

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **2010 Citizens Survey**

RECOMMENDATION: Amend the FY 2010 General Fund budget and appropriate \$13,400 from the General Fund for Contingencies to fund the biennial Citizens Survey.

SUMMARY: The City of Lynchburg has conducted a Citizens Survey every two years beginning in 2004. Administered by the National Research Center and endorsed by the International City/County Management Association (ICMA), the survey encompasses eight focus areas: Community Quality, Community Design, Public Safety, Public Trust, Civic Engagement, Environmental Sustainability, Recreation and Wellness, and Community Inclusiveness. The survey is mailed to a representative sample of 1200 residents (300 per Ward) and includes benchmark comparisons as well as demographic and geographic cross tabulation of the results.

City Council identified citizen engagement is an area of importance during its budget retreat on February 6, 2010. Staff believes the Citizens Survey to be a useful tool in continuing efforts in civic engagement and participation. The Survey also provides important service measures and benchmark data that are especially critical in a challenging economic environment and contribute to the City's performance measurement initiatives.

The National Research Center is offering a discount of up to \$1,100, to returning clients if an agreement is signed before April 2010. The \$13,400 requested for appropriation includes the discount.

PRIOR ACTION(S):

City Council has approved funding for the National Citizens Survey in 2004, 2006 and 2008

FISCAL IMPACT:

General Fund Reserve for Contingencies, \$ 13,400, FY 2010

CONTACT(S):

JoAnn Martin, Director of Communications and Marketing, 455-3801

Bonnie Svrcek, Deputy City Manager, 455-3986

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

Resolution

BE IT RESOLVED THAT the FY 2010 Communications and Marketing budget be amended and funds be appropriated in the amount of \$13,400 from a reallocation from the FY 2010 General Fund Reserve for Contingencies to be used to conduct the National Citizens Survey.

Introduced:

Adopted:

Certified:

Clerk of Council

033L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 10

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Shelter Plus Care Grant Renewal**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$106,488 with resources from the U.S. Department of Housing and Urban Development (HUD) to provide 13 units of tenant-based rental assistance and associated supportive services.

SUMMARY: The City has received a Shelter Plus Care grant award in the amount of \$106,488 from the U.S. Department of Housing and Urban Development (HUD). The City, together with Miriam's House and Lynchburg Neighborhood Development Foundation (LNDF), coordinated the grant in the past; a new agreement will be drafted for such services to continue under this award. The purpose of the grant is to provide housing to individuals that have been homeless.

As an update, Council should be aware that LNDF was able to raise approximately \$9,200 to assist in funding the gap in rental assistance while the grant renewal was under consideration by HUD. Council may recall on December 8, 2009, funding in the amount of \$8,753 was reallocated from the Juvenile Detention Center per diem to the Shelter Plus Care grant in the City/Federal/State Aid Fund. These combined funds have provided rental assistance through March 2010, while the renewal application was being reviewed. Rents have been paid through March; all funds from LNDF and the City, designated to fill the funding gap, have been depleted.

PRIOR ACTION(S): Finance Committee, March 23, 2010

FISCAL IMPACT: None

CONTACT(S): Bonnie Svrcek, Deputy City Manager and Acting Director of Community Development, 455-3987

ATTACHMENT(S): Resolution
Shelter Plus Care Grant Award Letter

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and \$106,488 is appropriated with resources from the U.S. Department of Housing and Urban Development (HUD) to provide 13 units of tenant-based rental assistance and associated supportive services.

Introduced:

Adopted:

Certified:

Clerk of Council

029L



U. S. Department of Housing & Urban Development

Community Planning & Development Division

Richmond Field Office

600 E. Broad Street, 3rd Floor

Richmond, VA 23219-1800

1-800-842-2610

MAR - 5 2010

Mr. L. Kimball Payne
City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Mr. Payne:

SUBJECT: Processing Your Shelter Plus Care Grant
Shelter Plus Care (S+C) Program
Grant Number: VA0139C3F080901

Congratulations on the final selection of Lynchburg Shelter Plus Care for renewal funding under the FY 2009 Shelter Plus Care Program. All conditions attached to your award for this project have been met. This one year award will continue to support your program previously funded by HUD in FY 2001, further contributing to our national effort to end homelessness.

The original grant number was VA36C108001. The effective date of the Renewal Grant is March 1, 2009. Upon execution of the Renewal Grant Agreement by you and HUD, HUD will obligate the total funds for this project in the amount of \$106,488.

Enclosed are three copies of the Grant Agreement that constitute the agreement between the City of Lynchburg and HUD. Please sign all three, and return them to this office within two weeks of receipt of this letter. When they are received, HUD will sign and execute them, and one will be returned to you. Your new Voice Response Number for your renewal grant will be generated and sent to you under separate cover.

You are advised that your grant cannot begin and no funds can be disbursed to you for this project until the Grant Agreement is fully executed.

If you have any questions, please call me at (804) 822-4831. Staff requiring technical assistance should contact Mr. Jay C. Grant at (804) 822-4830. We look forward to working with you toward the successful continuation of your Shelter Plus Care project.

Sincerely,

Ronnie J. Legette
Director

Enclosures

Cc: Ms. Bonnie Svrcek,
Deputy City Manager/Acting Director of Community Development

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of March, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster 7

Absent: 0

// City Manager Kimball Payne stated that Council requested the Virginia Department of Transportation (VDOT) to attend this work session to explain the proposed improvements to the Route 460/29 corridor between Campbell Avenue and the Madison Heights Bypass. Mr. Payne explained that the area in question has seen significant increase in both traffic and accidents since the opening of the Madison Heights Bypass. This situation was anticipated during the development of the Tyreeanna/Pleasant Valley Master Plan which was adopted by City Council in 2003. Mr. Payne went on to say that the residents and businesses in the corridor have expressed serious concerns about the proposed project. Mr. Payne explained that Route 460/29 is a State highway, not a City road, and as such, decisions about the project rest with the Commonwealth Transportation Board.

// Mr. Payne introduced Mr. Rob Cary, District Engineer with VDOT. Mr. Cary explained that due to cost constraints VDOT has had to scale back the work proposed to the corridor. Mr. Cary stated that the preferred plan identified as Concept I by VDOT most closely corresponds with the City's Master Plan, however, Concept I is very expensive and VDOT has settled on a reduced concept. VDOT has proposed Concept #2B as their initial project. Mr. Cary explained that this concept closes a number of crossovers in the corridor.

Mr. Cary stated the perspectives of the Route 460/29 Bypass as follows:

Is Route 460/29 a local road?

Is Route 460/29 a road of Statewide and maybe even National Significance?

Or, is Route 460/29 a mix of both?

Mr. Cary stated that VDOT is obligated to view Route 460/29 from both of these perspectives. Mr. Cary explained the perspectives on safety which emergency response times have increased by up to 3 1/2 minutes, since the opening of the US 29 Madison Heights Bypass in 2005, which traffic has increased substantially but so have the crash rates. Mr. Cary explained what the benefits are of Access Management: fewer accidents, reduced traffic congestion/traffic delays, reduced air pollution, fewer and less expensive highway improvement projects and expanded market reach of businesses. Mr. Cary went on to say that Access Management Techniques are: reducing the number of intersections (median openings) and traffic signals, separating intersections (median openings) and traffic signals by a greater distance and reducing the number of left turn movements across highway lanes of traffic. Mr. Cary stated the challenge is how to address safety, preserve capacity, and minimize the impacts of the project on the community. During the discussion, Council Members raised concerns regarding the proposed corridor: (1) Is this a done deal, (2) it will be cutting the community in half, (3) no voice; and not being heard, (4) the community wants some crossover back into the community, (5) agrees something needs to happen, (6)

the number of crashes at a crossover, (7) role of Metropolitan Planning Organization (MPO), (8) Jug Handle at Concord Turnpike and (9) who makes the final decision. Mr. Carey answered questions by Council and informed that it is VODT's Chief Engineer who makes the final decision. Mr. Cary went on to say that the anticipated cost is \$1,666,000 and the anticipated schedule has been set for advertisement in September 2010. Construction begins December 2010 and construction will be completed in 2011.

// Mayor Foster recognized Damian Garret, a member of the Mayor's Youth Council.

// City Manager Kimball Payne presented an overview regarding the FY 2011 Proposed Budget, stating this year's budget preparation was prepared in an environment of challenge and uncertainty. Mr. Payne explained that to some extent it appears the City has weathered the national recession fairly well. Mr. Payne stated the recession has reduced State revenues in capital gains tax, income tax, and sales tax along with the rising costs for Medicaid, public safety and human services. This has resulted in a significant budget deficit. Mr. Payne went on to say that former Governor Kaine's proposed budget addressed some of the shortfall while demonstrating a resistance to raising new revenues through increased taxes, leaving over \$4 billion to be cut for the biennium. Mr. Payne stated that much of the burden of balancing the State budget would fall on localities through reduced revenues from the State for State mandated but locally delivered services. Mr. Payne explained the three major priorities of the proposed budget are public safety, education, and infrastructure. While public education will be hit particularly hard, there will also be further cuts in public safety, detention, social services, juvenile services, and transportation. Mr. Payne went on to say that the mid-year review of the FY 2010 Budget found revenues at or slightly ahead of projections and cost cutting measures had reduced budgeted expenditures to the extent that a small surplus is projected for year end. Mr. Payne explained that a major initiative was undertaken by the City's Leadership Team in July 2009, a "Cost Savings Initiative". This goal was to reduce the General Fund expenditures by approximately ten percent (10%), or about \$15 million, for FY 2011. Each City department was directed to start preparing budget scenarios reflecting departmental resources for FY 2011 at only ninety percent (90%) of those available in FY 2010. The overall "90% Budget" scenarios indicated a reduction in City workforce of over 125 positions and significant impacts in every service area, most particularly in public safety, public education, social services, libraries and museums, parks and recreation, and internal services. Mr. Payne went on to say that this process involved seeking to clarify service delivery priorities, eliminate redundancies, promote consolidation and collaboration, and reduce costs. At the same time, starting in May 2009, the City Manager and School Superintendent began an ongoing discussion regarding the consolidation of services, programs, and activities between the Schools and the City organization. Progress has been slow but some potential savings have been identified such as procurement, credit card management, food services, and facilities management. Mr. Payne explained that, as a result of the efforts taken since July 2009 there was some flexibility created for preparing the Proposed FY 2011 Budget. Although overall spending will increase due to the utilization of fund balance for capital projects, the City's operating departments will see an average decrease in expenditures of 5.5%. Furthermore, seventy-five (75) positions would be eliminated, however, sixty (60) were presently vacant. Mr. Payne announced that with

the introduction of the proposed budget he was officially declaring a Reduction in Force for the City, triggering assistance for affected individuals. Mr. Payne concluded by saying that the Proposed FY 2011 Budget is offered for City Council consideration, deliberation, amendment, and adoption, and that over the next several weeks, Council will have the opportunity to hear from and question the representatives of the various departments and agencies seeking funding in FY 2011.

// Human Services Director Margaret Schmitt provided an overview regarding the City's Workforce of Personnel/Benefits for FY 2011 Budget. Ms. Schmitt explained the current workforce in demographics, retention, direct and indirect compensation and trends and recommendations.

// Due to time constraints, City Council agreed to postpone the remaining of this Agenda item report to March 16, 2010 Budget Work Session.

// During roll call Vice Mayor Dodson stated that there was going to be a stakeholders meeting next Thursday in relation to the institutional overlay initiative and requested that, since this is really a hot topic in the community, a report be provided from the stakeholders meeting. Vice Mayor Dodson questioned the attendance of the Planning Commission Members at the Planning Commission meetings.

// City Council recessed the meeting at 7:15 p.m.

// City Council reconvened the meeting at 7:30 p.m. Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster presented a Proclamation for Multiple Sclerosis Awareness Week for March 2010 to Mr. Paul Snead, Mrs. Georgia Weiman and Ms. Kailee Weiman.

// Mayor Foster recognized Rachel Robertson a member of the Mayor's Youth Council.

// Copies of the minutes of the February 23, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Fire - General, City Council Report #6 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-017, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$33,500, with \$26,800 reimbursement, to purchase an upgrade to the Plymovent system for Station No. 2 on Grace Street and a fire alarm system for Station No. 6 on Fort Avenue:

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

Noes: 0

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-018, as presented, amending the FY

2010 City/Federal/State Aid Fund budget and appropriating \$298,000, with \$240,000 reimbursement, to convert traffic signals, message boards, and some street lights to energy efficient light-emitting diode (LED) technology:

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

7

Noes:

0

// Mayor Foster read the following statement "The Family Alliance, and the Presbyterian Homes and Family Services have a mutual relationship. After consultation with the City Attorney I have been advised that because of my position as the Chief Operating Officer of the Alliance for Families and Children, I have a conflict of interest that requires me to abstain from discussing or voting on the petition to allow Cole Brothers to hold a circus on the Presbyterian Homes' and Family Services' property. I want to state for the record that I have not discussed the petition with the other members of City Council or attempted to influence their votes on this matter. In order to avoid any appearance of impropriety, I am going to allow Vice Mayor Dodson to preside over this matter and remove myself from the Council Chamber during the discussion of the petition".

//Mayor Foster left the meeting at 7:42 p.m.

// In the matter of Community Planning – Zoning a public hearing was held regarding City Council Report #8 outlining the petition of Tim Orris for a Conditional Use Permit (CUP) to allow the operation of a temporary circus on the grounds of the Presbyterian Homes & Family Services at 150 Linden Avenue on April 26 and 27, 2010 in an R-1, Low Density Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition stating that the Planning Commission recommended approval of the CUP. Representative Mr. Bob Dendy of the Presbyterian Homes and Family Services outlined the request and asked for approval. Mr. Tim Orris of the Cole Brothers Circus stated that the circus has been coming to Lynchburg for over 53 years and it is a family-friendly organization. There were several other citizens that spoke in favor of having the circus on the property of the Presbyterian Home. Mr. Joe Sanzone spoke in opposition to the petition. Mr. Sanzone presented a petition to City Council stating that there are over 96 signatures in opposition to the request. Mr. Sanzone had concerns with the zoning laws and opposed having the circus in a R-1 District. There were several other citizens that spoke in opposition with concerns of traffic, noise, animals escaping, health and safety issues. There was no one else present who wished to speak to this item and the public hearing was closed. After discussion from Council, Council Member Helgeson made a motion to approve the CUP, seconded by Council Member Johnson. After further discussion Council Member Perrow wanted to offer a friendly amendment to the motion to add another condition to the CUP, condition #17 would state that "no future circus would be held on the Presbyterian Homes' and Family Services' property without approval from City Council". In response to Council question, City Attorney Walter Erwin stated that it used to be that the circus had to come back each year and get a permit. In 1996 City Council amended Section 35.1-52 of the Zoning Ordinance, it was done specifically for the Cole Brother Circus to make it easier to have a recurring circus in the City. City Council amended that section to say that once City Council has approved the original CUP permitting a circus at a particular location that in the future the permit to hold the circus can be

approved administratively as long as the circus is in the same location and complies with all the development standards that were contained in the original CUP. Mr. Erwin further stated that technically the way the zoning ordinance is currently worded, if the circus wanted to come back next year to this location it would not be necessary for them to come back to City Council. Council Member Helgeson accepted the friendly amendment, Council by the following recorded vote adopted Resolution #R-10-019, as amended, granting the Conditional Use Permit:

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

// Mayor Foster returned to the meeting at 8:46 p.m. after the vote was cast.

// Mr. Lorenza Megginson representing the citizens of opposition to the 460/29 Safety Improvement Project spoke to City Council. Mr. Megginson stated that Phase I of this safety improvement project include the closure of all medium crossovers from Campbell Avenue to Monican Parkway and the closure of the Tyreeanna Road intersection into 460 and the construction of a jug handle at the Concord Turnpike intersection. Mr. Megginson explained that several businesses as well as 34 homes and families along this corridor must be relocated. Mr. Megginson reminded Council that the Pleasant Valley/Tyreeanna community has already relocated 17 homes and families from the Monican Parkway cloverleaf into 460. The closure of these crossovers will add 1 to 5 extra miles per day to the residents. Mr. Megginson also stated that Fire and Rescue Teams will also have additional miles to add and these extra miles could be the difference between life and death.

We believe highway safety can be achieved by other methods without jeopardizing the safety of its citizens. Mr. Megginson presented a petition to City Council with over 1,000 signatures in opposition to the 460/29 Safety Improvement Project.

// Mr. W. E. Clark addressed City Council regarding his concerns with the 460/29 Safety Improvement Project. Mr. Clark went on to say that he would not like to see 460 corridor, the Jerry Falwell parkway and our homes bordered by another highway or major highway like Interstate 81 going North and South. Several Council Members had some concerns with the proposed 460/29 Safety Improvement Project and Council Member Johnson suggested that a letter go forth from Council under the Mayor's signature with this petition supporting the petition. Several Council Members would consider more discussion before going forth and waiting until VDOT has had a meeting with the neighbors to hear directly from them. Council Member Johnson suggested that he was willing to draft a letter under his signature as the Ward II Representative stating his support for the petition.

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the disposition of the City's publicly held interest in real property because discussion in an open meeting would adversely affect

the bargaining position of negotiating strategy of the City, and to discuss a personal matter not related to public business, pursuant to Section 2.2-3711(A)(3) and (4), respectively, of the Code of Virginia (1950), as amended:

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

7

Noes:

0

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

// Council Member Johnson made the following motion:

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

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

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

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

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

7

Noes:

0

// The meeting was adjourned at 9:20 P.M.

Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 16th day of March, 2010, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Dodson, Gillette, Helgeson, Nelson, Perrow, Foster

6

Absent: Johnson

1

// Human Services Director Margaret Schmitt continued with the presentation on City Workforce Overview.

Ms. Schmitt explained the comparison of health benefits from the public side and also from the private side, for every dollar spent on the health management program, the City is receiving a \$1.92 in benefits and with occupational health the City is receiving a \$1.29 for every dollar. Ms. Schmitt stated that there would be changes to Virginia Retirement System (VRS) in the future that would impact employees hired on or after July 1, 2010, but it would not impact public safety employees. After Council discussion regarding the VRS benefits some Council Members expressed concerns about the City's VRS rate being the highest in the State. In response to Council concern; staff advised that they have asked numerous times for information on how the VRS rate is calculated but have been unable to get a correct answer. Council Member Gillette stated a concern regarding the lack of transparency at the State level. Council asked staff to draft a Resolution requesting Delegate Garrett to look into the VRS rates.

// City Manager Kimball Payne asked for Council reaction to the Proposed FY 2011 Budget that was presented on March 9th. Council Member Gillette stated it is important to be very clear that this year's budget is the result of intelligent planning, steady leadership, and hard work as well as responding to Council, citizen, and employee priorities.

// Council Member Johnson arrived at 5:09 p.m. during the presentation regarding the Council Reaction to the Proposed FY 2011 Budget.

// Council Member Gillette identified three items to keep in mind as Council moves forward: External service providers – are we getting a true return on our investment; Heritage High School Funding – to be careful not to over fund in the current year without taking into consideration potential future renovations; and the Tourism Program – a report on how the program is meeting the stipulations of the contract is needed. Council Member Helgeson expressed disappointment that the Schools did not provide a 90% scenario. Several Council Members commended the city manager and staff on the proposed budget, specifically the creativity of the budget process and keeping the expenses down.

// Mayor Foster and Vice Mayor Dodson presented certificates to 16 Virginia's Junior Miss Contestants from all over the State.

// Council Members took a short break at 5:26 p.m. and reconvened the meeting at 5:41 p.m.

// Financial Services Director Donna Witt explained changes to FY 2011 revenues that have occurred since February 6th Council Retreat: Personal Property Tax, Sales Tax, Parking Revenues, Social Services and Police (DARE officers).

// City Manager Kimball Payne and Deputy City Manager Bonnie Svrcek provided an overview regarding individual budgets within the following categories: General Government Administration, Judicial

Administration, Public Safety, Public Works, Health and Welfare, Parks, Recreation and Cultural Services, and Community Development.

// During the budget discussion, Council Members raised several questions that required staff follow-up, i.e., (1) Community Development: provide a year to year comparison of division expenditures and provide history of code enforcement staffing. (2) Human Resources provide a list of occupied positions to be eliminated. Council would like staff to come back in order to have further discussion on the animal control, brush and bulk collections, branch library, point of honor, city market and neighborhood centers and information technology processes, constitutional officers, and social services. Mr. Payne stated that information requested would be provided to City Council at the next work session.

// The meeting was adjourned at 6:54 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 234 Stoneridge Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 234 Stoneridge Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owner.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 234 Stoneridge Street, parcel 002-33-004 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 234 Stoneridge Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 234 Stoneridge Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 234 Stoneridge Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 234 Stoneridge Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 234 Stoneridge Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 234 Stoneridge Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 234 Stoneridge Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 234 Stoneridge Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 234 Stoneridge Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

020L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

February 10, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Spot Blight Properties

Dear Mrs. Chambers:

Authority staff inspected the following spot blight properties, and the owners were notified by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold public hearings to consider the requests of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, report to Council, chronologies for each property, notices sent to the owners and pictures of the properties.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

Report to City Council

February 10, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the following properties listed below to the Authority for action. As outlined on the attached chronologies, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the properties remain blighted.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

Attached are resolutions adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of these properties as well as recommended resolutions for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the properties and listings of deficiencies. A public hearing is required for each property prior to City Council's adoption of the resolutions.

Members of the Authority's staff will be available at the Council meeting to address these properties.

Chronology for 234 Stoneridge Street

- Housing Authority staff initially inspected this blighted property in August 2007 and included it in its inventory of blighted properties.
- According to City inspections records, the City inspector cited violations at the property in March 2009 and notified the owner of the violations. The City inspections staff has conducted seven (7) inspections from March 2009 to the present, and no repairs have been observed. In December 2009, the City's inspections staff took the owner to court for property maintenance code violations, and the judge continued the case.
- September 2009, City inspections staff referred the property to the Authority's Spot Blight Program.
- November 2, 2009, Authority staff re-inspected the property and updated the list of exterior deficiencies.
- November 4, 2009, the commissioners authorized staff to send the owner the 60-day notice notifying the owner of the exterior deficiencies
- November 5, 2009, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.
- November 9, 2009, the owner received the Authority's 60-day notice to correct the exterior deficiencies. The 30-day deadline to submit a plan of correction was December 9, 2009, and the 60-day deadline to correct the deficiencies was January 11, 2010.
- To date, the owner has not contacted staff nor submitted a plan of correction. Staff has not observed any repairs to the property.
- On February 3, 2010, the commissioners of the Lynchburg Redevelopment and Housing Authority adopted a resolution authorizing staff to request City Council schedule a public hearing to consider the Authority's request to acquire this blighted property.

RESOLUTION NO. 1010

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 234 Stoneridge Street, Parcel 002-33-004, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 234 Stoneridge Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 234 Stoneridge Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

Jesse R. Spinner
1463 Yancey Street
Lynchburg, Virginia 24503

Re: Parcel Number:002-33-004
234 Stoneridge Street
Lynchburg, Virginia

Dear Mr. Spinner:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on November 2, 2009, and found the following conditions:

- Sections of gutters and downspouts missing
- Window frames have peeling paint
- Wood and debris on front porch
- Peeling paint on all wood trim
- Front porch soffits and fascia deteriorated
- Front porch ceiling has peeling paint
- Front porch steps deteriorated and missing
- Front porch deck deteriorated
- Foundation needs repointing and cracks repaired
- Fence deteriorated and section missing
- Soffit and fascia needs repairing and painting

Jesse R. Spinner

Page 2

November 5, 2009

- Ditch and hole in yard
- Weeds overgrown on structure and fence
- Sheds at rear deteriorated and one near collapsing
- Rear porch deteriorated
- Window at rear boarded
- Water standing in basement
- Siding missing around vent pipe - pipe needs to be removed and wood siding needs to be covered
- Trash and debris in yard
- Chimney deteriorated
- Open pond at rear of property

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snively of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Property Address: 234 Stoneridge Street

Owner's Name: Jesse R Spinner

Owner's Address: 1463 Yancey Street, Lynchburg, Virginia 24503

Parcel No.: 002-33-004

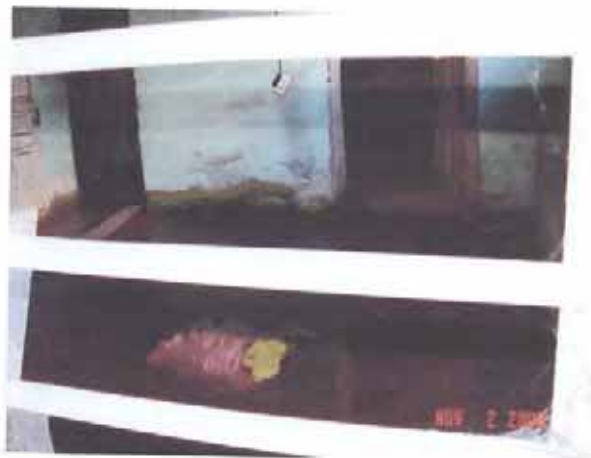
Assessed Value: Land - \$ 2,700 Improvement - \$ 29,700 Total - \$ 32,400



Date of Pictures: November 2, 2009

Deficiencies:

- Sections of gutters and downspouts missing
- Window frames have peeling paint
- Wood and debris on front porch
- Peeling paint on all wood trim
- Front porch soffits and fascia deteriorated
- Front porch ceiling has peeling paint
- Front porch steps deteriorated and missing
- Front porch deck deteriorated
- Foundation needs repointing and cracks repaired
- Fence deteriorated and section missing
- Soffit and fascia needs repairing and painting
- Ditch and hole in yard
- Weeds overgrown on structure and fence
- Sheds at rear deteriorated and one near collapsing
- Rear porch deteriorated
- Window at rear boarded
- Water standing in basement
- Siding missing around vent pipe - pipe needs to be removed and wood siding needs to be covered
- Trash and debris in yard
- Chimney deteriorated
- Open pond at rear of property



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 1005 Pansy Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 1005 Pansy Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owners.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 1005 Pansy Street, parcel 022-17-006 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 1005 Pansy Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 1005 Pansy Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 1005 Pansy Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 1005 Pansy Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 1005 Pansy Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 1005 Pansy Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 1005 Pansy Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 1005 Pansy Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 1005 Pansy Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

021L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

February 10, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Spot Blight Properties

Dear Mrs. Chambers:

Authority staff inspected the following spot blight properties, and the owners were notified by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold public hearings to consider the requests of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, report to Council, chronologies for each property, notices sent to the owners and pictures of the properties.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

Report to City Council

February 10, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the following properties listed below to the Authority for action. As outlined on the attached chronologies, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the properties remain blighted.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

Attached are resolutions adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of these properties as well as recommended resolutions for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the properties and listings of deficiencies. A public hearing is required for each property prior to City Council's adoption of the resolutions.

Members of the Authority's staff will be available at the Council meeting to address these properties.

Chronology for 1005 Pansy Street

- According to City inspections records, the City inspector cited violations at the property in November 2006 and notified the owner of the violations. The property was also determined to be unfit for human habitation. The City inspections staff has conducted approximately 27 inspections from November 2006 to December 2009, and no repairs were observed. City staff attempted to take the owner to court for property maintenance code violations, but the owner was not served so the case was continued.
- August 2008, Authority staff inspected the property while inspecting properties on the City's Condemned Property List and noted exterior deficiencies. Staff re-inspected the property and updated the list of deficiencies on February 5, 2009.
- September 2009, City inspections staff referred the property to the Authority's Spot Blight Program.
- November 4, 2009, Authority commissioners accepted staff's report of deficiencies and authorized staff to send the Authority's 60-day notice.
- November 5, 2009, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.
- December 2009, the owner's daughter responded to Authority staff stating that her mother is in poor health and unable to have the property repaired, but she would explore having it repaired or demolished.
- The 30-day for submitting a plan of correction was December 9, 2009, and the 60-day deadline for correcting the deficiencies was January 11, 2010.
- February 3, 2010, the Authority commissioners adopted a resolution authorizing the Executive Director to request City Council conduct a public hearing to consider the Authority's request to acquire this property.
- February 8, 2010, Authority staff has not observed any change in the condition of the property.

RESOLUTION NO. 1011

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 1005 Pansy Street, Parcel 022-17-006, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

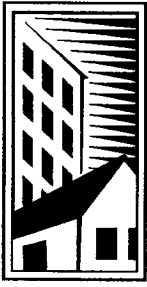
WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 1005 Pansy Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 1005 Pansy Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

Eunice P. & G. W. Christian, Jr.
2425 Tate Springs Road, Apt. 312
Lynchburg, Virginia 24501

Re: Parcel Number:022-17-006
1005 Pansy Street
Lynchburg, Virginia

Dear Madam and Sir:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on February 5, 2009, and found the following conditions:

- Chimney deteriorated
- Sections of gutters and downspouts missing
- Front porch roof deteriorated
- Front porch deck is cracked and has peeling paint
- Peeling paint on entire structure including wood trim
- Soffits and fascia deteriorated
- Rear porch ceiling deteriorated and peeling paint
- Boarded windows
- Vines and trees overgrown on structure
- Debris on rear porch
- Trash on property

Eunice P. & G. W. Christian, Jr.

Page 2

November 5, 2009

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

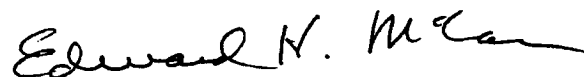
or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snavelly of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Property Address: **1005 Pansy Street**

Owner's Name: G W Christian, Jr & Eunice P Christian

Owner's Address: 2425 Tate Springs Road, Apt 312, Lynchburg, VA 24501-2164

Parcel No.: 022-17-006

Assessed Value: Land - \$ 3,600 Improvement - \$ 20,200 Total - \$ 23,800



Date of Pictures: January 27, 2010

Deficiencies:

- Chimney deteriorated
- Sections of gutters and downspouts missing
- Front porch roof deteriorated
- Front porch deck is cracked and peeling paint
- Peeling paint on entire structure including wood trim
- Soffits and fascia deteriorated
- Rear porch ceiling deteriorated and peeling paint
- Boarded windows
- Vines and trees overgrown on structure
- Debris on rear porch
- Trash on property



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 2221 Campbell Avenue**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 2221 Campbell Avenue under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owner.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 2221 Campbell Avenue, parcel 050-11-002 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 2221 Campbell Avenue; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 2221 Campbell Avenue was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 2221 Campbell Avenue lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 2221 Campbell Avenue by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 2221 Campbell Avenue by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 2221 Campbell Avenue by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 2221 Campbell Avenue;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 2221 Campbell Avenue, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 2221 Campbell Avenue through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

022L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

February 10, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Spot Blight Properties

Dear Mrs. Chambers:

Authority staff inspected the following spot blight properties, and the owners were notified by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold public hearings to consider the requests of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, report to Council, chronologies for each property, notices sent to the owners and pictures of the properties.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

Report to City Council

February 10, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the following properties listed below to the Authority for action. As outlined on the attached chronologies, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the properties remain blighted.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

Attached are resolutions adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of these properties as well as recommended resolutions for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the properties and listings of deficiencies. A public hearing is required for each property prior to City Council's adoption of the resolutions.

Members of the Authority's staff will be available at the Council meeting to address these properties.

Chronology for 2221 Campbell Avenue

- June 2005, the City's inspections department staff cited violations and determined the property to be unfit for human habitation.
- October 3, 2006, the current owner purchased the property for \$ 5,000.
- October 13, 2006, City inspections staff sent violations to this owner.
- City inspections staff made approximately 24 inspections from October 13, 2006, to January 19, 2010, and no repairs were observed. The owner was taken to court several times and fined for property maintenance code violations.
- July 2006, Authority staff inspected the property while inspecting properties on the City's Condemned Property List.
- August 2009, City inspections staff referred the property to the Authority's Spot Blight Program.
- November 2, 2009, Authority staff re-inspected the property and updated the list of deficiencies.
- November 4, 2009, Authority commissioners accepted staff's report of deficiencies and authorized staff to send the Authority's 60-day notice.
- November 5, 2009, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.
- The 30-day for submitting a plan of correction was December 18, 2009, and the 60-day deadline for correcting the deficiencies was January 18, 2010.
- February 3, 2010, no repairs were observed and the owner did not contact the Authority. The Authority commissioners adopted a resolution authorizing the Executive Director to request City Council conduct a public hearing to consider the Authority's request to acquire this property.
- February 8, 2010, Authority staff has not observed any change in the condition of the property.
- February 10, 2010, the owner called Authority staff to say that he just read the 60-day notice from the Authority dated November 5, 2009. He stated that he has experienced family deaths and numerous foreclosures in the last two years. He indicated that he would like to repair the property, but has no money and he has bad credit. He also indicated that Stellar One is demanding payment on his mortgage that is about \$ 87,000. The representative from the mortgage company told staff that they do not want to foreclose on the property and then have to demolish it. Therefore, they are looking for a potential buyer to purchase the property, but have no one at this time.

RESOLUTION NO. 1012

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 2221 Campbell Avenue, Parcel 050-11-002, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

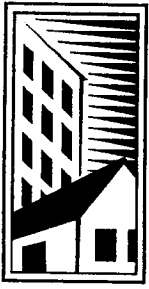
WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 2221 Campbell Avenue, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 2221 Campbell Avenue, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

Rodrick H. Anderson
1350 Florida Avenue
Lynchburg, Virginia 24501

Re: Parcel Number:050-11-002
2221 Campbell Avenue
Lynchburg, Virginia

Dear Mr. Anderson:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on November 2, 2009, and found the following conditions:

- Condemned 6/21/05
- Roof deteriorated
- Hidden gutters deteriorated
- Sections of downspouts missing
- Soffit and fascia deteriorated
- Sections of siding deteriorated and sections missing
- Peeling paint on entire structure
- Window frames and sashes deteriorated
- Broken and missing window panes
- Large opening in structure where window has been removed
- Corner trim deteriorated

Rodrick H. Anderson

Page 2

November 5, 2009

- Gutter at rear addition deteriorated
- Rear steps missing
- Sections of foundation missing and sections need repointing
- Section of front porch deck missing
- Front porch roof deteriorated
- Front porch support columns deteriorated
- Front porch ceiling deteriorated and section of ceiling missing
- Box spring on front porch
- Front porch foundation deteriorated and section missing
- Grass, trees and shrubbery overgrown on structure and lot

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snively of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Property Address: **2221 Campbell Avenue**

Owner's Name: Rodrick H. Anderson

Owner's Address: 1350 Florida Avenue, Lynchburg, Virginia 24501

Parcel No.: 050-11-002

Assessed Value: Land - \$ 6,000 Improvement - \$ 14,700 Total - \$ 20,700



Date of Pictures: November 2, 2009

Deficiencies:

- Condemned 6/21/05
- Roof deteriorated
- Hidden gutters deteriorated
- Sections of downspouts missing
- Soffit and fascia deteriorated
- Sections of siding deteriorated and sections missing
- Peeling paint on entire structure
- Window frames and sashes deteriorated
- Broken and missing window panes
- Large opening in structure where window has been removed
- Corner trim deteriorated
- Gutter at rear addition deteriorated
- Rear steps missing
- Sections of foundation missing and sections need repointing
- Section of front porch deck missing
- Front porch roof deteriorated
- Front porch support columns deteriorated
- Front porch ceiling deteriorated and section of ceiling missing
- Box spring on front porch
- Front porch foundation deteriorated and section missing
- Grass, trees and shrubbery overgrown on structure and lot



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 407 Pine Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 407 Pine Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owner.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 407 Pine Street, parcel 025-51-013 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 407 Pine Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 407 Pine Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 407 Pine Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 407 Pine Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 407 Pine Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 407 Pine Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 407 Pine Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 407 Pine Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 407 Pine Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

023L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

February 10, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Spot Blight Properties

Dear Mrs. Chambers:

Authority staff inspected the following spot blight properties, and the owners were notified by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold public hearings to consider the requests of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, report to Council, chronologies for each property, notices sent to the owners and pictures of the properties.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

Report to City Council

February 10, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the following properties listed below to the Authority for action. As outlined on the attached chronologies, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the properties remain blighted.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

Attached are resolutions adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of these properties as well as recommended resolutions for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the properties and listings of deficiencies. A public hearing is required for each property prior to City Council's adoption of the resolutions.

Members of the Authority's staff will be available at the Council meeting to address these properties.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

J P Morgan Chase Bank National
Association Trustee
4828 Loop Central Drive
Houston, Texas 77081

Re: Parcel Number: 025-51-013
407 Pine Street
Lynchburg, Virginia

Gentlemen:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on October 20, 2009, and found the following conditions:

- Condemned July 2008
- Front porch ceiling deteriorated and peeling paint
- Front porch steps and deck deteriorated and sections missing
- Front porch railing and support posts have peeling paint
- Awnings have peeling paint
- Window panes missing
- Window sashes deteriorated and peeling paint
- Fascia/soffits deteriorated
- Sections of roof sheathing deteriorated
- Chimney deteriorated
- Rear addition deteriorated and siding not code compliant
- Rear door deteriorated and window pane broken
- Vines, weeds and trees overgrown on structure and property

J P Morgan Chase Bank

Page 2

November 5, 2009

- Gutters deteriorated and sections of downspouts missing
- Utility wires hanging from structure
- Right retaining wall deteriorated

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snively of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Chronology for 407 Pine Street

- According to City inspections records, the City inspector cited violations at the property in July 2008 and determined that the property was not fit for human habitation. The City inspections staff has conducted approximately six (6) inspections from July 2008 to January 2010, and no repairs were observed.
- September 2009, the City's Senior Building Official referred the property to the Authority's Spot Blight Program
- September 2009, Authority staff inspected the property and noted exterior deficiencies. Staff updated the pictures and deficiencies in October 2009.
- November 4, 2009, Authority commissioners accepted staff's report of deficiencies and authorized staff to send the Authority's 60-day notice.
- November 5, 2009, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.
- November 12, 2009, a representative of J. P. Morgan Chase Bank National Association Trust, the owner of record, received the Authority's 60-day notice.
- January 19, 2010, no repairs were observed by Authority staff and no contact was made by the owner.
- The 30-day deadline for submitting a plan of correction was December 14, 2009, and the 60-day deadline for correcting the deficiencies was January 12, 2010.
- February 3, 2010, the Authority commissioners adopted a resolution authorizing the Executive Director to request City Council conduct a public hearing to consider the Authority's request to acquire this property.
- February 8, 2010, Authority staff has not observed any repairs to the property, nor has the owner contacted staff.

RESOLUTION NO. 1013

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 407 Pine Street, Parcel 025-51-013, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 407 Pine Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 407 Pine Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.

Property Address: **407 Pine Street**

Owner's Name: J P Morgan Chase Bank National Assoc. Trustee

Owner's Address: 4828 Loop Central Drive, Houston, TX 77081-2212

Parcel No.: 025-51-013

Assessed Value: Land - \$ 3,000 Improvement - \$ 26,800 Total - \$ 29,800



Date of Pictures: October 20, 2009

Deficiencies:

- Condemned July 9, 2008
- Front porch ceiling deteriorated and peeling paint
- Front porch steps and deck deteriorated and sections missing
- Front porch railing and support posts have peeling paint
- Awnings have peeling paint
- Window panes missing
- Window sashes deteriorated and peeling paint
- Fascia/soffits deteriorated
- Sections of roof sheathing deteriorated
- Chimney deteriorated
- Rear addition deteriorated and siding not code compliant
- Rear door deteriorated and window pane broken
- Vines, weeds and trees overgrown on structure and property
- Gutters deteriorated and sections of downspouts missing
- Utility wires hanging from structure
- Right retaining wall deteriorated



Picture taken January 27,2010

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 416 Pine Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 416 Pine Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owner.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 416 Pine Street, parcel 048-40-013 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 416 Pine Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 416 Pine Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 416 Pine Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 416 Pine Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 416 Pine Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 416 Pine Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 416 Pine Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 416 Pine Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 416 Pine Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

024L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

February 10, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Spot Blight Properties

Dear Mrs. Chambers:

Authority staff inspected the following spot blight properties, and the owners were notified by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold public hearings to consider the requests of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, report to Council, chronologies for each property, notices sent to the owners and pictures of the properties.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

Report to City Council

February 10, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the following properties listed below to the Authority for action. As outlined on the attached chronologies, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the properties remain blighted.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

Attached are resolutions adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of these properties as well as recommended resolutions for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the properties and listings of deficiencies. A public hearing is required for each property prior to City Council's adoption of the resolutions.

Members of the Authority's staff will be available at the Council meeting to address these properties.

Chronology for 416 Pine Street

- September 2009, the City's inspections staff referred this property to the Authority's Spot Blight Program.
- September 2009, Authority staff inspected the property and noted the exterior deficiencies.
- November 4, 2009, Authority commissioners accepted staff's report of deficiencies and authorized staff to send the Authority's 60-day notice to the owner.
- November 5, 2009, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.
- November 7, 2009, the owner received the Authority's 60-day notice.
- November 9, 2009, the owner called Authority staff to say that he planned to demolish the property. As of February 3, 2010, the owner had not obtained a demolition permit from the City's inspections department.
- February 3, 2010, the Authority commissioners adopted a resolution authorizing the Executive Director to request City Council conduct a public hearing to consider the Authority's request to acquire this property.
- February 8, 2010, Authority staff has not observed any change in the condition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

Eugene R. Banks
5376 Nevada Avenue NW
Washington, DC 20015

Re: Parcel Number: 048-40-013
416 Pine Street
Lynchburg, Virginia

Dear Mr. Banks:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on September 22, 2009, and found the following conditions:

- Condemned 7/30/09
- Roof deteriorated
- Siding deteriorated
- Structure and property overgrown with vines and trees
- Windows boarded and not painted per City code
- Front porch ceiling deteriorated and peeling paint
- Front porch deck deteriorated
- Front porch foundation deteriorated
- Gutters and downspouts deteriorated and sections missing
- Side porch ceiling deteriorated
- Window sashes deteriorated
- Broken window pane
- Rear porch collapsed with tree growing in it
- Recommend demolishing
- Fence and gate deteriorated

Eugene R. Banks
Page 2
November 5, 2009

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snavelly of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

RESOLUTION NO. 1014**Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 416 Pine Street, Parcel 048-40-013, Lynchburg, Virginia pursuant to Code section 36-19.5**

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 416 Pine Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 416 Pine Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.

Property Address: 1816 - 1818 Vine Street

Owner's Name: Ronald D L Tinsley Estate

Address: 2811 Mohawk Avenue, Baltimore, MD 21207-7472

Parcel No.: 025-45-002

Assessed Value: Land - \$ 2,500 Improvement - \$ 11,500 Total - \$ 14,000



Date of Pictures: December 30, 2009

Deficiencies:

- **Condemned 4/29/09**
- **Roof deteriorated**
- **Chimney deteriorated**
- **Gutters and downspouts deteriorated and sections missing**
- **Peeling paint on most of structure**
- **Windows boarded and not painted per city code**
- **Front doors deteriorated**
- **Front porch roofs deteriorated**
- **Front porch ceilings deteriorated**
- **Wires hanging from structure**
- **Sections of siding deteriorated and sections missing**
- **Front porch support posts deteriorated and paint peeling**
- **Sections missing from front porch railing**
- **Front door frames deteriorated**
- **Rear addition roof deteriorated**
- **Window frames deteriorated**
- **Disabled vehicle at rear**
- **Sections of foundation deteriorated**



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 1816-1818 Vine Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 1816-1818 Vine Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owner.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 1816-1818 Vine Street, parcel 025-45-002 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 1816-1818 Vine Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 1816-1818 Vine Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 1816-1818 Vine Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 1816-1818 Vine Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 1816-1818 Vine Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 1816-1818 Vine Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 1816-1818 Vine Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 1816-1818 Vine Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 1816-1818 Vine Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

025L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

50 years: 1956-2006

EDWARD H. McCANN
Executive Director

February 10, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: Spot Blight Properties

Dear Mrs. Chambers:

Authority staff inspected the following spot blight properties, and the owners were notified by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold public hearings to consider the requests of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed are copies of the resolutions adopted by the Commissioners of the Authority, proposed resolutions for City Council's consideration, report to Council, chronologies for each property, notices sent to the owners and pictures of the properties.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

Report to City Council

February 10, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the following properties listed below to the Authority for action. As outlined on the attached chronologies, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the properties remain blighted.

- 234 Stoneridge Street, parcel 002-33-004
- 1005 Pansy Street, parcel 022-17-006
- 2221 Campbell Avenue, parcel 050-11-002
- 407 Pine Street, parcel 025-51-013
- 416 Pine Street, parcel 048-40-013
- 1816-1818 Vine Street, parcel 025-45-002

Attached are resolutions adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of these properties as well as recommended resolutions for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the properties and listings of deficiencies. A public hearing is required for each property prior to City Council's adoption of the resolutions.

Members of the Authority's staff will be available at the Council meeting to address these properties.

Chronology for 1816-1818 Vine Street

- According to City inspections records, the City inspector cited violations at the property in September 2007. No repairs were observed during at least 14 inspections and the property was determined unfit for human habitation on April 29, 2009.
- September 2009, the City's Senior Building Official referred the property to the Authority's Spot Blight Program
- September 2009, Authority staff inspected the property and noted the exterior deficiencies.
- November 4, 2009, Authority commissioners accepted staff's report of deficiencies and authorized staff to send the Authority's 60-day notice.
- November 5, 2009, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days.
- November 7, 2009, the administrator of the estate received the Authority's 60-day notice.
- December 3, 2009, the administrator of the estate wrote to staff indicating that the estate does not have funds to make repairs to the property. She also stated that when other estate holdings are sold, these funds would be used to demolish this property. A time frame cannot be provided because she cannot anticipate when holdings will be sold.
- The 30-day deadline for submitting a plan of correction was December 9, 2009, and the 60-day deadline for correcting the deficiencies was January 11, 2010.
- January 19, 2010, no repairs were observed by Authority staff.
- February 3, 2010, the Authority commissioners adopted a resolution authorizing the Executive Director to request City Council conduct a public hearing to consider the Authority's request to acquire this property.
- February 8, 2010, Authority staff has not observed any repairs to the property.

RESOLUTION NO. 1015**Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 1816-1818 Vine Street, Parcel 025-45-002, Lynchburg, Virginia pursuant to Code section 36-19.5**

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 1816-1818 Vine Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 1816-1818 Vine Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

Ronald D. L. Tinsley Estate
2811 Mohawk Avenue
Baltimore, Maryland 21207

Re: Parcel Number: 025-45-002
1816-1818 Vine Street
Lynchburg, Virginia

Ladies and Gentlemen:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on September 22, 2009, and found the following conditions:

- Condemned 4/29/09
- Roof deteriorated
- Chimney deteriorated
- Gutters and downspouts deteriorated and sections missing
- Peeling paint on most of structure
- Windows boarded and not painted per city code
- Front doors deteriorated
- Front porch roofs deteriorated
- Front porch ceilings deteriorated
- Wires hanging from structure
- Sections of siding deteriorated and sections missing
- Front porch support posts deteriorated and paint peeling
- Sections missing from front porch railing
- Front door frames deteriorated
- Rear addition roof deteriorated

Ronald D. L. Tinsley Estate

Page 2

November 5, 2009

- Window frames deteriorated
- Disabled vehicle at rear
- Sections of foundation deteriorated

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

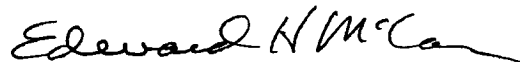
or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snavelly of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Property Address: **416 Pine Street**

Owner's Name: Eugene R. Banks

Owner's Address: 5376 Nevada Avenue NW, Washington, DC 20015

Parcel No.: 048-40-013

Assessed Value: Land - \$ 3,000 Improvement - \$ 13,900 Total - \$ 16,900



Date of Pictures: September 22,2009

Deficiencies:

- Condemned 7/30/09
- Roof deteriorated
- Siding deteriorated
- Structure and property overgrown with vines and trees
- Windows boarded and not painted per City code
- Front porch ceiling deteriorated and peeling paint
- Front porch deck deteriorated
- Front porch foundation deteriorated
- Gutters and downspouts deteriorated and sections missing
- Side porch ceiling deteriorated
- Window sashes deteriorated
- Broken window pane
- Rear porch collapsed with tree growing in it
- Recommend demolishing
- Fence and gate deteriorated



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 17

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Habitat for Humanity: Request for Reimbursement of Availability Fees**

RECOMMENDATION: Hear a request by Habitat for Humanity for the City to reimburse the availability fees for water and sewer for 1613 Monsview Place

SUMMARY: Habitat for Humanity acquired a parcel at 1613 Monsview Place to build a single-family dwelling. According to City records, this parcel has never had a structure on it; therefore, availability fees are required. In other recent builds by Habitat for Humanity, availability fees were not required as structures previously existed on each parcel.

These fees were not taken into account and are affecting the finances of the build. Habitat for Humanity asked staff if the fees could be waived in early January and were informed that they would have to go before PDC at the next meeting in February. (PDC did not meet until March due to scheduling/weather conflicts.) Since Habitat for Humanity discovered that availability fees were required late in the project, they asked if the fees could be reimbursed if they proceeded to pay them. Staff informed them that they would still have to go before PDC. Habitat decided to pay the fees in mid January in order to get started on the build. They are asking to have the availability fees reimbursed for the water and sewer services.

Staff has researched past records and Habitat for Humanity availability fees have been waived at least 8 times since 1992. This is referenced in City Code Sec. 34-5.1 for Sewer and Sec. 39-27.2 for Water.

Reimbursing the fees would be considered a gift and requires 5 votes to approve the reimbursement.

Availability fees for the new house being constructed on the undeveloped property are:
\$1,220 for water and \$1,950 for sewer for a total of \$3,170.

One of Council's goals in the HUD Consolidated Plan for CDBG and HOME is to increase the number of owner occupied housing units.

PRIOR ACTION(S): March 9, 2010 – Physical Development Committee meeting. Brought forward with no recommendation.

FISCAL IMPACT: \$3,170 combined loss to the water and sewer funds (reimbursed to Habitat).

CONTACT(S): Lee Newland, City Engineer - 455-3947
Bonnie Svrcek, Acting Director of Community Development and Deputy City Manager
455-3900

ATTACHMENT(S): Letter from Habitat for Humanity
Copy of City Code
Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that City Council approves the request of Habitat for Humanity to waive the charges for Water and Sewer availability fees for 1613 Monsview Place, and to reimburse the monies already paid for such fees.

Adopted:

Certified:

Clerk of Council

031L



360 Alleghany Avenue, Lynchburg, Virginia 24501 • Phone 434-528-3774 • Fax 434-528-3776

March 2, 2010

Lee Newland
City Engineer
City of Lynchburg/Engineering Division
900 Church Street
Lynchburg, VA 24504

Ref: 1613 Monsview Pl.

Dear Mr. Newland:

I respectfully request that the City reimburse the availability fees paid for 1613 Monsview Place by Greater Lynchburg Habitat for Humanity.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Rick Edwards".

Rick Edwards
Development Coordinator
Greater Lynchburg Habitat for Humanity

SEWER

Sec. 34-5.1. Waiver of availability charges for connection to the city sewer system in certain situations.

City council, upon request, may waive the availability charges required by Section 34-4(c)(2)a, of the City Code under the following conditions:

- (a) Construction is for single-family homes only.
- (b) Construction is within a designated redevelopment or conservation area or rehabilitation district.
- (c) Construction is for:
 - (1) An individual who agrees to occupy the home for a minimum of ten (10) years as his/her principle residence. If the home is sold or rented within that time, the availability fees would become due and payable; or
 - (2) A nonprofit corporation for resale to low-income persons with requirements for owner occupancy in the deed. (Ord. No. O-85-224, § 1, 9-10-85)

WATER

Sec. 39-27.2. Waiver of availability charges for connection to the city water main in certain situations.

City council, upon request, may waive the availability charges required by Section 39-27(c)(2)a, of the city code under the following conditions:

- (a) Construction is for single-family homes only.
- (b) Construction is within a designated redevelopment or conservation area or rehabilitation district.
- (c) Construction is for:
 - (1) An individual who agrees to occupy the home for a minimum of ten (10) years as his/her principle residence. If the home is sold or rented within that time, the availability fees would become due and payable; or
 - (2) A nonprofit corporation for resale to low-income persons with requirements for owner occupancy in the deed. (Ord. No. O-85-224, § 1, 9-10-85)

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 18

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: 2009 State Homeland Security Program Grant to Purchase a Chemical Biological Radiological Nuclear Explosive (CBRNE) Armored Incident Response Vehicle and CBRNE Personal Protective Equipment

RECOMMENDATION:

Adopt a resolution to amend the 2010 City/Federal/State Aid Fund budget and appropriate \$285,000 with resources from the 2009 State Homeland Security Grant (SHSG) Program to purchase a Chemical Biological Radiological Nuclear Explosive (CBRNE) Armored Incident Response Vehicle and CBRNE Personal Protective Equipment.

SUMMARY:

The Police Department has been awarded a grant under the SHSG Program. Funding will be used to purchase a CBRNE Armored Incident Response Vehicle and CBRNE Personal Protective Equipment. The armored vehicle is expected to cost between \$245,000 and \$285,000. The grant allows all funds to be spent on the vehicle; remaining funds will be used to purchase hazmat suits.

Total equipment cost is \$285,000 which is fully reimbursable by the grant; no local matching funds are required.

PRIOR ACTION(S):

Finance Committee, March 23, 2010

FISCAL IMPACT:

None, no local match is required.

CONTACT(S):

Chief Parks Snead, 455-6104

Captain Al Thomas, 455-6052

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and \$285,000 is appropriated with resources from the 2009 State Homeland Security Grant (SHSG) Program to purchase a CBRNE Armored Incident Response Vehicle and CBRNE Personal Protective Equipment.

Introduced:

Adopted:

Certified:

Clerk of Council

030L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 23, 2010**

AGENDA ITEM NO.: 19

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Fowl and Certain Domestic Animals Going At Large in the City**

RECOMMENDATION: The sections of the City Code that make it an offense for someone to allow fowl and certain domestic animals to go at large in the City need to be amended to include a penalty for the violation of the sections.

SUMMARY: In 1923 City Council adopted an ordinance prohibiting anyone from allowing fowl to go at large in the City. The penalty for violating the ordinance was a fine of not less than \$1.00 or more than \$5.00. The ordinance has remained in the City Code since its adoption. However, sometime between 1959 and 1981 the penalty language was removed from the ordinance. Once the penalty language was removed, a violation of the ordinance became punishable under Section 1-13 of the City Code which makes all violations of the City Code for which no punishment is specifically prescribed punishable as a class 1 misdemeanor. A class 1 misdemeanor is punishable by a fine of up to \$2,500 or confinement in jail for up to 12 months, either or both at the discretion of the court.

The absence of the penalty language recently came to light when a citizen was charged with allowing 2 chickens and a rooster to go at large within the City. The court, the police department and the attorney's office all agree that allowing fowl to go at large should not be punishable as a class 1 misdemeanor. However, the police department does not recommend the ordinance be repealed. The attached article from *Time* magazine on "Urban Animal Husbandry" discusses the growing popularity of raising barnyard animals, particularly poultry, in backyards. Accordingly, the police department recommends that Section 7-5 remain in the City Code. It is also recommended that a violation of Section 7-5 be punished as a class 4 misdemeanor. Class 4 misdemeanors are punished by a fine of up to \$250 at the discretion of the court. The proposed amendment would make the penalty for allowing fowl to go at large in the City consistent with the penalties for allowing a horse, mule or cow to go at large in the City.

For the reasons set forth above, in addition to amending Section 7-5 of the City Code it would also be appropriate to amend Section 7-4 of the Code which makes it an offense to allow a horse, mule or cow to go onto a City park space or grassplot. The proposed penalty for violating this section of the City Code would also be a class 4 misdemeanor.

PRIOR ACTION(S): None

FISCAL IMPACT: The City may collect a small amount of fines for violations of these sections.

CONTACT(S): Walter C. Erwin, City Attorney's Office, 455-3973

ATTACHMENT(S): A copy of the proposed ordinance and a copy of an article from *Time* Magazine discussing the growing popularity of raising barnyard animals and fowl in urban settings.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 7-4 AND 7-5 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO CERTAIN DOMESTIC ANIMALS AND FOWL GOING AT LARGE WITHIN THE CITY.

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

1. That Sections 7-4 and 7-5 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 7-4. Certain domestic animals not to go upon park space or grassplot in or adjacent to streets.

It shall be unlawful for any person to cause or permit any horse, mule or cow owned by him, in his custody, or under his control, to go or enter upon any park space or grassplot in any of the city's street right-of-way except areas paved for the purposes of vehicular travel. Anyone violating this section shall be deemed guilty of a class 4 misdemeanor.

Sec. 7-5. Fowl at large.

It shall be unlawful for any person to permit any fowl belonging to him to go at large in the city. Anyone violating this section shall be deemed guilty of a class 4 misdemeanor.

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

Adopted:

Certified:

Clerk of Council

032L

TIME Magazine

August 17, 2009

Urban Animal Husbandry

By Mark Richards



ENLARGE PHOTO+

Novella Carpenter who lives in Oakland, California with dwarf goats.

Nigerian dwarf goats grow to only 21 in. tall, about equal to a medium-size dog. "But they have giant udders," says Novella Carpenter. She should know: she has six goats that together provide a quart of milk a day, which she drinks and uses to make cheese and butter. And when the bleating beauties are not grazing in her 1,000-sq.-ft. yard, they're hanging out on the porch of her second-floor apartment in the middle of Oakland, Calif.

Carpenter, a city dweller who in recent years has tried her hand at raising turkeys (she got three day-old poults for \$2 each) and pigs (which she fattened to 300 lb.) for dinner, says she turned to milk-producing goats because "I decided I needed a more long-term relationship." The author of the new *Farm City: The Education of an Urban Farmer*, she is eager to help others get into what she describes as a "hobby that involves sex and birth and death and life."

There have been lots of stories lately about chicken coops' becoming a new urban and suburban accessory. But Carpenter considers the squawking hen "the urban-farming gateway animal," the first occupant of a big metropolitan menagerie. Among eco-foodies, the hottest urban livestock bleat, quack, gobble, oink, buzz and ... well, whatever noise rabbits make. Just ask the folks at Seattle Tilth, a composting and gardening nonprofit that this summer added goat sheds and pens to its long-standing local chicken-coop tour. Or ask the participants in Detroit's Garden Resource Program, which recently launched beekeeping classes and saw them fill up immediately. Even the so-called Chicken Whisperer, a.k.a. Andy Schneider, who hosts an urbane chicken radio show six days a week from suburban Atlanta, is branching out. He is planning an episode on turkeys after fielding so many questions about them from listeners.

The growing popularity of raising barnyard animals in backyards — or indoors (at least two companies, ChickenDiapers.com and MyPetChicken.com sell nappies to people who want their birds to bunk with them) — has forced many municipalities across the country to statutorily reckon with allowing livestock within city limits. But legal or not, urban animal husbandry is gaining cachet. That's not only because of the desire to eat local and organic but also because the shaky economy has more people wanting to be more self-sufficient. Says Seattle Tilth garden educator Carey Thornton: "Food you raise yourself just tastes better."

Most newbies keep chickens for eggs. Schneider's organization, Backyard Poultry, has groups in 19 cities in the U.S. and four outside the country; of the 700 members in Atlanta, for example, only five raise hens for consumption. Miniature goats are usually kept for milk and weed-eating; bees, for honey and pollination.

But the truly hard-core urban farmers are plumping their animals for meat, shortening the food-supply chain and being responsible carnivores. "It's empowering," says Carpenter, who is nurturing 10 bunnies to eat. "People want to own their meat-eating."

Of course, not everyone wants to get that close to their food sources. Dwarf goats in particular have been a point of contention. They smell bad and can wreak havoc if they escape, opponents say; some also worry that allowing goats will pave the way for legalizing llamas and cows in cities. Goat advocates, who note that only horned males emit musk, say the ruminants are gentle enough to be walked on a leash and that they generate high-quality manure, which can be used as fertilizer.

The movement has led to heated debates in city-council meetings over the definitions of livestock, small animals and farm animals. The result: a hodgepodge of animal-ownership laws across the nation and even within a state. This spring in North Carolina, for example, Asheville voted to allow temporary permits for goats to clear vegetation, while Charlotte banned them from properties smaller than a quarter of an acre — despite supporters showing up at a city-council meeting with signs reading I LOVE MY PYGMY GOAT.

Those enthusiasts may have taken a page from the godmother of goat lovers, Jennie Grant, owner of Brownie and Snowflake, who founded the Goat Justice League two years ago while pushing Seattle to legalize miniature goats. It is now permissible to have three on a 5,000-sq.-ft. lot, and some city departments have hired goats to clear blackberry brambles. "Part of my lobbying effort included bringing fresh chèvre to city-council members' offices," she says.

Locavore yuppies and suburban soccer moms aren't the only ones committing to animal husbandry. Catherine Ferguson Academy, a Detroit high school for teens who are pregnant or have already become mothers, has for years had a working farm adjacent to campus. The school considers gardening and raising animals integral to its curriculum. Under the tutelage of life-sciences teacher Paul Weertz, the young women built a barn one year and provide daily care for rabbits, horses, goats, chickens, ducks, turkeys and peacocks. The students recently acquired a pig and, says principal Asenath Andrews, they're going to eat it.

Andrews hopes farming teaches the girls to be more entrepreneurial, well-rounded moms. "Breast-feeding, which is definitely not a popular adolescent activity, is looked on differently by the girls who experience the lessons with baby rabbits," she says. A teachable moment happened the day students broke open an egg containing what appeared to be a viable chick, which the girls frantically tried to save, even calling in the school nurse. The chick died, but the episode sparked a thoughtful conversation about premature human babies, the risks they face and the possibility that saving ailing preemies isn't always merciful. It was one of her most fulfilling days as an educator, Andrews says. "If we have one of those discussions a year, it's worth having a goat — or 10 goats — at the school."

Of course, which animal is most valuable to the downtown farmer depends on whom you ask. "[Rabbits] are the ideal urban farm animal," says Carpenter, because "they can feed almost exclusively on Dumpstered items like lettuce, stale bread, etc." Seattle Tilth's Thornton thinks that ducks are better for gardens than chickens and that they provide tastier eggs. "I think the duck is the future," she says. Game on, chicken lovers.