

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**
Tuesday, June 25, 2019
2:30 p.m.

Information Items:

Recent/Pending Contract Awards - N/A

Priority Projects Update - Lee Newland

General Business:

- 1) Jackson Street ROW Vacation - Victoria Glasgow
- 2) 3 Ridge Organics - Gaynelle Hart

Roll Call:

Pc: Bonnie Svrcek, City Manager
Reid Wodicka, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: July 9, 2019

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

June 25, 2019

Projects of Interest	Phase	Phase Completion	Sch	Bud	Notes
Timberlake / Logan's Lane Intersection	Construction	August 2019			Construction Underway - Leesville Turn Lanes
Wards Ferry Road Improvements @ Heritage	Construction	July 2019			Punchlist Work
Main Street Bridge	Construction	June 2019			Punchlist Work
Fifth Street Phase 3	Construction	July 2019			Construction Underway
Liberty Mountain Drive - Phase 3	Construction	August 2019			Projected Finish in September/October due to Tree Planting
Odd Fellows Road - Section B2	Construction	December 2019	V	V	Construction Underway - Bridge Closed
Downtown Watermain Replacement & Streetscape 2	Design	May 2019			Design @ 90%. Project Shelved
Main Street Renewal Project	Design	July 2019			Design @ 90% Review - Working w/AEP - Vaults Under Construction
Indian Hill Road Bridge	Bidding	August 2019			Being Advertised for Bids
College Lake Dam	Preliminary	June 2019			R/W being Acquired - RFQ Due July 3rd.
One Way Pairs @ 501/221	Design	November 2020			NEPA Document Draft Out in August - Design Underway
Police Department Headquarters	Demolition	July 2019			Demolition Underway
John Capron Road	Bidding	August 2019			Being Advertised for Bids

LEGEND

Schedule -

Green		0-5% Behind
Yellow		5-10% Behind
Red		> 10% Behind
V	V	VDOT Managed

Budget -

Green		0-10% Over
Yellow		10-20% Over
Red		> 20% Over
V	V	VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019 – Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Vacate a portion of Jackson Street

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the Jackson Street right-of-way vacation.

SUMMARY: The Rebkee Company is petitioning to vacate approximately ninety-two thousandths (0.092) acres of Jackson Street. The portion proposed for vacation includes an existing parking lot that encroaches into the right-of-way from the adjoining property at 1503 Grace Street.

This right-of-way vacation is related to an existing parking lot to be used by the development authorized by the rezoning of the former Grace Street Lodge, which was approved by City Council on May 14, 2019.

Pedestrian and vehicular traffic will not be impacted by the right-of-way vacation.

PRIOR ACTION(S):

April 19, 2019: The Technical Review Committee (TRC) reviewed the right-of-way vacation. The required materials have been submitted and approved by staff.

FISCAL IMPACT: Valuation of the property to be vacated is approximately \$16,000 - \$23,000 (assessed value range based on the proposed assessments of other properties zoned B-4 in this area)

CONTACT(S): Victoria Glasgow, Planner – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Title Letter & Supporting Plats
- Vacation Plat

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY KNOWN AS JACKSON STREET.

WHEREAS, The Rebkee Company is petitioning to vacate a certain portion of right-of-way known as Jackson Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

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

BEGINNING AT A½" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF JACKSON STREET; THENCE S54°18'35"W A DISTANCE OF 13.00'; THENCE N34°57'00"W A DISTANCE OF 307.71'; THENCE N54°18'35"E A DISTANCE OF 13.00'; THENCE S34°57'00"E A DISTANCE OF 307.71'; WHICH IS THE POINT OF BEGINNING. HAVING AN AREA OF 0.092ACRES, MORE OR LESS

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg, and the City Manager is hereby authorized to sign any documents that may be needed to complete the vacation of the right-of-way.

Adopted:

Certified: _____
Clerk of Council

APPLICATION FOR THE VACATION OF

A portion of Jackson Street

LOCATED

The east side of Jackson St between 15th St and Grace St

The undersigned applicant, The Rebkee Company, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Jackson Street described as follows:

BEGINNING AT A ½" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF JACKSON STREET; THENCE S54°18'35"W A DISTANCE OF 13.00'; THENCE N34°57'00"W A DISTANCE OF 307.71'; THENCE N54°18'35"E A DISTANCE OF 13.00'; THENCE S34°57'00"E A DISTANCE OF 307.71'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.092 ACRES, MORE OR LESS

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on June 11, 2019, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Jackson Street.

Given under my hand this 1st day of April, 2019.

The Rebkee Company
Applicant

15871 City View Drive, Suite 300
Midlothian VA 23112
Address

804-417-0740
Phone Number

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

RECEIVED

APR 02 2019

COMMUNITY
DEVELOPMENT

From: Barbara B. Gladieux, VCTE

328 Sumpter St.
Lynchburg, Va 24503
bbglad@gmail.com

To: Victoria Glasgow

City Planning and Community Development
900 Church St.
Lynchburg, Va 24504

April 10, 2019

Dear Ms. Glasgow and to whom it may concern,

Accupoint Survey and Design, LLC secured my services to investigate the title to a portion of Jackson Street adjacent to property located at 1503 Grace Street, Parcel ID Number 02531001, being known as lot or parcel of real estate in the City of Lynchburg, Virginia, containing 0.899 acre, and being shown and described on a plat of survey entitled, PLAT SHOWING RESURVEY OF THE PROPERTY OF GRACE STREET ASSOCIATES, CITY OF LYNCHBURG, VIRGINIA, made by Armstrong Land Surveying, Inc., Richard B. Armstrong, Jr., L.S., dated August 20, 2014, and recorded in the aforesaid Clerk's Office in Plat Cabinet 10, at Slide 367, to determine ownership of the currently platted streets, to ensure future care and upkeep of the land.

Whereas, it is the desire of the future owner to vacate a portion of the city right of way along Jackson Street in order to make use of the existing physical improvements located within the city right of way, such as but not limited to parking areas.

Whereas, the title to 1503 Grace Street was researched from 1864 to present and the owners did not reserve title to land located within street right of ways.

Whereas, The City of Lynchburg annexed a certain portion of Campbell County in 1870 which contained the subject property.

Whereas, there was no subdivision plat found among the land records dedicating the right of way for Jackson Street adjacent to the subject parcel.

Whereas, there is a map of Lynchburg titled "Grays New Map of Lynchburg" drawn from special surveys 1877 (Exhibit 1) shows the width of Jackson Street to be 60 feet wide (scaled) adjacent to the subject parcel.

Whereas, there is a composite plat titled "Map City of Lynchburg" made by Demott and Magruder, Engineers (Exhibit 2) located in the Clerk's Office of the City of Lynchburg shows the width of Jackson Street to be 60 feet wide (scaled) adjacent to the subject parcel.

Whereas, there is a plat titled "PLAT SHOWING PROPERTY OF GRACE STREET ASSOCIATES LYNCHBURG, VIRGINIA" made by Erskine W. Proffitt, LS dated July 6, 1989 recorded in Deed Book 752 Page 313 (Exhibit 3) that depicts the Jackson Street public right of way to be 60 feet in width by physical measurements.

Whereas, the aforementioned survey by Richard B Armstrong, Jr. follows the same lines as the Erskine W. Proffitt survey.

Whereas, City of Lynchburg GIS records show the public right of way on Jackson Street to be 60 feet in width.

Whereas, Virginia is a Common Law State.

Whereas, the portion of Jackson Street which the abutting future land owner wishes to vacate does not contain publicly held or maintained improvements.

Therefore, it is my opinion in this matter that the title to that portion of Jackson Street in question is vested in The City of Lynchburg by a preponderance of evidence and will transfer to the abutting property owner upon completion of the street vacation process.

Please let me know if there are any questions and thank you to you and the City Attorney for helping us on this matter.

Fondly yours,

A handwritten signature in cursive script that reads "Barbara B. Gladieux".

Barbara B. Gladieux, VCTE

EXHIBIT 2

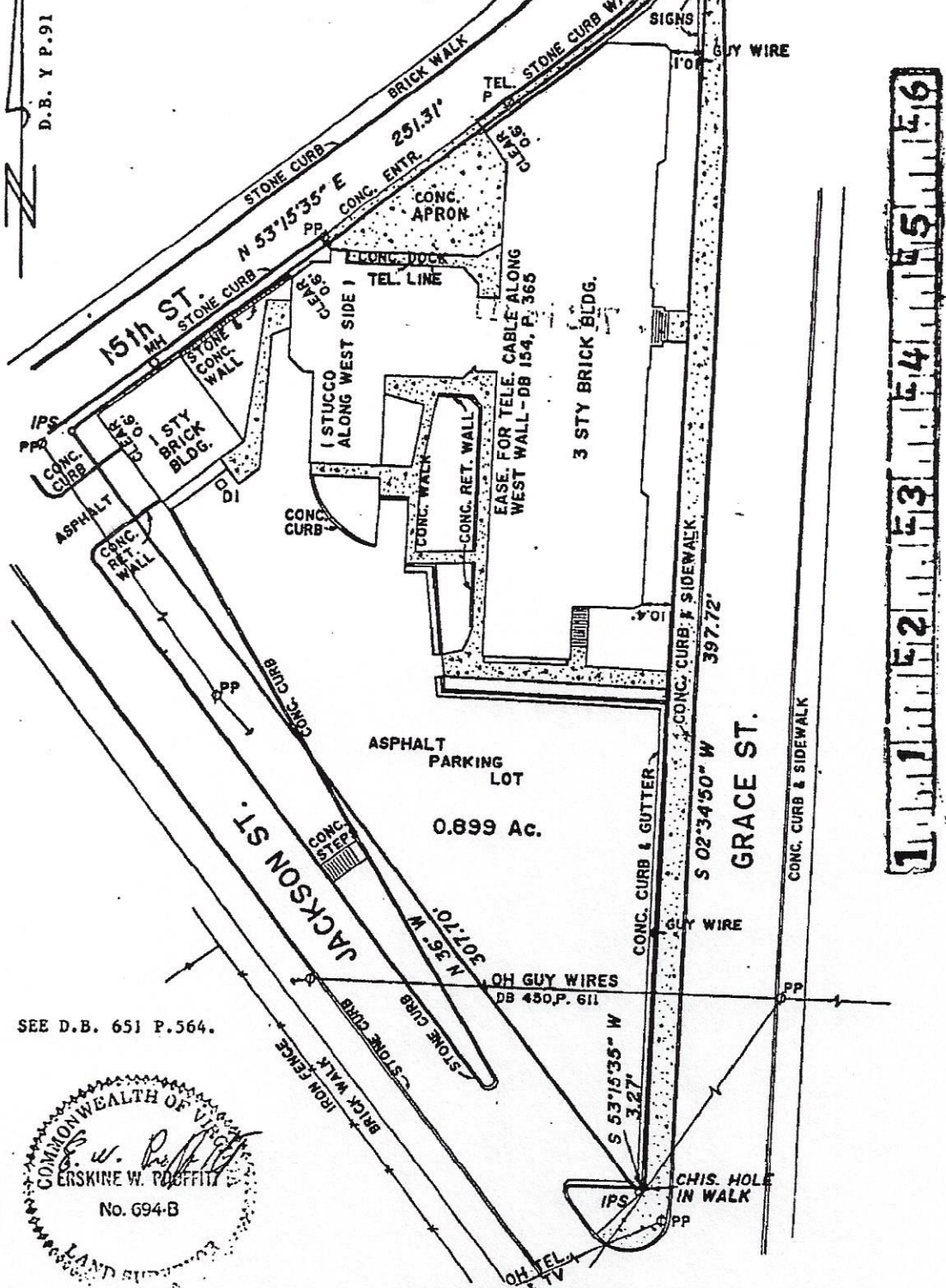


THIS PROPERTY IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' OR 'B' AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED SEPTEMBER 1, 1978 AND REVISED NOVEMBER 16, 1983.

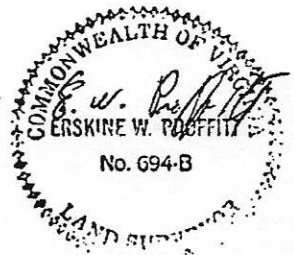
BOOK 752 PAGE 313

EXHIBIT 3

IPS IN PVMT. 0.25' FROM FACE CURB



SEE D.B. 651 P.564.



0 40
GRAPHIC SCALE



Hurt & Proffitt, Inc.
Engineers • Surveyors
2524 LANGHORNE RD.
LYNCHBURG, VA 24501
Phone 804 847-7796

PLAT SHOWING PROPERTY OF

GRACE STREET ASSOCIATES

LYNCHBURG, VIRGINIA

COMM. NO. 892356 DATE: JULY 6, 1989

REVISIONS: G.L. NO. 229-14-D3.5 OWN BY: AGA FILE NO. L-2596

VIRGINIA: In the Clerk's Office of the Circuit Court of the City of Lynchburg, The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 12th day of July, 1989, at 10:41 A.M.

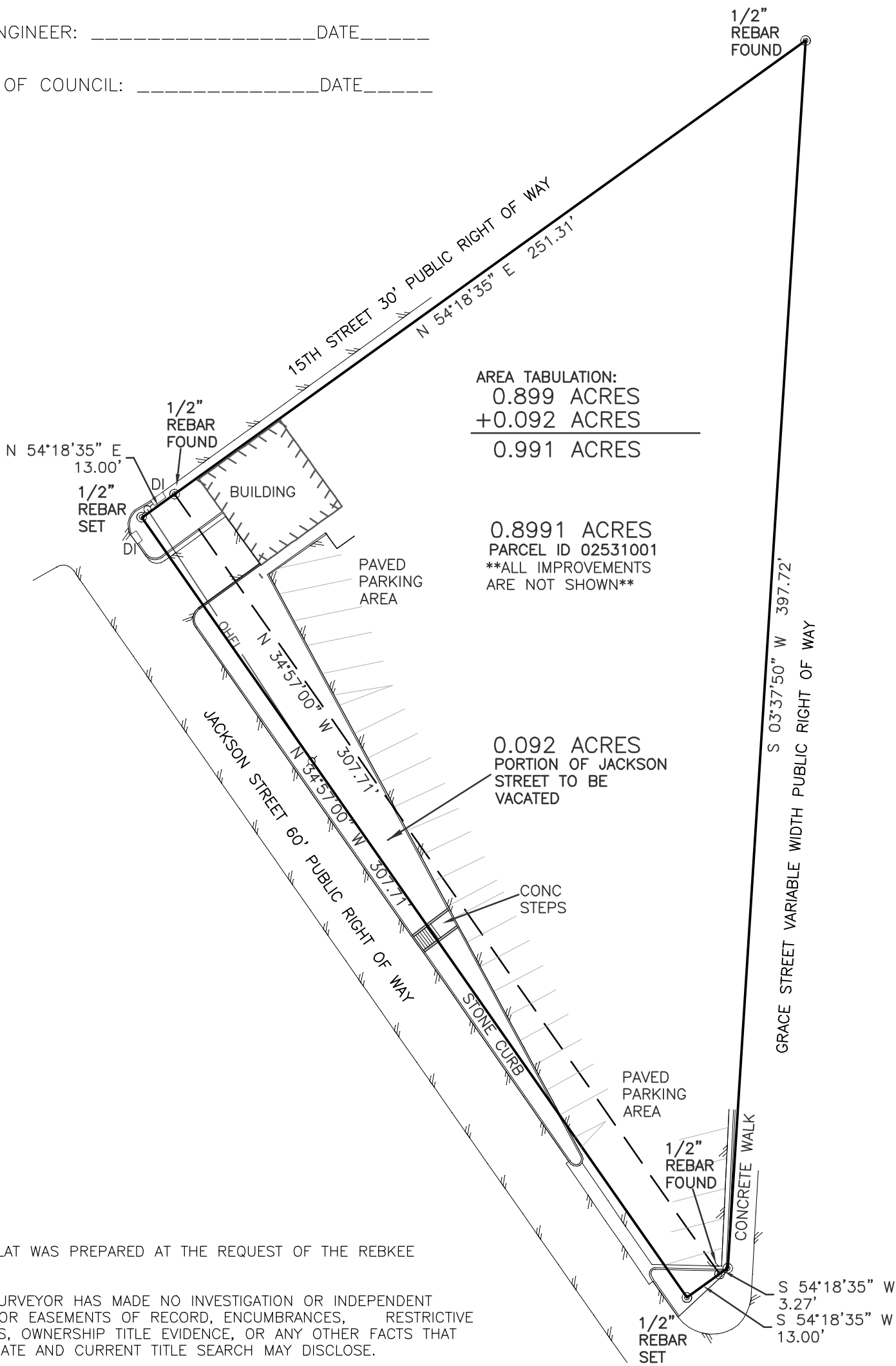
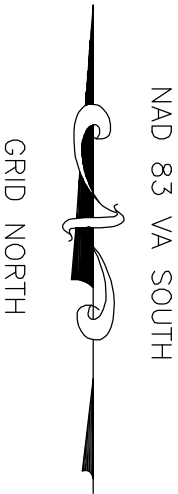
TESTE: *Quanita E. Skillis*
Clerk

Examined and
Delivered to

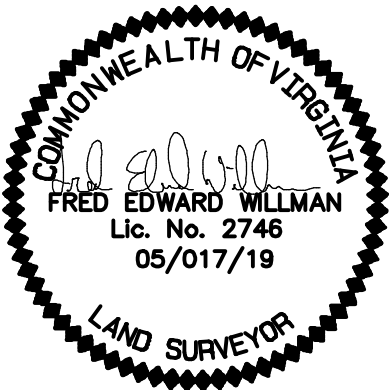
CITY PLANNER: _____DATE_____

CITY ENGINEER: _____DATE_____

CLERK OF COUNCIL: _____DATE_____



- NOTES:
1. THIS PLAT WAS PREPARED AT THE REQUEST OF THE REBKEE COMPANY.
 2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE UNSHADED FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D AND 5100930044D REVISED JUNE 3, 2008.
 4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



STREET VACATION EXHIBIT

SHOWING A PORTION OF JACKSON STREET TO BE VACATED

CITY OF LYNCHBURG, VIRGINIA


ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 40'
ASD JOB#	2019-147
FILE #:	2019-147.DWG

PARCEL ID# 02531001

DATE: APRIL 1, 2019 REV: MAY 7, 2019

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019- Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 3 Ridge Organics Request for a Lease of City Owned Property at 300 Rutherford Street

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing and grant 3 Ridge Organics a lease of the City property located at 300 Rutherford Street.

SUMMARY: 3 Ridge Organics has requested a lease of City owned property at 300 Rutherford Street. In the first year of the lease 3 Ridge Organics will provide free produce to seven recreation centers once per week. In addition 3 Ridge Organics agrees to provide three recreation programs related to urban farming or other environmental issues. In the second year 3 Ridge Organics agrees to pay the City \$1375 per month. All maintenance shall be the responsibility of the lessor. Any new proposed facilities, such as greenhouses, must meet all of the City's requirements and be permitted accordingly. The lease is effective for a three year period.

PRIOR ACTION: None

FISCAL IMPACT: After the first year, \$16,500 annual revenue

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

ATTACHMENT(S): None

REVIEWED BY: raw

COUNCILMEMBER PERROW WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of June 25, 2019

4:00 P.M. – Work Session City Council Agenda Items

- #1. Receive a presentation on the Office of Economic Development and Tourism's *A Blueprint for Opportunity*: Anchor Institution Engagement Strategy
- #2. Hear a presentation regarding Roundabouts – Benefits, Detriments, Costs and Savings
- #3. Roll Call

7:30 P.M. City Council Agenda Items

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

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

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

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

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

- #4. a. Consideration of approving the minutes of the May 28, 2019 meeting.
- b. Consideration of adopting resolution #R-19-046 regarding the City of Lynchburg's Substantial Amendment No. 1 to the Community Development Block Grant (CDBG) Program Year

2018/Fiscal Year (FY) 2019 Annual Action Plan to add a new project utilizing unspent Bluffwalk Section 108 Loan proceeds totaling \$1,250,000 for the design of the new Lynchburg Police Department headquarters.

PUBLIC HEARING

- #5. Public hearing to receive comments regarding the FY 2020 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Programs
(File: (Community Development)) #R-19-_____
- #6. Public hearing to receive public input on a proposed negotiated Cable Franchise Agreement between the City of Lynchburg and Shenandoah Cable Television, LLC, d.b.a. as Shentel. The proposed Franchise Agreement would allow Shentel to operate a Cable Television Franchise within the City of Lynchburg. The proposed Franchise Agreement establishes the rights, obligations and privileges of the parties to the agreement, the City of Lynchburg and Shentel. The proposed Franchise is for a period of fifteen years. The public hearing is being held pursuant to the procedures established in Section 15.2-2108.21 (F.) of the Code of Virginia and the public hearing shall be limited to the proposed Franchise Agreement with Shentel.
(File: Information Technology) #O-19-_____
- #7 Public hearing regarding the petition of The Rebkee Company to vacate ninety-two thousandths of (0.092) of an acre portion of Jackson Street. The area proposed for the vacation has a small portion of a parking lot on it, concrete steps and a stone curb.
(File: Community Development) #O-19-_____
-

GENERAL BUSINESS

- #8. Continuation of the discussion of the petition of Josh Lee, Troutspring, to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone approximately 5.91 acres located at 1306 Laxton Road from R-1, Low-Density Residential to R-3C, Medium-Density Residential (Conditional) and for a conditional use permit to allow the development of the property as 40 townhomes.
(File: Community Development) #R-19-_____
#O-19-_____
#R-19-_____
- #9. Consideration of introducing a resolution to amend the FY 2020 General Fund Operating Budget and the FY 2020 Schools Operating budget and rescind \$862,000 from the Schools Operating Appropriation and increase the General Fund Unassigned Fund Balance by \$862,000
(File: FY 2020 Budget) #R-19-_____
- #10. Consideration of adopting a resolution readopting City Council's Rules of Procedure which contain Council's schedule of regular meetings and work sessions for the upcoming year.
(File: City Council) #R-19-_____
- #11. a. Consideration of a closed meeting to consider appointments for Lynchburg City School Board, the Steering Committee members to the Task Force on the Future of Education PreK-12 and Beyond, as well as appointments to the following boards, commissions or committees: Central Virginia Community College Board and Youth Services Citizens Board pursuant to Section 2.2-3711(A.) of the Code of Virginia.
- b. Consideration of a closed meeting for discussion and consideration of the City Manager's and the City Attorney's performance evaluations, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia."

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM NO.: **1**

CONSENT:

REGULAR:

WORK SESSION: X

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: X

ITEM TITLE: ***A Blueprint for Opportunity: Anchor Institution Engagement Strategy Presentation***

RECOMMENDATION: Receive this presentation on the Office of Economic Development and Tourism's anchor institution engagement strategy as an informational item.

SUMMARY: As a part of the five-year economic development strategy, *A Blueprint for Opportunity*, the City of Lynchburg will proactively engage and collaborate with local anchor institutions. Anchors include some of the larger and more established institutions in the community that have made significant long-term investments in Lynchburg. In the City of Lynchburg, some of the most prominent anchors include academic institutions such as Liberty University, Central Virginia Community College, Randolph College and the University of Lynchburg; healthcare institutions, such as Centra Health; and a number of tourism assets.

By their nature, anchor institutions wield enormous influence on a city's economic development, from employing local residents to providing workforce pipelines for low-income residents to driving redevelopment. This inextricable link to the City ensures their continued presence and influence in Lynchburg, which drives the need for a comprehensive strategy for engagement.

In his presentation to City Council, consultant Steven Pedigo will:

- Offer an overview of anchors and why they matter;
- Outline the roles and collaboration models for anchors;
- Highlight best practices from around the country; and
- Explain how the City of Lynchburg plans to engage its anchors in the coming year.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Marjette Upshur, Director of Economic Development and Tourism, 455-4492

ATTACHMENT(S): Presentation Slides

REVIEWED BY: raw

081R

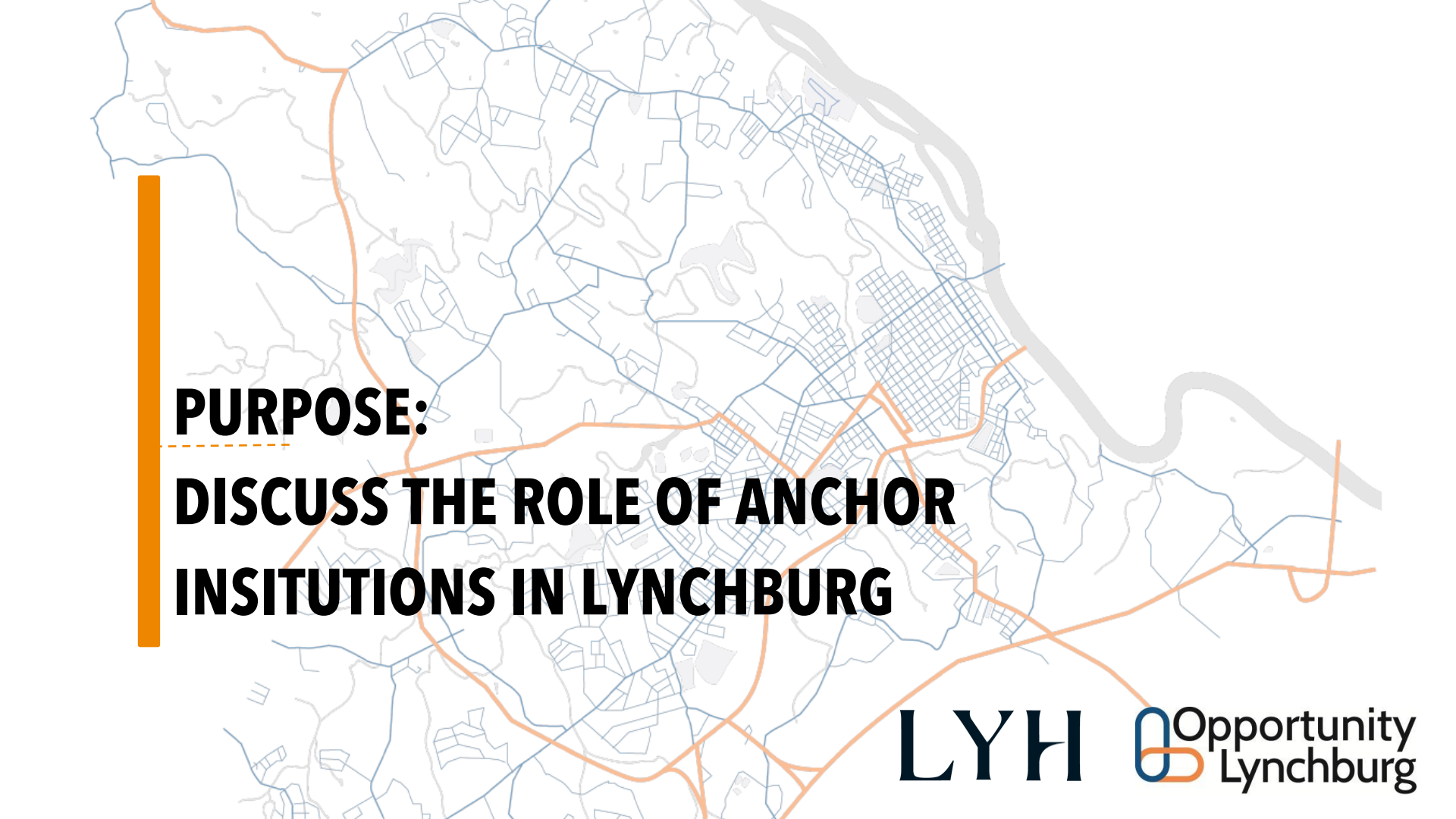
A stylized map of Lynchburg, Virginia, featuring a network of blue lines representing streets and orange lines representing major highways or transit routes. The map is overlaid with the title text.

LEVERAGING ANCHORS FOR ECONOMIC GROWTH

City of Lynchburg

June 2019

LYH  Opportunity
Lynchburg



PURPOSE:

**DISCUSS THE ROLE OF ANCHOR
INSTITUTIONS IN LYNCHBURG**

OVERVIEW



Revisiting the Blueprint

Anchors: Why They Matter

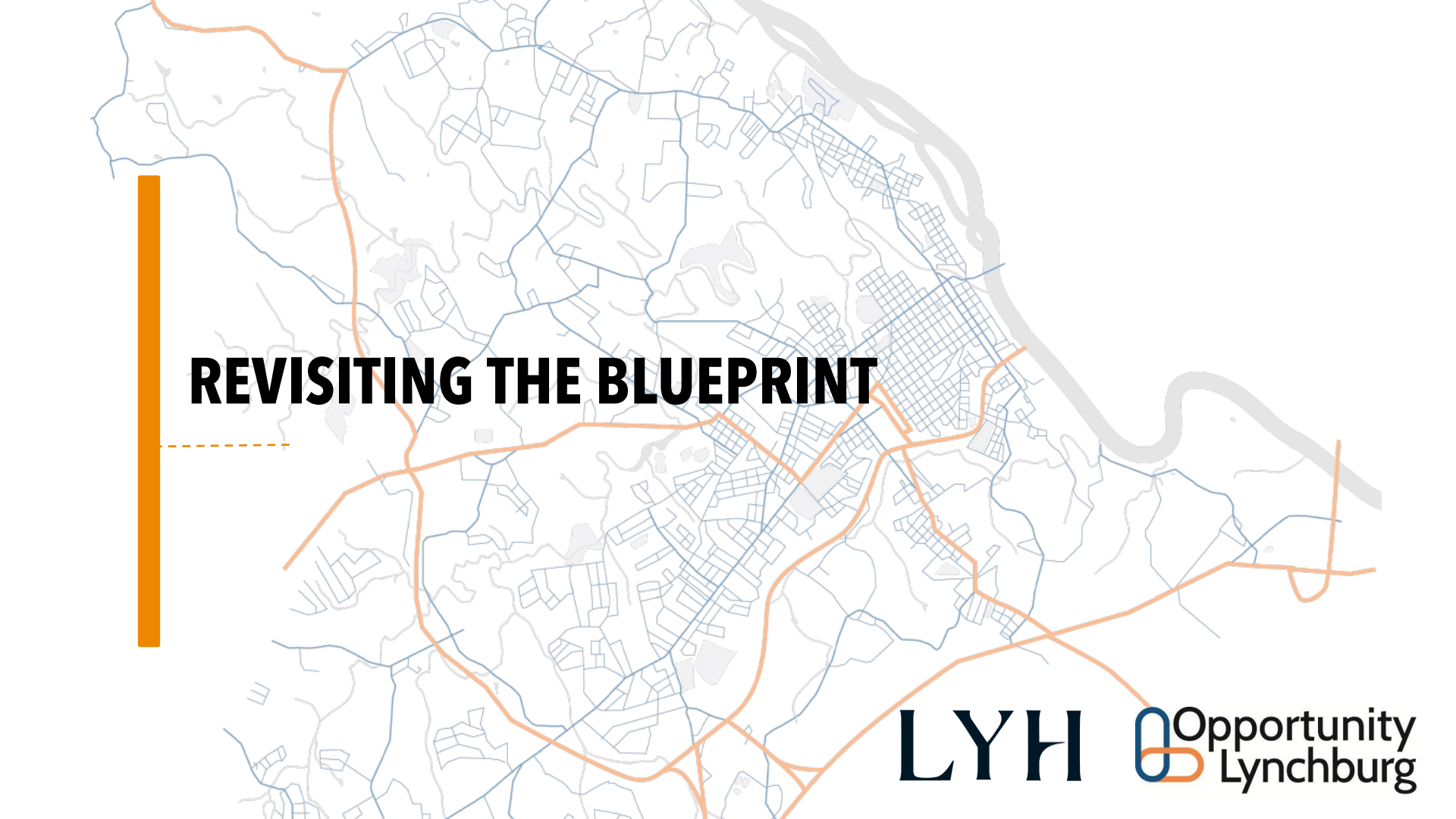
Roles and Collaboration Models

Examples

Anchors in Lynchburg: Engagement and Next Steps



Questions

A map of Lynchburg, Virginia, showing a network of streets. A prominent orange line traces a path through the city, likely representing a proposed transit route. A solid orange vertical bar is on the left, and a dashed orange line extends from it. The background is a light gray map with blue lines for other streets and a gray river on the right.

REVISITING THE BLUEPRINT

LYH  Opportunity
Lynchburg

VISION

The City of Lynchburg, Virginia, is one of the best small cities in the country. Driven by innovative businesses and forward-thinking organizations, Lynchburg is a community that values history, natural beauty and healthy, inclusive neighborhoods. **Every resident has the opportunity to thrive in the City of Lynchburg.**

BLUEPRINT FOR OPPORTUNITY

Goal 1

Expand and support Lynchburg's existing **company foundation.**

Goal 2

Engage and collaborate with city anchor **institutions.**

Goal 3

Support **talent** and in-demand skill development for target industry clusters.

Goal 4

Create, embrace, and promote **community.**

Goal 5

Tell the City of Lynchburg's **story.**

A map of Lynchburg, Virginia, showing a network of streets. A prominent orange line, likely representing a major transit route, winds through the city. A solid orange vertical bar is on the left, and a dashed orange horizontal line extends from it. The text "ANCHORS: WHY THEY MATTER" is centered over the map.

ANCHORS: WHY THEY MATTER

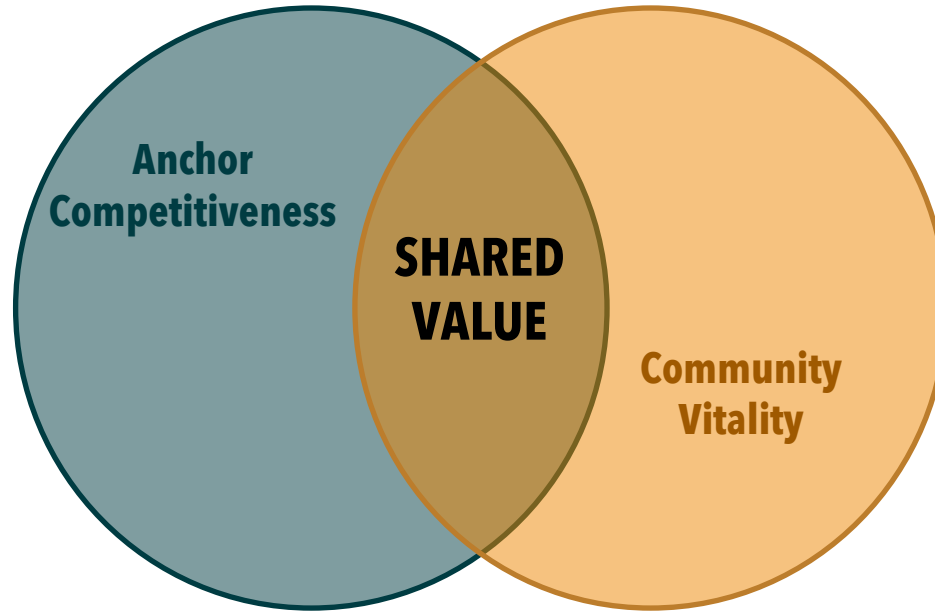
ANCHOR INSTITUTIONS



Universities, healthcare institutions, cultural facilities, and large scale real estate developments are anchors.

- Hold significant investments in the community – making it difficult to pull up stakes and leave
- Major impact on revitalization
- Sheer size and purchasing power can drive change
- Opportunity to build a shared value between community and anchor

ANCHORS AS CHANGE AGENTS



Strong anchors
strengthen
communities.

Healthy vibrant
communities
benefit anchors.

ANCHOR RETURN ON INVESTMENT: SHARED VALUE

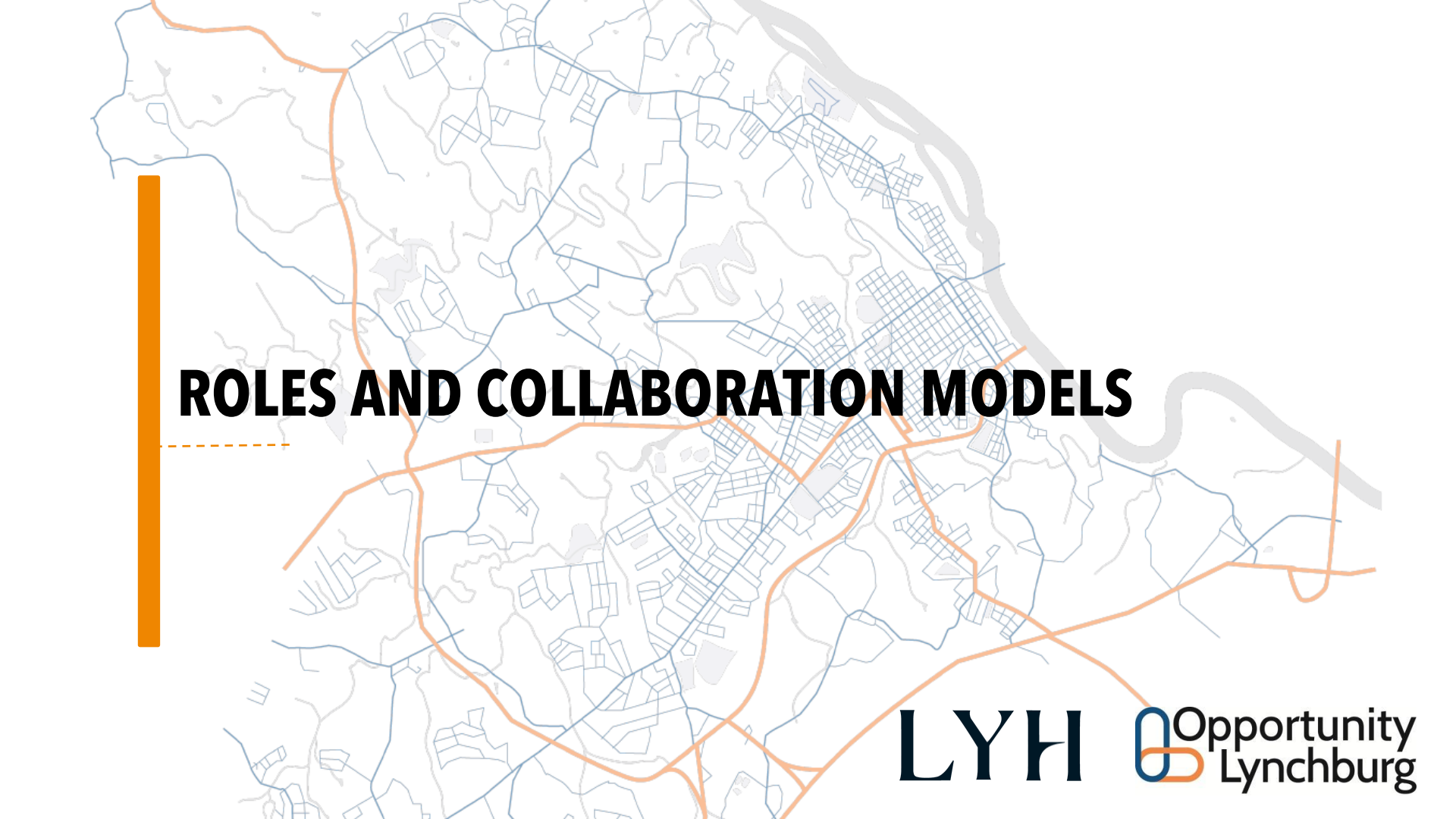


Anchors are inextricably linked to their surroundings and are more competitive if they invest in building a stronger local economy.

Increased demand for goods and services translates into increased students, patients, and customers.

Improved and expanded supplier networks can increase an anchor's operational efficiency and innovation.

Employee attraction and retention help anchors remain competitive by capturing and retaining talent.



ROLES AND COLLABORATION MODELS

STRATEGIC ANCHOR FRAMEWORK

"Anchors are enduring organizations that are **rooted in their localities**. It is difficult for them to leave their surroundings even in the midst of substantial capital flight."

– *Anchor Institutions Task Force*

Source: [Initiative for a Competitive Inner City](#)



Community and economic development strategies should be part of corporate and organizational strategy **and not philanthropic efforts.**

THREE MODELS OF ANCHOR INITIATIVES

1

Anchors act
independently.

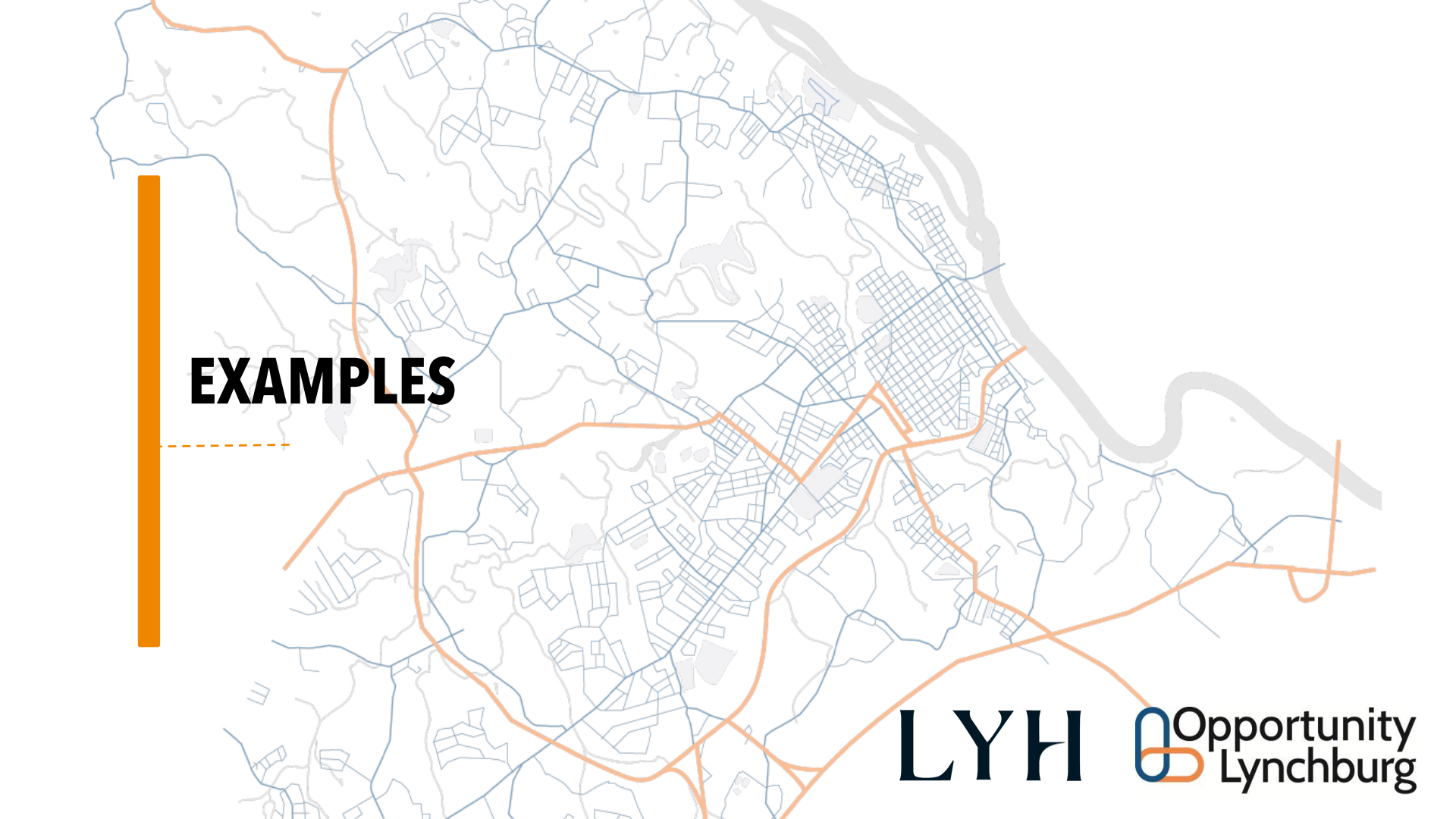
2

Anchors partner with
other anchors.

3

Anchors partner with
**a broad group of
stakeholders.**

Anchor Collaborates

A map of Lynchburg, Virginia, showing a network of streets. Overlaid on the map are several thick orange lines representing transit routes. A thick orange vertical bar is on the left side of the map. A dashed orange line extends horizontally from the vertical bar to the word "EXAMPLES".

EXAMPLES

UNIVERSITY ANCHORS

Universities may be motivated to adopt anchor strategies because of their public mission, "town and gown challenges," or need to attract top students and faculty.

University of Pennsylvania

- Launched in 1980s
- Historic disinvestment in West Philadelphia
- Foundation for rebirth of University City



Goals:

- Improve neighborhood services
- Provide high-quality housing for students, faculty, and residents
- Revive commercial activity
- Accelerate economic development
- Enhance local education options

HOSPITAL ANCHORS

There's a growing emphasis on the social determinants of health, and the IRS requires nonprofit hospitals to provide community benefits to remain tax-exempt.

Cleveland Clinic

- Launched in 2009
- Foundation for future anchor collaborative such as the University Circle

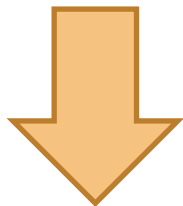


Goals:

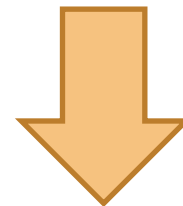
- Develop and improve neighborhood area
- Improve health outcomes
- Revive commercial activity
- Accelerate supplier development
- Enhance workforce options

WHAT ARE ANCHOR COLLABORATIVES?

Transforming communities require robust, sustainable, and long-term efforts.



- Limited resources
- Leadership changes
- Limited impact because of geography



Anchors are moving from individual anchor strategies towards **an anchor collaborative model**, in which a group of anchors and stakeholders (such as city government and nonprofit organizations) work together for greater impact.

ANCHOR COLLABORATIVES

Collaboration on one initiative often builds relationships and trust for additional partnerships and work together.

Live Midtown Detroit

- Launched in 2010 by a community development organization, 3 healthcare institutions, and 1 university



Goals:

- Increased the vitality, safety, and economy of the Midtown neighborhood
- Encourage anchor employees to rent and buy homes in the downtown

**ANCHORS IN LYNCHBURG:
ENGAGEMENT AND NEXT STEPS**

LYNCHBURG'S ANCHOR ENGAGEMENT

Goal 2 of Blueprint for Opportunity: Engage and collaborate with city anchors.

- Educate Lynchburg's anchor institutions on the role of anchors in economic and community development
- Develop an anchor institution assessment / goal-setting tool and framework
- Convene local anchors to develop an "anchor collaborative" with clear economic and community development goals
- Position Lynchburg as an "Applied Community Lab" that supports ongoing learning
- Utilize anchors to drive tourism development

NEXT STEPS

Plan for FY2019-2020

- Host anchor institutions workshop – What is an anchor?
- Develop resources and tools for anchor community assessment and impact
- Catalog local anchors and relative community and economic development efforts
- Convene anchor working group to identify community needs and potential collaborative efforts
- Assess how anchors can impact tourism development

A map of Lynchburg, Virginia, showing a network of streets. A thick orange line highlights a specific route that starts on the left, goes south, then east, and then follows a winding path through the city. A thin blue line shows a different route, mostly following the river and then heading east. The word "QUESTIONS" is written in large, bold, black capital letters on the left side of the map, next to a thick orange vertical bar. A dashed orange line extends from the bottom of this bar towards the word "QUESTIONS".

QUESTIONS

LYH  Opportunity
Lynchburg

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Roundabouts – Benefits and Detriments, Costs and Savings

KEY ELEMENTS:

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

RECOMMENDATION: Hear a presentation regarding roundabouts as an informational item.

SUMMARY: Over the last several years, the City of Lynchburg has constructed a number of roundabouts on City streets. Often this has been done to replace various deficient intersections in an attempt to provide a cost effective, safe, and aesthetic replacement for traditional traffic signals or stop signs. The Fiscal Year 2020-2024 Capital Improvement Plan includes the installation of roundabouts at various locations throughout the City. During the budget discussions for FY2020, City Council requested information on roundabouts and comparisons to other types of traffic control for intersections.

City staff will provide information on the following topics:

1. Locations appropriate for roundabout installation
2. Benefits of roundabouts (including safety, environmental, aesthetics, operations, and costs)
3. Detriments of roundabouts
4. Cost comparisons and considerations

PRIOR ACTION:

August 6, 2013: Presentation to Physical Development Committee

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer, 455-3947
Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S):

Power Point Presentation

REVIEWED BY:

bms

079R



Roundabouts – Benefits and Detriments, Costs and Savings

City Council Work Session

June 25, 2019



Objectives

- Purpose: Provide City Council with an overview of the appropriate placement, benefits, detriments, and costs associated with the construction of roundabouts as compared with tradition stop lights or signs



Where Should Roundabouts be Considered?

- High Crash Rate Locations
- Heavy Left Turn Volumes
- Intersections w/ Large Traffic Delays and under 30,000 vehicles per day.





Benefits of Roundabouts

- Increased Traffic Safety – Largest and Most Important Benefit
- Traffic Calming
- Increased Operational Performance
- Environmental Benefits
- Aesthetics
- Ongoing Operations and Maintenance

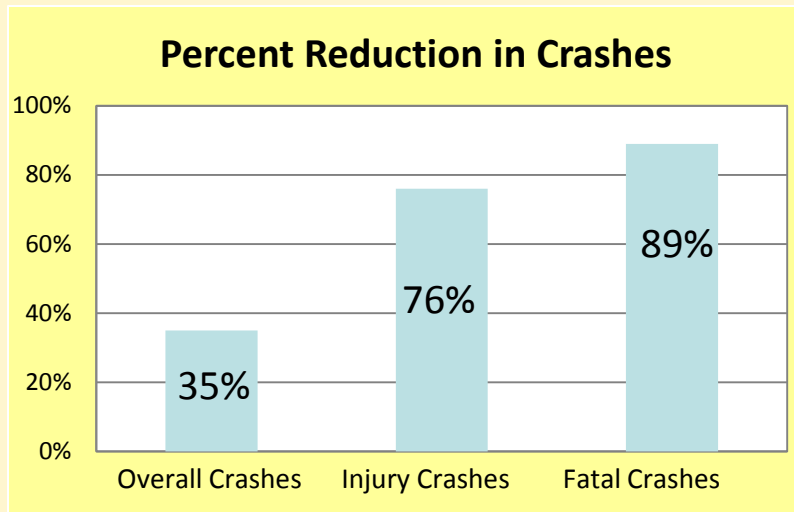




Traffic Safety Benefits

Typical Intersection vs. Roundabouts

- 89% Reduction in Fatalities
- 76% Reduction in Injuries
- 35% Reduction in **Overall Crashes**



Sources #1 & #2



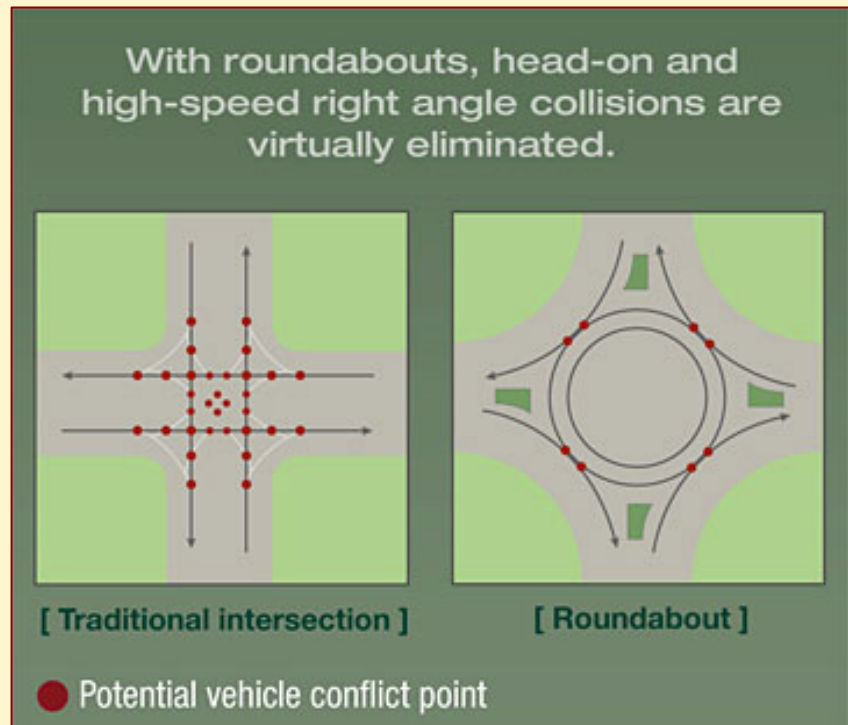
Data from Federal Highway
Administration's website



Traffic Safety Benefits

Typical Intersection vs. Roundabouts

- A typical 4-leg intersection contains 32 conflict points.
- A roundabout contains only 8 conflict points.
- All vehicles travel in the same direction, never crossing paths which dramatically reduces head-on and right angle crashes.



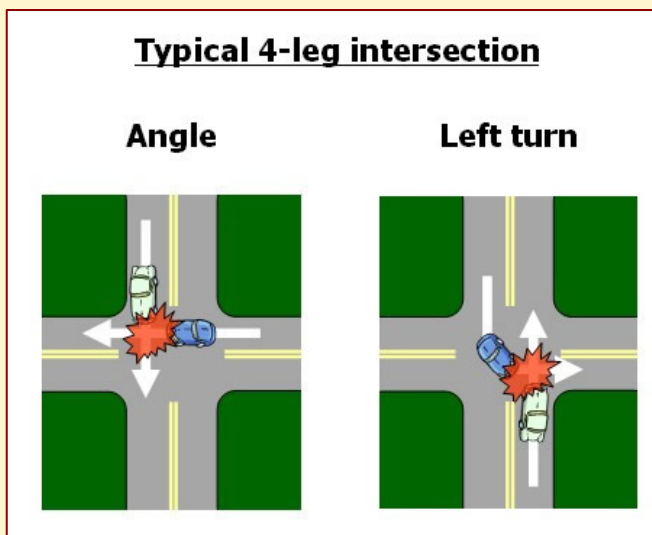
- ▶ Converging (8)
- ▶ Diverging (8)
- ▶ Crossing (16)

- ▶ Converging (4)
- ▶ Diverging (4)
- ▶ Crossing (0)



Traffic Safety Benefits

Typical Intersection vs. Roundabouts



- Angle and left turn crashes account for 63% of fatal crashes.
- A roundabout eliminates angle and left turn crashes by forcing vehicles to make a right turn in and out.
- Crashes that do occur in a roundabout are sideswipe in nature and less severe due to low vehicle speeds.



Benefits Continued

- Environmental Factors
 - Reduce stops
 - Improves drive time
 - Reduction in noise
 - Reduction of air quality impacts
 - Reduction of fuel consumption
- Aesthetics
 - Improved Landscaping
 - “Gateway” into communities
 - Traffic Calming





Additional Benefits

- Ongoing Operations and Maintenance
 - Lower operating and maintenance costs
 - Saves \$5000 annually
- Public Savings
 - Cost savings due to reduction in crashes
 - One gallon of fuel saved per 365 vehicles per day
 - Odd Fellows / Mayflower roundabout saves 55 gallons of fuel per day
 - \$50,000 per year saved



Detriments of Roundabouts

- Yield Confusion / Driver Behavior – not familiar with the traffic pattern
- Larger Right of Way Space – requires more land than traditional intersections
- Emergency Vehicles Priority – no traffic control device (opticom)
- Bicycles – especially in multi-lane roundabouts
- Progression in Corridors – unless at the beginning or end



Cost Comparisons

- Initial construction - roundabouts cost more than Signals
- Operationally roundabouts cost less than Signals
- Environmentally, roundabouts cost less than Signals
- Safety considerations are by far the major benefit to roundabouts and create the large cost/benefit advantage over Signals



Cost of Roundabouts

- Recently in Lynchburg, the actual costs for roundabouts have been:
 - Logan's Lane – \$2.6M
 - Liberty Mountain Drive – \$5.99M
 - Both Odd Fellows Road and Park Avenue were part of larger projects and the costs are not broken out.



Cost Considerations

- Right of Way – varies depending on size and existing right of way
- Conceptual Design – high contingencies for unknown utilities, draining, landscaping, etc.
- Funding Sources – VDOT and federal requirements often increase costs
- Inflation – often funds are no available for six years



Cost Of Roundabouts

- The Most recent Applications through SMART SCALE that were Recommended for funding are:
 - Langhorne / Vassar \$6.1M
 - Town of Culpepper \$6.2M
 - Orange County \$5.5M
 - City of Fredericksburg \$5.8M
 - City of Williamsburg \$6.4M
 - Nottoway County \$7.3M
 - Charles City County \$4.1M
 - Dinwiddie County \$3.7M
 - Smyth County \$3.6M



Sources

- Source #1: Presentation by The Ohio Department of Transportation, District 3, Julie Cichello, PE.
 - <http://www.dot.state.oh.us/D03/Documents/Roundabout.Presentation.pptx>
- Source #2: U.S. Department of Transportation, Federal Highway Administration Roundabouts Technical Summary
 - <https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/fhwasa10006/fhwasa10006.pdf>
- Other sources: Virginia Department of Transportation website, Innovation Intersections, Roundabout
 - http://www.virginiadot.org/info/innovative_intersections_and_interchanges/roundabout.asp

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of May, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow,	
Sterling A. Wilder, Beau Wright, Treney Tweedy	7
Absent:	0

//In the matter of Schools, the Charter for Task Force on the Future of Education PreK-12 and Beyond, City Manager Bonnie Svrcek commented that nearly twenty years ago a task force was formed to evaluate school facility needs over a ten-year period. As a result of that task force, several schools were renovated and Sandusky Middle School was replaced. Given the changing enrollment patterns, coupled with changing needs for 21st century learning environments, it has been proposed that a task force on the future of Lynchburg City Schools PreK-12 and Beyond be formed to study future facility needs and improvements and leading study practices in education and demographic changes. This task force is proposed to be far broader than the task force twenty years ago and far broader than the joint task force regarding Heritage High School and the future of secondary education.

The school leadership team comprised of the School Superintendent, the Board Chair and Vice Chair, the Mayor, Vice Mayor, City Manager and Deputy City Manager used the Heritage High School task force charter as a model for the proposed charter before them today. The school board is poised to consider and approve the charter next week.

Mayor Tweedy commented that Councilmember Perrow needs to leave this meeting early and she would like them to consider moving the closed session regarding the task force to tonight's 7:30 meeting. Council was in consensus to make this change. Councilmember Perrow clarified that the closed session regarding the possible expansion of an existing business or industry would still be held after the work session today.

Deputy City Manager Reid Wodicka commented that they began this conversation with an understanding that a long-term City requires a long-term and coordinated school system. As they developed the charter, they looked at challenges as well as strengths and goals for the next ten to fifteen years. They want to make sure that the long-term initiatives of the school system are data driven and evidence based as we make decisions about resource allocations. They want to look at national leading practices as an organization and looking at places that are being very

successful. They want the initiatives in this report to be visionary and not to just continue doing what they have been doing. They want to develop a very clear vision of how the school system contributes in a substantive way to everything that goes on in the community and how does the city organization contribute in every way reasonable to public education. They want to discuss how final recommendations will be funded. They want actionable goals that are feasible and common sense.

Councilmember Helgeson thought that a lot of this came about because there has been such a large decline in enrollment that there needs to be some generalized discussion regarding school consolidation even though state laws says that is for the schools to do. Dr. Wodicka said one of the things they will be looking at is the capital needs in the future, as well as operating costs. They will also be looking at the programmatic needs and opportunities they might have and how they might be able to shift the programmatic offerings we have to better fit needs.

The task force will have no authority to make final decisions. It would make recommendations to the school board and recommendations to City Council. The school board maintains its responsibility for making strategic financial and programmatic decisions. City Council maintains the funding decisions and it is the hope that Council will be a strategic partner with the school system.

It is proposed that there will be a steering committee of two Council members and two school board members. Those four people would join ten more people and will include a chair and co-chair that recruit people for the various subcommittees that have been identified. The chair and co-chair will have organizational responsibilities but not necessarily anymore authority. The findings of the various subcommittees are meant to grow on each other and affect the outcomes of other subcommittees. They will study enrollment trends and demographics, operations, facilities and consolidation, leading practices in urban education and programmatic and collaborative opportunities. The task force will be interested in how the programmatic offerings complement the economic development opportunities of our community. Finance will also be a very important subcommittee.

The final work product will be a report that is submitted to the school board and Council. They would like to start in July and complete data analysis by early winter for a draft report to be done by the spring of 2020 for consideration in FY2022's budget and beyond.

Councilmember Helgeson noted that he had sent an email regarding the school's

comprehensive plan, which has to be done by state law. The superintendent said she did not have some of the specific things required for the plan (the assessment of the extent to which forecasts are being achieved, the forecasts of enrollment changes, the plan for projecting and managing enrollment changes). Councilmember Helgeson asked if the school system should be focusing on doing these items for the comprehensive plan first. Dr. Wodicka indicated he cannot speak to email exchanges in which he was not a party.

Mayor Tweedy thought they could be working on what comes from Weldon Cooper, projected births and people moving to Lynchburg but part of looking at enrollment will be how are we developing as a City and where are we developing and where are the trends for where families are moving to. They will probably present the data Councilmember Helgeson is asking about that but there is probably a bigger picture of how Lynchburg is developing. She did acknowledge what Councilmember Helgeson is saying is very important.

Councilmember Helgeson is suggesting that the task force is being developed because there is such a decline in enrollment and no one was willing to tackle school consolidation, which is part of their bailiwick. Mayor Tweedy acknowledged it is part of their bailiwick. Dr. Wodicka could not speak to the email exchange but could say that if any thoughtful, long-term analysis is to be done, it really has to start with the enrollment discussion and projections. If the data does not exist, then they will have to create it and it will be part of the process.

Councilmember Helgeson noted they are seeing enrollment decline and the school system should come up with some kind of plan to present to Council. This task force sounds like it is going a little in the other direction and it will not have the area of expertise. Dr. Wodicka remarked that the school system is very intimately involved in this analysis. It will not be City staff doing all the analysis. It is very important for them to be marching down this path together. Councilmember Helgeson is concerned the school system will say it needs more money for fewer kids, which has been done for years. There are two separate bodies for a purpose. Council can suggest they do not hire more people, for instance, but they have zero control over it. It was just discovered and reported in the newspaper that schools has a salary "slush" fund. He thinks they should do their job and provide their comprehensive plan and then ask for help.

Ms. Svrcek said this was an outcome from conversations with the entire Council over the past year. This task force was proposed a couple of times in reaction to the Capital Improvement Plan. Going forward with a facilities plan, we know we have to first understand the trends and

enrollment and demographic patterns. This is proposed to be a joint task force. Anything that staff has or the school system has that will help inform the task force will be mined and used in the recommendations.

Councilmember Helgeson thinks they need to have some push for consolidation. Under the code of Virginia, the school system is supposed to do the planning and it seems to him it is going a little further to Council and the school board doing it together. Ms. Svrcek said it is correct that this is supposed to be a joint task force of the school system and Council and the community.

Councilmember Perrow thanked Mayor Tweedy for letting him speak before he has to leave to represent a client in front of their Council meeting tonight. He finds the philosophical discussion to be interesting but would like to speak from a tactical standpoint. He thinks we need to delineate specific tasks or objectives that they expect to be met. He thinks the task force is a little open ended. He would like to identify what answers we are really looking for and he could offer some suggestions. He is also open to other considerations for the organizational structure for the task force. Councilmember Perrow left at 4:26 and apologized for having to leave during this important discussion.

Councilmember Wilder asked for clarification that they get to make some suggestions for the members of the task force. Mayor Tweedy indicated that is to be discussed in closed session. Councilmember Wilder is glad they are coming together because it is not just a school problem. It is a community issue that they need to address. Councilmember Wilder would like to point out that there are more Christian schools than there were twenty years ago. He would like the task force to consider that enrollment might be down because parents have more choices now. They might want their children in a religious school or a school with smaller classroom sizes. Perhaps a survey could be done to determine why parents are not sending their children to public school. Dr. Wodicka noted that request.

Councilmember Wilder would also like the task force to address the “middle” children. Sometimes schools address the “high end” children and the “low end” children and the “middle” children are lost oftentimes. Dr. Wodicka noted that request.

Councilmember Wilder is glad to see them as a community moving together a committee that can study and analyze the issues and see what is best for our community. We have an opportunity to really be of benefit and make our City great. We are assigned to fund public

schools and we want to make sure they are the best. He would like the task force to have conversations with local institutions to make sure the teacher candidates are being taught practices for effectively teaching in an urban setting.

Councilmember Nelson agreed that the goals and objectives need to be a lot deeper than what is in the charter. He would assume the task force will have the latitude to explore any topics or issues it deems to be relevant. Dr. Wodicka indicated the charter was worded a little open ended because they did not want to presuppose any decisions.

Councilmember Nelson thinks the charter has good substance to it and appreciates the initiative but he thinks the timeline is somewhat ambitious. He would like the task force to have the latitude to extend the timeline if needed.

Also, the availability of online technology and the multitude of instructional materials that homeschoolers now have is a factor to why some children are not in public or private schools.

Councilmember Nelson has a broad observation about this and that is there is no question that the challenges that will face the task force are going to be daunting. The outcomes will impact our capital budget and change the demographics of existing schools and alter school attendance zones. It will probably modify instructional practices and prompt technological innovations. The recommendations and final report may significantly disrupt the status quo and be met with intense political or institutional opposition. In the fact of that possibility, he thinks the members of the task force must be representative of the great diversity of our City. Most significantly, its leadership must be strong, objective, have a long-term perspective of how the school system has evolved and where it should go in order to promote broader workforce development, greater efficiency in the use of its assets and expanding existing learning models. Fundamentally, the task force leadership must be objective and independent of City Council, as well as of the school division. Objectivity is more likely if the task force is not directed by persons now holding a seat on either City Council or the school board; but it should include persons who have had experience on City Council and the school board. He thinks the chair and vice chair should have extensive knowledge of this community and possess an institutional knowledge of both the school division and City government. They should have prior experience in directing task forces. They should be independent of the political, fiscal and pragmatic influences now prevailing on both the school board and Council. Those influences will be considered by Council and the school board once the report is presented but they neither should

influence the creation of the report. They should be free from the concerns about whether their decisions would earn them reelection to City Council or reappointment to the school board. It should be similar to the role of the Planning Commission.

Councilmember Nelson does not think it will really change the charter but he would propose an overwhelming agreement that the chair and vice chair are not going to be members of either City Council or the school board. That may mean the makeup is 16 people—two City Council members, two school board members, 10 citizens and a chair and vice chair. He would propose that the chair be a former City Councilmember who held a leadership position and the vice chair be a former member of the school board who held a leadership position. If possible, they both should have prior experience in directing a task force so they will have the fortitude to face what he thinks is going to be some fairly challenging opposition.

Councilmember Wright agrees with Councilmember Perrow's point that the charter could articulate the expectations more clearly. He also agrees with Councilmember Nelson's point that the timeline may not be feasible. Perhaps the steering committee should be responsible for figuring out the timeline. He asked if the operations, facilities and consolidation is meant to be inclusive of not just hard facilities but also the IT infrastructure and transportation and other items. Dr. Wodicka indicated that is correct. Councilmember Wright would like them to add to finance or leading practices for them to look at the compensation models and how the schools are staffed. Dr. Wodicka noted that point. Councilmember would like both bodies to pledge transparency for members of the task force and they pledge to share information that the task force requests. If the information cannot be shared publicly, then the task force members should be briefed privately.

Councilmember Wright agreed with Councilmember Nelson that this might get into some uncomfortable territory and raise some hard questions that we have to wrestle with as a community. Some of the things that the task force might recommend may be politically unpopular and the task force should be shielded from political pressure. The leadership should not be composed of sitting Council or school board members. He is open to discussing the qualifications of who should serve.

Vice Mayor agrees with Councilmember Nelson's points about leadership. Also, with respect to the diversity issue, the leaders should be objective and have a strong history of the schools. The timeline needs to be looked at and Council should not necessarily establish it.

Councilmember Helgeson agrees with Councilmember Nelson's point about governance. When you look at the whole overarching mission, this is about the fact that we have lost a lot of kids and there is the same number of school buildings. Are we going to consolidate? The school board is required to at least present those plans per state law regarding its comprehensive plan. If this task force is charged with staffing levels or teaching methodology, we are getting on a lot of different things. If the task force is looking at something specific, he thinks it can get to it fairly quickly. It is not our charge as City Council nor is it our charge to delegate that to some task force. It is the legal charge of the actual school board. He would like them to focus the mission better.

Dr. Wodicka thinks a component of this is a decline in enrollment. As we continue to flesh a lot of this out, he thinks it is insufficient to focus on the enrollment decline and what are going to do there. They are trying to chart a 15-year path for our school system that might include consolidation or changes in bus routes, for instance. He thinks it would be short sighted to focus on certain issues because he thinks they need to look at what the school system looks like in the long run. In terms of teaching methodology, we are interested in how the vocational education programs offered affect local employers and how the special education that are made affect our CSA issues. We want there to be coordination among City departments and the school system and we are thinking 15 to 20 years down the road and how the school system contributes to the long-term success of the community.

Councilmember Helgeson would suggest that maybe there be some bounds that are out of bounds such as the auspices of what the teaching methods are or how the schools are staffed. He would like the task force to focus on a bigger picture and focus on items that are quantifiable and not subjective. He would like to see how they could have the idea of neighborhood schools and children are walking to school. He just would like to maybe define items that are out of bounds for discussion because they are not part of the bigger picture.

Mayor Tweedy noted that the school system is still under desegregation laws so the committees will need to gather all of that data. This may be the reason children are being bussed five miles away or maybe their local school is not sufficient in size. If the older schools are not capable of handling the needs of today and moving forward, that is where the collaborative conversation needs to happen. The discussion around early education needs to happen as well. All of that is a part of facilities and enrollment because it would be a goal to grow the enrollment

and increase the early education population.

Councilmember Helgeson thinks we cannot take for granted what was stated. The Director of Facilities came and said they have to tear down a school. We have to be able to say no to stuff that is not factual. The members of the task force need to be able to not only hear a surface thing that says schools are full but yet there are fewer children. We need to not give schools everything they ask for because they have asked for it but to really look at the balance between the taxpayers and education and how we can get the best value for the buck. Mayor Tweedy agreed with that point.

Councilmember Wilder noted that one of the task objectives is leading practices in urban education. In his opinion, teaching methods should be a relevant portion because Council has mentioned performance gaps and test scores before. This is an opportunity for them to address some of the issues they themselves have identified. He thinks that piece is going to be crucial.

Councilmember Wilder asked Ms. Svrcek about the “slush” personnel fund. Ms. Svrcek said she was not aware of such a fund.

Vice Mayor Dolan agreed with Councilmember Helgeson that this is about the big picture. It is not about the loss of students; it is about delivering the best education we can to the students we have. Hopefully, this task force will really drill down and it will be quantitative information and not superficial information.

Councilmember Helgeson would like to know how that is different from what the school board is doing. Dr. Wodicka said we want to be sure the schools and the City are sort of marching in the same direction. We do not want to get surprised by budgetary decisions or capital decisions. We want to have a good and honest and thoughtful strategic plan for how public education is going to continue to evolve in this community. We want City Council to have a voice in that and the ideas accepted by the community are consistent among the two bodies. The school board should not be doing things that are totally inconsistent with the desires of City Council.

Ms. Svrcek commented that the mission stated really defines the purpose of the task force. “The mission of the task force is to gather information, engage the public in conversation, conduct thorough analysis and forward actionable recommendations to the school board with the goal of aligning future educational programming, operational strategies and capital improvement decisions of the Lynchburg City Schools with the long-term success of the City and community.

This will be accomplished through thoughtful consideration of the community's changing educational environment (which includes declining enrollment and the impact of urban education challenges that may be different from suburban schools – added by Ms. Svrcek), national leading practices in urban education, and a focus on leveraging all available resources of the City and community as we prepare the next generations to be contributing and thriving members of our community.” Ms. Svrcek believes the final work product under the values could use some tightening up and she needs more clarity on what that looks like. Council can certainly suggest other subcommittees it feels would be appropriate.

With regard to comments about the timeline, the charter says “While this is the intended schedule, departure from the delineated timeline may become necessary if the scope of effort or complexity of information changes.” It is important though that hopefully the recommendations of the task force can be considered during the FY2022 budget development.

Mayor Tweedy thinks that it is very important that leadership sets the tone with intentionality that the leadership will be diverse. There will also be other layers of opportunity to drive these committees and the work that will be ongoing as each committee will need leadership. Some of the subcommittees will be aggressive committees as a whole in light of the timeline. They will need to get on a strict timeline and request and mine the data that is needed.

Councilmember Helgeson commented that if the school board comes up with a comprehensive plan that says we are going to do what we are supposed to do based on enrollment trends and recommends closing a school, will the task force now preclude them from making those kinds of recommendations? Is this almost pushing things because of putting this task force together and waiting for its recommendations?

Councilmember Wilder thinks we continue to ask for things and pull things out and identify items. We keep asking questions but now here is some action and an opportunity for Council to address some of its questions and concerns. This is a prime opportunity and Councilmember Helgeson should be rejoicing because he can have some of his questions resolved. He thanked Councilmember Helgeson for bringing up questions that have shed a light on things such as declining enrollment and declining test scores. What Councilmember Helgeson has asked for is here and we are pulling together community resources.

Councilmember Helgeson pointed out schools knows what many of the numbers are now and they could actually act now. He would not use this task force as a tool that says we are

getting answers because he asked many of the questions during the last budget review.

Mayor Tweedy commented she does not think they are getting the answers. Everyone knows the mathematical equations involved with closing a school but it should not be done willy-nilly and arbitrarily without a discussion. We can all work collaboratively to find that together as a community with a community task force. We are missing one third of the equation by missing the community.

Mayor Tweedy asked Ms. Svrcek what she needs from them to move the task force forward. Ms. Svrcek said it is staff's recommendation to approve the task force charter. Councilmember Helgeson thought it would make sense to ask some of the people that are leaving the public school system or running a private school to be on the steering committee. We should not be afraid of that if we really want to look at what is best. Mayor Tweedy noted that the school administration has looked at some initial folks to be on the committee and Councilmember's Helgeson thought was a consideration. No one is afraid of having a better product and all of the councilmembers' thoughts will be taken into consideration.

Councilmember Nelson thinks that to answer Councilmember Helgeson's questions and comments here is to usurp the purpose of the task force. Most importantly, we want them to do it free of any expectation that they need to satisfy City Council or the school board. They need to dig deep and get the answers and explore all aspects. He appreciates Councilmember Helgeson's concerns and anxieties but that is the task force's challenge and what we are expecting them to do.

Councilmember Helgeson noted that there are two people that do the appointing. Councilmember Nelson thinks that the steering committee does the appointing. Ms. Svrcek said that is correct. A task force can be somewhat awkward or cumbersome if you do not have strong leadership. The leadership needs to have some experience and understands how City government works, how the school administration works and has worked with a task force. He would suggest changing it to no more than 16 members and that the leadership has the qualities that he has enunciated. The steering committee will choose the other ten members with an eye toward diversity and inclusiveness of being representative of all the vital elements of the City that need to weigh in on this.

Mayor Tweedy would ask that when they are looking at the suggestions for the leadership that they very intentional on the selection because we have to go ask folks for a hefty

commitment.

Councilmember Wright agrees with Mayor Tweedy's and Councilmember Nelson's comments. Diversity is also not just ethnic but across our neighborhoods and educational and socio-economic backgrounds. He would like to suggest that City staff come back with a charter with track changes for their further discussion. He made that as a motion, which was seconded by Councilmember Helgeson. Ms. Svrcek suggested staff bring this back as part of their special meeting on June 12 when they are interviewing school board candidates.

There was some discussion about appointing the leadership and the leadership appointing a diverse body. Mayor Tweedy thinks they have to give the autonomy to the leadership and trusting them given all the names and considerations of backgrounds and experience. We have to trust that process and we will have the opportunity to review it and question why people are selected.

Ms. Svrcek asked for clarification that the steering committee will consist of two members of the school board and two members of City Council, past or present. Councilmember Nelson thinks the chair and vice chair need to be past members, otherwise it is too likely they will be influenced by the forces. Mayor Tweedy thinks that limits it to not being diverse. Councilmember Helgeson suggested they throw out the part where those members had to hold a leadership role. She is not in favor of saying it has to be a former City councilmember and a former school board member because that already sets the tone that we are not creating the diversity the community would like to see and that is reflective.

Councilmember Nelson thinks the qualifications of managing a task force require a great deal of aptitude, particularly on a weighty subject that will prompt some significant public pushback. It is essential that the leadership needs to have demonstrated the ability to have fortitude and the wherewithal to keep the project going and not succumb to public conversations or a letter to the editor. Someone has to hold the subcommittees to the points that are outlined in the charter and has to understand the challenges of managing the dynamics of committees. That is generally gained by having a leadership role on school board and City Council or it could fall apart really fast. Mayor Tweedy suggested they add a community co-chair to work with the other two to create a diverse conversation.

Councilmember Wilder does not want to restrict them and say the chair and co-chair have to be this or that. Councilmember Helgeson noted that the task force charter says the task force

has to consist of two members of Council, which restricts it to seven people and two members of the school board, which is only nine people. Councilmember Nelson's suggestion opens it up to more people. Councilmember Wright does not think Councilmember Nelson is suggesting we codify it in the charter who can serve as chair or vice chair. He thinks it is to remove the current stipulation that it is one Councilmember and one school board member. Councilmember Nelson said that is correct. They can then talk about the appointments in closed session. The councilmembers were in consensus to remove the stipulation about who can serve and they can have a discussion in closed session later tonight about who they think is appropriate.

Councilmember Helgeson asked if they are going to advertise that there is an opportunity for volunteers or bypass that and go directly to making appointments. Mayor Tweedy thinks that would add to the timeline and they should go right to suggestions from the school board and City Council.

Ms. Svrcek asked for a consensus that Council is suggesting a chair and a vice chair, two members of Council and two members of the school board to make up the steering committee and received the consensus of Councilmembers. She will also include language that addresses diversity, inclusiveness and reflectivity of community. Mayor Tweedy clarified that they are voting to have staff come back and bring all the language discussed today in a revised version for adoption on June 12.

There was discussion about going into closed session tonight to discuss the chair and vice chair. Ms. Svrcek indicated there is an existing list of names provided by the Mayor, Vice Mayor and members of the school board. People on that list have been contacted to see if they had interest or not. Not everyone recalled being given the opportunity to contribute to the list and Ms. Svrcek said it was given in notes and during the budget work session. Mayor Tweedy would still like to have the closed session to give initial thoughts and provide names for consideration. Ms. Svrcek will bring the list of suggested persons to the closed session. They can provide more suggestions and start to make suggestions for the chair and vice chair. The motion on the table passed by the following vote:

AYES:	Dolan, Helgeson, Nelson, Wilder, Wright, Tweedy	6
NOES:		0
ABSENT:	Perrow	1

// In the matter of Roll Call, Councilmember Wright had no items. Councilmember Wilder had

no items. Vice Mayor Dolan had no items. Councilmember Nelson commented that it is Carrie Dungan's last meeting as a reporter for the News & Advance. He thanked her for her service and the great job she has done. Councilmember Helgeson had no items. Mayor Tweedy reiterated Councilmember Nelson's farewell to Ms. Dungan and thanked her for her great coverage. Mayor Tweedy also noted that the Forestbrook Corridor Study meeting will be Wednesday, May 29, at Lynchburg Collision, 3431 Forestbrook Road conducted in an open house format from 4:30 to 7:30 p.m. City employee retirement ceremony will be Thursday, June 6, from 7:00 to 8:30 p.m. at the Aviary. The Enough meeting (presented by One Community, One Voice) is Wednesday, June 12, at Westminster Presbyterian Church, 1022 Floyd Street from 6:00 to 7:00 p.m.

// On motion of Council Member Wilder, seconded by Council Member Wright, Council by the following recorded vote elected to hold a closed meeting to pursuant to Section 2.2-3711(A)(5) of the Code of Virginia, for discussion concerning the possible expansion of an existing business or industry in the City where no previous announcement has been made of the business or industry's interest in expanding its facilities in the community.

Ayes:	Dolan, Helgeson, Nelson, Tweedy, Wilder, Wright	6
Noes:		0
Absent:	Perrow	1

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

// Councilmember Helgeson made the following motion:

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

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

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

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

Ayes:	Dolan, Helgeson, Nelson, Tweedy, Wilder, Wright	6
Noes:		0
Absent:	Perrow	1

//The meeting was adjourned at 5:50.

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

The following Members were present:

Present:	MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Sterling A. Wilder, Beau Wright, Treney Tweedy	6
Absent:	E. J. Turner Perrow (arrival noted later in the minutes)	1

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

// In the matter of Recognitions, Ms. Svrcek noted the amount of work that goes into Citizens Academy. This is academy number 16 and we have graduated approximately 400 citizens who are much more informed about their City. Ms. Svrcek thanked all the Communications and Marketing personnel who were here every week for 13 weeks and to all the department heads and staff for telling their story. Ms. Joann Martin gave some remarks about the 13-week Citizens Academy program. The mission of Citizens Academy is to improve citizens' understanding of the workings of government and encourage their involvement in the community to help sustain quality of life for present and future generations. She expects this group will become more involved as they were a pretty inquisitive and engaged group. Two citizen academy graduates, Amanda Denny and Jerry Griffin gave remarks regarding their experience followed by Mayor Tweedy and Vice Mayor Dolan presenting the graduates with their certificates. The names of the graduates are Daphne Allen, Angie Chapman, Tom Currie, Cathy Dalton, Amber Davis, Amanda Denny, Sammi Dogan, Karen Dudley, Kayla Fuqua, Jerry Griffin, Mandy Hansen, Darryl Huften, Obehi Idiake, Cassie Izzi, Amber Jolly,. Jordan Jolly, Patrick McCorkle, Siobhan McGirl, Diane Mezzano, Nick Mexxano, Consuela Mosley, Ryan Myers, Paul Robertson, Nikki Sanders, Evan Sizemore, Rachael Smith, Jennifer Staton and Cheryl Todd.

// In the matter of Recognitions, Mayor Tweedy recognized some of the graduating seniors from the Mayor's Youth Council. The council has representatives from public, private and home schools. Ms. Morgan Gafford was present. She joined in 2016 and attends E.C. Glass High

School. She has been the secretary and president of the council and will be attending Longwood University. Mr. Noah Teasley was present. He joined in 2016 and was vice president this year. He attends E. C. Glass High School and will be attending Central Virginia Community College. Mr. Carrington Edmunds was present. He joined in 2017 and attends E. C. Glass High School. He was awarded his Associates degree from Central Virginia Community College. He is the treasurer of the council and will attend Christopher Newport University.

Mayor Tweedy commented that the Enough meeting mentioned during roll call will be held at the Meadows.

// Copies of the minutes of the May 14, 2019 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Councilmem Wilder, seconded by Vice Mayor Dolan by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow (arrived at 7:45), Tweedy, Wilder, Wright	7
Noes:	0

// In the matter of Budget, Resolution #R-19-036, laid over from the May 14, 2019 meeting, was again presented and read, adopting the FY 2020 Mandated and Contractual External Service Providers Budget and appropriating \$7,903,882 for this budget. On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Budget, Resolution #R-19-037, laid over from the May 14, 2019 meeting, was again presented and read, adopting the FY 2020 Discretionary External Service Providers Budget and appropriating \$29,389 for this budget. On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Budget, Resolution #R-19-039, laid over from the May 14, 2019 meeting, was again presented and read, adopting the FY 2020 Greater Lynchburg Transit Company Budget and appropriating \$8,208,978 for this budget. On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Budget, Resolution #R-19-040, laid over from the May 14, 2019 meeting, was again presented and read, adopting the FY 2020 Operating Fund Budgets for other funds and appropriating the sums of each fund. On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Budget, Resolution #R-19-044, laid over from the May 14, 2019 meeting, was again presented and read appropriating \$50,000 of the FY 2019 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2019 through June 30, 2020. On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Budget, Resolution #R-19-035, laid over from the May 14, 2019 meeting, was again presented and read adopting the FY 2020 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$196,643,036 for this budget. Councilmember Wilder made a motion to approve this resolution, seconded by Vice Mayor Dolan. Councilmember Helgeson noted the most troubling thing about this budget is we are looking to raise taxes by \$3.4 million. We have some strong economic gains but he is really fearful of the future. We have a large employer closing and we will lose a lot of machinery and tools taxes from that business. We heard loud and clear that our public safety folks have issues we need to address. He would have liked to see them use some of the large increase, but not those gained by raising taxes, to address some of these issues. How we spend the \$3.4 million should be very judicious and wise. He is very disappointed in this portion of the budget. \$300,000 is being spent to change traffic flow downtown. We were judicious and wise in our decisions last year, which allowed us to spend \$600,000 on a new fire truck to keep us safe. We have problems with our medic units and all facets and he really wishes we would begin to tighten our belt and build up reserve and not spend them.

Councilmember Perrow apologized for being late and thanked Councilmember Wilder for doing the invocation in his place. He agrees with Councilmember Helgeson's comments and is very concerned with our reduction in our fund balance to our bare minimum amount. If we want to get a AAA bond rating, we are going to have to put more and more away every year. This will protect us from higher interest rates. If we want to be a successful City, we have to make sure our debt service payments are as low as possible given the amount of improvements that we want to do.

Councilmember Wilder stated he supports and is comfortable with the budget. There is no perfect scenario. He would like to clarify that Council did not raise taxes; the tax rate remained the same. This was a reassessment year and there is a difference, which he wants to be clear to the community. He thinks we should do more for all our City employees and we are continuing to deliberate these issues with the personnel study we did. He thinks it is a phase approach and he continues to support our City Manager as we do that. They just attended the graduation ceremony for the fire recruits and he is grateful for the work of the fire department and police department. We should pay all our City employers more but it is going to be a phased approach. He is comfortable with meeting our minimum of ten percent in the fund balance. We could have cut out a lot of things but he likes a quality of life for our City where people want to come to it and a school system of which people want to be a part. Our downtown is thriving because of things that City staff and City Council have done and because Council did not say no to everything.

The resolution passed by the following vote:

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

Noes: Helgeson, Perrow 2

// In the matter of Budget, Resolution #R-19-038, laid over from the May 14, 2019 meeting, was again presented and read adopting the FY 2020 School Operating Budget and appropriating \$110,491,668 for this budget. Councilmember Nelson noted his wife is a principal for the Lynchburg City Schools system. He has been informed by both the Commonwealth and City attorneys that relationship does not constitute a legal conflict of interest and he can be objective and unbiased in this vote. Councilmember Wright made a motion to approve this resolution, seconded by Councilmember Wilder.

Councilmember Wright said he is really proud to support this resolution. He thinks it will be good for our schools and our community. The schools need our full backing and this resolution does that. Councilmember Wilder supports this budget and was glad they just had a work session to discuss subcommittees to support our school system.

Councilmember Helgeson noted the second reading of the budget is normally kind of docile. Unfortunately, this is a little bit different. There 180 fewer children and \$1.6 million more than required going to schools in this budget. The councilmembers that voted against the school budget thought that the school system could find the money from additional monies they have been given by Council over the years. The day after Council's meeting, it was reported in the newspaper that schools has a \$2.2 million salary "slush" fund. It is a complete vindication of what councilmembers have stated. We could have used this \$2.2 million for a lot of other things like fixing the Creekside Trail and a street near his house that fell into the creek during the tornado. He hopes some of the councilmembers will change their mind about voting for this resolution knowing that the school system has this extra money.

Councilmember Perrow said he was dismayed at the same item. Council voted to increase the local funding by \$860,000 with a total of \$1.6 in extra revenues including other sources. The vote for an additional \$860,000 was a mistake based on what was in the newspaper. He also understands they have found some additional money to allocate for busses. It concerns him mightily that Council was not given accurate information during the budget process. He is glad they listened to him when he suggested they look at their health insurance reserve because he thought it seemed high and that is exactly where schools found the money. If this budget does not pass on the second reading, he will happily make a motion to level fund schools on the budget amount, apply it to the reserve fund and he would be happier about the general fund. Based on what they read, he would encourage them not to support this allocation.

Councilmember Nelson said he also opposed the approval of this funding primarily because the City Manager in her presentation gave rationale as to why level funding on last year's amounts was appropriate. The explanation was that the school system has had in excess of around \$2 million left over in each budget year for more than ten years. They probably have sufficient funds to fund the salary raises and employee benefits that they and we want them to have without additional funding. In order to provide part of this \$860,000 we left nothing in our reserve fund above the bare minimum ten percent. As an older city and one that has been hit

with two natural disasters in the last twelve months, we should not leave ourselves on the cusp of a very thin margin. Schools has not given all the raises hoped for and requested yet every year it has a little more than \$2 million on average left over in its budget. He cannot support this and it would be consistent with his previous vote to not support this resolution.

Councilmember Wright said it is his understanding after talking to the CFO of the schools and the superintendent that they do not dispute that they are not budgeting tightly. When asked where they are getting the three percent match for the state, they acknowledged they are tightening up their budget and have not been as tight as they ought to have been. They asked the City for the additional two percent match. He noted the questions raised by the newspaper are not regarding the upcoming fiscal year and Councilmember Wright definitely has questions about prior years. That does not necessarily invalidate the school system's request for next year. He noted that the superintendent said to the News & Advance that they intend to set aside some of the funds from this current fiscal year to fund a salary reserve going forward. He will definitely be looking for the schools to tighten its budget because leaving two to three percent on the table every year is just not acceptable.

Councilmember Perrow understands there is a concern of the schools losing the \$860,000 in case they really need it. We could put some of it in a "health care reserve for schools" fund so if they do run into issues, they could come back to Council and request it. If they agree with his thought, vote against the motion on the table.

Councilmember Wilder noted he did not know about the article and if he had known, he might have asked the school administration to be here tonight. He does not have enough information so he assumes they still need the money for their insurance reserve fund.

Councilmember Nelson said the CFO indicated that the school division has been putting about \$1 million per month in reserve. The actual expenses come in around \$800,000 a month. Going forward, they have decided they will only put about \$800,000 in the insurance reserve. The silver lining might be that they are tightening up their practices regarding budgets. They now have their reserve and what we gave them from our reserve. Councilmember Perrow's proposal is not unrealistic. We cannot let the schools have a deficit if we can help it and he does not think they have ever said no at the end year if they have a deficit.

Vice Mayor Dolan asked if they will have the two percent to match the state.

Councilmember Nelson said he cannot quote the CFO but his opinion is they found about

\$800,000 within a two-week period. We gave them approximately \$850,000 and they in fact would have had enough to carry over double what they were requesting.

Mayor Tweedy commented that they have always said they do not want to tie the hands of a first-time superintendent and/or leadership. She would like everyone including the public to understand that the superintendent has done a great job of tightening the belt. She has heard and listened to everything that a councilmember has said and put in everything she could put in place during her first year. The fact is they found extra money because they learned and listened through this budgeting process. We asked them to look at their budget and budget better going forward and they are beginning to do that. It is now being suggested to tie their hands and say we are going to pull back this \$800,000 that is a two percent of the state. They are looking at new busses and handling the capital projects and meeting the insurance reserve. She has no problem going forward that they appropriate and adequately budget their funds. They had been giving the money back and then asking for appropriations. This year everyone is in sync to do it better. She is glad that the task force is being presented to them so they can have a thorough understanding and education of everything going forward and we can work together. To take this money back and say if you need it later we will give it to you seems inappropriate to her.

Councilmember Helgeson noted that the City Manager asked all departments to submit a budget that shows five percent less. All did it except schools and they said they wanted level funding. If there are others, he is not aware of them. He knows schools did not do it and their budget was huge. They asked for level funding and then they asked for more in order to give raises. Now they acknowledge they have \$2.2 million in the salary reserve fund for FY 2021, so they do not need the money for this year. We can do what Councilmember Perrow has suggested and keep it in reserve and decide later if there is a need. He supports putting the \$860,000 in reserve on behalf of the taxpayers.

Councilmember Nelson applauded Superintendent Edwards for doing many things to change the status quo. She is looking for cost cuts and changing personnel and operations. She seems to be working diligently on things that have been requested by City Council but that is a separate issue to him.

The motion to pass the resolution passed by the following vote:

Ayes: Dolan, Tweedy, Wilder, Wright	4
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Noes: Helgeson, Nelson, Perrow	3
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// In the matter of Budget, Resolution #R-19-042, laid over from the May 14, 2019 meeting, was again presented and read, adopting the FY 2020 Capital Budget and appropriating \$60,814,082 for the City Capital Projects Fund, \$2,686,000 for the Schools Capital Projects Fund, \$3,825,000 for the Airport Capital Projects Fund, \$6,200,000 for the Water Capital Projects Fund, \$7,960,000 for the Sewer Capital Projects Fund, and \$2,750,000 for the Stormwater Capital Projects Fund. Councilmember Wilder made a motion, to approve this resolution, which was seconded by Councilmember Wright.

Councilmember Helgeson indicated we have some information. Last year the state had awarded \$6.1 million for a roundabout on Vassar Street. He has heard from people that this probably is not the best utilization of resources in a time of tight budgets. Fortunately, several of you talked to the state folks and this money was moved to the 501/221 exchange project where it will have much more utility. That same thing could happen with the sidewalk on Florida Avenue. We heard the presentation the other day that \$4 million is going to be spent on engineering, design and right-of-way acquisition. How does that help anyone to navigate Florida Avenue quickly because the project will not be completed for six to ten years? Maybe we could transfer this \$4 million to a project that needs to be done right away.

Councilmember Wright asked City staff how many real dollars the City will be expending over the next several years for this project. Dr. Wodicka said there will be a \$4 million appropriation but in the next couple of years, it is in the hundreds of thousands. He asked if the City has explored possible state funding. For Phase I, Dr. Wodicka said we have 50 percent funding from the state. They will apply for more funds for Phase II. Councilmember Wright asked for clarification that the City's total contribution to this project is estimated to be \$4.5 million and Dr. Wodicka said that is correct.

Councilmember Perrow acknowledged it is great we can get VDOT revenue sharing for this project but pointed out there is a capped amount the City can get on an annual basis. Council is saying this is a priority project as opposed to another highway improvement project such as the Lakeside Bridge project. He believes this is the first time he has ever voted against the CIP and it is really because of this one project. The driving cost behind this is the bridge. If you can find a plan that will avoid the bridge it might be to build over top of it. If you are going to expand the bridge to put a sidewalk in, why not expand the bridge to put a road in? It will be basically the same cost at that point and the sidewalk is negligible. If this is a true connector between

Campbell Avenue and downtown, then let's improve that corridor. He thinks the cost to make this a road project instead of just a sidewalk project is probably negligible. We know that road has to be improved at some point and it would be a shame to come back twenty years later and tear out the sidewalk. He likes supporting the utility infrastructure portions of the CIP and is sorry he is not going to be able to support it this time.

Councilmember Wilder noted the neighborhood has waited over twenty years for the sidewalk. He has brought it up at PDC for the past three years. No one has made any comments during his three years on PDC about the sidewalk and he wishes it could have been addressed then. The neighborhood has already waited twenty years so a few more years are not going to make a difference. There are discussions being held to see what we can do temporarily now in terms of bus routes and other measures. He has to trust the engineers during the design process for their recommendations.

Councilmember Helgeson noted that in 2017 there was a resolution to apply for a grant along with a list of 13 other projects. We don't have debate about applying for a grant because we do not know if we will even get the grant money. The appropriation is now what is important. Councilmember Helgeson has previously brought up roundabouts and he is glad they are moving one out of the budget right now because of the state funding. Other roundabouts initially came in at \$250,000 and now they are \$6 million. He has brought them up every time. He is not sure this is a good of \$10 million when we have other needs and we have raised taxes; he really wishes he could see some true utility.

Councilmember Wilder noted that there have been so many comments about one sidewalk versus several sidewalks versus several roundabouts. He does not understand why this one sidewalk is so controversial. He reminded Council that he asked City staff to bring them more information about roundabouts and they plan on doing so at a work session.

Councilmember Nelson said his concern about the Florida Avenue sidewalk was safety because it would induce pedestrians to pass underneath a very dangerous railroad trestle. If the trestle improvement will be at a first stage and before the sidewalk is constructed, he believes his concerns are alleviated. He would agree with Councilmember Perrow that if the sidewalk is not engineered and constructed in a way that can be compliant and consistent with the future expansion of the road, then we really are burning \$4.5 million. It is a gateway but right it is a very windy, unattractive gateway.

Mayor Tweedy noted that we have about \$45 million in projects occurring across the City that are revenue sharing. She is very grateful for this project on this main corridor. The neighborhood has been waiting for this sidewalk for many years and we also found out through this discussion that a bus can go under the train trestle. It is an opportunity to increase the investment on that side of the City as well as increase the public safety needs of residents.

The motion to approve the resolution passed by the following vote:

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

Noes: Helgeson, Perrow 2

// In the matter of Police and the consideration of the approval of a Mutual Aid Agreement between the City of Lynchburg and Liberty University regarding the delivery of law enforcement services, Chief Ryan Zuidema explained that the Code of Virginia allows Council to enter into an agreement with a private organization in order to share resources and equipment. Our police force has a strong working relationship with Liberty University. The agreement has been vetted through the City Attorney and Liberty's legal counsel.

Councilmember Helgeson made a motion to approve the resolution for a mutual aid agreement. The motion was seconded by Councilmember Wilder. Councilmember Helgeson said he appreciated the good working relationships between the LPD and Liberty's police department. Councilmember Helgeson said he really appreciated the work that Chief Richard Hinkley has done at Liberty and LCA. Councilmember Wilder thanked the Liberty police and LPD for partnering together because we are so much stronger when we work together as a community. He also mentioned all the construction Liberty has done such as the tunnels and sidewalks that make it safer for the students to walk to class.

Councilmember Perrow noted that when he came on Council, Liberty and the City were really kind of at odds and a lot of it stemmed from the conditional use permits that Liberty was required to get in order to basically do anything on campus. When the institutional zoning ordinance was created, he thinks the relationship started changing for the better. He is not surprised they have been working together on this because typically first responders work well together because they are working toward the same goals. He thanked the two chiefs and said it is another way for Liberty and the City to work together to make our City better. He thinks a lot of the partnership has developed out of the Town and Gown meetings and he thanked Councilmember Nelson and former Mayor Foster for kicking that off. He is pleased to see this

agreement moving forward.

The motion passed by the following vote:

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

Noes: 0

// In the matter of City Code and the Taxicab Ordinance, Mr. John Hughes explained that the City Attorney prepared two draft ordinances for Council's consideration. Ordinance A amends Section 37-105 to require taximeters in taxicabs but gives taxicab drivers who wish to do so, the option of using electronic devices to determine fare. Ordinance B leaves Section 37-105 as it is currently worded and only allows taximeters to be used to determine fares. Councilmember Perrow made a motion to adopt Ordinance A. The motion was seconded by Councilmember Wright. Councilmember Perrow is glad to see that the change is being made so a person can hail a cab especially with a downtown that we are trying to help thrive. This ordinance is also opening up the opportunity for additional drivers to enter the field. It is important to open up competition. They have received a letter of support from Centra Health. One of the dire needs in the City is medical transport and this will be part of Centra's critical needs assessment. Change can be trying at times but this is about opening the market to new opportunities, new ideas and new technology. He hopes they will embrace the new technologies and put them to use. He wants everyone to be successful and he hopes everyone participating in this ordinance is successful. We can promote a successful business environment and it is tantamount to what they do on Council.

Councilmember Wright is also supportive of the revised language regarding displaying rates and pointed out that the code that exists for the taxicab rate schedule does not change. Only the method by which these rates are displayed is changing. There is some risk that this might induce competitors to enter the taxicab business. He thinks the risk is incredibly low for several reasons. You still need to go through the rigorous state and local taxicab regulations to be called a taxicab. Also, the landscape of how we move people from A to B has shifted permanently away from taxicabs to ride sharing services. The market share for taxis is decreasing as more and more people are going on line. An ordinance that we pass in Lynchburg is not going to change that fact.

Councilmember Wilder asked Mr. Hughes is the taxicab drivers are more comfortable with Ordinance A. Mr. Hughes said there has been some correspondence sent and the associated

newspaper article that did lend support from some of the agencies. Mr. Erwin commented that he thinks it is a mixed bag. Some taxicab drivers would like to stick with the traditional method and some think that the new technology is the wave of the future. There is not complete agreement and Ordinance A is a compromise.

Mr. Erwin addressed a question from Councilmember Nelson and indicated that there was a mistake in Ordinance B. Section 37-105 is not being amended in that version; it leaves it as it currently exists. Councilmember Nelson agrees that the online industry is here to stay. It probably does a disservice to our taxicab operators if we do not allow them to utilize cutting edge technology and force them to adopt antiquated methods and technologies. They do not have to change but this gives them the option to do so if they would like to be more competitive and efficient.

Vice Mayor Dolan supports Ordinance A because it significantly improves transportation for all of our citizens and brings the ordinance into the 21st century. Mr. Erwin answered a question regarding the type of vehicle and how many seats it can have and explained that the language comes from the DMV. If you have a vehicle that is designed to carry more than six passengers, that vehicle is not eligible to be used as a taxicab. We will need to keep an eye on this because DMV language regarding taxicabs will change in the next couple of years as a result of Uber and Lyft. When the DMV regulations change, we will need to amend the City code to keep up with those changes but this is the current definition of a taxicab.

Councilmember Helgeson said it is still a puzzler to him. City government sets the taxicab rates and we really do not do that for anything else. It seems kind of strange that we have the language setting prices but he is delighted they are removing some of the language. It would have been nice to remove the entire amount from the entire ordinance. There are some benefits such as removing the language regarding the misdemeanor for not picking up a passenger. Someone that understands the benefits of a free market economy and capitalism and how competition typically helps things finds it strange that we as a City government set taxicab rates. He does not think the taxicab operators that wanted to keep only the taximeters are going to be delighted with this ordinance. It would be nice to get rid of more of these regulations.

Mayor Tweedy will also be supporting Ordinance A to give the option and opportunity for those that want the additional options and to maintain for those that want to maintain. We are moving forward. Change happens. Opening it up for citizens and business owners to use

additional options will be beneficial to our City.

The motion passed by the following vote:

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

Noes: 0

// In the matter of Temporary Assistance for Needy Families (TANF) Grant In-kind match, Mr. Hughes stated that this match is in association with Resolution #R-19-015 wherein Council appropriated \$163,204 on March 12, 2019. It is the in-kind match for that allocation in the amount of \$18,638 which would be met in-kind with a portion of staff salaries and use of City resources. This went to the Finance Committee this morning. Councilmember Helgeson stated this is not \$18,638 in cash. It is expenditures that have already been made and is just changing that appropriation. He made a motion on behalf of the Finance Committee to adopt the resolution. The motion passed by the following vote:

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

Noes: 0

// On motion of Vice Mayor Dolan, seconded by Councilmember Wilder, Council by the following recorded vote elected to hold a closed meeting to discuss appointment of Steering Committee members to the Task Force on the Future of Education PreK-12 and Beyond pursuant to Section 2.2-3711(A) of the Code of Virginia:

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

Noes: 0

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

// Councilmember Helgeson made the following motion:

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

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

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

identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

Ayes:	Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy	7
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Noes:		0
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// The meeting was adjourned at 10:15 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding the Fiscal Year (FY) 2020 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program

KEY ELEMENTS:

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

RECOMMENDATION: Conduct a public hearing to receive comments on the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2020 Annual Action Plan and adopt a resolution approving the FY 2020 Annual Action Plan.

SUMMARY: The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2015-2020 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required components; and the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives.

On May 24 a public notice was published in *The News and Advance* stating that a draft of the proposed Program Year 2019 (FY 2020) Annual Action Plan was available for public review for a 30-day public comment period and that City Council would be conducting a public hearing on June 25 to receive public comments regarding the Program Year 2019 (FY 2020) Annual Action Plan. The public comment period began on May 24 and will conclude on June 25. The advertisement for the Annual Action Plan included the projects recommended by City Council at the May 14 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

PRIOR ACTION(S): March 20, 2019: Community Development Advisory Committee Meeting
May 14, 2019: Public Hearing to receive comments from the recommendations of the Community Development Advisory Committee (CDAC) and City Council's Project Allocations of the Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: None

CONTACT(S): Melva Walker, Grants Manager, 455-3916; Bonnie Svrcek, City Manager, 455-3987

ATTACHMENT(S): FY 2020 Draft Annual Action Plan Narrative

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2020 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified: _____
Clerk of Council

078R



ANNUAL ACTION PLAN

July 1, 2019 – June 30, 2020

Program Year 2019 • Fiscal Year 2020



Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Lynchburg receives an annual entitlement allocation of funding from the U. S. Department of Housing and Urban Development (HUD) to be used for the benefit of low-income persons or neighborhoods. The funding is based on a formula and a number of community development factors including population, the extent of poverty, housing overcrowding, and slower population growth in relationship to other metropolitan areas.

The City of Lynchburg receives two different entitlement grants from HUD, the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program Grant. The City uses these funds to leverage other public and private funding towards community development and housing projects.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Programs, is required by HUD to submit a consolidated plan every five years. The Consolidated Plan defines a specific course of action to meet the community development and housing needs for the citizens of Lynchburg. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that the City, Lynchburg Redevelopment and Housing Authority (LRHA), and nonprofit organizations can work together to assist in meeting the needs of families and/or individuals. The strategic plan in this document also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps the City and citizens keep track of results and learn what works in the community.

This Consolidated Plan corresponds to the City's five fiscal years, which began July 1, 2015 and ends June 30, 2020. Once a year, City staff writes an Action Plan. The Action Plan outlines projects and the amount of funding that will go towards the goals outlined in the Consolidated Plan. At the conclusion of each fiscal year, City staff writes a final report, called the Consolidated Annual Performance and Evaluation Report (CAPER), to report the progress towards the Consolidated Plan goals and accomplishments by project.

The CDBG and HOME funding allocations have been trending downwards and that trend is expected to continue. However, this Plan takes into account the increasing importance of identifying and prioritizing the most critical needs to be addressed with CDBG and HOME Program funds.

Structure of the Plan

The Consolidated Plan consists of three major sections: a housing and community development needs assessment, a housing market analysis, and a strategic plan which identifies those priority housing and community development needs and strategies that the City plans to address with the available HUD resources over the next five years. This plan was formulated using HUD's eConPlan tool, which dictates the plan's structure and provides a series of pre-populated tables.

Data in the three major sections was drawn primarily from HUD's Comprehensive Housing Affordability Strategy (CHAS) data set, which is a special tabulation of 2007-2011 American Community Survey (ACS) data from the Census Bureau. The CHAS data is a fixed set of data in pre-populated tables. The CHAS data describes housing problems, such as overcrowding or incomplete kitchen and/or plumbing facilities, as well as cost burden, which occurs when a household pays more than 30% of its gross income on housing costs. Extreme cost burden occurs when a household pays more than 50% of its gross income on housing costs.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Strategic Plan within the 2015-2020 Consolidated Plan provides a framework to address the needs of the City for the five years using CDBG and HOME funds. The three overarching objectives guiding the proposed activities are:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Outcomes show how programs and activities benefit a community or the people served. The three outcomes that will illustrate the benefits of each activity funded by the CDBG and HOME programs are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five year plan and the Program Year 2019 Annual Action Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing

- Provide a Suitable Living Environment
- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of CDBG and HOME Program funds granted to the City by HUD for the five years that began on July 1, 2015 and ends on June 30, 2020. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council on January 8, 2019 for the Fiscal Year (FY) 2020 (Program Year 2019) Annual Action Plan.

Housing Goals

- Increase the number of owner-occupied units.
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
- Support initiatives to increase permanent affordable rental and housing ownership opportunities.
- Promote programs that assist eligible individuals in retaining their homes.

Non-Housing Goals

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support economic development initiatives that improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In Program Year 2018 (FY19), the City received \$733,913 in CDBG entitlement funds and \$438,772 in HOME Program entitlement funds. Along with these entitlement funds, are previously receipted program income of \$3,233.70, in the CDBG Program and was allocated to eligible projects, and \$35,640 in reprogrammed funds in the HOME Program that was allocated to eligible projects. The total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2018 was \$1,211,558.70. This represented a total of \$737,146.70 in CDBG and \$474,412 in HOME Program dollars. The City allocated the majority of its CDBG and HOME Program funds for projects and activities classified as housing, public facilities and infrastructure, and public services.

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2017 (FY 2018). The CAPER noted that the City's performance in Program Year 2017 (FY 2018) met the regulatory expectations in regard to the following:

CDBG Program- In Program Year 2017 approximately 77% (\$506,660) of the CDBG allocation was expended on activities that benefited low-to-moderate (LMI) persons within the City. With this amount the City was above the minimum threshold of 70% set in 24 CFR 570.901(a).

There was 15.9% (\$105,391) of Lynchburg's CDBG allocation and prior years' funding expended on planning and administration, which was under the maximum of 20% allowed according to 24 CFR 570.206(g).

There was 10.00% (\$66,462) of Lynchburg's CDBG allocation and prior years' funding expended for public service activities; therefore, the City was under the maximum of 15% mandated by 24 CFR 570.201(e).

HOME & CDBG Program- Housing

HOME funds were used to achieve the goals of increasing the number of affordable rental units, increase the number of owner occupied units and to rehabilitate substandard housing units.

The City increased the number of owner occupied units by seven (7) during PY 2017. Greater Lynchburg's Habitat for Humanity (GLHFH) provided Homebuyer Homeownership for three (3) units through its Down Payment Assistance Project to eligible clients and Lynchburg Community Action Group (Lyn-CAG) through its Down Payment Assistance project provided down payment assistance to three (3) housing units for a low-moderate income first-time homebuyer. Lyn-CAG completed three (3) owner-occupied rehabilitations on substandard housing units. There was \$170,610 of the City's HOME entitlement funds expended on these units.

Using CDBG funds, one (1) rental unit was rehabilitated at a public housing unit. LRHA expended \$14,670 for the rehabilitation of the unit at Langview Apartments in order to meet Section 504 of the Rehabilitation Act of 1973 accessible compliance/Americans with Disabilities Act (ADA).

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2020 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and telephone interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan (2013)
- There was one public meeting conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2020 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

On January 8, 2019 City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2020 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one else present who wished to speak to this item, and the public hearing was closed. City Council approved the goals.

On March 20, 2019 the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the anticipated allocation of \$737,146.70 in CDBG entitlement, program income and reprogrammable funds and \$474,412 in HOME Program entitlement and reprogrammable funds. There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously agreed on the recommended projects for the CDBG and HOME Program

that would be submitted to City Council for approval. At the time of the CDAC meeting the City had not received final entitlement allocations from HUD. Therefore, CDAC included in their recommendations increase/decrease adjustments to the recommended projects based on the final allocations from HUD.

On April 15, 2019, the City received final entitlement allocation amounts for the CDBG and HOME Programs. Due to decrease in the funding amounts, staff made adjustments to the CDAC recommended allocations by directive of CDAC and according to HUD guidelines for the public service activity guidelines and project eligibility. The final CDBG entitlement, program income and reprogrammable funds are \$796,341.80 and \$392,864 in HOME Program entitlement funds.

On May 14, 2019 City Council conducted a public hearing to receive public input and adopt the proposed FY 2020 CDBG and HOME Program projects. There were three (3) agency representatives, who had submitted applications for funding present and spoke to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On June 25, 2019 City Council will conduct a public meeting to accept comments regarding the draft FY 2020 Annual Action Plan. See AP-12 Participation for comments.

For additional information on public comments and public outreach efforts, including public hearing notices and minutes, please see the attachment in AD-25, Administration, Citizen Participation Comments.

6. Summary of comments or views not accepted and the reasons for not accepting them

Comments received during the public comment period will be reviewed and incorporated.

7. Summary

The public participation in the 2015-2020 Consolidated Plan and FY 2020 Annual Action Plan carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling and maintaining/retaining their homes; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	Melva C. Walker	Community Development/Grants
HOME Administrator	Melva C. Walker	Community Development/Grants

Table 1 – Responsible Agencies

Narrative(optional)

The City of Lynchburg's Community Development Grants Administration Office is the lead agency for the preparation of the Consolidated Plan.

Consolidated Plan Public Contact Information

City of Lynchburg Department of Community Development
Grants Administration Office
900 Church Street
Lynchburg, VA 24504
Contact: Melva C. Walker, Grants Manager
Phone: 434.455.3916
Email: melva.walker@lynchburgva.gov
Website: www.lynchburgva.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Lynchburg utilized an outreach effort to maximize input from stakeholders. This outreach effort included the Community Development Advisory Committee (CDAC) meeting, public meetings, published meeting notices and social media avenues (City's website and Grants Administration website).

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

To ensure the participation of and coordination between public and private agencies, the Grants Administration staff sent informational material and written communication to community organizations for preliminary discussions on the Plan and the needs of the citizens of Lynchburg. Some of the agencies contacted included: Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Health Department, Johnson Health Center, Lynchburg Department of Human Services, Miriam's House, The Gateway, Inc., Rush Homes, Central Virginia Continuum of Care, City of Lynchburg Office of Economic Development, Lynchburg Community Action Group, United Way of Central Virginia, Region 2000, and Divisions of Neighborhood Services/Code Enforcement and Inspections within the Department of Community Development.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Lynchburg is a member of the Central Virginia Continuum of Care (CVCoC), which is a regional group of agencies that focuses on issues pertaining to homelessness. Through the participation of the members of the CVCoC the agency can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing. In addition, the City along with the CVCoC has a partnership with Lynchburg Redevelopment and Housing Authority (LRHA) to fund a Homeless Intake Coordinator position to provide a coordinated intake process for homeless persons. This position and the coordinated intake process at LRHA provides a higher level of coordination with the CVCoC to address the needs of homeless persons.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Lynchburg does not receive Emergency Solutions Grant (ESG) funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2—Agencies, groups, organizations who participated

1	Agency/Group/Organization	LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY (LRHA)
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Redevelopment and Housing Authority (LRHA), the Public Housing Authority (PHA), was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
2	Agency/Group/Organization	Rush Homes
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Housing needs- persons with disabilities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Rush Homes was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.

3	Agency/Group/Organization	GREATER LYNCHBURG HABITAT FOR HUMANITY
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Low-to-moderate income families
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Lynchburg Habitat for Humanity (GLHFH) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
4	Agency/Group/Organization	LYNCHBURG COMMUNITY ACTION GROUP, INC. (LYN-CAG)
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with HIV/AIDS Services-homeless Services-Education Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Anti-poverty Strategy Lead-based Paint Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lyn-CAG was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing, rehabilitation to owner-occupied housing, and the availability of community and housing services for low-to-moderate income persons.
5	Agency/Group/Organization	LYNCHBURG COVENANT FELLOWSHIP
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Covenant Fellowship (LCF) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing and the availability of housing for low-to-moderate income persons and the elderly.
6	Agency/Group/Organization	BOYS AND GIRLS CLUB OF GREATER LYNCHBURG
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Boys and Girls Club of Greater Lynchburg was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the Lynchburg Police Department improves neighborhood organizations and the relationship with youth in the community.
8	Agency/Group/Organization	LYNCHBURG POLICE DEPARTMENT
	Agency/Group/Organization Type	Other government - Local Collaborate with Boys and Girls Club programs

	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Police Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with the Lynchburg Police Department improves the neighborhood organizations and watches that the officers participate in for prevention of crime and provide safety to the neighborhoods and in its collaboration with the Boys and Girls Club working with youth.
9	Agency/Group/Organization	Lynchburg Parks and Recreation
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Recreational Activities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Parks and Recreation Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan include the consultation with this agency should include: access to recreational activities for youth and adults in the low-moderate income population. Public facility improvements for the Neighborhood Centers.
10	Agency/Group/Organization	FREE CLINIC OF CENTRAL VIRGINIA
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Free Clinic of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.

11	Agency/Group/Organization	Central Virginia Health Department
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Central Virginia Health Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
12	Agency/Group/Organization	Johnson Health Center
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Johnson Health Center was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
13	Agency/Group/Organization	Centra Foundation
	Agency/Group/Organization Type	Services-Health Regional organization Foundation
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Centra Foundation was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.

14	Agency/Group/Organization	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Virginia's Region 2000 Local Government Council was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives of the Annual Action Plan.
15	Agency/Group/Organization	LYNCHBURG ASSOCIATION OF REALTORS
	Agency/Group/Organization Type	Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Association of Realtors was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing the opportunities for low-moderate income persons to purchase affordable housing.
16	Agency/Group/Organization	UNITED WAY OF CENTRAL VIRGINIA, INC.
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The United Way of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives for the Annual Action Plan.

17	Agency/Group/Organization	LYNCHBURG CITY SCHOOLS
	Agency/Group/Organization Type	Services-Children Services-Education Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg City Schools was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include improved educational opportunities and partnerships to explore programs to offer for low-moderate income persons to obtain housing and life skills stability.
18	Agency/Group/Organization	Miriam's House
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Shelter
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Miriam's House was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will expand affordable housing opportunities for homeless women and children and assist in providing improved public services.
19	Agency/Group/Organization	Lynchburg Area Center for Independent Living
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Area Center for Independent Living (LACIL) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
20	Agency/Group/Organization	City of Lynchburg Department of Social Services
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Division of Social Services was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.

Identify any Agency Types not consulted and provide rationale for not consulting

City staff is not aware of any agencies that were not contacted to participate in relation to the housing and community development needs for the City.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Central Virginia CoC	Information from the application provided a framework for the homeless needs section.
Analysis of Impediments to Fair Housing (AI)	City of Lynchburg	The Fair Housing Action Plan implementation recommendations from the AI were reviewed for the Annual Action Plan.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
The City of Lynchburg Comprehensive Plan 2013	City of Lynchburg	The Comprehensive Plan was reviewed to match the Annual Action Plan goals.

Table 3 – Other local / regional / federal planning efforts

Narrative(optional)

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AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

On January 8, 2019 City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2015-2020 by City Council on February 24, 2015 regarding the needs common to low and moderate income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the FY 2020 Annual Action Plan at the public hearing.

CDAC conducted a public meeting on March 20, 2019 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on March 5, 2019 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC reviewed the applications, summary allocation worksheet, and the various requirements/regulations for the allocation of the CDBG and HOME Program funds. CDAC members discussed and developed their recommendations for CDBG and HOME Program projects for Program Year 2019 (FY 2020). CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment, and expanding economic opportunities.

On April 15, 2019, the City received final entitlement allocation amounts for the CDBG and HOME Programs. Due to a decrease in the funding amounts, staff made adjustments to the CDAC recommended allocations by directive of CDAC and according to HUD guidelines for the public service activity guidelines and project eligibility. The final CDBG entitlement, program income and reprogrammable funds are \$796,341.80 and \$392,864 in HOME Program entitlement funds.

CDAC and the public were informed that City Council would hold a public hearing on May 14, 2019 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan. There were three (3) agency representatives who had submitted applications for funding present and spoke to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On June 25, 2019 City Council will conduct a public meeting to accept comments regarding the draft FY 2020 Annual Action Plan. See AD-25 Administration under Citizen Participation Comments for the full text.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Hearing	Non-targeted/ broad community	January 8, 2019 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	www.lynchburgva.gov/city-council-meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	Non-targeted/ broad community	May 14, 2019 City Council public hearing. There were three persons present representing the housing providers who had submitted CDBG and HOME Program applications from Lyn-CAG, LRHA and Rush Homes asking for support of the CDBG and HOME Program requests.	A representative from Lynchburg Community Action Group (Lyn-CAG) spoke to City Council and requested their support of the CDAC recommendations for their CDBG and HOME Program applications. A representative of the Lynchburg Redevelopment and Housing Authority (LRHA) asked that they support the CDAC recommendations for their CDBG applications- CHIA & Affordable Housing Resource Center and HOME application for Vacant Housing Revitalization & Rehabilitation. A representative of Rush Homes spoke asking for support of the CDAC recommendations.	There were no public comments that were not considered by City Council.	www.lynchburgva.gov/ city-council-meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted	URL (If applicable)
3	Public Hearing	Non-targeted/ broad community	June 25, 2019 City Council will hold a public hearing.			www.lynchburgva.gov/city-council-meetings
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: All Persons with disabilities Non- targeted/ broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 8, 2019, City Council public hearing; for the May 14, 2019 City Council public hearing; for the June 25, 2019 City Council public hearing			www.lynchburgva.gov/grants-administration

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

See the Priority Table below for the anticipated resources for Fiscal Year 2020 that will be used to address housing and non-housing goals within the 2015-2020 Consolidated Plan.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 5				Expected Amount Available Remainder of Con Plan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	733,512	2,100	60,729	796,341	0	CDBG funds will support housing and non-housing community development in the City of Lynchburg.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	392,864	0	0	392,864	0	HOME Program funds will continue to support housing rehabilitation and development in the City of Lynchburg.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Lynchburg will continue to partner with other public agencies and nonprofit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development. The City plans to meet the HOME Program match requirements by utilizing the volunteer labor and construction material costs accrued from the construction of homes completed by Greater Lynchburg Habitat for Humanity.

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If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Non Applicable

Discussion

While the CDBG entitlement allocation amount decreased from FY 2019, the overall funding increased by \$59,195.10 (8%) from FY 2019. The increase is in Program Income and Reprogrammed funds.

The HOME Program funding allocation for FY 2020 has a decrease of \$45,908 (10.5%) from FY 2019. There is an overall decrease in the HOME Program funding from the HOME Program entitlement allocation and no Reprogrammed funds.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	GoalName	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	GoalOutcomeIndicator
1	Increase the Number of Owner-Occupied Units	2015	2020	Affordable Housing	Citywide	Increase homeownership	HOME: \$60,000	Direct Financial Assistance to Homebuyers: 3 Households Assisted
2	Rehabilitate Substandard Housing Units	2015	2020	Affordable Housing	CENSUS TRACTS 4,5,6,7, 11, and 19	Housing Rehabilitation Affordable Housing for Special Needs Populations	CDBG: \$0 HOME: \$308,864	Rental units rehabilitated: 7 Household Housing Unit Homeowner Housing Rehabilitated: 6 Household Housing
3	Improve the City's Infrastructure	2015	2020	Non-Housing Community Development	CENSUS TRACTS 4,5,6,7, 11, and 19	Public Facility Improvements	CDBG: \$540,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3844 Persons Assisted

Sort Order	GoalName	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	GoalOutcomeIndicator
4	Promote Public Service Activities	2015	2020	Public Services	Citywide	Homeless Housing and Services Public Services	CDBG: \$110,342	Public service activities for Low/Moderate Income Housing Benefit: 500 Households Assisted Homelessness Prevention: 800 Persons Assisted
5	City Planning and Administration	2015	2020	Planning and Administration	Citywide	City Planning and Administration	CDBG: \$146,000 HOME: \$24,000	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Increase the Number of Owner-Occupied Units
	Goal Description	Develop affordable housing and then assist first-time homebuyers who are below 80% of the Area Median Income (AMI) opportunities to purchase affordable housing units.

2	Goal Name	Rehabilitate Substandard Housing Units
	Goal Description	Emphasis to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources, revitalize and/or rehabilitate vacant properties, and rehabilitation of public housing units.
3	Goal Name	Improve the City's Infrastructure
	Goal Description	Support economic development initiatives that improve the economic base, job skills, and health of the community.
4	Goal Name	Promote Public Service Activities
	Goal Description	Promote public service activities which support the homeless persons and healthy development of the City's at risk youth, adults, and families.
5	Goal Name	City Planning and Administration
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City's FY 2020 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

Projects

#	Project Name
1	City Administration
2	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
3	LRHA/CVCoC Centralized Homeless Intake Coordinator
4	LRHA Affordable Housing Resource Center
5	Greater Lynchburg Habitat for Humanity (GLHFH) Homeownership Program
6	Fairview Heights Neighborhood Center Rehabilitation
7	Yoder Neighborhood Center Rehabilitation
8	James River Housing- Rush Lifetime Homes, Inc. (CHDO)
9	LRHA Vacant Housing Revitalization & Rehabilitation
10	Dearington Neighborhood Plan
11	Dearington Neighborhood Improvements
12	Analysis of Impediments to Fair Housing

Table 1 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

City Council strives to address the housing and community development needs of underserved citizens by continuing to focus a significant amount of the federal resources on rehabilitation, homebuyer activities, and public improvements and infrastructure. With the decline of federal program support, some programs have been eliminated and/or reduced. This reduction of funding continues to be an obstacle to addressing the housing and community development needs of the community.

AP-38 Project Summary

Project Summary Information

1	Project Name	City Administration
	Target Area	Citywide
	Goals Supported	City Planning and Administration
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$98,000 HOME: \$24,000
	Description	Funding to be used for personnel, operating, and training costs associated with managing the CDBG and HOME Programs.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
2	Planned Activities	Administration of the CDBG and HOME Program
	Project Name	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: \$200,000
	Description	Lyn-CAG's Homeowner Rehabilitation Program provides rehabilitation services to existing properties. Eligible properties are brought into Building Code compliance. The program is operated as a forgivable loan program with lien requirements and recaptures restriction agreements as required by U.S. Department of Housing and Urban Development (HUD) regulations.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	6 low to moderate income household units
	Location Description	Scattered sites
	Planned Activities	The rehabilitation program activities provide selective rehabilitation services designed to remove health and safety hazards and Building Code violations from the homes of low-income homeowners who live in the City of Lynchburg and meet HUD income guidelines for the HOME Program. Typical requests for services include electrical, plumbing, structural, and roof repair/replacement. All local contractors who provide the services are licensed and insured. Building materials are purchased from local businesses. Lyn-CAG anticipates providing services to six (6) low-income households during the FY 2020 program year at an approximate cost of \$28,750 per unit plus soft costs. In addition, Lyn-CAG staff will be coordinating resources from its Weatherization Program to ensure that homes are energy efficient. This will also make the home more affordable.
3	Project Name	LRHA /CVCoC Centralized Homeless Intake Coordinator
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Homeless Housing and Services
	Funding	CDBG: \$65,000
	Description	This project will provide the funding for the Homeless Intake Coordinator. This staff person will assist the Continuum of Care (CVCoC) organizations by operating the Coordinated Homeless Intake and Access (CHIA) system. This centralized system provides services to households who are experiencing a housing crisis. The services include either diversion, domestic violence assistance, or emergency shelter placement. Homeless assistance programs participating in CHIA receive 100% of their referrals through CHIA to ensure that there is a fair and transparent means to access services.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	800 persons
	Location Description	918 Commerce Street, Lynchburg, VA
	Planned Activities	The CDBG funds will provide for the continuation of a full-time person to conduct the assessment/intake of homeless persons and coordinate the referrals to the appropriate homeless providers/agencies.
4	Project Name	LRHA/Affordable Housing Resource Center
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services Affordable Housing for Special Needs Populations
	Funding	\$45,341
	Description	This project would provide for the continued funding of the Affordable Housing Resource Center (AHRC). The AHRC is staffed with a Housing Navigator to provide a centralized access point to all affordable housing resources and programs available in the City. The CHIA Homeless Intake Coordinator who assists homeless persons is also located in the AHRC. This project is a collaboration of the Lynchburg Housing Collaborative partners, the Central Virginia Continuum of Care (CVCoc), the City of Lynchburg and Lynchburg Redevelopment and Housing Authority (LRHA).
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	500 people (150 housing units)
	Location Description	918 Commerce Street, Lynchburg, VA
	Planned Activities	This CDBG activity will provide the funds for staff, benefits, and operating costs for the AHRC. The Center provides a "Housing Navigator" who assists citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.

5	Project Name	Greater Lynchburg Habitat for Humanity (GLHFH) Homeownership Program
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Increase homeownership
	Funding	CDBG: \$60,000
	Description	GLHFH develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	3 households
	Location Description	Scattered sites
	Planned Activities	GLHFH will use HOME funds to pay for down-payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines “payment affordability” as not more than 30% of monthly income, though GLHFH strives for 25% when possible as to make our homes affordable for families in the lower tiers of HUM AMI income.
6	Project Name	Fairview Heights Neighborhood Center Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Public Facility Improvements
	Funding	CDBG \$240,000

	Description	After decades of constant use, the facility is in desperate need of basic infrastructure reinvestments. The core facility is in need of basic improvements. Plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls and window treatments. The Center provide services to the community through a variety of essential year-round programs. Reinvestment in the Fairview Heights Neighborhood Center will not only rejuvenate the facility, but also provide an economic spillover to the surrounding neighborhood where it serves as a much needed socio-economic anchor to the community.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	2,526 people (1,156 housing units)
	Location Description	3621 Campbell Avenue
	Planned Activities	The CDBG funds will provide funds for the renovations of the kitchen and bathroom areas and general facility upgrades to flooring, ceiling and walls. Improvements will also be completed on exterior elements such as park fencing, signage and lighting elements; and for amenities as picnic tables, bicycle racks, grills, benches and trash cans.
7	Project Name	Yoder Neighborhood Center Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Public Facility Improvements
	Funding	CDBG: \$200,000
	Description	Over the years, the Center has served as a safe place for the community to engage in day-to-day programs, with a focus on education, wellness, culture, and community. The Center has served as a hub for citizen engagement and has hosted community celebrations. Plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls and window treatments; and additional site amenities are needed such as picnic tables, bicycle racks, a grill, and benches.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	486 people (69 housing units)
	Location Description	109 Jackson Street
	Planned Activities	The CDBG funds will provide funds for the renovations of the kitchen and bathroom areas and general facility upgrades to flooring, ceilings, and walls.
8	Project Name	James River Housing- Rush Lifetime Homes, Inc. (CHDO)
	Target Area	CENSUS TRACTS 4, 5, 6, 7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation Affordable Housing for Special Needs Populations
	Funding	HOME: \$70,000
	Description	Rush Lifetime Homes, Inc. is a certified Community Housing Development Organization (CHDO). James River Housing is a three (3) house rehabilitation and one (1) new construction duplex project that will provide cost effective, affordable homes for tenant families with disabilities and low incomes. Rush Lifetime Homes, Inc. (Rush Homes) will engage primarily with Lynchburg Redevelopment and Housing Authority (LRHA) and local realtors to identify appropriate houses in Lynchburg that require rehabilitation and will rehabilitate those houses. The focus will be on adding accessibility/universal design features when possible in order to provide access to people with mobility and/or physical impairments. Rush Homes estimates that approximately 40 percent of the current tenants have mobility related disabilities; thus, many people with disabilities do not require mobility accessibility features.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	5 housing units (15 people)
	Location Description	Scattered sites

	Planned Activities	By identifying housing in need of rehabilitation and turning the same into pleasing homes, Rush Homes supports community development and stable communities. Further, Rush Homes supports inclusive and diverse communities. Rush Homes' waiting list of families with disabilities needing and wanting affordable housing that meets their needs stands at 491. There is significant evidence of the housing need in Lynchburg.
9	Project Name	LRHA Vacant Housing Revitalization & Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	HOME: \$38,864
	Description	Lynchburg Redevelopment and Housing Authority (LRHA) plans to acquire and rehabilitate or demolish blighted properties that have vacant structures on them. LRHA plans to use some of the properties to rehabilitate the existing structures and then rent the properties as affordable housing. Other properties will be identified for demolition and new construction building. LRHA will partner with other housing providers in the City to determine the best locations and end use of blighted properties.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	2 units/ 6 people
	Location description	Scattered sites
	Planned Activities	LRHA will target units that can be rehabilitated within a short period of time. The HOME funds will be used for acquisition and rehabilitation costs to then rent the properties as affordable housing.
10	Project Name	Dearington Neighborhood Plan
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	City Planning and Administration
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$23,000

	Description	Funding will provide City staff the opportunity to develop a neighborhood plan to address vacant housing and vacant lots, historic landfills, park programming and development, infrastructure needs, and other neighborhood needs as identified in the planning process. This funding would be leveraged with other City funding and grants to complete a comprehensive neighborhood plan.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	832 people (372 housing units/ 5 public facilities)
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
	Planned Activities	City staff to complete this plan by working with the neighborhood to gather input throughout the planning process; performing a neighborhood assessment with available data and field observations to inform the plan; completing environmental assessments for the neighborhood as needed; designing a reimagined Jefferson Park; developing programming desired by the neighborhood for the currently vacant neighborhood center; projecting and prioritizing infrastructure needs to address safety, capacity, and livability; tackling environmental justice issues of historic landfills; addressing other concerns discovered in the planning process; and establishing a neighborhood group to help carry the plan forward.
11	Project Name	Dearington Neighborhood Improvements
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Infrastructure Improvements
	Funding	CDBG: \$100,000.00

	Description	This project is for neighborhood improvements in conjunction with the Dearington Neighborhood Plan. Proposed improvements would level recreation areas to address subsidence and may also include betterments such as safety handrails, gateway improvements and other basic facility renovations. This project would help build on the momentum from the current Dearington Neighborhood Center renewal effort and provide a foundation for future improvements in conjunction with the planning efforts.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	832 people (372 housing units/ 5 public facilities)
	Location Description	Dearington Neighborhood (Chambers Street)
	Planned Activities	Funding would be allocated for neighborhood improvements in the Dearington Neighborhood. This would be leverage with other City resources to stabilize existing recreational areas in the neighborhood. Two of the recreational areas are located on former debris disposal areas which have settled over time. The result is an uneven surface that is challenging for both active and passive recreational uses. Additional public walkway (handrails, etc.) and/or gateway improvements may be included in the project as funding permits.
12	Project Name	Analysis of Impediments to Fair Housing
	Target Area	Citywide
	Goals Supported	City Planning and Administration
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$25,000
	Description	Funding is to complete the Analysis of Impediments to Fair Housing. As a recipient of CDBG and HOME Program funds, the City is required to update its Analysis of Impediments to Fair Housing every five (5) years and prior to the submittal of its 2020-2025 Five-year Consolidated Plan. The current Analysis was completed in Program Year 2013.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
	Planned Activities	The Analysis provides a review of the City's laws, regulations and administrative policies, procedures and practices affecting the location, availability and accessibility of housing, as well as assessment of conditions, both public and private, affecting fair housing choice.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Areas of racial/ ethnic concentration are defined as census block groups where the percentage of a minority group is 10 percentage points above the Citywide average. All references to census block groups hereafter will simply be referred to as “block groups” for brevity.

Across Lynchburg in 2013, Blacks comprised 28.2% of the population, Hispanics 3.1%, and Asians 2.7%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 38.2% or higher, a Hispanic concentration would include a block group percentage of 13.1% or higher, and an Asian concentration would include a block group percentage of 12.7% or higher.

In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups. These maps are in the Unique Appendices.

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 4,5,6,7, 11, and 19	90
Citywide	10

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City will invest CDBG and HOME Program funds Citywide. Investing in affordable housing projects Citywide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City's Central Business District, where there is a higher concentration of poverty.

Discussion

In FY 2020 the project/activities allocations for the designated geographic locations are as follows:

Census Tracts 4, 5, 6, 7, 11, and 19 - 64% (CDBG Program)

Citywide - 36% (HOME Program)

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The following are the affordable housing goals in the City of Lynchburg for this Annual Action Plan.

One Year Goals for the Number of Households to be Supported	
Homeless	800
Non-Homeless	500
Special-Needs	0
Total	1,300

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	3
Rehab of Existing Units	13
Acquisition of Existing Units	0
Total	16

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The Coordinated Homeless Intake Access (CHIA) worker plans on serving approximately 800 persons through diversion or placement in transitional or permanent housing. The Affordable Housing Resource Center at Lynchburg Redevelopment and Housing Authority (LRHA) plans on serving 500 people and 150 housing units during this program period. This service will be provided through a Housing Navigator who will assist citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.

Greater Lynchburg Habitat for Humanity (GLHFH) is providing down-payment assistance for the production of 3 new units for low to moderate income homebuyers.

There are 13 planned housing rehabilitation activities for this program period. These rehabilitations will be completed by Lyn-CAG, Lynchburg Redevelopment and Housing Authority (LRHA), and Rush Lifetime Homes. When these rehabilitations are completed the housing units will be safer by having Code violations corrected, and vacant properties will be rehabilitated and revitalized in to affordable, safe

housing options. Lyn-CAG will rehabilitate six (6) units for homeowners. Rush Lifetime Homes will acquire three (3) vacant properties for rehabilitation and construct one (1) duplex for eligible, disabled individuals through its Community Housing Development Organization (CHDO) program. LRHA will acquire two (2) properties and rehabilitate these properties for rental units.

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AP-60 Public Housing – 91.220(h)

Introduction

Lynchburg Redevelopment and Housing Authority (LRHA) owns and manages 328 public housing units located throughout the City. The publicly-owned rental housing units are in four different locations: Dearington, Birchwood, Langview, and Brookside. Female-headed households represent 88.82% of all households compared to 11.18% of male-headed households. Also, non-White households comprised 89.44% of all tenant households, nearly all of which are Black households.

Actions planned during the next year to address the needs to public housing

LRHA plans to begin the predevelopment process for the 103 units at the Birchwood complex. Specifically determining options for redevelopment, and financing that property, etc. LRHA is currently exploring another development opportunity to create new affordable housing opportunities. LRHA plans to continue partnering with Rush Homes and Habitat for Humanity to provide neighborhood revitalization in certain areas of the city.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

LRHA encourages and supports programs and activities to improve the quality of life for public housing residents. These programs address needs in the following areas: drug prevention, resident participation in community organizations and activities, employment resources, housing counseling classes, homeownership opportunities, economic development, and self-sufficiency. The Authority also sponsors National Night Out using LRHA's funds to encourage residents to report crime.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

LRHA is not designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Central Virginia Continuum of Care (CVCoc) operates the homeless response system within Lynchburg and has a strategic plan to end homelessness. One of the identified goals is to develop access points for sheltered and unsheltered individuals. The CVCoc has developed a coordinated assessment process for homeless response services, Coordinated Homeless Intake and Access (CHIA). CHIA assesses households experiencing a housing crisis to divert, prevent homelessness, and refer to emergency assistance in an accessible manner through phone conversations or in person. Households fleeing domestic violence are identified and connected with victim service providers. Initial screening occurs for diversion and prevention. Eligible households receive prevention services; including landlord mediation, eviction payment, relocation, housing stabilization. If no other housing options exist, the household is referred to an emergency shelter that fits their needs and honors client choice (geographic location, accessibility). A Housing Barrier Assessment, Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) and a priority subpopulation checklist are used by CHIA and the Community Case Review Team (case conferencing) to determine severity of housing barriers and vulnerability and to connect to the appropriate level of intervention. One CVCoc goal for the upcoming year is to increase access to unsheltered persons by launching a street outreach program.

Addressing the emergency shelter and transitional housing needs of homeless persons

As soon as someone is experiencing a crisis impacting their housing stability, they are assessed through CHIA. The CHIA Coordinator first has a conversation with the household in efforts to divert them from entering into homelessness. If diversion is unsuccessful, a household is referred to an emergency shelter, as available. Households needing special attention due to a domestic violence situation will be referred to our domestic violence hotline through the YWCA of Central Virginia. Once in shelter, the household's housing barriers and needs are assessed for shelter case-management. Households belonging to a priority subpopulation (families, youth, veterans, and chronically homeless) are additionally assessed using the CVCoc By-Name List Reporting Form and the Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) to be used by the Community Case Review Team (case conferencing) in order to make appropriate referrals for services such as rapid re-housing and permanent supportive housing. Shelter staff provide targeted housing focused case management to locate safe and affordable

housing as quickly as possible. In 2018, the CVCoC's average length of time homeless persons were in emergency shelter was 37 days. This is anticipated to be reduced in 2019 through increased landlord recruitment, increased rapid re-housing and permanent supportive housing capacity, and ongoing case conferencing with homeless response providers in order to collaboratively serve households with high housing barriers. The two- year recidivism rate indicates 89% maintain housing after CVCoC discharge. This will continue and increase through expanded housing stabilization services and use of best practices (critical time intervention and landlord/tenant mediation). Prior to discharge, staff ensure households have wraparound services in substance recovery, mental health, employment, education, healthcare, legal services, and childcare to strengthen stability. Discharged households are connected with aftercare support groups, the Affordable Housing Resource Center, and rental counseling. The Housing Barriers Assessment and VI-SPDAT assess previous homelessness to identify returns and strategically target resources. The Housing Management Information System (HMIS) Committee is analyzing aggregate HMIS data to determine risk factors for recidivism and target resources. The CVCoC collaborates with the local federally qualified health center (Johnson Health Center), Community Service Board (Horizon Behavioral Health) and the City's Division of Social Services to assess eligibility for healthcare coverage. The local Division of Social Services assesses Medicaid eligibility and enrolls clients. Johnson Health Center employs enrollment specialists who are members of the CVCoC and facilitates site visits to meet with homeless households and screen for coverage under the Affordable Care Act (ACA). For persons ineligible for health insurance, the Free Clinic of Central Virginia partners with the CVCoC to provide low barrier, free medical care to homeless persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The CVCoC has identified four priority subpopulations which are chronically homeless individuals, families with children, veterans and their families and unaccompanied youth. In 2018, the CVCoC was invited to join Community Solutions' Built for Zero (BFZ) campaign. The campaign is a national change effort working to help communities end homelessness amongst specific populations through developing real time data on homelessness, optimizing local housing resources, tracking progress toward monthly goals, and accelerating proven strategies. Through these efforts, in October of 2018, the CVCoC launched a By-Name List, a real time list of all people within them CVCoC priority subpopulations experiencing homelessness in our geographic location. It includes a robust set of data points that support coordinated access and prioritization at a household level and an understanding of homeless inflow and outflow at a system level. Since the launch of the By-Name List, there have been 177 priority subpopulation homeless households identified.

In the past several years, HUD-VA Supportive Housing (HUD-VASH) and Supportive Services for Veteran Families (SSVF) have targeted homeless veterans and provided housing and supportive services. Recently they started entering client-level data into the CVCoC Homeless Management Information System (HMIS) allowing more visibility into the flow of next step interventions for veterans. The Homeless and Housing Services (HHS) Committee continues to work on strategies to prevent and end homelessness in the Central Virginia region. Currently, the three top goals of focus are to prevent people from losing their

housing and divert people from entering the homeless services system, to quickly connect people experiencing homelessness to housing assistance and services tailored to their unique needs and strengths to help them achieve and maintain stable housing, and to increase employment and income growth for homeless persons.

Case conferencing has allowed CVCoC partners to present households experiencing homelessness to the CVCoC to develop effective and efficient interventions which decrease the length of time homeless. CVCoC projects follow a “Housing First” approach to minimize the time households experience homelessness by lowering barriers to project entry, decreasing involuntary discharge and not predicated services on housing readiness. A priority subpopulation within the CVCoC is households with children which ensures quick admittance to rapid re-housing projects to begin housing search and placement. The CVCoC’s current largest rapid re-housing project is dedicated to households with children. From 2015 to 2019 family homelessness in our CVCoC decreased by 72% according to Point-In-Time (PIT) data. Of the households with children experiencing homelessness since the launch of the BNL, 86% are now housed.

In the 2018 PIT Count, unaccompanied youth experiencing homelessness increased from years past. The CVCoC expanding rapid re-housing resources to include unaccompanied youth ages 18-24. As a result, the 2019 PIT Count reported a 72% decrease from the prior year. Of the unaccompanied youth households experiencing homelessness since the launch of the BNL, 64% are now housed.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The CVCoC operates a homeless prevention program that targets households imminently at risk of homelessness. The program uses a targeting tool that identifies households who will become homeless but for intervention. This program offers rental assistance, landlord mediation, housing relocation and housing stabilization services.

In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and prisoners released from correctional institutions, the CVCoC continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge.

Discussion

Foster Care (Youth Aging Out): The City’s Division of Social Services meets with youth in foster care at least 90 days prior to discharge in order to plan for the impending discharge. Family partnership meetings are held to develop a transitional plan with each youth that focuses on housing. The vast majority of youth leaving the foster care system return to their families of origin and many of them remain with their foster families despite being discharged from the system.

Health Care: The CVCoC policies require coordination with healthcare institutions for discharge planning and prevent, when possible, discharges to homelessness. The CVCoC coordinates with the local healthcare system, CENTRA, for discharge planning. The staff at CENTRA manages discharge planning. The staff at CENTRA manages discharge planning with area housing agencies, providers, and organizations in the CVCoC to ensure safe and adequate placement of those being released from the hospital system.

Mental Health: Horizon Behavioral Health is an active member and board member of the CVCoC. The CVCoC has provided ongoing training to its members with regards to accessing services from Horizon Behavioral Health. Horizon Behavioral Health has received from the CVCoC information about current and new referral options in the area through organization presentations and announcements.

Corrections: The CVCoC participates on the Blue Ridge Re-entry Council to ensure that persons exiting correctional facilities are not discharged to homelessness.

DRAFT

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Lynchburg completed an Analysis of Impediments to Fair Housing (AI) in 2013. The AI, in addition to identifying fair housing issues, also identified potential barriers to affordable housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City's AI indicated that the City had a few areas that could be barriers to affordable housing. The AI suggests that HOME Program funding, which is currently tied to those census tracts which qualify as Low-Moderate Income (LMI), be used throughout the City helping offer more opportunity across the City.

The City proceeded with the development of an Affordable Housing Resource Center (AHRC), which is designed as a "one stop shop" for accessing resources and to address and solve people's housing questions and needs. The Center offers a "Housing Navigator" who assist citizens in navigating the vast sea of affordable housing challenges and opportunities in the City. Information, education and training programs are offered to provide a number of learning tools to citizens to be successful in obtaining and maintaining stable housing. These programs include: Renter Counseling; Homebuyer Counseling; Landlord/Tenant Law Training; Energy-Saving Education; Avoiding Eviction Guidance; Home Maintenance tips, etc. Lynchburg Redevelopment and Housing Authority has hired a Housing Navigator to operate the AHRC.

Discussion:

N/A

AP-85 Other Actions – 91.220(k)

Introduction:

In FY 2020, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources is the chief obstacle to meeting underserved needs ---both financial and human (staffing). The Central Virginia Continuum of Care (CVCoC) received \$358,375 in Program Year 2018 funding to continue its efforts in providing Permanent Supportive Housing and Rapid Re-housing for homeless persons. The City allocated a total of \$125,702 of Community Development Block Grant (CDBG) funds in Program Years 2018 and 2019 to support the Coordinated Homeless Intake Access (CHIA) system for persons who are homeless or about to be homeless. CHIA provides the support for these persons to access the necessary resources needed to find shelter, services, and/or permanent housing. The City of Lynchburg will continue to collaborate with human and social service agencies and the CVCoC to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

Actions planned to foster and maintain affordable housing

The City of Lynchburg allocated FY 2020 HOME Program funds to rehabilitate six (6) homeowner-occupied units; encourage three (3) potential homeowners to purchase homes; and revitalize five (5) vacant properties. In addition, FY 2020 HOME funds will be used to rehabilitate two (2) vacant homes for the purpose of rental.

Actions planned to reduce lead-based paint hazards

All City written agreements with CDBG and/or HOME Subrecipients contain provisions requiring compliance with lead-based paint rules, and are subject to procedures developed by the Grants Administration Office to ensure appropriate stages of due diligence are complete and of record prior to CDBG and/or HOME funds being disbursed. The Subrecipients and contract providers of housing rehabilitation program services will conduct risk assessments and clearance inspections for applicable rehabilitation projects, as required. All properties purchased with financial assistance provided by the CDBG and HOME Program must be inspected for lead-based paint hazards, if constructed prior to 1978, prior to final approval of application for assistance. Payment of subsidies is only issued after receipt of the inspection report revealing no lead-based paint hazard present at time of purchase.

Actions planned to reduce the number of poverty-level families

In 2016 City Council began an initiative named “Poverty to Progress”. In 2018, Bridges of Central Virginia and Poverty to Progress merged to form “Bridges to Progress” to better coordinate efforts and resources in the City. In 2019, Lynchburg will continue to strive toward the mark of poverty reduction and increased median household income through civic engagement. The task force groups are:

- Child Development
- Community
- Education
- Faith
- Food Disparity
- Health/Mental Health
- Housing
- Legal
- Transportation
- Workforce

See attachment for more information.

Actions planned to develop institutional structure

The City’s Grants Administration Office is responsible for carrying out the provisions of this Consolidated Plan. Working in conjunction with its public and private partners, City staff distributes, monitors, and executes the functions of the plan and reports on its progress. Coordination with other departments within City administration is essential to smooth delivery of services, and the achievement of desired outcomes.

Primarily, the City’s strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the LRHA, and several private non-profits such as Lyn-CAG and Rush Homes; and the various Central Virginia Continuum of Care organizations/non-profits. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

Actions planned to enhance coordination between public and private housing and social service agencies

As discussed in the Consolidated Plan, the City of Lynchburg actively works to coordinate community development efforts between public and private housing and social service agencies. The strategies to address the gaps include the following:

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons;

- The Affordable Housing Resource Center provides a centralized access point to all affordable housing resources and programs available in the City of Lynchburg; and
- Relocation of the CHIA Homeless Intake Coordinator to the Affordable Housing Resource Center.

Discussion: N/A

DRAFT

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	2,100
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	2,100

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	80.00%
2018, 2019, and 2020	

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(I)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Lynchburg does not intend to use other forms of investment.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

In accordance with HOME Program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, “gap” financing, and interest rate buy downs, as available.

The HOME affordability periods are as follows:

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure.

In accordance with HOME CPD 12-003 Notice “Guidance on Resale and Recapture Provision Requirements under the HOME Program” the City has submitted to the HUD Richmond Field Office the “Recapture Restriction Agreement” used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. The document was reviewed by the HUD Richmond Field Office staff and was found to be acceptable for compliance with §92.254(a) (5) of the HOME Program regulations.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The City of Lynchburg currently uses the recapture provision option outlined in Section 24 CFR Part 92.254 (a)(5)(ii)(A)(2) to ensure the affordability requirements for the HOME Investment Partnership (HOME) Program. The recapture provision will be used to recover the direct subsidy to the homebuyer which includes down payment, closing cost assistance, interest subsidies and any difference between fair market value and purchase price. The recapture provision will be limited to net proceeds available from the sale of the HOME assistance unit. The amount of direct subsidy subject to recapture is based on the pro-rata share of the remaining affordability period. The

affordability period is determined by the amount of direct subsidy included in the deed or land covenant, which will be defined in the terms of the loan. The affordability period will apply as follows:

- Project under \$15,000 are five-year term
- Projects from \$15,001 - \$40,000 are ten-year term
- Projects over \$40,000 are fifteen-year term

The City will enforce the recapture provision requirement in its contractual agreement with its sub-recipients and CHDOs. This recapture provision must be used by all subrecipients, and CHDOs when transactions are sale of property using HOME Investment Partnership Program. Therefore, all the sub-recipients or CHDOs will be responsible for passing the recapture provision requirement to the purchaser of the HOME assisted unit in the form of a “Recapture Restriction Agreement”, deed or land covenant that runs concurrently with the affordability period.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Not applicable. During Program Year 2019 (FY 2020), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

In Program Year 2019, the Bridges to Progress organization has established the following task force groups and goals to aid in the reduction of poverty-level families:

Child Development - The Child Development Taskforce (formerly Childcare) seeks the establishment of a community alliance to increase availability of quality, affordable childcare in Lynchburg.

Goals

- Considering merging with Education Pre-K workgroup
- Research successful Child Care Alliances

Community – The Community Taskforce is the result of joining the Poverty to Progress’s Poverty 101 group with the Bridges of Central Virginia’s Getting Ahead Graduates, Government, and Community committees. This group provides opportunities for structured community dialogues and an open mic event to raise awareness of the impacts of poverty in Lynchburg, and to develop a tool for risk assessment for the nine Poverty to Progress categories

Goals

- Gather information on the City’s Division of Social Services (DSS) services, including benefits, policies, enrollment qualification criteria, and income cut-off points
- Distribute the wage gap video to Bridges to Progress members
- Research locations for a Bridges training

Education - The Education Taskforce has three workgroups working in different areas: Pre-K, Tutoring, and Trauma. The Pre-K Workgroup’s goal is to improve kindergarten readiness by increasing access to quality Pre-K programs and promoting preschool literacy. The Tutoring Workgroup’s goal is to have a positive impact on achievement, attendance, discipline and character in Lynchburg City School students. The Trauma Workgroup’s goal is to have a trauma informed care perspective in area schools and agencies.

Goals

- Pre-K workgroup considering merging with Child Development Taskforce
- K-12 workgroup meeting with Parks and Rec to provide staff and volunteer training in September for community centers on Social and Emotional Learning
- Trauma Informed Group is examining integration with other two groups rather than remaining its own workgroup

Faith Taskforce The Faith Taskforce is committed to educating faith communities about poverty and partnering with them to implement ways to reduce poverty and build community.-

Goals

- Hold Community Dinner
- Speaker Series in September with Director of Human Services
- Garner Bridges to Progress participation in Juneteenth Event

Food Disparity - The Food Disparity taskforce is engaging the community in the Oasis project, the creation of a non-profit grocery store located in a food desert.

Goals

- Support the Red Truck
- Gather Market Research for Oasis Project

Health/Mental Health - The Health/Mental Health Taskforce's goal is to improve both awareness and access to health and mental health resources.

Goals

- Develop Prevention and Intervention Information
- Develop Outreach campaign on MH/Healthcare, Medicaid Expansion, addiction/Opioid crisis to citizens
- Focus on youth and families with all of our outreach and awareness
- Work and partner with other Taskforces

Housing - The Housing Taskforce's goal was to determine the actual state of housing in Lynchburg and provide the momentum to eliminate housing insecurity.

Goals

- Review Comprehensive plan from the City of Lynchburg
- Review the Housing Study to understand the Gap in Housing
- Review the HUD Homebuyers Club

Legal - This area had representation in both Bridges of Central Virginia and Poverty to Progress. The BOCV's subcommittee was called Courts/Law Enforcement. This group implemented (with the chief's permission) a warning citation initiative for officers to use at their discretion instead of issuing tickets, developed a DMV checklist to be used in court to help folks navigate the steps of getting their license back, and created a professional clothes closet organized for newly released inmates for job interviews and/or court appearances.

Goals

- Complete the 100-backpack pilot program
- Create plan to manage month-to-month backpack program
- Report on pathways to restorative justice in Lynchburg
- Create a plan for a reentry clinic

Transportation - The Transportation Taskforce is currently working on a cooperative city transportation application called Move UP. The software for this application is still being developed.

Goals

- Meet with citizen coordinating transportation software application to discuss the application and other transportation issues
- Review and research how the route changes are going and get testimonies
- Search for grant funding
- Partner with the Central Virginia Planning District Commission (CVPDC) about a van pool feasibility study that is being completed by the CVPDC.
- Engage key stakeholders to join the taskforce

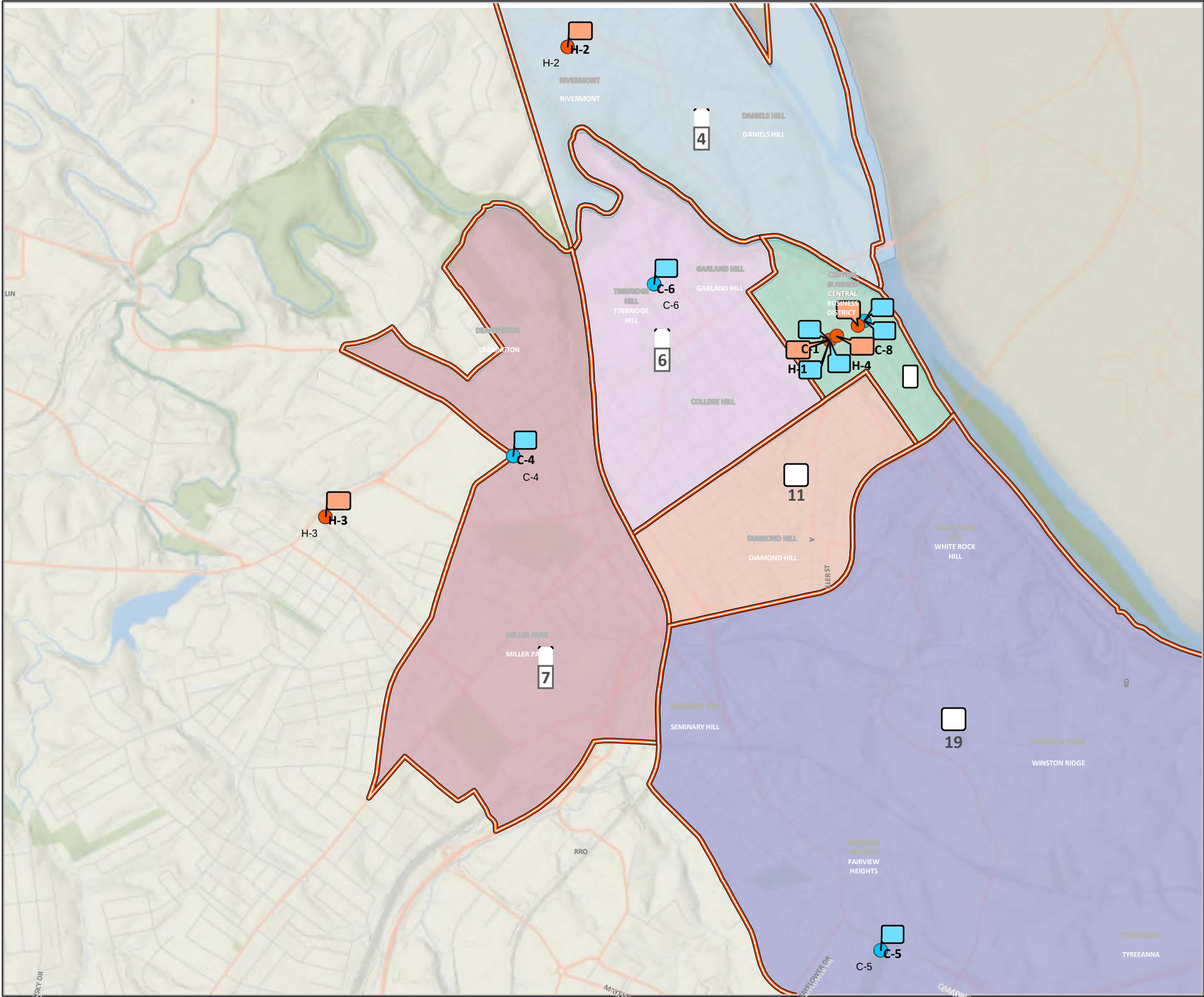
Workforce - The Workforce Taskforce's goal is to facilitate the coordination of all the existing workforce programs in the area.

Goals

- Organizing resource fair for employees and staff of local business who hires people who struggle with some of the typical obstacles people face when trying to work their way out of poverty.

As these goals are addressed, each task force group will evaluate the accomplishments and establish new goals to further the reduction of poverty-level families within the City.

DRAFT



2020 PROJECT LOCATIONS

Map #	Name	Program
C-1	Administration- City of Lynchburg	CDBG
C-2	Analysis of Impediments to Fair Housing	CDBG
C-3	Dearington Neighborhood Plan	CDBG
C-4	Dearington Neighborhood Improvements	CDBG
C-5	Fairview Heights Neighborhood Center Rehabilitation	CDBG
C-6	Yoder Neighborhodd Center Rehabilitation	CDBG
C-7	LRHA/CoC Coordinated Homless Intake and Access Coordinator	CDBG
C-8	LRHA Affordable Housing Resource Center	CDBG
H-1	Administration- City of Lynchburg	HOME
H-2	Rush Lifetime Homes-James River Housing (CHDO)	HOME
H-3	Greater Lynchburg Habitat for Humanity	HOME
H-4	Lyn-CAG Homeownership Substantial Rehabilitation	HOME
H-5	LRHA Vacant Housing Revitalization and Rehabilitation	HOME

LRHA: Lynchburg Redevelopment and Housing Authority
Lyn-CAG: Lynchburg Community Action Group

LEGEND

Project Locations

● CDBG ● HOME

Target Census Tracts

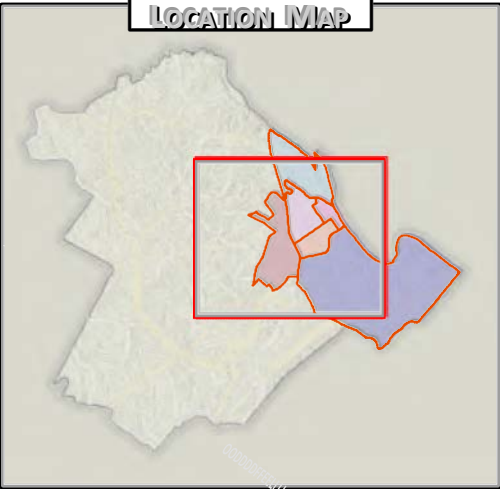
4 6 11
 5 7 19

Target Tracts Combined Area

Reference

Neighborhood Labels

LOCATION MAP



City of Lynchburg GIS Division - 5/21/2019

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.

rrr'l census Block

Cens us Tracts
rrr'l Groups

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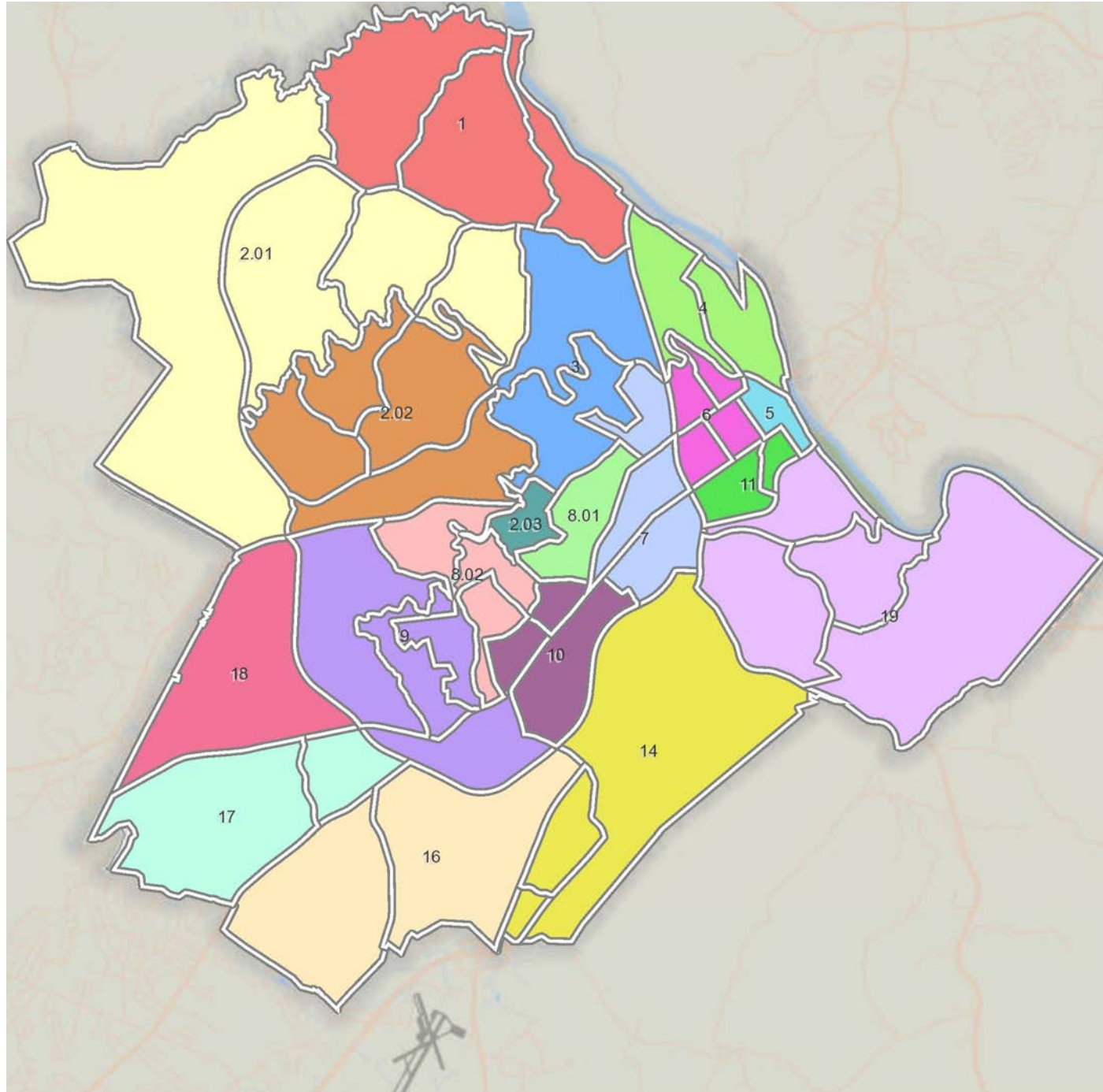
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016

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Streets



Census Tracts

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0 7,500 14,800
1 inch = 7,500 feet

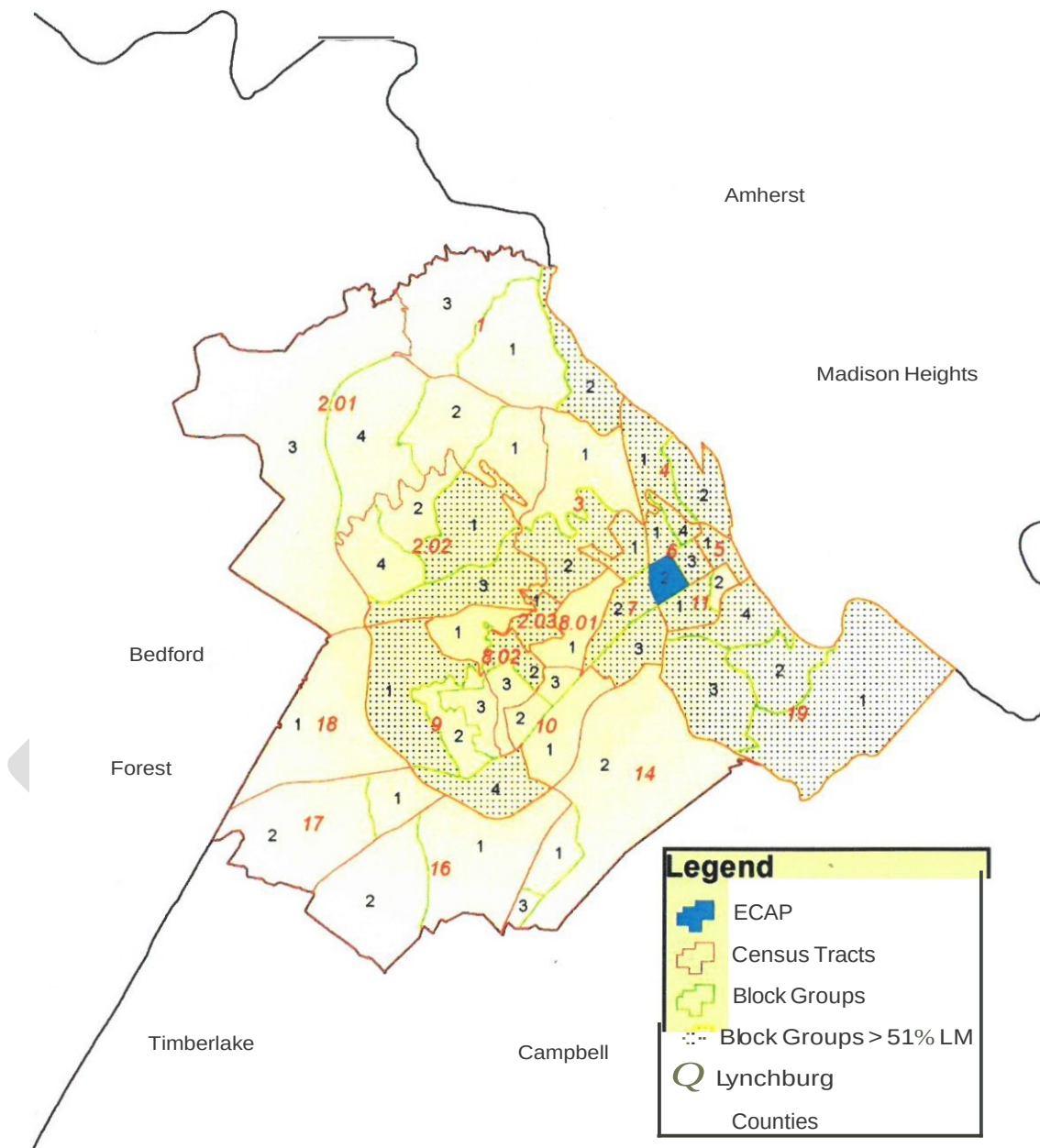


PRINTED ON
May 23, 2019

Ethnically Concentrated Areas of Poverty (ECAP), 2013

Lynchburg, Virginia Consolidated Plan

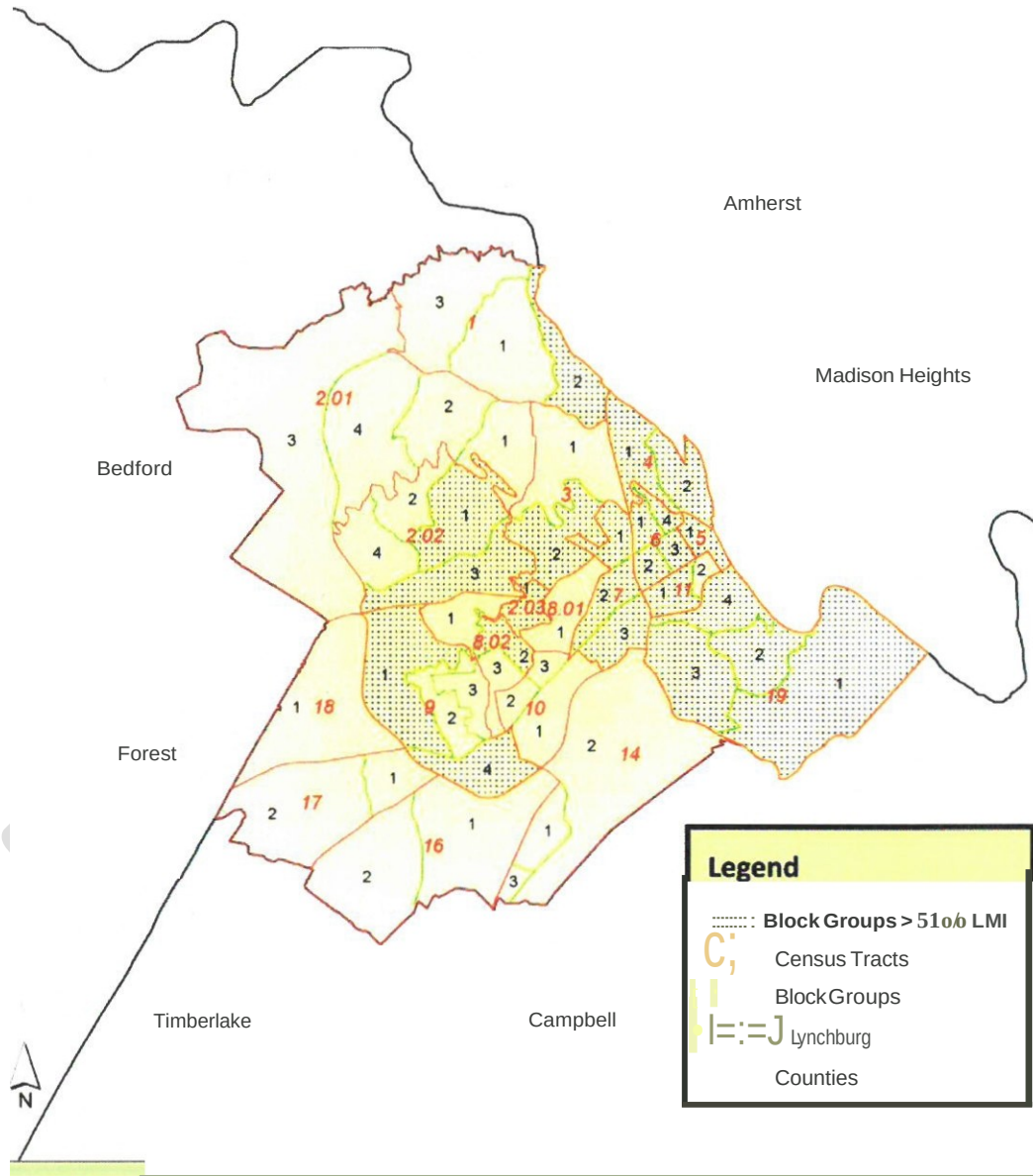
Source: 2013 ACS Data, 803002, 2014 HUD Low and Moderate Summary Data



Low and Moderate Income Areas

Lynchburg, Virginia Consolidated Plan

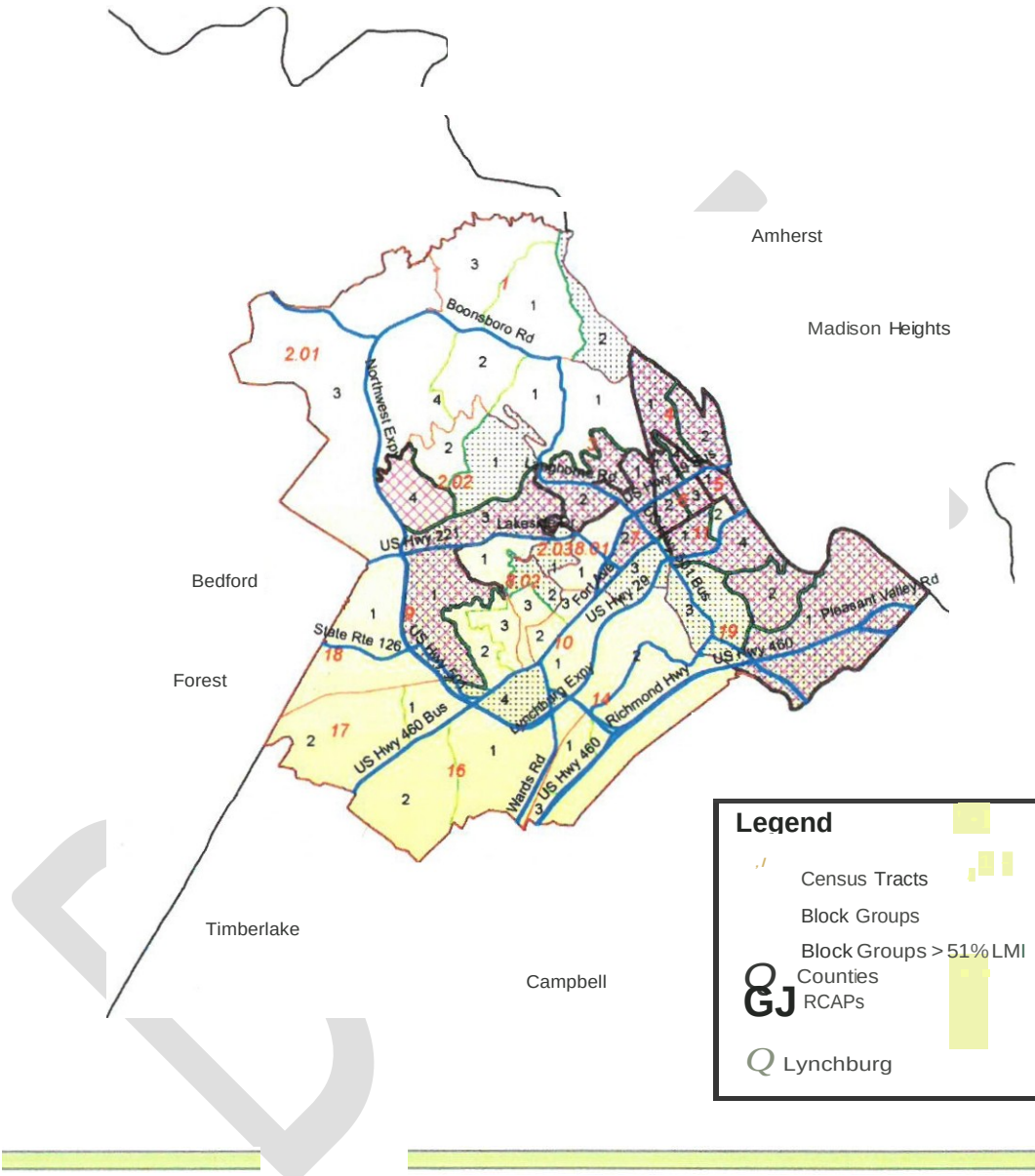
Source: 2014 HUD Low and Moderate Income Summary Data



Racially Concentrated Areas of Poverty (RCAP), 2013

Lynchburg, Virginia Consolidated Plan

Source: 2013 ACS, 802001 and 803002 and 2014 HUD low and Moderate Summary Data



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Shentel Cable Television, LLC Cable Television Franchise**

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing and adopt an ordinance granting Shentel Cable Television, LLC a negotiated cable television franchise for the purpose of providing cable television service in the City.

SUMMARY: Shentel Cable Television, LLC has requested that the City negotiate and grant a cable television franchise allowing Shentel to provide cable television service in the City. Shentel has proposed to initially build out its cable system to make cable service generally available to those business and residential units located within the red ovals on the attached map (Exhibit A), with the initial build out planned to be completed by January 1, 2022. After that date, Shentel intends complete its cable system build out within the remainder of the City within a commercially reasonable time (considering build out costs, geographical and geological conditions, and business conditions).

A franchise agreement has been negotiated between the City and Shentel, matching the terms and conditions as much as possible to the cable television franchises that currently are in place with Comcast and Segra (formerly Lumos Networks). Franchises have recently been awarded to Shentel by the cities of Harrisonburg (on April 25, 2019) and Staunton (on May 9, 2019), containing terms and conditions very similar to the proposed franchise with the City.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None.

CONTACT(S): Mike Goetz, Chief Information Officer, 455-6002

ATTACHMENT(S):

Ordinance

Cable Franchise Agreement between the City of Lynchburg, Virginia and Shenandoah Cable Television, LLC
Exhibit A – Initial Build Out Area

REVIEWED BY: bms

AN ORDINANCE GRANTING A CABLE TELEVISION FRANCHISE TO SHENANDOAH CABLE TELEVISION, LLC, d/b/a SHENTEL TO OPERATE A CABLE TELEVISION SYSTEM WITHIN THE CITY OF LYNCHBURG

WHEREAS, pursuant to provisions of Article 1.2 of Title 15.2 of the Code of Virginia, no one may construct, install, maintain or operate a cable television system through, on, over, or under any public rights-of-way within the City without first having applied for and been granted a franchise by the City; and

WHEREAS, SHENTEL would like to operate a cable television system within the City of Lynchburg; and

WHEREAS, SHENTEL has asked that it be granted a franchise to operate a cable television system within the City and the City and SHENTEL have negotiated a Cable Television Franchise Agreement, a copy of which is attached hereto; and

WHEREAS, a public hearing was held on June 25, 2019 on the issue of whether to enter into a Franchise Agreement with SHENTEL; and

WHEREAS, notice of such public hearing for the proposed Franchise Agreement was advertised once a week for two successive weeks in a newspaper having general circulation in the City of Lynchburg; and

WHEREAS, at such public hearing there was an opportunity to consider economic consideration, the impact on private property rights, the impact on public convenience, the public need and potential benefit, and other relevant factors;

NOW, THEREFORE, BE IT ORDAINED, that the Lynchburg City Council, does hereby find that the public welfare will be enhanced by the grant of the franchise requested by SHENTEL and it is in the best interest of the City to grant a Cable Television Franchise Agreement to SHENTEL in accordance with the terms of the proposed Cable Television Franchise Agreement between the City and SHENTEL, a copy of which is attached hereto; and it is,

FURTHER ORDAINED that Lynchburg City Manager is authorized to sign such Cable Television Franchise Agreement and any other documents embodying the terms approved herein on behalf of the City; and it is,

FURTHER ORDAINED that such Franchise shall be effective upon the date upon which it is signed by the City and SHENTEL and shall extend for a term of fifteen (15) years beginning on June 26, 2019.

Adopted:

Certified: _____
Clerk of Council

082R

CABLE FRANCHISE AGREEMENT
BETWEEN
THE CITY OF LYNCHBURG, VIRGINIA
AND
Shenandoah Cable Television, LLC

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CABLE FRANCHISE AGREEMENT

This Cable Franchise Agreement (hereinafter, the “Agreement” or “Franchise Agreement”) is made between the City of Lynchburg, VA, a political subdivision of the Commonwealth of Virginia (hereinafter, “City”) and Shenandoah Cable Television, LLC (hereinafter, “Franchisee”).

The City, having determined that the financial, legal and technical ability of the Franchisee is reasonably sufficient to provide the services, facilities and equipment necessary to meet the future cable-related needs of the community, desires to enter into this Franchise Agreement with the Franchisee for the construction, operation and maintenance of a Cable System on the terms and conditions set forth herein.

SECTION 1 - Definition of Terms

For the purpose of this Franchise Agreement, capitalized terms, phrases, words, and abbreviations shall have the meanings ascribed to them in the Code of Virginia, Article 1.2, § 15.2-2108.19, and the Cable Communications Policy Act of 1984, as amended from time to time, 47 U.S.C. §§ 521 et seq. (the “Cable Act”), unless otherwise defined herein.

1.1 “Act” means the Communications Act of 1934.

1.2 “Affiliate”, in relation to any Person, means another Person who owns or controls, is owned or controlled by, or is under common ownership or control with, such Person.

1.3 “Basic service tier” means the service tier that includes (i) the retransmission of local television broadcast channels and (ii) public, educational, and governmental channels required to be carried in the basic tier.

1.4 “Cable Operator” means any Person or group of Persons that (A) provides Cable Service over a Cable System and directly or through one or more affiliates owns a significant interest in such Cable System or (B) otherwise controls or is responsible for, through any arrangement, the management and operation of a Cable System. Cable Operator does not include a provider of wireless or direct-to-home satellite transmission service.

1.5 “Cable Service” means the one-way transmission to Subscribers of (i) video programming or (ii) other programming service, and Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Cable service does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d).

1.6 “Cable System” or “System” means any facility consisting of a set of closed transmission paths and associated signal generation, reception and control

equipment that is designed to provide Cable Service that includes video programming and that is provided to multiple Subscribers within a community, except that such definition shall not include (i) a system that serves fewer than 20 Subscribers; (ii) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (iii) a facility that serves only Subscribers without using any public right-of-way; (iv) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, 47 USC § 201 et seq., except that such facility shall be considered a Cable System to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (v) any facilities of any electric utility used solely for operating its electric systems; (vi) or any portion of a System that serves fewer than 50 Subscribers in any locality, where such portion is part of a larger System franchised in an adjacent locality; or (vii) an open video system that complies with § 653 of Title VI of the Communications Act of 1934, as amended, 47 U.S.C. § 573.

1.7 “Customer” or “Subscriber” means a Person or user of the Cable System who lawfully receives Cable Service therefrom with the Franchisee’s express permission.

1.8 “Effective Date” means the date on which this Cable Franchise Agreement, with any necessary executed signatures, is enacted into law.

1.9 “FCC” means the Federal Communications Commission or successor governmental entity thereto.

1.10 “Force majeure” means an event or events reasonably beyond the ability of Franchisee to anticipate and control. "Force majeure" includes, but is not limited to, acts of God, incidences of terrorism, war or riots, labor strikes or civil disturbances, floods, earthquakes, fire, explosions, epidemics, hurricanes, tornadoes, governmental actions and restrictions, work delays caused by waiting for utility providers to service or monitor or provide access to utility poles to which Franchisee’s facilities are attached or to be attached or conduits in which Franchisee's facilities are located or to be located, and unavailability of materials or qualified labor to perform the work necessary.

1.11 “Franchise” means the initial authorization, or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, agreement, permit, license, resolution, contract, certificate, ordinance or otherwise, which authorizes the construction and operation of the Cable System in the public rights-of-way.

1.12 “Franchise Agreement” or “Agreement” shall mean this Cable Franchise Agreement and any amendments or modifications hereto.

1.13 “Franchise Area” means the present legal boundaries of the City of Lynchburg, Virginia as of the Effective Date, and shall also include any additions thereto, by annexation or other legal means.

1.14 "Franchising Authority" means the City or the lawful successor, transferee, designee, or assignee thereof.

1.15 "Franchisee" shall mean Shenandoah Cable Television, LLC

1.16 "Gross revenue" means all revenue, as determined in accordance with generally accepted accounting principles, that is actually received by the cable operator and derived from the operation of the cable system to provide cable services in the franchise area; however, "gross revenue" shall not include: (i) refunds or rebates made to subscribers or other third parties; (ii) any revenue which is received from the sale of merchandise over home shopping channels carried on the cable system, but not including revenue received from home shopping channels for the use of the cable service to sell merchandise; (iii) any tax, fee, or charge collected by the cable operator and remitted to a governmental entity or its agent or designee, including without limitation a local public access or education group; (iv) program launch fees; (v) directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement, and electronic publishing; (vi) a sale of cable service for resale or for use as a component part of or for the integration into cable services to be resold in the ordinary course of business, when the reseller is required to pay or collect franchise fees or similar fees on the resale of the cable service; (vii) revenues received by any affiliate or any other person in exchange for supplying goods or services used by the cable operator to provide cable service; and (viii) revenue derived from services classified as noncable services under federal law, including, without limitation, revenue derived from telecommunications services and information services, and any other revenues attributed by the cable operator to noncable services in accordance with rules, regulations, standards, or orders of the Federal Communications Commission.

1.17 "Ordinance" includes a resolution.

1.18 "Person" means any natural person or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit, but shall not mean the Franchising Authority.

1.19 "Public rights-of-way" (PROW or Public Way) means the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the City or the Commonwealth of Virginia now or hereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing and maintaining a cable system. No reference herein, or in any franchise, to a "public rights-of-way" shall be deemed to be a representation or guarantee by the City that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and Franchisee shall be deemed to gain only those rights to use as are properly in the city and as the City may have the undisputed right and power to give. For purposes of this Franchise, the term "public right-of-way" shall also include any other parcels of property that are owned by the City.

1.20 “Interactive on-demand services” means a service providing video programming to Subscribers over switched networks on an on-demand, point-to-point basis, but does not include services providing video programming prescheduled by the programming provider.

1.21 “Service Interruption” means a service outage affecting less than five subscribers, or a loss or degradation of either video or audio for one or more channels for one or more subscribers.

1.22 “Service Outage” means the complete loss of cable service to five or more subscribers served by the same trunk, node, or feeder line for a period of 15 minutes or more.

1.23 “Transfer” means any transaction in which (i) an ownership or other interest in the Franchisee is transferred, directly or indirectly, from one Person or group of Persons to another Person or group of Persons, so that majority control of the Franchisee is transferred; or (ii) the rights and obligations held by the Franchisee under the Franchise granted under this Franchise Agreement are transferred or assigned to another Person or group of Persons. However, notwithstanding clauses (i) and (ii) of the preceding sentence, a transfer of the Franchise shall not include (a) transfer of an ownership or other interest in the Franchisee to the parent of the Franchisee or to another Affiliate of the Franchisee; (b) transfer of an interest in the Franchise granted under this Franchise Agreement or the rights held by the Franchisee under the Franchise granted under this Franchise Agreement to the parent of the Franchisee or to another Affiliate of the Franchisee; (c) any action that is the result of a merger of the parent of the Franchisee; (d) any action that is the result of a merger of another Affiliate of the Franchisee; or (e) a transfer in trust, by mortgage, or by assignment of any rights, title, or interest of the Franchisee in the Franchise or the System used to provide Cable Service in order to secure indebtedness.

1.24 “Video programming” means programming provided by, or generally considered comparable to, programming provided by a television broadcast station.

All terms used herein, unless otherwise defined, shall have the same meaning as set forth in Sections 15.2-2108.19 *et seq.* of the Code of Virginia, and if not defined therein, then as set forth in Title VI of the Communications Act of 1934, 47 U.S.C. § 521 *et seq.*, and if not defined therein, their common and ordinary meaning. In addition, references in this Ordinance to any federal or state law shall include amendments thereto as are enacted from time-to-time.

SECTION 2 - Grant of Authority

2.1 The Franchising Authority hereby grants to the Franchisee under the Code of Virginia and the Cable Act a nonexclusive Franchise authorizing the Franchisee to construct and operate a Cable System in the Public Ways within the Franchise Area, and

for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in any Public Way such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the Cable System and to provide such Cable Services over the Cable System as may be lawfully allowed. This agreement neither authorizes the Franchisee to use the PROW for purposes of providing any service other than Cable Service, nor prohibits the Franchisee from doing so. The Franchisee's authority to provide non-Cable Services shall be subject to applicable law.

2.2 Term of Franchise. The term of the Franchise granted hereunder shall be Fifteen (15) years, unless the Franchise is renewed or is lawfully terminated in accordance with the terms of this Franchise Agreement and the Code of Virginia and the Cable Act.

2.3 Renewal. Any renewal of this Franchise shall be governed by and comply with the provisions of Article 1.2 of the Code of Virginia and Section 626 of the Cable Act, as amended.

2.4 Reservation of Authority. Nothing in this Franchise Agreement shall be construed as a waiver of any codes or ordinances of general applicability promulgated by the Franchising Authority.

2.5 Competitive Equity.

2.5.1 If the City grants a competitive franchise which, in the reasonable opinion of the Franchisee, contains more favorable or less burdensome terms or conditions than this Franchise Agreement, the Franchisee may notify the City that it wishes to renegotiate certain specified provisions of the Franchise Agreement. Within 30 days after the Franchisee provides such notice, both parties must begin to negotiate in good faith, and either party to this Franchise Agreement may request changes to amend this Agreement so that neither the Franchisee's Franchise Agreement nor that of the competitor contains terms that are more favorable or less burdensome than the other. For purposes of this section, the franchises must be viewed as a whole, not on a provision-by-provision basis, and the franchises must be compared with due regard for the circumstances existing at the time each franchise was granted.

2.5.2 In the event an application for a new cable television franchise is filed with the Franchising Authority proposing to serve the Franchising Area, in whole or in part, the Franchising Authority shall serve or require to be served a copy of such application upon the Franchisee by registered or certified mail or via nationally recognized overnight courier service.

2.5.3 In the event that a cable provider provides Cable Service to the residents of the city under a federal franchise that is unavailable to the Franchisee, the Franchisee shall have a right to request amendments to this Franchise Agreement that relieve the Franchisee of regulatory burdens that create a competitive disadvantage to the

Franchisee. In requesting amendments, the Franchisee shall file a petition seeking to amend the Franchise Agreement. Such petition shall: (1) indicate the presence of a competitor that has a federal franchise; (2) identify the basis for Franchisee's belief that certain provisions of the Franchise Agreement place Franchisee at a competitive disadvantage; and (3) identify the regulatory burdens to be amended or repealed in order to eliminate the competitive disadvantage. City Council shall hold a public hearing to evaluate the petition and hear views of interested parties. The Franchising Authority shall not unreasonably withhold consent to the Franchisee's petition.

SECTION 3 – Construction and Maintenance of the Cable System

3.1 Permits and General Obligations. The Franchisee shall be responsible for obtaining, at its own cost and expense, all generally applicable permits, licenses, or other forms of approval or authorization necessary to construct, operate, maintain or repair the Cable System, or any part thereof, prior to the commencement of any such activity. Construction, installation, and maintenance of the Cable System shall be performed in a safe, thorough and reliable manner using materials of good and durable quality. All transmission and distribution structures, poles, other lines, and equipment installed by the Franchisee for use in the Cable System in accordance with the terms and conditions of this Franchise Agreement shall be located so as to minimize the interference with the proper use of the Public Ways and the rights and reasonable convenience of property owners who own property that adjoins any such Public Way.

3.2 Conditions of Street Occupancy.

3.2.1 New Grades or Lines. If the grades or lines of any Public Way within the Franchise Area are lawfully changed at any time during the term of this Franchise Agreement, then the Franchisee shall, upon reasonable advance written notice from the Franchising Authority (which shall not be less than ten (10) business days) and at its own cost and expense, protect or promptly alter or relocate the Cable System, or any part thereof, so as to conform with any such new grades or lines. If public funds are available to any other user of the Public Way for the purpose of defraying the cost of any of the foregoing, the Franchising Authority shall notify the Franchisee of the availability of such funding and make such funds available to the Franchisee. It is understood that there is no guarantee by the Franchising Authority that any public funds will be available to help defray the cost of altering or relocating the Cable System to conform to new grades or lines.

3.2.2 Relocation at request of Third Party. The Franchisee shall, upon reasonable prior written request of any Person holding a permit issued by the Franchising Authority to move any structure, temporarily move its wires to permit the moving of such structure; provided (i) the Franchisee may impose a reasonable charge on any Person for the movement of its wires, and such charge may be required to be paid in advance of the

movement of its wires; and (ii) the Franchisee is given not less than ten (10) business days advance written notice to arrange for such temporary relocation.

3.2.3 Restoration of Public Ways. If in connection with the construction, operation, maintenance, or repair of the Cable System, the Franchisee disturbs, alters, or damages any Public Way, the Franchisee agrees that it shall at its own cost and expense replace and restore any such Public Way to a condition reasonably comparable to the condition of the Public Way existing immediately prior to the disturbance. The City Engineer shall make the final determination as to acceptability of repair and/or replacement of damaged facilities. In performing any excavation work in the public rights-of-way, the Franchisee will comply with all of the requirements of Chapter 35, or any subsequently adopted Chapter, of the City Code.

3.2.4 Safety Requirements. The Franchisee shall, at its own cost and expense, undertake all necessary and appropriate efforts to maintain its work sites in a safe manner in order to prevent failures and accidents that may cause damage, injuries or nuisances. All work undertaken on the Cable System shall be performed in substantial accordance with applicable FCC or other federal and state regulations and with the National Electrical Safety Code (National Bureau of Standards)” and “National Electrical Code (National Bureau of Fire Underwriters). The Cable System shall not unreasonably endanger or interfere with the safety of Persons or property in the Franchise Area.

3.2.5 Trimming of Trees and Shrubbery. The Franchisee shall have the responsibility and authority to trim trees or other natural growth overhanging any of its Cable System in the Franchise Area so as to prevent contact with the Franchisee’s wires, cables, or other equipment. All such trimming shall be done at the Franchisee’s sole cost and expense and in accordance with ANSI A300 pruning standards. For all planned trimming, the Franchisee shall provide the City at least two business days notice of the work to be performed and a description of such work. For trimming of an emergency nature, including responding to storm damage, advance notice is not required. The Franchisee shall be responsible for any damage and all clean up of debris caused by such trimming.

3.2.6 Aerial and Underground Construction. At the time of Cable System construction, if all of the transmission and distribution facilities of all of the respective public or municipal utilities in any area of the Franchise Area are underground, the Franchisee shall place its Cable System’s transmission and distribution facilities underground; provided that such underground locations are actually capable of accommodating the Franchisee’s cable and other equipment without technical degradation of the Cable System’s signal quality. In any region(s) of the Franchise Area where the transmission or distribution facilities of the respective public or municipal utilities are both aerial and underground, the Franchisee shall have the discretion to construct, operate, and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground. Nothing in this Section shall be construed to require the Franchisee to construct, operate, or maintain underground any ground-

mounted appurtenances such as customer taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

3.2.7 All excavation and reconstruction work by Franchisee in the public rights-of-way must be in compliance with the requirements of chapter 35, article III excavations, of the City Code, including all of the standards referenced therein, and all applicable VDOT standards. It shall be the responsibility of Franchisee to obtain any required permits, to review all applicable excavation, reconstruction, restoration, repair and permitting requirements, and to become familiar with such requirements before beginning any excavation, reconstruction, restoration or repair work in the public rights-of-way or private property.

3.2.8 Any equipment or facilities installed by Franchisee in the public rights-of-way shall be installed, located, erected, constructed, reconstructed, replaced, restored, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced maintenance and construction personnel so as not (1) to endanger or interfere in any manner with improvements the City or VDOT may deem appropriate to make; or (2) to interfere with the rights of any private property owner; or (3) to hinder or obstruct pedestrian or vehicular traffic.

3.2.9 Whenever the City or VDOT shall determine that it is necessary in connection with the repair, relocation, or improvement of the public rights-of-way, the City or VDOT may require by written notification that any properties or facilities of the Franchisee be removed or relocated. Within sixty (60) days after receipt of notification, unless the City or VDOT extends such period for good cause shown, the Franchisee shall remove or relocate its facilities to such place and under such terms and conditions as specified by the City or VDOT. The Franchisee shall bear all expenses associated with the removal and relocation except that the City or VDOT will issue, without charge to the Franchisee, whatever local permits are required for the relocation of Franchisee's facilities. If the Franchisee does not complete its removal or relocation within sixty (60) days or such other period as authorized by the City or VDOT, the City or VDOT may take such actions as necessary to effect such removal or relocation at the Franchisee's expense. Franchisee shall be entitled to reimbursement of its relocation costs from public or private funds raised for the project and made available to other users of the Public Way. It is understood that there is no guarantee by the Franchising Authority that any public or private funds will be available to help defray the cost of such undergrounding or beautification projects.

3.2.10. Undergrounding and Beautification Projects. In the event all users of the Public Way relocate aerial facilities underground as part of an undergrounding or neighborhood beautification project, Franchisee shall participate in the planning for relocation of its aerial facilities contemporaneously with other utilities. Franchisee's relocation costs shall be included in any computation of necessary project funding by the municipality or private parties. Franchisee shall be entitled to reimbursement of its relocation costs from public or private funds raised for the project and made available to other users of the Public Way. It is understood that there is no guarantee by the

Franchising Authority that any public or private funds will be available to help defray the cost of such undergrounding or beautification projects.

SECTION 4 - Service Obligations

4.1 General Service Obligations.

4.1.1 The Franchisee shall make Cable Service generally available to businesses and residential dwelling units within the Franchise Area. The Franchisee initially shall build out its Cable System to make Cable Service generally available to those business and residential units located within the red ovals shown on the map attached to this Franchise Agreement as Exhibit A. The Franchisee shall use commercially reasonable efforts (considering build out costs, geographical and geological conditions, and business conditions) to complete such initial build out by January 1, 2022. Franchisee shall complete its Cable System within the remainder of the Franchise area within a commercially reasonable time (considering build out costs, geographical and geological conditions, and business conditions). In addition to the obligations and considerations set forth above, Franchisee shall offer Cable Service to all new or previously unserved business and residential units within 150 feet of the Franchisee's distribution cable.

4.1.2 The Franchisee may elect to provide Cable Service to areas not meeting the above distance standards. The Franchisee may impose an additional charge in excess of its regular installation charge for any service installation requiring a drop in or line extension in excess of the above standards. Any such additional charge shall be computed on a time plus materials basis to be calculated on that portion of the installation that exceeds the standards set forth above. Such additional charge shall be paid by the developer or landowner or customer requesting Cable Service in an area that does not meet the density and distance standards.

4.2 New Developments. Franchisee agrees to use commercially reasonable efforts to inform itself of all newly planned developments with the City and to work with developers to cooperate in pre-installation of facilities to support Cable Service.

4.3 Programming. The Franchisee shall offer to all Customers a diversity of video programming services.

4.4 No Discrimination. The Franchisee shall not discriminate or permit discrimination between or among any Persons in the availability of Cable Services or other services provided in connection with the Cable System in the Franchise Area. It shall be the right of all Persons to receive all available services provided on the Cable System so long as such Person's financial or other obligations to the Franchisee are satisfied, unless such Person has engaged in theft of Franchisee's cable services,

vandalism of its property or harassment of its representatives. Nothing contained herein shall prohibit the Franchisee from offering bulk discounts, promotional discounts, package discounts, or other such pricing strategies as part of its business practice. Franchisee shall assure that access to cable services is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.

4.5 Subscriber Surveys: Upon the request of the City, but not more than once every three years, the Franchisee shall conduct a Subscriber satisfaction survey pertaining to quality of service, which may be transmitted to Subscribers in the Franchisee's invoice for Cable Services. The results of such survey shall be provided to the City on a timely basis and in any case not less than three months after the survey has been distributed to the Subscribers.

4.6 Performance Evaluation Sessions: The City and the Franchisee shall hold scheduled performance evaluation sessions.

4.6.1. Performance Evaluation sessions shall be held no more than once every three years during the Term of the Franchise. All such evaluation sessions shall be publicized in advance and be open to the public.

4.6.2. The Franchisee shall reasonably cooperate with the evaluation and shall, subject to the proprietary information provision of Section 8.7 of this Agreement, supply the City with all relevant information requested.

4.6.3. If the evaluation indicates a need for modification of the Agreement, the City shall attempt to negotiate the identified changes with the Franchisee. Any changes agreed to by the City and the Franchisee shall be approved by the City Council before they become effective.

4.7 Availability of Maps to the City: The Franchisee shall make available to the City at its Lynchburg area office annually updated maps of the Franchise Area which shall clearly delineate the following:

4.7.1. Areas within the Franchise Area where Cable Service will be available to Subscribers.

4.7.2 Areas covered by the Franchise where the Cable System cannot be extended due to lack of present or planned development, with such areas clearly marked, and, at such time as conditions in any of those areas have changed so that the minimum density level set forth in Section 4.1.1 has been attained, an estimated timetable to commence providing Cable Service in areas not currently served.

4.8 Changes in Service: Franchisee agrees to give the City Manager thirty (30) days prior written notice of changes in the mix, or quality of the Cable Services.

SECTION 5 - Public, Educational and Governmental Access Channels

5.1 Franchisee shall designate capacity on up to three (3) channels for public, educational and/or governmental access video programming provided by the Franchising Authority or its designee, such as a public access organization or educational institution. On the Effective Date, Franchisee shall provide two (2) PEG access channels for the purposes of providing governmental and educational channels. On the Effective Date, a public access channel will be required only if a public access organization is operational, producing programming content for cablecast, and is providing all communications facilities needed for delivering a public access signal to Franchisee's headend. If such a public access organization is not meeting such requirements as of the Effective Date, within ninety (90) days after a public access organization meets such requirements and requests use of the third PEG access channel, Franchisee shall make available one (1) additional channel for PEG access programming. Use of a channel position for public, educational or governmental ("PEG") access shall be provided on the most basic tier of service offered by Franchisee in accordance with the Cable Act, Section 611, and Article 1.2 of the Code of Virginia, and as further set forth below. "Channel position" means a number designation on the Franchisee's channel lineup regardless of the transmission format (analog or digital). Franchisee does not relinquish its ownership of or ultimate right of control over a channel by designating it for PEG use. In the event any Access channel is reassigned, the Franchisee shall provide the City with at least thirty (30) days notice before reassigning the channel, and shall pay the reasonable costs of any advertising and promotional materials required due to the reassignment. A PEG access user – whether an individual, educational or governmental user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use. Franchisee shall not exercise editorial control over any public, educational, or governmental use of a channel position, except Franchisee may refuse to transmit any public access program or portion of a public access program that contains obscenity, indecency, or nudity. The Franchising Authority shall be responsible for developing, implementing, interpreting and enforcing rules for Educational and Governmental Access Channel use.

5.2 Public Access. A "Public Access Channel" is a channel position designated for noncommercial use by the public on a first-come, first-served, nondiscriminatory basis. A Public Access Channel may not be used to cablecast programs for profit, or for political or commercial fundraising in any fashion.

5.3 Educational Access. An "Educational Access Channel" is a channel position designated for noncommercial use by educational institutions such as public or private schools (but not "home schools"), community colleges, and universities.

5.4 Government Access. A "Governmental Access Channel" is a channel position designated for noncommercial use by the Franchising Authority for the purpose of showing the public local government at work.

5.5 The City may, after a public hearing and upon a finding that the existing PEG channels are substantially utilized within the meaning of Section 15.2-2108.22(1) of the Code of Virginia, require by ordinance that the Franchisee provide an additional PEG channel or channels, up to a maximum of three (3) additional PEG channels, provided that the total number of PEG channels, including the additional PEG channels, shall not exceed six (6).

5.6 Franchisee shall ensure that all PEG access channel signals carried on its system, regardless of the method used to acquire the PEG channels, comply with all applicable FCC signal quality and technical standards for all classes of signals. The technical and signal quality of all PEG access channel signals shall be preserved and shall be of comparable quality as other channels.

5.7 Franchisee shall continue to provide and maintain all existing communications facilities between its headend and the following PEG origination locations:

1. City Hall, 900 Church Street, for the Government channel.
2. Lynchburg City Schools Administration, 915 Court Street, for the Education channel.

SECTION 6 - Communications Tax and Franchise Fees

6.1. Communications Tax: Franchisee shall comply with the provisions of Section 58.1-645 et seq. of the Code of Virginia, pertaining to the Virginia Communications Sales and Use Tax, as amended (the “Communications Tax”), and Sections 6.2 through 6.6 of the Agreement shall not have any effect, for so long as the Communications Tax or a successor state or local tax that would constitute a franchise fee for purposes of 47 U.S.C. § 641, as amended, is imposed on the sale of cable services by the Franchisee to subscribers in the city.

6.2. Payment of Franchise Fee to City: In the event that the Communications Tax is repealed and no successor state or local tax is enacted that would constitute a franchise fee for purposes of 47 U.S.C. § 641, as amended, Franchisee shall pay to the City a Franchise fee of five percent (5%) of annual Gross Revenue, beginning on the effective date of the repeal of such tax (the “Repeal Date”). Beginning on the Repeal Date, the terms of Section 6.2 through 6.6 of this Agreement shall take effect. In accordance with Title VI of the Communications Act, the twelve (12) month period applicable under the Franchise for the computation of the Franchise fee shall be a calendar year. Such payments shall be made no later than thirty (30) days following the end of each calendar quarter. Should Franchisee submit an incorrect amount, Franchisee shall be allowed to add or subtract that amount in a subsequent quarter, but no later than ninety (90) days following the close of the calendar year for which such amounts were

applicable; such correction shall be documented in the supporting information required under Section 6.3 below.

6.3. **Supporting Information:** Each Franchise fee payment shall be accompanied by a brief report prepared by a representative of Franchisee showing the basis for the computation, and a breakdown by major revenue categories (such as Basic Service, premium service, etc.). The City shall have the right to reasonably request further supporting information for each Franchise fee payment, subject to the proprietary information provision of Section 8.7.

6.4. **Limitation on Franchise Fee Actions:** The period of limitation for recovery of any Franchise fee payable hereunder shall be five (5) years from the date on which payment by Franchisee is due.

6.5. **Bundled Services:** If cable services subject to a franchise fee, or any other fee determined by a percentage of the cable operator's gross revenues in a locality, are provided to subscribers in conjunction with other services: the fee shall be applied only to the value of these cable services, as reflected on the books and records of the cable operator in accordance with rules, regulations, standards, or orders of the Federal Communications Commission or the State Corporation Commission, or generally accepted accounting principles. Any discounts resulting from purchasing the services as a bundle shall be reasonably allocated between the respective services that constitute the bundled transaction.

6.6 **Books and Records Regarding Franchise Fees.** Subject to the confidentiality requirements of Section 8.7 of this Agreement, the City, or such Person or Persons designated by the City, shall have the right to inspect and copy records and the right to audit and to recompute any amounts determined to be payable under this Franchise, without regard to by whom they are held. If an audit discloses an overpayment or underpayment of franchise fees, the City shall notify the Franchisee of such overpayment or underpayment within ninety (90) days of the date the audit was completed. The City, in its sole discretion, shall determine the completion date for any audit conducted hereunder. Audit completion is not to be unreasonably delayed by either party. Subject to the confidentiality requirements of Section 8.7 of this Franchise, the Franchisee shall be responsible for providing to the City all records necessary to confirm the accurate payment of franchise fees. The Franchisee shall maintain such records for the current year plus three (3) years. The City's audit expenses shall be borne by the City unless the audit determines the payment to the City should be increased by more than five percent (5%) in the audited period, in which case the costs of the audit shall be paid by the Franchisee to the City within thirty (30) days following written notice to the Franchisee by the City of the underpayment, which notice shall include a copy of the audit report. If recomputation results in additional revenue to be paid by Franchisee to the City, such amount shall be subject to an interest charge in accordance with the City's standard rate for computing interest charges on late payments.

SECTION 7 - Customer Service Standards; Customer Bills; and Privacy Protection

7.1 Customer Service Standards. The Franchisee shall comply in all respects with the customer service requirements established by the FCC. Franchisee shall be subject to the following customer service standards consistent with 47 U.S.C. §§ 76.309, 1602, 1603, 1618 and 1619:

7.1.1 Franchisee will maintain a local or toll-free telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

7.1.1.1 Trained representatives will be available to respond to customer telephone inquiries during normal business hours.

7.1.1.2 After normal business hours, the access line may be answered by a service or automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained representative on the next business day.

7.1.2 Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions as measured on a quarterly basis.

7.1.3 Under normal operating conditions, the customer will receive a busy signal less than three percent (3%) of the time.

7.1.4 Franchisee shall accurately collect and maintain data to measure its compliance with the telephone answering standards in Sections 7.1.2 and 7.1.3.

7.1.5 Customer service centers and bill payment locations will be open at least during normal business hours and one or more bill payment centers will be conveniently located in the Lynchburg area.

7.1.6 Installations, Outages, and Service Calls. Under normal operating conditions, each of the following standards will be met no less than ninety five percent (95%) of the time as measured on a quarterly basis.

7.1.6.1 Standard installations will be performed within seven business days after an order has been placed. "Standard" installations are those that are within 150 feet of the existing distribution system.

7.1.6.2 Excluding conditions beyond the control of the Franchisee, the Franchisee will begin repairs on Service Outages promptly and in no event later than twenty-four (24) hours after the outage becomes known.

7.1.6.3 The Franchisee must begin working to correct Service Interruptions within 24 hours, including weekends, of receiving a subscriber call for a Service Interruption.

7.1.7 Franchisee shall accurately collect and maintain data to measure its compliance with subparagraph 7.1.6.

7.1.8 The "appointment window" alternatives for installations, service calls and other installation activities will either be at a specific time or, at maximum, a four-hour time block during normal business hours. Franchisee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.

7.1.9 Franchisee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. If Franchisee representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled as necessary, at a time which is convenient for the customer.

7.1.10 Franchisee shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

- (i) Products and services offered;
- (ii) Prices and options for programming services and conditions of subscription to programming and other services;
- (iii) Installation and service maintenance policies;
- (iv) Instructions on how to use the cable service;
- (v) Channel positions of programming carried on the system;
- (v) Refund policy; and
- (vii) Billing and complaint procedures, including the Franchisee's office hours, telephone number, and address of the local cable office.

7.1.11 Upon request by the City, Franchisee shall be required to submit quarterly reports to the Franchising Authority, in accordance with Section 8.8 – Reporting, to allow it to monitor Franchisee's compliance with quarterly customer service standards.

7.2 Customer Bills. Customer bills shall be designed in such a way as to present the information contained therein clearly and comprehensibly to Customers, and in a way that (i) is not misleading and (ii) does not omit material information. Notwithstanding anything to the contrary in Section 7.1, above, the Franchisee may, in its sole discretion, consolidate costs on Customer bills as may otherwise be permitted by Section 622(c) of the Cable Act (47 U.S.C. §542(c)).

7.3 Franchisee shall notify subscribers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the Franchisee. In addition, Franchisee shall notify subscribers thirty

(30) days in advance of any significant changes in the other information required by Section 7.1.10.

7.4 In case of a billing dispute, Franchisee must respond to a written complaint from a subscriber within thirty (30) days.

7.5 Refund checks will be issued promptly, but not later than either:

7.5.1 The customer's next billing cycle following resolution of the request, or thirty (30) days, whichever is earlier, or

7.5.2 The return of the equipment supplied by Franchisee if service is terminated.

7.6 Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

7.7 Franchisee shall maintain an office in the Lynchburg area for, at minimum, the payment of bills, delivery and return of subscriber equipment, requests for installation, disconnection, and reinstatement of cable service, addressing of subscriber inquiries, and receipt of subscriber complaints.

7.8 Franchisee shall provide parental control devices to all subscribers who wish to be able to block out any objectionable channel(s) of programming from the cable service entering the subscriber's home.

7.9 Privacy Protection. The Franchisee shall comply with all applicable federal and state privacy laws, including Section 631 of the Cable Act and regulations adopted pursuant thereto.

SECTION 8 - Oversight and Regulation by Franchising Authority

8.1 Oversight of Franchise. In accordance with applicable law, the Franchising Authority shall have the right to oversee, regulate and, on reasonable prior written notice and in the presence of Franchisee's employee, periodically inspect the construction, operation and maintenance of the Cable System in the Franchise Area, and all parts thereof, as necessary to monitor Franchisee's compliance with the provisions of this Franchise Agreement.

8.2 Technical Standards. The Franchisee shall comply with all applicable technical standards of the FCC as published in subpart K of 47 C.F.R. § 76. To the extent those standards are altered, modified, or amended during the term of this Franchise, the Franchisee shall comply with such altered, modified or amended standards within a reasonable period after such standards become effective. The Franchising Authority shall have, upon written request, the right to obtain a copy of tests and records required to be performed pursuant to the FCC's rules.

8.3 Operational Records. The Franchisee shall maintain the records required to compute all operational and customer service compliance measures outlined in this Franchise to demonstrate that the measures are being met for at least four consecutive quarters. Failure to maintain the records as required herein shall subject the Franchisee to the liquidated damages established in this Franchise Agreement.

8.4 Records Required: Franchisee shall at all times maintain:

8.4.1. Records of all written complaints for a period of one year after receipt by Franchisee or until the applicable compliance measures described in this Franchise are met for four consecutive quarters. The term “complaint” as used herein refers to complaints about any aspect of the Cable System or Franchisee’s cable operations, including, without limitation, complaints about employee courtesy. Complaints recorded will not be limited to complaints requiring an employee service call;

8.4.2. Records of Outages and Service Interruptions for a period of one year after occurrence, or until the applicable compliance measures described in this Franchise are met for four consecutive quarters, indicating date, duration, area, and the number of Subscribers affected, type of outage, and cause;

8.4.3. Records of service calls for repair and maintenance for a period of one year after resolution by Franchisee, or until the applicable compliance measures described in this Franchise are met for four consecutive quarters, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved;

8.4.4. Records of installation/reconnection and requests for service extension for a period of one year after the request was fulfilled by Franchisee, or until the applicable compliance measures described in this Franchise are met for four consecutive quarters, indicating the date of request, date of acknowledgment, and the date and time service was extended; and

8.5 Federal Communications (FCC) Testing: Within fourteen (14) days of a written request by the City, a written report of test results of FCC performance testing will be provided to the City Manager / Designee.

8.6 File for Public Inspection. Throughout the term of this Franchise Agreement, the Franchisee shall maintain at its business office, in a file available for public inspection during normal business hours, those documents required pursuant to the FCC’s rules and regulations. Upon reasonable written notice to the Franchisee and with no less than thirty (30) business days’ written notice to the Franchisee, the City shall have the right to inspect Franchisee’s books and records pertaining to Franchisee’s provision of Cable Service in the franchise area at any time during normal business hours and on a nondisruptive basis, as are reasonably necessary to ensure compliance with the terms of

this franchise. Such notice shall specifically reference the section or subsection of the franchise which is under review, so that Franchisee may organize the necessary books and records for appropriate access by the City. Franchisee shall not be required to maintain any books and records for franchise compliance purposes longer than the current year plus three (3) years.

8.7 Proprietary Information:

8.7.1 Notwithstanding anything to the contrary set forth herein, Franchisee shall not be required to submit information to the City that it reasonably deems to be proprietary or confidential in nature, nor submit to the City any of its or an affiliate's books and records not relating to the provision of Cable Service in the franchise area, except as provided herein. Such confidential information shall be subject to the following, to be applied as is most practicable for the purposes of this Agreement:

8.7.1.1 To the extent an exemption under the Virginia Freedom of Information Act permits the City to maintain the confidentiality of submitted information and the Franchisee submits such information to the City, the City shall maintain the confidentiality of such information and not disclose it to any public request;

8.7.1.2 To the extent the information provided to an accountant, attorney, consultant, or any other agent of the City ("City Consultant") would not be subject to public disclosure under the Virginia Freedom of Information Act and the City instructs the Franchisee to provide such information to the City Consultant as may be required by this Agreement, the Franchisee shall provide such information to the City Consultant and the City shall not take possession of the information nor engage in any act that would jeopardize the confidentiality of such information; or,

8.7.1.3 Franchisee must provide the following documentation to the City:

- (i) specific identification of the information;
- (ii) statement attesting to the reason(s) the Franchisee believes the information is confidential; and
- (iii) statement that the documents are available at the Franchisee's designated offices for inspection by the City.

8.7.2 At all times, the City shall take reasonable steps to protect the proprietary and confidential nature of any books, records, maps, plans, or other City-requested documents that are provided pursuant to the Agreement to the extent they are designated as such by the Franchisee. Nothing in this Section shall be read to require the Franchisee to violate federal or state law protecting Subscriber privacy.

8.8 Reporting. The Franchisee shall submit the following reports regarding annual financial information and quarterly customer service information:

8.8.1 Annual Reports. No later than ninety (90) days after the end of its fiscal year, Franchisee shall submit a written report to the City, which shall include a list of major cable-related projects undertaken in the past year and planned for the current year, including construction and upgrade schedules for any new, relocated, or upgraded aerial or underground facilities;

8.8.2 Quarterly Reports. Upon request by the City, no later than thirty (30) days after the end of each calendar quarter, the Franchisee shall submit a written report to the City regarding complaints and service requests received by each call center serving the City, containing such categories of information as the Franchisee records in the normal course of business, which shall include:

8.8.2.1 A report showing the number of service calls received by type during that quarter, including any property damage to the extent such information is available to the Franchisee, and any line extension requests received during that quarter;

8.8.2.2 A report showing the number of outages for that quarter, identifying separately each outage of one or more nodes for more than one hour at a time, the date and time it occurred, the date and time when repairs began, its duration, the map area, and, when available to the Franchisee, number of homes affected.

8.8.2.3 A report showing the Franchisee's performance with respect to Section 7.1 of this Agreement and all applicable customer service standards established in 47 C.F.R. §76.309(c), signed by an officer or employee certifying its performance with these customer service standards. Included in this report will be the following information:

- i) Percentage of telephone calls that were answered within 30 seconds
- ii) Percentage of telephone calls received that were abandoned before being answered by a live operator
- iii) Average hold time for telephone calls received
- iv) Percentage of time when all incoming trunk lines were in a busy condition
- v) Percentage of standard installations performed within seven business days
- vi) Percentage of repair calls for Service Interruptions responded to within 24 hours.

8.8.3 The Franchisee shall submit to the City copies of each petition, application, report, and communication that directly and materially affects the provision

of Cable Service within the Franchise Area that are transmitted by the Franchisee to any federal, state, or other regulatory commissions, agencies or courts.

SECTION 9 – Transfer or Change of Control of Cable System or Franchise

9.1 No transfer of this Franchise shall occur without the prior written consent of the Franchising Authority, which consent shall not be unreasonably withheld, delayed or conditioned. No transfer shall be made to a Person, group of Persons or Affiliate that is not legally, technically and financially qualified to operate the Cable System and satisfy the obligations hereunder.

SECTION 10 - Insurance and Indemnity

10.1 The Franchisee shall indemnify, hold harmless and defend the City, its officers, employees, and agents (hereinafter referred to as "indemnities"), from and against:

10.1.1 Any and all third-party claims for liabilities, obligations, damages, penalties, liens, costs, charges, losses and expenses (including, without limitation, fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or asserted against the indemnitees by reason of any act or omission of the Franchisee, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, trade name, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, installation, operation, maintenance, use or condition of the Franchisee's cable system caused by Franchisee, its contractors, subcontractors or agents or the Franchisee's failure to comply with any federal, state or local statute, ordinance or regulation.

10.1.2 Any and all third-party claims for liabilities, obligations, damages, penalties, liens, costs, charges, losses and expenses (including, without limitation, fees and expenses of attorneys, expert witnesses and consultants), which are imposed upon, incurred by or asserted against the indemnitees by reason of any claim or, lien arising out of work, labor, materials or supplies provided or supplied to the Franchisee, its contractors or subcontractors, for the installation, construction, operation or maintenance of the Franchisee's cable system in the city.

10.1.3 Any and all third-party claims for liabilities, obligations, damages, penalties, liens, costs, charges, losses and expenses (including, without limitation, fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or asserted against the indemnitees by reason of any financing or securities offering by Franchisee or its affiliates for violations of the common law or any

laws, statutes or regulations of the Commonwealth of Virginia or of the United States, including those of the Federal Securities and Exchange Commission, whether by the Franchisee or otherwise.

10.2 Damages shall include, but not be limited to, penalties arising out of copyright infringements and damages arising out of any failure by the Franchisee to secure consents from the owners, authorized distributors or licensees, or programs to be delivered by the Franchisee's cable system.

10.3 The Franchisee undertakes and assumes for its officers, agents, contractors and subcontractors and employees all risk of dangerous conditions, if any, on or about any City-owned or controlled property, including streets and public rights-of-ways, and the Franchisee hereby agrees to indemnify and hold harmless the indemnitees against and from any claim asserted or liability imposed upon the indemnitees for personal injury or property damage to any person arising out of the installation, operation, maintenance or condition of the Franchisee's cable system or the Franchisee's failure to comply with any federal, state or local statute, ordinance or regulation, except for any claim asserted or liability imposed upon the indemnitees that arises or is related to wanton or willful negligence by the indemnitees.

10.4 In the event any action or proceeding shall be brought against the indemnitees by reason of any matter for which the indemnitees are indemnified hereunder, the Franchisee shall, upon notice from any of the indemnitees, and at the Franchisee's sole cost and expense, resist and defend the same, provided further, however, that the Franchisee shall not admit liability in any such matter on behalf of the indemnitees without the written consent of the City Attorney or his or her designee.

10.5 The City shall give the Franchisee prompt notice of the making of any written claim or the commencement of any action, suit or other proceeding covered by the provisions of this section.

10.6 Nothing in this ordinance or in a franchise is intended to, or shall be construed or applied to, express or imply a waiver by the City of statutory provisions, privileges or immunities of any kind or nature as set forth in the Code of Virginia, including the limits of liability of the City as exists presently or as may be increased from time to time by the legislature. Nothing in a franchise or this ordinance shall constitute a waiver of the City's statutory provisions, privileges or immunities, including the City's sovereign immunity, of any kind or nature.

10.7 The Franchisee shall maintain, and by its acceptance of a franchise hereunder specifically agrees that it will maintain throughout the term of the franchise, general comprehensive liability insurance insuring the Franchisee. All liability insurance shall include an endorsement in a specific form which names as joint and several insured's the City and the City's officials, employees and agents, with respect to all claims arising out of the operation and maintenance of the Franchisee's cable system in the city. Liability insurance mentioned herein below shall be in the minimum amounts of:

10.7.1 \$5,000,000.00 for bodily injury or death to anyone person, within the limit of ten million dollars (\$10,000,000) for bodily injury or death resulting from any one accident;

10.7.2 \$5,000,000.00 for property damage, including damage to the City's property, from any one accident;

10.7.3 \$5,000,000.00 for all other types of liability resulting from any one occurrence;

10.7.4 Workers Compensation Insurance as required by the Commonwealth of Virginia;

10.7.5 Franchisee shall carry and maintain in its own name automobile liability insurance with a limit of \$5,000,000 for each person and \$5,000,000 for each accident for property damage with respect to owned and non-owned automobiles for the operation of which the Franchisee is responsible; and

10.7.6 Coverage for copyright infringement.

10.8 The inclusion of more than one (1) insured shall not operate to increase the limit of the Franchisee's liability, and that insurer waives any right on contribution with insurance which may be available to the City.

10.9 All policies of insurance required by this section shall be placed with companies which are qualified to write insurance in the Commonwealth of Virginia and which maintain throughout the policy term a General Rating of "A-VII" and a Financial Size Category of "A:X" as determined by Best Insurance Rating Services.

10.10 Certificates of insurance obtained by the Franchisee in compliance with this section must be approved by the City Attorney, and such insurance policy certificate of insurance shall be filed and maintained with the City's Risk Manager during the term of the franchise. The Franchisee shall immediately advise the City Attorney of any litigation that may develop that would affect this insurance.

10.11 Should the City find an insurance document to be in non-compliance, then it shall notify the Franchisee, and the Franchisee shall be obligated to cure the defect.

10.12 Neither the provisions of this section, nor any damages recovered by the City thereunder, shall be construed to nor limit the liability of the Franchisee under any franchise issued hereunder or for damages.

10.13 The insurance policies provided for herein shall name the City, its officers, employees and agents as additional insured's, and shall be primary to any insurance or self-insurance carried by the City. The insurance policies required by this section shall be carried and maintained by the Franchisee throughout the term of the franchise and such other period of time during which the Franchisee operates or is engaged in the removal of its cable system. Each policy shall contain a provision providing that the insurance policy

may not be canceled by the surety, nor the intention not to renew be stated by the surety, until thirty (30) days after receipt by the City, by registered mail, of written notice of such intention to cancel or not to renew.

10.14 Nothing in this section shall require Franchisee to indemnify, hold harmless or defend the City, its officials, employees or agents, from any claims or lawsuits arising out of the City's award of a franchise to another person.

SECTION 11 - System Description and Service

11.1 System Characteristics: Franchisee's Cable System shall meet or exceed the following requirements:

11.1.1. The System shall provide bandwidth capacity capable of carrying one hundred (100) channels of video programming.

11.1.2. The System shall be designed to be an active two-way plant for subscriber interaction, if any, required for selection or use of Cable Service. The digital offerings shall include some high definition Cable Service.

11.1.3. The Cable Service shall be operated in a manner such that it is in compliance with FCC standards and requirements with respect to interference. The Cable System shall be operated in such a manner as to minimize interference with the reception of off-the-air signals by a Subscriber. The Franchisee shall insure that signals carried by the Cable System, or originating outside the Cable System wires, cable, fibers, electronics and facilities, do not ingress, or egress into or out of the Cable System in excess of FCC standards. In particular, the Franchisee shall not operate the Cable System in such a manner as to pose unwarranted interference with emergency radio services, aeronautical navigational frequencies or an airborne navigational reception in normal flight patterns, or any other type of wireless communications, pursuant to FCC regulations.

11.2. Interconnection: The Franchisee shall design its Cable System so that it may be interconnected with other cable systems and open video systems in the Franchise Area. Interconnection of systems may be made by direct cable connection, microwave link, satellite, or other appropriate methods.

11.3. Standby Power: The Franchisee shall provide standby power generating capacity at the headend and at all hubs. The Franchisee shall maintain standby power capable of at least twenty-four (24) hours duration at the headend and all hubs, with automatic response systems to alert the local management center when commercial power is interrupted. The Franchisee shall have portable generators available to provide power to the Cable System for not less than two (2) hours in the event of an electrical outage.

11.4. Technical Standards: The Cable System shall meet or exceed the applicable technical standards set forth in 47 C.F.R. § 76.601.

11.5. Leased Access Channels: The Franchisee shall provide Leased Access Channels as required by federal law.

11.6 Service to School and Government Buildings. Franchisee shall provide, without charge, one cable service outlet activated for basic cable service to each building used by City government receiving such service as of the Effective Date, as well as other such buildings where service is requested in the future that are located within the Franchise Area within 200 feet of the Franchisee's distribution cable. The excess cost for extending service to buildings not within 200 feet of the Franchisee's distribution cable shall be paid by the entity requesting service.

11.7 Emergency Powers. In the event of an emergency, or where Franchisee's cable system creates or is contributing to an imminent danger to health, safety, or property, or an unauthorized use of property, the Franchisee shall remove or relocate any or all parts of Franchisee's cable system at the request of the City. If the Franchisee fails to comply with the City's request, the City may remove or relocate any or all parts of the Franchisee's cable system upon reasonable notice to the Franchisee.

11.8 Emergency Alert System.

11.8.1 Franchisee shall install and thereafter maintain for use by the City, an Emergency Alert System (EAS).

11.8.2 The EAS shall at all times be operated in accordance with FCC rules and the Virginia EAS Plan. If the City determines that it is in the public interest to implement franchise emergency override capabilities in addition to those required by federal and state law, and provided that the additional franchise emergency override capabilities are technically feasible and can be deployed at a reasonable cost, Franchisee shall deploy such additional capabilities at its sole cost within twelve (12) months of a request by the City.

11.8.3 The City or other designated body responsible under any approved state or local EAS plan shall provide reasonable notice to the Franchisee prior to any test of the EAS. The Franchisee shall cooperate with the City or other designated body responsible under any approved state or local EAS plan in any such test.

11.8.4 Franchisee shall maintain the EAS and shall periodically upgrade the EAS at the Franchisee's sole expense to ensure that the EAS technology remains consistent and compatible with prevailing technology and applicable law.

SECTION 12 - Enforcement of Franchise

12.1 If, pursuant to any required public hearing, the City determines that the Franchisee has failed to materially comply with this franchise, Article 1.2 (§§ 15.2-2108

et seq.) of Chapter 121 of Title 15.2 of the Code of Virginia, or the applicable mandatory requirements of 47 U.S.C. §§ 521-573 or any regulation promulgated thereunder, the City may impose any penalty for a violation of the terms of an ordinance franchise that it may impose for a comparable violation under the terms of a negotiated franchise or applicable Virginia or City law, including, without limitation, revocation of the franchise.

12.2 Within thirty (30) days after the award of a franchise, the Franchisee shall deposit with the City a performance bond or an irrevocable letter of credit from a financial institution running to the City in the amount of fifty thousand dollars (\$50,000.00.). The bond or letter of credit shall be used to insure the faithful performance by the Franchisee of all of the provisions of its franchise and this ordinance, Sections 15.2-2108.19 *et seq.* of the Code of Virginia, and the mandatory requirements of 47 U.S.C. §§ 521-573 and any rules promulgated thereunder, and compliance with all lawful orders, permits, and directions of any agency, commission, board, department, division, or office of the City or VDOT having jurisdiction over the acts of the Franchisee, or defaults under a franchise or the payment by Franchisee of any penalties, liquidated damages, claims, liens, and taxes due the City which arise by reason of the construction, operation, or maintenance of Franchisee's cable system in the city, including , including restoration of the public rights-of-way and the cost of removal or abandonment of any property of a cable operator.

12.3 Any bond obtained by Franchisee must be placed with a company which is qualified to write bonds in the Commonwealth of Virginia, such bond shall be subject to the approval of the City Attorney, which approval shall not be unreasonably withheld or denied, and shall contain the following endorsement (or the substantive equivalent of such language as agreed upon by the City):

“It is hereby understood and agreed that this bond may not be cancelled without the consent of the City until sixty (60) days after receipt by the City by registered mail, return receipt requested, of a written notice of intent to cancel or not renew.”

12.4 Any letter of credit must be issued by a federally insured commercial lending institution and shall be subject to the approval of the City Attorney, which approval shall not be unreasonably withheld or denied.

12.4.1 The letter of credit may be drawn upon by the City by presentation of a draft at sight on the lending institution, accompanied by a written certificate signed by the City Manager or his designee, certifying that the Franchisee has failed to comply with this ordinance after having been given due notice and opportunity to cure the failure to comply. Such certificate shall also state the specific reasons for the failure of compliance, and stating the basis of the amount being drawn.

12.4.1.1 The City may withdraw money from the letter of credit in accordance with the procedures set forth in this section.

12.4.1.2 The City shall provide the Franchisee with written notice informing the Franchisee that such amounts are due to the City. The written notice shall

describe, in reasonable detail, the reasons for the assessment. In accordance with Section 12.7, the Franchisee shall cure every failure cited by the City or notify the City that there is a dispute as to whether Franchisee believes such amounts are due the City. Such notice by the Franchisee to the City shall specify with particularity the basis of Franchisee's belief that such monies are not due the City.

12.4.1.3 Upon the delivery of the necessary documents to the lending institution, the City has the right to immediate payment from the issuer bank of the amount from the letter of credit necessary to cure the default.

12.4.1.4 Any letter of credit shall contain the following endorsement: "It is hereby understood and agreed that this letter of credit may not be canceled by the issuer bank nor the intention not to renew be stated by the issuer bank until sixty (60) days after receipt by the City, by registered mail, return receipt requested, of a written notice of such intention to cancel or not to renew."

12.5 Any bond or letter of credit shall be recoverable by the City for all damages and costs, whether direct or indirect, resulting from the failure of Franchisee to well and faithfully observe and perform any provision of this ordinance.

12.6 The bond or letter of credit shall be maintained at the amount established herein for the entire term of the franchise, even if amounts have to be withdrawn pursuant to this ordinance. The Franchisee shall promptly replace any amounts withdrawn from the bond or letter of credit.

12.7 Non-compliance procedures.

12.7.1 Should the Franchising Authority believe that the Franchisee has not complied with any of the provisions of this Franchise Agreement, it shall: (i) informally discuss the matter with the Franchisee and (ii) notify the Franchisee in writing of the exact nature of the alleged noncompliance if the discussions described in the foregoing clause (i) do not lead to resolution of the alleged noncompliance. The Franchisee shall have thirty (30) days from receipt of this written notice to: (a) respond to the Franchising Authority, if the Franchisee contests, in whole or in part, the assertion of noncompliance; (b) cure such default; or (c) in the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the Franchising Authority of the steps being taken and the projected date that they will be completed. The Franchising Authority shall schedule a public hearing in the event that the Franchisee fails to respond to the written notice pursuant to these procedures or in the event that the alleged default is not remedied within thirty (30) days of the date projected above if the Franchising Authority intends to continue its investigation into the default. The Franchising Authority shall provide the Franchisee at least thirty (30) business days prior written notice of such hearing, which will specify the time, place, and purpose.

12.7.2 In the event the Franchisee fails to cure the default within thirty (30) days, fails to file a timely written response, or fails to timely complete the remediation, the City, if it wishes to continue its investigation into the default, shall

schedule a public hearing. The Franchisee shall be notified in writing at least thirty (30) business days prior to the public hearing and shall be provided an opportunity to be heard at the public hearing. The notice shall specify the time, place, and purpose of the public hearing. The City shall: (1) provide public notice of the hearing in compliance with Virginia law; (2) hear any person interested in the violation under review; and (3) provide the Franchisee with an opportunity to be heard.

12.7.3 The City shall, within a reasonable time after the closure of the public hearing, issue findings and conclusions in writing, setting forth the basis for the findings, the proposed cure plan and time line for curing the violation, if the violation can be cured, and the penalties, damages and applicable interest, if any, owed.

12.7.4 Subject to applicable federal and Virginia law and the provisions of this ordinance, if the City determines pursuant to a public hearing that Franchisee is in violation of any provision of this ordinance, Article 1.2 (§§ 15.2-2108 *et seq.*) of Chapter 121 of Title 15.2 of the Code of Virginia, or the applicable mandatory requirements of 47 U.S.C. §§ 521-573 or any regulation promulgated thereunder, the City may apply one or a combination of the following remedies: (i) seek specific performance or other equitable relief; (ii) commence an action at law; (iii) apply penalties in accordance with Section 12.8, if applicable; or (iv) apply liquidated damages in accordance with Section 12.8, if applicable.

12.7.5 The City may designate the cable administrator or other designee to conduct the hearings and issue findings and conclusions under this subsection. If the City does so, the Franchisee may appeal the determination of the cable administrator or other City designee to the City Council. Such an appeal shall be heard at a lawfully noticed public hearing.

12.7.6 In the event Franchisee submits notification of unwillingness to comply with any additional service availability requirements as contained in Section 12.2-8 of this Ordinance, or fails to comply with these additional service requirements, the Franchisee's franchise may be terminated after written notice and a public hearing.

12.8 Penalties and Liquidated Damages. Because it may be difficult to calculate the harm to the Franchising Authority in the event of a breach of this Franchise Agreement by Franchisee, the parties agree to liquidated damages as a reasonable estimation of the actual damages. To the extent that the Franchising Authority elects to assess liquidated damages as provided in this Agreement and such liquidated damages have been paid, such damages shall be the Franchising Authority's sole and exclusive remedy. Nothing in this Section is intended to preclude the Franchising Authority from exercising any other right or remedy with respect to a breach that continues past the time the Franchising Authority stops assessing liquidated damages for such breach. Liquidated damages shall not be assessed until the Franchising Authority has completed the procedures set forth in Section 12.7 hereof, including holding a public hearing, and has notified the Franchisee, by certified or registered mail, of the proposed liquidated damage, specifying the violation at issue. The Franchisee shall have thirty (30) days from the date of receipt of the written notice to submit payment. If the Franchisee does

not make payment within that period, the Franchising Authority may obtain the amount assessed from the Franchisee's performance bond.

12.8.1 The first day for which liquidated damages may be assessed, if there has been no cure after the end of the applicable cure period, shall be the day after the end of the applicable cure period, including any extension of the cure period granted by the Franchising Authority.

12.8.2 Franchisee may appeal (by pursuing judicial relief or other relief afforded by the Franchising Authority) any assessment of liquidated damages within thirty (30) days of receiving written notice of the assessment. Franchisee's obligation to pay the liquidated damages assessed shall be stayed pending resolution of the appeal.

12.8.3 Liquidated damages may be assessed for the following violations of this Franchise Agreement, in the following amounts:

12.8.3.1 Failure to comply with PEG access requirements: \$200, for each violation for each day the violations continues;

12.8.3.2 Failure to render payments due to the Franchising Authority: Three-tenths of one percent (0.3%) of the unpaid amount for each day the violation continues, in addition to any monetary payment due and interest, in accordance with the City's standard rate for computing interest charges on late payments.

12.8.3.3 Failure to supply information, reports, or filings lawfully required: \$200, for each violation for each day the violation continues.

12.8.3.4 Failure to comply with customer service standards: \$200, for each violation for each day the violation continues, except where compliance is measured quarterly, in which case damages shall be as specified in Section 12.8.4.5.

12.8.3.5 Failure to comply with customer service standards with which compliance is measured on a quarterly basis: \$500 for the first violation in which such standards were not met; \$1,000 for any violation within 18 months after the first; and \$2,500 for any violation within 18 months after the second or any subsequent violation.

12.8.4.6 For failure to comply with any other requirement of this ordinance, applicable Virginia law or the Cable Act: \$100 a day for each violation for each day the violation continues.

12.8.3.7 The Franchisee shall not be charged with multiple violations for a single act or event affecting a single subscriber or for a single act or event affecting multiple subscribers on the same day.

12.8.3.8 The City may reduce or waive any of the above liquidated damages if it determines, in its discretion, that such waiver is in the public interest.

12.8.3.9 If a court of competent and binding jurisdiction determines that liquidated damages cannot be imposed by this ordinance rather than by contract, the foregoing liquidated damages shall be construed to be penalties to the full extent allowed and contemplated by Section 15.2-2108.22(6) of the Code of Virginia

12.9 Technical Violation. The Franchising Authority agrees that it is not its intention to subject the Franchisee to penalties, fines, forfeitures or revocation of the Franchise for so-called “technical” breach(es) or violation(s) of the Franchise, which shall include, but not be limited, to the following:

12.9.1 in instances or for matters where a violation or a breach of the Franchise by the Franchisee was good faith error that resulted in no or minimal negative impact on the Customers within the Franchise Area; or

12.9.2 where there existed circumstances reasonably beyond the control of the Franchisee and which precipitated a violation by the Franchisee of the Franchise, or which were deemed to have prevented the Franchisee from complying with a term or condition of the Franchise.

SECTION 13 - Inspection of facilities

13.1 Franchisee shall comply with all applicable federal, state and local construction and engineering codes and regulations, currently in force or hereafter applicable, to the construction, operation or maintenance of its cable system within the city. The City shall have the right to review Franchisee’s construction plans and specifications to assure compliance with the required standards. After construction has been completed, the City shall have the right to inspect all construction or installation work performed pursuant to the franchise and to conduct any tests it deems necessary to ensure compliance with the terms of this ordinance and all applicable federal, state and local building and engineering codes. However, the City shall not be required to review or approve construction plans and specifications or to make any inspections. The Franchisee shall be solely responsible for taking all steps necessary to assure compliance with applicable standards and to ensure that its cable system is installed in a safe manner and pursuant to the terms of the franchise and applicable law.

SECTION 14 - Miscellaneous Provisions

14.1 Force Majeure. The Franchisee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of the Franchise), where such noncompliance or alleged defaults occurred or were caused by events which constitute a Force Majeure, as defined in the Agreement.

14.2 Notice. All notices shall be in writing and shall be sufficiently given and served upon the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

To the Franchising Authority:

City Manager
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

To the Franchisee:

Shenandoah Cable Television, LLC
500 Shentel Way
Edinburg, VA 22824
Attn: Chris Kyle, Vice President

14.3 Entire Agreement. This Franchise Agreement, including all Exhibits, embodies the entire understanding and agreement of the Franchising Authority and the Franchisee with respect to the subject matter hereof and supersedes all prior understandings, agreements and communications, whether written or oral. All ordinances or parts of ordinances that are in conflict with or otherwise impose obligations different from the provisions of this Franchise Agreement are superseded by this Franchise Agreement.

14.4 Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Franchise Agreement is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

14.5 Governing Law. This Franchise Agreement shall be deemed to be executed in the Commonwealth of Virginia, and shall be governed in all respects, including validity, interpretation and effect, and construed in accordance with, the laws of the Commonwealth of Virginia, as applicable to contracts entered into and performed entirely within the Commonwealth.

14.6 Modification. No provision of this Franchise Agreement shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the Franchising Authority and the Franchisee, which amendment shall be authorized on behalf of the Franchising Authority through the adoption of an appropriate resolution or order by the Franchising Authority, as required by applicable law.

14.7 No Third-Party Beneficiaries. Nothing in this Franchise Agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of this Franchise Agreement.

14.8 No Waiver of Rights. Nothing in this Franchise Agreement shall be construed as a waiver of any rights, substantive or procedural, Franchisee may have under federal or state law unless such waiver is expressly stated herein.

IN WITNESS WHEREOF, this Franchise Agreement has been executed by the duly authorized representatives of the parties as set forth below, as of the date set forth below:

Attest:

City of Lynchburg, Virginia:

By: _____
Name: Bonnie Svrcek Date _____
Title: City Manager

Attest:

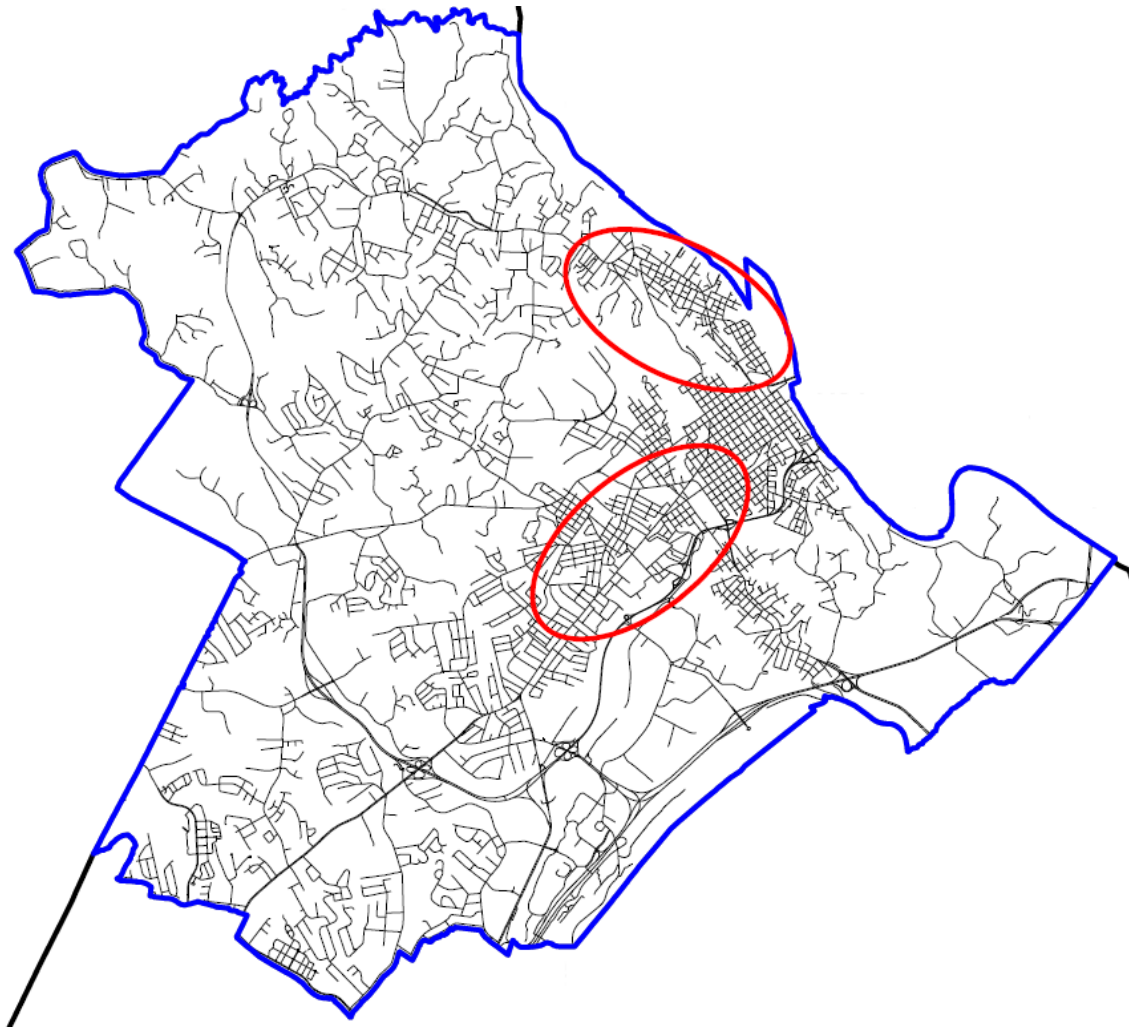
Shenandoah Cable Television, LLC

By: _____
Name: Chris Kyle

Date

Title:

Exhibit A
Initial Build Out Area



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Vacate a portion of Jackson Street

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the Jackson Street right-of-way vacation.

SUMMARY: The Rebkee Company is petitioning to vacate approximately ninety-two thousandths (0.092) acres of Jackson Street. The portion proposed for vacation includes an existing parking lot that encroaches into the right-of-way from the adjoining property at 1503 Grace Street.

This right-of-way vacation is related to an existing parking lot to be used by the development authorized by the rezoning of the former Grace Street Lodge, which was approved by City Council on May 14, 2019.

Pedestrian and vehicular traffic will not be impacted by the right-of-way vacation.

PRIOR ACTION(S):

June 25, 2019: The Physical Development Committee (PDC) will review this item at their meeting.

April 19, 2019: The Technical Review Committee (TRC) reviewed the right-of-way vacation. The required materials have been submitted and approved by staff.

FISCAL IMPACT:

Valuation of the property to be vacated is approximately \$16,000 - \$23,000 (assessed value range based on the proposed assessments of other properties zoned B-4 in this area)

CONTACT(S):

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

ATTACHMENT(S):

- Ordinance
- Application
- Title Letter & Supporting Plats
- Vacation Plat

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A CERTAIN PORTION OF RIGHT-OF-WAY KNOWN AS JACKSON STREET.

WHEREAS, The Rebkee Company is petitioning to vacate a certain portion of right-of-way known as Jackson Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way; and

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

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

BEGINNING AT A½" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF JACKSON STREET; THENCE S54°18'35"W A DISTANCE OF 13.00'; THENCE N34°57'00"W A DISTANCE OF 307.71'; THENCE N54°18'35"E A DISTANCE OF 13.00'; THENCE S34°57'00"E A DISTANCE OF 307.71'; WHICH IS THE POINT OF BEGINNING. HAVING AN AREA OF 0.092ACRES, MORE OR LESS

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg, and the City Manager is hereby authorized to sign any documents that may be needed to complete the vacation of the right-of-way.

Adopted:

Certified: _____
Clerk of Council

083R

APPLICATION FOR THE VACATION OF

A portion of Jackson Street

LOCATED

The east side of Jackson St between 15th St and Grace St

The undersigned applicant, The Rebkee Company, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Jackson Street described as follows:

BEGINNING AT A ½" REBAR FOUND ON THE EASTERLY RIGHT OF WAY LINE OF JACKSON STREET; THENCE S54°18'35"W A DISTANCE OF 13.00'; THENCE N34°57'00"W A DISTANCE OF 307.71'; THENCE N54°18'35"E A DISTANCE OF 13.00'; THENCE S34°57'00"E A DISTANCE OF 307.71'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.092 ACRES, MORE OR LESS

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on June 11, 2019, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Jackson Street.

Given under my hand this 1st day of April, 2019.

The Rebkee Company
Applicant

15871 City View Drive, Suite 300
Midlothian VA 23112
Address

804-417-0740
Phone Number

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

RECEIVED

APR 02 2019

COMMUNITY
DEVELOPMENT

From: Barbara B. Gladieux, VCTE

328 Sumpter St.
Lynchburg, Va 24503
bbglad@gmail.com

To: Victoria Glasgow

City Planning and Community Development
900 Church St.
Lynchburg, Va 24504

April 10, 2019

Dear Ms. Glasgow and to whom it may concern,

Accupoint Survey and Design, LLC secured my services to investigate the title to a portion of Jackson Street adjacent to property located at 1503 Grace Street, Parcel ID Number 02531001, being known as lot or parcel of real estate in the City of Lynchburg, Virginia, containing 0.899 acre, and being shown and described on a plat of survey entitled, PLAT SHOWING RESURVEY OF THE PROPERTY OF GRACE STREET ASSOCIATES, CITY OF LYNCHBURG, VIRGINIA, made by Armstrong Land Surveying, Inc., Richard B. Armstrong, Jr., L.S., dated August 20, 2014, and recorded in the aforesaid Clerk's Office in Plat Cabinet 10, at Slide 367, to determine ownership of the currently platted streets, to ensure future care and upkeep of the land.

Whereas, it is the desire of the future owner to vacate a portion of the city right of way along Jackson Street in order to make use of the existing physical improvements located within the city right of way, such as but not limited to parking areas.

Whereas, the title to 1503 Grace Street was researched from 1864 to present and the owners did not reserve title to land located within street right of ways.

Whereas, The City of Lynchburg annexed a certain portion of Campbell County in 1870 which contained the subject property.

Whereas, there was no subdivision plat found among the land records dedicating the right of way for Jackson Street adjacent to the subject parcel.

Whereas, there is a map of Lynchburg titled "Grays New Map of Lynchburg" drawn from special surveys 1877 (Exhibit 1) shows the width of Jackson Street to be 60 feet wide (scaled) adjacent to the subject parcel.

Whereas, there is a composite plat titled "Map City of Lynchburg" made by Demott and Magruder, Engineers (Exhibit 2) located in the Clerk's Office of the City of Lynchburg shows the width of Jackson Street to be 60 feet wide (scaled) adjacent to the subject parcel.

Whereas, there is a plat titled "PLAT SHOWING PROPERTY OF GRACE STREET ASSOCIATES LYNCHBURG, VIRGINIA" made by Erskine W. Proffitt, LS dated July 6, 1989 recorded in Deed Book 752 Page 313 (Exhibit 3) that depicts the Jackson Street public right of way to be 60 feet in width by physical measurements.

Whereas, the aforementioned survey by Richard B Armstrong, Jr. follows the same lines as the Erskine W. Proffitt survey.

Whereas, City of Lynchburg GIS records show the public right of way on Jackson Street to be 60 feet in width.

Whereas, Virginia is a Common Law State.

Whereas, the portion of Jackson Street which the abutting future land owner wishes to vacate does not contain publicly held or maintained improvements.

Therefore, it is my opinion in this matter that the title to that portion of Jackson Street in question is vested in The City of Lynchburg by a preponderance of evidence and will transfer to the abutting property owner upon completion of the street vacation process.

Please let me know if there are any questions and thank you to you and the City Attorney for helping us on this matter.

Fondly yours,

A handwritten signature in cursive script that reads "Barbara B. Gladieux".

Barbara B. Gladieux, VCTE

Drawn from Special Surveys
1877.

JACKSONVILLE, FLA.

JEFFERSON ST.

LYNCH ST.

MAIN ST.

CHURCH ST.

COURT ST.

CLAY ST.

MADISON ST.

HARRISON ST.

FEDERAL ST.

JACKSON ST.

ALLEY

WASHINGTON ST.

UNION ST.

ST. JAMES RIVER

PERCIVAL'S ISLAND

SOUTH SIDE R.R.

MIDDLAND R.R.

J. M. Hooker Jr.

J. C. Longshore

J. D. Longshore

J. M. Boyd

J. Davis Est.

J. M. Miller

PUBLIC SCHOOL

EXHIBIT 2

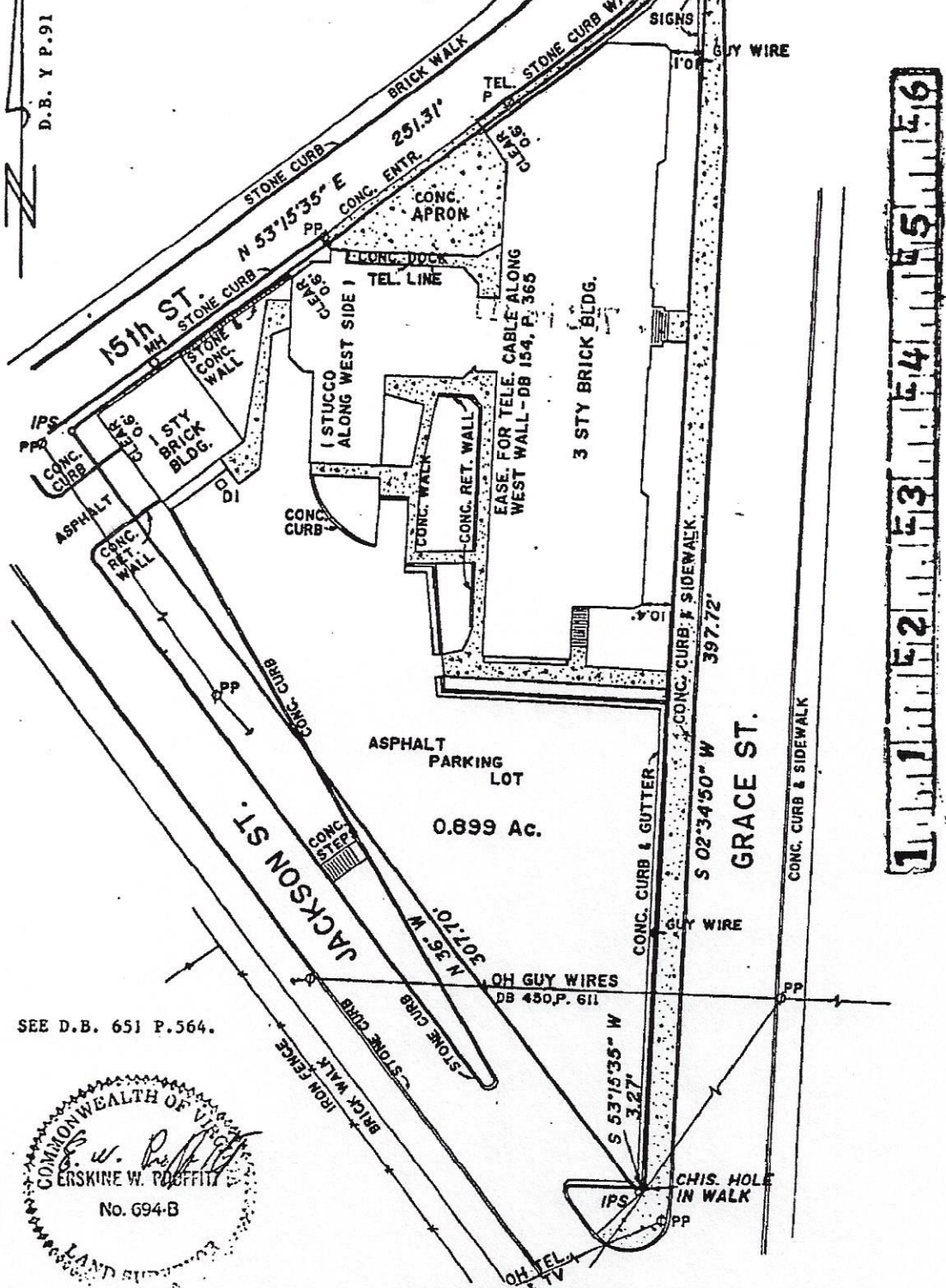


THIS PROPERTY IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' OR 'B' AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP DATED SEPTEMBER 1, 1978 AND REVISED NOVEMBER 16, 1983.

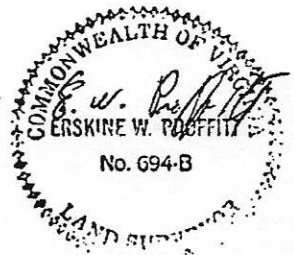
BOOK 752 PAGE 313

EXHIBIT 3

IPS IN PVMT. 0.25' FROM FACE CURB



SEE D.B. 651 P.564.



0 40
GRAPHIC SCALE



Hurt & Proffitt, Inc.
Engineers • Surveyors
2524 LANGHORNE RD.
LYNCHBURG, VA 24501
Phone 804 847-7796

PLAT SHOWING PROPERTY OF

GRACE STREET ASSOCIATES

LYNCHBURG, VIRGINIA

COMM. NO. 892356 DATE: JULY 6, 1989

REVISIONS: G.L. NO. 229-14-D3.5 OWN BY: AGA FILE NO. L-2596

VIRGINIA: In the Clerk's Office of the Circuit Court of the City of Lynchburg, The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 12th day of July, 1989.

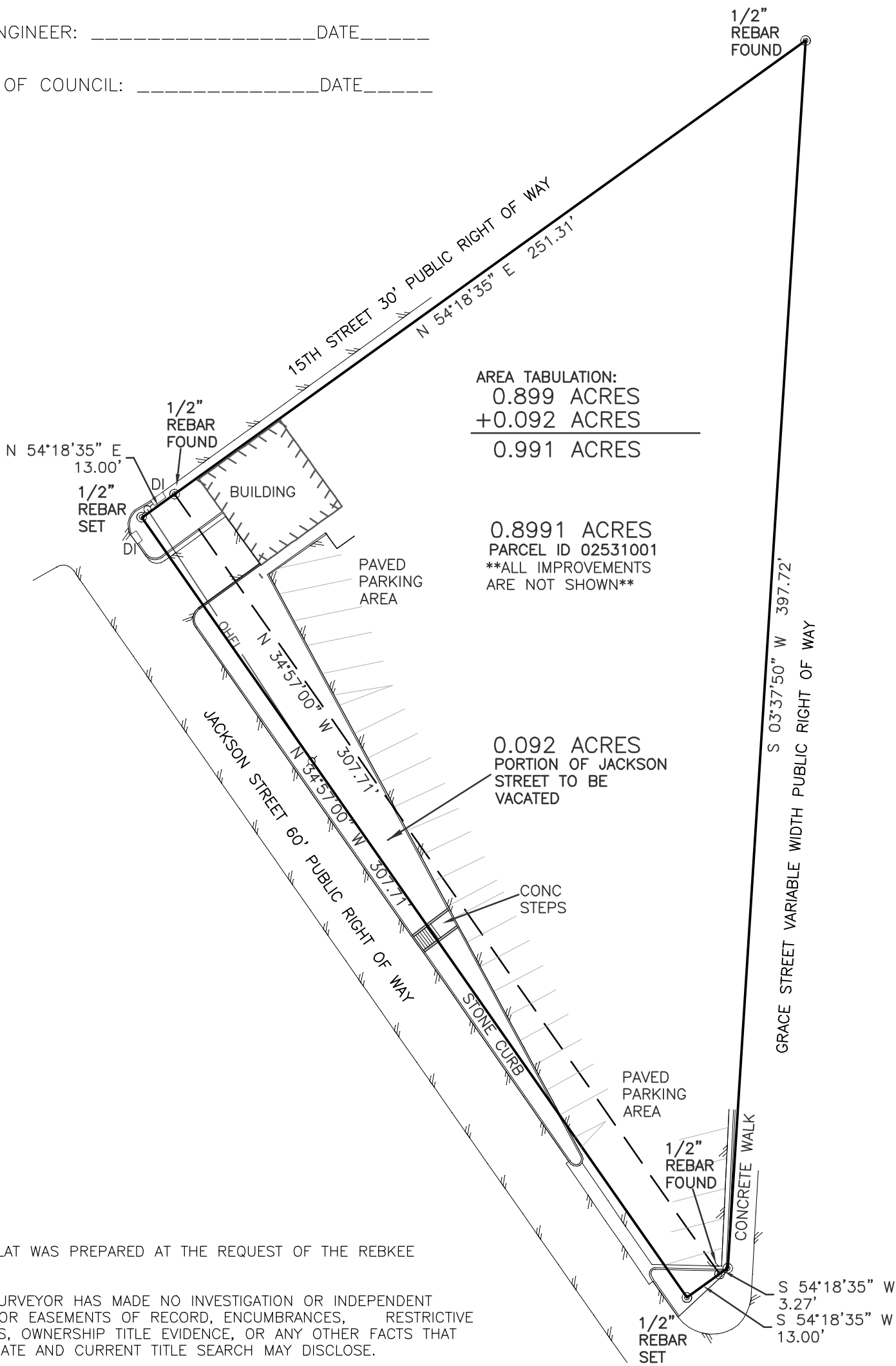
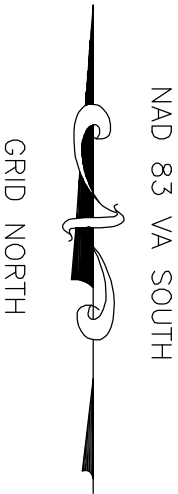
TESTE: *Quanita E. Skelley*
Clerk

Examined and
Delivered to

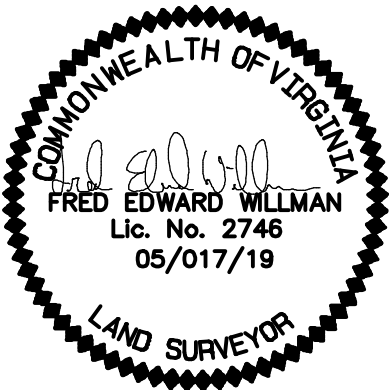
CITY PLANNER: _____DATE_____

CITY ENGINEER: _____DATE_____

CLERK OF COUNCIL: _____DATE_____



- NOTES:
1. THIS PLAT WAS PREPARED AT THE REQUEST OF THE REBKEE COMPANY.
 2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE UNSHADED FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D AND 5100930044D REVISED JUNE 3, 2008.
 4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



STREET VACATION EXHIBIT

SHOWING A PORTION OF JACKSON STREET TO BE VACATED

CITY OF LYNCHURG, VIRGINIA


ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
950 AIRPORT ROAD, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 40'
ASD JOB#	2019-147
FILE #:	2019-147.DWG

PARCEL ID# 02531001

DATE: APRIL 1, 2019 REV: MAY 7, 2019

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Future Land Use Map (FLUM) Amendment: Low Density Residential to Medium Density Residential Rezoning: R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional)
Conditional Use Permit: Laxton Ridge Townhomes, 1306 Laxton Road

KEY ELEMENTS:

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

RECOMMENDATION: Denial of the Future Land Use Map (FLUM) amendment from Low Density Residential to Medium Density Residential and denial of the rezoning from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional).

SUMMARY: Josh Lee, Troutspring, is petitioning for a *FLUM* amendment, rezoning, and Conditional Use Permit (CUP) to allow the construction of a townhome development at 1306 Laxton Road. The total acreage of the property is seven and nine hundredths (7.09) acres, with five and ninety-one hundredths (5.91) acres located within the City of Lynchburg. The portion within the City is currently zoned R-1, Low Density Residential and is proposed to be rezoned to R-3C, Medium Density Residential (Conditional). The *Zoning Ordinance* permits townhouse developments in the R-3 district upon approval of a CUP by City Council.

Planning Commission recommended denial of the *FLUM* and rezoning petitions, citing concerns about the increased traffic in the area and the development's impact on the character of the neighborhood.

Planning Commission did not take action on the CUP petition, given the denial recommendations on the *FLUM* and rezoning petitions.

On December 11, 2018, City Council conducted a public hearing concerning the petitions. After discussion, City Council voted to table (postpone indefinitely) the petitions, citing concerns with access, traffic and land use. The petitioner has revised the concept plan, reducing the number of units from fifty (50) to forty (40) and added an additional access point to Enterprise Drive and is requesting City Council to reconsider the petitions.

PRIOR ACTION(S):

June 11, 2019: City Council conducted a public hearing and tabled the item until the June 25, 2019 meeting.

December 11, 2018: City Council conducted a public hearing and postponed action on the *FLUM*, rezoning and CUP petitions (6-1).

November 14, 2018: The Planning Division recommended approval of the *FLUM*, rezoning and CUP petitions.

The Planning Commission recommended denial of the *FLUM* and rezoning petitions (4-3).

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):

- Resolutions A and B (FLUM amendment)
- Ordinance (Rezoning)
- Resolution C (CUP)
- Concept Plan Revised – April 12, 2019
- City Council Minutes – December 11, 2018
- City Council Agenda Summary – December 11, 2018

- Planning Commission Minutes– November 14, 2018
- Planning Commission Packet – November 14, 2018
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Profiles from Enterprise Drive and Sublett Court
 - o Narrative
 - o VDOT letter regarding Traffic Study
 - o Traffic Study
 - o Property Photograph
 - o Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION A:

A RESOLUTION DENYING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby denied.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION B:

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby approved.

Adopted:

Certified: _____

Clerk of Council

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY RESIDENTIAL 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.____ which shall read as follows:

Section 35.2-54.____. Change of a certain area located at 1306 Laxton Road from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the City of Lynchburg and Campbell County line being the southwestern corner of the hereon described parcel and being the point of beginning; thence north 00 degrees 40 minutes 26 seconds west +/- 229 feet to a point; thence north 07 degrees 54 minutes 41 seconds east 560.51 feet to a point; thence south 84 degrees 47 minutes 52 seconds east 24.03 feet to a point; thence south 64 degrees 04 minutes 25 seconds east 98.81 feet to a point; thence south 44 degrees 49 minutes 20 seconds east 100.00 feet to an iron pin found; thence south 64 degrees 49 minutes 20 seconds east 212.00 feet to a planted stone found; thence south 08 degrees 02 minutes 00 seconds west +/- 517 feet to a point on the City of Lynchburg and Campbell County line; thence along the City of Lynchburg and Campbell County line in a southwesterly direction to the point of beginning and containing +/- 5.91 acres.

.. is hereby changed from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Josh Lee, Troutspring LLC, to wit:

1. The property will be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan – Laxton Ridge Townhouse Development" as prepared by Hurt & Proffitt, revised on April 12, 2019.

And the City Planner 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

RESOLUTION C:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JOSH LEE, TROUTSPRING LLC, IN AN R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL) AT 1306 LAXTON ROAD TO ALLOW THE CONSTRUCTION OF A FORTY (40) UNIT TOWNHOME DEVELOPMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Conditional Use Permit petition of Josh Lee, Troutspring LLC in an R-3C, Medium Density Residential District (Conditional) at 1306 Laxton Road to allow the construction of a forty (40) unit townhome development is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan – Laxton Ridge Townhouse Development" as prepared by Hurt & Proffitt, revised on April 12, 2019.
2. All requirements of the Virginia Department of Transportation (VDOT) for access shall be met prior to final site plan approval.

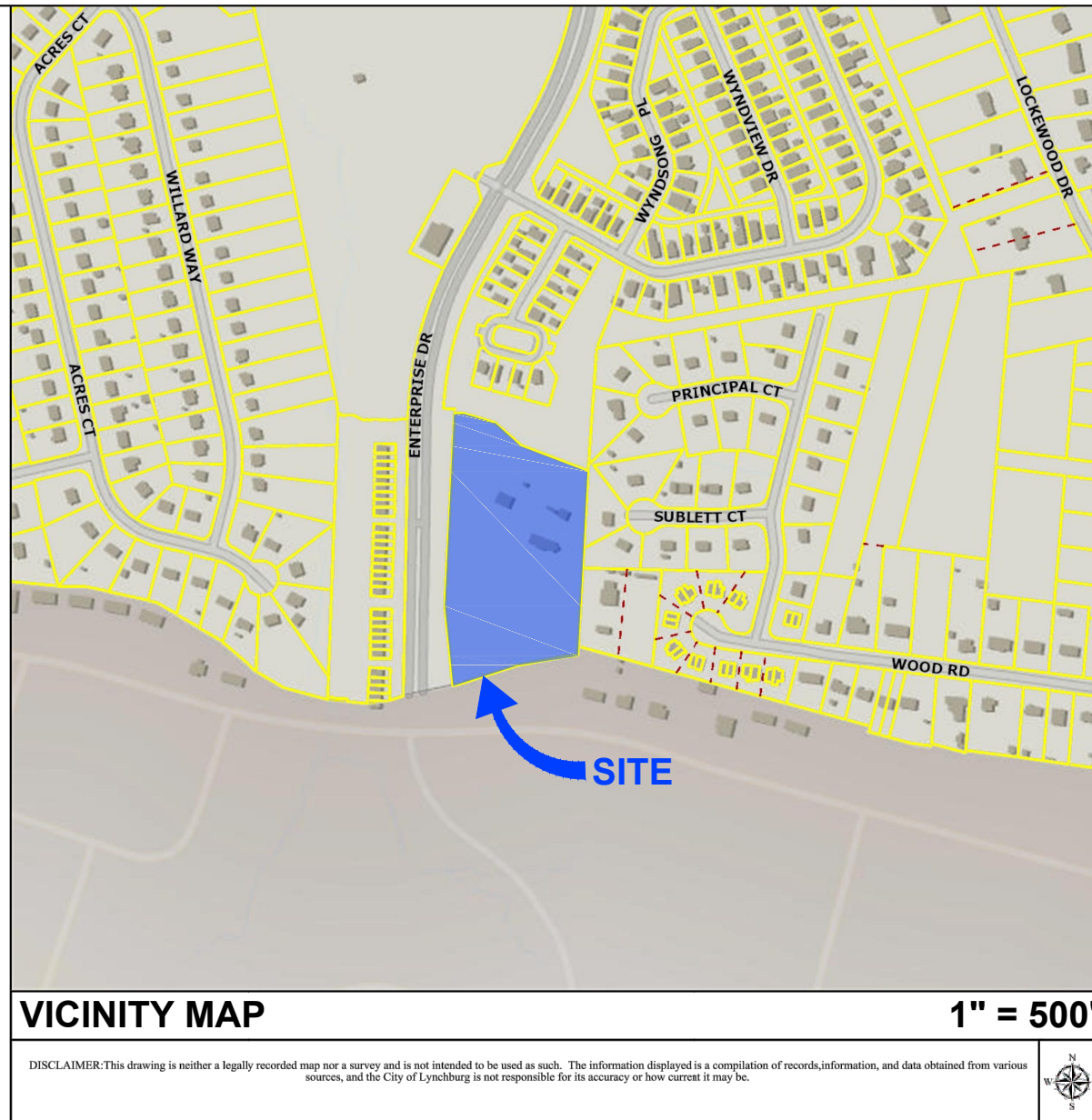
Adopted:

Certified: _____
Clerk of Council

084R

Legend

- Street Labels
- Legal Lot Lines
- ☐ Vacated Right of Way
- ☐ Parcels
- ☐ Owner Unknown
- ☐ Survey Gap
- ☐ Assessed By County



BEGINNING AT A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE BEING THE SOUTHWESTERN CORNER OF THE HEREON DESCRIBED PARCEL AND BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 40 MINUTES 26 SECONDS WEST +/- 229 FEET TO A POINT; THENCE NORTH 07 DEGREES 54 MINUTES 41 SECONDS EAST 560.51 FEET TO A POINT; THENCE SOUTH 84 DEGREES 47 MINUTES 52 SECONDS EAST 24.03 FEET TO A POINT; THENCE SOUTH 64 DEGREES 04 MINUTES 25 SECONDS EAST 98.81 FEET TO A POINT; THENCE SOUTH 44 DEGREES 49 MINUTES 20 SECONDS EAST 100.00 FEET TO AN IRON PIN FOUND; THENCE SOUTH 64 DEGREES 49 MINUTES 20 SECONDS EAST 212.00 FEET TO A PLANTED STONE FOUND; THENCE SOUTH 08 DEGREES 02 MINUTES 00 SECONDS WEST +/- 517 FEET TO A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE; THENCE ALONG THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE IN A SOUTHWESTERLY DIRECTION TO THE POINT OF BEGINNING AND CONTAINING +/- 5.91 ACRES.

1. DEVELOPER:
TROUTSPRING
JOSH LEE
2915 HUNTER MILL ROAD UNIT 19
OAKTON, VA 22124
2. PARCEL ADDRESS: 1306 LAXTON ROAD, LYNCHBURG, VA 24502
3. PARCEL ID: 25311026
4. PARCEL AREA: 5.91 ACRES
5. EXISTING ZONING: R-1
PROPOSED ZONING: R-3C
6. EXISTING FLUM DESIGNATION: LOW-DENSITY RESIDENTIAL
PROPOSED FLUM DESIGNATION: MEDIUM-DENSITY RESIDENTIAL
7. PROPOSED BUILDINGS:
USE: TOWNHOUSE
MIN. DISTANCE BETWEEN BUILDINGS: 32'
NO. OF STORIES: 2
MAX. AREA OF EACH FLOOR: 6,688 SF (8-UNIT BUILDING)
TOTAL NUMBER OF DWELLING UNITS: 40
MAX. HEIGHT: 40 FT
8. EXISTING BUILDINGS AND DRIVES WILL BE REMOVED.
9. PROPOSED DENSITY: 40 UNITS / 5.91 ACRE = 6.77 UNITS / ACRE
10. MINIMUM SETBACKS: MINIMUM LOT DIMENSIONS:

	<u>R-3</u>	<u>TOWNHOUSES</u>		<u>R-3</u>	<u>TOWNHOUSES</u>
FRONT:	30'	10'	AREA:	4,000 SF	1,200 SF
SIDE:	5'	16'	WIDTH:	30'	16'
REAR:	30'	25'			

NOTE: A MINIMUM 50' SIDE & REAR SETBACK REQUIRED WHEN ABUTTING A SINGLE HOUSEHOLD DISTRICT.
10. PARKING CALCULATIONS:
REQUIRED: 1 SPACE PER UNIT = 40 SPACES
PROVIDED: 96 SPACES
11. PROPOSED TOWNHOUSES WILL BE SERVED BY NEW PUBLIC WATER AND SEWER CONNECTIONS. THERE ARE NO KNOWN CAPACITY ISSUES IN THE EXISTING SYSTEMS.
12. REFUSE WILL BE MANAGED BY ONSITE DUMPSTERS.
13. PROPOSED LANDSCAPING IS SHOWN FOR SCHEMATIC PURPOSES. PARKING AREA LANDSCAPING, PARKING AREA SCREENING, FOUNDATION PLANTINGS, UTILITY SCREENING, AND BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPE ORDINANCE. EXISTING VEGETATION WILL BE UTILIZED TO THE EXTENT FEASIBLE. STREET TREES WILL BE PROVIDED ALONG ENTERPRISE DRIVE WHERE EXISTING VEGETATION DOES NOT MEET THE MINIMUM LANDSCAPING REQUIREMENTS. STORMWATER MANAGEMENT AND EXTERIOR HVAC UNITS WILL BE SCREENED FROM VIEW FROM THE PUBLIC R/W. EXISTING VEGETATION MAY BE USED TO PROVIDE THIS SCREENING.
14. PROPOSED LIGHTING IS SHOWN FOR SCHEMATIC PURPOSES. ALL EXTERIOR LIGHTING FIXTURES SHALL BE DESIGNED, LOCATED, AND ARRANGED SO AS NOT TO DIRECT GLARE ON ADJOINING STREETS OR RESIDENTIAL PROPERTIES.
15. DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
16. STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS. IT IS ANTICIPATED THAT ONSITE DETENTION WILL BE PROVIDED FOR QUANTITY CONTROL, AND OFFSITE NUTRIENT CREDITS WILL BE PURCHASED FOR QUALITY CONTROL. STORMWATER MANAGEMENT SHOWN IS SCHEMATIC.
17. THE AREA SHOWN HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #5100930101D DATED 6/3/2008.

 REV #1: 10/2/2018
 REV #2: 11/19/2018
 REV #3: 4/12/2019

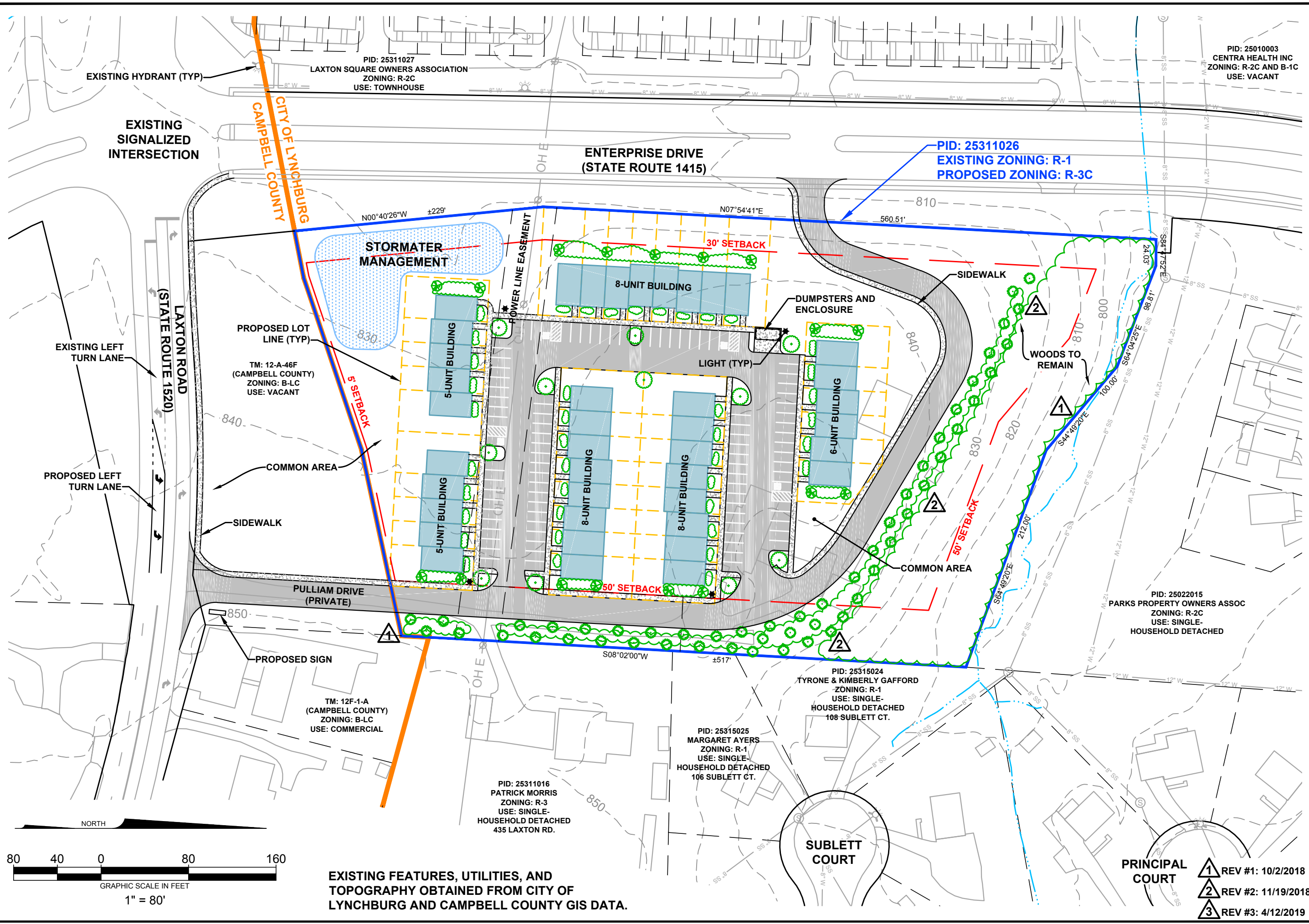
PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO. 1 OF 2

HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA. 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

*ENGINEERING >>> SURVEYING >>> PLANNING



REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA



ENGINEERING >>> SURVEYING >>> PLANNING

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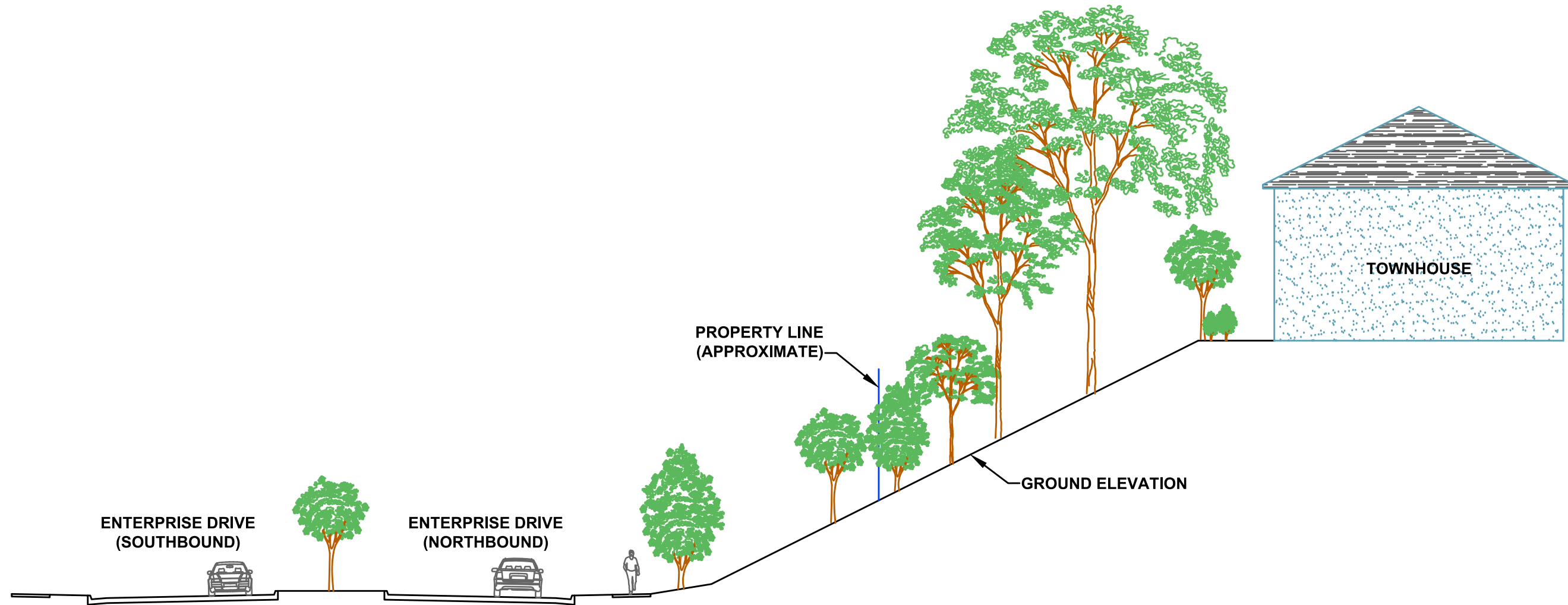
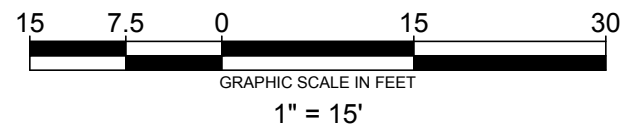
REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018

SHEET NO.
2 OF 2

1 REV #1: 10/2/2018
2 REV #2: 11/19/2018
3 REV #3: 4/12/2019

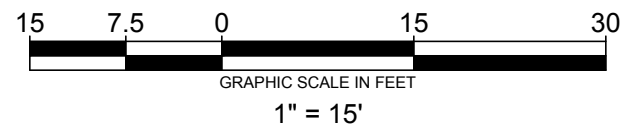
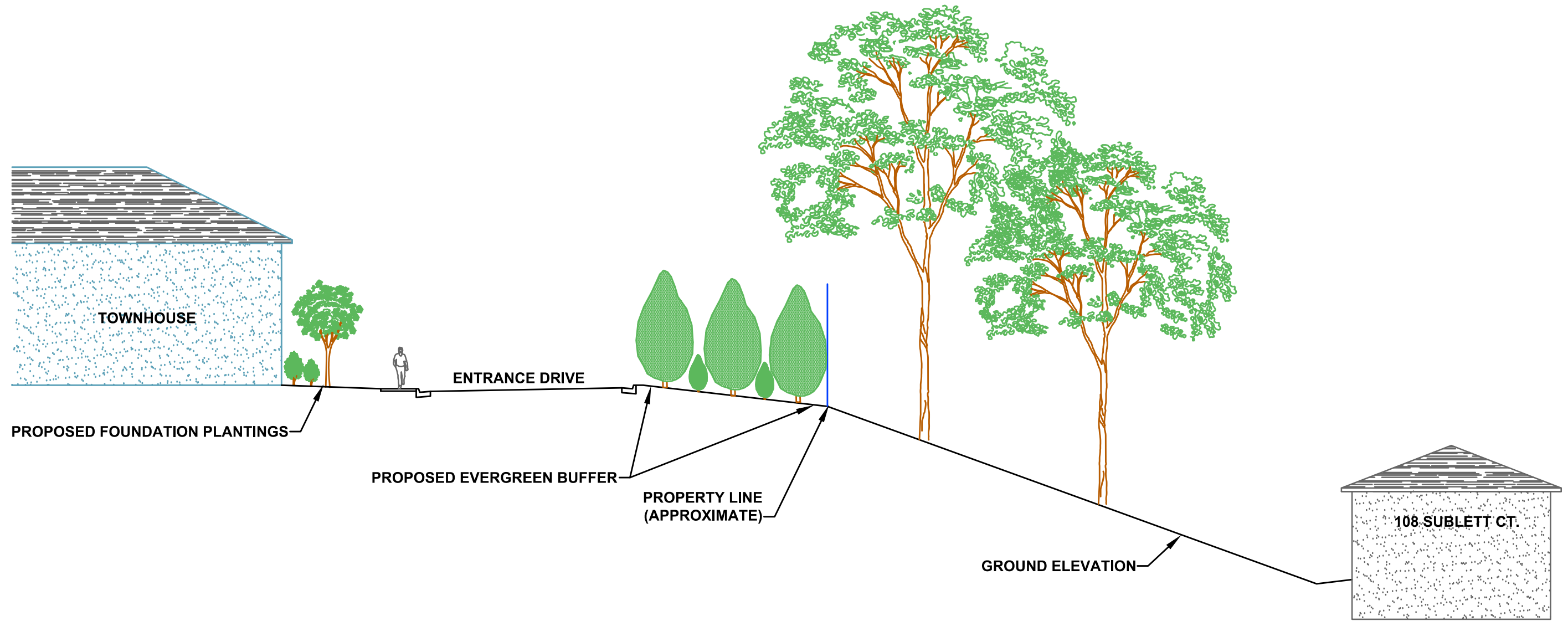
EXISTING FEATURES, UTILITIES, AND TOPOGRAPHY OBTAINED FROM CITY OF LYNCHBURG AND CAMPBELL COUNTY GIS DATA.



- 1 REV #1: 10/2/2018
- 2 REV #2: 11/19/2018
- 3 REV #3: 4/12/2019

PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO.
1 OF 1

PROFILE FROM ENTERPRISE DRIVE LAXTON RIDGE TOWNHOUSE DEVELOPMENT 1306 LAXTON ROAD CITY OF LYNCHBURG, VIRGINIA



- 1 REV #1: 10/2/2018
2 REV #2: 11/19/2018
3 REV #3: 4/12/2019

PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO.
1 OF 1

PROFILE FROM SUBLETT COURT
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

December 11, 2018 City Council Minutes

// In the matter of Community Development- Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Josh Lee, Troutspring, to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone approximately 5.91 acres located at 1306 Laxton Road from R-1, Low-Density Residential to R-3C, Medium-Density Residential (Conditional) and for a Conditional Use Permit (CUP) to allow the development of the property as 50 townhomes. City Planner Tom Martin presented background information on the petition. He stated that the Planning Commission had recommended denial of the petition due to the impact on traffic and the impact to the existing homes. Mr. Scott Beasley of Hurt & Proffit, representing the petitioner, asked Council for approval. He stated that he had completed the traffic study. He said that there would be no significant impact to traffic during peak hours. He said they found that a left turn lane was warranted but not a right turn lane. He further stated that the developer had offered to put in additional screening and buffers.

The developer, Josh Lee, stated that they saw the development as a gateway to the area. He stated that they wanted to preserve the character of the area and that they want to be responsible developers and take an abandoned property and improve it by building a beautiful townhome community and add value to the City. Ricky Reed with Coldwell Banker Commercial spoke in favor of the petition. He said that the property had been listed for over two years and the developer was the only offer. He said the topography limited the use of the property. He stated that it was only generating \$3,700 in tax revenue. If it was developed the townhomes would generate considerably more revenue. Several individuals spoke in opposition. David Mann spoke in opposition to the petition. He said the property in question was zoned R-1, that it was zoned for low-density and that all properties that abutted the property in the petition were all single family homes. He also said that traffic would be significantly impacted and would attract lots of renters and cars. He asked Council to leave the zoning designation as is. Kim Gafford spoke in opposition to the petition. She stated in the 18 years of living in the area she had witnessed a lot of growth. She asked Council to stop the growth within the two miles of their home and noted multiple new developments in that footprint. She stated that she was concerned about drainage, loss of property, and that she owned the woods the developer spoke of maintaining. She noted the Planning Commission voted no and asked Council to do the same. During rebuttal, Mr. Beasley reiterated that there would be no significant impact to traffic. He also said that the woods belonged to someone else and could be developed by someone else by right and the viewshed was not guaranteed. He also stated by City Code and State Code they were bound by law to manage all stormwater. The developer said they wanted to have responsible development and provide a great gateway for the City as well as improve the tax base.

There was no one else present to speak to this item and the public hearing was closed. Council discussed this item. Council Member Wilder asked for clarification regarding the CUP. Mr. Martin said that the petitioner had revised their original petition regarding buffers. Council Member Helgeson said that the property was currently zoned R-1 for single family homes. He went on to say that it seemed strange to have more density near single family homes in Wyndhurst and he could appreciate the developer's desire to develop the property. He asked staff if anyone had looked at a planned unit development. Mr.

Martin stated that the petitioner had offered a townhome development and clarified that Wyndhurst was a traditional neighborhood development. Council Member Helgeson asked what else could be done on the property. Mr. Martin said there was a clustering option that would allow for smaller lot sizes. Council Member Wilder asked the developer if it was feasible to build single family homes on the property. The developer stated that it would be difficult and that trees would need to be removed. Council Member Perrow stated that there would be a good buffer between the homeowners and the development. He said he had concern that the same problems with the Paulette Circle intersection would exist with this development. He said that a couple years from now there would be a need for a traffic signal. He stated that the VDOT letter said that the information provided was acceptable but could not be recommended for approval without further information regarding access management. He suggested that the developer reconsider the access and bring the request back to Council at a future date. Council Member Perrow made a motion, seconded by Council Member Nelson, to table the item until the developer could offer more options. Council Member Wilder asked for clarification regarding access management. Mr. Beasley noted that access off of Enterprise Drive would be challenging. He also noted concerns regarding the VDOT comments. Council Member Wright asked if VDOT approval was required. Mr. Beasley noted more work would need to be done for a VDOT recommendation. Council Member Helgeson said he thinks it would be a good idea to table it and take this item to a Work Session. Mayor Tweedy said she supported the motion to table the petition and that she understood the concerns about traffic in the area. She said she had recently attended a local realtors meeting and the speaker, an economist, had recommended that the City encourage more single family homes. Council Member Wilder said he would not support the motion to delay the development of the property, since there is an interested developer in the property and the property has been idle for some time. City Attorney Walter Erwin stated that Council can table the item but that Council had 12 months to act on the petition according to state law. Council Member Nelson noted his concerns with the proposed density and asked this to be addressed in the future. Council by the following recorded vote agreed to table this item:

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

Noes: Wilder 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 11, 2018**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Future Land Use Map (FLUM) Amendment: Low Density Residential to Medium Density Residential Rezoning: R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional)
Conditional Use Permit: Laxton Ridge Townhomes, 1306 Laxton Road

KEY ELEMENTS:

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

RECOMMENDATION: Denial of the *Future Land Use Map (FLUM)* amendment from Low Density Residential to Medium Density Residential and denial of the rezoning from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional).

SUMMARY: Josh Lee, Troutspring, is petitioning for a *FLUM* amendment, rezoning, and Conditional Use Permit (CUP) to allow the construction of a fifty (50) unit townhouse development at 1306 Laxton Road. The total acreage of the property is seven and nine hundredths (7.09) acres, with five and ninety-one hundredths (5.91) acres located within the City of Lynchburg. The portion within the City is currently zoned R-1, Low Density Residential and is proposed to be rezoned to R-3C, Medium Density Residential (Conditional). The *Zoning Ordinance* permits townhouse developments in the R-3 district upon approval of a CUP by City Council.

Planning Commission recommended denial of the *FLUM* and rezoning petitions, citing concerns about the increased traffic in the area and the development's impact on the character of the neighborhood.

Planning Commission did not take action on the CUP petition, given the denial recommendations on the *FLUM* and rezoning petitions.

There was significant discussion at the Planning Commission meeting about additional landscape buffering, and the petitioner has since updated the concept plan to reflect the neighbors' requests.

PRIOR ACTION(S):

November 14, 2018: The Planning Division recommended approval of the FLUM, rezoning and CUP petitions.
The Planning Commission recommended denial of the FLUM and rezoning petitions (4-3).

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner – 434-455-3900
Kent White, Community Development Director – 434-455-3900

ATTACHMENT(S):

- Resolutions A and B (FLUM amendment)
- Ordinance (Rezoning)
- Resolution C (CUP)
- Planning Commission Minutes– November 14, 2018
- Planning Commission Packet – November 14, 2018
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Profiles from Enterprise Drive and Sublett Court
 - o Narrative

- o VDOT letter regarding Traffic Study
- o Traffic Study
- o Property Photograph
- o Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION 'A'

A RESOLUTION DENYING AN AMENDMENT OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby denied.

Adopted:

Certified:

Clerk of Council

141K_A

RESOLUTION 'B'

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Josh Lee, Troutspring LLC, to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Medium Density Residential for a certain area located at 1306 Laxton Road is hereby approved.

Adopted:

Certified:

Clerk of Council

141K_B

UNCODIFIED ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1306 LAXTON ROAD FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY RESIDENTIAL 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.____ which shall read as follows:

Section 35.2-54.____. Change of a certain area located at 1306 Laxton Road from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the City of Lynchburg and Campbell County line being the southwestern corner of the hereon described parcel and being the point of beginning; thence north 00 degrees 40 minutes 26 seconds west +/- 229 feet to a point; thence north 07 degrees 54 minutes 41 seconds east 560.51 feet to a point; thence south 84 degrees 47 minutes 52 seconds east 24.03 feet to a point; thence south 64 degrees 04 minutes 25 seconds east 98.81 feet to a point; thence south 44 degrees 49 minutes 20 seconds east 100.00 feet to an iron pin found; thence south 64 degrees 49 minutes 20 seconds east 212.00 feet to a planted stone found; thence south 08 degrees 02 minutes 00 seconds west +/- 517 feet to a point on the City of Lynchburg and Campbell County line; thence along the City of Lynchburg and Campbell County line in a southwesterly direction to the point of beginning and containing +/- 5.91 acres.

.. is hereby changed from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Josh Lee, Troutspring LLC, to wit:

1. The property will be developed in substantial compliance with the submitted site plan.

And the City Planner 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

142K

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JOSH LEE, TROUTSPRING LLC, IN AN R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL) AT 1306 LAXTON ROAD TO ALLOW THE CONSTRUCTION OF A FIFTY (50)-UNIT TOWNHOME DEVELOPMENT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the Conditional Use Permit petition of Josh Lee, Troutspring LLC in an R-3C, Medium Density Residential District (Conditional) at 1306 Laxton Road to allow the construction of a fifty (50) unit townhome development is hereby approved subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled "Rezoning Concept Plan – Laxton Ridge Townhouse Development" as prepared by Hurt & Proffitt, revised on November 19, 2018.
2. All requirements of the Virginia Department of Transportation (VDOT) for access shall be met prior to final site plan approval.

Adopted:

Certified:

Clerk of Council

143K

MINUTES OF THE NOVEMBER 14, 2018, PLANNING COMMISSION MEETING:

Petition of Josh Lee, Troutspring to amend the Future Land Use Map from Low Density Residential to Medium Density Residential and to rezone approximately 5.91 acres located at 1306 Laxton Road from R-1, Low-Density Residential to R-3C, Medium-Density Residential (Conditional) and for a conditional use permit to allow the development of the property as 50 townhomes.

Ms. Rachel Frischeisen had the following summary for the commissioners. The property is designated for Low Density Residential use on the *Future Land Use Map (FLUM)*. Low Density Residential areas are dominated by single-family detached housing at densities of up to four dwelling units per acre and may include other public and institutional uses as appropriate. Medium Density Residential is proposed for the property. These areas are characterized by "small lot single-family detached duplexes and townhouses at densities up to 12 units per acre." The *Comprehensive Plan* states that "Where neighborhoods already exist, infill development should be at a compatible density and housing type."

The property is zoned R-1, Low Density Residential, in accordance with the current *FLUM* designation. The proposed R-3C zoning would allow a conditional use permit to be granted for a townhouse use on the property.

The proposed 50-unit townhome development would be accessed from Laxton Road in Campbell County. As such, a study was required by the Virginia Department of Transportation (VDOT). The traffic study was prepared by Hurt & Proffitt and has received preliminary approval from VDOT.

This site is suited for a higher density than is currently allowed by the existing zoning and recommended by the existing *FLUM* designation. As indicated by the traffic study, the surrounding streets can adequately handle the increased traffic with the additional improvements outlined in the Planning Commission packet.

The proposed townhome development is consistent with the townhouse use of the neighboring property to the west and will create a transition from the business areas of Laxton Road to the low-density residential component of the Wyndhurst development to the north. The Planning Division recommends approval of the petition.

Mr. Andy Klepac of Hurt & Proffitt was present to represent the petition. Mr. Klepac noted that staff's summary is very thorough. He highlighted the fact that they went through a fairly rigorous process with VDOT and got its approval of the traffic analysis report for the development. He also wanted to touch on the buffering for the property. The main reason they did not connect to Enterprise Drive is due to a grade differential. There is a pretty significant change in grade from Enterprise Drive up to the proposed development. That fact also helps the development because it creates a topographic buffer from drivers and pedestrians. It also allows a pretty significant area where existing vegetation on that slope, plus the foundation plantings required by code, will buffer that side. On the north side, there is a pretty significant slope and buffer between the property and the Wyndhurst single-family development. There is no incentive for the developer to tear any of that down. On the east side of the development, they are proposing the City standard evergreen buffer between this property and the neighboring single-family residential development. They have also provided a profile view from Enterprise Drive up to the site.

Chair Perault asked for anyone else who wished to speak in favor of the petition. No one came forward. He asked for anyone who wished to speak in opposition to the petition.

Ms. Kim Gafford of 108 Sublett Court came forward to speak. Her property touches the proposed development and she has lived there for 18 years. The notice she received from the City last week was

the first she had heard of this project. She was not approached by the developer to discuss this project or invited to a neighborhood meeting. She is a teacher for Lynchburg City Schools and she chose to live in the City because she wanted her children to attend the City school system.

She has watched 24502 grow and a lot of that growth has been very responsible. The growth she has seen in the public school system seems to be occurring on one side of town and that is very concerning. She feels like other parts of town have not experienced as much growth and have still been able to maintain their character. On her way to Heritage High School, she passes Wyndhurst with over 1,000 residential units. She passes Cornerstone with another 1,000 residential units. She passes Legacy at Linden Park, the Vistas at Dreaming Creek, Timber Ridge and Kendall Square. In the immediate area, she passes 1125 Old Graves Mill Road Apartments and Candlewood Court and The Gardens at Timberlake. She passes the site for the proposed development they just recommended for approval (The Lofts at Midtown). She also understands there are another proposed 160 apartments units near the roundabout at Heritage High School. She also passes the Grand Vistas. That is an awful lot of growth that has really changed the character of where Ms. Gafford lives. She loves to see more children coming into the school system. But when you are looking at changing the character of a community, you have to be responsible.

You will notice that this property sits up on a hill. She sits below this hill. She already has a view of Wyndhurst and now she may have a view of 50 townhome units. The property in question was a family home. She thinks it would be very irresponsible of us as a community to change the character of that area. It would absolutely change the character of her neighborhood. There are already concerns with runoff. With this development being at the top of that contour map, she is concerned with additional runoff onto her property.

She has talked to her neighbors. She is disappointed that more of them are not there today but understands that a week notice is not enough time to make plans. She is within 200 feet of this property; this is her property and she has significant concerns.

Mr. David Mann of 206 Wyndpark Circle, which also adjoins this property, came forward to speak. As proposed, he is opposed to this development. With the exception of the townhouse community across four lanes of traffic, all the neighborhoods that abut this property are single-family homes. None of them abut any multifamily development. He is not opposed to growth but feels that this proposed development changes the character of the area. The buffering proposed on this plan is not adequate. The wooded area between Wyndpark Circle and the townhouse community is far from mature trees. They are all deciduous and there is a clear view of that full property when the trees are bare. Perhaps with some more double evergreen buffering, this could be acceptable from that direction. It would probably take some significant changes to change his opposition to affirmative.

Chair Perault asked for anyone else who wished to speak in opposition to the petition. No one came forward. He mentioned that there was another letter from someone named Tammy Day. She was present at the meeting but did not come up to speak. Chair Perault closed the public hearing portion of the petition.

Commissioner Lowe indicated that he visited the site and drove around some of the surrounding neighborhoods. He did not go into Ms. Gafford's neighborhood. His biggest concern is the traffic by Brookville High School. He noted that the traffic study does not show a lot of accidents in this area but he is still concerned with adding at least 50 more cars to the traffic in this area, especially during peak hours of school related traffic.

Ms. Frischeisen indicated that Hurt & Proffitt did the traffic study so they may want to call Mr. Klepac back up to address their questions. Commissioner Marion questions the traffic study because it says there will only be 19 a.m. trips and nine p.m. trips. That sounds very low for 50 units. Mr. Klepac

commented that the methodology is the Institute of Transportation Engineers (ITE) trip generation method. It is widely accepted by both the federal and state Departments of Transportation. Hurt & Proffitt used the numbers that they have compiled over years of data. Mr. Klepac recognizes that there are additional trips being generated as a result of this proposed development. Based on the volumes on Laxton Road, those trips are a blip. He clarified that the study shows there will be a projected 23 a.m. peak hour trips and a projected 28 p.m. peak hour trips generated by this project. Based on the total volumes on Laxton Road, that is a really small amount. When they went through the process of getting VDOT's approval, the left turn lane was warranted and it would be provided regardless because it is a safety item. There is no requirement for any right turn lane into the development. In the interest of safety, they are proposing a right taper.

Commissioner Marion understands that the traffic counts might be a blip on Laxton Road, but her question is always where does the number of trips finally trip the scale? Commissioner Marion noted that if the developer wanted to build a couple hundred feet to the left, he would be in Campbell County. She does not know what the county might let him do. She thinks if he built in Campbell County, he could probably build a lot denser than the City is allowing and you would get a whole lot more traffic on Laxton Road. That is not to say that this development needs to go here. Mr. Klepac noted that they would have to go back to VDOT for approval if they amended the plan. Commissioner Marion does agree that this is a good transition between the high density and the business use to the lower density of Wyndhurst. Right across on Enterprise Drive, it is very high density. This looks like it will look a lot better than that. She would like to see more of a buffer on the east (right) side of this plan between Wyndhurst and this development.

Mr. Frischeisen explained that during site plan approval, staff would ask for supplemental evergreen buffering anyway. The petitioner is asking for a conditional use permit, so Planning Commission can recommend additional conditions if the commission feels strongly about adding an evergreen buffer on the Wyndhurst side. Commissioner Marion would like to see it wrap around the bottom right hand side where there is no buffer. Commissioner Lowe indicated he would support that condition. He noted that he thinks this project would be a great transition because you really have to strain your neck to see it up there.

Commissioner Lowe is concerned with the traffic on Laxton Road. Chair Perault noted that left turns into the development will not be easy, especially in the morning. Commissioner Lowe noted he went in the mid-morning and there was a fair amount of traffic. Chair Perault thinks the people who live in this development will feel the traffic impacts more than the people around the development but that is a decision they make buying into it.

There was some discussion about where Ms. Gafford's property is located in relation to this property. She indicated that her property is below Enterprise Drive and that is why she is concerned with water runoff. Commissioner Bowden noted that there are a lot of stormwater measures being shown on the Enterprise Drive side of the property but he does not see that much on the back side. Mr. Klepac said the plan is to treat all water runoff on the south side of the property. In reality, there will be even less runoff going to the north mostly because it is impractical and probably unfeasible to try and treat runoff on the slope. Commissioner Bowden asked for clarification that the whole area that is down in the corner of Enterprise Drive and Laxton Road will stay pretty much wooded or planted and the area by Wyndhurst Park as well. Mr. Klepac said that is the current plan. Whatever can be maintained in the middle will be maintained. Ms. Gafford pointed out that the only trees that will be a buffer for her are her own trees.

Commissioner Light noted that the stormwater runoff will be handled by the current stormwater regulations. Ms. Gafford should actually see an improvement post development. Ms. Frischeisen noted that they will have to manage their stormwater quantity on site. They are proposing a stormwater management pond.

Chair Perault noted the businesses on Laxton Road on an aerial map of the City. There is a gas station and the other businesses are really residences being used for commercial purposes. The townhouses on the Enterprise Drive are a very small part of the surrounding area. To him, this is an R-1 area. There are some townhouses zoned R-2 across Enterprise Drive but the rest of the area is single-family homes. He does not see a transition being needed. This does change the character of Ms. Gafford's neighborhood and he feels they have to serve the people that have bought into an area and maintain that area. The traffic is less of an issue for him. He feels they are changing an area that is not creating a good transition.

Commissioner Johnson asked how often they are asked to change the *FLUM* and how often it is actually done. Mr. Martin thinks that when an amendment is proposed, there has to be good reason. Mr. Martin does not think that this property would be developed as single-family homes. You would end up with less density but you would end up with less landscaping. If it is developed as single-family, the land will be completely graded and all the trees will be gone. There is no buffer requirement and they will put in as many lots as they can. Staff does think it serves as a good transition between Laxton Road and Enterprise Drive. Ms. Frischeisen noted that staff always supports density where it is appropriate. In this case, the infrastructure exists and there is commercial nearby. Chair Perault asked for clarification as to what R-2 would allow. Mr. Martin said it would allow smaller lots but no townhomes. There was some discussion about how many single-family homes could go in there. It would be around 16 to 18 if it were R-1 and around 24 if it were rezoned to R-2.

Commissioner Light said he is very sensitive to the character of communities and he has very mixed feelings on both sides of this petition. The access here is different than what they were struggling with their decisions regarding the recent petition for townhomes on Wood Road because this is Laxton Road. Laxton Road is a more substantial road to support this type of development. Laxton Road is such a mess right now; quite candidly, what are a few more cars going to do to Laxton Road. Commissioner Bowden said he might agree with that if this traffic had not been shoved all toward an intersection where people are already trying to set themselves up to turn on to Enterprise Drive. Chair Perault thinks that the traffic backed up at the light on Enterprise Drive would block the entrance to this property at some times of the day. It will affect the people living there more than the people around it.

Commissioner Rogers noted that the change in character for him is along Sublett Court. He does not think it impacts the rest of the area and that the townhomes on Enterprise Drive are similar. He was supportive of the proposed development on Wood Road and he feels this is a lot like that proposal. For him, this is more of a buffer issue than a traffic issue. He leans more toward supporting this since there will be a buffer. In an R-1 development, there might not be that opportunity to get a vegetative buffer. Commissioner Lowe noted that a single-family development could potentially get 16 homes in here. It would be bulldozed and there would be no trees left. Something commercial can go on the lot in Campbell County. What is the lesser of two evils? They explained to Ms. Gafford that they could cut down all their trees by right and they could put up a retaining wall to hold the hill back right next to Ms. Gafford's property.

Mr. Mann wished to point out that all the homeowners here today live in single-family homes and are surrounded by single-family homes. If this were developed as single-family homes, it would not change the character of the neighborhood in any way. Townhomes would completely change the character of the neighborhood. Commissioner Rogers noted that if it is developed as townhomes, they can keep some of the wooded areas.

Ms. Gafford thinks the green line shown on the concept plan is a creek so it would make it very difficult to plant any additional trees. Ms. Gafford also noted that there is no buffer from the back decks on some of the townhomes. They would be elevated over the hillside. Ms. Gafford thinks it would be hard for a developer to come in and get that many single-family homes in there and if a developer is willing to put that kind of money into the property, she will take her chances on that developer being

responsible. They bought into an R-1 neighborhood. She also thinks it is a little irresponsible for us to say that Laxton Road is already a cluster. It is already a mess. It is not our road and it is irresponsible of us to put that problem on the county. Maybe there should be a joint group when there are properties that are this close to a line so that we are not burdening a county. That is not what we teach our children and that would not be bad for us to do.

Ms. Gafford asked what the distance from the top of her property is to the road. Mr. Klepac said it is about 25 feet. Ms. Gafford pointed out how close the road that will be bringing at least 50 cars a day will be to her property and the buffer will not be enough. The commissioners did point out the green line on the concept plan is a buffer not a creek. The creek is actually at the bottom of the hill.

Commissioner Rogers asked Ms. Frischeisen if they could require a fence as a condition instead of an additional vegetative buffer. Mr. Martin said it is their call. That buffer is not required so they can put in any condition they want to recommend. Mr. Martin would think that in terms of maintenance and longevity, the trees would be a better solution. Mr. Martin pointed out to them they can put in a condition for additional buffering. They could also put in a condition that reduces the number of units.

The commissioners indicated they would like to discuss a condition for additional buffering. Ms. Frischeisen suggested it could be something like "the evergreen buffer will be extended along the northwestern property line adjacent to existing vegetation." Commissioner Rogers indicated he would like to see more along the Gafford's property. Ms. Gafford had a picture on her phone to show the commissioners of how this property looks from her property and how close her property is to the proposed road. Ms. Frischeisen noted that the property will be graded and that the uphill view from Ms. Gafford's property is not going to be quite as dramatic as what they are thinking.

Commissioner Bowden noted that the main thing the neighbors will lose is the view. The other big issue for him is the traffic; he is still struggling with that issue.

Chair Perault called up Ms. Tammy Day. She did not speak during the public hearing. They own a townhome at 1002 Enterprise Drive. They mentioned traffic and the possibility of increased crime in their email to the commissioners. This is a lot of townhomes in a pretty small area. She would like them to consider reducing the number of units from fifty to thirty, which is roughly the number of townhomes across the street. She mentioned that they were very attracted to this area because of the character of the neighborhood.

Mr. Martin mentioned that Campbell County was notified and their only comment is that there might be a land disturbance permit required for the road work. Obviously the developer went through a very stringent review with VDOT. He thinks they are kind of left with the issues of density and view shed protection. If the commission decides to amend the *FLUM*, it would allow the developer up to 72 units and he is proposing 50. Commissioner Marion asked if they have to amend the *FLUM*. Mr. Martin said if they are going to recommend townhomes, they would want the *FLUM* to match.

Chair Perault was not sure how they could play around with the number of units that would make both parties happy. Commissioner Light said he felt completely inadequate to determine a lower number of units. Commissioner Light pointed out that when they were discussing the number of apartments at the former Seven Hills School, the developer said she could not change the number of units for financial reasons. By the time she got to City Council, she had reduced the number of units from 22 to 20. Chair Perault thinks that if they are not comfortable with the number of units, they would recommend denial and let that number be worked out outside of this room. If you are comfortable with that number, then you would recommend approval.

Mr. Martin suggested they start with deciding if they think it is appropriate to amend the *FLUM*. Commissioner Marion thinks it is appropriate because of what is across the street and what is right beside

it in Campbell County. She thinks it is a transition. Commissioner Lowe asked Mr. Martin to tell them how many units a developer could do if the *FLUM* is changed from Low Density Residential to Medium Density Residential. In theory, Mr. Martin said it could be up to 12 units per acre. Commissioner Lowe said if they are going to recommend approval for the *FLUM* change, they should handle the other petitions carefully. The developer would be able to kick up the number of units to a higher figure. Mr. Martin pointed out they would have to go back through the conditional use permit process if the developer changed the number of units.

Mr. Martin suggested they can start by thinking about whether or not a Low Density Residential use is right for this area. It only allows single-family homes up to four units per acre. This developer is suggesting that because this property is adjacent to Wyndhurst, there are townhomes across the street and the property in the county is zoned commercial and because this is a transition area, a Medium Density Residential use would be more appropriate. If you agree with that, then you are saying that townhomes up to 12 units per acre is appropriate here. Then you start considering what is the right density for the area. If you get to townhomes are appropriate, then you start thinking about how they can address the impacts from the townhomes like the evergreen buffer.

Commissioner Marion made the following motion, which was seconded by Commissioner Rogers. It failed by the following vote:

"That the Planning Commission recommends to City Council to amend the *Future Land Use Map* from Low Density Residential to Medium Density Residential at 1306 Laxton Road."

AYES:	Light, Marion and Rogers	3
NOES:	Bowden, Johnson, Lowe and Perault	4
ABSTENTIONS:		0
ABSENT:		0

Commissioner Rogers made the following motion, which was seconded by Commissioner Marion. It failed by the following vote:

"That the Planning Commission recommends to City Council to rezone the property located at 1306 Laxton Road from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional) subject to the following condition:

1. The property will be developed in substantial compliance with the submitted site plan.

AYES:	Light, Marion and Rogers	3
NOES:	Bowden, Johnson, Lowe and Perault	4
ABSTENTIONS:		0
ABSENT:		0

Mr. Martin noted that they do not need to vote on the conditional use permit. Chair Perault noted for the record that if it had moved forward, there were concerns about the buffering.

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: November 14, 2018
Re: **Future Land Use Map (FLUM) Amendment: Low Density Residential to Medium Density Residential**
Rezoning: R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional)
Conditional Use Permit (CUP): Laxton Road Townhomes – 1306 Laxton Road

I. PETITIONER

Josh Lee, Troutspring, 2915 Hunter Mill Road, Unit 19, Oakton, Virginia 22124

Representative: Mr. Andy Klepac, PE, Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property is along the City of Lynchburg/Campbell County boundary line, with approximately five and ninety-one hundredths (5.91) acres on the city side, and one and eighteen hundredths (1.18) acres on the county side. The address of the property is at 1306 Laxton Road.

Property Owner(s): Carter Bank & Trust (c/o Randy Sayre), 1300 Kings Mountain Drive, Martinsville, Virginia, 24112

III. PURPOSE

The purpose of the petition is to allow the construction of a fifty (50) unit townhouse development at 1306 Laxton Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* currently recommends a Low Density Residential use for the property.
- Townhouse Developments are permitted in the R-3, Medium Density Residential District upon approval of a conditional use permit by Council.
- The proposed unit density is eight and forty-six hundredths (8.46) units per acre.
- The proposed use is consistent with nearby developments, and will create a transition from the business areas of Laxton Road to the lower density residential area of Wyndhurst.

The Planning Division recommends approval of the FLUM amendment, rezoning, and CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* currently recommends a Low Density Residential use for the property at 1306 Laxton Road.

Low Density Residential areas are dominated by single family detached housing at densities of up to four (4) dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private

recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas.

Medium Density Residential is proposed for the property. These areas are characterized by “small-lot single-family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.” (p. 72)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Residential zoning was established in 1978.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers related to the development of the property:
 1. The property will be developed in substantial compliance with the submitted site plan.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:
 - On May 22, 1979 City Council approved the Timberlake Road Land Use Study, rezoning a number of properties in the area. One of the subject properties, 8129 Timberlake Road was rezoned to B-3, Community Business District along with adjacent properties: 8123 to the City limits.
 - On April 13, 1982, City Council approved the CUP petition of Ronnie D. Vaughan to operate a commercial recreation center at 8131 Timberlake Road.
 - On September 11, 1984, City Council approved the petition of D.W.B. Associates to rezone four (4) acres 8117 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the property as a mini-storage facility.
 - On April 8, 1997, City Council approved the petition of JE Jamerson & Sons, Inc. to rezone approximately four hundred (400) acres from R-1 to R-2(C), R-4(C), B-1(C), B-3(C), and I-2(C) to allow single family residential, townhouse, apartment, nursing home/assisted living/retirement village complex, various commercial uses and an industrial park in the vicinity of Laxton Road and Enterprise Drive.
 - On July 14, 1998, City Council approved J.E. Jamerson and Son’s conditional use permit petition for the construction of a dam and a lake within the 100-year floodplain at Laxton Road and Enterprise Drive.
 - On July 14, 1998, City Council approved J.E. Jamerson and Son’s conditional use permit petition to create Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
 - On May 9, 2000, City Council approved The Summit and J.E. Jamerson and Son’s petition to rezone one hundred forty three (143) acres on both sides of Enterprise Drive between Laxton Road and Norfolk & Southern Railroad to create the Summit

Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.

- On May 9, 2000, City Council approved LIDA, The Summit and J.E. Jamerson and Son's conditional use permit petition to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
 - On September 12, 2000, City Council approved the petition of JE Jamerson & Sons, Inc. to rezone one hundred sixty-seven (167) acres from R-2C, Single Family Residential (Conditional) and R-4C, Multi-family Residential (Conditional) to R-2C, Single Family Residential (Conditional) and R-4C, Multi-family Residential (Conditional) to amend previously approved proffers to allow for the Wyndhurst development.
 - On July 8, 2003, City Council approved Jamerson and Company's conditional use permit petition to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for construction of apartments and additional single family uses off Wyndhurst Drive and 1536 Lockwood Drive.
 - On July 11, 2006, City Council approved Braxton Park, LLC's conditional use permit petition to allow the construction of a townhouse across the City of Lynchburg/Campbell County boundary line at 1002 Enterprise Drive.
 - On November 13, 2007, City Council denied S.W. Neal Development Group's conditional use permit petition to allow the construction of a Planned Unit Development for single family homes and townhouses at 1200 and 1202 Wood Road
 - On February 13, 2018, City Council denied the CUP petition of Danny Tyree for a forty-three (43) unit townhouse development at 1002 Wood Road and 8129 Timberlake Road.
6. **Site Description.** The subject property consists of approximately five and ninety-one hundredths (5.91) acres. The property contains one (1) residential structure, which will be demolished during the construction of the proposed townhome development. The remainder of the parcel is located in Campbell County and consists of one and eighteen hundredths (1.18) acres, for a total of seven and nine hundredths (7.09) acres. With the exception of the existing residential structure, the property is undeveloped and covered in woods.

The property is bound to the west by Enterprise Drive, to the south by Laxton Road, to the east by single-household residences, and the north by single-household residences, which are part of the Wyndhurst Traditional Neighborhood Development.

7. **Proposed Use of Property.** The site will be used for a fifty (50) unit townhouse development and associated parking as illustrated on the concept plan. Access to the development would be from Laxton Road in Campbell County.
8. **Transportation & Parking.** A traffic study was required by the Virginia Department of Transportation (VDOT) since the development will take access from Laxton Road (located in Campbell County). The traffic study was prepared by Hurt & Proffitt and has received preliminary approval from VDOT.

Based on the study, no appreciable impacts are caused by traffic associated with the construction of the 50-unit townhouse development. A left turn lane warrant is met for the PM peak period at the new entrance. Therefore, an eastbound left turn lane on Laxton Road

is recommended. Although right turn lane warrants were not met for either the AM or the PM peak at the new entrance, a right turn taper is recommended to enhance safety and allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site.

GLTC Route 7 runs once an hour at a stop adjacent to the proposed development.

The *Zoning Ordinance* requires one (1) parking space per unit; fifty (50) parking spaces for the development are required. The concept plan indicates a total of one hundred nineteen (119) parking spaces.

9. **Stormwater Management.** A stormwater management plan will be required prior to final site plan approval. The submitted concept plan proposes to treat stormwater quality with off-site nutrient credits and stormwater quantity with a detention facility. The onsite facility is located on the southwestern corner of the property.
10. **Emergency Services:** The City Fire Marshal provided comments on the concept plan pertaining to Site Design Requirements that will be addressed at final site plan review. The City's Police Department had no comments of concern with the petition.
11. **Impact.** This site is suited for a higher density than is currently allowed by the existing zoning and recommended by the existing FLUM designation. As indicated by the traffic study, the surrounding streets can adequately handle the increased traffic with the additional improvements.

The development is located roughly a half mile from both the Wyndhurst and Timberlake Road retail areas. Sidewalks do exist between the proposed townhomes and Wyndhurst. There are no sidewalks between the development and Timberlake Road, except for the proposed sidewalk located along Laxton Road. Timberlake Road has been designed and built primarily for automobile travel, while Wyndhurst has a more suitable scale for bicycle or pedestrian traffic.

The proposed townhome development is consistent with the townhouse use of the neighboring property to the west, and will create a transition from the business areas of Laxton Road to the low-density residential component of the Wyndhurst development to the north. It is also anticipated that the proposed development will support the commercial establishments of the Wyndhurst development.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on August 21, 2018. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Josh Lee, Troutspring, to:

- A. **Amend the Future Land Use Map from Low Density Residential to Medium Density Residential at 1306 Laxton Road.**

B. Rezone the property located at 1306 Laxton Road from R-1, Low Density Residential to R-3C, Medium Density Residential (Conditional) subject to the following voluntarily submitted proffer:

1. The property will be developed in substantial compliance with the submitted site plan.

C. Approval of a Conditional Use Permit at 1306 Laxton Road to allow the construction of a fifty (50) unit townhouse development subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled “Rezoning Concept Plan – Laxton Ridge Townhouse Development” as prepared by Hurt & Proffitt dated August 6, 2018.
2. All requirements of the Virginia Department of Transportation (VDOT) for access shall be met prior to final site plan approval.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Mr. Don DeBerry, Transportation Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Josh Lee, Petitioner
Mr. Andy Klepac, Representative

VII. ATTACHMENTS

1. Zoning Map
2. Future Land Use Map
3. Watershed Map
4. Planimetric and Topographic Map
5. Concept Plan
6. Narrative
7. VDOT letter regarding Traffic Study

8. Traffic Study

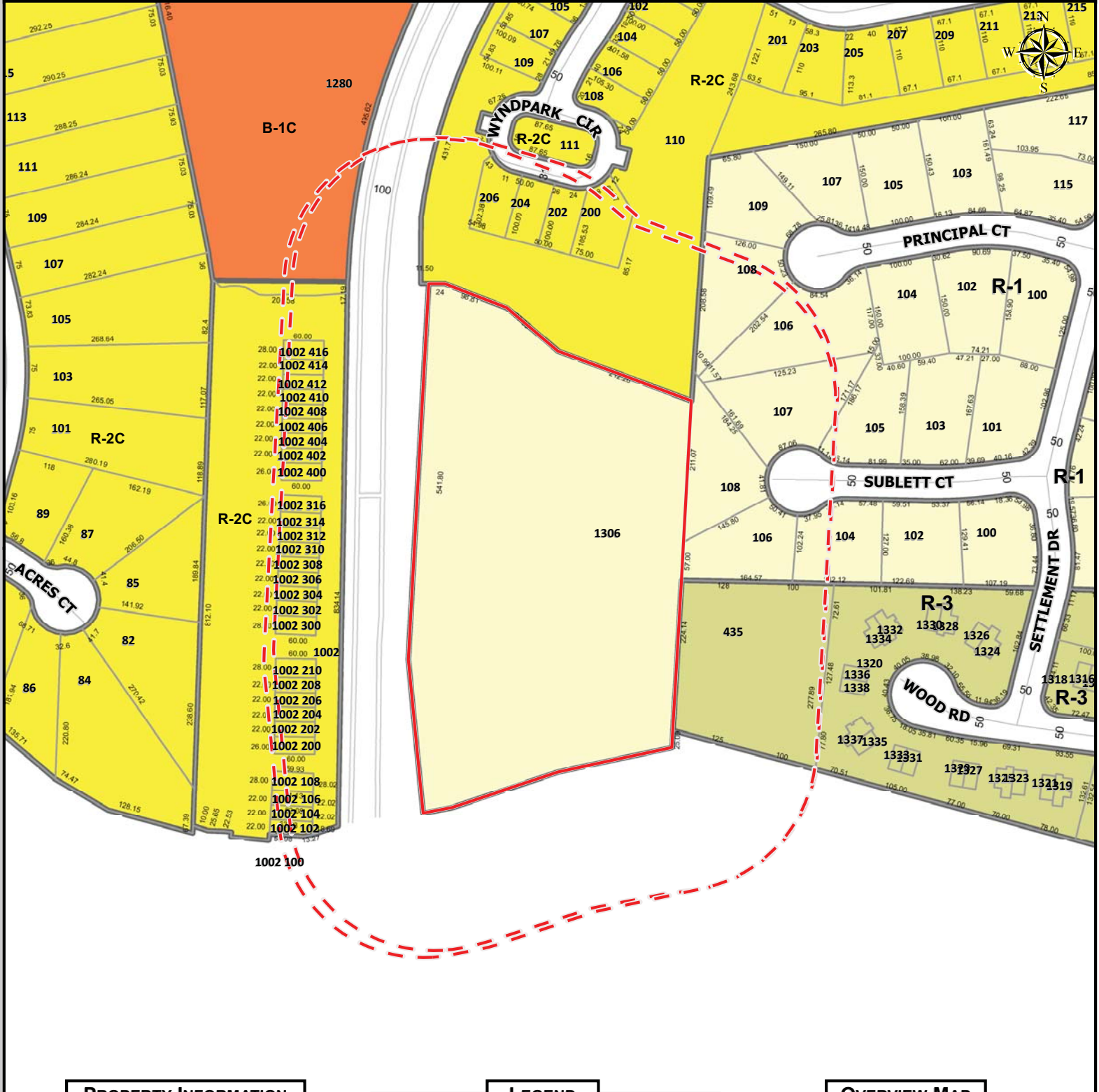
9. Property Photograph

Zoning Map

LAXTON ROAD TOWNHOMES

Zoning, FLUM & CUP Request

Troutspring



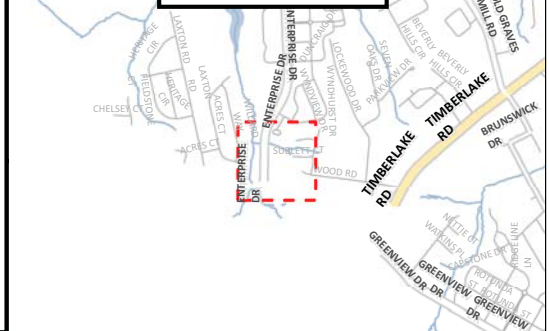
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25311026	1306 LAXTON RD

LEGEND

- | | | | |
|--|--|--|---|
| Subject Property | B-1 | I-1 | R-4 |
| 215' Buffer | 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" to 200' DATE PRINTED: 11/5/2018

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.

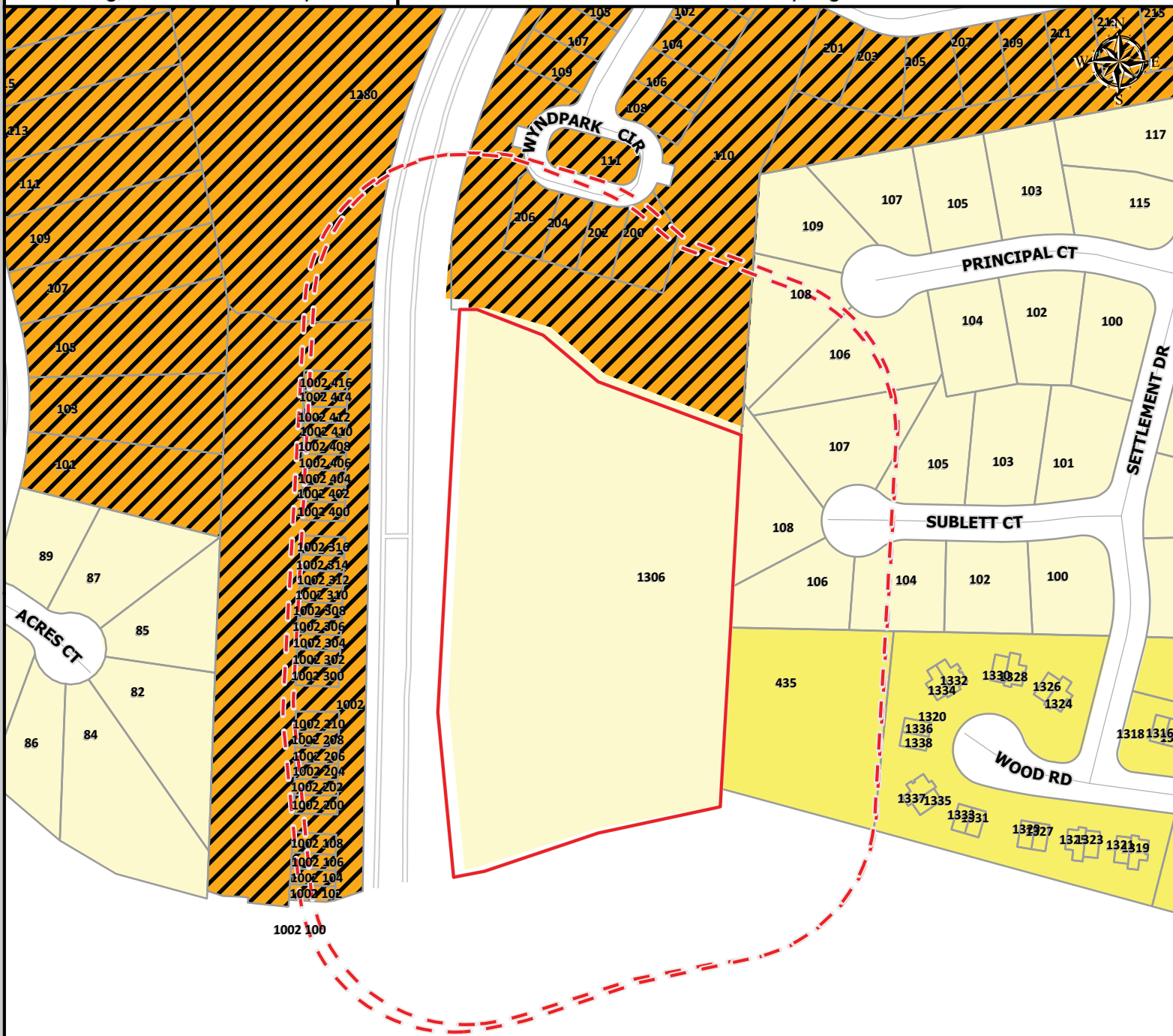
Parcel ID	Address	Owner
25311032	1002 ENTERPRISE DR 408	ALAMINYO LLC
25022007	204 WYNDPARK CIR	ALDER, JEFFREY T & LORI M
25311028	1002 ENTERPRISE DR 416	ALSHAIKH, AYMAN N & SALEM, ANBARA N
25315015	108 PRINCIPAL CT	ANDERSON, JAMES III &
25315025	106 SUBLETT CT	AYERS, MARGARET A
25311044	1002 ENTERPRISE DR 302	BBC PROPERTIES LLC
25311042	1002 ENTERPRISE DR 306	BBC PROPERTIES LLC
25311038	1002 ENTERPRISE DR 314	BRAXTON PARK LLC
25311048	1002 ENTERPRISE DR 206	BROWN, JOSHUA A
25311026	1306 LAXTON RD	CARTER BANK & TRUST
25010003	1280 ENTERPRISE DR	CENTRA HEALTH INC
25311034	1002 ENTERPRISE DR 404	CHEN, MENG
25311031	1002 ENTERPRISE DR 410	CHENAULT, MELANIE H TRS
25311053	1002 ENTERPRISE DR 106	CHOU, EUCLID
25311039	1002 ENTERPRISE DR 312	CUDD, GORDON & BEHNKE, STEVEN H &
25311040	1002 ENTERPRISE DR 310	CUDD, GORDON & BEHNKE, STEVEN H &
25315023	107 SUBLETT CT	DARBY, ROSAMARY K
25311045	1002 ENTERPRISE DR 300	DAY, THOMAS J JR & TAMMY A
25311055	1002 ENTERPRISE DR 102	EASTER, ELDON HENRY JR TRS &
25315022	105 SUBLETT CT	FLOOD, PATRISHA ANN
25315024	108 SUBLETT CT	GAFFORD, TYRONE W & KIMBERLY L
25022006	206 WYNDPARK CIR	GRIFFIN, DEBRA H & MANN, DAVID A
25311051	1002 ENTERPRISE DR 200	HADDEN, DAVID T & TERESA L
25311037	1002 ENTERPRISE DR 316	HALE, NICHOLAS J &
25022008	202 WYNDPARK CIR	HAROLD, SUSAN S
25311046	1002 ENTERPRISE DR 210	HOARE, JAYNE E
25311030	1002 ENTERPRISE DR 412	KINNAIRD, MICHAEL W
25311041	1002 ENTERPRISE DR 308	KUDOJA, MARY
25311049	1002 ENTERPRISE DR 204	LACEY, JUSTIN
25311033	1002 ENTERPRISE DR 406	LACOY, JOHN J & CHRISTINE M
25311029	1002 ENTERPRISE DR 414	LANCENESE, BRIAN JOSEPH & BRANDY M
25311027	1002 ENTERPRISE DR	LAXTON SQUARE OWNERS ASSOCIATION
25022009	200 WYNDPARK CIR	LOPEZ, ARTURO F
25311047	1002 ENTERPRISE DR 208	MEDINA, OSMAN J & CHARITY A
25311016	435 LAXTON RD	MORRIS, PATRICK W
25311050	1002 ENTERPRISE DR 202	OHAI, PAUL C & BERNADETTE G
25311043	1002 ENTERPRISE DR 304	OLSON, LAUREN D
25022015	110 WYNDPARK CIR	PARKS PROPERTY OWNERS ASSOC
25315026	104 SUBLETT CT	RIDDLE, DAVID W
25311035	1002 ENTERPRISE DR 402	ROWLETT, JEREMY & ROWLETT, MELISSA &
25311036	1002 ENTERPRISE DR 400	SHAIKH, MUSTAFA N & SALEM, ABEER N
25311052	1002 ENTERPRISE DR 108	SMITH, MARCKEM A
25311054	1002 ENTERPRISE DR 104	THOMAS, GREGORY P & BRITTANY R
25315016	106 PRINCIPAL CT	WHITE, FRANKIE L & ALEXIS L

FLUM Map

LAXTON ROAD TOWNHOMES

Zoning, FLUM & CUP Request

Troutspring



PROPERTY INFORMATION

PARCEL ID ADDRESS

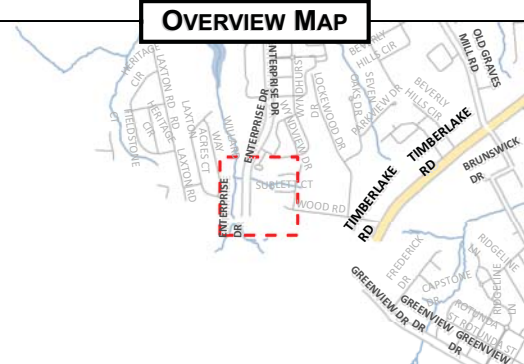
25311026 1306 LAXTON RD

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

MAP SCALE: 1" to 200' DATE PRINTED: 11/5/2018

OVERVIEW MAP



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

Watershed Map

LAXTON ROAD TOWNHOMES

Zoning, FLUM & CUP Request

Troutspring



PROPERTY INFORMATION

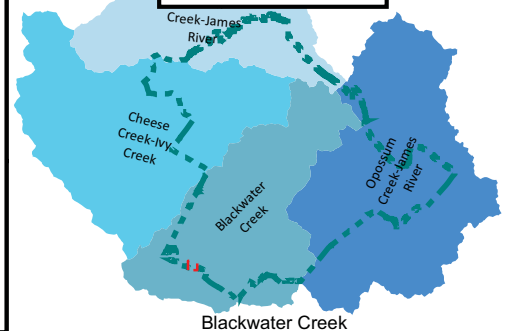
PARCEL ID	ADDRESS
25311026	1306 LAXTON RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 11/5/2018

OVERVIEW MAP



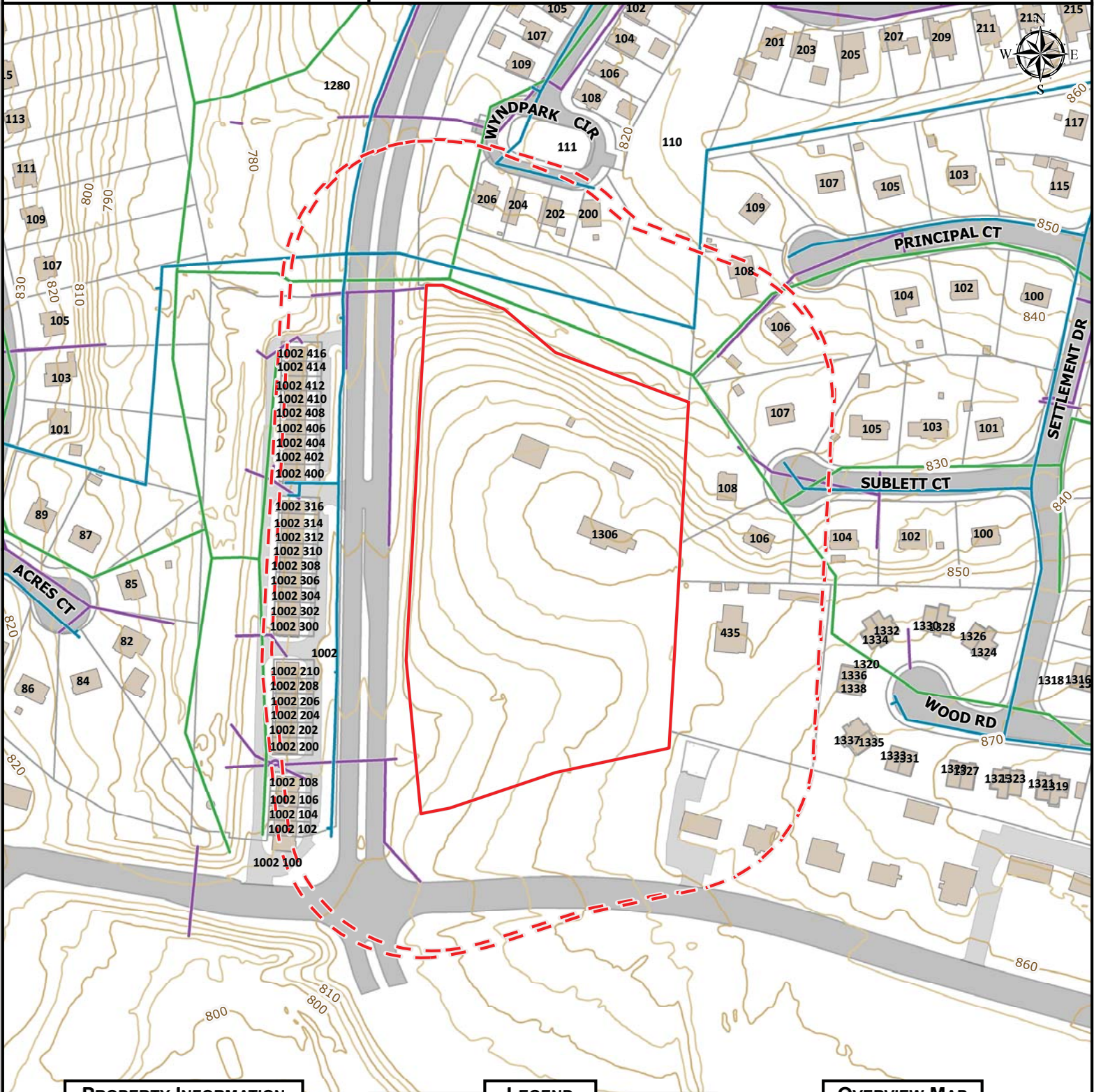
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Planimetric and Topographic Map

LAXTON ROAD TOWNHOMES

Zoning, FLUM & CUP Request

Troutspring



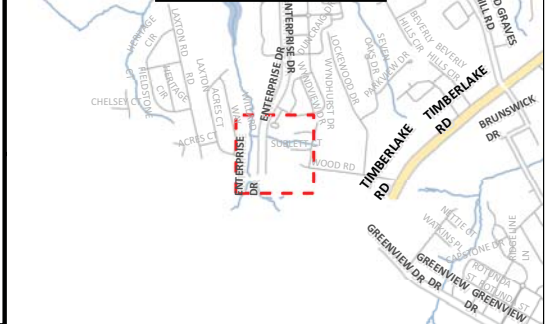
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25311026	1306 LAXTON RD

LEGEND

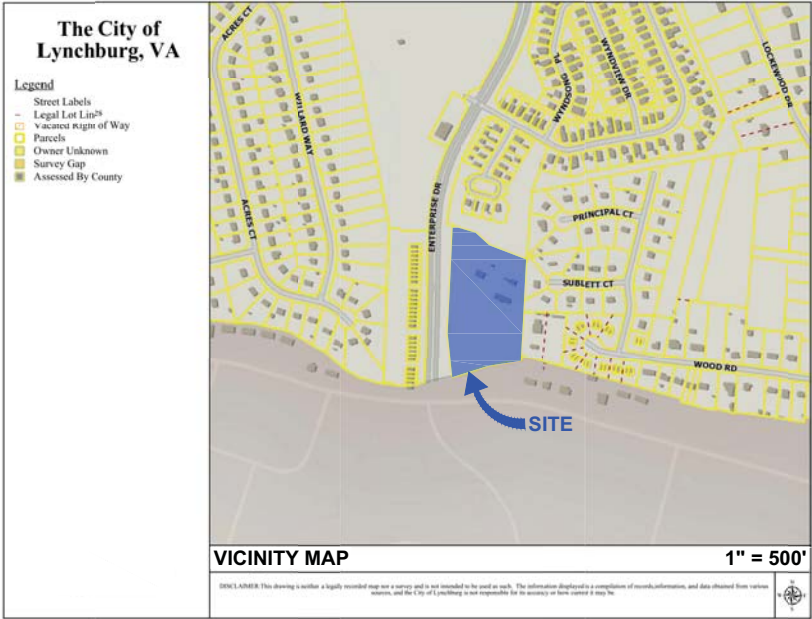
	Active	Proposed	Abandoned
Utilities	Water		
	Sanitary		
	Storm		
Planimetrics	Paved	Unpaved	Other
	Structure		
	Roadway		
	Parking		
	Sidewalk		
Topography	Contour		
	100'	20'	5'
	50'	10'	1'

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 11/5/2018

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.



LEGAL DESCRIPTION: TM #25311026 (CITY OF LYNCHBURG)

BEGINNING AT A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE BEING THE SOUTHWESTERN CORNER OF THE HEREON DESCRIBED PARCEL AND BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 40 MINUTES 26 SECONDS WEST +/- 229 FEET TO A POINT; THENCE NORTH 07 DEGREES 54 MINUTES 41 SECONDS EAST 560.51 FEET TO A POINT; THENCE SOUTH 84 DEGREES 47 MINUTES 52 SECONDS EAST 24.03 FEET TO A POINT; THENCE SOUTH 64 DEGREES 04 MINUTES 25 SECONDS EAST 98.81 FEET TO A POINT; THENCE SOUTH 44 DEGREES 49 MINUTES 20 SECONDS EAST 100.00 FEET TO AN IRON PIN FOUND; THENCE SOUTH 64 DEGREES 49 MINUTES 20 SECONDS EAST 212.00 FEET TO A PLANTED STONE FOUND; THENCE SOUTH 08 DEGREES 02 MINUTES 00 SECONDS WEST +/- 517 FEET TO A POINT ON THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE; THENCE ALONG THE CITY OF LYNCHBURG AND CAMPBELL COUNTY LINE IN A SOUTHWESTERLY DIRECTION TO THE POINT OF BEGINNING AND CONTAINING +/- 5.91 ACRES.

NOTES:

- DEVELOPER:
TROUTSPRING
JOSH LEE
2915 HUNTER MILL ROAD UNIT 19
OAKTON, VA 22124
- PARCEL ADDRESS: 1306 LAXTON ROAD, LYNCHBURG, VA 24502
- PARCEL ID: 25311026
- PARCEL AREA: 5.91 ACRES
- EXISTING ZONING: R-1
PROPOSED ZONING: R-3C
- EXISTING FLUM DESIGNATION: LOW-DENSITY RESIDENTIAL
PROPOSED FLUM DESIGNATION: MEDIUM-DENSITY RESIDENTIAL
- PROPOSED BUILDINGS:
USE: TOWNHOUSE
MIN. DISTANCE BETWEEN BUILDINGS: 32'
NO. OF STORIES: 2
MAX. AREA OF EACH FLOOR: 6,688 SF (8-UNIT BUILDING)
TOTAL NUMBER OF DWELLING UNITS: 50
MAX. HEIGHT: 40 FT
- EXISTING BUILDINGS AND DRIVES WILL BE REMOVED.
- PROPOSED DENSITY: 50 UNITS / 5.91 ACRE = 8.46 UNITS / ACRE
- MINIMUM SETBACKS:

	R-3	TOWNHOUSES		R-3	TOWNHOUSES
FRONT:	30'	10'	AREA:	4,000 SF	1,200 SF
SIDE:	5'	16'	WIDTH:	30'	16'
REAR:	30'	25'			

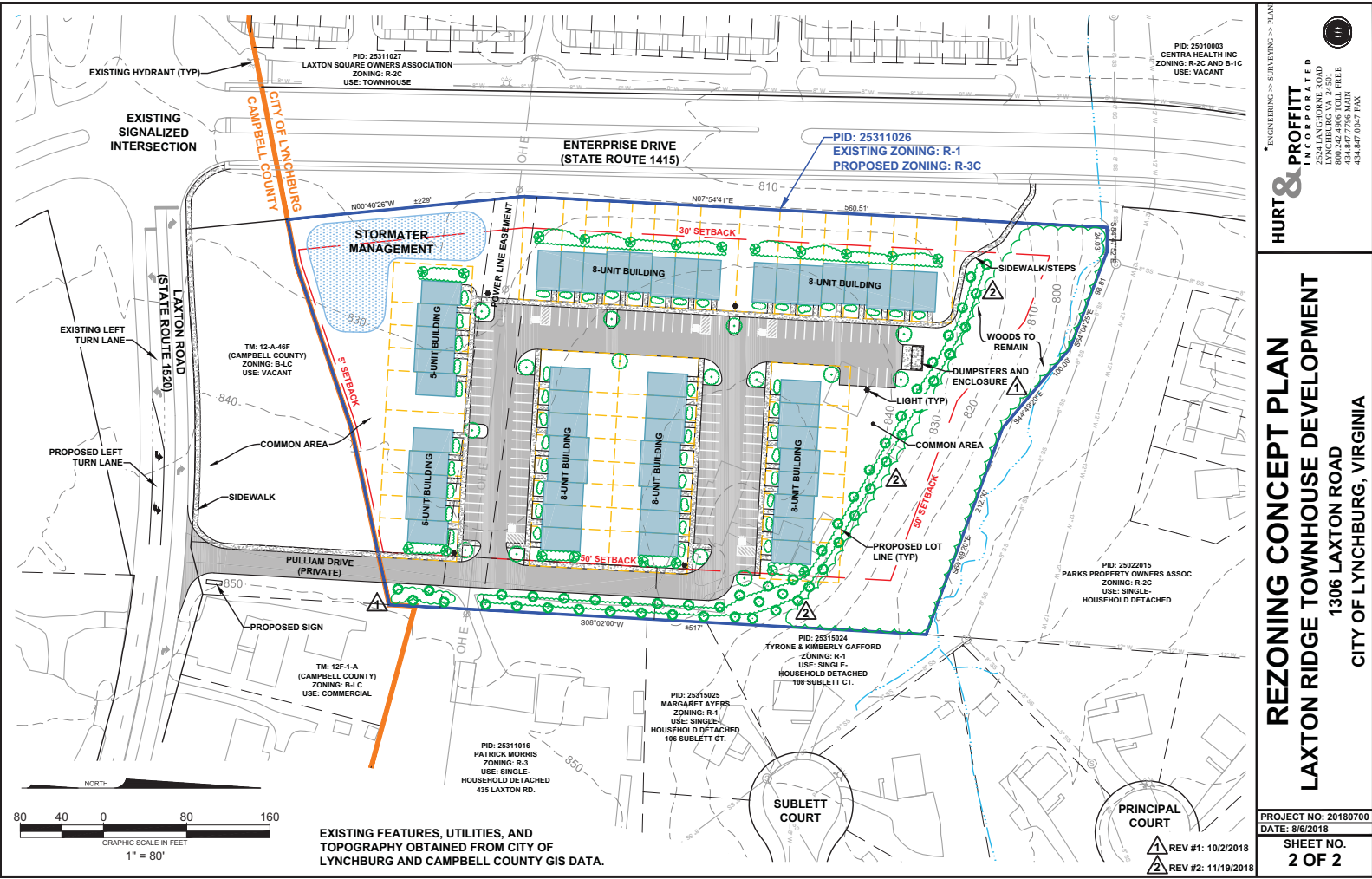
NOTE: A MINIMUM 50' SIDE & REAR SETBACK REQUIRED WHEN ABUTTING A SINGLE HOUSEHOLD DISTRICT.
- PARKING CALCULATIONS:
REQUIRED: 1 SPACE PER UNIT = 50 SPACES
PROVIDED: 119 SPACES
- PROPOSED TOWNHOUSES WILL BE SERVED BY NEW PUBLIC WATER AND SEWER CONNECTIONS. THERE ARE NO KNOWN CAPACITY ISSUES IN THE EXISTING SYSTEMS.
- REFUSE WILL BE MANAGED BY ONSITE DUMPSTERS.
- PROPOSED LANDSCAPING IS SHOWN FOR SCHEMATIC PURPOSES. PARKING AREA LANDSCAPING, PARKING AREA SCREENING, FOUNDATION PLANTINGS, UTILITY SCREENING, AND BUFFERING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPE ORDINANCE. EXISTING VEGETATION WILL BE UTILIZED TO THE EXTENT FEASIBLE. STREET TREES WILL BE PROVIDED ALONG ENTERPRISE DRIVE WHERE EXISTING VEGETATION DOES NOT MEET THE MINIMUM LANDSCAPING REQUIREMENTS. STORMWATER MANAGEMENT AND EXTERIOR HVAC UNITS WILL BE SCREENED FROM VIEW FROM THE PUBLIC R/W. EXISTING VEGETATION MAY BE USED TO PROVIDE THIS SCREENING.
- PROPOSED LIGHTING IS SHOWN FOR SCHEMATIC PURPOSES. ALL EXTERIOR LIGHTING FIXTURES SHALL BE DESIGNED, LOCATED, AND ARRANGED SO AS NOT TO DIRECT GLARE ON ADJOINING STREETS OR RESIDENTIAL PROPERTIES.
- DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
- STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS. IT IS ANTICIPATED THAT ONSITE DETENTION WILL BE PROVIDED FOR QUANTITY CONTROL, AND OFFSITE NUTRIENT CREDITS WILL BE PURCHASED FOR QUALITY CONTROL. STORMWATER MANAGEMENT SHOWN IS SCHEMATIC.
- THE AREA SHOWN HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #5100930101D DATED 6/3/2008.

REV #1: 10/2/2018
REV #2: 11/19/2018

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ENGINEERING & SURVEYING >> PLAN
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
434.457.7788 FAX
434.457.7788 FAX

REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

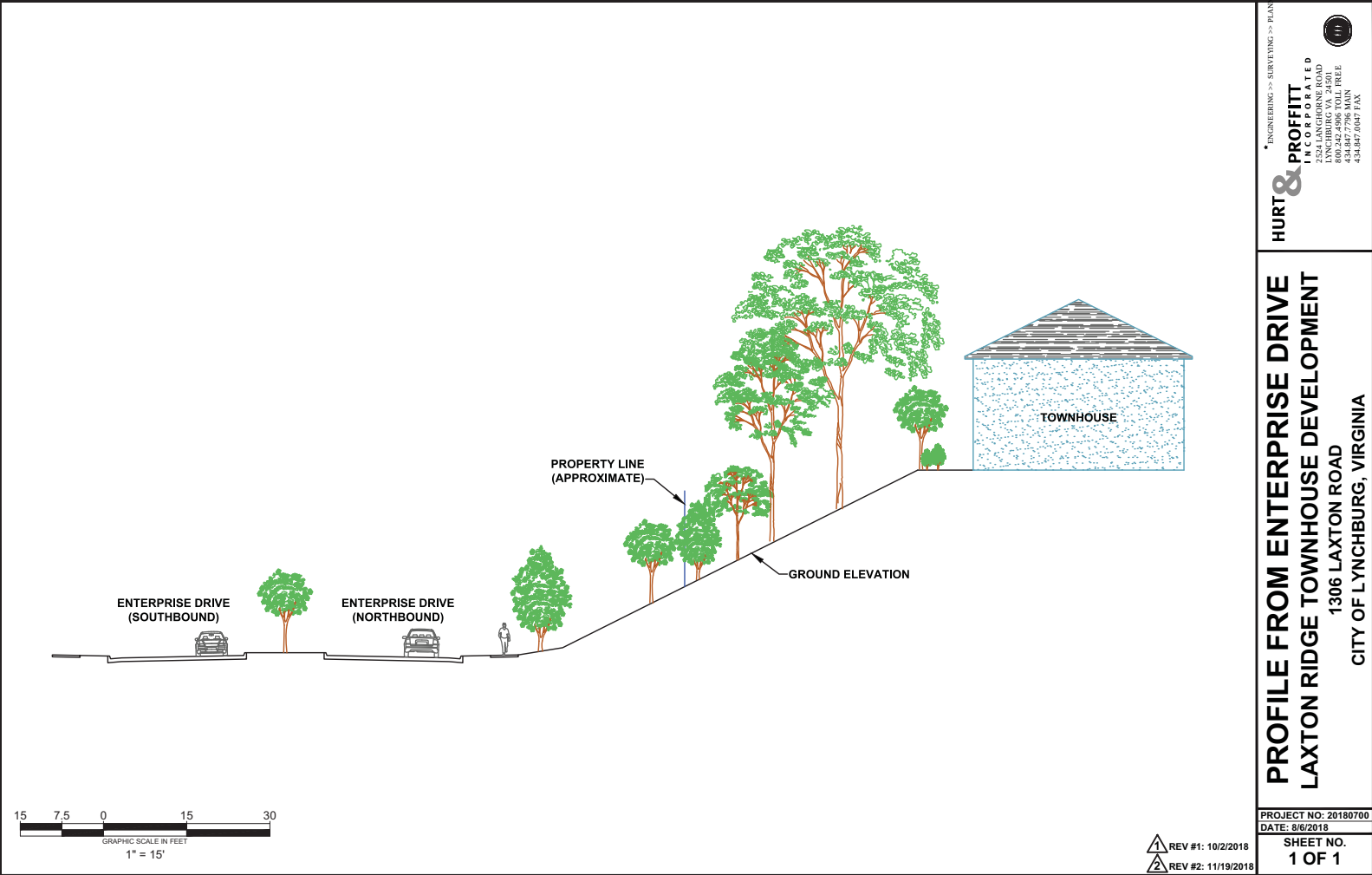
PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO.
1 OF 2



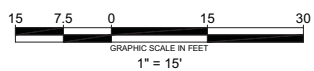
HURT & PROFFITT INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
434.847.7758 FAX
434.847.0047 FAX

REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

ENGINEERING >> SURVEYING >> PLAN



PROFILE FROM ENTERPRISE DRIVE
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA



1 REV #1: 10/2/2018
2 REV #2: 11/19/2018

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LYNCHBURG VA 24501
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434.847.0047 FAX

*ENGINEERING >> SURVEYING >> PLANNING



PROFILE FROM SUBLETT COURT
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO. 1 OF 1

Laxton Ridge Townhouse Development

Project Narrative for Rezoning and Future Land Use Map Amendment

Project Narrative

This project is for the development of a community of townhouse buildings within the 5.91 acre property located at 1306 Laxton Road, Parcel ID 25311026. The intent is to construct seven (7) townhouse buildings totaling fifty (50) units on the site. The zoning for the site is currently R-1 (Low-Density Residential). In order to construct the proposed improvements, Troutspring is requesting to rezone the site to R-3 (Medium-Density Residential) with a conditional use permit to allow for the construction of townhouses in an R-3 district. In addition, Troutspring is requesting an amendment to the Future Land Use Map (FLUM) from Low-Density Residential to Medium-Density Residential.

This site is adjoined by Laxton Road to the south, single family homes to the east, a Wyndurst development common area to the north, and Enterprise Drive and a townhouse community to the west. We believe that the proposed development is consistent with the townhouse use of the neighboring property to the west, and will create a transition from the business areas of Laxton Road to the low-density residential component of the Wyndhurst development to the north. It is also anticipated that the proposed development will support the commercial establishments of the Wyndhurst development.

Landscaping and Buffering

Due to the grade difference between the site and Enterprise Drive, the development will be accessed off of Laxton Road in Campbell County. This will allow for a vegetative buffer between Enterprise Drive and the development, in addition to the foundation plantings that will be required by City Code to be planted behind the townhouses. A graphic has been provided that illustrates this topographic difference, and how existing and proposed vegetation can be utilized as a buffer along the Enterprise Drive frontage. To the north, existing woods will remain to provide a buffer from the adjoining community, and an evergreen buffer is also proposed to provide additional screening. To the east, existing woods and a proposed evergreen buffer will provide screening from adjoining residences (a graphic has been provided that illustrates the profile view from Sublett Court). This evergreen buffer will be expanded beyond the minimum width required by the City to provide additional vegetative screening. HVAC units and stormwater management features will be screened from view from the public right-of-way.

Traffic and Pedestrian Connectivity

A Traffic Impact Study & Turn Lane Warrant Analysis was conducted for the development, and has been reviewed and approved by VDOT. Based on the analysis, no appreciable impacts are caused by traffic associated with the construction of the 50-unit townhouse development. A left turn lane warrant is met for the PM peak period at the new entrance. Therefore, an eastbound left turn lane on Laxton Road is recommended. Although right turn lane warrants were not met for either the AM or the PM peak at the new entrance, a right turn taper is recommended to enhance safety and allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site.

A new sidewalk is proposed adjacent to Laxton Road, which will connect to the existing sidewalk along Enterprise Drive. In addition, a sidewalk/steps are proposed to directly connect the development to the Enterprise Drive sidewalk. This will allow for pedestrian connectivity to Enterprise Drive and the Wyndhurst Community.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4219 CAMPBELL AVENUE
LYNCHBURG, VIRGINIA 24501

STEPHEN C. BRICH, P.E.
COMMISSIONER

October 16, 2018

Andy Klepac, PE
Hurt & Proffitt Inc.
2524 Langhorne Rd
Lynchburg, VA 25501

RE: Laxton Ridge Town House Development - Traffic Impact Study & Turn Lane Warrant Analysis
Signed and sealed by P. Scott Beasley, P.E., LEED, AP on 10/3/2018

Dear Mr Klepac:

VDOT finds the information provided in the Traffic Impact Statement dated July 2018(revised October 2018), and received October 3, 2018, acceptable. However, proposed design details within the report cannot be recommended for approval until such time as an application for an Access Management Exception is reviewed, along with the appropriate engineering plan.

I hope this provides you the information you need for your rezoning. We look forward to working with your team once the project moves toward design.

Should you have any further questions or need additional guidance, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Kimberly R. McMahan".

Kimberly R. McMahan, P.E.
Area Land Use Engineer
VDOT-Lynchburg District
Appomattox Residency
Office 434-352-6693
Cell 434-942-2168

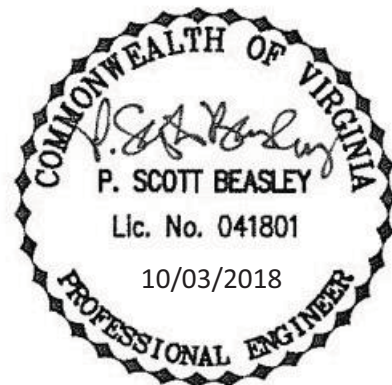
**Traffic Impact Study & Turn Lane Warrant Analysis
For
Laxton Ridge Townhouse Development**

Laxton Road – Campbell County/Lynchburg, Virginia

*Submitted to:
VDOT – Lynchburg District Office*

Submitted by:

*P. Scott Beasley, PE, LEED AP
Sr. Project Manager*



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EXECUTIVE SUMMARY

Hurt & Proffitt, Inc. conducted a Traffic Impact Analysis (TIS) for the proposed Laxton Ridge Townhouse Development. The proposed residential development consists of 50 townhouse units (ITE Land Use #220) to be constructed in one phase. It will be located in the northeast corner of the intersection of Laxton Road and Enterprise Drive. One entrance, located east of the intersection, is proposed.

The main purpose of the study was to determine what the impacts of the development are on the local street network and if any improvements are recommended. The study was conducted using Synchro version 9, which utilizes the methodology and standards contained in the 2000 update to the 1998 "Highway Capacity Manual" published by the Transportation Research Board. A more recent version of Synchro is available (Synchro 10). Synchro 10 uses the most recent edition of the "Highway Capacity Manual," which is the 6th edition, published in 2017. Because the development generates a small amount of trips (22 vehicles in the AM peak and 26 vehicles in the PM peak), and because we are interested only in the relative impact of those trips (comparison of capacity/delay before and after the trips are added), changing the methodology from HCM 2000 to HCM 2017 would not likely change the relative impact. While Hurt & Proffitt is currently investigating the acquisition of Synchro 10, VDOT has indicated that the use of Synchro 9 is acceptable for this study.

Based on the analysis, no appreciable impacts are caused by traffic associated with the construction of the 50-unit townhouse development. A left turn lane warrant is met for the PM peak period at the new entrance. Therefore, an eastbound left turn lane on Laxton Road is recommended. To maximize the storage for the new left turn lane, the existing taper for the WB left turn lane at the Laxton Road/Enterprise Drive intersection could be shortened to 50 feet. This would provide approximately 90 feet of left turn storage for vehicles entering the new development. Although right turn lane warrants were not met for either the AM or the PM peak at the new entrance, a right turn taper is recommended to allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site. A conceptual plan showing the recommended improvements is attached to this report.

1. INTRODUCTION

1.1. Site Location and Study Area

The development is proposed to be constructed in the northeast corner of the intersection of Laxton Road and Enterprise Drive. One access point will be provided on Laxton Road, approximately 315 feet east of the intersection, measured from the stop bar of the eastbound approach. The development site is located primarily in the City of Lynchburg, Virginia but access to the site is provided through Campbell County. Hurt & Proffitt, Inc. conducted field observations on July 10-11, 2018 and subsequently performed capacity analyses to determine the existing traffic conditions at the following intersections:

- Laxton Road (Route 1520) and Enterprise Drive (Route 1415)

1.2. Existing Roadways

Laxton Road (State Route 1520)

Laxton Road is a four-lane minor arterial on the east side of its intersection with Enterprise Drive. On the west side of the intersection the roadway is a two-lane local street. The posted speed limit is 35 mph in the study area and the roadway is under the Virginia Department of Transportation's jurisdiction.

Enterprise Drive (State Route 1415)

Enterprise Drive is a four lane divided roadway in the study area. On the north side of its intersection with Laxton Road, it is classified as a minor arterial. The intersection of Enterprise Drive and Laxton Road is signalized. The posted speed limit is 35 mph in the study area and the roadway is under the Virginia Department of Transportation's jurisdiction.

1.3. Proposed Entrance Location

The proposed entrance to the Laxton Ridge Townhouse Development is located on Laxton Road, east of its intersection with Enterprise Drive. It is adjacent to a continuous right turn lane (WB right turn lane at the intersection of Laxton Road and Enterprise Drive). The proposed entrance is currently an access drive serving two City of Lynchburg properties. The centerline to centerline distance from Enterprise Drive to the proposed entrance is approximately 405 feet. The minimum spacing for a commercial entrance to a full access on a minor arterial is 470 feet (see Table 2-2 on page F-26 in Appendix F of the VDOT Road Design Manual). Therefore, an access management exception will be required for the proposed entrance.

Sight distance at the proposed entrance was observed on October 3, 2018. The sight distance to the left exceeds the minimum required sight distance for a 3-Lane or 4-Lane Major Road with a 35 mph speed limit (required sight distance = 415 feet). Sight distance to the left was estimated to exceed 1,500 feet. The sight distance to the right exceeds the distance to the intersection with Enterprise Drive, which is the limiting measurement, though the actual sight distance along Laxton Road exceeds the minimum required sight distance for a 3-Lane or 4-Lane Major Road with a 35 mph

speed limit (440 feet). Sight distance to the right was estimated to exceed 650 feet. See **Photos 1 and 2** below for a view of the sight distance in each direction. Note that sight distance to the right will be improved when the required sidewalk is constructed along the north side of the road by removing the existing overhanging vegetation.

Photo 1: Sight Distance to the Left



Photo 2: Sight Distance to the Right



1.4. Crash Data

See the Appendix for the most recent available FR300 Police crash reports and Crash Summary report from June 1, 2013 to May 31, 2018.

2. ANALYSIS OF EXISTING CONDITIONS

2.1. Peak Hour Traffic Volumes

Hurt & Proffitt conducted field observation and manual turning movement traffic counts on July 10, 2018 from 7:00 AM to 9:00 AM and on July 11, 2018 from 4:00 PM to 6:00 PM at the following intersections:

1. Laxton Road (Route 1520) and Enterprise Drive (Route 1415)

In addition to the turning movement counts, general information was collected on roadway geometrics, signal phasing and traffic flow characteristics. A review of the existing traffic count data indicated the AM and PM peak periods were as follows:

1. Laxton Road (Route 1520) and Enterprise Drive (Route 1415)
 - AM Peak Hour: 7:30 to 8:30 AM
 - PM Peak Hour: 5:00 to 6:00 PM

Existing AM and PM peak period traffic volumes are illustrated in **Figure 1** and **Figure 2**. The raw count data is provided in the **Appendix**.

2.2. Existing Conditions Capacity Analyses

Synchro/SimTraffic 9 software was used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and collected turning movement counts. **Table 1** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

Table 1. Existing Conditions

Intersection	Peak Hour	Northbound		Southbound		Eastbound		Westbound	
		LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)
1. Laxton Rd & Enterprise Dr	AM	C	22.6	C	21.1	B	16.6	A	5.6
	PM	C	32.0	C	30.7	B	18.5	B	15.0

3. ANALYSIS OF FUTURE CONDITIONS WITHOUT DEVELOPMENT (NO-BUILD)

3.1. Future (2023) No-Build Peak Hour Traffic Volumes

It is assumed that the development will be completed within the next two years. However, for purposes of this study, a five (5) year build out period was used. Thus, the future conditions analyses (both No-Build and Build Conditions) take place in the year 2023. To determine No-Build volumes, a growth rate of 2.0% per year, compounded, was applied to the existing conditions (2018) traffic volumes.

A growth factor of 1.104 $[(1 + 0.02)^5 = 1.104]$ was used in the Synchro program input to generate the future no-build traffic volumes.

Figure 3 and **Figure 4** illustrate the 2023 No-Build AM and PM peak traffic volumes.

3.2. Future (2023) No-Build Capacity Analyses

Synchro/SimTraffic 9 software was also used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and the calculated 2023 No-Build AM and PM peak period traffic volumes. **Table 2** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**.

Table 2. 2023 No-Build Conditions

Intersection	Peak Hour	Northbound		Southbound		Eastbound		Westbound	
		LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)
1. Laxton Rd & Enterprise Dr	AM	C	23.3	C	22.5	B	18.0	A	7.1
	PM	C	32.7	D	39.9	B	19.5	B	17.0

The analyses indicate that the intersection is operating at an acceptable level of service in both the AM and the PM peak period. However, compared to existing conditions (2018), delays have increased one or two seconds on all approaches except for the southbound approach during the PM peak, which sees a 9.2 second increase.

4. TRIP GENERATION

The proposed Laxton Ridge Townhouse Development consists of a 50-unit townhouse development [ITE Land Use #220 Multifamily Housing (Low-Rise)]. The development will be built in one phase. The estimated number of trips generated by the development were determined using the ITE Trip Generation Manual, 10th edition. The proposed residential development will generate 366 daily trip ends with 23 occurring during the AM peak hour and 26 during the PM peak hour. **Table 3** provides a summary.

Table 3. Trip Generation Summary – Laxton Ridge Townhouse Development

Period	Rate	Total Trip Ends	Entering		Exiting	
			Percent	Trips	Percent	Trips
Multifamily Housing (Low-Rise) (ITE Land Use #220), 50 Units						
Weekday	7.32/d.u.	366	50	183	50	183
Weekday AM Peak Hour	0.46/d.u.	23	23	5	77	18
Weekday PM Peak Hour	0.56/d.u.	28	63	18	37	10

5. SITE TRAFFIC DISTRIBUTION AND TRAFFIC ASSIGNMENT

The projected trip generation traffic volumes were distributed to the roadway network in accordance with the arrival/departure percentages shown in Table 4 below. These percentages are based on the actual volumes counted on each approach to the intersection. The trips were distributed to the proposed development using the most logical paths. The trip generation volumes were then combined with the 2023 No-Build traffic volumes to generate the 2028 Build Condition traffic volumes. **Figure 5** and **Figure 6** illustrate the 2023 Build Condition AM and PM peak traffic volumes.

Table 4. Arrival/Departure Percentages

To/From	Roadway	Percent (AM/PM)
North	Enterprise Drive	37/44%
South	Enterprise Drive	26/31%
East	Laxton Road	23/13%
West	Laxton Road	14/12%
Total		100/100%

Using the preceding distribution, the trips shown in Table 3 above can be distributed to the proposed entrance as follows:

AM Peak: Left Turns In = 4, Right Turns In = 1, Left Turns Out = 4, Right Turns Out = 14

PM Peak: Left Turns In = 12, Right Turns In = 5, Left Turns Out = 1, Right Turns Out = 9

6. ANALYSIS OF FUTURE CONDITIONS WITH DEVELOPMENT

6.1. Future (2023) Build Condition Peak Hour Traffic Volumes

The 2023 Build Condition AM and PM traffic volumes are shown in **Figure 5** and **Figure 6**. The projected traffic volumes were assigned to the roadway network in accordance with the procedures described in the previous section of the report.

6.2. Future (2023) Build Condition Capacity Analyses

Synchro/SimTraffic 9 software was also used to determine Level of Service (LOS) and delay in seconds at each of the intersections in the study area using existing intersection geometric data and the calculated 2023 Build Condition AM and PM peak period traffic volumes. **Table 5** below summarizes the results of the capacity analysis. Copies of the capacity analyses are provided in the **Appendix**. Note that

Table 5. 2023 Build Conditions

Intersection	Peak Hour	Northbound		Southbound		Eastbound		Westbound	
		LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)	LOS	Delay (sec.)
1. Laxton Rd & Enterprise Dr	AM	C	23.4	C	22.8	B	17.9	A	7.4
	PM	C	32.6	D	41.4	B	19.5	B	17.1
2. Laxton Rd & Site Entrance	AM	--	--	B	11.9	A	8.1	--	--
	PM	--	--	C	19.1	A	9.5	--	--

- **Laxton Road & Enterprise Drive:** When site generated trips are added, this intersection experiences a minor increase in delay in the southbound movement during the PM peak. Level of service remains the same for all approaches in both the AM and PM peak periods.
- **Laxton Road & Site Entrance:** The eastbound left turn operates at LOS A during the AM and PM peaks and the southbound approach operates at LOS B during the AM peak and LOS C during the PM peak.

6.3. Queue Lengths

SimTraffic 9 was used to model the operation of the road network to obtain queue lengths for both of the study intersections. Queue lengths are summarized in **Table 6** below. Results of the analysis indicate that queues from the WB approach to the intersection of Laxton Road and Enterprise Drive do not extend to the proposed entrance. Westbound left turn storage at the intersection is significantly underutilized. Further, queues on the EB approach ~~to~~ the proposed entrance are significantly less than the available storage.

Table 6. 2023 Build Conditions – Queue Lengths (in feet)

Intersection	Peak Hour	Eastbound L		Westbound L		Westbound T		Westbound R	
		95 th	Storage	95 th	Storage	95 th	Storage	95 th	Storage
1. Laxton Rd & Enterprise Dr	AM	--	--	17	150	64	323	145	323
	PM	--	--	26	150	150	323	214	323
2. Laxton Rd & Site Entrance	AM	11	90	--	--	--	--	--	--
	PM	38	90	--	--	--	--	--	--

7. TURN LANE WARRANTS

A turn lane warrant analysis was conducted to determine if turn lanes should be constructed for left and right turning vehicles at the proposed entrance to the development. Using turning movement counts conducted at the intersection of Laxton Road and Enterprise Drive on July 10/11, 2018, the peak hour roadway volumes were determined. Laxton Road has an AM peak traffic count of 702 vehicles (390 EB, 312 WB) and a PM peak traffic count of 1,119 vehicles (488 EB, 631 WB). The roadway volumes were projected to the future analysis year, 2023, and used in the turn lane warrant analyses along with the trips generated by the new development. See **Table 7** for a summary of the volumes used in the analysis. The existing volumes were projected forward to the year 2023 using a growth rate of 2%/year, compounded $[(1 + 0.02)^5 = 1.104]$, as described in a previous section of this report.

Table 7. Warrant Volume Summary

Peak Period	Laxton Rd – Westbound			Laxton Rd - Eastbound		
	Existing	Projected	Right Turns In	Existing	Projected	Left Turns In
AM Peak	312	343	1	390	429	4
PM Peak	631	694	2	488	537	16

7.1. Warrant for Left Turn Lane on Four-Lane Highways

Using the methodology on page F-57 (Figure 3-3) in Appendix F of the VDOT Road Design Manual, the left turns and opposing volumes were plotted on a left turn warrant graph (see **Figure 7**).

AM Peak

Left turning volume = 4, Opposing volume = 344. The left turn lane warrant is not met in the AM period (see attached figure)

PM Peak

Left turning volume = 16, Opposing volume = 696. The left turn lane warrant appears to be met for the PM peak period.

7.2. Warrant for Right Turn Lane on Four-Lane Highways

Using the methodology on page F-80 (Figure 3-27) in Appendix F of the VDOT Road Design Manual, the right turns and approach volumes were plotted on a right turn warrant graph (see **Figure 8**).

AM Peak

With a total approach volume of 344 and a right turn volume of 1, no turn lanes or tapers are required.

PM Peak

With a total approach volume of 696 and a right turn volume of 2, no turn lanes or tapers are required.

8. RECOMMENDED IMPROVEMENTS

8.1. Proposed Improvements

No adverse impacts are caused by the traffic generated by the proposed development. Therefore, no improvements are required. The turn lane analyses indicate a left turn lane warrant is met for the PM peak period. Right turn lane warrants are not met for either the AM or the PM peak at the new entrance. However, it is recommended that a right turn taper is provided to allow right-turning vehicles to get out of the continuous right turn lane adjacent to the site. Further, an eastbound left turn lane on Laxton Road is recommended for vehicles entering the development.

The minimum recommended storage length for a left turn lane is 100 feet. Typical turn lane tapers are also a minimum of 100 feet. The existing westbound turn lane on Laxton Road measures approximately 150 feet with a taper length of 75 feet. However, the distance between the stop bar for the westbound left turn lane at Enterprise Drive and the proposed entrance is roughly 290 feet, which leaves only 65 feet of storage for the new turn lane if the 75-foot taper is shared. Based on the queueing analysis, a 65-foot turn lane and 75-foot taper is adequate. However, it is recommended that the existing westbound 75-foot turn lane taper be shortened to 50 feet and shared with the eastbound turn lane to maximize the storage lengths for both turn lanes. This results in a 150-foot turn lane with a 50-foot taper for the westbound left turn lane and a 50-foot taper and a 90-foot turn lane for the eastbound turn lane. Queueing analysis supports this recommendation. A conceptual plan showing the recommended turn lane improvements is attached to this report.

The addition of the eastbound left turn lane and shortening of the taper length will require eradication of the existing pavement markings. This work can be addressed during the site design phase of the project.

REPORT FIGURES

Figure 1

**Map - Existing Conditions - AM Peak
Volumes**

07/18/2018

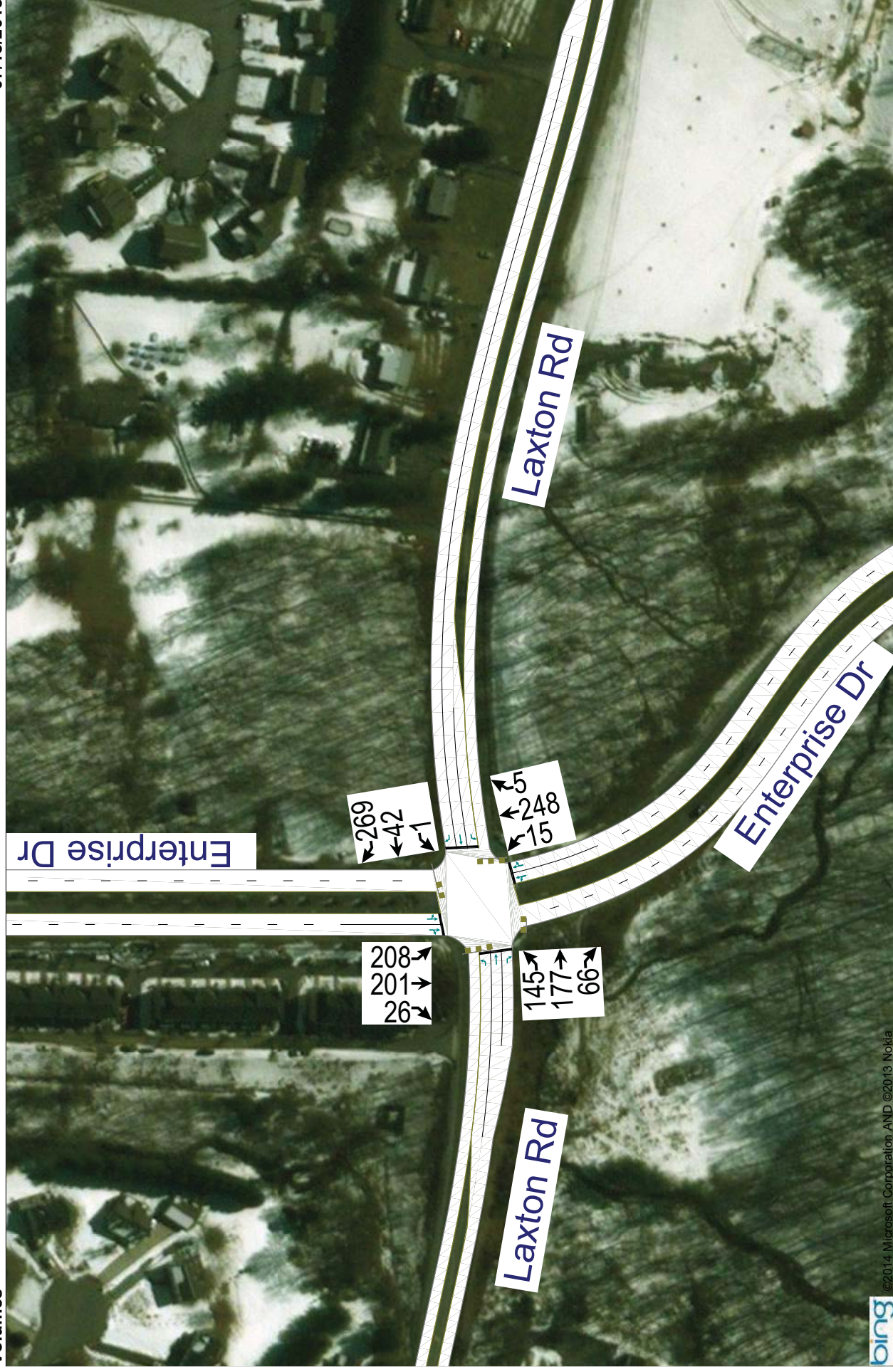


Figure 2

Map - Existing Conditions - PM Peak
Volumes

07/18/2018

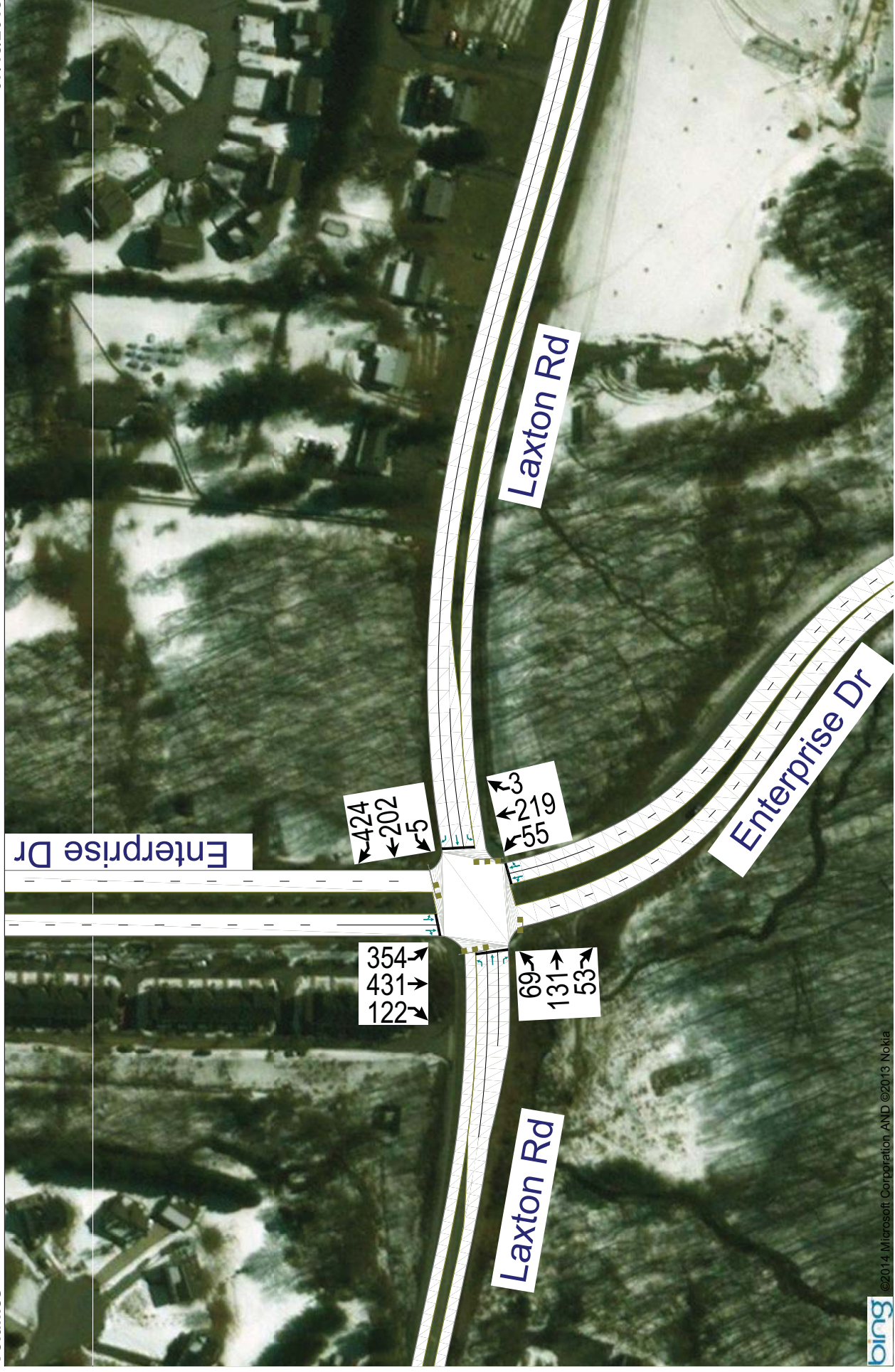
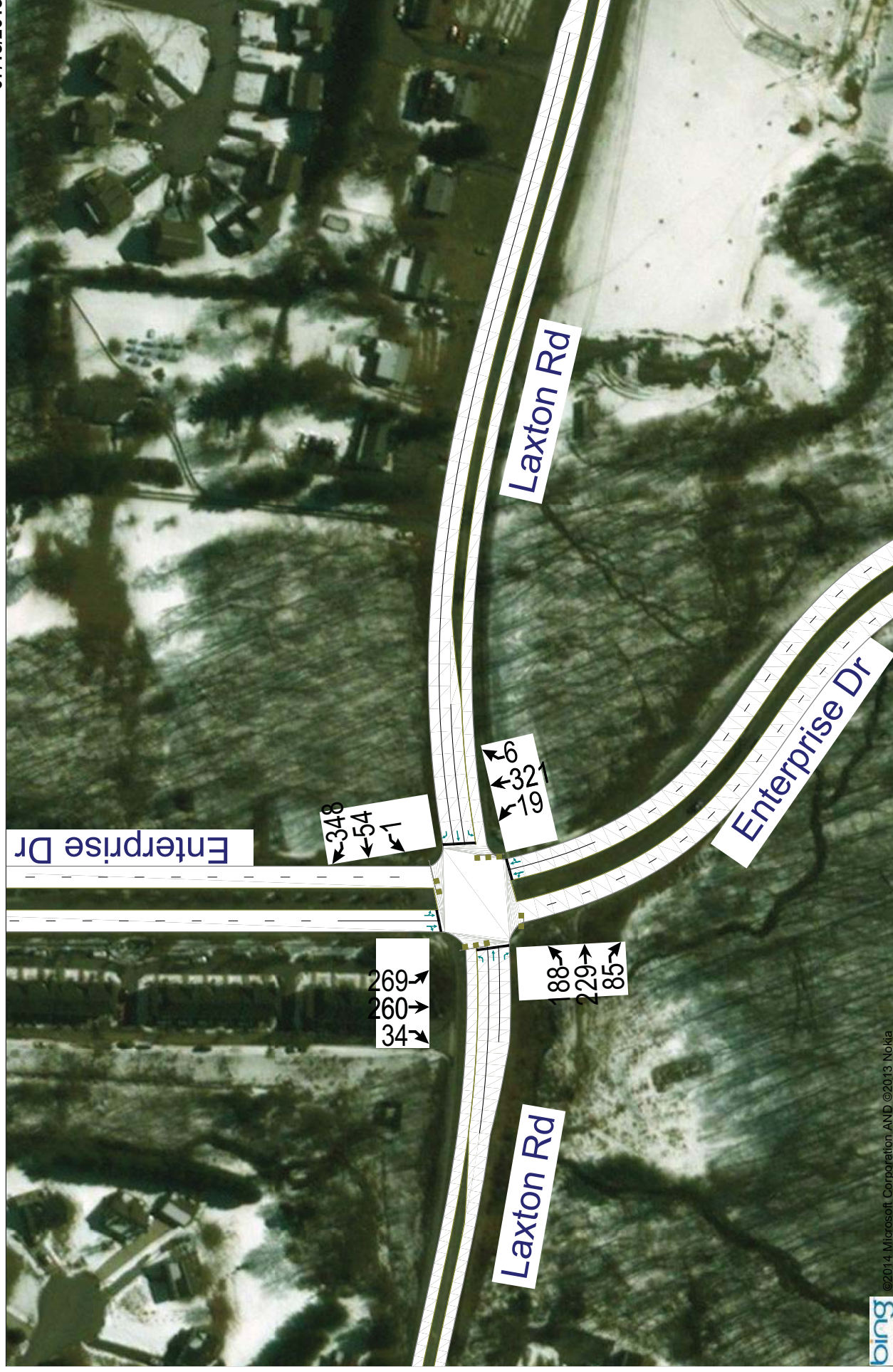


Figure 3

Map - 2023 No-Build Condition - AM Peak

07/18/2018



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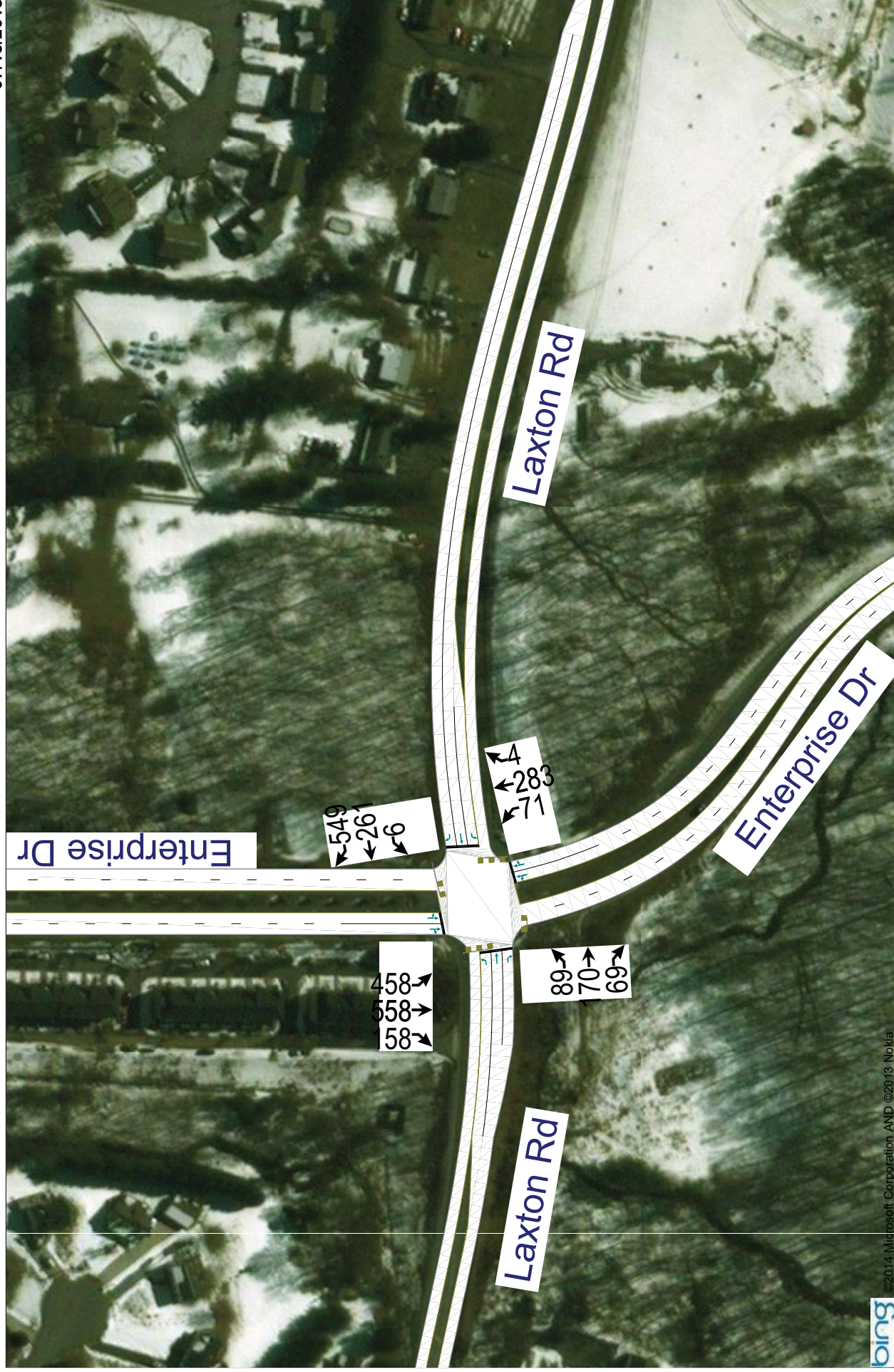
2023 No-Build Condition - AM Peak 2023 No-Build AM

\\data01\projects\2018\20180700\Engineering\Traffic\Analysis\2023 NB - AM Peak.syn

Figure 4

Map - 2023 No-Build Condition - PM Peak

07/18/2018



08/24/2018



Figure 6

Map - 2023 Build Condition - PM Peak

08/24/2018

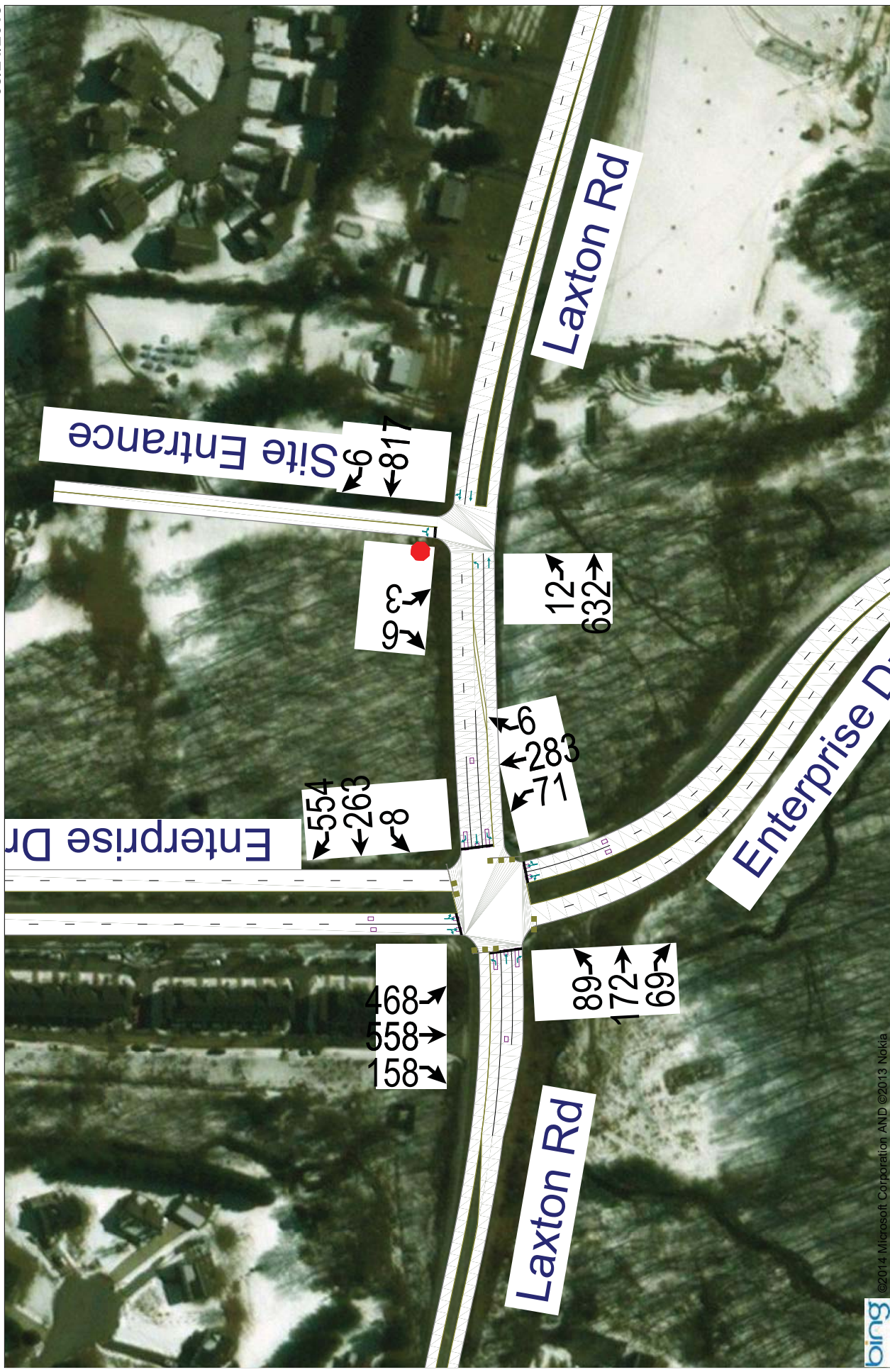


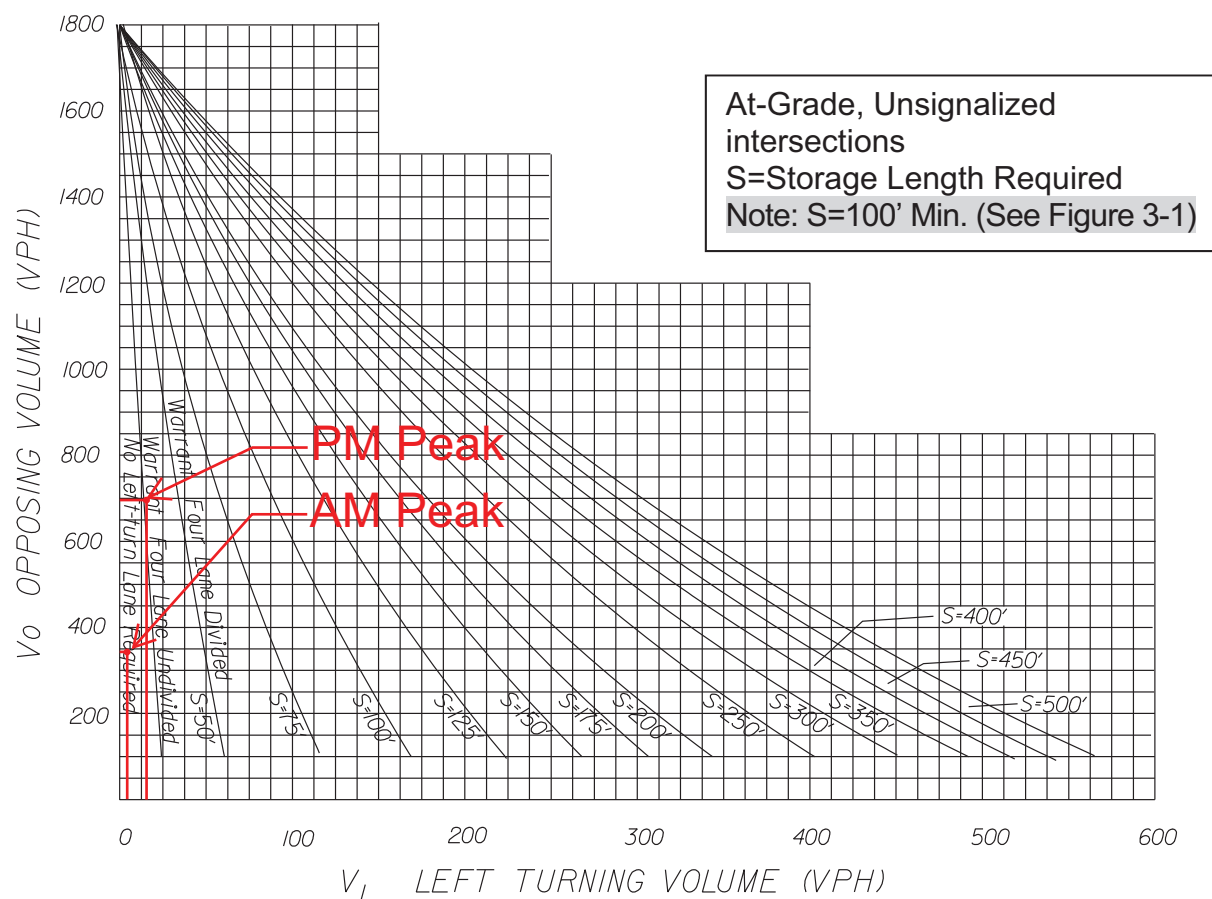
Figure 7**Warrants for Left Turn Storage Lanes on Four-Lane Highways****FIGURE 3-3 WARRANTS FOR LEFT TURN STORAGE LANES ON FOUR-LANE HIGHWAYS***

Figure 3-3 was derived from Highway Research Report No. 211.

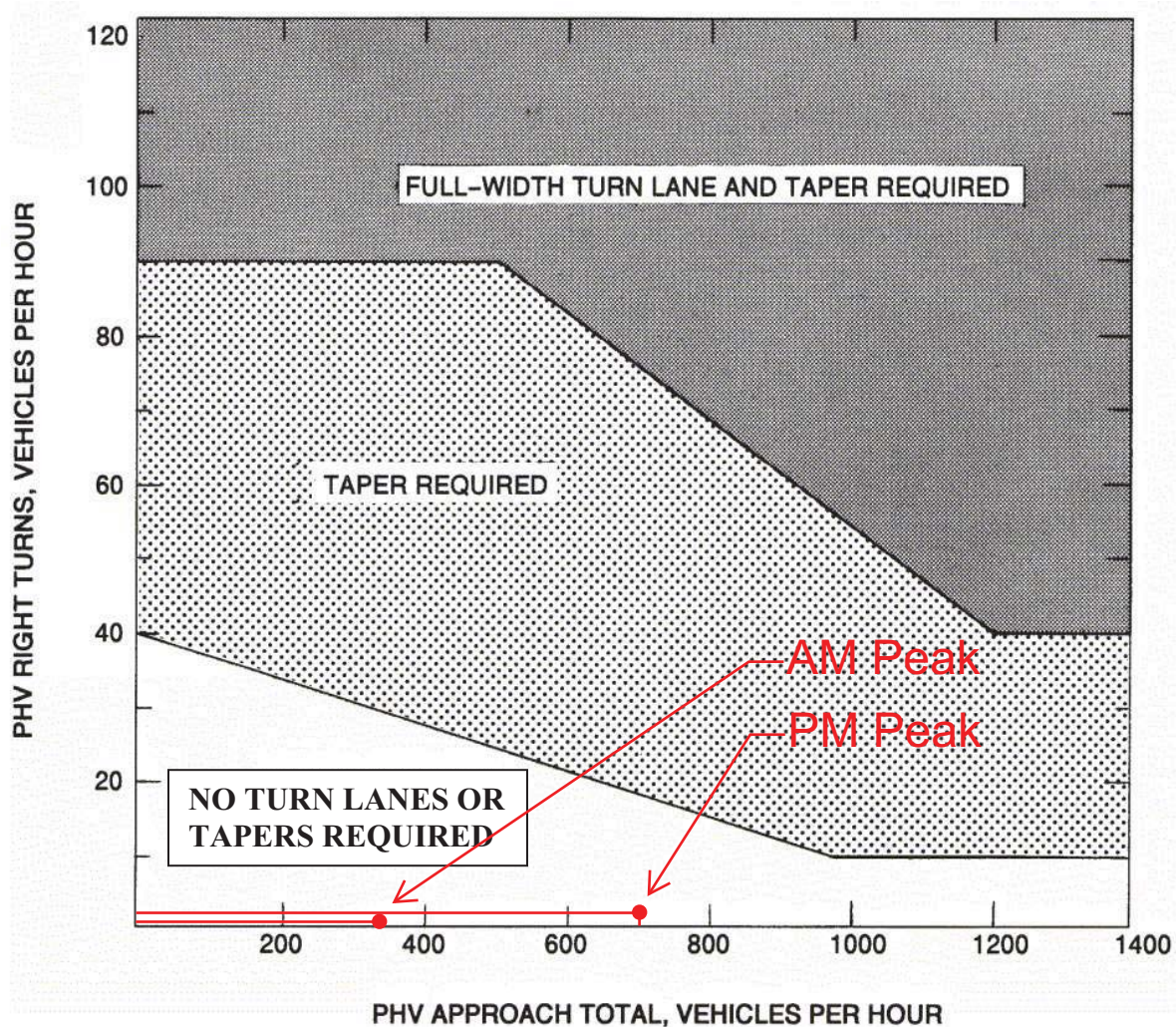
Opposing volume and left turning volume in vehicles per hour (VPH) are used for left turn storage lane warrants on four-lane highways.

For plan detail requirements when curb and/or gutter are used, see VDOT's Road Design Manual, [Section 2E-3](#) on the VDOT web site:

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>.

Left-turn lanes shall also be established on two-lane highways where traffic volumes are high enough to warrant them.

* Rev. 1/18

Figure 8

Appropriate Radius required at all Intersections and Entrances (Commercial or Private).

LEGEND

PHV- - Peak Hour Volume (also Design Hourly Volume equivalent)

Adjustment for Right Turns

If PHV is not known use formula: $PHV = ADT \times K \times D$

K = the percent of AADT occurring in the peak hour

D = the percent of traffic in the peak direction of flow

Note: An average of 11% for K x D will suffice.

When right turn facilities are warranted, see Figure 3-1 for design criteria.*

FIGURE 3-27 WARRANTS FOR RIGHT TURN TREATMENT (4-LANE HIGHWAY)

* Rev. 1/15

APPENDIX



(434) 847-7796

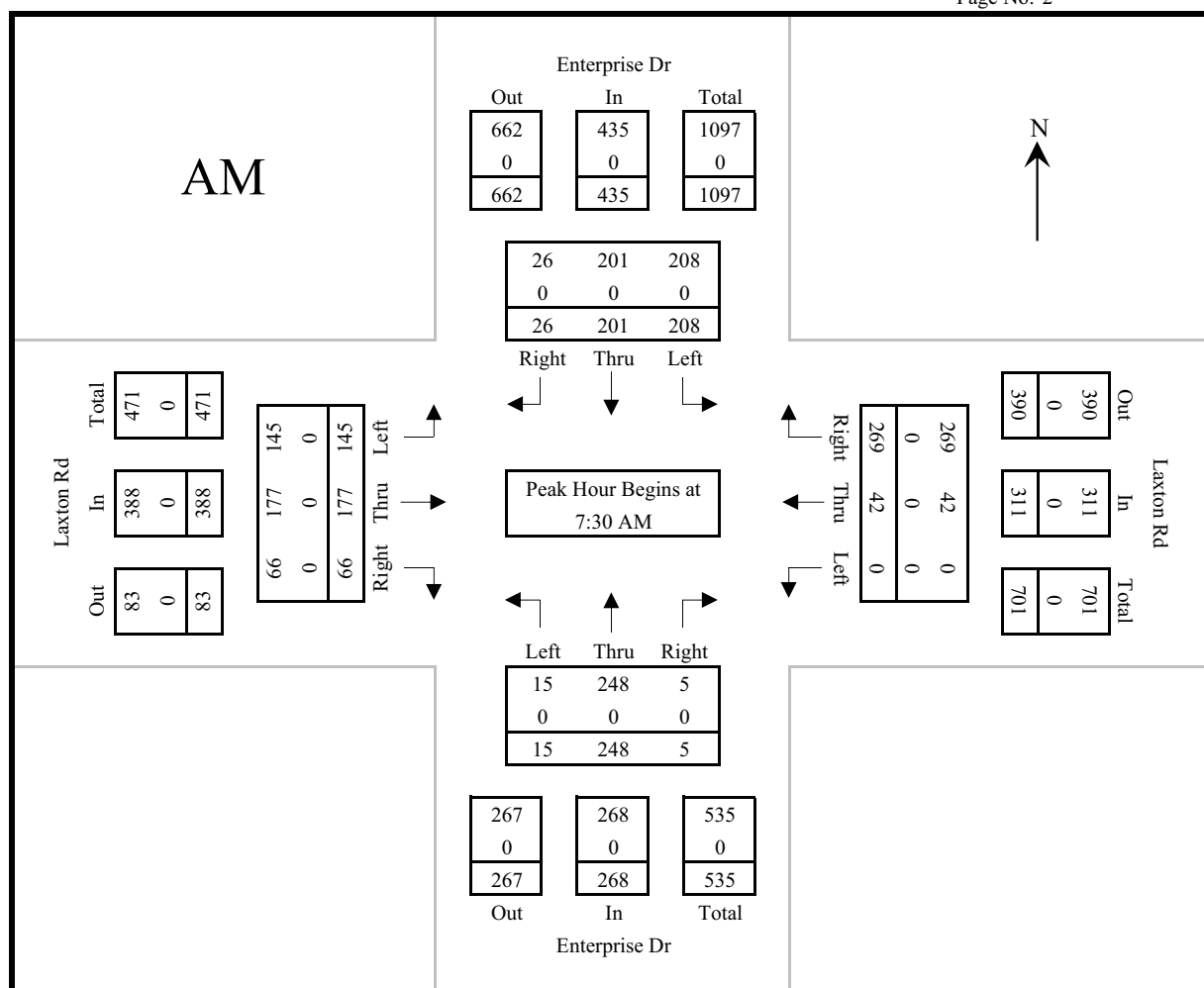
Page No: 1

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(434) 847-7796

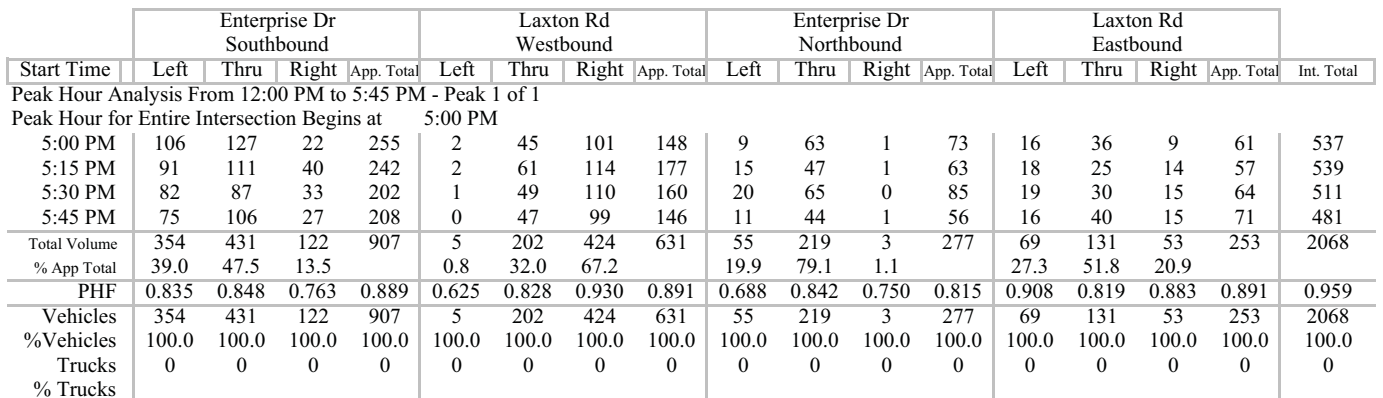
Page No: 2

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(434) 847-7796

Page No: 3



Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Future Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.991	
Flt Protected	0.950			0.950				0.997			0.977	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3518	0	0	3427	0
Flt Permitted	0.561			0.628				0.997			0.977	
Satd. Flow (perm)	1045	1863	1583	1170	1863	1583	0	3518	0	0	3427	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			148			248		2			9	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	171	208	78	1	49	316	18	292	6	245	236	31
Shared Lane Traffic (%)												
Lane Group Flow (vph)	171	208	78	1	49	316	0	316	0	0	512	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	10.0	20.5	20.5	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (%)	14.3%	29.3%	29.3%	13.6%	28.6%		28.6%	28.6%		28.6%	28.6%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effect Green (s)	14.9	14.6	14.6	11.8	8.6	23.4		10.4			13.6	
Actuated g/C Ratio	0.28	0.28	0.28	0.22	0.16	0.44		0.20			0.26	
v/c Ratio	0.46	0.40	0.14	0.00	0.16	0.38		0.46			0.57	

Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay	19.6	20.0	1.2	14.0	22.5	3.0		22.6			21.1	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	19.6	20.0	1.2	14.0	22.5	3.0		22.6			21.1	
LOS	B	B	A	B	C	A		C			C	
Approach Delay		16.6			5.6			22.6			21.1	
Approach LOS		B			A			C			C	
Queue Length 50th (ft)	41	50	0	0	14	6		47			71	
Queue Length 95th (ft)	84	124	3	3	39	26		90			137	
Internal Link Dist (ft)		494			959			623			648	
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	375	622	627	322	594	1076		1123			1099	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.46	0.33	0.12	0.00	0.08	0.29		0.28			0.47	

Intersection Summary

Area Type: Other

Cycle Length: 70

Actuated Cycle Length: 52.6

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.57

Intersection Signal Delay: 16.7

Intersection LOS: B

Intersection Capacity Utilization 44.6%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 3: Enterprise Dr & Laxton Rd

 Ø2	 Ø6	 Ø3	 Ø4
20 s	20 s	9.5 s	20.5 s
		 Ø7	 Ø8
		10 s	20 s

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Future Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.998			0.980	
Flt Protected	0.950			0.950				0.990			0.981	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3497	0	0	3403	0
Flt Permitted	0.363			0.659				0.990			0.981	
Satd. Flow (perm)	676	1863	1583	1228	1863	1583	0	3497	0	0	3403	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			130			281		1			23	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Adj. Flow (vph)	81	154	62	6	238	499	65	258	4	416	507	144
Shared Lane Traffic (%)												
Lane Group Flow (vph)	81	154	62	6	238	499	0	327	0	0	1067	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		30.0	30.0	
Total Split (%)	12.0%	25.1%	25.1%	11.9%	25.0%		25.5%	25.5%		37.5%	37.5%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effect Green (s)	19.6	19.2	19.2	17.0	13.7	40.8		12.0			26.0	
Actuated g/C Ratio	0.28	0.27	0.27	0.24	0.19	0.57		0.17			0.37	
v/c Ratio	0.30	0.31	0.12	0.02	0.66	0.49		0.56			0.85	

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Control Delay	22.2	23.9	0.5	18.6	37.7	4.1		32.0			30.7	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	22.2	23.9	0.5	18.6	37.7	4.1		32.0			30.7	
LOS	C	C	A	B	D	A		C			C	
Approach Delay	18.5			15.0				32.0			30.7	
Approach LOS	B			B				C			C	
Queue Length 50th (ft)	26	52	0	2	102	25		75			243	
Queue Length 95th (ft)	57	114	0	10	171	57		107			#356	
Internal Link Dist (ft)	494			959				623			648	
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	266	558	565	331	429	1067		826			1287	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.30	0.28	0.11	0.02	0.55	0.47		0.40			0.83	

Intersection Summary

Area Type: Other

Cycle Length: 80

Actuated Cycle Length: 71.2

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.85

Intersection Signal Delay: 24.6

Intersection LOS: C

Intersection Capacity Utilization 62.4%

ICU Level of Service B

Analysis Period (min) 15

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: Enterprise Dr & Laxton Rd

 Ø2	 Ø6	 Ø3	 Ø4
20.4 s	30 s	9.5 s	20.1 s
		 Ø7	 Ø8
		9.6 s	20 s

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Future Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.991	
Flt Protected	0.950			0.950				0.997			0.977	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3518	0	0	3427	0
Flt Permitted	0.529			0.616				0.997			0.977	
Satd. Flow (perm)	985	1863	1583	1147	1863	1583	0	3518	0	0	3427	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			148			212		2			9	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	188	229	85	1	54	348	19	321	6	269	260	34
Shared Lane Traffic (%)												
Lane Group Flow (vph)	188	229	85	1	54	348	0	346	0	0	563	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		20.0	20.0	
Total Split (%)	13.7%	28.7%	28.7%	13.6%	28.6%		29.1%	29.1%		28.6%	28.6%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effect Green (s)	16.8	16.5	16.5	12.8	8.2	22.7		10.9			14.5	
Actuated g/C Ratio	0.30	0.30	0.30	0.23	0.15	0.41		0.20			0.26	

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.51	0.42	0.15	0.00	0.20	0.45		0.50				0.63
Control Delay	21.9	20.8	1.6	14.0	23.5	4.5		23.3				22.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0				0.0
Total Delay	21.9	20.8	1.6	14.0	23.5	4.5		23.3				22.5
LOS	C	C	A	B	C	A		C				C
Approach Delay		18.0			7.1			23.3				22.5
Approach LOS		B			A			C				C
Queue Length 50th (ft)	48	59	0	0	16	13		53				80
Queue Length 95th (ft)	96	141	6	3	42	41		96				155
Internal Link Dist (ft)		494			959			623				648
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	370	561	580	320	546	1015		1057				1010
Starvation Cap Reductn	0	0	0	0	0	0		0				0
Spillback Cap Reductn	0	0	0	0	0	0		0				0
Storage Cap Reductn	0	0	0	0	0	0		0				0
Reduced v/c Ratio	0.51	0.41	0.15	0.00	0.10	0.34		0.33				0.56

Intersection Summary

Area Type: Other

Cycle Length: 70

Actuated Cycle Length: 55.7

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.63

Intersection Signal Delay: 18.0

Intersection LOS: B

Intersection Capacity Utilization 47.4%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 3: Enterprise Dr & Laxton Rd

 Ø2	 Ø6	 Ø3	 Ø4
20.4 s	20 s	9.5 s	20.1 s
		 Ø7	 Ø8
		9.6 s	20 s

Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Future Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		900	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.998			0.980	
Flt Protected	0.950			0.950				0.990			0.981	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3497	0	0	3403	0
Flt Permitted	0.322			0.650				0.990			0.981	
Satd. Flow (perm)	600	1863	1583	1211	1863	1583	0	3497	0	0	3403	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			130			242		1			23	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			1039			703			728	
Travel Time (s)		11.2			20.2			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	89	170	69	6	261	549	71	283	4	458	558	158
Shared Lane Traffic (%)												
Lane Group Flow (vph)	89	170	69	6	261	549	0	358	0	0	1174	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			24			24	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		20			20			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		30.0	30.0	
Total Split (%)	12.0%	25.1%	25.1%	11.9%	25.0%		25.5%	25.5%		37.5%	37.5%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effect Green (s)	20.1	19.7	19.7	17.5	14.2	41.7		12.6			26.4	
Actuated g/C Ratio	0.28	0.27	0.27	0.24	0.20	0.57		0.17			0.36	

Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

07/13/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
v/c Ratio	0.36	0.34	0.13	0.02	0.72	0.54		0.59				0.94
Control Delay	23.7	24.6	1.3	18.8	41.1	5.5		32.7				39.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0				0.0
Total Delay	23.7	24.6	1.3	18.8	41.1	5.5		32.7				39.9
LOS	C	C	A	B	D	A		C				D
Approach Delay		19.5			17.0			32.7				39.9
Approach LOS		B			B			C				D
Queue Length 50th (ft)	30	59	0	2	115	40		83				~287
Queue Length 95th (ft)	61	125	3	10	#188	83		117				#420
Internal Link Dist (ft)		494			959			623				648
Turn Bay Length (ft)	200		100	150		900						
Base Capacity (vph)	249	550	559	330	417	1049		803				1252
Starvation Cap Reductn	0	0	0	0	0	0		0				0
Spillback Cap Reductn	0	0	0	0	0	0		0				0
Storage Cap Reductn	0	0	0	0	0	0		0				0
Reduced v/c Ratio	0.36	0.31	0.12	0.02	0.63	0.52		0.45				0.94

Intersection Summary

Area Type: Other

Cycle Length: 80

Actuated Cycle Length: 72.7

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.94

Intersection Signal Delay: 29.4

Intersection LOS: C

Intersection Capacity Utilization 66.9%

ICU Level of Service C

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: Enterprise Dr & Laxton Rd

 Ø2	 Ø6	 Ø3	 Ø4
20.4 s	30 s	9.5 s	20.1 s
		 Ø7	 Ø8
		9.6 s	20 s

Lanes, Volumes, Timings
3: Enterprise Dr & Laxton Rd

08/24/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	145	177	66	1	42	269	15	248	5	208	201	26
Future Volume (vph)	145	178	66	5	45	276	15	248	6	210	201	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		0	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.991	
Flt Protected	0.950			0.950				0.997			0.977	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3518	0	0	3427	0
Flt Permitted	0.530			0.615				0.997			0.977	
Satd. Flow (perm)	987	1863	1583	1146	1863	1583	0	3518	0	0	3427	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			148			212		3			9	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			404			703			728	
Travel Time (s)		11.2			7.9			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	188	230	85	6	58	357	19	321	8	272	260	34
Shared Lane Traffic (%)												
Lane Group Flow (vph)	188	230	85	6	58	357	0	348	0	0	566	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		20.0	20.0	
Total Split (%)	13.7%	28.7%	28.7%	13.6%	28.6%		29.1%	29.1%		28.6%	28.6%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	17.0	16.7	16.7	13.1	8.5	23.0		11.0			14.5	
Actuated g/C Ratio	0.30	0.30	0.30	0.23	0.15	0.41		0.20			0.26	
v/c Ratio	0.50	0.41	0.15	0.02	0.21	0.46		0.50			0.63	
Control Delay	21.7	20.7	1.6	14.6	23.5	4.7		23.4			22.8	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	21.7	20.7	1.6	14.6	23.5	4.7		23.4			22.8	
LOS	C	C	A	B	C	A		C			C	
Approach Delay		17.9			7.4			23.4			22.8	
Approach LOS		B			A			C			C	
Queue Length 50th (ft)	48	60	0	1	18	14		54			81	

Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

08/24/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 95th (ft)	96	142	6	8	45	43		96			156	
Internal Link Dist (ft)		494			324			623			648	
Turn Bay Length (ft)	200		100	150								
Base Capacity (vph)	373	567	585	323	543	1011		1053			1005	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.50	0.41	0.15	0.02	0.11	0.35		0.33			0.56	

Intersection Summary

Area Type: Other

Cycle Length: 70

Actuated Cycle Length: 56

Natural Cycle: 70

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.63

Intersection Signal Delay: 18.0

Intersection LOS: B

Intersection Capacity Utilization 47.4%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 3: Enterprise Dr & Laxton Rd

 Ø2	 Ø6	 Ø3	 Ø4
20.4 s	20 s	9.5 s	20.1 s
		 Ø7	 Ø8
		9.6 s	20 s

Intersection

Int Delay, s/veh 0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	390	312	0	0	0
Future Vol, veh/h	4	390	312	1	5	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	-	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	100	85	85	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	505	404	1	5	14

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	405	0	0 917 202
Stage 1	-	-	- 404 -
Stage 2	-	-	- 513 -
Critical Hdwy	4.13	-	- 6.63 6.93
Critical Hdwy Stg 1	-	-	- 5.83 -
Critical Hdwy Stg 2	-	-	- 5.43 -
Follow-up Hdwy	2.219	-	- 3.519 3.319
Pot Cap-1 Maneuver	1152	-	- 286 806
Stage 1	-	-	- 644 -
Stage 2	-	-	- 600 -
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	1152	-	- 285 806
Mov Cap-2 Maneuver	-	-	- 285 -
Stage 1	-	-	- 644 -
Stage 2	-	-	- 598 -

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	11.9
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1152	-	-	-	544
HCM Lane V/C Ratio	0.003	-	-	-	0.035
HCM Control Delay (s)	8.1	-	-	-	11.9
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Intersection: 3: Enterprise Dr & Laxton Rd

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	R	L	T	R	LT	TR	LT	TR
Maximum Queue (ft)	153	222	200	30	72	204	162	159	245	196
Average Queue (ft)	94	82	33	3	32	80	98	50	163	87
95th Queue (ft)	148	147	90	17	64	145	147	119	245	194
Link Distance (ft)		519			323	323	661	661	678	678
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)	200		100	150						
Storage Blk Time (%)		3								
Queuing Penalty (veh)		8								

Intersection: 7: Laxton Rd & Site Entrance

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	31	53
Average Queue (ft)	1	18
95th Queue (ft)	11	46
Link Distance (ft)		424
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	100	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 8

Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

08/24/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	69	131	53	5	202	424	55	219	3	354	431	122
Future Volume (vph)	69	133	53	6	203	428	55	219	5	362	431	122
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	200		100	150		0	150		150	150		150
Storage Lanes	1		1	1		1	0		0	0		0
Taper Length (ft)	100			100			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	0.95	0.95	0.95	0.95	0.95	0.95
Frt			0.850			0.850		0.997			0.980	
Flt Protected	0.950			0.950				0.990			0.981	
Satd. Flow (prot)	1770	1863	1583	1770	1863	1583	0	3493	0	0	3403	0
Flt Permitted	0.320			0.649				0.990			0.981	
Satd. Flow (perm)	596	1863	1583	1209	1863	1583	0	3493	0	0	3403	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)			130			242		2			23	
Link Speed (mph)		35			35			35			35	
Link Distance (ft)		574			404			703			728	
Travel Time (s)		11.2			7.9			13.7			14.2	
Peak Hour Factor	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85	0.85
Growth Factor	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%	110%
Adj. Flow (vph)	89	172	69	8	263	554	71	283	6	468	558	158
Shared Lane Traffic (%)												
Lane Group Flow (vph)	89	172	69	8	263	554	0	360	0	0	1184	0
Turn Type	pm+pt	NA	Perm	pm+pt	NA	pt+ov	Split	NA		Split	NA	
Protected Phases	7	4		3	8	8 6	2	2		6	6	
Permitted Phases	4		4	8								
Detector Phase	7	4	4	3	8	8 6	2	2		6	6	
Switch Phase												
Minimum Initial (s)	5.0	1.0	1.0	5.0	4.0		4.0	4.0		4.0	4.0	
Minimum Split (s)	9.5	20.0	20.0	9.5	20.0		20.0	20.0		20.0	20.0	
Total Split (s)	9.6	20.1	20.1	9.5	20.0		20.4	20.4		30.0	30.0	
Total Split (%)	12.0%	25.1%	25.1%	11.9%	25.0%		25.5%	25.5%		37.5%	37.5%	
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5		3.5	3.5		3.5	3.5	
All-Red Time (s)	1.0	0.5	0.5	1.0	0.5		0.5	0.5		0.5	0.5	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0			0.0			0.0	
Total Lost Time (s)	4.5	4.0	4.0	4.5	4.0			4.0			4.0	
Lead/Lag	Lead	Lag	Lag	Lead	Lag							
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes							
Recall Mode	None	None	None	None	None		Min	Min		Min	Min	
Act Effct Green (s)	20.2	19.8	19.8	17.5	14.3	41.7		12.6			26.4	
Actuated g/C Ratio	0.28	0.27	0.27	0.24	0.20	0.57		0.17			0.36	
v/c Ratio	0.36	0.34	0.13	0.02	0.72	0.55		0.59			0.95	
Control Delay	23.8	24.7	1.3	18.9	41.3	5.6		32.6			41.4	
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0			0.0	
Total Delay	23.8	24.7	1.3	18.9	41.3	5.6		32.6			41.4	
LOS	C	C	A	B	D	A		C			D	
Approach Delay		19.5			17.1			32.6			41.4	
Approach LOS		B			B			C			D	
Queue Length 50th (ft)	30	59	0	3	116	41		84			~295	

Lanes, Volumes, Timings

3: Enterprise Dr & Laxton Rd

08/24/2018

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Queue Length 95th (ft)	61	126	3	11	#192	85		117			#425	
Internal Link Dist (ft)		494			324			623			648	
Turn Bay Length (ft)	200		100	150								
Base Capacity (vph)	249	550	559	330	416	1048		801			1250	
Starvation Cap Reductn	0	0	0	0	0	0		0			0	
Spillback Cap Reductn	0	0	0	0	0	0		0			0	
Storage Cap Reductn	0	0	0	0	0	0		0			0	
Reduced v/c Ratio	0.36	0.31	0.12	0.02	0.63	0.53		0.45			0.95	

Intersection Summary

Area Type: Other

Cycle Length: 80

Actuated Cycle Length: 72.8

Natural Cycle: 80

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.95

Intersection Signal Delay: 30.1

Intersection LOS: C

Intersection Capacity Utilization 66.9%

ICU Level of Service C

Analysis Period (min) 15

~ Volume exceeds capacity, queue is theoretically infinite.

Queue shown is maximum after two cycles.

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Splits and Phases: 3: Enterprise Dr & Laxton Rd

 Ø2	 Ø6	 Ø3	 Ø4
20.4 s	30 s	9.5 s	20.1 s
		 Ø7	 Ø8
		9.6 s	20 s

Intersection

Int Delay, s/veh 0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	488	631	0	0	0
Future Vol, veh/h	12	488	631	6	3	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	-	-	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	100	85	85	100	100	100
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	632	817	6	3	6

Major/Minor	Major1	Major2	Minor2
Conflicting Flow All	823	0	0 1476 411
Stage 1	-	-	- 820 -
Stage 2	-	-	- 656 -
Critical Hdwy	4.13	-	- 6.63 6.93
Critical Hdwy Stg 1	-	-	- 5.83 -
Critical Hdwy Stg 2	-	-	- 5.43 -
Follow-up Hdwy	2.219	-	- 3.519 3.319
Pot Cap-1 Maneuver	805	-	- 128 591
Stage 1	-	-	- 394 -
Stage 2	-	-	- 515 -
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	805	-	- 126 591
Mov Cap-2 Maneuver	-	-	- 126 -
Stage 1	-	-	- 394 -
Stage 2	-	-	- 507 -

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	19.1
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	805	-	-	-	265
HCM Lane V/C Ratio	0.015	-	-	-	0.034
HCM Control Delay (s)	9.5	-	-	-	19.1
HCM Lane LOS	A	-	-	-	C
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Intersection: 3: Enterprise Dr & Laxton Rd

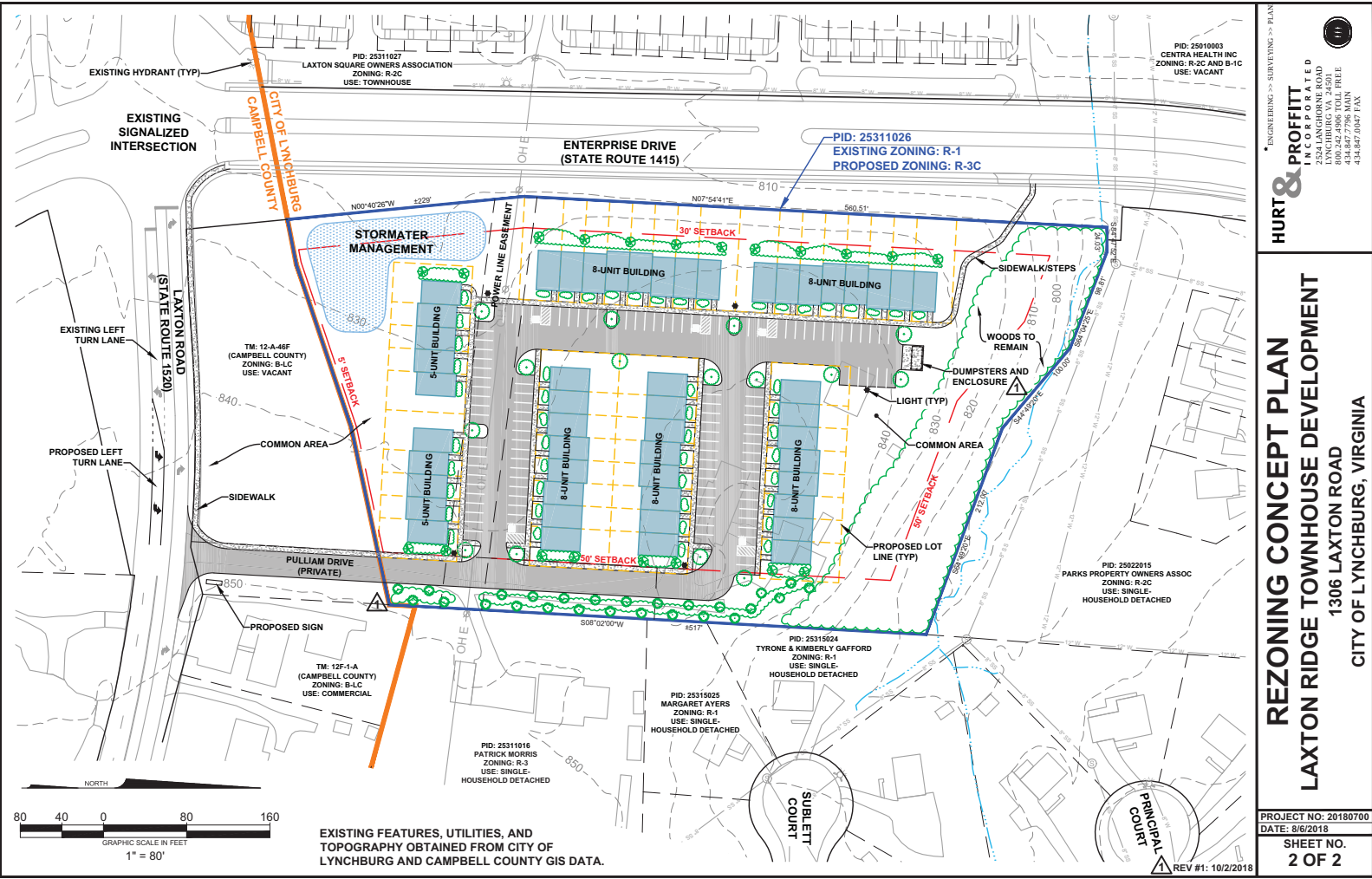
Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	R	L	T	R	LT	TR	LT	TR
Maximum Queue (ft)	73	162	49	30	183	252	212	157	693	665
Average Queue (ft)	40	75	21	6	100	123	137	63	415	331
95th Queue (ft)	76	127	49	26	150	214	208	147	623	546
Link Distance (ft)		519			323	323	661	661	678	678
Upstream Blk Time (%)									1	0
Queuing Penalty (veh)									0	0
Storage Bay Dist (ft)	200		100	150						
Storage Blk Time (%)		4			1					
Queuing Penalty (veh)		6			0					

Intersection: 7: Laxton Rd & Site Entrance

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	48	31
Average Queue (ft)	12	8
95th Queue (ft)	38	29
Link Distance (ft)		424
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)	100	
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 6



ENGINEERING >> SURVEYING >> PLAN

HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
434.457.7758 FAX
434.457.0047 FAX

REZONING CONCEPT PLAN
LAXTON RIDGE TOWNHOUSE DEVELOPMENT
1306 LAXTON ROAD
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180700
DATE: 8/6/2018
SHEET NO.
2 OF 2

Accident Summary Analysis

Date: 9/17/2018 11:15:11

Page: 1

Length In Miles: 0.00

DVMT: (not available)

Crash Rate:

Death Rate:

Injury Rate:

	Total	2013	2014	2015	2016	2017
Total Crashes	17	3	7	1	3	3
Fatal Crashes	0	0	0	0	0	0
Injury Only Crashes	3	0	2	0	0	1
Prop. Damage Only Crashes	14	3	5	1	3	2
Property Damage Amount	76700	14500	26600	2500	21000	12100
Persons Killed	0	0	0	0	0	0
Persons Injured	3	0	2	0	0	1
Pedestrians Killed	0	0	0	0	0	0
Pedestrians Injured	0	0	0	0	0	0
Collision Type						
Not Provided	0	0	0	0	0	0
1. Rear End	8	2	4	1	1	0
2. Angle	3	0	1	0	0	2
3. Head On	2	0	0	0	1	1
4. Sideswipe - Same Direction	2	0	1	0	1	0
5. Sideswipe - Opposite Direction	0	0	0	0	0	0
6. Fixed Object in Road	0	0	0	0	0	0
7. Train	0	0	0	0	0	0
8. Non-Collision	0	0	0	0	0	0
9. Fixed Object - Off Road	1	0	1	0	0	0
10. Deer	1	1	0	0	0	0
11. Other Animal	0	0	0	0	0	0
12. Ped	0	0	0	0	0	0
13. Bicyclist	0	0	0	0	0	0
14. Motorcyclist	0	0	0	0	0	0
15. Backed Into	0	0	0	0	0	0
16. Other	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3

Accident Summary Analysis

Date: 9/17/2018 11:15:11

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Vehicle Type	Total	2013	2014	2015	2016	2017
Not Provided	0	0	0	0	0	0
1. Passenger car	20	6	6	1	2	5
2. Truck - Pick-up/Passenger Truck	5	0	4	0	1	0
3. Van	2	0	1	0	1	0
4. Truck - Single Unit Truck (2-Axles)	0	0	0	0	0	0
7. Motor Home, Recreational Vehicle	0	0	0	0	0	0
8. Special Vehicle - Oversized (Veh/Earthmover/Road Equip.)	0	0	0	0	0	0
9. Bicycle	0	0	0	0	0	0
10. Moped	0	0	0	0	0	0
11. Motorcycle	1	1	0	0	0	0
12. Emergency Vehicle (Regardless of Veh Type)	0	0	0	0	0	0
13. Bus - School Bus	0	0	0	0	0	0
14. Bus - City Transit Bus/Privatey Owned Church Bus	0	0	0	0	0	0
15. Bus - Commercial Bus	0	0	0	0	0	0
16. Other (Scooter, Go-cart, Hearse, Bookmobile, Golf Cart, etc.)	0	0	0	0	0	0
18. Special Vehicle - Farm Machinery	0	0	0	0	0	0
19. Special Vehicle - ATV	0	0	0	0	0	0
21. Special Vehicle - Low Speed Vehicle	0	0	0	0	0	0
22. Truck - Sport Utility Vehicle (SUV)	6	0	2	1	2	1
23. Truck - Single Unit Truck (3 Axles or More)	0	0	0	0	0	0
25. Truck - Truck Tractor (Bobtail-No Trailer)	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	34	7	13	2	6	6

Accident Summary Analysis

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	Total	2013	2014	2015	2016	2017
Fixed Object						
Not Provided	0	0	0	0	0	0
1. Bank Or Ledge	0	0	0	0	0	0
2. Trees	0	0	0	0	0	0
3. Utility Pole	0	0	0	0	0	0
4. Fence Or Post	0	0	0	0	0	0
5. Guard Rail	0	0	0	0	0	0
6. Parked Vehicle	0	0	0	0	0	0
7. Tunnel, Bridge, Underpass, Culvert, etc.	0	0	0	0	0	0
8. Sign, Traffic Signal	0	0	0	0	0	0
9. Impact Cushioning Device	0	0	0	0	0	0
10. Other	0	0	0	0	0	0
11. Jersey Wall	0	0	0	0	0	0
12. Building/Structure	0	0	0	0	0	0
13. Curb	1	1	0	0	0	0
14. Ditch	0	0	0	0	0	0
15. Other Fixed Object	0	0	0	0	0	0
16. Other Traffic Barrier	0	0	0	0	0	0
17. Traffic Sign Support	0	0	0	0	0	0
18. Mailbox	0	0	0	0	0	0
Total	1	1	0	0	0	0
Lighting						
Not Provided	0	0	0	0	0	0
1. Dawn	1	0	0	0	1	0
2. Daylight	10	2	5	1	1	1
3. Dusk	0	0	0	0	0	0
4. Darkness - Road Lighted	3	0	1	0	1	1
5. Darkness - Road Not Lighted	3	1	1	0	0	1
6. Darkness - Unknown Road Lighting	0	0	0	0	0	0
7. Unknown	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3

Accident Summary Analysis

Date: 9/17/2018 11:15:11

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	Total	2013	2014	2015	2016	2017
Surface Condition						
Not Provided	0	0	0	0	0	0
1. Dry	15	3	5	1	3	3
2. Wet	2	0	2	0	0	0
3. Snowy	0	0	0	0	0	0
4. Icy	0	0	0	0	0	0
5. Muddy	0	0	0	0	0	0
6. Oil/Other Fluids	0	0	0	0	0	0
7. Other	0	0	0	0	0	0
8. Natural Debris	0	0	0	0	0	0
9. Water (Standing, Moving)	0	0	0	0	0	0
10. Slush	0	0	0	0	0	0
11. Sand, Dirt, Gravel	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3
Weather Condition						
Not Provided	0	0	0	0	0	0
1. No Adverse Condition (Clear/Cloudy)	14	3	5	1	2	3
3. Fog	1	0	0	0	1	0
4. Mist	1	0	1	0	0	0
5. Rain	1	0	1	0	0	0
6. Snow	0	0	0	0	0	0
7. Sleet/Hail	0	0	0	0	0	0
8. Smoke/Dust	0	0	0	0	0	0
9. Other	0	0	0	0	0	0
10. Blowing Sand, Soil, Dirt, or Snow	0	0	0	0	0	0
11. Severe Crosswinds	0	0	0	0	0	0
Not Applicable	0	0	0	0	0	0
Total	17	3	7	1	3	3

Accident Summary Analysis

Date: 9/17/2018 11:15:11

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	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Unknown
00:00 - 00:59	0	0	0	0	0	0	0	0
01:00 - 01:59	0	0	0	0	0	1	0	0
02:00 - 02:59	0	0	0	0	0	0	0	0
03:00 - 03:59	0	0	0	0	0	0	0	0
04:00 - 04:59	0	0	0	0	0	0	0	0
05:00 - 05:59	0	0	0	0	0	1	0	0
06:00 - 06:59	0	1	0	0	0	0	0	0
07:00 - 07:59	0	1	0	1	1	0	0	0
08:00 - 08:59	0	1	0	0	0	1	0	0
09:00 - 09:59	0	0	0	0	0	0	0	0
10:00 - 10:59	0	0	0	0	0	1	0	0
11:00 - 11:59	0	0	0	0	0	0	0	0
12:00 - 12:59	0	0	0	0	1	0	0	0
13:00 - 13:59	0	0	0	0	0	0	0	0
14:00 - 14:59	0	0	0	0	0	0	0	0
15:00 - 15:59	1	0	0	0	0	0	0	0
16:00 - 16:59	0	0	0	0	0	0	0	0
17:00 - 17:59	0	0	0	0	1	0	0	0
18:00 - 18:59	0	0	0	0	0	0	1	0
19:00 - 19:59	0	1	1	0	0	0	0	0
20:00 - 20:59	0	0	0	0	0	0	0	0
21:00 - 21:59	0	0	0	1	0	0	0	0
22:00 - 22:59	0	0	0	0	0	0	0	0
23:00 - 23:59	0	0	1	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0
Total	1	4	2	2	3	4	1	0



1306 Laxton Road
Rezoning from R-1 to R-3C and FLUM Amendment
November 14, 2018

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Readopting Council's Rules of Procedure

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adoption of a resolution readopting City Council's Rules of Procedure which contain Council's schedule of regular meetings and work sessions for the upcoming year.

SUMMARY: The state code provides that each year the local governing body shall prescribe by resolution the schedule of meetings for the upcoming year. City Council's schedule of meetings is set forth in City Council's Rules of Procedure, and the Rules of Procedure should be readopted to confirm Council's schedule of regular meetings and work sessions for the upcoming year.

PRIOR ACTION(S): City Council readopted its Rules of Procedure on July 10, 2018, to confirm Council's schedule of regular meetings and work sessions for 2018-2018.

FISCAL IMPACT: None

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

ATTACHMENT(S): A Resolution readopting City Council's Rules of Procedure.
Lynchburg City Council Rules of Procedure last amended July 12, 2016

REVIEWED BY: bms

RESOLUTION:

NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council does hereby readopt Council's Rules of Procedure to confirm its schedule of regular meetings and work sessions for the upcoming year.

This resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

077R

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008;
Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013 and July 12, 2016)

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, 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. 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, 2009: 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 physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate provision providing for the appointment of Council members to serve on the Audit Committee.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 25, 2019**

AGENDA ITEM #: **10**

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION:
ACTION: X INFORMATION: (Confidential)

ITEM TITLE: Amend the FY 2020 Budget and Rescind Funds from the Schools Operating Appropriation from the City

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2020 General Fund Operating Budget and the FY 2020 Schools Operating budget and rescind \$862,000 from the Schools Operating Appropriation and increase the General Fund Unassigned Fund Balance by \$862,000.

SUMMARY: After the FY 2020 Budget was passed, Lynchburg City Schools (LCS) Staff identified some differences between the FY 2020 budget projections and the current budget that resulted in an overestimation of funds needed to support salary increases and living wage adjustments for LCS staff. As a result of this finding, the Superintendent has communicated to City Council the additional appropriation of \$862,000 is not needed and should be returned to the City.

PRIOR ACTION(S): May 14, 2019 First Reading of the FY 2020 Budget
May 28, 2019 Adoption of the FY 2020 Budget

FISCAL IMPACT: \$862,000 increase to the FY 2020 General Fund Unassigned Fund Balance.

CONTACT(S): Donna S. Witt, Chief Finance Officer, 455-3968
Dr. Crystal Edwards, Superintendent, Lynchburg City Schools, 515-5070

ATTACHMENT(S):
Resolution

Budget Communication by Dr. Crystal Edwards, Superintendent, released June 13, 2019
Letter from Dr. Crystal Edwards, Superintendent, dated June 19, 2019

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2020 General Fund Operating Budget and the FY 2020 Schools Operating Budget is amended and \$862,000 is rescinded from the Schools Operating Appropriation and the General Fund Unassigned Fund Balance is increased by \$862,000.

Introduced:

Adopted:

Certified:

Clerk of Council

085R

Recently, the Lynchburg City School Board adopted four strategic plan goals that support the mission, vision, direction and future of Lynchburg City Schools. More specifically, the Board's third goal speaks to our commitment to being good stewards of public resources.

Goal #3 (Fiscal Responsibility and Management): Lynchburg City Schools operates in an efficient, effective, timely and transparent manner with fiscal responsibility to meet our diverse financial needs and develop resources that advance educational outcomes for all students.

Staff compensation was a major focal point considered when developing the 2019-20 operating budget. Since the fall, we worked diligently to find funds within our existing budget to support salary increases and living wage adjustments for our staff. Although we were successful in finding over 80% of the funds needed within our existing budget, we were grateful for City Council's allocation of \$862,000 in support of our staff.

However, over the past few days we found some differences between the 2019-20 budget projections and the current budget that had resulted in an over-estimation of funds needed to support salary increases and living wage adjustments for our staff.

As a result of this finding, we:

1. Identified resources within the current budget to support the total cost of the 2019-20 salary increases and living wage adjustments for our staff
2. Will return to the City \$862,000
3. Have hired an outside consultant to assist on a part-time basis with finance department operations
4. Will secure a third-party consulting firm to conduct a forensic audit of our financial practices in an effort to enhance our fiscal operations

We value the public's trust and confidence in our school division and are committed to the highest level of integrity with regard to using tax payer dollars wisely. The strategies and suggestions resulting from the forensic audit will be used to guide our current and future budgetary practices.

Thank you for your continued support of Lynchburg City Schools.



LYNCHBURG CITY SCHOOLS

Office of the Superintendent

915 Court Street

P.O. Box 2497

Lynchburg, VA 24505

June 19, 2019

Mrs. Bonnie Svrcek
City Manager
900 Church Street
Lynchburg, Virginia 24504

Dear Mrs. Svrcek:

Per recent conversations with your office and members of City Council, this letter serves as notice of intent on behalf of the Lynchburg City School Board, to return to the City local revenue in the amount of \$862,000.

At its next regularly scheduled business meeting on July 16, 2019, the Lynchburg City School Board will take official action to amend its approved budget to reduce City revenue funds from \$42,890,498 to \$42,028,498. This reduction reflects the return of \$862,000 to the City.

Please don't hesitate to contact me should you have any questions.

Sincerely,

Crystal M. Edwards, Ed.D
Superintendent

cc: Members, Lynchburg City School Board
Kim Lukanich, Assistant Director of Finance
Ben Copeland, Deputy Superintendent
Marie Gee, Director of Personnel