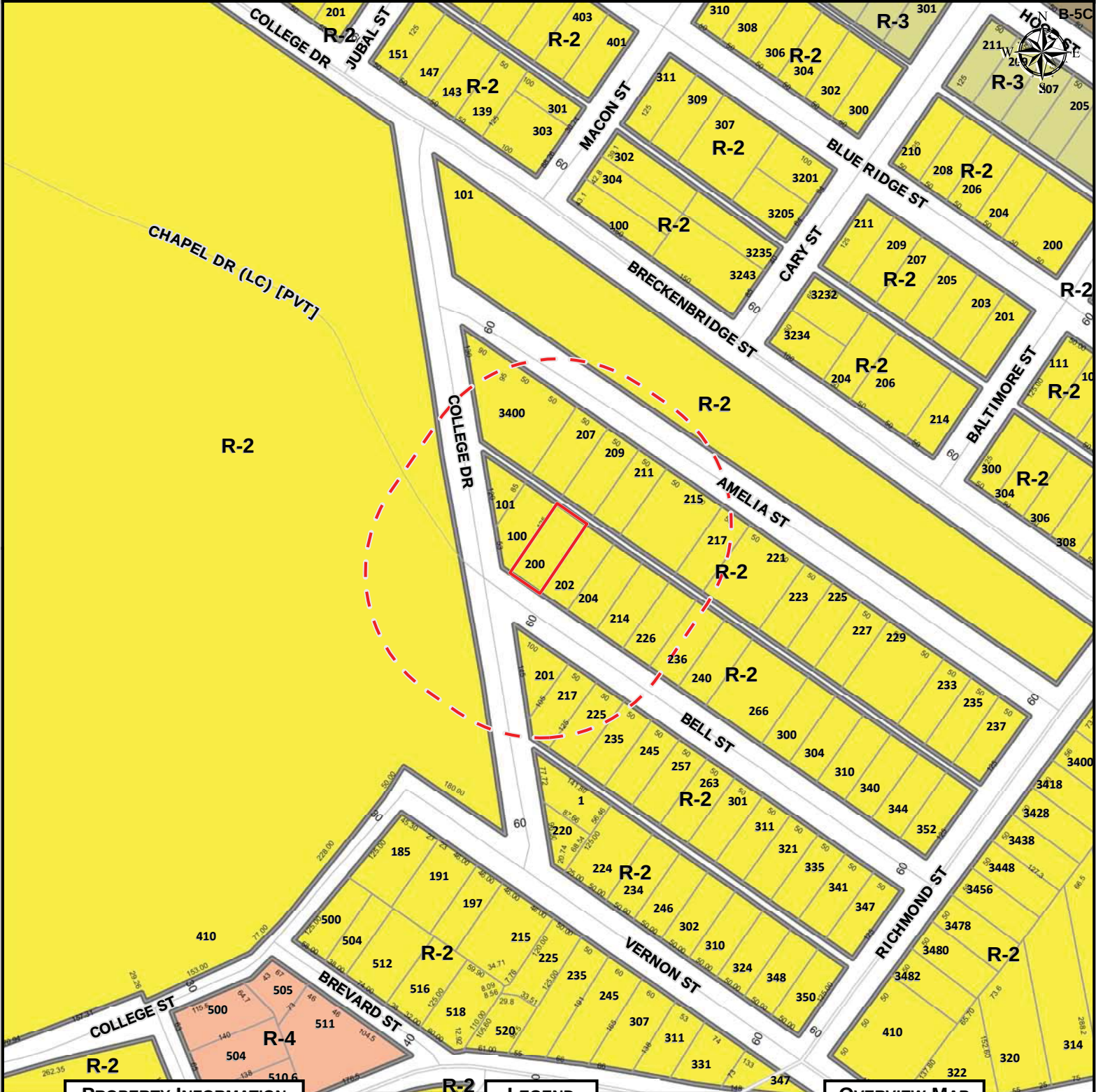
1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Lynchburg College Master Plan Update for Conditional Use Permit**
6. **Narrative, Site Plan, and Property Photograph of 200 Bell Street**
7. **Narrative, Site Plan, and Property Photograph of 1210 Bristol Street**
8. **Narrative, Site Plan, and Property Photograph of 402 Monticello Avenue**

Zoning Map

LYNCHBURG COLLEGE STUDENT HOUSING

Conditional Use Permit Request

Lynchburg College



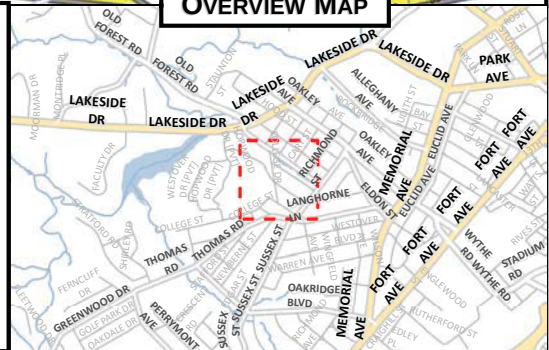
PROPERTY INFORMATION

PARCEL ID ADDRESS
01318034 200 BELL ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/30/2016

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.

Parcel ID	Address	Owner
01318029	236 BELL ST	LYNCHBURG COLLEGE
01318009	217 AMELIA ST	HALT LLC
01319004	235 BELL ST	LYNCHBURG COLLEGE
01318031	214 BELL ST	LYNCHBURG COLLEGE
01318007	215 AMELIA ST	BLANK, DIETMAR G TRS
01317001	101 BRECKENBRIDGE ST	CITY OF LYNCHBURG
01319001	201 BELL ST	LYNCHBURG COLLEGE
01318033	202 BELL ST	MCCRAY, DARNELL M & TRACY D
01318030	226 BELL ST	PERKINS, MARY T
01318032	204 BELL ST	WHITE, ROBERT H
01318004	207 AMELIA ST	TAYLOR, POLLY W
01318001	3400 COLLEGE DR	LYNCHBURG COLLEGE
01319003	225 BELL ST	EVANS, DANA P & LISA A
03103001	1501 LAKESIDE DR	LYNCHBURG COLLEGE
01318035	100 BELL ST	LYNCHBURG COLLEGE
01319002	217 BELL ST	LYNCHBURG COLLEGE
01318034	200 BELL ST	LYNCHBURG COLLEGE
01318006	211 AMELIA ST	LYNCHBURG COLLEGE
01318005	209 AMELIA ST	LYNCHBURG COLLEGE
01318011	101 COLLEGE DR	LYNCHBURG COLLEGE
01318010	221 AMELIA ST	MAJERCAK, SHIRLIE M

FLUM Map

LYNCHBURG COLLEGE STUDENT HOUSING

Conditional Use Permit Request

Lynchburg College



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01318034 200 BELL ST

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: 6/30/2016

OVERVIEW MAP



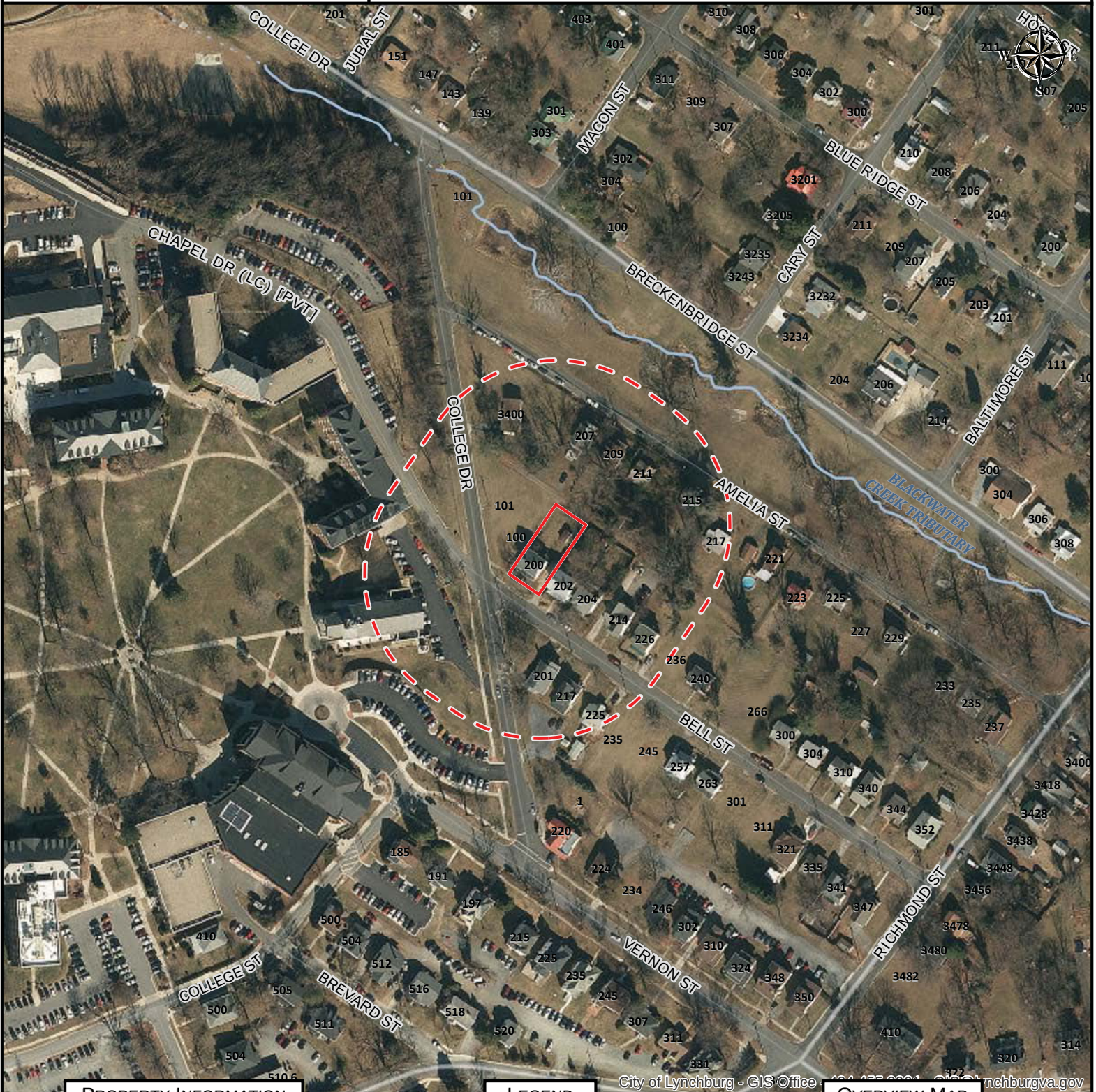
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Watershed Map

LYNCHBURG COLLEGE STUDENT HOUSING

Conditional Use Permit Request

Lynchburg College



PROPERTY INFORMATION

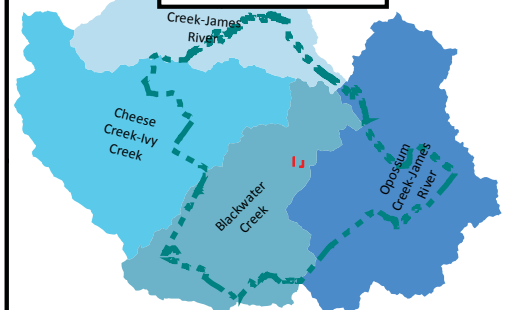
PARCEL ID ADDRESS
01318034 200 BELL ST

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 6/30/2016

OVERVIEW MAP

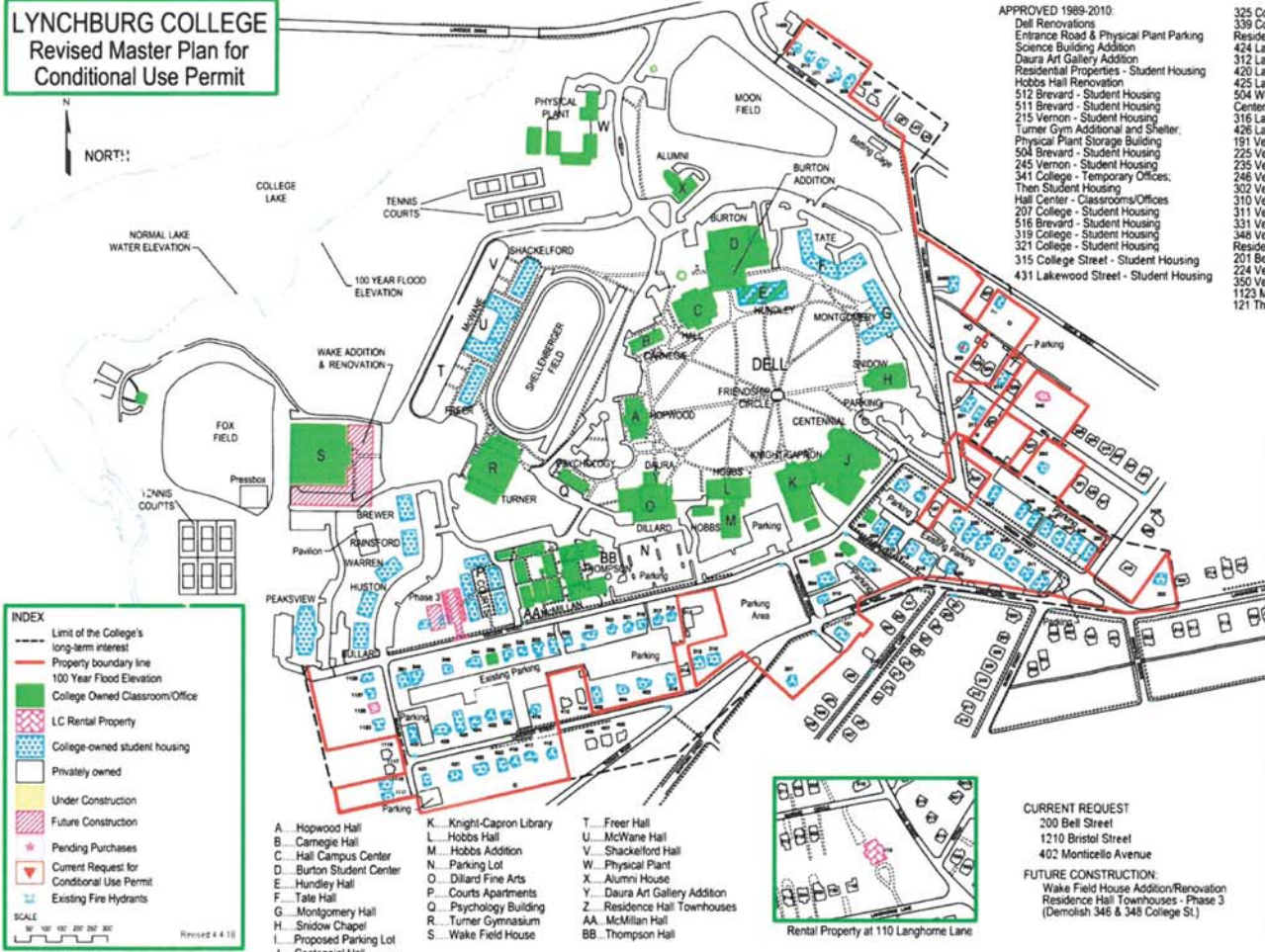


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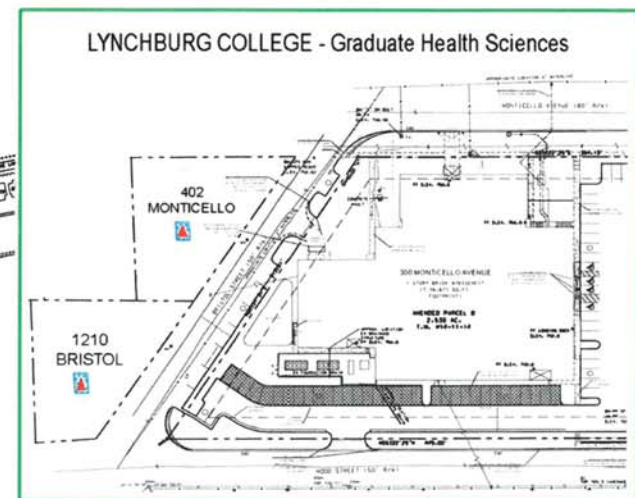


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LYNCHBURG COLLEGE
Revised Master Plan for
Conditional Use Permit



- | | | |
|--|-------------------------------------|------------------------------------|
| APPROVED 1989-2010: | 325 College - Student Housing | 310 Lakewood - Student Housing |
| Def Renovations | 339 College - Student Housing | 432 Lakewood - Student Housing |
| Entrance Road & Physical Plant Parking | Residence Hall Townhouses - Phase 1 | 432 Lakewood - Student Housing |
| Student Building Addition | 424 Lakewood - Student Housing | 214 Bell - Student Housing |
| Daura Art Gallery Addition | 424 Lakewood - Student Housing | 424 Lakewood - Student Housing |
| Residential Properties - Student Housing | 420 Lakewood - Student Housing | 428 Lakewood - Student Housing |
| Hobbs Hall Renovation | 425 Lakewood - Student Housing | 185 Vernon - Student Housing |
| 512 Brevard - Student Housing | 504 Westwood - Student Housing | 307 Vernon - Student Housing |
| 511 Brevard - Student Housing | Central Hall (Cafeteria Building) | 203 Amelia - Student Housing |
| 215 Vernon - Student Housing | 316 Lakewood - Student Housing | 324 Vernon - Student Housing |
| Turner Gym Additional and Shelter; | 428 Lakewood - Student Housing | 518 Brevard - Student Housing |
| Student Storage Building | 118 Vernon - Student Housing | 215 Amelia - Student Housing |
| 504 Brevard - Student Housing | 425 Vernon - Student Housing | 217 Bell - Student Housing |
| 245 Vernon - Student Housing | 235 Vernon - Student Housing | 402 Lakewood - Student Housing |
| 341 College - Temporary Offices; | 248 Vernon - Student Housing | 417 Lakewood - Student Housing |
| Thompson Addition | 310 Vernon - Student Housing | 417 Lakewood - Student Housing |
| Hall Center - Classrooms/Offices | 310 Vernon - Student Housing | 115 McCausland - Student Housing |
| 207 College - Student Housing | 311 Vernon - Student Housing | Thompson Addition |
| 516 Brevard - Student Housing | 331 Vernon - Student Housing | Fox Baseball Field Press Box |
| 319 College - Student Housing | 430 Vernon - Student Housing | 430 Lakewood - Student Housing |
| 321 College - Student Housing | Residence Hall Apartments (Phase 2) | Moon Field - Softball Batting Cage |
| 315 College Street - Student Housing | 201 Bell - Student Housing | |
| 431 Lakewood Street - Student Housing | 224 Vernon - Student Housing | |
| | 450 Vernon - Student Housing | |
| | 1123 McCausland - Student Housing | |
| | 121 Thomas - Student Housing | |



RECEIVED
MAY 02 2016
COMMUNITY
DEVELOPMENT

LYNCHBURG COLLEGE UPDATE TO MASTER PLAN Conditional Use Permit Application

Lynchburg College is applying for a Conditional Use Permit to update its Master Plan to request permission to convert the single family dwelling at **200 Bell Street** to graduate student housing.

Lynchburg College, founded in 1903, is one of the oldest coeducational colleges in Virginia. Since its founding, the College has maintained strong commitments to the liberal arts as the basis for education, to a church relationship, to coeducation, and to being a residential community. We have completed a strategic plan and a campus facilities master plan. Our plans call for our enrollment of approximately 2,600 to remain constant. Currently about 1,800 of these students are full-time traditional age undergraduates with the remaining 800 consisting of older adult (over 25) students, part-time students, and graduate students. All traditional age students are required to live in College-owned housing until their senior year unless they are living at home with their parents. Seniors must apply to live off-campus and they can only live in areas zoned R4 or R5, areas designated as multi-family dwellings, i.e., apartment complexes. Our students are no longer allowed to rent single-family dwellings throughout the neighborhood surrounding the campus. Currently, on-campus housing is not available to graduate students, except for a few who hold graduate assistantships on campus.

Starting in the summer of 2016, the College will be offering additional college owned housing to a limited number of full-time graduate students. In order to provide such residential space to our students, we need to convert the dwelling at 200 Bell Street to graduate student housing that will accommodate four residents. Parking can be accommodated by utilizing the property driveway and rear parking lot. Residents also have access to parking in the College's larger parking lot located across the street on Chapel Drive. The renovations that have been made to the property include installation of new electrical service, vinyl siding replacement, updating the heating and cooling system, remodeled kitchen, replaced front and rear porch decking, and installation of a hardwired fire alarm system that is connected to the College's system which is monitored continuously by our Security force.

A listing of names and addresses of all individuals that own property near 200 Bell Street was obtained from Ms. Robin Craig, who is the Planning Technician with the City of Lynchburg's Department of Community Development. On April 4, 2016, letters were mailed to each neighbor inviting them to an Information Session held on April 13, 2016 at 5:30 p.m. at Lynchburg College's Schewel Hall, 1st Floor, Room 109. Four representatives from the College were present at the Information Session. One neighbor attended the session to inquire about the proposed changes to graduate housing and to provide positive comments regarding the new graduate housing.

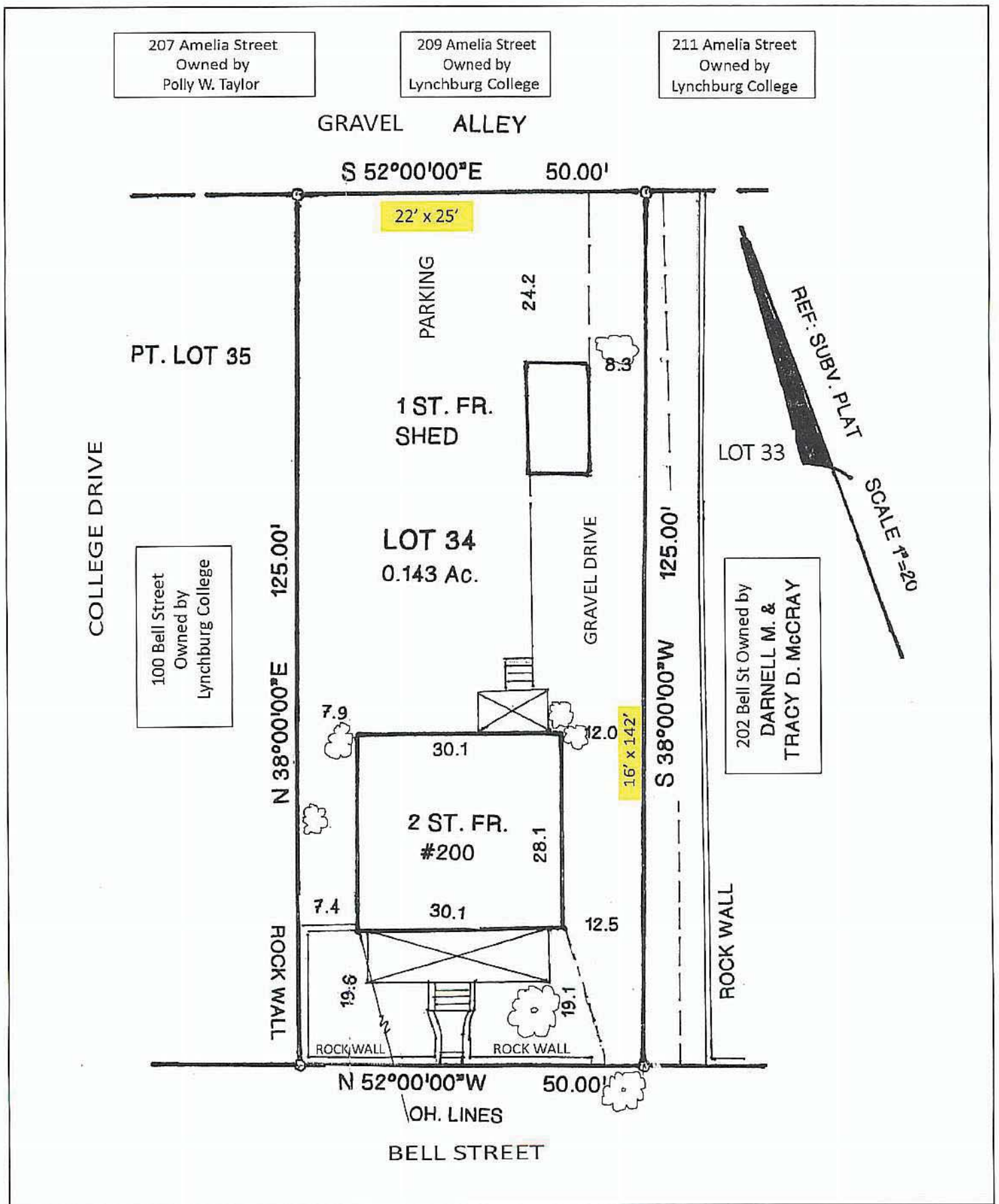
The College has been and wants to continue to be a responsible entity within the City of Lynchburg. We currently employ over 700 individuals and have a regional economic impact of over \$100 million on an annual basis.

Prepared by:

Carol W. Key

Carol W. Key
Controller

Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 200 Bell Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 4 graduate students)





NOTICE
REVISED FOR CONSTITUTIONAL USE PERMIT
CITY OF CHESAPEAKE
NAME OF OWNER: LINDA J. JALLIE
PHONE: (434) 580-1111
LOT: 10 PROPERTY: 1000 BELL ST.
POLLING PLACE NO.
PROPOSED USE: STUDENT HALL
AFTER HOURS CALL PLANNING DEPARTMENT
FOR INFORMATION ON COMMUNITY RE-ENTRY
OR FOR MORE INFORMATION ON THE USE OF





PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: I-2, Light Industrial District to B-3C, Community Business District (Conditional) - 1600 Campbell Avenue

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☒ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☒ Land Use	☐ Lifelong Learning	☐ Natural Resources
☒ Neighborhoods	☐ Safe Community	☐ Social Equity	☒ Transportation
			☐ Administrative

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: 1600 Campbell Ave, LLC is petitioning to rezone one and ninety-two thousandths (1.092) acres located at 1600 Campbell Avenue from I-2, Light Industrial District, to B-3C, Community Business District (Conditional), to allow the reuse of an existing building as a counseling center. Uses permitted in B-3 districts, other than those specifically eliminated in the proffers, will also be allowed on the property. The Planning Commission recommended approval of the petition because (i) the proposed zoning better aligns with the *Comprehensive Plan 2013-2030's* Future Land Use Map (FLUM), (ii) the site will be redeveloped to meet requirements of the new zoning ordinance, and (iii) the proposal would allow for the reuse of an otherwise vacant, developed site.

PRIOR ACTION(S):

June 8, 2016: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval of the rezoning petition (6-0, with one absence, Bowden)

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – June 8, 2016
- Planning Commission Packet – June 8, 2016
 - o Planning Commission Report
 - o Zoning Map
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Property Photograph
 - o Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1600 CAMPBELL AVENUE FROM I-2, LIGHT INDUSTRIAL DISTRICT, TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.4, which section shall read as follows:

Section 35.2-54.4. Change of a certain area located at 1600 Campbell Avenue from I-2, Light Industrial District, to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

LEGAL DESCRIPTION: 1600 CAMPBELL AVENUE, TAX MAP PARCEL 02703001

BEGINNING AT THE IRON AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY LINE OF 16H STREET WITH THE NORTHEASTERLY LINE OF CAMPBELL AVENUE AND RUNNING THENCE ALONG THE SOUTHEASTERLY LINE OF 16TH STREET N. 55° 24' E. 235 FEET TO AN IRON AT THE POINT OF INTERSECTION OF SAID SOUTHEASTERLY LINE OF 16TH STREET WITH THE WESTERLY RIGHT OF WAY LINE OF THE LYNCHBURG AND DURHAM DIVISION OF THE NORFOLK & WESTERN RAILWAY COMPANY; THENCE ALONG THE SAID WESTERLY RIGHT OF WAY LINE OF THE NORFOLK & WESTERN RAILWAY COMPANY AS IT CURVES IN A SOUTHERLY DIRECTION 382 FEET TO AN IRON AT THE POINT OF INTERSECTION OF THE SAID RIGHT OF WAY LINE WITH THE NORTHWESTERLY LINE OF 17TH STREET; THENCE ALONG THE SAID NORTHWESTERLY LINE OF 17TH STREET S. 55° 24' W. 47.1 FEET TO AN IRON AT THE POINT OF INTERSECTION OF THE SAID NORTHWESTERLY LINE OF 17TH STREET WITH THE NORTHEASTERLY LINE OF CAMPBELL AVENUE; AND THENCE ALONG THE SAID NORTHEASTERLY LINE OF CAMPBELL AVENUE N 34° 36' W. 330 FEET TO THE POINT OF BEGINNING, AND BEING ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, AND 9 IN BLOCK 5, AS SHOWN ON THE PLAT ENTITLED "PLAT SHOWING LOT 1 TO 9, INCLUSIVE, BLOCK 5, AS SHOWN ON A PLAT OF A PORTION OF J. P. SHANER'S EST. MADE BY H. G. GARLAND DATED JUNE 1914, LYNCHBURG, VIRGINIA," DATED NOVEMBER 16, 1955.

...is hereby changed from I-2, Light Industrial District, to B-3C, Community Business District (Conditional), subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, 1600 Campbell Ave, LLC, to wit:

1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.
2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.
3. The following uses allowed by normal B-3 zoning will not be permitted on this site:
 - a. Gasoline Service; LBCS #2116
 - b. Bank, Credit Union, or Savings Institution; LBCS #2210
 - c. Precious Metal Buyers; LBCS #2224
 - d. Veterinary Services; LBCS #2418
 - e. Adult Retail Establishment; LBCS #2653
 - f. Telephone and other Wired Communications Transmission; LBCS #4234
 - g. Telecommunications switching stations/exchanges; LBCS #4239
 - h. Electric Substations; LBCS #4316
 - i. Shooting Ranges, Indoor; LBCS #5375

And the Director of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

099K

MINUTES FROM JUNE 8, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of 1600 Campbell Avenue, LLC, to rezone approximately one and ninety-two thousandths (1.092) acres at 1600 Campbell Avenue from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the property as a counseling center or other permitted uses.

Ms. Anne Nygaard had the following comments for the commission. This property is the old May's Farmer's Supply Service and has been vacant for a number of years. It is currently zoned I-2, Light Industrial and is surrounded by the Lynchburg Expressway to the south, Norfolk & Western railroad to the east, other light industrial to the north and B-5 zoning to the west across Campbell Avenue. However, some of the B-5 zoning and some of the I-2 zoning is comprised primarily of single household homes and is probably incorrectly designated because the *Future Land Use Map (FLUM)* calls for Medium Density Residential in those areas.

The *FLUM* designates this site for Neighborhood Commercial, which typically equates to a B-1, Limited Business District. Neighborhood Commercial uses are designed to serve the daily needs of the adjacent neighborhood. Counseling services, offices and other uses are permitted in the B-1 district; however, to maintain greater flexibility for future uses, the applicant is petitioning for B-3, Community Business District. The petitioner has proffered not to use the property for some of the more intense uses permitted by a B-3 district.

The concept plan proposes to bring the site into compliance with the City's new Zoning Ordinance by extending the sidewalk, providing a marked walkway from the sidewalk to the building, adding parking area and building foundation landscaping and incorporating a bike rack on the site. The proffers ensure that these improvements will happen concurrently with the building renovation.

The Planning Division finds that these upgrades and the adaptive reuse of the warehouse building will be a benefit to the surrounding neighborhood and recommends approval of the petition.

Mr. Trent Warner was present to represent the petitioner, Mr. Mike Anderson. Mr. Warner commented that Mr. Anderson currently has a counseling center at 434 Graves Mill Road and feels that he can serve his clients better by offering two convenient locations, especially one that is closer to downtown.

Mr. Warner explained that initially Mr. Anderson wanted a B-5 zoning to allow him the most flexibility in uses for the site. However, after discussing it with staff, he understood the recommendation to lower his request to B-3 and proffer out some of its more intense uses. Mr. Anderson would just like some options for the property in case the counseling center is not the right fit for the property.

Chair Perault asked for anyone else who wished to speak either in favor or in opposition to the petition. No one came forward and he closed the public hearing portion of the petition.

In answer to a question from a commissioner, Mr. Warner indicated that the petitioner did hold a neighborhood meeting. No citizens attended the meeting. Mr. Warner indicated that the neighbors like to use the parking lot to park their cars and walk to their homes. He is not sure if that practice will be allowed to continue; it will probably depend on how much that affects available parking for customers.

Mr. Warner mentioned that Mr. Anderson did a nice job renovating the building at 434 Graves Mill Road into a counseling center and expects that he will do the same here. Mr. Warner feels the neighbors will benefit from the site being upgraded and that may be why none of them seem to have any concerns about the proposed use.

Commissioner Lowe noted that 1580 Campbell Avenue is also owned by the petitioner. He wanted to know if that property will be improved as well. Mr. Warner explained that this parcel is not part of the rezoning petition, so he cannot speak to exactly what the plans are for this property. For the time being, it will remain zoned I-2, Light Industrial.

Chair Perault commented that the site is run down and he is a huge fan of redevelopment. The improvements proposed will make the site look much better and he would presume that the parking lot being used by the neighbors will work itself out. That is a minor issue in his opinion.

Commissioner Lowe made the following motion, which was seconded by Commissioner Marion:

"That the Planning Commission recommends approval of the petition of 1600 Campbell Ave LLC to rezone approximately one and ninety-two thousandths (1.092) of an acre located at 1600 Campbell Avenue from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the property as a counseling center or other permitted uses, subject to the following voluntarily submitted proffers:

- 1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.**
- 2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.**
- 3. The following uses allowed by normal B-3 zoning will not be permitted on this site:**
 - a. Gasoline Service; LBCS #2116**
 - b. Bank, Credit Union, or Savings Institution; LBCS #2210**
 - c. Precious Metal Buyers; LBCS #2224**
 - d. Veterinary Services; LBCS #2418**
 - e. Adult Retail Establishment; LBCS #2653**
 - f. Telephone and other Wired Communications Transmission; LBCS #4234**
 - g. Telecommunications switching stations/exchanges; LBCS #4239**
 - h. Electric Substations; LBCS #4316**
 - i. Shooting Ranges, Indoor; LBCS #5375"**

The motion passed by the following vote:

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

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

To: Planning Commission
From: Planning Division
Date: June 8, 2016
**Re: Rezoning: 1600 Campbell Avenue – I-2, Light Industrial District to B-3C,
Community Business District (Conditional)**

I. PETITIONER

1600 Campbell Ave, LLC (Mike Anderson), 1600 Campbell Avenue, Lynchburg, Virginia 24502
Representative: Trent Warner, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property includes one tract of approximately one and ninety-two thousandths (1.092) of an acre located at 1600 Campbell Avenue.

Property Owner: 1600 Campbell Ave, LLC, 1600 Campbell Avenue, Lynchburg, Virginia 24502

III. PURPOSE

The purpose of the petition is to rezone the property from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the reuse of an existing building as a counseling center.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Neighborhood Commercial use for the property.
- The proposed B-3C, Community Business District (Conditional) allows for a variety of uses other than counseling centers. Most uses which would be inappropriate for this site have been eliminated via proffers.
- The submitted proffers ensure that the site will be brought into compliance with the City's Zoning Ordinance

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends Neighborhood Commercial use for the subject property. Neighborhood Commercial areas are intended to consist primarily of office, retail, personal service and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses or small shopping centers. They meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average 50,000 square feet of space. A grocery store or drug store is often the anchor for a neighborhood shopping center. **(p.75)**

The proposed B-3C, Community Business District (Conditional) zoning does not neatly align with a Neighborhood Commercial *Future Land Use Map* designation. Uses allowed in a B-3 zone are typically too intense for these areas; however, the current I-2, Light Industrial District, allows uses much more intense than what the *Comprehensive Plan* recommends,

making this rezoning a step in the right direction. Additionally, the petitioner has proffered to not use the property for certain heavy traffic uses like gas stations or banks, though others like auto parts/supply stores were not eliminated for potential future uses.

2. Zoning. The subject property was annexed into the City in 1908. The existing I-2, Light Industrial District zoning was established in 1978.

3. Proffers. The petitioner has voluntarily submitted the following proffers:

1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.
2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.
3. The following uses allowed by normal B-3 zoning will not be permitted on this site:
 - a. Gasoline Service; LBCS #2116
 - b. Bank, Credit Union, or Savings Institution; LBCS #2210
 - c. Precious Metal Buyers; LBCS #2224
 - d. Veterinary Services; LBCS #2418
 - e. Adult Retail Establishment; LBCS #2653
 - f. Telephone and other Wired Communications Transmission; LBCS #4234
 - g. Telecommunications switching stations/exchanges; LBCS #4239
 - h. Electric Substations; LBCS #4316
 - i. Shooting Ranges, Indoor; LBCS #5375

4. Board of Zoning Appeals (BZA). The Zoning Administrator has determined that no variances would be needed for the development of the property as proposed.

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

- On October 9, 1979, City Council approved the petition of Robert Cash to rezone 1525 Garfield Avenue from R-3, Two-Family Residential District to I-2, Light Industrial District.
- On May 9, 2000, City Council approved the petition of Habitat for Humanity for a conditional use permit to construct a single-family residence in a B-5, General Business District at 1209 Campbell Avenue.
- On May 12, 2009, City Council approved the petition of Cameron Lofts, LP to rezone 1300 Campbell Avenue from I-2, Light Industrial District, to B-5C, General Business District (Conditional) and for a conditional use permit to allow the renovation and use of an existing building for sixty-two (62) apartments.
- On January 12, 2010, City Council approved the petition of Jennings Dorm, LLC for a conditional use permit to allow the conversion of an existing building at 1300 Campbell Avenue for one hundred and seven (107) apartments in a B-5C, General Business District (Conditional).

6. Site Description. The subject property includes one tract totaling approximately one and ninety-two thousandths (1.092) acres located at 1600 Campbell Avenue. The property contains one seven thousand (7,000) square foot, two-story, wood frame warehouse building

that is currently vacant. The site is bound by the Lynchburg Expressway to the south, Norfolk & Western Railway to the east, a separate parcel owned by the petitioner to the north, and single household residences to the northwest and west across 16th Street and Campbell Avenue. The site is generally flat with steep slopes along the property lines sloping south and east. Generally the site is tucked away and nestled into a corner with its railway and expressway boundaries; however the presence of single family homes across the adjacent streets requires a sensitive reuse of the site.

7. **Proposed Use of Property.** If the rezoning is approved, the existing building will be redeveloped into a counseling center and a program for suspended students. The site will be brought into conformance with the City's Zoning Ordinance in regards to sidewalks, landscaping, parking and bicycle parking.
8. **Traffic, Parking, Public Transit, and Pedestrian Facilities.** The Transportation Engineer had no traffic concerns about the redevelopment of this property.

The City's Zoning Ordinance requires two (2) spaces per one thousand (1,000) square feet of office space. Therefore, a fourteen thousand (14,000) square foot office building is required to provide twenty-eight (28) parking spaces. The concept plan shows that twenty-eight (28) spaces can be provided on site along with required landscaping to meet all parking area requirements.

The area is served by the Greater Lynchburg Transit Company (GLTC) Route 2. The closest bus stop is approximately one hundred (100) feet from the property on Campbell Avenue. The concept plan shows an extension of sidewalk from the existing walk along Campbell Avenue and a marked walkway to the building entrance, making public transit both easily and safely accessible to and from the site. The sidewalk on the southern side of the driveway entrance will likely be exempted due to slope limitations.

9. **Stormwater Management.** An Erosion & Sediment control plan will be required if disturbed areas exceed one thousand (1,000) square feet. A stormwater management plan will not be required as disturbed areas will not exceed five thousand (5,000) square feet.
10. **Emergency Services.** The City Fire Marshal and Police Department had no concerns regarding the proposed rezoning.
11. **Impact.** The petition proposes to rezone the property from I-2, Light Industrial District to B-3C, Community Business District (Conditional). Typically the Planning Division would only support a B-1, Limited Business District, in an area designated for Neighborhood Commercial by the City's *Future Land Use Map*; however, due to the site's unique position and the submitted proffers, the Planning Division finds that this rezoning will be a benefit to the surrounding community and should be approved.

The site is both isolated, with its Expressway and railroad borders, and nestled into a neighborhood, with single household homes less than one hundred (100) feet away across 16th Street and Campbell Avenue. The proffers ensure that the site will be brought into compliance with the City's Zoning Ordinance through a final site plan review phase, which will include site improvements shown on the concept plan. Parking delineation, bike rack installation, sidewalk/walkway construction, landscaping, including parking area screening, street trees, and foundation plantings will all be done simultaneously with the building renovation, reducing the blight of the current site and getting an already developed site back in use. Additionally, the site will be easily accessible for pedestrians and transit users.

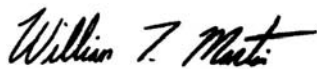
- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on May 3, 2016. Comments regarding the petition have or will be addressed prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Approval of the petition of 1600 Campbell Ave LLC to rezone approximately one and ninety-two thousandths (1.092) of an acre located at 1600 Campbell Avenue from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the property as a counseling center or other permitted uses, subject to the following voluntarily submitted proffers:

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 - b. Bank, Credit Union, or Savings Institution; LBCS #2210**
 - c. Precious Metal Buyers; LBCS #2224**
 - d. Veterinary Services; LBCS #2418**
 - e. Adult Retail Establishment; LBCS #2653**
 - f. Telephone and other Wired Communications Transmission; LBCS #4234**
 - g. Telecommunications switching stations/exchanges; LBCS #4239**
 - h. Electric Substations; LBCS #4316**
 - i. Shooting Ranges, Indoor; LBCS #5375**

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. Doug Saunders, Building Official
Ms. Maggie Cossman, Transportation Engineer
Mr. Kevin Henry, Zoning Administrator
Mr. Trent Warner, Hurt & Proffitt
Mr. Mike Anderson, Property Owner

VII. ATTACHMENTS

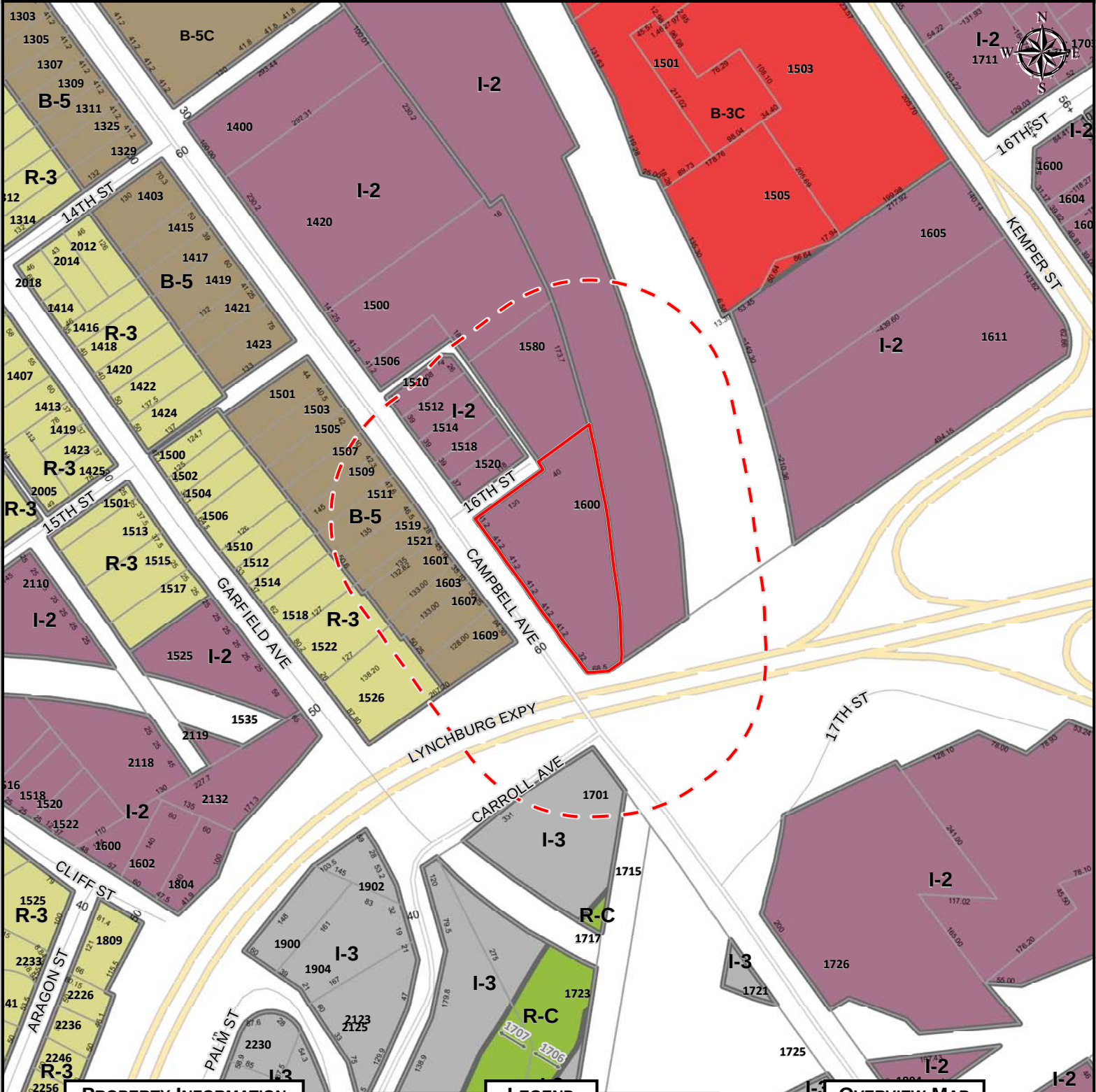
- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative and Concept Plan**
- 6. Property Photograph**

Zoning Map

REZONING FROM I-2 TO B-3C

Zoning Request

1600 Campbell Avenue, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
02703001	1600 CAMPBELL AVE

LEGEND

Subject Property

215' Buffer

B-1

I-1

R-4

B-2

I-2

R-5

B-3

I-3

R-C

B-4

R-1

IN-1

B-5

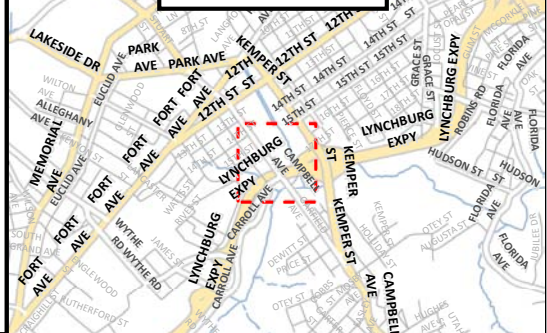
R-2

IN-2

B-6

R-3

OVERVIEW MAP



MAP SCALE: 1" = 200' DATE PRINTED: 5/26/2016

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.

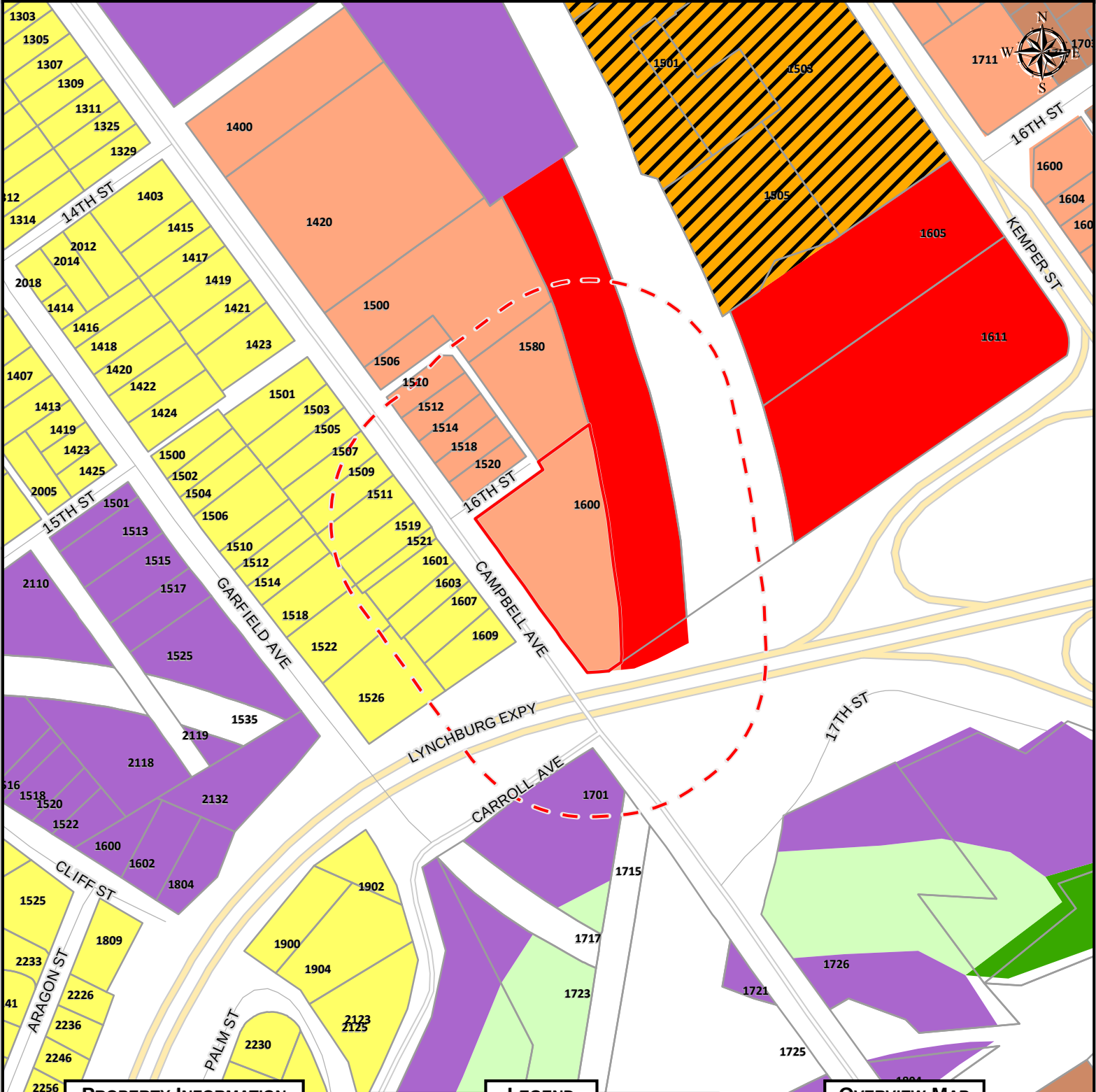
Parcel ID	Address	Owner
05018004	1715 CAMPBELL AVE	NORFOLK & WESTERN RAILWAY
02712005	1601 CAMPBELL AVE	MAY, GLEN E LIFE ESTATE
02712017	1507 CAMPBELL AVE	L2 REAL ESTATE LLC
05018014	1701 CAMPBELL AVE	SOUTHERN RAILWAY
02712004	1519 CAMPBELL AVE	PSA PROPERTIES LLC
02704007	1514 CAMPBELL AVE	BORN AGAIN CHRISTIAN CONST CO
02712007	1609 CAMPBELL AVE	ROBINSON, MATTHEW E
02712023	1522 GARFIELD AVE	FORK BAPTIST CHURCH
02703001	1600 CAMPBELL AVE	1600 CAMPBELL AVENUE LLC
02704002	1580 CAMPBELL AVE	1600 CAMPBELL AVENUE LLC
02704001	1500 CAMPBELL AVE	FOSTER ELECTRIC CO INC
02712010	1526 GARFIELD AVE	WALLER, BENNIE D ET AL
02712006	1607 CAMPBELL AVE	STATON, ASHBY W & STATON, PHILLIP W
02712002	1509 CAMPBELL AVE	L2 REAL ESTATE LLC
02712020	1521 CAMPBELL AVE	PSA PROPERTIES LLC
02704006	1518 CAMPBELL AVE	FIELDER, JANET E
02712011	1518 GARFIELD AVE	WHITEHEAD, JAMES C & A C
02704009	1510 CAMPBELL AVE	PSA PROPERTIES LLC
02704008	1512 CAMPBELL AVE	HARKER, LEWIS W & JOYCE A
02712018	1505 CAMPBELL AVE	VANCE, JOSEPH D JR & MARY ELIZABETH
02702002	1811 12TH ST	SOUTHERN RAILWAY
02702003	1851 12TH ST	NORFOLK & WESTERN RAILWAY
02712021	1603 CAMPBELL AVE	STATON, ASHBY W & STATON, BECKY B
02704005	1520 CAMPBELL AVE	UNITED STEEL WORKERS LOCAL
02712003	1511 CAMPBELL AVE	PSA PROPERTIES LLC

FLUM Map

REZONING FROM I-2 TO B-3C

Zoning Request

1600 Campbell Avenue, LLC



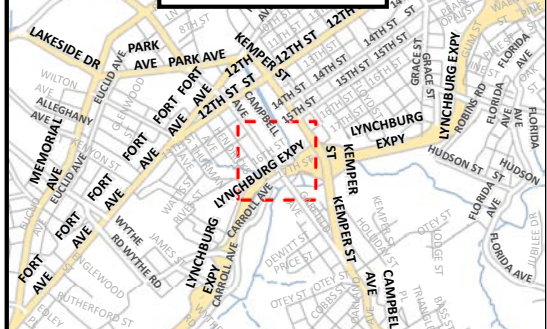
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02703001	1600 CAMPBELL AVE

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 5/26/2016

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Watershed Map

Zoning Request

REZONING FROM I-2 TO B-3C

1600 Campbell Avenue, LLC



City of Lynchburg - GIS Office 757.453.6881 www.lynchburgva.gov

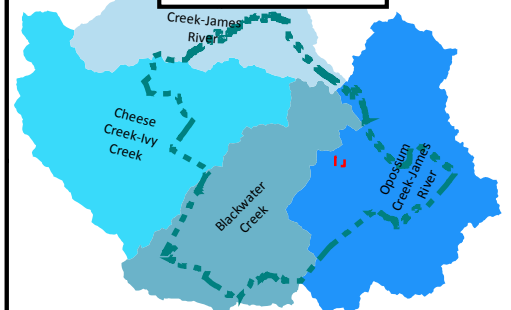
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02703001	1600 CAMPBELL AVE

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" = 200' DATE PRINTED: 5/26/2016

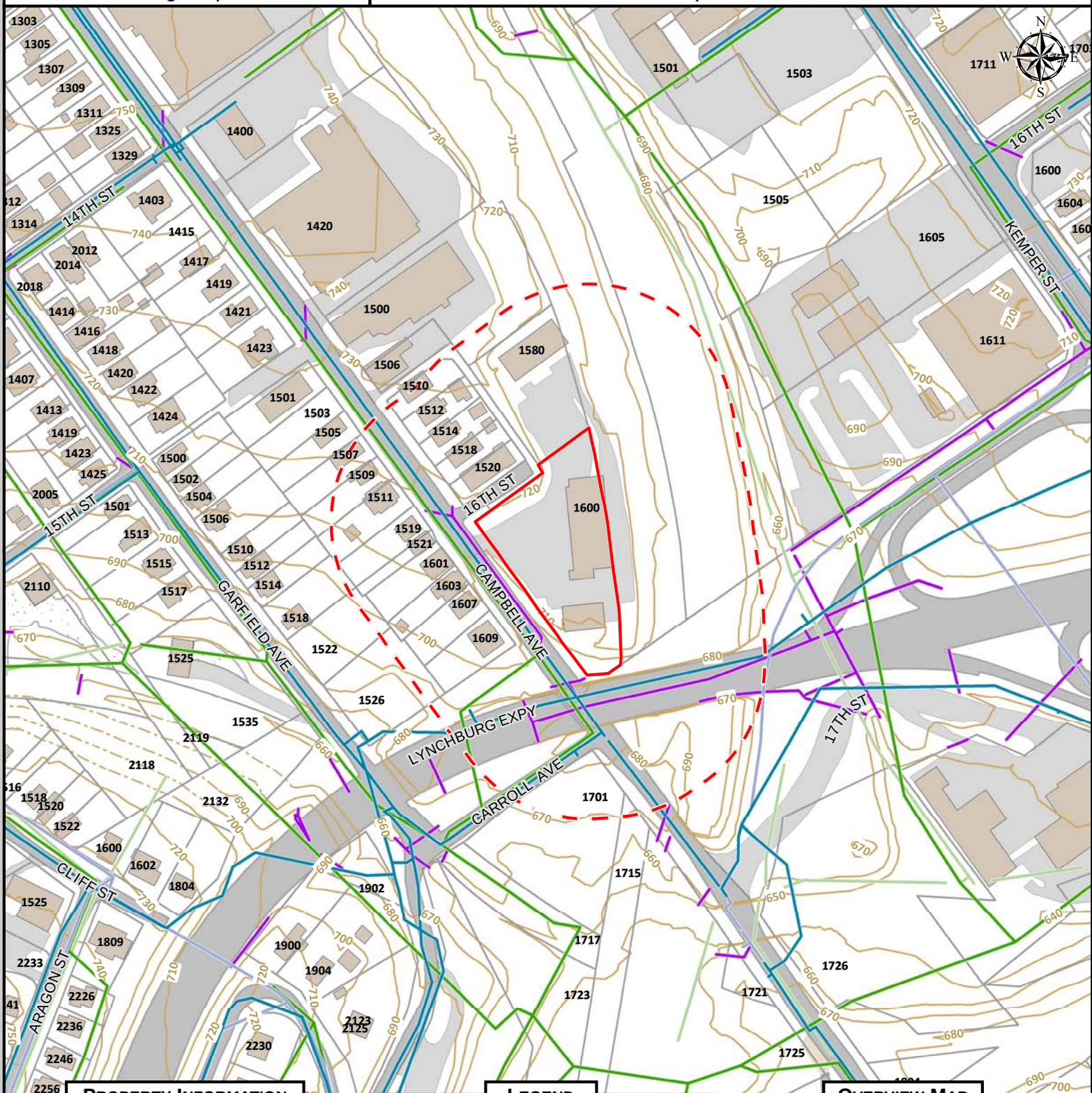
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Planimetric and Topographic Map

REZONING FROM I-2 TO B-3C

Zoning Request

1600 Campbell Avenue, LLC



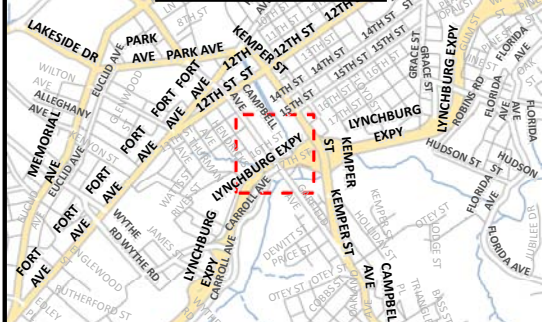
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02703001	1600 CAMPBELL AVE

LEGEND

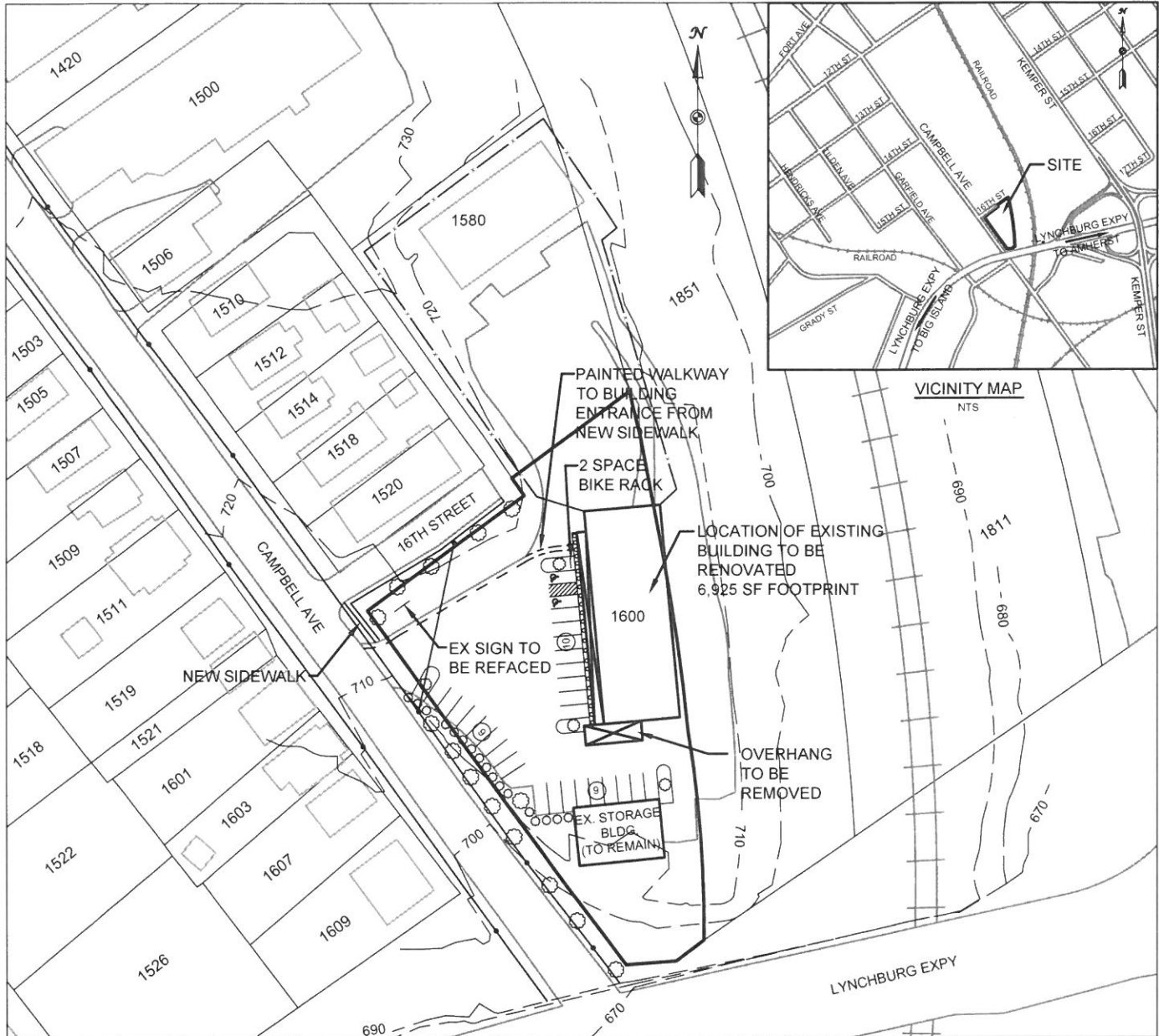
	Active	Proposed	Abandoned
Utilities			
Water	—	---	---
Sanitary	—	---	---
Storm	—	---	---
	Paved	Unpaved	Other
Structure	■	■	■
Roadway	■	■	■
Parking	■	■	■
Sidewalk	■	■	■
Driveway	■	■	■
Topography	Contour	10' Obs	

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 5/26/2016

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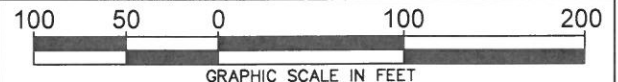
RECEIVED

JUN 02 2016

COMMUNITY
DEVELOPMENT

PROJECT NO.	20160363	LAT.	37.3993
DATE:	06/02/16	LONG.	-79.1539

DRAWN BY:	MAD
CHECKED BY:	TJW



HURT & PROFFITT



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LYNCHBURG VA 24501
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CONCEPT PLAN FOR REZONING
1600 CAMPBELL AVE., LLC
1600 CAMPBELL AVENUE
LYNCHBURG, VA

SHEET 1 OF 3

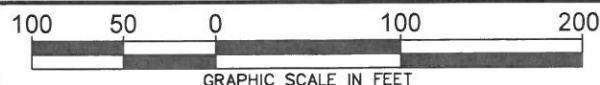
SITE AND NEIGHBOR PARCEL INFORMATION

1420 CAMPBELL AVE	TMP 02705001 FOSTER ELECTRIC CO INC INST: 140004170 ZONED I-2 USE: BUSINESS	1512 CAMPBELL AVE	TMP 02704008 HARKER, LEWIS W & JOYCE A INST: 150007066 ZONED I-2 USE: RESIDENTIAL	1580 CAMPBELL AVE	TMP 02704002 1600 CAMPBELL AVE INST: 150004697 ZONED I-2 USE: BUSINESS
1500 CAMPBELL AVE	TMP 02704001 FOSTER ELECTRIC CO INC DEED BK/PG: 690 722 ZONED I-2 USE: WAREHOUSE	1514 CAMPBELL AVE	TMP 02704007 BORN AGAIN CHRISTIAN CONST CO INST: 050005335 ZONED I-2 USE: RESIDENTIAL	1600 CAMPBELL AVE	TMP 02703001 1600 CAMPBELL AVE LLC INST: 150004697 ZONED I-2 USE: BUSINESS
1503 CAMPBELL AVE	TMP 02712019 BASS, WALTER E JR & BARBARA S DEED BK/PG: 776 880 ZONED B-5 USE: VACANT	1518 CAMPBELL AVE	TMP 02704006 FIELDER, JANET E INST: 150007071 ZONED I-2 USE: RESIDENTIAL	1601 CAMPBELL AVE	TMP 02712005 MAY, GLEN E LIFE ESTATE REMAINDERMAN: MAY LESLIE T INST: 130002292 ZONED B-5 USE: RESIDENTIAL
1505 CAMPBELL AVE	TMP 02712018 VANCE, JOSEPH D JR & MARY ELIZABETH DEED BK/PG: 907 273 ZONED B-5 USE: RESIDENTIAL	1518 GARFIELD AVE	TMP 02712011 WHITEHEAD, JAMES C & AC INST: 050005324 ZONED R-3 USE: RESIDENTIAL	1603 CAMPBELL AVE	TMP 02712021 STATON, ASHBY W & STATON, BECKY B INST: 090006406 ZONED B-5 USE: RESIDENTIAL
1506 CAMPBELL AVE	TMP 02704010 FOSTER ELECTRIC CO INC INST: 140004170 ZONED I-2 USE: BUSINESS	1519 CAMPBELL AVE	TMP 02712004 PSA PROPERTIES LLC INST: 040006438 ZONED B-5 USE: RESIDENTIAL	1607 CAMPBELL AVE	TMP 02712006 STATON, ASHBY W & STATON, PHILLIP W INST: 080009321 ZONED B-5 USE: RESIDENTIAL
1507 CAMPBELL AVE	TMP 02712017 L2 REAL ESTATE LLC INST: 140006346 ZONED B-5 USE: RESIDENTIAL	1520 CAMPBELL AVE	TMP 02704005 UNITED STEEL WORKERS LOCAL INST: 140006458 ZONED I-2 USE: BUSINESS	1609 CAMPBELL AVE	TMP 02712007 ROBINSON, MATTHEW E INST: 15001729 ZONED B-5 USE: RESIDENTIAL
1509 CAMPBELL AVE	TMP 02712002 L2 REAL ESTATE LLC INST: 140006346 ZONED B-5 USE: VACANT - RESIDENTIAL	1521 CAMPBELL AVE	TMP 02712020 PSA PROPERTIES LLC INST: 040006725 ZONED B-5 USE: RESIDENTIAL	1811 12TH ST	TMP 02702002 SOUTHERN RAILWAY INST: N/A ZONED I-2 USE: RAILROAD
1510 CAMPBELL AVE	TMP 02704009 PSA PROPERTIES LLC INST: 110003157 ZONED I-2 USE: RESIDENTIAL	1522 GARFIELD AVE	TMP 02712023 FORK BAPTIST CHURCH INST: 120004393 ZONED R-3 USE: VACANT	1851 12TH ST	TMP 02702003 NORFOLK & WESTERN RAILWAY INST: N/A ZONED I-2 USE: PARKING
1511 CAMPBELL AVE	TMP 02712003 PSA PROPERTIES LLC INST: 040006438 ZONED B-5 USE: RESIDENTIAL	1526 GARFIELD AVE	TMP 02712010 WALLER, BENNIE D ET AL DEED BK/PG: 88 97 ZONED R-3 USE: VACANT		

PROJECT NO. 20160363
DATE: 06/02/16

LAT. 37.3993
LONG. -79.1539

DRAWN BY: MAD
CHECKED BY: TJW



HURT & PROFFITT
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LYNCHBURG VA 24501
800.242.4906 TOLL FREE
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CONCEPT PLAN FOR REZONING
1600 CAMPBELL AVE., LLC
1600 CAMPBELL AVENUE
LYNCHBURG, VA

1. **PARKING NOTE:**
ZONING SECTION 35.2 -62.4 EXHIBIT V1-2.

INTENDED USE OF SITE IS GENERAL OFFICES FOR PROFESSIONAL USES. FOR PURPOSES OF RENOVATIONS, ASSUME 2 FLOORS AT 14,000 SF, TOTAL.

REQUIRED: 2 SPACES PER 1,000 SF OF GROSS FLOOR AREA = 28 SPACES REQUIRED.
PROVIDED: 28 SPACES ARE TO BE PAINTED ON SITE.

2. THE INTERNAL LOT LINES FOR THIS PARCEL ARE TO BE VACATED BY A FUTURE DEED.

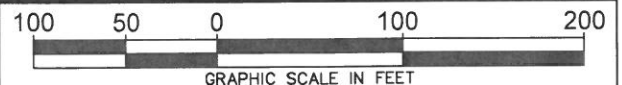
3. **PROFFERS:**
FOR THE REZONING OF TMP PARCEL 02703001 FROM I-2 (LIGHT INDUSTRIAL USE) TO B-3C (COMMUNITY BUSINESS DISTRICT), AT THE ADDRESS OF 1600 CAMPBELL AVENUE, LYNCHBURG, VA 24501, WE OFFER THE FOLLOWING PROFFERS:

- A. A FUTURE SITE PLAN WILL BE SUBMITTED TO THE CITY FOR APPROVAL PRIOR TO USE OF THE BUILDING. THE DRAWING SUBMITTED FOR REZONING IS A CONCEPT INTENDED TO SHOW THE USE OF THE BUILDING FOR GENERAL OFFICE USE.
- B. THE SITE WILL BE BUILT IN SUBSTANTIAL COMPLIANCE WITH THE FUTURE SITE PLANS AS APPROVED BY THE CITY'S TECHNICAL REVIEW COMMITTEE.
- C. THE FOLLOWING USES ALLOWED BY NORMAL B-3 ZONING WILL NOT BE PERMITTED ON THIS SITE:
1. GASOLINE SERVICE; LBCS #2116
 2. BANK, CREDIT UNION, OR SAVINGS INSTITUTION; LBCS #2210
 3. PRECIOUS METAL BUYERS; LBCS #2224
 4. VETERINARY SERVICES; LBCS #2418
 5. ADULT RETAIL ESTABLISHMENT; LBCS #2653
 6. TELEPHONE AND OTHER WIRED COMMUNICATIONS TRANSMISSION; LBCS #4234
 7. TELECOMMUNICATIONS SWITCHING STATIONS/EXCHANGES; LBCS #4316
 8. ELECTRIC SUBSTATIONS; LBCS #4316
 9. SHOOTING RANGES, INDOOR; LBCS #5375

PROJECT NO. 20160363
DATE: 06/02/16

LAT. 37.3993
LONG. -79.1539

DRAWN BY: MAD
CHECKED BY: TJW



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CONCEPT PLAN FOR REZONING
1600 CAMPBELL AVE., LLC
1600 CAMPBELL AVENUE
LYNCHBURG, VA

SHEET 3 OF 3



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Google earth

feet
meters



June 8, 2016

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: License Agreement to Install Aerial Fiber Optic Cable from city limits on Clanders Mountain Road along Clanders Mountain Road, Wards Road, Fort Avenue, Twelfth Street, Monroe Street, Fourteenth Street, Washington Street and Concord Turnpike to northern City limits at Percival's Island

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: After a public hearing, adopt a resolution granting Shentel Communications, LLC a License Agreement to place aerial fiber optic cable in city owned right-of-way from the City limits on Clanders Mountain Road to the northern City limits at Percival's Island as indicated on the attached route map.

SUMMARY: Shentel Communications, LLC has submitted a request for installation of approximately 38,600 feet of aerial fiber optic cable in City right-of-way from the City limits on Clanders Mountain Road along Clanders Mountain Road, Wards Road, Fort Avenue, Twelfth Street, Monroe Street, Fourteenth Street, Washington Street and Concord Turnpike to the northern city limits at Percival's Island. There will be no underground installation of fiber cable within the City limits.

PRIOR ACTION(S): Technical Review Committee (TRC) – July 5, 2016

FISCAL IMPACT: None

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

ATTACHMENT(S): Resolution; Route Map

REVIEWED BY: bms

RESOLUTION

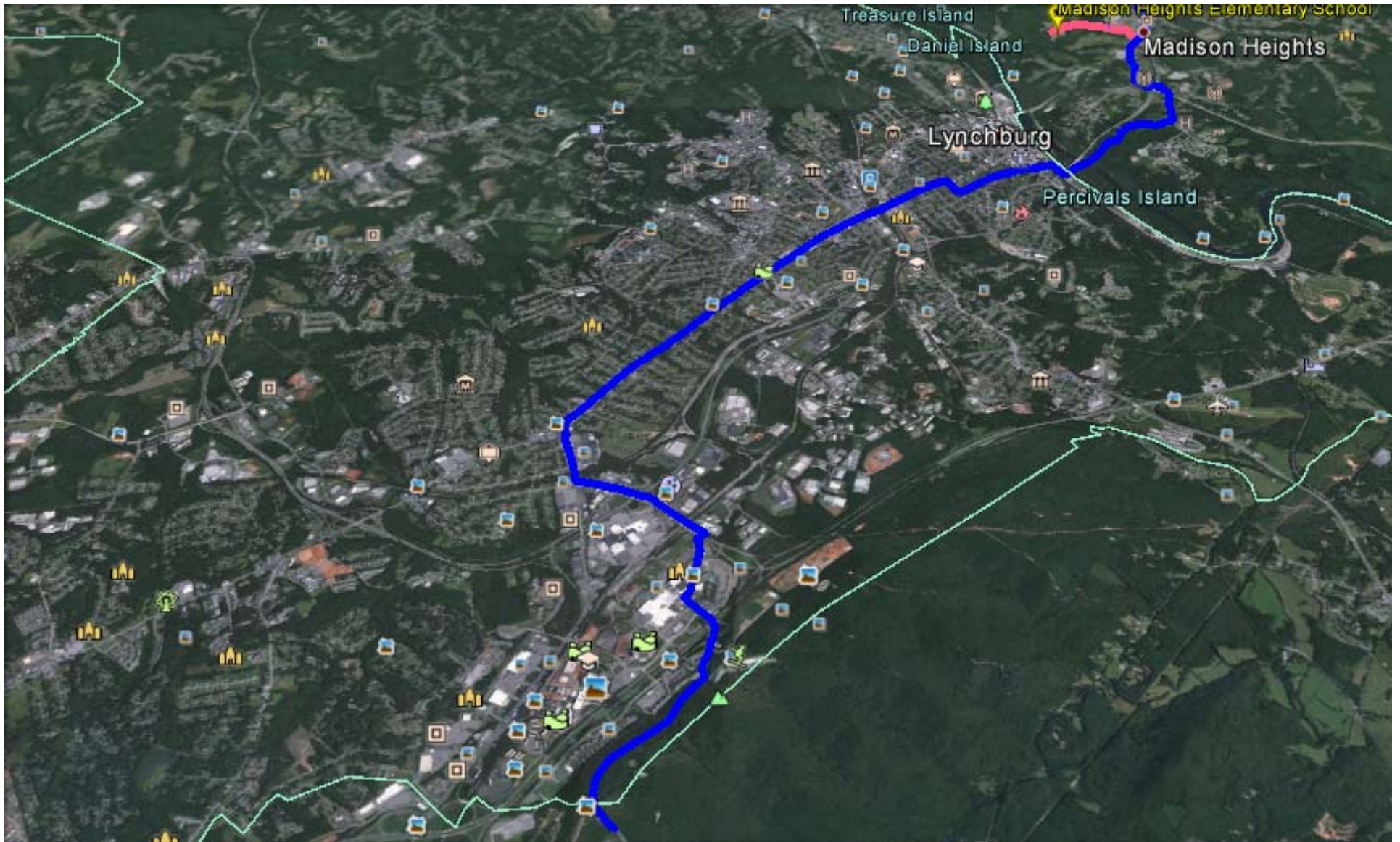
BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive license agreement with Shentel Communications, LLC for the installation, maintenance, and operation of approximately 38,600 feet of aerial fiber optic cable in the City right-of-way from the City limits on Candler's Mountain Road along Candler's Mountain Road, Wards Road, Fort Avenue, Twelfth Street, Monroe Street, Fourteenth Street, Washington Street and Concord Turnpike to the northern City limits at Percival's Island. Shentel Communications, LLC's authority to install, maintain, and operate fiber optic cable in the City's right-of-way is subject to applicable law.

Adopted:

Certified:

Clerk of Council

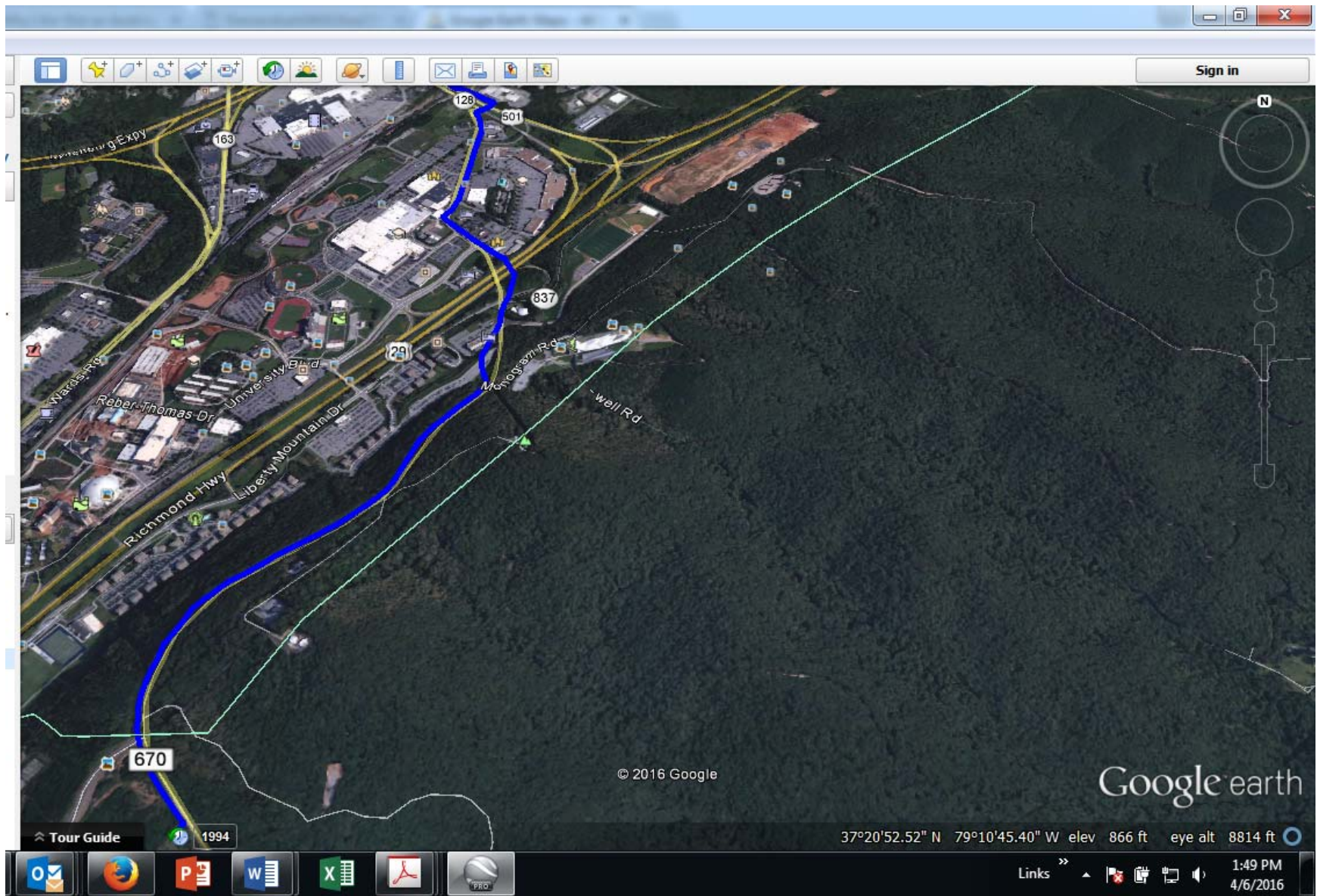
096K

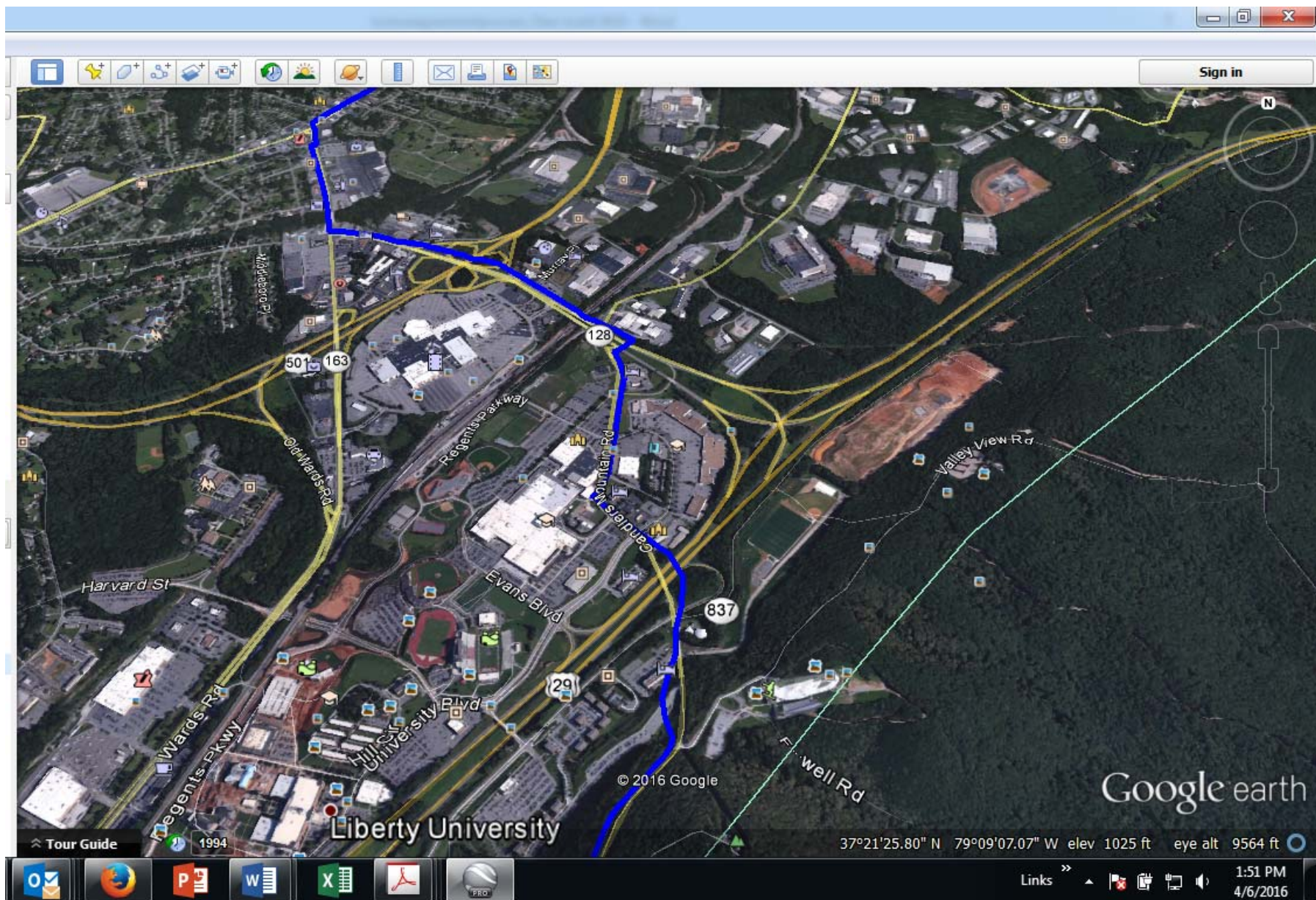


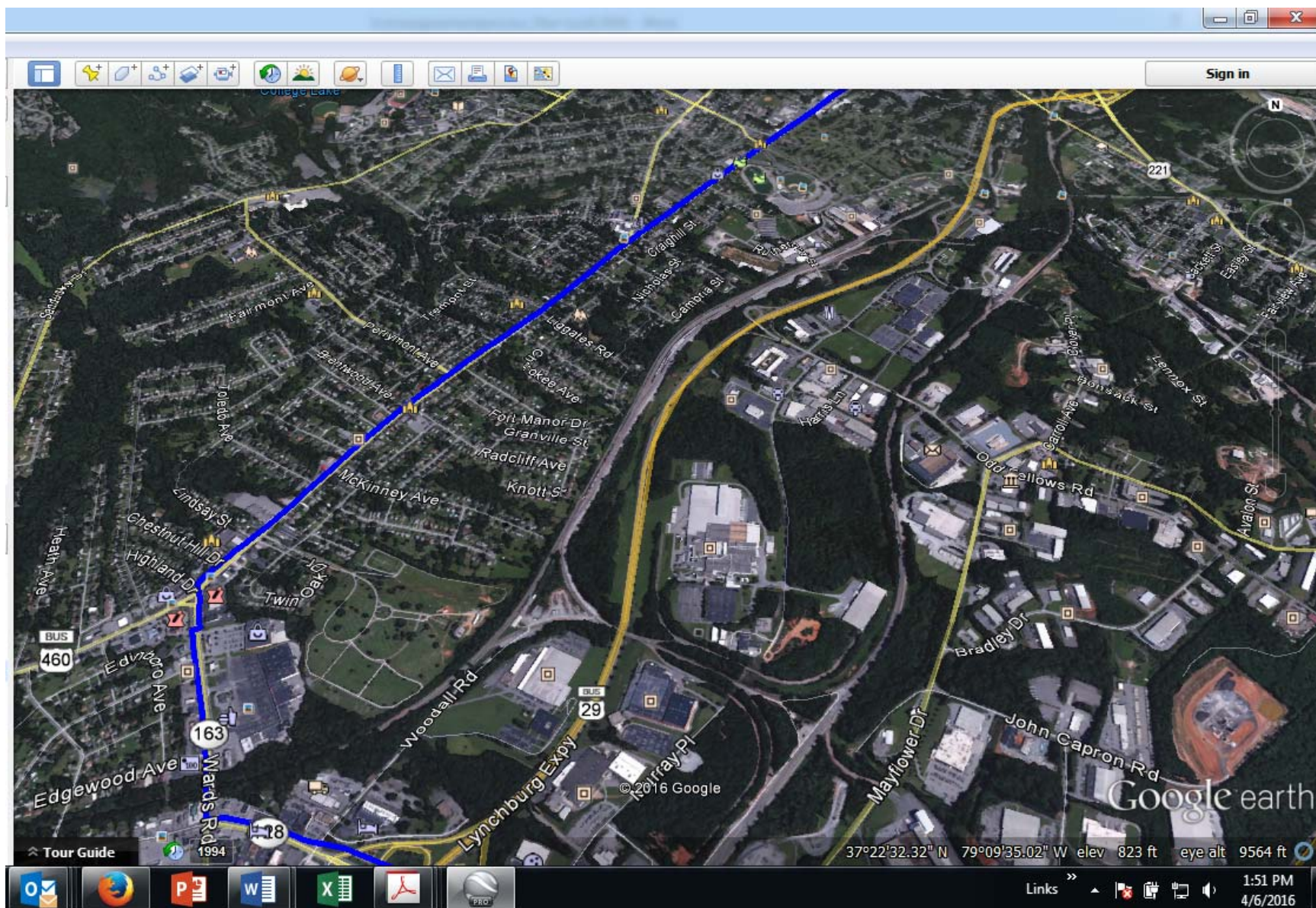
A full Google Earth file can be downloaded from:

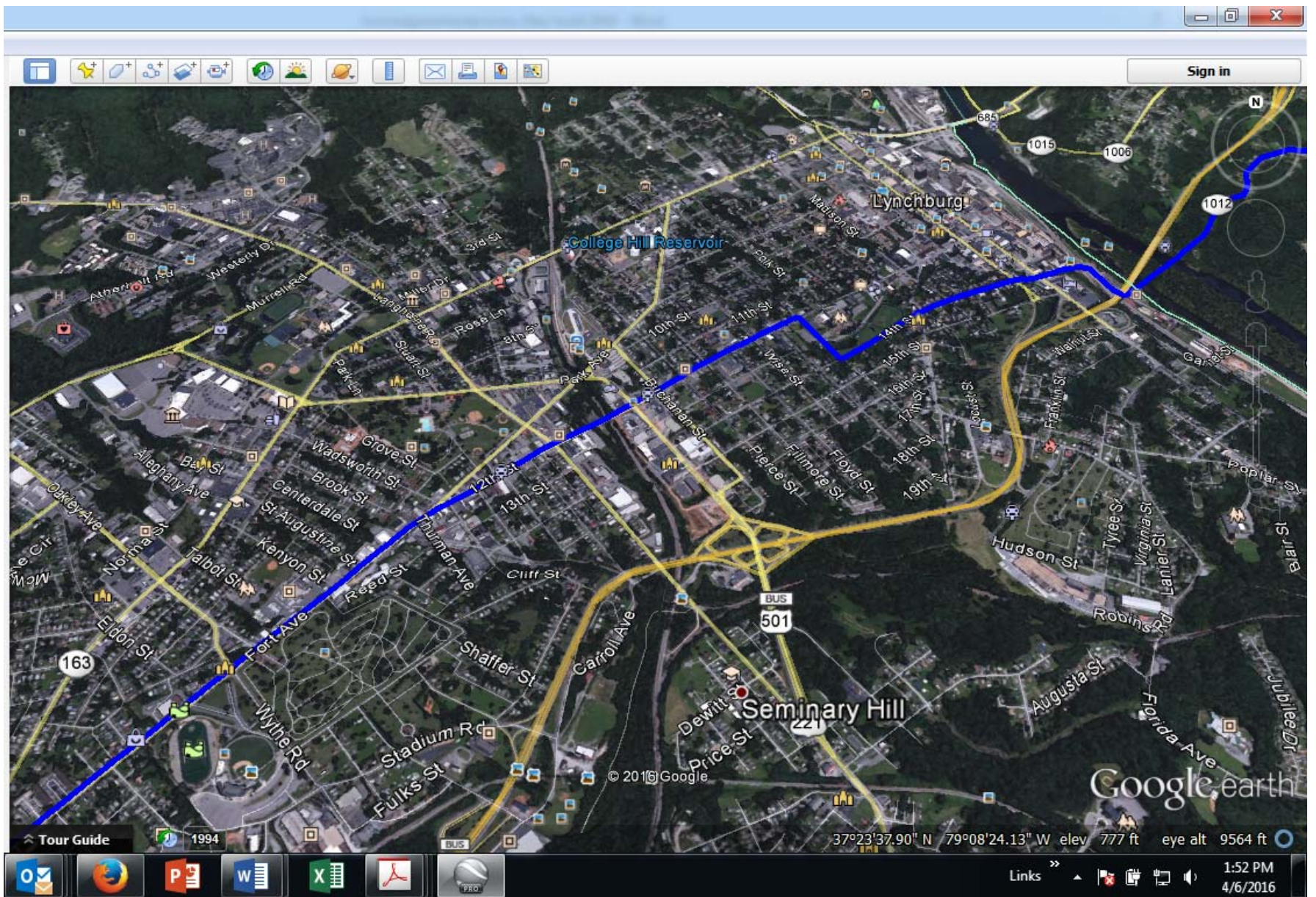


Amherst County
School Route 2-11-1









LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Burton Creek Interceptor Replacement Project – Easement Condemnation

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☒ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Adopt a resolution authorizing the condemnation of Permanent and Temporary easements, located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001, for the Burton Creek Interceptor Sewer Replacement project.

SUMMARY: As part of the Burton Creek Interceptor Sewer Replacement project it was necessary for the City to acquire sewer easements needed to construct a replacement of the Burton Creek Interceptor Sewer. The current interceptor does not have adequate capacity for future growth and is in poor condition. The City has come to an agreement with all but one of the 38 properties along the approximately 12,000' project corridor. Despite reasonable efforts we not been able to purchase the easements located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001. The needed easements for the property in question were appraised by Milton & Neal Properties, Inc., in April of 2016, with a value of \$1,925. The property owner has declined to sell the easements to the City. In order to construct a replacement of the Burton Creek Interceptor Sewer starting in October of 2016, the City needs to use the condemnation process to acquire the remaining easements at 745 Custer Drive.

PRIOR ACTION(S): July 12, 2016 Physical Development Committee

FISCAL IMPACT: The fair market value of the easement has been appraised at \$1,925.00.

CONTACT(S): Timothy Mitchell, Director Department of Water Resources, 455-4252
Eric Schrader, Utility Engineer, 455-4089

ATTACHMENT(S): Condemnation Resolution; Easement Plat

REVIEWED BY: bms

RESOLUTION

A RESOLUTION AUTHORIZING A CONDEMNATION PROCEEDING BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE TITLE TO A SANITARY SEWER EASEMENT, A TEMPORARY CONSTRUCTION EASEMENT, AND A TEMPORARY ACCESS EASEMENT ON A PARCEL OF LAND IN THE CITY OF LYNCHBURG, LOCATED AT 745 CUSTER DRIVE, TAX MAP NO. 157-01-001, FOR THE CONSTRUCTION OF THE BURTON CREEK INTERCEPTOR SANITARY SEWER LINE.

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is necessary and appropriate to institute and prosecute a condemnation proceeding in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire easements on the parcel of land owned by Linda D. Scott, located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001, as shown on a plat made by Wiley Wilson, titled "Burton Creek Interceptor Sanitary Sewer Easement On The Property Of: Linda D Scott 745 Custer Dr." and dated June 20, 2016.

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

1. That the City Attorney be, and is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire easements on the property owned by Linda D. Scott, located at 745 Custer Drive, Lynchburg City Tax Map No. 157-01-001, which easements are described as follows:

Fee Simple Sanitary Sewer Easement

The area shown on the attached plat as "Permanent Sanitary Line Easement Area: 7195.5 sq ft"

Temporary Construction Easement

The area shown on the attached plat as "Temporary Construction Easement Area: 13,558.2 sq ft"

Temporary Access Easement

The area shown on the attached plat as "30' Wide Temporary Construction Easement For Site Access"

2. That in the opinion of the City Council, a public necessity exists for the acquisition of a permanent sanitary sewer easement, a temporary construction easement, and a temporary access easement, said easements being needed for a public use, as defined in Section 1-219.1 of the Code of Virginia, 1950, as amended, specifically, for the construction of the Burton Creek Sanitary Interceptor Sewer Line.

3. That in order to provide the total estimated necessary funds to compensate the owner of the property for the acquisition of the easements, the sum of which is determined to be \$1,925.00 which has been heretofore appropriated, and the Director of Finance be, and is hereby, authorized and directed when so requested by the City Attorney to present a check for deposit with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

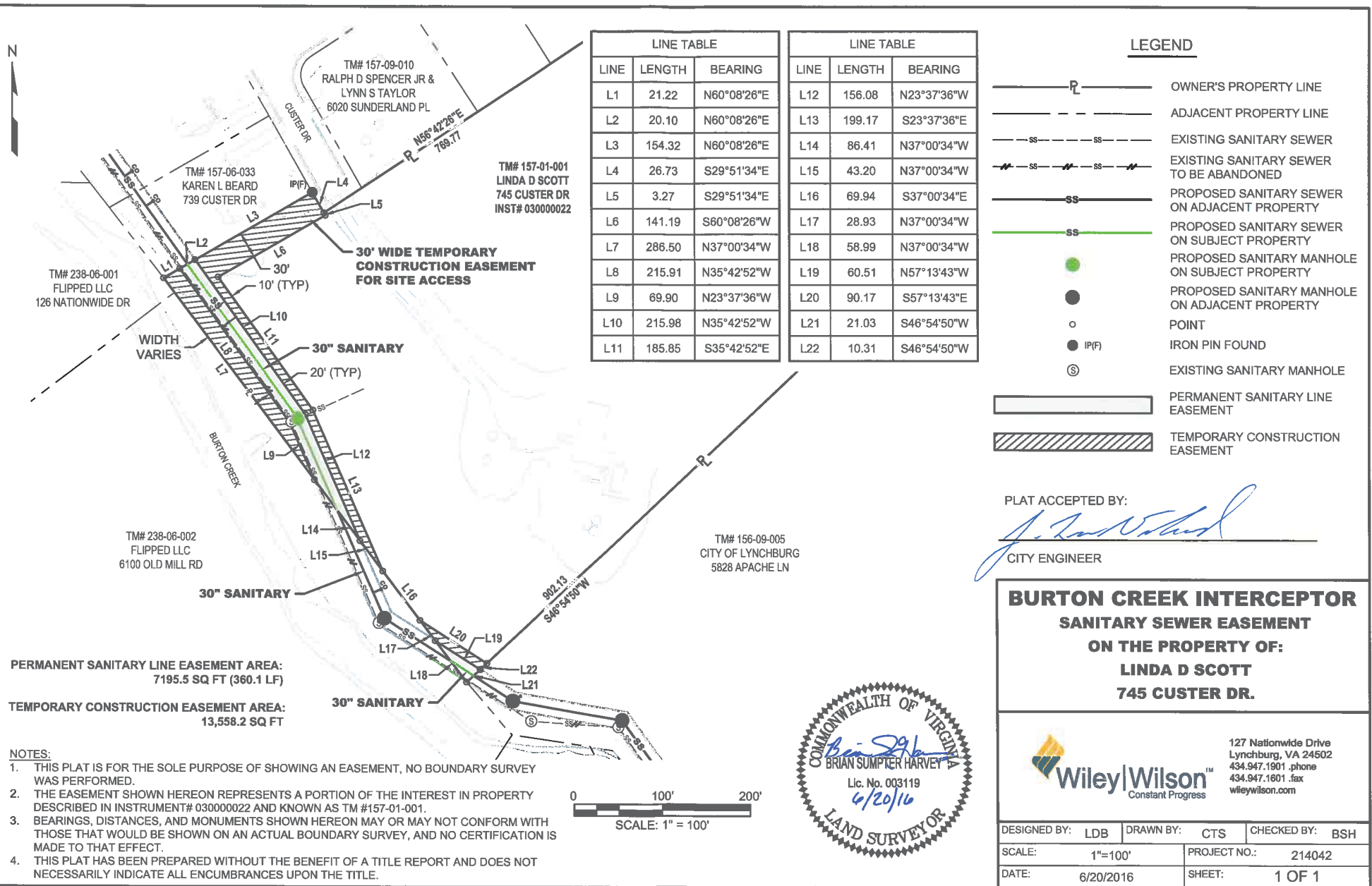
That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owner of said property upon the compensation to be paid therefore within the limits of the funds provided for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified:

Clerk of Council

095K



B-2234

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Grant to Preserve Deed books 298 – 381 at the Circuit Court Clerk's Office

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$24,490 with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbered 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office.

SUMMARY: Twice annually the Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The grant funding of \$24,490 will allow eighty-four (84) Deed books numbered 298 through 381 with records dating from July 1955 to November 1963 to be reformatted and preserved.

No local match is required of this grant.

PRIOR ACTION(S): Finance Committee, July 12, 2016

FISCAL IMPACT: None – no local match is required.

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

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$24,490 is appropriated with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbered 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office.

Introduced:

Adopted:

Certified:

Clerk of Council

097K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Lynchburg Regional Convention & Visitors Bureau Marketing Leverage Grant

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☒ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☐ Administrative

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from a marketing leverage grant from the Virginia Tourism Corporation. The funds will be used for the Website Development Program for the Lynchburg Regional Convention & Visitors Bureau. An in-kind match of \$100,000 in additional marketing efforts is required, with resources of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), the Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

SUMMARY: The Lynchburg Regional Convention & Visitors Bureau (LRCVB) was awarded a \$50,000 marketing leverage grant from the Virginia Tourism Corporation to fund the Website Development Program. This grant leverages marketing efforts by the Tourism Department to create the next-generation tourism website with professional photography to elevate the tourism program for Lynchburg and the surrounding region.

The LRCVB Website Development Program will accomplish the following: Create the next-generation website; elevate the Lynchburg region tourism brand; Tell a more visually vibrant and compelling story; Generate more leisure, group, conference and sporting leads for the region; Advanced reporting and analytics; An updated store of high-resolution photographs; and a more positive front and back-end site experience.

An in-kind match of \$100,000 in marketing efforts is part of the grant agreement. These marketing initiatives include a state-of-the-art website development program, advertising placements, marketing communications, and conference and travel showcase attendance. These marketing efforts are funded with resources of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), the Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

PRIOR ACTION(S): Finance Committee, July 12, 2016

FISCAL IMPACT: An in-kind match of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), the Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

CONTACT(S): Sergei Troubetzkoy, Director of Tourism, 455-7297

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and \$50,000 is appropriated with resources from a marketing leverage grant from the Virginia Tourism Corporation. The funds will be used for the Website Development Program for the Lynchburg Regional Convention & Visitors Bureau. An in-kind match of \$100,000 in additional marketing efforts is required, with resources of \$95,500 from the FY 2016 General Fund Tourism Department budget and partner sponsorships from Lynch's Landing (\$1,000), The Lynchburg Museum System (\$1,000), and the Lynchburg Economic Development Authority (\$2,500).

Introduced:

Adopted:

Certified:

Clerk of Council

098K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2016**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: City Council Rules of Procedure

Strategic Pillar(s) Impacted:

☐ Arts & Culture	☐ Citizen Engagement & Social Capital	☐ Economic Development	☐ Healthy & Active Living
☐ Infrastructure	☐ Land Use	☐ Lifelong Learning	☐ Natural Resources
☐ Neighborhoods	☐ Safe Community	☐ Social Equity	☐ Transportation
			☒ Administrative

RECOMMENDATION: 1) Adopt Council's Rules of Procedure; 2) Set Council's meeting times.

SUMMARY: Every two years in July after the May election, City Council adopts its Rules of Procedure and sets its meeting times.

The Code of Virginia, in Section 15.2-1416 (copy attached) sets forth the requirement that the governing body set its meeting times at its first meeting in July.

Staff recommends that Council adopt its Rules of Procedure, which also establishes its meeting times. The current Rules of Procedure are attached for Council's consideration.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

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

ATTACHMENT(S): Excerpt from the Code of Virginia, Section 15.2-1416; Rules of Procedure

REVIEWED BY: bms

Excerpt from the Code of Virginia:

Section 15.2-1416. Regular meetings.

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008;
Amended August 11, 2009, July 9, 2010, July 3, 2012 and May 14, 2013)

Introduction

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. When City Council's rules of procedure do not address a procedural issue, Council may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of Rules of Procedure

- A. To enable the Lynchburg City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

Section 1-2. Basic Principles Underlying Rules of Procedure

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;

- D. Only one subject may claim the attention of City Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are Held

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m.; except, there will be no regular meeting on the fourth Tuesdays during the months of July, August, and December.

The Council may hold additional meetings at other locations and times, or may change the locations and times of regularly scheduled meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as “additional scheduled meetings” and shall be approved by Council during a regularly scheduled meeting.

Section 2-1.1. Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended, Section 9 of the City Charter and Section 2-19 of the City Code.

B. Special meetings may be called by the Mayor, the City Manager, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Written notice of the special meeting shall be delivered to each member of the Council by leaving a copy thereof at his or her place of abode or place of business at least twelve hours before the time scheduled for the special meeting. Only matters specified in the notice of the special meeting shall be considered unless (1) all of the members of the Council are present and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.

C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Council, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change

and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting. The Clerk of Council shall preside during the organizational meeting pending the election of the Mayor.

B. The Mayor shall be elected at the organizational meeting for a term of two years.

C. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

D. Following the election of the Vice Mayor, the Council shall:

1. Establish the dates, times and places for regular meetings; and
2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership.
2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion the presiding officer shall call for the vote.
5. The membership shall vote by written ballot and the completed ballots shall immediately be passed to the Deputy Clerk who shall collect the ballots, read them aloud, publicly announce how each member of the Council voted and tally the respective votes.
6. Each member shall cast one vote for any one nominee.

7. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.

8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

Section 3-2. Clerk

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for Council meetings, shall attend all Council meetings, and shall keep an accurate record of the proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

SECTION 4 – AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Council member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting following the request.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular agenda for consideration.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing on the item.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Wednesday preceding the Council meeting.

Section 4-3. Delivery of Agenda

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the City Attorney the Thursday prior to the Tuesday Council meeting. Delivery by electronic means is the preferable method.

Section 4-4. Public Access to Agenda Materials

The Clerk of Council shall post the agenda documents for all Council meetings on the Internet for public information as promptly as possible. Copies of the agenda will also be available in the Main and Downtown branches of the Public Library and at the Front Information Desk in City Hall for public inspection. Furthermore, paper copies of agenda documents will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session
3. Roll Call
4. Recess
5. 7:30 p.m. Call to Order
6. Invocation & Pledge of Allegiance
7. Special Recognitions by the Mayor or Council (if any)
8. Consent Agenda
9. Public Hearings
10. Public Presentations (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-2. Consent Agenda

A. The consent agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item.

D. Upon request of any Council member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Citizen Participation

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. Public Presentations

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Wednesday prior to the regular meeting date.
2. Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.

4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.
13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.
14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. Persons appearing before the Council will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others;
8. Address the Council on issues that do not concern the services, policies or affairs of the city.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction. After the

presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments, Queries of Council Members

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any member, including the presiding officer, may make a motion.

C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A member may make only one motion at a time.

E. Except for matters recommended by a Council committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.

B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of members present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.

(b) The motion to “postpone” delays debate on an item of business so that it may be considered at a later date. An item of business may be “postponed definitely,” when it is continued to a definite time or date or “postponed indefinitely” if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made. (Amended July 9, 2010)

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
6. Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each member of the Council who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of

Interests act or unless excused from voting by the other members of the Council. A member who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An “affirmative vote” by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion, resolution or issue has been rejected. When a motion fails on a tie vote, the “noes” prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in Council chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote

Section 6-11. Decisions on Points of Order

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Council to serve specified terms as may be deemed to be appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees (Finance and Physical Development). Substitutes or alternates may participate on Council committees only if so authorized by the Mayor. Committee members will serve two-year terms.

C. In accordance with City Code, the Mayor shall also make appointments of two Council members to serve on the Audit Committee for three (3) year terms.

D. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

A. The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Marketing at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS:

August 11, 2008: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate “work session” meetings. The work session will be recognized as a part of Council’s regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Council members regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor’s responsibility to appoint Council members to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her address and replace it with the requirement that the speaker identify his or her locality of residence.

AMENDMENTS:

May 14, 2013: amended Section 5-3 and Section 5-5 to reflect that members of the public should state their locality of residence rather than their physical address when speaking in a public meeting.

320 July 12, 2016

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of July, 2016, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #1 outlining the petition of Lynchburg College for a Conditional Use Permit (CUP) to allow housing for up to four (4) students at 200 Bell Street which is zoned R-2, Low-Medium Density Residential District. Council Member Dolan made the following statement. "In addition to serving on City Council, I also serve as a trustee for Lynchburg College. While I do not receive a financial benefit from my service as a trustee and I do not have a personal interest in the outcome of the Lynchburg College's petition for a conditional use permit, I wish to avoid any appearance of bias or impropriety. Therefore, with my fellow Council Members' consent, I will abstain from participating in the discussion of or voting on Lynchburg College's petition. Council Member Nelson made the following statement. "I represent Lynchburg College in some real estate properties. I felt it would not be a conflict of interest and needed to disclose that statement. I am able to participate in this matter fairly, objectively and in the public best interest, therefore, at this time I will not abstain, I will participate in the discussion of and vote on this item." Planner I Rachel Frischeisen provided an overview of the request for the CUP. Ms. Frischeisen stated that the Planning Commission recommended partial approval only for 200 Bell Street, and stated denial for the other properties. Lynchburg College representative Mr. Steve Bright 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 Perrow, seconded by Vice Mayor Tweedy, Council by the following recorded vote adopted Resolution #R-16-089, as presented, granting the Conditional Use Permit:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Abstention: Dolan	1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 2 outlining the petition of 1600 Campbell Avenue, LLC to rezone approximately one and ninety-two thousandths (1.092) acres at 1600 Campbell Avenue from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the property as a counseling center or other permitted uses. Planner II Anne Nygaard provided an overview of the rezoning petition and stated the Planning Commission recommended 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 Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #0-16-090, as presented, granting the rezoning petition:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:	0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #3

regarding a request to grant a License Agreement to Shentel Communications, LLC to place approximately 38,600 feet (7.31 miles) of aerial fiber optic cable in City-owned right-of-way from the city limits on Candler's Mountain Road to Wards Road thence to Fort Avenue to Twelfth Street to Monroe Street to Fourteenth Street to Washington Street to Concord Turnpike to the northern city limits at Percival's Island. City Engineer Lee Newland provided a summary for the request to grant a License Agreement to Shentel Communications, LLC. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-091, as presented, granting a License Agreement to Shentel Communications, LLC:

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

7

Noes:

0

// In the matter of Public Works – Water, a public hearing was held regarding City Council Report #4 regarding the condemnation of Permanent and Temporary easement, located at 745 Custer Drive for the construction of the Burton Creek Interceptor Sanitary Sewer Line. Water Resources Director Tim Mitchell provided a summary for the condemnation of Permanent and Temporary easement, located at 745 Custer Drive for the construction of the Burton Creek Interceptor Sanitary Sewer Line. Attorney Barrett Lucy representing the petitioner Mrs. Linda Scott asked Council for 30 days to work this agreement out. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson made a motion and second by Council Member Perrow to postpone indefinitely this item until the August 9 Council meeting. Council by the following recorded vote agreed to postpone the condemnation of Permanent and Temporary easement, located at 745 Custer Drive for the construction of the Burton Creek Interceptor Sanitary Sewer Line to the August 9 Council meeting.

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

7

Noes:

0

// In the matter of Court, City Council Report #5 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before FC which recommended approval. This motion does not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-092, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$24,490 with resources from a grant from the Library of Virginia to preserve eighty-four (84) Deed books numbers 298 through 381 with records dated July 1955 through November 1963 at the Lynchburg Circuit Court Clerk's Office:

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

7

Noes:

0

// In the matter of Tourism, City Council Report #6 was considered. On motion of Council Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-093, as presented, to amend the FY 2016

City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from a marketing leverage grant from the Virginia Tourism Corporation:

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

Noes: 0

// Mayor Foster stated that Council had received the Rules of Procedure prior to the meeting by electronic means and asked for a motion. City Attorney Walter Erwin stated that in the Rules of Procedure Section 7-1.C which deals with the Mayor shall make appointments of two Council members to serve on the Audit Committee for three (3) years term. Mr. Erwin stated since the City no longer has an Audit Committee, that this can be taken out of the Rules of Procedures. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Council's Rules of Procedure and established the times and places for Council meetings from July 12, 2016 through June 30, 2018:

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

Noes: 0

// In the matter of Public Works, City Council Report #8 on Rives Street. City Manager Bonnie Svrcek gave an update on the Rives Street issues. City Attorney Walter Erwin provided the legal language regarding this item. Mr. Erwin went on to say just as there are two sets of laws, there are also two different procedures a locality can use when vacating a public street or alley. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote asked the City Attorney Walter Erwin to prepare language relating to the vacating of public streets and alleys:

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

Noes: 0

// Mayor Foster made the following announcements before going into closed session. Remind the citizens of Lynchburg and surrounding areas that the Virginia Commonwealth Games will be held at Liberty University on July 22 – 24, 2016 and invited everyone to come out to these games.

// On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically various legal matters relating to the Midtown Connector Project, and to consider appointments to Council appointed Boards and Commissions, i.e. Community Code Compliance Team, Region 2000 Local Government Council, Region 2000 Economic Development Council, Region 2000 Work Force Investment Council, Virginia First Cities Policy Group and Region 2000 Metropolitan Planning Organization, pursuant to Section 2.2-3711(A.) (1), and (7) respectively, of the Code of Virginia, 1950:

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

Noes: 0

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

// Council Member Nelson 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 Tweedy, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Bonnie Svrcek to serve on the Region 2000 Local Government Council Board for an indefinite term:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Bonnie Svrcek to serve on the Lynchburg Regional Business Alliance for an indefinite term.

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Joan Foster to serve on the Region 2000 Workforce Investment Council for an indefinite term:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed MaryJane Dolan and Sterling Wilder to serve on the Community Code Compliance Team for indefinite terms:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Turner Perrow to serve on the Virginia's First Cities Coalition Council for an indefinite term:

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

Noes: 0

// On nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Bonnie Svrcek to fill an expired term ending June 30, 2017 on the Region 2000 Metropolitan Planning Organization:

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

7

Noes:

0

// The meeting was adjourned at 9:40 P.M.

Clerk of Council