September 14, 2021

Physical Development Committee Meeting – CANCELED

A G E N D A

City Council Meeting of September 14, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

4:00 P.M. WORK SESSION

1. Introductions by City Manager Wynter C. Benda
2. Lynchburg Tomorrow Presentation given by Dr. Alison Morrison-Shetlar, President, University of Lynchburg
3. City Council Elections Date – Ordinance Options
4. Business Item Briefings:

    a. Revenue Sharing Applications
    (This item will appear for Council action on September 14, 2021, General Business)

5. Roll Call

7:30 P.M.
City Council Agenda Items

COUNCILMEMBER FARALDI WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

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

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

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

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

CONSENT AGENDA

A) Consideration of approving the minutes form the April 27, 2021 Council Meeting.

B) Consideration of approving the minutes from the May 11, 2021 Council Meeting.

C) Consideration of adopting Resolution #R-21-065 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate $65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022.

PUBLIC HEARING

#6. Consideration of adopting an ordinance approving the right-of-way vacation of Railroad Avenue.
#O-21-___

PUBLIC COMMENTS

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

GENERAL BUSINESS

#7. Consideration of adopting a resolution of support of an application to VDOT to include several projects for the FY 2023 Revenue Sharing and Transportation Alternatives Projects programs.
#R-21-___

#8. Consideration of adopting a resolution approving the naming of a private street and new entrance as Poplar Forest Parkway.
#R-21-___

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2021** AGENDA ITEM #: **2**

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION:
ACTION: INFORMATION: **X** (Confidential)

ITEM TITLE: Lynchburg Tomorrow Presentation

KEY ELEMENTS:
___Economic Development _X__Excellent Government ___Natural and Built Environment __Safe Community _X_Vibrant Community

RECOMMENDATION: Receive this as an information item

SUMMARY: University of Lynchburg President Alison Morrison-Shetlar will share information regarding the Lynchburg Tomorrow initiative championed by the University.

PRIOR ACTION(S): n/a

FISCAL IMPACT: n/a

CONTACT(S): Dr. Alison Morrison-Shetlar, President, University of Lynchburg

ATTACHMENT(S):
none

REVIEWED BY: raw

098A

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2021** AGENDA ITEM #: **3**

CONSENT:	REGULAR:	WORK SESSION: **X**	CLOSED SESSION:
ACTION: **X**	INFORMATION:		(Confidential)

ITEM TITLE: City Council Elections Date – Ordinance Options

KEY ELEMENTS:
__Economic Development _**X**__Excellent Government __Natural and Built Environment ___Safe Community __Vibrant Community

RECOMMENDATION: Provide feedback on options to revise City Council election dates.

SUMMARY: Prior to the 2021 General Assembly session, the City was permitted to conduct local elections in May, rather than in November when most other elections occur. For many years, this has been the City's practice. However, the 2021 General Assembly passed legislation that would require the City, and all other local governments in Virginia, to hold local elections in November. This legislation requires that City Council adopt an ordinance changing local elections from May to November.

The City Attorney will present two options for this change and City Council is requested to provide feedback regarding these options, or another third option as Council may prescribe.

PRIOR ACTION(S): n/a

FISCAL IMPACT: n/a

CONTACT(S): Matthew Freedman, City Attorney, 455-3976

ATTACHMENT(S):
- Ordinance Options 1 and 2

REVIEWED BY: raw

099A

OPTION NO. 1

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

(a) The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members of such council shall be elected from wards and three members of such council shall be elected at large.

(b) At a general election to be held in November 2022, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2024, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.

(c) The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.

(d) If a vacancy occurs in the membership of the council, the majority of the remaining members, respectively, within 45 days of such office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

OPTION NO. 2

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

(a) The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members of such council shall be elected from wards and three members of such council shall be elected at large.

(b) At a general election to be held in November 2023, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2025, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.

(c) The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.

(d) If a vacancy occurs in the membership of the council, the majority of the remaining members of the council, respectively, within 45 days of the office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2021** AGENDA ITEM #: **4 (a)**

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION:
ACTION: **X** INFORMATION: (Confidential)

ITEM TITLE: *Business Item Briefing:* Proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023

KEY ELEMENTS:
_**X**_ Economic Development ___Excellent Government _**X**_ Natural and Built Environment _**X**_ Safe Community ___Vibrant Community

RECOMMENDATION: *This item will appear for City Council vote on the September 14, 2021 General Business agenda*. Review and approval of a resolution of support of an application to VDOT to include the attached list of projects for the FY 2023 Revenue Sharing (RS) and Transportation Alternatives (TAP) Projects programs.

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

Staff recommends the following projects for application to Revenue Sharing:

- **Previous Revenue Sharing Projects** - Due to the delay in funding revenue sharing projects by VDOT, inflationary funds are required for the first four Revenue Sharing projects previously approved by City Council on September 24, 2019.

- **Hollins Mill Road and Bikeway Improvements** - This project is replacement and enhancement of the bridge on Hollins Mill Road at the Hollins Mill Park located at 521 Hollins Mill Road. There is a low water bridge underneath the Hollins Mill bridge that connects the Blackwater Creek Bikeway with the Point of Honor Trail that constantly requires maintenance to remain safely accessible to pedestrians and bicyclists. This project would replace the bridge and provide bike and pedestrian enhancements when the low water bridge is not available. Additional funding for the project will need to be applied for in future grant funding cycles.

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

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

Funds will not become available until FY 2027 and FY 2028 to begin design and construction.

PRIOR ACTION(S): City Council Meeting approved original applications, September 24, 2019

FISCAL IMPACT: Requires matching funds of 50% for Revenue Sharing and 20% for TAP
Requires funding for VDOT review and administrative charges (as noted in the attachment)

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

ATTACHMENT(S): Resolution; VDOT Grant Application Listing FY 2023

REVIEWED BY: raw
102A

A RESOLUTION BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, ENDORSING THE REVENUE SHARING, AND TRANSPORTATION ALTERNATIVES PROGRAM APPLICATIONS

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution of support be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) establish and fund projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg does support and requests the Commonwealth Transportation Board to establish and fund, for any successful program application and all stages of construction, the projects as listed in the agenda item titled "*Proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023*" for any of the programs including Revenue Sharing and Transportation Alternatives Programs.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for the approved projects.

Adopted:

Certified: ______________________________
Clerk of Council

135K

VDOT Grant Application Listing FY 2023

Revenue Share - VDOT portion only	**FY 2023**
Breezewood Drive Reconstruction and Widening - Additional Inflationary Funds	$1,445,660
Lakeside Drive Reconstruction and Widening - Additional Inflationary Funds	728,202
Link Road Intersection with Rivermont Avenue - Additional Inflationary Funds	454,437
Wards Ferry Road Turn Lanes at Atlanta Avenue - Additional Inflationary Funds	408,763
Hollins Mill Road Bridge Replacement w/ Pedestrian Features – (Total Project - $9,972,492)	1,962,938
TOTAL	**$5,000,000**
Total CITY Match needed (50/50 match)	***$5,000,000***
Total Appropriation - Grant and City combined	**$10,000,000**
Transportation Alternatives Program (TAP) - application request only	**FY 2023**
Lynchburg Center for Industry – Phase 1	$653,879
Lynchburg Center for Industry – Phase 2 (Proposed to finish site in the next application period of FY 25 – Total Project - $1,596,187)	
TOTAL	**$653,879**
Total CITY Match needed (80/20 match)	***$163,470***
Total Appropriation - Grant and City combined	**$817,349**

CONSENT AGENDA ITEM: A

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of April, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Recognitions, Mayor Dolan proclaimed the week of May 2 – 8, 2021, as Drinking Water Week. Mr. Tim Mitchell, Director of Water Resources was in attendance to accept the proclamation.

// In the matter of Budget, Agenda Item #1, Council continued balancing the budget by reviewing items on The List. Interim City Manager Dr. Reid Wodicka asked for Council action to strike The List item pertaining to Strategic Initiative 3, *Continued implementation of the City-wide Salary Study, particularly for the lowest paid employees in the organization*, and implement a 5% general wage increase with the additional reported revenues. He talked through the staff recommendation; the total cost to implement a 5% general wage increase for all employees is $3.3 million while the cost to implement the salary study is slightly more at $3.6 million. If Council chose to continue implementing the salary study, only about half of general fund employees, including public safety, would have any kind of effect. The last general wage increase was given in 2019, and implementing a 5% general wage increase to all employees would spread those opportunities as widely as possible. Also, neighboring localities and Lynchburg City Schools have already received a 5% pay increase. All constitutional offices and the Department of Social Services employees will be receiving 5% increase from the state, pending a local match. Staff feel there should be across the board equity in that regard.

Councilmember Faraldi stated that giving a 5% increase across the board could cause strife within the workforce and asked if there could be a combination of implementing some portions of the pay study and perhaps a 2% cost of living adjustment. Dr. Wodicka replied that staff can make that work, but cautioned that executing a combination could result in not making enough progress on either the pay study or the cost of living adjustments.

Councilmember Wilder made the motion to fund the 5% general wage increase to all employees, seconded by Councilmember Tweedy.

Vice Mayor Wright stated that he carried this motion at the last meeting but the motion was tabled so that Councilmember Nelson, who was absent, could vote on the motion. He commented that he still believes this is the right thing to do so he will be supporting the motion.

Councilmember Helgeson stated that money is needed in order to fix compression; it is not fiscally sound to spend all the money now and then try and figure out how to fix compression issues.

Vice Mayor Wright commented that he understands the need to fix compression and those areas are being targeted with the pay study, but a general wage increase across the city is important for retention purposes. City employees' salaries have not kept up with inflation; furthermore, surrounding counties are receiving a 5% increase, and constitutional offices and the Department of Social Services stand to receive a 5% increase.

Councilmember Nelson requested a clarification from staff before he stated his position on the matter. He asked staff if all of the recommendations were followed, would the balancing of the budget be ahead or fall short. Ms. Donna Witt, Chief Financial Officer, replied that about $400,000 would still be needed in order to balance the budget, which would be pulled from the Unassigned Fund Balance, however; that figure would still remain in the 11.8% range. Councilmember Nelson stated that the the fundamental premise to not give citizens relief by not equalizing the tax rate was to build up the reserves to save them in the event of an economic downturn, but now Council may spend it. He did not dispute that it is for a good cause, but he questioned if now is the right time. Council should not leave the state funding on the table in terms of giving the 5% to state employees. He stated that he would be in favor of supporting the 5% across the board wage increase if Council would reach a consensus that at the end of the year after identifying how much fund balance is available, Council will put it into the reserve fund balance so as to increase that fund and be true to what Council used as justification for not equalizing taxes.

Councilmember Faraldi made the substitute motion to postpone this discussion to the May 4th, 2021 Council meeting so that City staff could give a better understanding of what a third option could look like. Councilmember Helgeson seconded the motion.

Councilmember Nelson commented that unless a delay in voting on this now would cause harm, he would be in favor of receiving more information.

Councilmember Wilder stated that he does not support the substitute motion because he feels it is unfair that the state is giving some positions 5% and Lynchburg City Schools are getting the 5%, but the City employees may not receive an increase. He also stated that he would like staff to come back during a reasonable time with a plan to address compression, after the budget cycle.

Vice Mayor Wright stated he believes it a good idea to have some sort of presentation in the near future on what the city leadership team is thinking in terms of addressing compression. Council needs to have a holistic conversation and that cannot be achieved within a week.

Councilmember Faraldi asked staff how much time would be needed for the presentation on a third option. Dr. Wodicka replied that in order to make good policy recommendations, staff needs to spend some time working with the departments to figure out where the issues are and spend some time developing a city-wide strategy based on that; realistically, he thinks this could be achieved by this summer.

Vice Mayor Wright stated that expecting the staff to turn around on a dime and overhaul the pay system is unrealistic. Trying to identify where the deltas are in a large organization will not be easy and deserves to be done right.

Councilmember Tweedy stated that staff were working on moving forward with a third option, but COVID hit and that complicated the matter in regards to priorities and schedule. She continued by stating that this is an opportunity for Council to work together to fix the compression issue by next year because it cannot be done in a week.

Councilmember Faraldi called the question.

Mayor Dolan will be voting in favor because she doesn't see any reason in not giving one more week to have ultimate clarity.

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

Ayes:	Dolan, Helgeson, Nelson, Faraldi	4
Noes:	Wright, Tweedy, Wilder	3

After the vote, Council reached a consensus that staff will have an extra week to prepare this report and altered the due date to the May 11, 2021 Council meeting.

Interim Deputy City Manager Mr. Kent White asked for Council action on The List item *Sandbar Removal – Hollins Mill Road Trail Crossing*. Sandbars exist throughout the water system and in most cases, they are harmless, in this case, the sandbar located at Hollins Mill Road Trail Crossing is not harmless. It is causing damage to infrastructure and causing more frequent flooding which then requires citizens to cross the bridge on Hollins Mill Road. Staff recommend including the removal in the budget.

Councilmember Nelson stated that the City can spend the money to take the sandbar out, but it doesn't make sense to take the sandbar out when there is reasonable expectation that it will need to be done again. In regards to pedestrians crossing on Hollins Mill Road, staff can create a detour. For those reasons, he stated that he will not be supporting this at this time. The funds allocated for this removal can instead be used for other projects within the community where the funds would have a larger impact.

Vice Mayor Wright made the motion to keep sandbar removal in budget, stating that it does pose a safety concern. Councilmember Wilder seconded the motion.

Councilmember Helgeson stated that if the sandbar is removed, it could potentially build back up again. It would be better to do it once when College Lake Dam is finished, then to do it twice. He asked if there has been any coordination with Lynchburg College regarding the removal; Mr. White stated that there has not been for this particular project because the sandbar was the result of the storm from 2018.

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

Ayes:	Dolan, Wright, Tweedy, Wilder	4

Noes: Helgeson, Nelson, Faraldi 3

// In the matter of Water Resources, Agenda Item #2, Council considered adopting Resolution #R-21-028 to allow the Chesapeake Stormwater Network to distribute the monetary award on behalf of the City of Lynchburg's Department of Water Resources as follows: $1,000 to Camp Kum-Ba-Yah, $1,000 to the James River Association, and $1,000 to Claytor Nature Center to provide Lynchburg youth with financial support to attend environmental education summer camps.

Mr. Tim Mitchell, Director of Water Resources provided Council with a brief summary of the request. Lynchburg Water Resources (LWR) was nominated for and won Best Urban BMP in the Bay-Small, but Mighty" Award from the Chesapeake Stormwater Network (CSN) for Lynchburg Water Resource's "Water Wonders" program. Along with regional recognition, CSN provided a monetary award of $3,000. Staff's recommendation is to distribute the $3,000 monetary award equally to community partners who are working with the Water Resources Department to provide environmental education to Lynchburg youth. The award would be split equally between Camp Kum-Ba-Yah, The James River Association, and Claytor Nature Center. Each community partner will receive $1,000 to provide scholarships for Lynchburg youth to attend environmental education camps in the summer of 2021. The award money would allow for at least 12 Lynchburg students to attend an environmental education camp for a full week. All community partners offer both full and partial scholarships, so it will be at the discretion of each organization to disperse the funds as they see fit, as long as the youth is from the City of Lynchburg. It is important to the awardees that the monetary award be reinvested into environmental education programs in the community. Distributing the award money to these three community partners is an opportunity to foster positive relationships with non-governmental organizations (NGOs) that support the department's work in the community. These NGOs will provide excellent educational and experiential learning opportunities to Lynchburg youth, who otherwise may not be able to afford to participate in these exemplary learning experiences in the summer of 2021.

Councilmember Nelson made the disclosure that he is involved with Camp Kum-Ba-Yah and its ministries and given that, he could have a conflict of interest, however; given the amount and the fact that the initiation of this proposal didn't come from himself or anybody else that he knows, he can remain objective.

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

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

Noes: 0

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi followed up on a previous Roll Call request at the April 13, 2021 Council meeting concerning written policy regarding parental consent in vaccinating a younger age group. Dr. Wodicka replied that staff responded to the request in an email stating there was a requirement for parents or guardians to sign the authorization and that a 16 or 17-year-old has to be accompanied by an adult. Councilmembers Wilder, Tweedy, Nelson, Helgeson and Vice Mayor Wright had no items. Mayor Dolan announced that that the City of Lynchburg has been named a 2020 Tree City USA by the Arbor Day Foundation; she also recognized May 2-8, 2021 as National Travel and Tourism Week.

// The meeting was recessed at 5:41 p.m.

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

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

Absent: 0

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

// In the matter of the Consent Agenda Item #4, copies of the minutes of the March 23, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-025, amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 Third Quarter Detail by Fund. On motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Engineering, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-21-029 granting an easement, located at 2521 Old Wards Road, Lynchburg City Tax Map No. 16109001, for the extension of electric service to a new Milestone Cell Tower. Mr. Lee Newland, City Engineer, provided Council with a summary of the request. Milestone LP is presently constructing a Cell Tower on City Property off Old Wards Road. As part of the project, it is necessary for Appalachian Power Company to acquire, from the City, easements to extend an electric service line from Old Wards Road to the tower.

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

At its April 13, 2021, meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

Absent: Wright 1

// In the matter of Engineering, Agenda Item #7, a public hearing was held and Council considered adopting Resolution #R-21-030 granting an easement, located at 409 Perrymont Avenue, Lynchburg City Tax Map No. 05613002 for the extension of electric service to a new gymnasium. Mr. Lee Newland, City Engineer, provided Council with a summary of the request. Lynchburg City Schools is presently constructing a new gymnasium at Perrymont Elementary School. As part of the project, it is necessary for Appalachian Power Company to acquire, from the City, easements to extend an electric service line from the right of way to the gym.

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

At its April 13, 2021, meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of Public Comment, Agenda Item #8, Mr. Brandon Barney who originally signed up to speak before Council was not in attendance.

// In the matter of City Code, Agenda Item #9, Council considered adopting Ordinance #O-21-031 amending § 17-22 of the City Code to allow electrically charged security fences in non-residential areas. Mr. Tom Martin, City Planner, provided Council with a summary of the request. Electrically charged fences are not currently permitted in the City. Mr. Donald McLellan, AMAROCK, LLC has requested that City Council consider amending the City Code to allow electrically charged security fences in non-residential areas. City staff has reviewed a "model" ordinance provided by Mr. McLellan as well as similar ordinances from other Virginia First Cities and drafted amendments for City Council's consideration.

The draft ordinance proposes:

- Allowing electrically charged security fences around the perimeter of non-residential outside storage areas.
- Requiring compliance with International Standard IEC 60335-2-76.
- Requiring a non-electric fence to surround the perimeter of the electric fence.
- Setting a maximum height of ten (10) feet.
- Requiring identification of the electric fence with warning signs.
- Requiring notification to the City's Police & Fire Departments upon installation.

Councilmember Helgeson made the motion to approve the resolution stating that this proposal looks like a good security measure. Councilmember Nelson seconded the motion.

Councilmember Wilder asked what the voltage of these fences would be; staff responded that these cannot exceed twelve volts.

Mayor Dolan asked if there would be any boundaries with these fences; staff responded that the way the ordinance is written, these fences are to be installed behind non-energized fences.

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

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

// In the matter of CDBG Program, Agenda Item #10, a second reading was conducted for Resolution #R-21-024 regarding Substantial Amendment #3 for the CDBG Program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT)(CDBG-CV) Round 3 Program Funds. Ms. Melva Walker provided Council with a summary of the request. The City has received notification from HUD for an additional special allocation of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by HUD on September 11, 2020 and constituted a third round of CDBG-CV funds for states and local governments. These funds are an extension of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Lynchburg's allocation is $389,143. For receipt of these funds, in accordance with HUD regulations; the City is required to submit a "Substantial Amendment" to its HUD PY 2019 CDBG Annual Action Plan. This Amendment is to include projects that will prevent, prepare for, and respond to the Coronavirus (COVID-19). Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. Attached is a summary of the applications received from local nonprofits and City departments. These projects/activities are eligible according to the HUD guidelines and will benefit the citizens of Lynchburg that have been or will be affected by COVID-19. In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days as approved by HUD. The Community Development Advisory Committee (CDAC) did not conduct a public meeting regarding the submitted projects. However, the applications were provided to CDAC with the opportunity to comment on the proposed projects. The CDAC comments provided to City staff supported the funding of the proposed projects. The following lists of projects are recommended for funding by City staff:

CDBG-CV PROJECTS PROPOSED FOR FUNDING:

- City Administration $18,448
- Feeding the Homebound (Meals on Wheels of Greater Lynchburg) $46,500
- Emergency Housing Assistance (Lynchburg Community Action Group) $75,000
- Reducing Evictions through Legal Aid (Virginia Legal Aid Society) $30,000
- Domestic Violence Prevention Program (YWCA of Central Virginia) $6,680
- Summer Lunch & Play Program (City's Department of Parks and Recreation) $20,000
- Shelter Program and Apparatus Air Purifier Project (City's Fire Department) $192,515
- Total CDBG-CV ROUND 3 $389,143

The public was notified of the public hearing through a public notice advertisement published in The News and Advance on April 5 and through various sources of social media. Following the public hearing, City Council approved all of the projects except for the "Reducing Evictions through Legal Aid" request. That item was tabled and staff was asked to provide additional information (i) from Virginia Legal Aid Society on additional federal and/or state funding they have received to reduce evictions and (ii) from the

Lynchburg Redevelopment and Housing Authority on the level of communication and partnership the agency has with Virginia Legal Aid Society.

Vice Mayor Wright made the motion to include the $30,000 in the CDBG award for the project *Reducing Evictions through Legal Aid*, seconded by Councilmember Nelson. Vice Mayor Wright invited Ms. Mary Mayrose, Executive Director of the Lynchburg Redevelopment and Housing Authority (LRHA), to explain the program. Ms. Mayrose enlightened that the grant will help LRHA work with Virginia Legal Aid Society to help keep families housed.

Councilmember Helgeson stated that he will not be supporting the motion because people are having a tough time paying their taxes and now people who rent out their properties will not be collecting any rent and he feels for those people.

Mr. David Neumeyer, Executive Director of Virginia Legal Aid Society, responded that the funds would help pay for a paralegal to focus on the program that aids in the facilitation of getting tenants get caught up on rent.

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

Ayes:	Dolan, Wright, Nelson, Tweedy, Wilder	5
Noes:	Helgeson, Faraldi	2

// In the matter of Schools, Agenda Item #11, Council considered adopting Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund Budget and appropriating $317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E.C. Glass. Interim City Manager Dr. Reid Wodicka provided Council with a summary of the request. The original intercom system for E.C. Glass was installed over 20 years ago. The system has been experiencing problems for the last few years. The intercom system has failed and replacement parts are not available. The Schools will use CARES funds to replace the intercom system. The new system will be provided by AudioEnhancement.com and will provide touch screen functionality, configurable zones, and the ability to upgrade firmware remotely. An upcoming release will provide the ability to type in a student name and highlight their location on a building map based on their class schedule. This new intercom system will provide a safe learning environment for students, staff and families, including communication within the building around social distancing and CDC guidelines. All School buildings are City property and all additions must be recorded as an asset of the City. This project will be set up in the School Capital Projects fund. The funds will be transferred to the City from the Schools.

Councilmember Wilder asked when the system was installed. Mr. John Collins with Lynchburg City Schools (LCS) answered the question; they were installed in 2003.

Councilmember Tweedy inquired about the expected lifespan. Mr. Collins replied that generally life expectancy is about 20 years.

Councilmember Helgeson questioned if CARES funding can be used for intercom systems. Dr. Wodicka clarified that the thought is that with distancing at schools it is really not practical to not have an intercom system. After reviewing the request with the City's finance department, staff agrees that this meets the requirements. Councilmember Helgeson asked if the city will be held at all liable; staff responded that the city will not be held liable because this is LCS CARES funding, however, the City needs to adopt a resolution authorizing the appropriation amendment since the schools' capital projects funds sit on the city's books.

Councilmember Tweedy made the motion to approve the resolution, seconded by Councilmember Nelson.

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

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

// In the matter of City Code, Agenda Item #12, Council adopted Ordinance #O-21-033 amending § 36-175 of the City Code to increase the gross combined income of the owner eligible for real estate tax relief and cap the amount of relief per applicant. Commissioner of the Revenue Mr. Mitch Nuckles provided Council with a brief summary of the request. City Code Section § 36-175 details the Real Estate Tax exemptions for certain elderly or disabled persons. The code section was last updated in 2012. The proposed amendments would adjust the gross combined income limit to $40,000 to account for past Social Security increases and automatically adjust the income amount in subsequent years based on the previous year's Social Security percentage increase, not to exceed $50,000. The proposed amendment also caps the amount of relief per applicant at $2,500. This issue was raised during City Council's discussion of the FY 2022 Budget on April 6, 2021 and is being brought forward as a staff recommendation.

Councilmember Helgeson made a motion to approve the ordinance with one revision; to set net worth from $60,000 to $100,000. He stated that plenty of constituents met the income qualification but not the net worth qualification because they were thrifty and saved. Councilmember Wilder seconded the motion.

Councilmember Nelson stated that he is supportive of the motion because he sees this as an opportunity to relieve the burden on citizens on a fixed income.

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

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

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the consideration of a closed meeting for consultation with legal counsel regarding a legal matter requiring the provision of legal advice, specifically legal matters relating to the collective bargaining laws that will become effective on May 1, 2021; and to discuss the appointment of members to the following boards or commissions: Martin Luther King, Jr./Lynchburg Community Council, Airport Commission, City Employee Appeals Board, Transit Company Board of Directs, pursuant to Section 2.2-3711(A.)(7.) and Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

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

<u>City Employee Appeals Board</u>: No appointments were made at this time.

<u>Lynchburg Regional Airport Commission</u>: Mr. Mark Elliott was appointed to an unexpired term ending December 31, 2022.

<u>Transit Company Board of Directors</u>: Mr. Charles Spence was appointed to an unexpired term ending October 31, 2021.

Martin Luther King, Jr./Lynchburg Community Council: Ms. Sharon Brown was appointed to an unexpired term ending on June 30, 2021.

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

// The meeting adjourned at 9:13 p.m.

____

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of May, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Budget, Agenda Item # 1, Council continued balancing the FY 2021 Budget. Interim City Manager Dr. Reid Wodicka provided remarks to Council. At the April 27, 2021 Council Meeting, Councilmember Chris Faraldi requested more information on all options for possible staff compensation.

Dr. Wodicka reiterated the three options available. Option one is to do nothing, which would leave about $3.1 million available to be placed in reserve for the future. If the money is not appropriated it can also be placed in the unassigned fund increasing the balance to 13.4%. Option two and City staffs' recommendation is to implement a 5% salary wage increase across the board for City employees. All City employees, with at least one year of service, would receive the 5% increase. This would also preserve 5% revenue for the state social services functions and be consistent with the 5% for City schools. It would move pay closer to prevailing market rates and would not have a significant impact on compression issues either positively or negatively. It has been two years since a general wage increase and some of the challenges in the compensation plan are due to lack of general wage increases during the last decade. Increasing existing employee pay is also important given that starting wages have increased for new employees. There are positive and negative arguments for both sides but this option will do the most good for the most people. Option three is to move forward with implementation of the 2018 City salary study. Compression is an issue that needs to be addressed within the organization but the Korn Ferry study was not designed as a compression analysis. It is simply a market analysis for a variety of positions. Implementation of the study would not widely resolve the compression issues due to the age of the study, changes in personnel, and since employee thresholds do not change after ten years of service. Also, in order to implement the study, staff would need more time for appropriate analysis and to develop a system to do so. It does not include any raise or pay adjustment for hourly or part-time staff since they were not included in the study. Moving forward with this option would also result in the loss of the 5% match in state revenue for social services and about 40% of employees not receiving any pay increase.

Councilmember Helgeson asked what the budget proposal was that the 5% wage increase replaced and why it was originally proposed. Dr. Wodicka responded the original proposal was to get any employee making less than $31,000.00 to their threshold. Earlier discussions established addressing pay for the lowest paid employees as a priority and this proposal was a product of that. The transition to the 5% wage increase was a matter of trying to spread the benefit to all City employees. Councilmember Helgeson asked if the original proposal was due to recruitment and retention problems or other issues. Dr. Wodicka noted that it was a benevolent thing to do and there are significant challenges with recruitment and retention. Councilmember Helgeson referenced the spreadsheet and asked for clarification regarding total salary and benefits versus total number of employees. Dr. Wodicka responded that it is salary and benefits so it may not be split evenly. It depends on the individual and where they are in their threshold pay. Councilmember Helgeson stated that it doesn't seem to be a workable strategy. He then asked where the numbers came from. Dr. Wodicka responded that the numbers are from the Korn Ferry study. Councilmember Helgeson noted that the Korn Ferry study has some inadequacies. Dr. Wodicka emphasized that in the Korn Ferry study every employee would not receive the same amount of pay. It depends on where the individual is in the pay scale. Councilmember Helgeson noted that each option has positive and negative aspects. A little of each option should be utilized to create a 2% wage increase for all employees, raise the lowest paid employees to their threshold, and retain the remaining funds in reserve. This would also benefit the taxpayers.

Councilmember Wilder made a motion to approve the 5% General Wage salary increase (Option 2). The motion was seconded by Councilmember Tweedy. Councilmember Wilder supported this option because it is the recommendation of staff, it preserves the 5% from the state for social services, is consistent with the 5% increase for City schools, Constitutional Officers, and surrounding localities, it moves pay closer to the prevailing market rate, and doesn't affect compression positively or negatively. He also directed staff to bring back to Council, over a period of time, some of the compression issues and a plan addressing how they can be resolved in a certain time period, giving priority to hard to fill and hard to retain positions. Councilmember Tweedy concurred with Councilmember Wilder's comments.

Councilmember Faraldi asked how the City will finance a compression plan in the future if the 5% General Wage Salary increase is implemented. Councilmember Wilder responded that it will be assigned to staff to study City revenue and finances over time and to come up with a long-range strategy, plan, and projections like in the budget process. Councilmember Faraldi noted that it is likely the administration will come up with a tax or fee increase to address compression. He then asked if Council would move forward with such an increase. Councilmember Wilder responded that he is not recommending a tax increase. He is giving time to and asking City staff to review revenues and come up with the best strategy without raising fees or taxes. Councilmember Faraldi submitted that is not a satisfactory response since the future is uncertain. He noted that he recently went on a ride along, during which a firetruck was out of service due to staffing issues. He then asked how a 5% General Wage salary increase would not impact compression. Dr. Wodicka responded that it moves everyone, who is at a similar amount, up a similar amount and fractionally addresses compression. Councilmember Faraldi added that it does not address a discrepancy for those who make more when initially starting than those who have served the City for a number of years. Dr. Wodicka responded that in that case the compression issue would stay the same and reiterated that there are positive and negative aspects to each option.

Councilmember Faraldi made a substitute motion to put the available dollars in a specific reserve to be used to further address compression. Councilmember Helgeson seconded the motion. The 5% General Wage salary increase was not in the original budget but a proposal for raising taxes and a proposal to begin to address the Korn Ferry study was. If all of this money is spent on other things, compression will still exist and will go unaddressed. Now is the time to address it and come up with a better plan.

Vice Mayor Wright stated it is important to plan for the future and that resources will be needed to address compression. A general wage increase is also in order right now. He then asked Dr. Wodicka how long it would take to develop a plan, whether resources will be required, and if Council should be considering setting aside resources now. Dr. Wodicka responded that a plan could be developed by Fall, within a few months. It is uncertain, at this time, what the plan will look like. To fully address compression, it will take a significant amount of money but some of that could be addressed by general wage increases. Vice Mayor Wright asked Ms. Donna Witt if it is anticipated that the City might realize more revenue within the next fiscal year that might be dedicated to a reserve, over and beyond what is currently projected. Ms. Witt responded that it is possible, March was a great month due to people spending their stimulus money. Without being overly optimistic, more things are opening up and the City is starting to realize revenues back at 2019 rates. The City is not anywhere close in regards to amusement taxes though. Vice Mayor Wright reiterated that it is possible that the City might see revenue beyond what is currently projected. He then asked if a 5-6% end of fund balance at the end of the year is anticipated. Ms. Witt responded that she could not confirm that at this time. Vice Mayor Wright asked if a portion of those funds could be set aside to fund a reserve to address a compression. Ms. Witt and Dr. Wodicka responded that would not be their recommendation since those are one-time funds and compression would be a recurring cost.

Councilmember Wilder stated that he does not support the substitute motion because it is not the staff recommendation, would cause the loss of the state funding for social services, and schools and surrounding localities are doing a 5% salary increase. It would not be fair for City employees to not receive a 5% salary increase when the schools are and those in the county are.

Councilmember Faraldi asked what the amount of money required to receive the state match for social services would be. He does not believe “leaving money on the table” is a good idea. He would like to amend the substitute motion to reduce the amount of money placed in reserve and to allocate the necessary funds to social services to retain the state match. Ms. Witt responded that the City would be responsible for $328,000.00 in expenditures and offsetting revenue of $277,160.00 with a net loss of $50,840.00 if the state funding is received. Councilmember Faraldi reiterated that he would like to amend his earlier motion to whatever is necessary to retain the match. Dr. Wodicka responded that Council would need to grant the social services employees a 5% salary increase to retain the state match. Mayor Dolan asked for a clarification that Councilmember Faraldi wanted to social service employees a 5%

salary increase and nothing to other employees. Councilmember Faraldi responded that the other employees would wait until the City has a more formalized plan to address compression.

Mayor Dolan asked what the morale of employees is like regarding not receiving increases. Ms. Witt responded that she has a morale issue in finance because not everyone had the opportunity to get to their threshold when phase one was implemented because it was limited to 5%. Some long-time employees are not even close to their threshold and new employees are brought in at market rate. Morale is tough right now.

Mayor Dolan asked if the 5% salary increase would bring the employee close to their threshold. Ms. Witt responded it would not. Councilmember Helgeson stated that it sounds like it continues the compression issue since it does not coordinate or adjust for those who are underpaid. Ms. Witt responded that there is no “win-win” option. Councilmember Helgeson stated that a better option should be determined. The money could be put in a reserve for now to grant more time to come up with a plan. Another option would be to grant a 2% salary increase, implement part of the Korn Ferry study, and then place the balance in reserve.

Mayor Dolan noted that compression happens over time and asked why it has not been addressed by previous Councils. Councilmember Helgeson responded that he has been on Council for a long time and has generally been in the minority and often lost the vote. Compression is still an issue to be addressed today and Council should do the best they can to address it now.

Councilmember Faraldi repeated his substitute motion with the amendment.

Vice Mayor Wright noted that he is sympathetic to the idea of setting aside money to address the issue of compression in the future but he can’t support giving one department a raise and giving nothing to the others. He will be opposing this motion. Councilmember Helgeson stated that what has been done historically was targeting money where there was the most need, especially in areas where it was hard to recruit and retain employees. Most of the increase for social services would be funded by the state.

Councilmember Faraldi stated that the initial reaction was to not lose the state funded match for social services, which makes sense. Now, the opportunity to find targeted, strategic investments to address compression in the City is being discussed and it seems that Council is unwilling to grant funds only to one department. If these dollars are going to be spent, they should be spent well and used to address compression. Granting a 5% General Wage salary increase will only prolong the issue of compression and add the future issue of finding additional funds to address it. Again, the issue should be addressed now. Mayor Dolan added that there are really two problems: the problem of underpaid employees and the problem of compression.

Councilmember Tweedy stated that she will not be supporting the motion. There is a finance committee that meets monthly. That committee should be granted the role of working on and addressing the compression issue. Councilmember Helgeson is Chair of the committee. It would be beneficial if the committee worked with City administration in the next six months to a year to address the compression issue. Councilmember Helgeson responded that is a great idea and it would be better if the committee had the money in reserve to work with.

The substitute motion failed.

Vice Mayor Wright stated that he is in support of the 5% General Wage salary increase because it moves the City closer towards keeping up with inflation, which hasn't been done. It is also important to keep up with Constitutional Officers and the City's schools who are getting 5% salary increases, as well as the counties, who are competitors in regard to talent. There is a lot of incentive to grant the increase though he agrees with the concerns regarding compression and pay equity. He tasked City staff with coming back in three months with an initial diagnosis of what the problems are with the pay structure and what the City will need to be competitive and ease compression. This is a problem decades in the making and it will take time to resolve but the City should start with a thoughtful, strategic plan.

Councilmember Helgeson stated that with all the concerns that have been brought up, a more balanced option should be determined. The cost of living would be covered with a 2% general wage salary increase, the extra $289,000 should be used to resolve the inequity for the lowest paid employees, and the remaining $1.7 million should be placed in a reserve. This would grant the ability to address employee concerns who may have been missed in the phased approach of implementing the Korn Ferry study and should be supported by all. It takes pieces of each options and is a good alternative for those who support the 5% General Wage salary increase.

Mayor Dolan stated that a 2% salary increase would hardly keep up with inflation. It is also important to demonstrate to City employees that the City believes in investing in human capital. The City is already behind other surrounding areas in terms of competitive wages and something significant needs to be done in order to retain employees.

Councilmember Faraldi stated that he cannot support a 5% General Wage salary increase because the majority of those dollars will go to the highest paid employees rather than the employees dealing with severe compression problems, the difficult to retain positions, and the “boots on the ground”. It is not what is needed right now. It does not address pay equity, delays the compression issue, and will make it more expensive to address compression in the future.

With no further discussion from Council, the following vote was recorded approving the 5% General Wage salary increase (Option 2):

Ayes:	Dolan, Wright, Tweedy, Wilder	4
Noes:	Helgeson, Nelson, Faraldi	3

// In the matter of Budget, Agenda Item #2, Chief Financial Officer Ms. Donna Witt provided Council with an update on the revenue collections received in several key City revenue sources. For local sales tax, January and February are typically low months but were above projections this year. March was a great month also because people spent their stimulus money. In 2020 the City collected $16.5 million so the adopted budget was $15.4 million. Based on current trends it is possible that the City will collect $17.8 million this year. The meals tax collected exceeded the projected budget for March by $100,000.00, did not meet the projection in January, and was right at the projection in February. In 2019 the City collected $15.1 million. In 2020 the city collected only $13.7 million due to a lost quarter. The adopted budget projects $14.9 million, which may be met if things open up even more. In-person May graduations and celebrations should help revenue. For lodging tax, the City collected $190,000.00 in March. In 2019 the City collected $2.8 million. In 2020 the City collected $2.3 million. For 2021 the City projected $2.7 million but things have not opened as quickly as originally thought so it is likely that the City will collect $2.2 million instead. Again, May graduations should help. For amusement tax, the City collected $32,000.00 in March and should finish the year by collecting about $290,000.00. This may change depending on openings but it is still unlikely that the City will meet its projected budget. Vehicle assessments have gone up due to supply and demand and are driving personal property taxes up.

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi requested Council reconsider the rules change he previously discussed and recognized the City's law enforcement in honor of National Police Week. He also thanked Dr. Wodicka and his team for taking initiative on the vaccine clinic. Councilmember Wilder also recognized the City's law enforcement and other members of the Community Action Team (CAT). He noted that he is glad to see things in the community opening up and shared appreciation for all City staff and their work throughout the pandemic. Councilmember Tweedy echoed Councilmember Wilder's appreciation for City staff. Councilmember Nelson had no items. Councilmember Helgeson expressed dissatisfaction with the schoolboard and inquired what the process to make the schoolboard elected would be. Vice Mayor Wright recognized law enforcement in honor of National Police Week and shared appreciation for City staff. He also encouraged citizens to get the COVID vaccine if they haven't already. Mayor Dolan made the following announcements:

- This week is National Economic Development Week. It was created by the International Economic Development Council to increase awareness of local programs that create jobs, advance career development opportunities, and improve communities' quality of life. Thanks to all businesses in the City, the Economic Development Authority, the Office of Economic Development & Tourism, and City Council for engaging and investing in economic development programs that add to the growth of the business community.
- This week is also National Hospital Week. Hospitals are a tower of strength in every neighborhood and a driving force to a healthy and positive community. Every day, hospital employees are on the frontlines working tirelessly to save lives and help others. This week highlights the important work of health care workers and gives the opportunity to say thank you.

Centra's theme this year is "Healthcare Heroes" and highlights the more than 7,500 caregivers in our community. Centra will host a "Healthcare Heroes" parade.

- The American Public Works Association (APWA) has designated May 16 through May 22 as National Public Works Week. The objective of the week is to recognize the contributions of the men and women who work in the field of public works as well as to enlighten citizens and businesses about the importance of public works to our City's safety, comfort, and quality of life. Public Works impacts every person who lives or travles in our City through transportation improvement projects, building and grounds maintenance, refuse collection, streets and traffic maintenance, customer service, special event support, and emergency management. This year's theme is Stronger Together.

// The meeting was recessed at 5:13 p.m.

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

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	7
Absent:	0

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

// In the matter of Recognition, Mayor Dolan proclaimed the week of May 16, 2021 – May 22, 2021 as Emergency Medical Services Week. Fire Chief Greg Wormser was in attendance and gave remarks stating his appreciation for the resiliency and contributions of the City's public service professionals as well as his appreciation for the City's leadership. He noted his departments work on several new initiatives this year and their coordination of the distribution of over forty-five thousand COVID vaccines to the Central Virginia region through the partnership they helped create with emergency services director Melissa Foster and Regional Medical Director Dr. Wendy Wilcoxson. Chief Wormser introduced Dr. Wendy Wilcoxson, Regional Medical Director and Co-Incident Commander of the Central Virginia Vaccination Task Force, who also gave a few remarks. She lauded the Lynchburg Fire Departments' incredible team, general accomplishments, nationally competitive rates, and unique programs not offered elsewhere. Staff is continually upgrading their education and had to adapt quickly during COVID. The department has also demonstrated great leadership through their vaccination efforts.

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-21-028 allowing the distribution of the Chesapeake Stormwater Network Best Urban BMP in the Bay "Small But Mighty" monetary award. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund budget and appropriate $317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

// In the matter of Community Development, Agenda Item #6, a public hearing was held to receive citizen input on adopting Resolution #R-21-034 approving the FY 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires the City as an Entitlement Community for receipt of the Community Development Block Grant (CDBG) and HOME Program funds to prepare and submit an annual action plan within the five-year consolidated plan. This plan outlines the needs, goals, and objectives for community development including housing and non-housing areas. The Grants Administration staff has prepared the fiscal year 2022 plan and it includes all the required components and the recommended CDBG and HOME projects approved by City Council at the public hearing conducted on March 23. A public notice was published stating that a draft of the proposed fiscal year 2022 action plan was available for public review and comment. The public comment period began on April 10 and ends at the conclusion of the public hearing tonight. Prior to this meeting City staff did not receive any written comments regarding the plan. Any comments received tonight will be incorporated in the final plan and submitted to HUD this week.

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

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. Councilmember Wilder commended Staff's effort and work with CDBG and HOME program.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-034:

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

// In the matter of Rezoning – Planning, Agenda Item #7, a public hearing was held to receive citizen input on adopting Ordinance #O-21-035 approving the rezoning petition for portions of 2900 Candlers Mountain Road & 5212 Woodall Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. In 2013, City Council approved the petitions for a rezoning, Conditional Use Permit (CUP), and Future Land Use Map (FLUM) amendment on these properties. The properties were rezoned from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing hotel, The Kirkley, into compliance with zoning. A CUP was also issued to allow the development of 5212 Woodall Road into apartments, which did not come to fruition. The owners of the parcels now envision different uses for these properties. There will also be a land swap between the two (2) parcels, which is why both addresses are listed on each rezoning petition. First, R&P Kirkley LLC is petitioning to rezone three and nine tenths (3.9) acres located at 2900 Candlers Mountain Road and 5212 Woodall Road to remove previously approved proffers to allow the use of the existing hotel building as an age restricted senior housing facility. The proffers, to be eliminated, specifically stated that the building would not be used for care centers or "convalescent and nursing homes." The proffers also included requirements for pedestrian improvements in the vicinity that would likely not be used by the senior facility residents. If approved, the existing hotel building will be used as an age restricted senior housing facility with approximately one hundred (100) patient rooms and one hundred ninety-three (193) parking spaces. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval at the March 24 meeting.

Mr. Justin Fournier, Balzer and Associates, Inc., was in attendance and provided Council with a presentation in support of the petition. This request downgrades the use of the property and will create less impact in terms of transportation. The only changes to the outside of the building will be in regard to aesthetics.

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

Councilmember Helgeson made the motion to approve the ordinance, seconded by Councilmember Faraldi. Councilmember Helgeson stated that this use will be an improvement because it is fewer apartments, will offer more employment opportunities, and will offer senior housing.

With no further discussion from Council, the following vote was recorded approving Ordinance #O-21-035:

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

// In the matter of Rezoning – Planning, Agenda Item #8, a public hearing was held to receive citizen input on adopting both Resolution #R-21-036 approving the Future Land Use Map (FLUM) amendment and Ordinance #O-21-037 approving the rezoning petition for portions of 5212 Woodall Road and 2900 Candlers Mountain Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. The next two actions are related. GDG Lynchburg Apartments, LLC is petitioning to amend the Future Land Use Map (FLUM) from high density residential to community commercial and to rezone approximately four and nine tenths (4.9) acres located at 5212 Woodall Road and 2900 Candlers Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the development of a mini storage facility. If approved, the proposed facility will consist of several single-story buildings as well as one three story climate-controlled storage building as well as space for the outdoor storage of RVs and boats. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval of both the FLUM amendment and the rezoning at their March 24 meeting.

Mr. Justin Fournier, Balzer and Associates, Inc., was in attendance and provided Council with a presentation in support of the petition. This request downgrades the use of the property, which was previously approved to be developed as an apartment complex. The impacts of this use will be very low and traffic will be drastically reduced. The owner wanted to emphasize that they are committed to building a quality project with quality materials, especially since it will be visible from 501 and Candlers Mountain Road. Some storage units will be air conditioned and the outdoor storage will have the option of canopies.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council. Councilmember Helgeson asked for clarification regarding the FLUM amendment. Ms. Frischeisen explained that the parcel was designated in 2013 for high density residential use when it was supposed to be developed into an apartment complex. The proposed parcel would now be designated as community commercial use.

Councilmember Helgeson made a motion to approve the resolution, seconded by Vice Mayor Wright.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-036:

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

Councilmember Helgeson asked for clarification regarding the proposed ordinance. Ms. Frischeisen responded that the parcels are currently zoned B-3C, Community Business District (Conditional) and will be rezoned to B-5C, General Business District (Conditional) because storage units cannot be developed in B-3 areas. He then asked if the senior housing facility will be expanded into this area and if the storage units will be used for the residents. Mr. Fournier responded that there will be no expansions to the existing Kirkley Hotel building and that the storage units and the senior housing facility will be separate.

Councilmember Tweedy asked if this development is tied to the recently demolished building that was formerly used as a pizza restaurant. Mr. Fournier clarified that is a separate project. Ms. Frischeisen added that a hotel will be developed at that location.

Councilmember Helgeson made a motion to approve the ordinance, seconded by Councilmember Faraldi. Councilmember Helgeson stated that he is glad to see that the Kirkley Hotel will be able to be used in another capacity and that building is going on in general.

With no further discussion from Council, the following vote was recorded approving Ordinance #O-21-037:

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

// In the matter of Public Comment, Agenda Item #9, Mr. Brandon Barney asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #10, Mr. Jamie Maxwell, representative of Lynchburg Firefighter's Association, spoke to Council on the topic of the City of Lynchburg's department directors. He noted that the Fire Department is suffering from overuse of department resources like staff and engines and recognized the number of people who helped to gain accreditation, like Brian Jones. He condemned the disparity in pay between certain City employees and the communication Dr. Reid Wodicka sent out concerning the lawsuit between the Firefighter's Association and the City. He asked the City to do better and resolve the issues of compression and lack of retention in the Fire Department.

// In the matter of Public Comment, Agenda Item #11, Mr. Robert Williams was not in attendance.

// In the matter of Public Comment, Agenda Item #12, Mr. Marty Misjuns, representative of Lynchburg FIREPAC, asked to be removed from the agenda.

// In the matter of Lynchburg City Schools (LCS), Agenda Item #13, Council considered approving Resolution #R-21-038 allowing the School Board of the City of Lynchburg to compensate the Chairperson of the School Board with an additional annual salary. LCS Superintendent Dr. Crystal Edwards and School Board Vice Chair Dr. Robert Brennan provide Council with a summary of the request. The request is that the schoolboard chair receive an additional compensation of $2,000.00 a year for their service. Officials will be reelected in July and at that time the chair will have the option to accept or deny the compensation. It is their hope that this option will make joining the schoolboard more attractive to the average citizens of Lynchburg. Being on the schoolboard often requires a lot of time away from individual jobs and personal responsibilities. Many members take vacation time to do the work of the schoolboard. The chair has additional responsibilities and additional hours as well. This request has to come to City Council for approval as stated in Code.

Vice Mayor Wright asked for a clarification that if approved, the additional compensation would not take effect until July when the new board chair is selected. Dr. Edwards agreed and added that the compensation would not be automatically granted and the selected chair could defer.

Councilmember Helgeson noted that the schoolboard is working hard but has not demonstrated much success this past year. He noted that failure rates are up, schools have not been open full time, the board has been unresponsive to citizens, and the chair has not practiced appropriate decorum at meetings. Additional pay is usually granted when someone performs well and that is not the case here. He cannot support extra money going to the chair at this time.

Councilmember Helgeson made a motion to deny the resolution, seconded by Councilmember Faraldi. Councilmember Helgeson reiterated his previous statements and added that the attendance at sporting events has been limited, to the dismay of parents, and that the schoolboard should find ways to increase the allowance of attendees to sporting events, plays, musicals, graduations and other school functions. Councilmember Faraldi stated that numerous full-time City employees will not even receive a $2,000.00 pay increase as a result of the 5% wage increase so supporting this would not be equitable. Council has already said that they will move forward with a budget that has a compensation plan; the majority of that will be health insurance and an unelected appointee of Council should not reap those benefits. He did not support the increase in compensation and for similar reasons cannot support this.

Councilmember Wilder made a substitute motion to approve the resolution, seconded by Councilmember Tweedy. Councilmember Wilder stated that he served on the schoolboard and understands the demands of the role. Previously, the schoolboard was nonpaid despite serving sixteen schools and numerous functions. He commended the current members of the schoolboard for working and adapting through the pandemic. It has been a learning process for all involved. He noted that City Hall is still closed so it is unrealistic to expect the schools to be fully open. There has been a lot of pressure and challenges for the schoolboard but they have continued their work. He thanked them for their service and noted the importance of working together as a community and the power of prayer. The schoolboard deserves to earn more than what is being discussed. Councilmember Tweedy stated that she also served on the schoolboard before City Council and recognizes the time and effort members put into their duties. Schoolboard members are available and responsive to citizen requests and communication, as is the administration. She supports compensation for the schoolboard if they choose to take it and noted that it is long overdue. It is appropriate for the amount of time spent and will help generate additional interest in joining and equity on the schoolboard. She reiterated that schoolboard members often use vacation time to attend conferences or fulfill other board duties and are out in the community supporting every school. She lauded their efforts and expressed her appreciation for their work.

Councilmember Nelson asked for clarification that City Council, though it appoints the schoolboard members, does not need to approve compensation as the schoolboard can do that on its own; the only issue tonight is whether the additional stipend is granted to the chairman. That has not been the implication of the last few councilmembers who have spoken. Dr. Reid Wodicka responded that is accurate.

Councilmember Faraldi stated that when he sat in on schoolboard interviews there was a large, diverse group of applicants and this Council appointed the same three members. He does not see the need to issue additional compensation to recruit new schoolboard members but instead it is incumbent upon Council to appoint different members if they take issue with the current schoolboard.

Councilmember Tweedy reiterated her appreciation for the current schoolboard members and that they are deserving of compensation for their service.

Mayor Dolan stated, for clarity, that City Council does not appoint the schoolboard chair. The schoolboard itself appoints the chair.

Councilmember Nelson reiterated that City Council is not voting to approve or deny compensation for the schoolboard but is voting to grant or deny an additional stipend for the chair. Just as he opposed an increase in City Council salary, he opposes an additional stipend for the schoolboard chair. The City is in the face of budgetary strife, needs to fund additional medic units and enhance EMS service, and cannot provide its citizens with fundamental services. While the schoolboard chair has been an exceptional individual called upon to render exceptional services under unusually difficult circumstances the City's citizens are financially stressed and the budget is strained. This is not a time to magnify fiscal challenges even for a modest amount of compensation. It can be done in the future but should not be done now.

Vice Mayor Wright stated that he will be supporting the substitute motion. It is important to incentivize people to join the schoolboard. He noted that the amount is not equal to the time that the chair puts in. Council members receive a stipend to defray the cost of doing Council work so it would be inconsistent to deny the schoolboard the option to award this while retaining the right to do it for themselves. It is hard work being on the schoolboard and it makes sense to devolve the authority of granting this stipend to them.

Councilmember Faraldi noted that the stark difference is that Council members are elected, run a campaign, and answer to the public. Schoolboard members are not elected but perhaps they should be. Vice Mayor Wright responded that it is Council's responsibility to take the action or not and it will need to be justified to voters.

Councilmember Helgeson asked what needs to happen for the schoolboard to be elected rather than appointed. There are thousands of people who have signed a petition due to the many shortcomings of the existing schoolboard.

Mayor Dolan stated that this discussion is not germane to the matter at hand. Councilmember Helgeson asserted that it is since many of the shortcomings fall on the chair of the schoolboard. He reiterated that it is not the time to grant a bonus and the chair must be held accountable. If the schoolboard were elected, they could vote on this matter on their own but instead it falls to Council. This should be tabled or voted down.

Mayor Dolan stated that she supports this resolution. It is not a vast sum of money and is not being granted to a particular individual but instead to a position. This vote should not be made on a punitive basis. In the past the schoolboard has not been compensated at all.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-038:

Ayes:	Dolan, Wright, Tweedy, Wilder	4
Noes:	Helgeson, Nelson, Faraldi	3

// In the matter of City Code, Agenda Item #14, Council considered adopting an ordinance both amending several sections and adding a section to the City Code which involves motor vehicles. Deputy City Attorney, Mr. Matthew Freedman provided Council with a brief summary of the request. These amendments and additions are presented to ensure that the City traffic code remains up to date and consistent with amendments made by the General Assembly. He asked Council to table the item until the next meeting for potential further modifications.

Vice Mayor Wright asked for clarification that Mr. Freedman did not want Council to discuss the item. Mr. Freedman responded that was correct and that he would bring the item back with or without further modification to the next meeting.

Councilmember Wilder stated that Council should provide comments now to speed the process. Councilmember Faraldi shared agreement and requested a change in language that stated more generally City Code would be in compliance with State Code. Mr. Freedman responded that the particular State Code section could be incorporated to address the concern.

Councilmember Helgeson asked why the proposed amendments and additions restrict law enforcement from stopping vehicles or pedestrians for these offenses. He also asked who will enforce the code. Mr. Freedman responded that these amendments and additions mirror State Code. The police will still enforce this code. These are considered secondary offenses, which are not cause for stopping vehicles or pedestrians but are incidental to other stops.

Councilmember Helgeson asked for clarification that these amendments and additions came from the General Assembly this year. Mr. Freedman responded that he needs to further examine the sections that relate to noise and may be modifying them to ensure that he is not making them more restrictive than the General Assembly has. Councilmember Helgeson noted that section after section has the same restrictions in terms of preventing law enforcement from making stops. Mr. Freedman responded that is consistent with State Code. Councilmember Helgeson and Mr. Freedman further discussed the implications and examples of secondary offenses.

Councilmember Nelson stated that there are two aspects for the justification of this. These statutes are directed toward trying to eliminate the subjectivity of stopping someone for something that may be somewhat subjective and using that observation as the pure cause that a person comes under the control of an officer. They also relate to civil law. In civil law, one of the foundations for holding a person negligent is if they violate a State or civil law. If someone engages in such activity, then they are contributorily negligent and assume the risk because they did something unlawful.

Councilmember Wilder asked for clarification that the main goal of these amendments and additions is to bring City Code into compliance with State Code. He added that disagreements with State Code should be brought to the attention of the State legislators.

Mr. Freedman asked Council if they were happy with the general wording of the amendments and additions as presented. Mayor Dolan responded that Council needed more time to look at the wording.

By general consensus from Council, the matter was postponed until the next meeting.

// The meeting was adjourned at 8:52 p.m.

____

Clerk of Council

RESOLUTION: #R-21-065

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and $65,000 is appropriated with resources of $65,000 from the Supreme Court of Virginia to support salary and benefits for the Drug Court Coordinator position during FY 2022. The required local match of $16,250 (25%) was previously appropriated from City funds for the Drug Court grant.

Introduced: August 10, 2021 Adopted: September 14, 2021

Certified: Alicia L. Finney

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2021** AGENDA ITEM #: **6**

CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION:
ACTION: **X**	INFORMATION:		(Confidential)

ITEM TITLE: Railroad Avenue Right of Way Vacation

KEY ELEMENTS:
_X_ Economic Development ___ Excellent Government **_X_** Natural and Built Environment ___ Safe Community **_X_** Vibrant Community

RECOMMENDATION: Approval of the right-of-way vacation of Railroad Avenue

SUMMARY: Ed Willman, on behalf of Dan Hague, is petitioning to vacate the Railroad Avenue right-of-way, located between F Street and E Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred thirty-one thousandths (0.131) of an acre.

The area to be vacated includes unimproved, wooded land. The vacation would not impact vehicle or pedestrian access.

PRIOR ACTION(S): August 10, 2021: The Physical Development Committee (PDC) recommended approval of the right-of-way vacation.

June 15, 2021: The Technical Review Committee (TRC) reviewed the petition.

FISCAL IMPACT: Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately $1,000.00.

CONTACT(S): Eve Mergenthaler, Planner I – 455-3900
Tom Martin, City Planner – 455-3900

ATTACHMENT(S):
- Ordinance
- Application
- Street Vacation Plat
- Title Work

REVIEWED BY: raw

103A

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING RIGHT-OF-WAY KNOWN AS RAILROAD AVENUE.

WHEREAS, Fred “Ed” Willman of Accupoint Surveying and Design, LLC, on behalf of Dan Hague, is petitioning to vacate right-of-way known as Railroad Avenue; 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:

LEGAL DESCRIPTION
BEGINNING AT A POINT AT THE INTERSECTION OF JOHNSON ST AND “F” STREET; THENCE N 57°00'42" E A DISTANCE OF 82.50’ TO THE TRUE POINT OF BEGINNING; THENCE N 57°00'42" E A DISTANCE OF 30.00' TO A POINT; THENCE S 32°59'18" E A DISTANCE OF 190.00' TO A POINT; THENCE S 57°00'42" W A DISTANCE OF 30.00' TO A POINT; THENCE N 32°59'18" W A DISTANCE OF 190.00' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.131 ACRES.

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

Department of Community Development
City Hall, 900 Church Street
Lynchburg, Virginia 24504
PHONE • (434) 455-3900
FAX • (434) 845-7630

The City of Lynchburg, Virginia

RIGHT-OF-WAY VACATION PACKET

1. PETITIONER: The applicant is the: •Owner ☒ •Contract Purchaser: ☐ •Contract Leaseholder: ☐
   Name: Dan Hague
   Street: PO Box 333 City: Lynchburg State: VA Zip: 24505
   Telephone#: E-Mail:
   E-Signed: Dan Hague (Petitioner) Date: 5/26/2021

2. OWNER: (if different from petitioner; otherwise leave this section blank)
   Name:
   Street: City: State: Zip:
   Telephone#: Email:
   E-Signed: ______________________ (Owner) Date:

3. REPRESENTATIVE:
   Name: Fred "Ed" Willman, LS, OSE Firm Name: Accupoint Surveying & Design, LLC
   Street: 6200 Fort Avenue City: Lynchburg State: VA Zip: 24502
   Telephone#: 434-610-4334 Email: ewillman@accupointsurveying.com

	Application Submittal Requirements - Right-of-Way Vacation
X	One (1) original signed right-of-way vacation application, complete with metes and bounds description and any adjoining owner signatures.
X	Three (3) copies of a title search or opinion from an attorney or title examiner determining ownership of the right-of-way after it is vacated. A copy of a sample opinion letter is included with the right-of-way vacation application.
X	Six (6) copies of a sketch (or plat) showing the right-of-way to be vacated. Do not include other work (e.g. internal lot lines to be vacated) on submitted diagram.
	Photos of notification signs (if applicable)
X	A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council ($75)
X	Electronic copy of all submittals. (Electronic copies may be submitted through eTrakit by contacting Victoria Glasgow @ 434-455-3937, by email at victoria.glasgow@lynchburgva.gov or on a flashdrive. Please name the files in the following format: (YY-MM-DD _File name)

This following describes the materials needed and steps involved in a right-of-way (ROW) vacation. This process takes roughly 90-120 days from submittal until the decision to vacate is made.

1. Submit the required materials to the Department of Community Development, located at 900 Church Street (second floor):
   a. One (1) original signed ROW vacation application, complete with metes and bounds description (usually provided by a surveyor) and any adjoining owner signatures.
      i. Be aware that any disagreement by affected adjoining land owners may result in City Council denying the ROW vacation.
   b. Six (6) copies of a sketch (or plat) showing the ROW to be vacated.
   c. Three (3) copies of a title search or opinion from an attorney or title examiner determining ownership of the right-of-way after it is vacated. A copy of a sample opinion letter is included with the right-of-way vacation application
      i. In order for the ROW to be vacated by the City, the ownership of the ROW after it is vacated must first be determined. As a petitioner (or their representative) interested in having the City vacate ROW in order to serve the petitioner's interest, you will be required to provide this information.
      ii. Past laws dictating how ROW was dedicated and annexation history of the ROW need to be taken into consideration during the research process. Here are some, but not all, things to consider when performing the title research:
         1. Was the property in question publicly dedicated?

a. Some ROW's are simply left by the developer/owner as private, joint and common use, to adjacent properties.
b. Private alleys, etc., are generally private issues that do not involve the City

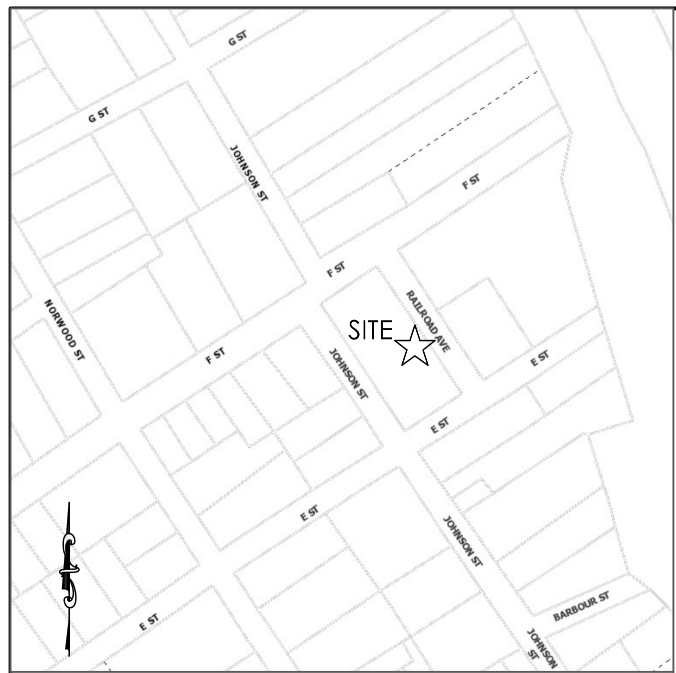
2. If the ROW is public, in which locality (city or county) was the ROW dedicated?
    a. When was the ROW dedicated?
    b. Which law was in effect at the time of dedication? Certain acquisition years mean the City/locality only acquired the right to use the ROW. Fee simple ownership would be retained by the property owner dedicating the ROW to the locality.
    c. Was the ROW dedicated by deed, plat, or prescription?
    d. Did the locality accept the ROW?
    e. Was the ROW dedicated to VDOT?
        i. ROW dedicated to counties was most likely state maintained and state owned.
        ii. Annexation by the City does not automatically determine the annexed ROW's clear title to the City. Often the ROW ownership is retained by the State even though the City is maintaining the ROW.
3. A copy of an article discussing the factors that are to be considered when determining who gets title to a vacated right-of-way is included with the Right-of-Way Vacation Application.

d. If the application is for an active ROW (ex. a street or alley that is used by the public), submit photos of notification signs posted in the area to be vacated. Sign formatting requirements can be found in City Code §35.2-10.14.3.b. This is to be arranged and paid for by the petitioner.
    i. Active ROW petitions also require notice be mailed to property owners within 200' of the proposed vacation. This cost will be billed to the petitioner.

di. A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council ($75)

dii. Electronic copy of all submittals. (Electronic copies may be submitted through eTrakit by contacting Victoria Glasgow @ 434-455-3937, by email at victoria.glasgow@lynchburgva.gov or on a flashdrive. Please name the files in the following format: (YY-MM-DD _File name)

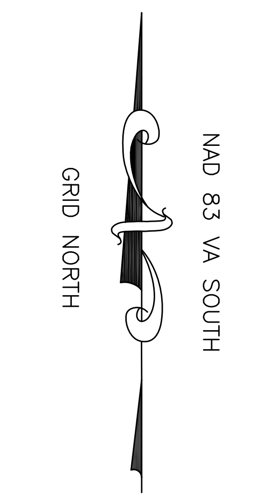
2. Upon determining that the application materials are complete and sufficient, the petition will be reviewed by the City's Technical Review Committee.
    a. City departments will have the opportunity to comment and voice any concerns over vacating the ROW.
    b. The Planning Division generally does not support vacating ROW that is reserved for future street connectivity.
    c. Usually, attendance at this meeting is not required, unless the ROW is active or part of a larger development project.
3. The petition will be scheduled for review by the Physical Development Committee (PDC), usually held on the second Tuesday morning of the month.
    a. This is a three member board, composed of three members of City Council. The mayor also sits on this board.
    b. The Planning Division will present its recommendation.
    c. PDC will deliberate and forward the petition on to full council as they see fit.
    d. Attendance is required at this meeting (by the petitioner or the representative)
4. The petition will be advertised in the newspaper, as required by state code. This cost will be billed to the petitioner.
5. The petition will be scheduled for a public hearing with City Council.
    a. Members of the public may speak in favor of or against the petition.
    b. Council will vote to approve to approve or deny the vacation.



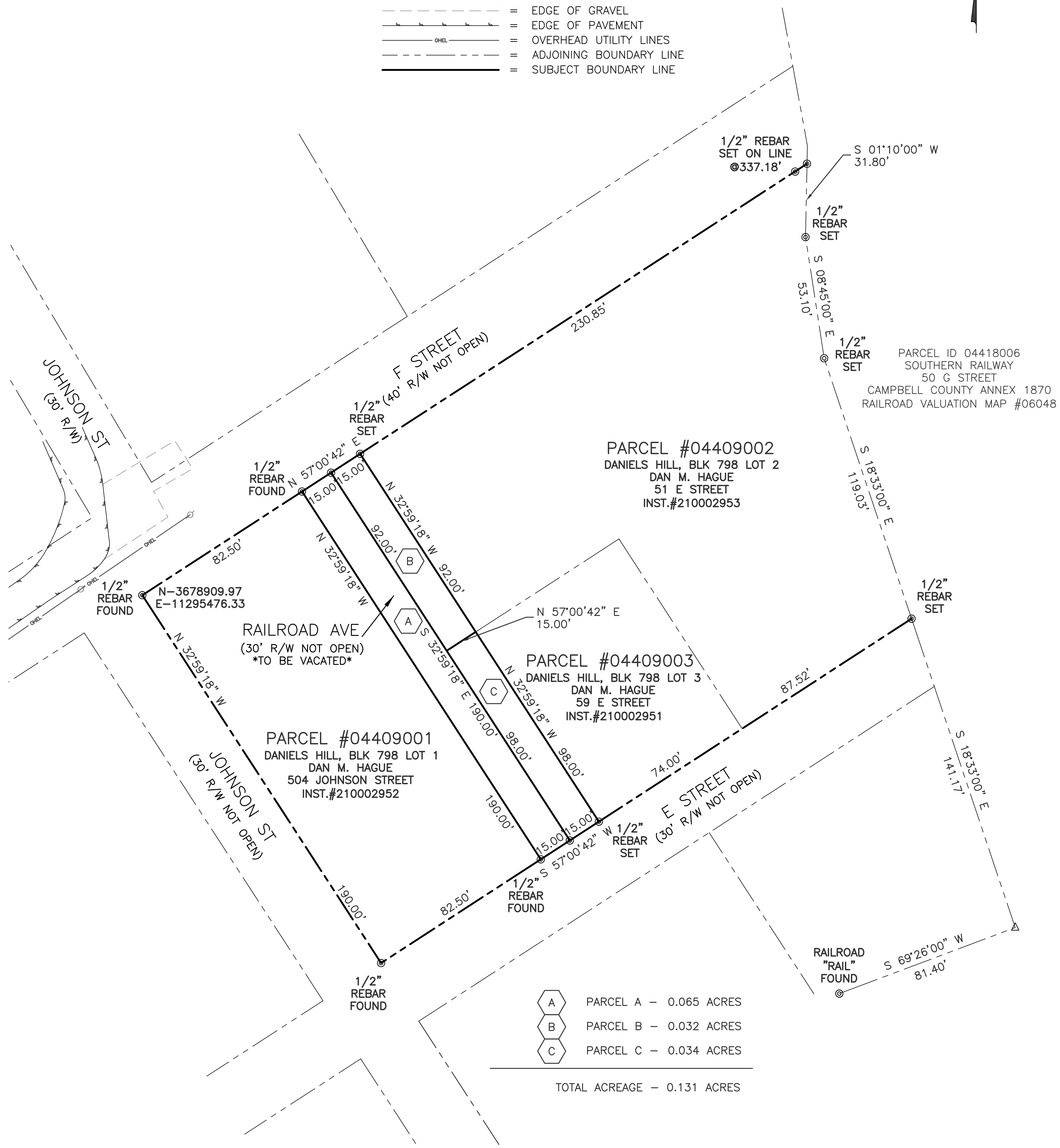
VICINITY MAP — NOT TO SCALE

CITY PLANNER: ____________________

CITY ENGINEER: ____________________



∅ = UTILITY POLE
◎ = BOUNDARY CORNER
= EDGE OF GRAVEL
= EDGE OF PAVEMENT
= OVERHEAD UTILITY LINES
= ADJOINING BOUNDARY LINE
= SUBJECT BOUNDARY LINE



NOTES:

1. THIS PLAT WAS PREPARED AT THE REQUEST OF DAN HAGUE.
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. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D EFFECTIVE 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.

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNERS, PROPRIETORS AND TRUSTEES, IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGEMENT OF DEEDS.

____
DAN M. HAGUE

STATE OF__________CITY/COUNTY OF____________________
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

______________BY______________________________

______________________ ________________
NOTARY PUBLIC REGISTRATION NO.

MY COMMISSION EXPIRES______________.

A	PARCEL A — 0.065 ACRES
B	PARCEL B — 0.032 ACRES
C	PARCEL C — 0.034 ACRES
	TOTAL ACREAGE — 0.131 ACRES

0 40 80 120

STREET VACATION SURVEY OF PARCEL "A" "B" & "C" A PORTION OF RAILROAD AVE

CITY OF LYNCHBURG, VIRGINIA

COMMONWEALTH OF VIRGINIA
JOSHUA GREGORY NIXON
Lic. No. 3367
06/28/2021
LAND SURVEYOR

ACCUPOINT
SURVEYING & DESIGN
SURVEYORS • ENGINEERS • SOIL EVALUATORS
6200 FORT AVENUE, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 40'
ASD JOB #:	2021-175
FILE #:	2021-175_ST_VAC.DWG
DATE:	MAY 10, 2021
REV:	JUNE 28, 2021
REV:	

SHEET: 1 OF 1

ACCUPOINT
SURVEYING & DESIGN

05/24/2021

Ms. Victoria Glasgow
City Planning and Community Development
900 Church Street
Lynchburg, VA 24504

Dear Ms. Glasgow and to whomever it may concern,

Accupoint Surveying & Design LLC., undertook investigation of the title to an undeveloped and unimproved portion of Railroad Avenue lying adjacent to and between properties located at 504 Johnson Street, 51 E Street, and 59 E Street.

A thorough search of the land records in the Clerk's Office of the City of Lynchburg show that the right-of-way for Railroad Avenue, formerly known as Barbour St, was created by a map entitled Map of Daniel's Hill, surveyed and drawn by E.S. Hutter Jr., City of Lynchburg Department of Public Works Record H-674 (Exhibit 1).

The aforementioned map was formally adopted as official by an ordinance passed September 3rd, 1875, which was put to record on August 15, 1893 in deed book 49, page 559 (Exhibit 2). Said ordinance describes the map as "an accurate map of the same to be drawn showing distinctly each lot, public street and alley, the size number and owner of the lots and with width of the streets and always as provided by law in such cases."

Right-of-way dedication in 1875 would fall under the rule of common law, as the City of Lynchburg had not yet adopted a formal subdivision ordinance. It is my opinion that the approval of the map and subsequent adoption of the public streets by ordinance fulfills the common law requirement of acceptance by the locality after dedication, thus vesting title to the unimproved portion of Railroad Avenue in the City of Lynchburg. Upon vacation of this right-of-way, Virginia Code § §15.2-2272 and 15.2-2274, establish reversion rights with respect to subdivision streets after sale of a lot to vest title to the abutting landowners to the centerline of the street, upholding the rule of common law. It is my opinion that title to that land lying within the vacated right-of-way of Railroad Avenue will be vested solely in the name of Dan M. Hague.

For additional reference see, Brown v. Tazewell County Auth, 226 Va. 125 (Va. 1983); Barter Foundation, Inc. v. Widener, 267 Va. 80 (Va. 2004).

Please let me know if there are any questions.

Barbara B. Gladieux
Title Examiner
Accupoint Surveying & Design, LLC

EXHIBIT 1

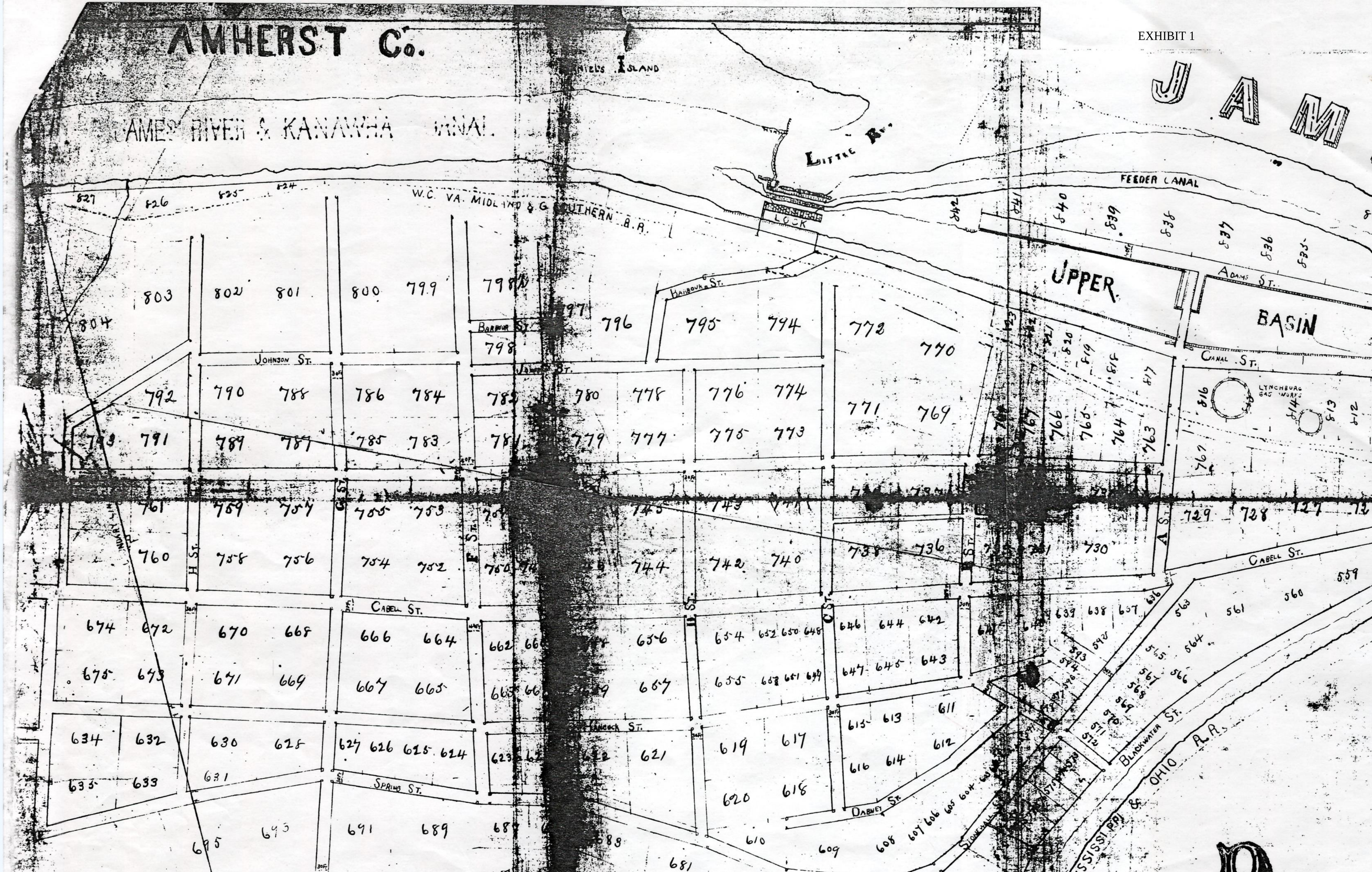

AMHERST Co.
JAMES RIVER & KANAWHA CANAL
DANIEL'S ISLAND
LITTLE R.
LOCK
FEEDER CANAL
W.C. VA. MIDLAND & G. SOUTHERN R.R.
UPPER
BASIN
ADAMS ST.
CANAL ST.
LYNCHBURG GAS WORKS
BARBOUR ST.
JOHNSON ST.
CABELL ST.
SPRING ST.
DABNEY ST.
BLACKWATER ST.
OHIO R.R.
H ST.
G ST.
F ST.
E ST.
D ST.
C ST.
B ST.
A ST.

EXHIBIT 2 49|559

P. H. Ryan
D. Duval Adams
T. V. Strange
Ed S. Hutter
Committee

Lynchburg 23rd Aug 1875

To The City Council

Your committee has had under consideration a communication of Property Holders of Daniels Hill signed by R. M. Crenshaw Chairman and others addressed to the Chairman of the Street committee asking the adoption of a survey & map and names of Streets of that part of your city adopted by a meeting of the Property Holders of Daniels Hill asking that said map be adopted by the Counsel.

With the Streets there named and spread upon the Records of your Corporation Court and that the Streets be marked by proper corner stones all of which we approve & recommend that the Council order said map be prepared and entered of record, that this map contain the name of the Present Owner of every lot with a space to enter future transfers and the setting of the corner stones

B. H. Nowlin
J. M. Wood
J. S. Moss.

An ordinance approving and adopting a map of Daniels Hill & providing for the recordation of the same.

Passed Sept 3rd 1875

Whereas a large number of the owners of real estate in the part of the City of Lynchburg known as Daniels Hill have caused a survey of said portion of the town to be made and an accurate map of the same to be drawn showing distinctly each lot, public Street and alley, the size number and owner of the lots and the width of the Streets and alleys as provided by law in such cases. And whereas it is deemed desirable that said map should be approved & adopted as the true plan and survey of said portion of the town

I Be it ordained by the Council for the City of Lynchburg that said survey & plan of the part of the present city limits lying & being on Daniels Hill prepared by Ed. Hutter Jr, and recommended by said petitioning citizens be and hereby is approved and the same is adopted as the duly authorized & authentic survey & plan of the said part of the town.

II That the Clerk of the Council is hereby directed to record said map together with a copy of their ordinance, of the petition of citizens referred to in the preamble and of the report of the Street Committee in regard thereto, in a book to be provided by him for the purpose of recording this and all similar maps & papers in accordance with the provisions of the first section of Chapter fifty four of the Code of Virginia

III That after making such record in said Book the Clerk of the Council shall cause said map with a copy of this ordinance to be recorded in the Clerk's office of the Corporation Court of this city and shall then deposit the original of said map in said Clerk's office for safe keeping as provided by law

IV After said plat and survey has been so recorded it shall hereafter be evidence of the boundaries of such lots, streets & alleys as may be laid down therein

V The names of the streets as marked in said map are hereby approved and adopted.

VI This ordinance shall take effect from its passage.

Virginia

In the Clerk's Office of the Common Council of the city of Lynchburg the 3rd day of March 1893. The foregoing survey and plan of that part of the City of Lynchburg lying on Daniels Hill was this day recorded in said Office pursuant to the Ordinance of said Council, passed on the 3rd day of September 1875 a copy of which is annexed thereto. And the same together with said copy of said Ordinance is hereby certified to the Clerk of the Corporation Court for said city to be recorded in his Office as prescribed by law.

Teste:

Carter Glass C.C.C.L.

Virginia

In the Clerk's Office of the Corporation Court for the city of Lynchburg the 15th day of August 1893

The foregoing copies of certain Ordinances passed by the Common Council of the city of Lynchburg together with the map referred to and accompanying the same were this day presented in said Office and admitted to record.

Teste:

S.G. Wingfield Clk.

no plat attached
going to map room in City

UNCODIFIED ORDINANCE: #O-21-067

AN ORDINANCE VACATING RIGHT-OF-WAY KNOWN AS RAILROAD AVENUE.

WHEREAS, Fred “Ed” Willman of Accupoint Surveying and Design, LLC, on behalf of Dan Hague, is petitioning to vacate right-of-way known as Railroad Avenue; 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:

LEGAL DESCRIPTION
BEGINNING AT A POINT AT THE INTERSECTION OF JOHNSON ST AND “F” STREET; THENCE N 57°00'42" E A DISTANCE OF 82.50’ TO THE TRUE POINT OF BEGINNING; THENCE N 57°00'42" E A DISTANCE OF 30.00' TO A POINT; THENCE S 32°59'18" E A DISTANCE OF 190.00' TO A POINT; THENCE S 57°00'42" W A DISTANCE OF 30.00' TO A POINT; THENCE N 32°59'18" W A DISTANCE OF 190.00' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.131 ACRES.

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: September 14, 2021

Certified: Alicia L. Finney
Clerk of Council

Lynchburg City Council – Agenda Addendum: Public Comment

Tuesday, September 14, 2021

7:30 P.M. – City Council Meeting

Council Chamber, City Hall, 900 Church Street

A) Hear from a citizen regarding a concern. (Victor Thomas)

B) Hear from a citizen regarding a concern. (Andrew Glover)

RULES OF PROCEDURE

// An individual may speak for up to 3 minutes; please state clearly your name and locality of residence.

// A group spokesperson may speak for up to 5 minutes; please state clearly your name and the group you will be representing.

Citizens often express conflicting and diverse positions regarding specific issues under consideration. To encourage citizen participation and to avoid intimidation to persons who may express sometimes unpopular opinions, **applause, cheers, or jeers from the audience are not permitted**. When appearing before City Council, citizens may not engage in behavior that intimidates or insults others, engage in disruptive behavior, use profanity or vulgar language, promote private business ventures or campaign for public office.

Lynchburg City Council | Public Comment | September 14, 2021

Citizen: Victor Thomas

Contact Information: (434) 420-7165

Request: Unfairness of vehicles being taken and sold by Bee Line Towing.

Finney, Alicia

From: Andrew Glover <andrew@glover.us>
Sent: Friday, September 10, 2021 12:13 PM
To: Finney, Alicia
Subject: Public comment

CAUTION: External Sender

I would like to be put on the agenda for public comment in Response to Agenda item#3

Get Outlook for Android

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2021** AGENDA ITEM #: **7**

CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION:
ACTION: **X**	INFORMATION:		(Confidential)

ITEM TITLE: Proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023

KEY ELEMENTS:
_**X**_Economic Development ___Excellent Government _**X**_Natural and Built Environment _**X**_Safe Community ___Vibrant Community

RECOMMENDATION: Review and approval of a resolution of support of an application to VDOT to include the attached list of projects for the FY 2023 Revenue Sharing (RS) and Transportation Alternatives (TAP) Projects programs.

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

Staff recommends the following projects for application to Revenue Sharing:

- **Previous Revenue Sharing Projects** - Due to the delay in funding revenue sharing projects by VDOT, inflationary funds are required for the first four Revenue Sharing projects previously approved by City Council on September 24, 2019.

- **Hollins Mill Road and Bikeway Improvements** - This project is replacement and enhancement of the bridge on Hollins Mill Road at the Hollins Mill Park located at 521 Hollins Mill Road. There is a low water bridge underneath the Hollins Mill bridge that connects the Blackwater Creek Bikeway with the Point of Honor Trail that constantly requires maintenance to remain safely accessible to pedestrians and bicyclists. This project would replace the bridge and provide bike and pedestrian enhancements when the low water bridge is not available. Additional funding for the project will need to be applied for in future grant funding cycles.

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

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

Funds will not become available until FY 2027 and FY 2028 to begin design and construction.

PRIOR ACTION(S): City Council Meeting approved original applications, September 24, 2019

FISCAL IMPACT: Requires matching funds of 50% for Revenue Sharing and 20% for TAP
Requires funding for VDOT review and administrative charges (as noted in the attachment)

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

ATTACHMENT(S): Resolution; VDOT Grant Application Listing FY 2023

REVIEWED BY: raw
104A

A RESOLUTION BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, ENDORSING THE REVENUE SHARING, AND TRANSPORTATION ALTERNATIVES PROGRAM APPLICATIONS

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution of support be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) establish and fund projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg does support and requests the Commonwealth Transportation Board to establish and fund, for any successful program application and all stages of construction, the projects as listed in the agenda item titled "*Proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023*" for any of the programs including Revenue Sharing and Transportation Alternatives Programs.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for the approved projects.

Adopted:

Certified: ______________________________

Clerk of Council

VDOT Grant Application Listing FY 2023

Revenue Share - VDOT portion only	FY 2023
Breezewood Drive Reconstruction and Widening - Additional Inflationary Funds	$1,445,660
Lakeside Drive Reconstruction and Widening - Additional Inflationary Funds	728,202
Link Road Intersection with Rivermont Avenue - Additional Inflationary Funds	454,437
Wards Ferry Road Turn Lanes at Atlanta Avenue - Additional Inflationary Funds	408,763
Hollins Mill Road Bridge Replacement w/ Pedestrian Features – (Total Project - $9,972,492)	1,962,938
TOTAL	**$5,000,000**
Total CITY Match needed (50/50 match)	***$5,000,000***
Total Appropriation - Grant and City combined	**$10,000,000**
Transportation Alternatives Program (TAP) - application request only	**FY 2023**
Lynchburg Center for Industry – Phase 1	$653,879
Lynchburg Center for Industry – Phase 2 (Proposed to finish site in the next application period of FY 25 – Total Project - $1,596,187)	
TOTAL	**$653,879**
Total CITY Match needed (80/20 match)	***$163,470***
Total Appropriation - Grant and City combined	**$817,349**

RESOLUTION: #R-21-068

A RESOLUTION BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, ENDORSING THE REVENUE SHARING, AND TRANSPORTATION ALTERNATIVES PROGRAM APPLICATIONS

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution of support be received from the local jurisdiction requesting the Virginia Department of Transportation (VDOT) establish and fund projects in the City of Lynchburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lynchburg does support and requests the Commonwealth Transportation Board to establish and fund, for any successful program application and all stages of construction, the projects as listed in the agenda item titled "*Proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023*" for any of the programs including Revenue Sharing and Transportation Alternatives Programs.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way and construction of these projects in accordance with the project financial documents.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg hereby agrees to enter into project administration agreements with VDOT and provide the necessary oversight to ensure the projects are developed in accordance with all applicable federal, state and local requirements for design, right-of-way acquisition, and construction of the projects.

BE IT FURTHER RESOLVED THAT: The City of Lynchburg will be responsible for maintenance and operating costs of the facilities as constructed unless other arrangements have been made with VDOT.

BE IT FURTHER RESOLVED THAT: If the City of Lynchburg subsequently elects to cancel any of the projects, the City of Lynchburg hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Lynchburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT.

BE IT FURTHER RESOLVED THAT: The Council of the City of Lynchburg hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for the approved projects.

Adopted: September 14, 2021

Certified: Alicia L. Finney

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 14, 2021** AGENDA ITEM #: **8**

CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION:
ACTION: **X**	INFORMATION:		(Confidential)

ITEM TITLE: Naming of Poplar Forest Parkway

KEY ELEMENTS:
__Economic Development ___Excellent Government _X_Natural and Built Environment __X__Safe Community __Vibrant Community

RECOMMENDATION: Approval of the naming of a private street and new entrance as Poplar Forest Parkway.

SUMMARY: Alyson M. Ramsey, CFRE, President and CEO for Thomas Jefferson's Poplar Forest, is petitioning to name a private street and new entrance as Poplar Forest Parkway. Thomas Jefferson's Poplar Forest is constructing the new entrance road. It will connect their property in Bedford County to Enterprise Drive in the City of Lynchburg. The roadway will run through 1900, 1950, and 1970 Enterprise Drive.

PRIOR ACTION(S): July 28, 2021: The Planning Commission reviewed this item and recommended approval.

July 20, 2021: The Technical Review Committee (TRC) reviewed the petition and all reviews were approved

FISCAL IMPACT: N/A

CONTACT(S): Eve Mergenthaler, Planner I – 455-3900
Tom Martin, City Planner – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – July 28, 2021
- Planning Commission Report – July 28, 2021
- Diagram showing road to be named

REVIEWED BY: raw

105A

RESOLUTION:

A RESOLUTION APPROVING THE NAMING OF A PRIVATE STREET LOCATED ON 1900, 1950, AND 1970 ENTERPRISE DRIVE CONNECTING PROPERTY IN BEDFORD COUNTY TO ENTERPRISE DRIVE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name of a new private street located on 1900, 1950, and 1970 Enterprise Drive, connecting property in Bedford County to Enterprise Drive, be known as Poplar Forest Parkway.

Adopted:

Certified: ______________________________
Clerk of Council

MINUTES OF THE JULY 28, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Consideration of naming a new entrance road at 1900, 1950, and 1970 Enterprise Drive as Poplar Forest Parkway.

Ms. Eve Mergenthaler, Planning Technician, provided the following summary to the Commission. Ms. Alyson Ramsey, President and CEO for Thomas Jefferson's Poplar Forest, is petitioning to name a new entrance road as Poplar Forest Parkway. The road will connect their property in Bedford County to Enterprise Drive and will run through 1900, 1950, and 1970 Enterprise Drive. The Technical Review Committee (TRC) reviewed the petition on July 20, 2021 and had no comments of concern. It is brought before the Planning Commission for a vote because the road is not within a subdivision.

Commissioner Marion stated that she is looking forward to the road's completion.

Commissioner Perault noted that they were part of the original rezoning petition a few years ago and are excited to see this road open up. He added that the name makes sense.

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

AYES:	Light, Lowe, Marion, Perault	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden, Johnson, Rogers	3

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

To: Planning Commission
From: Planning Division
Date: July 28th, 2021
Re: **Naming of Poplar Forest Parkway**

I. PETITIONER

Alyson M. Ramsey, CFRE, President and CEO for Thomas Jefferson's Poplar Forest, P.O. Box 419, Forest, VA 24551

Property Owner:
Thomas Jefferson's Poplar Forest, P.O. Box 419, Forest, VA 24551

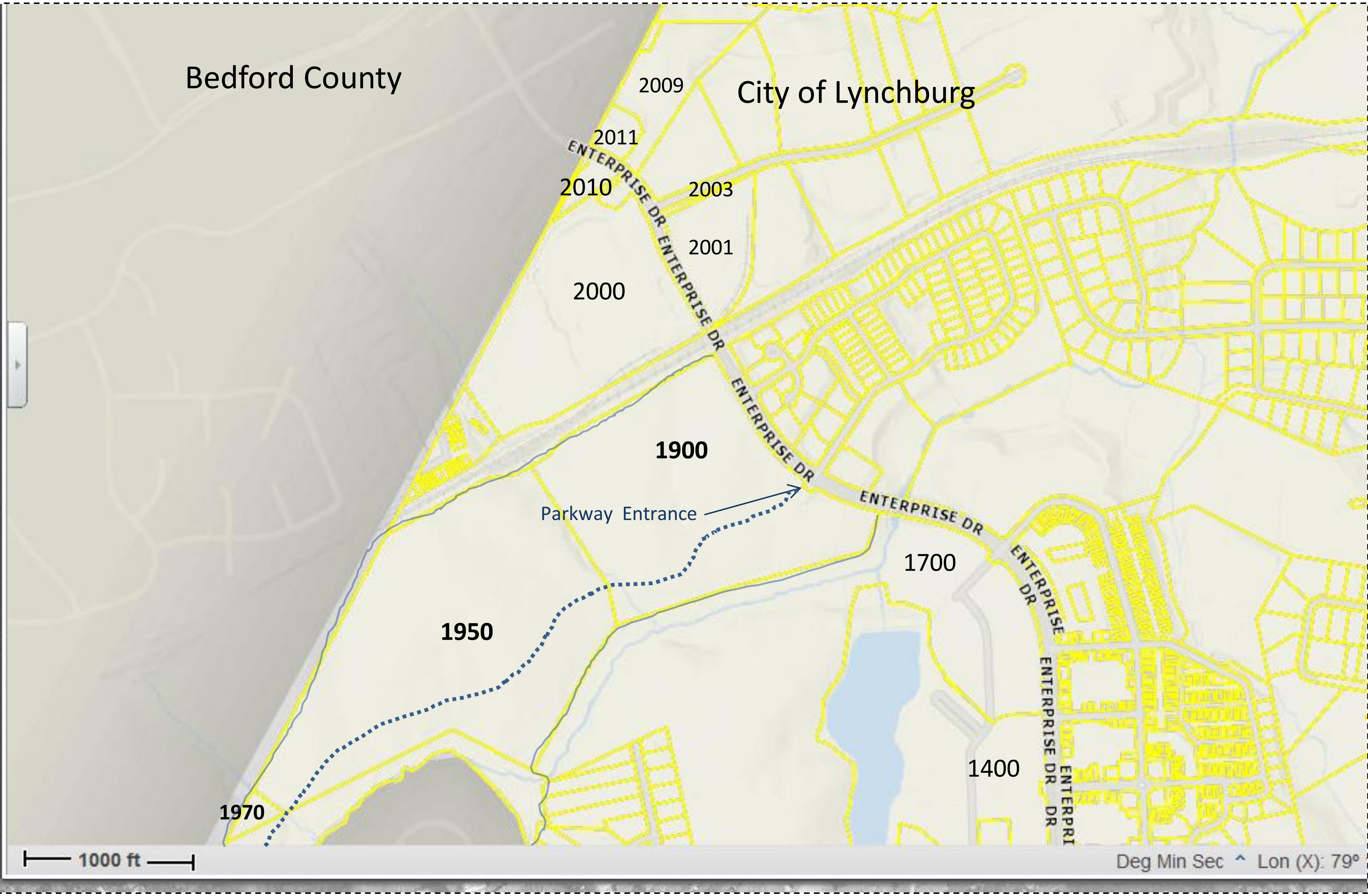
II. PURPOSE

Thomas Jefferson's Poplar Forest is constructing a new entrance road that will connect their property in Bedford County to Enterprise Drive. It will run through 1900, 1950, and 1970 Enterprise Drive. The purpose is to name this connector as a private street. It is brought before the Planning Commission for a vote because it is not within a subdivision.

Technical Review Committee. The Technical Review Committee (TRC) reviewed the petition on July 20, 2021. All reviews were approved.

III. ATTACHMENTS

1. **Diagrams showing entrance road to be named**


Bedford County
City of Lynchburg
2009
2011
2010
2003
2001
2000
ENTERPRISE DR
1900
Parkway Entrance
1700
1950
1400
1970
1000 ft
Deg Min Sec
Lon (X): 79º

Poplar Forest Parkway

RESOLUTION: #R-21-069

A RESOLUTION APPROVING THE NAMING OF A PRIVATE STREET LOCATED ON 1900, 1950, AND 1970 ENTERPRISE DRIVE CONNECTING PROPERTY IN BEDFORD COUNTY TO ENTERPRISE DRIVE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name of a new private street located on 1900, 1950, and 1970 Enterprise Drive, connecting property in Bedford County to Enterprise Drive, be known as Poplar Forest Parkway.

Adopted: September 14, 2021

Certified: Alicia L. Finney
Clerk of Council