

// A special meeting of the Council of the City of Lynchburg, recessed from February 12, was held on the 26th day of February, 2008, at 4:00 p.m., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding some items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// Utilities Director Tim Mitchell presented an overview regarding the FY2009 Water and Sewer Rate Study and Status Report, explaining that the proposed rate adjustments would result in a 4% increase in the water volume rate to \$2.05 per h.c.f., a 4% increase in the sewer volume rate to \$5.38 per h.c.f., a 3.7% increase to sewer only rates to \$41.35 per month, in addition to increases in the water and sewer connection fees. Mr. Mitchell stated that the increases are needed to meet existing operating and capital needs, meet financial targets, and maintain compliance with the Combined Sewer Overflow (CSO) Special Order. Mr. Mitchell also discussed some emerging issues, i.e., aging water infrastructure, Pedlar Dam safety issues, escalating combined sewer overflow costs, Wastewater Treatment Plant nutrients, and how to deal with the unsewered areas in the City. Mr. Mitchell went on to say that a public hearing regarding the water and sewer rate increases would be held in April. Council Members also discussed whether the City's water and sewer availability/connection fees should be reviewed to ensure that the City is recovering its actual costs for the extensions and asked that staff schedule this item for discussion at a future work session with prior review by the Physical Development Committee.

// During roll call, Council Member Garrett informed regarding a request from the Dearington Neighborhood Council regarding better lighting for a walkway from Jefferson Park up the hill to Chambers Street. Council Member Garrett also mentioned several programs for the City's new government channel, i.e., a program to highlight the uniqueness of the City's different neighborhoods, a program regarding the Commonwealth Attorney's Confidential Reliable Citizens Program to help deal with drug issues in our community, a program to emphasize the challenges the City's Public Safety officers are encountering regarding gangs in our community, a program regarding the Community Courts programs, and a program on the City's economics. Council Member Helgeson mentioned the enforcement issues regarding the project on Greenview Drive and suggested a discussion at a future work session regarding what happened at this project to ensure that it doesn't happen on future projects. In response to Mayor Foster's inquiry, City Manager Kimball Payne stated that he would ask Communications and Marketing Director JoAnn Martin to prepare a briefing to City Council regarding the future programming plans for the City's government channel.

// The meeting was adjourned at 4:54 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of February, 2008, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// Mayor Foster read a proclamation "Celebrating Lynchburg Reads 2008". Margie Lippard, President of the Friends of the Library, presented each Council member a copy of this year's reading selection, "Why Are All the Black Kids Sitting Together in the Cafeteria?" by Beverly Daniel Tatum.

// Copies of the minutes of the February 12, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Fire Department - General, Resolution #R-08-008 amending the FY 2008 City/Federal/State Aid Fund budget and appropriating \$156,528, with resources from the Department of Homeland Security Federal Emergency Management Agency's National Preparedness Directorate's FY 2007 Assistance to Firefighters Grant, to purchase hoses, nozzles, and a breathing air compressor, laid over from the February 12, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Fire Department - General, Resolution #R-08-009 amending the FY 2008 City/Federal/State Aid Fund budget and appropriating \$213,005, with resources of \$84,407 from the Virginia Office of Emergency Medical Services and \$128,598 from the FY 2008 General Fund Reserve for Contingencies, to purchase a Type 1 Ambulance and selected apparatus to equip it, laid over from the February 12, 2008 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Noes: 0

// In the matter of Airport – General, a public hearing was held regarding City Council Report #4 regarding adopting a Resolution authorizing the City Manager to execute Right-of-Way Acquisition documents conveying 0.02 acre, more or less, to the Virginia Department of Transportation (VDOT) for the purpose of constructing a right turn lane onto adjacent property under development. Airport Director Mark Courtney provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-020, as

presented, authorizing the City Manager to execute Right-of-Way Acquisition documents conveying 0.02 acre, more or less, to the Virginia Department of Transportation for the purpose of constructing a right turn lane onto adjacent property under development:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Noes:

0

// In the matter of City Council, Mr. William Norris expressed concern regarding the lack of police enforcement regarding vehicles unlawfully parked in fire lanes.

// In the matter of City Council, Dr. Monroe Baldwin stated that with the rising price of gasoline, that City Council allow the use of golf carts in the downtown area.

// In the matter of Fire Department - General, City Council Report #7 was considered. On motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-08-021, as presented, approving the appointment of Gregory T. Wormser as the City Fire Marshal:

Ayes: Dodson, Garrett, Gillette, Johnson, Seiffert, Foster

6

Noes:

0

Abstention: Helgeson

1

// The meeting was recessed at 5:23 P.M. to 6:00 P.M. to meet with the Lynchburg Planning Commission.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from its earlier 5:00 p.m. meeting, was held on the 26th day of February, 2008, at 6:00 p.m., Second Floor Training Room, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a joint meeting with the Planning Commission. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster 7

Absent: 0

// Mayor Foster welcomed everyone to the meeting.

// City Manager Kimball Payne stated that during the January 8 presentation of the Five Year Review of the Comprehensive Plan 2002-2020 by Planning Commission Chair Hamilton, it was decided that City Council and the Planning Commission conduct a joint work session to prioritize the recommendations set forth in the five year review. Mr. Payne explained that City staff has developed for consideration by both groups a draft prioritization list and time line for completion. City Planner Tom Martin provided a brief overview regarding the 8 items:

1. Reaffirm the Vision of the Comprehensive Plan – February 26, 2008
2. Identify vacant land and land suitable for redevelopment – June 2008
3. Conduct analysis of vacant land to determine which areas are suitable for conservation or development. Developable tracts would be identified for traditional neighborhood developments, planned unit developments, commercial, industrial and typical residential developments – December 2008
4. Develop Transportation Master Plan policies – February 2009
5. Revise Natural Systems chapter of the Comprehensive Plan – Draft April 2008 – Complete June 2008
6. Revise the Future Land Use Map to coordinate with vacant land analysis – January 2009
7. Complete Housing Plan – July 2009
8. Comprehensive rewrite of the Zoning Ordinance – start July 2009

Council and Planning Commission members discussed the items and time lines on the draft prioritization list, focusing the discussion mainly on items 1, 2, 3, 5 and 6. In response to questioning, Community Development Director Charlene Montford explained that the Housing Plan was underway and is scheduled to be completed by July 2009. Following discussion, City Council reaffirmed the Comprehensive Plan Vision statement and approved staff proceeding with the time line and the items identified.

// The meeting was recessed at 7:38 p.m. to March 11, 1:00 p.m., to conduct a work session regarding the FY2009 General Fund budget.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 2

CONSENT: **X**

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Appointment to the Community Services Board**

RECOMMENDATION:

Receive list of candidates interested in serving on the Central Virginia Community Services Board.

SUMMARY:

Section 37.2-501 of the Virginia State Code states that prior to making any appointment to a community services board, the local government must disclose and make available to the public the names of those persons being considered for an appointment. Also, the local government must make any information on the candidates available to the public if such information is available to the local government.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Patricia W. Kost 455-3982

ATTACHMENT(S):

➤ List of candidates

REVIEWED BY: lkp

INDIVIDUALS BEING CONSIDERED FOR
APPOINTMENT TO THE
COMMUNITY SERVICES BOARD

Currently serving on Board

Alice L. Edwards (resigned)

Volunteers

Barry K. Armstrong

Alex Bell

Clyde T. Clark, Jr.

Selena G. Davis

Rob Jarvis

Kathy W. Lewis

LaVerne E. Reid

Michael L. Silgen

Shae Skelly

023P

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 3

CONSENT: **X**

REGULAR:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **State-Mandated Records Retention and Disposition Schedule for Real Estate and Personal Property Paid Tax Tickets**

RECOMMENDATION:

Adopt a resolution authorizing the Department of Financial Services Billings and Collections Division to destroy paid tickets for real estate and personal property taxes for FY 2001 in accordance with the requirements of the Library of Virginia records retention guidelines.

SUMMARY:

Under the provisions of the Virginia Public Records Act, Sections 42.1-76, et. seq. of the Code of Virginia for the retention and disposition of public records, localities are required to maintain "hard copy" files for various tax and tax payment related records. Following specified time periods, certain records may be destroyed subject to the approval of the local governing body; the regular removal of such manual records is important to allow adequate space to accommodate newer, incoming records.

PRIOR ACTION(S):

Finance Committee, March 4, 2008

FISCAL IMPACT:

None

CONTACT(S):

Donna Witt 455-3968

ATTACHMENT(S):

None

REVIEWED BY: lkp

Resolution

BE IT RESOLVED That the Department of Financial Services Billings and Collections Division is authorized to destroy paid tickets for real estate and personal property taxes for FY 2001 in accordance with the requirements of the Library of Virginia records retention guidelines.

Adopted:

Certified:

Clerk of Council

031L

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 4

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Approve Literary Loan Application for Sandusky Middle School & Reimbursement Resolution for Debt Financing of Sandusky Middle School Facility Capital Expenditures

RECOMMENDATION:

Adopt resolutions approving the \$7,500,000 Literary Fund Loan Application to finance the construction of the new Sandusky Middle School and authorizing reimbursement from bond proceeds for capital expenditures in accordance with Treasury Regulation Section 1.150-2.

SUMMARY:

A cornerstone for financing construction of the new Sandusky Middle School is to seek the lowest financing cost available. Consistent with prior actions for renovations of E. C. Glass High, Sheffield Elementary, and Linkhorne Middle Schools, the Lynchburg School Board approved an application for a \$7,500,000 State Literary Fund Loan with a three percent (3%) interest rate. There is an expectation that Literary Loan Fund resources may not be available for some time; however, the program requires submission of an application prior to advertising for project construction bids.

As specified in the application requirements, the attached resolution provides for City Council's authorization to approve the application and repayment of the loan. Also, the attached reimbursement resolution provides for City Council's authorization to temporarily fund capital expenditures related to the Sandusky Middle School Facility and to be reimbursed from tax-exempt bond proceeds issued subsequent to those capital expenditures.

PRIOR ACTION(S):

Lynchburg City School Board, February 19, 2008
Finance Committee, March 4, 2008

FISCAL IMPACT:

The Literary Loan would be for twenty (20) years at a three percent (3%) interest rate.

CONTACT(S):

Paul McKendrick, Ed. D., Superintendent, 522-3700 ext. 101
Beverly A. Padgett, Chief Financial Officer, 522-3700 ext. 104
Donna S. Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Resolution Authorizing the Literary Loan Application
Resolution Authorizing Reimbursement
Lynchburg School Board Resolution Authorizing the Literary Loan Application
Literary Loan Application

REVIEWED BY: lkp

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
LYNCHBURG, VIRGINIA, APPROVING AN APPLICATION OF THE
SCHOOL BOARD OF SUCH CITY TO THE LITERARY FUND FOR
A LOAN IN THE PRINCIPAL AMOUNT OF \$7,500,000 IN
CONNECTION WITH THE SANDUSKY MIDDLE SCHOOL.**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG,
VIRGINIA:

1. The School Board (the "School Board") of the City of Lynchburg, Virginia (the "City"), has presented to this Council an application addressed to the Virginia Board of Education for the purpose of borrowing the principal amount of \$7,500,000 from the Literary Fund for the purpose set out in such application for the Sandusky Middle School to be paid in 20 annual installments of principal, with the interest thereon at the rate of three percent (3%) per annum payable annually.

2. The application of the School Board to the Virginia Board of Education for a loan in the principal amount of \$7,500,000 from the Literary Fund referred to in Paragraph 1 hereof is hereby approved, and authority is hereby granted to the School Board to borrow the principal amount of \$7,500,000 for the purpose set out in such application.

3. The Council of the City shall each year during the life of such loan, at the time they fix the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay such loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

4. This resolution shall be in effect from and after the date of its adoption.

Adopted:

Certified:

Clerk of Council

030L1

**RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA,
DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF
ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE
AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION,
CONSTRUCTION, RECONSTRUCTION, IMPROVING, EXTENDING, ENLARGING
AND EQUIPPING OF THE SANDUSKY MIDDLE SCHOOL**

WHEREAS, the City of Lynchburg, Virginia (the "City"), is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the City has paid, beginning no earlier than January 11, 2008, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with a capital project comprised of the acquisition, construction, reconstruction, improving, extending, enlarging and equipping of the Sandusky Middle School in the City (the "Project"); and

WHEREAS, the Council of the City (the "Council") has determined that the money previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

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

SECTION 1. The Council hereby declares the City's intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after January 11, 2008. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

SECTION 2. Each Expenditure was and will be (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure) and (b) complies with all applicable Literary Fund regulations.

SECTION 3. The maximum cost of the Project is expected to be \$27,000,000.

SECTION 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

SECTION 5. The Expenditures covered by this resolution are in addition to expenditures for the Project encompassed by Declarations of Intent made by the Director of Financial Services of the City on November 28, 2007 and January 30, 2008 under United States Treasury Regulation 1.150-2 and Resolution No. R-92-332 adopted by the Council on October 27, 1992.

SECTION 6. This resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

030L2

**A RESOLUTION OF THE SCHOOL BOARD OF THE CITY OF
LYNCHBURG, VIRGINIA, APPROVING AN APPLICATION
TO THE LITERARY FUND FOR A LOAN IN THE PRINCIPAL
AMOUNT OF \$7,500,000 IN CONNECTION WITH THE
SANDUSKY MIDDLE SCHOOL**

BE IT RESOLVED BY THE SCHOOL BOARD OF THE CITY OF
LYNCHBURG, VIRGINIA:

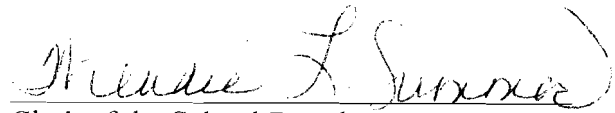
1. The application of the School Board (the "School Board") of the City of Lynchburg, Virginia (the "City"), addressed to the Virginia Board of Education for the purpose of borrowing the principal amount of \$7,500,000 from the Literary Fund for the purpose set out in such application for the Sandusky Middle School to be paid in 20 annual installments of principal, with the interest thereon at the rate of three percent (3%) per annum payable annually, be and hereby is approved by the School Board.

2. The Council of the City be and is requested to adopt a resolution approving the application of the School Board addressed to the Virginia Board of Education for a loan in the principal amount of \$7,500,000 from the Literary Fund as approved by the School Board in Paragraph 1 hereof.

3. This resolution shall be in effect from and after the date of its adoption.

The undersigned DOES HEREBY CERTIFY that the foregoing is a true copy as taken from the minutes of the regular meeting of the School Board of the City held on February 19, 2008.

[SEAL]


Clerk of the School Board

DATE: 3-15, 2008

VIRGINIA DEPARTMENT OF EDUCATION
APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA
For Applications Received from July 1, 2007 to June 30, 2008

DOE Staff Only

Literary Fund Loan Number:

Division Number

115

Name of County or City

LYNCHBURG CITY

Name of School

Sandusky Middle School

Contact Name

Beverly A. Padgett

Contact Phone Number

(434) 522-3700

Contact E-mail Address

padgettba@lcsedu.net

TO THE VIRGINIA BOARD OF EDUCATION,

The LYNCHBURG CITY School Board hereby makes application for a loan of

\$7,500,000.00

from the Literary Fund of Virginia for the purpose of erecting, enlarging, or altering (making permanent improvement to) Sandusky Middle School which is located at:

Street Address: 805 Chinook Place

County/City, Zip Code: Lynchburg, Virginia 24502

Description of Project:

The new Sandusky Middle school project consists of approximately 134,000 square feet of new construction, accommodating 800 students. The work also includes the demolition of the existing Sandusky Middle School where hazardous materials will need to be abated prior to the removal of this building.

1. Has LYNCHBURG CITY advertised an Invitation for Bids for the said project described above?

Select YES or NO here: NO

2. The said building, addition, or permanent improvement described above, will be used as a
Middle School

building, and the total

value of the construction on the above referenced project is estimated to cost:

\$ 27,000,000.00

3. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereto, and site, on account of which such loan is made.

4. The plans and specifications for the building or improvement, complying with the Virginia Statewide Building Code (§36.99, *Code of Virginia*), have been or will be approved by the division superintendent of schools and received by the Superintendent of Public Instruction before construction is begun. It is understood that the Virginia Board of Education reserves the right to withhold any part or all of the amount of this loan, if the plans and specifications received by the Superintendent of Public Instruction are not followed.

5. LYNCHBURG CITY has not defaulted or failed to meet its debt service obligations as and when due for the past five years except as follows (Enter N/A below if LYNCHBURG CITY has never defaulted):

N/A

VIRGINIA DEPARTMENT OF EDUCATION
APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA
For Applications Received from July 1, 2007 to June 30, 2008

DOE Staff Only

Literary Fund Loan Number:

Division Number

115

Name of County or City

LYNCHBURG CITY

Name of School

Sandusky Middle School

6. Adequate and satisfactory supervision of construction will be provided by the school board in accordance with the Virginia Statewide Building Code (§36.99, *Code of Virginia*).

7. This loan is to be made for 20 years, and is to be paid with interest at the rate of 3 percent per annum, payable annually.

8. The Board of Supervisors for the County, or the Council for the City, has by resolution agreed to provide for the repayment of this loan. (Note: Please submit the authorizing resolutions from the school board and local governing body (with original seals and signatures) along with your Literary Fund application. No application will be approved until these resolutions are submitted.)

9. The School Board is not in default in the payment of any part of the principal of any previous loan from the Literary Fund and, for at least two years immediately before this loan, has not been in default in the payment of interest due on any loan from the Literary Fund.

Given under my hand this day of: March 12, 2008

Date

THE LYNCHBURG CITY SCHOOL BOARD

By: _____, Chairman

Original Signature Required

ATTEST: _____, Clerk

Original Signature Required

THE LYNCHBURG CITY SCHOOL BOARD SEAL

(Note: Original SEAL is Required in the Area Provided Below on the Signed Application)

VIRGINIA DEPARTMENT OF EDUCATION
APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA
For Applications Received from July 1, 2007 to June 30, 2008

DOE Staff Only

Literary Fund Loan Number:

Division Number

115

Name of County or City

LYNCHBURG CITY

Name of School

Sandusky Middle School

Certification of Authorizing Resolution Adopted by the Local Governing Body

At a meeting of the City Council for LYNCHBURG CITY
held in the said County or City on March 11, 2008 :

WHEREAS, The LYNCHBURG CITY School Board presented to this Board or Council on
March 11, 2008 an application addressed to the Virginia Board of Education for the purpose of borrowing
\$7,500,000 from the Literary Fund for the purpose set out in said application for
Sandusky Middle School to be paid in
20 annual installments, and the interest thereon at 3 percent paid annually.

RESOLVED, That the application of the LYNCHBURG CITY School Board to the Virginia
Board of Education for a loan of \$7,500,000.00 from the Literary Fund is hereby approved, and authority is hereby
granted to the LYNCHBURG CITY School Board to borrow \$7,500,000.00 for the purpose set out in said application.

The Board of Supervisors for said County or Council of said City will each year during the life of this loan, at the time they fix
the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay this
loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

I hereby certify that the foregoing is a true copy as taken from the minutes of the LYNCHBURG CITY
Council.

_____, Clerk

CITY COUNCIL FOR LYNCHBURG CITY

LYNCHBURG CITY LOCAL GOVERNING BODY SEAL

(Note: Original SEAL is Required in the Area Provided Below on the Signed Application)

VIRGINIA DEPARTMENT OF EDUCATION
APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA
For Applications Received from July 1, 2007 to June 30, 2008

DOE Staff Only

Literary Fund Loan Number:

Division Number

115

Name of County or City

LYNCHBURG CITY

Name of School

Sandusky Middle School

FINAL INSTRUCTIONS:

1. E-mail this application to: K12Budget@doe.virginia.gov
2. Mail the hardcopy with original signature to:
Kent C. Dickey, Assistant Superintendent for Finance
Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218-2120

DOE Staff Only

This application has been reviewed by:

Date

Reviewed By

This application is approved by DOE staff for Board of Education approval:

Date

Budget Director / Associate Budget Director

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 5

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing Regarding Appointment to a Vacancy that Exists in District III on the Lynchburg School Board**

RECOMMENDATION:

To conduct a public hearing to receive input from citizens regarding appointment of an individual to fill a vacancy that exists in District III on the Lynchburg School Board.

SUMMARY:

There currently exists a vacancy in District III on the Lynchburg School Board. The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. Following the public hearing, City Council may either conclude the public hearing or continue it to the next meeting to allow more time for citizen input.

PRIOR ACTION(S):

None.

FISCAL IMPACT:

None

CONTACT(S):

Pat Kost 455-3982

ATTACHMENT(S):

None

REVIEWED BY: lkp

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Virginia School of the Arts**

RECOMMENDATION: After a public hearing, adopt a resolution authorizing the City Manager to sign a deed removing the reversionary clause that was included in the February 8, 1995 deed conveying the former Garland-Rodes School Building to the Virginia School of the Arts.

SUMMARY: By deed dated February 8, 1995 the City conveyed the former Garland-Rodes School Building to the Virginia School of the Arts (VSA). The deed contained a reversionary clause providing that if VSA ever stopped using the building as a school for the arts, the building would revert back to the City, if the City so desired. In a letter dated January 3, 2002, VSA requested that the City remove the reversionary clause from the deed. At a work session held on January 29, 2002, City Council agreed to hold a public hearing to approve the removal of the reversionary clause. However, VSA did not pursue this matter further and the reversionary clause was never removed. In a letter dated October 5, 2007, VSA once again asked the City to remove the reversionary clause from the deed. At a work session held on November 27, 2007, City Council authorized a public hearing on the removal of the reversionary clause. VSA and the City have agreed to a revised deed that would eliminate the reversionary clause. The revised deed provides that in the event VSA decides to transfer or sell the property, the City would have the right to repurchase the property at its fair market value and provides a procedure to determine the value of the property.

PRIOR ACTION(S): On January 29, 2002, City Council authorized a public hearing.

On November 27, 2007, City Council authorized a public hearing.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter C. Erwin, 455-3973

ATTACHMENT(S): January 3, 2002, letter to the City from VSA; January 22, 2002 Council Report; Excerpt from the minutes of the January 29, 2002 meeting; October 5, 2007 letter from VSA; November 27, 2007 Council Report; and, Excerpt from the minutes of the November 27, 2007 meeting.

REVIEWED BY: lkp

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Lynchburg City Council that the City Manager is hereby authorized to execute a deed and such other documents as may be necessary to remove the reversionary clause that was included in the February 8, 1995 deed conveying the former Garland-Rodes School Building to the Virginia School of the Arts.

Adopted:

Certified:

Clerk of Council

033L



January 3, 2002

2001-2002
Board of Directors

Page M. Sydnor
President/Chairman
David A.S. Heppner
First Vice President
David P. Spychalski
Treasurer
Joan B. Phelps
Secretary

Eleanor N. Atkins
Mary V. Barney
Brian H.M. Bowen, Jr.
Charles C. Boyd
Nancy Cabaniss
Margie B. Callahan
Melanie Christian
Gautham Gondi, MD
Pattie W. Martin
Cynthia F. Page
Edgar J. T. Perrow, Jr.
Peter W. Presperin
James J. Sakolosky
Stephanie M. Savage
J. Todd Scruggs
Andrew J. Tatom, III
Randall J. Watts
Lynn C. White
Donna P. Wyatt, CPA
Advisor to the Board

Administrative Office

Mary Cooper
Executive Director
Petrus Bosman
Artistic Director
David Keener
Director of Dance
Deborah Power
Admissions
Donna Guill
Finance & H/R
Susan Washington
Student Services
Reuben Womack
Assistant Director

Mr. Kimball Payne, City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24505

Dear Mr. Payne:

On behalf of the Board of Directors of the Virginia School of the Arts, I would like to thank you for taking the time to meet with Page Sydnor, Turner Perrow and myself on November 30, 2001. At that time we discussed the possibility of removing the contingency reversionary interest clause from our deed for the Garland-Rodes building at 2240 Rivermont Avenue.

Enclosed is some background information on the Garland-Rodes building as well as on Virginia School of the Arts. I would also like to extend an invitation to you and the Mayor and Council to come by and visit the school on any afternoon to see the students dance as well as to experience the productive re-use of the Garland-Rodes classroom space. We would love to arrange for a special demonstration for Council.

We have prepared an information packet for each Council Member. Please let me know if there is anything else that you need.

Sincerely,

Mary Cooper
Executive Director



MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, III, City Manager

DATE: January 22, 2002

SUBJ: Virginia School of the Arts

I have been asked to bring before Council a proposal from the Virginia School of the Arts to eliminate a contingency reversionary interest clause in the deed that conveyed the Garland-Rodes Building on Rivermont Avenue to the school in 1995. A copy of the deed is attached for reference.

It is my understanding that the clause in question is detrimental to the school's attempts to finance improvements to the building by borrowing against the property. It is staff's belief that Council's interest in ensuring that the use of the building is compatible with the neighborhood could be addressed by amending the deed to include restrictive covenants on the use of the building and providing Council with the first right of refusal should the school cease its activities. Amending the deed would require a public hearing since there is a property matter at issue.

Concurrently, staff would recommend that Council consider conveying to the School of the Arts a sliver of land along the front of the property. Presently the property boundary goes through the center of the retaining wall location. This has resulted in a cost sharing arrangement for the replacement of the wall. Staff proposes that the wall should be entirely on the school property and asks that Council consider this change along with the proposed amendment to the deed.

Information on the Virginia School of the Arts is included for your review.

CC: Walter Erwin
Mike Gambone

Attachments

// A special meeting of the Council of the City of Lynchburg, recessed from January 24, was held on the 29th day of January, 2002, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Garber, Hobbs, Seiffert, Hutcherson

7

Absent:

0

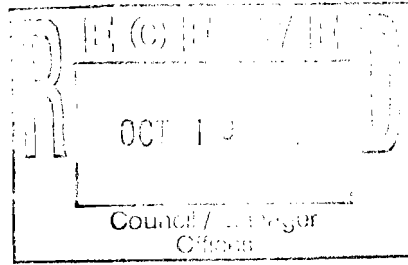
// Municipal staff provided an overview of information contained in the draft report regarding the BluffWalk Project. Mr. Hal Craddock, President of Riverfront Development, LLC, presented information and responded to questions regarding the revised financing arrangements for this project and provided an overview regarding the changes to the project since its inception. City Manager Kimball Payne explained that because the scope of the project has changed, the Department of Housing and Urban Development (HUD) is requiring another public hearing on the Section 108 loan guarantee, which is scheduled for today's 5:00 p.m. meeting.

→ // City Manager Kimball Payne provided an overview of information contained in a January 22 report regarding a request from the Virginia School of the Arts to eliminate a contingency reversionary interest clause in the deed that

conveyed the Garland-Rhodes Building on Rivermont Avenue to the school in 1995. Mr. Payne mentioned that staff would also like to recommend that Council consider conveying to the school a small piece of public right-of-way along the front of the property to alleviate the City's liability for future improvements to the retaining wall which is located on a portion of the public right-of-way. Representatives from the Virginia School of the Arts were present to respond to questions. City Council agreed to proceed with the scheduling of the public hearing to remove the reversionary interest clause, and to convey to the school the portion of right-of-way along the front of the property on which a portion of the retaining wall is currently located.

// Acting Director of Utilities Tim Mitchell provided an overview of information contained in a January 16 report regarding a request from the James River Basin Association for City Council to adopt a resolution urging the U. S. Army Corps of Engineers to proceed with a comprehensive water resources investigation for the James River basin. Following the presentation and discussion, City Council asked that staff determine the position that other localities have taken with regard to this request, and that this item be scheduled for a future meeting for City Council action. City Council also asked that staff invite the President of the James River Basin Association to attend that meeting.

// City Manager Kimball Payne presented an overview of information contained in a January 22 report regarding the FY 2003 Budget process. Mr. Payne stated that it would be helpful to staff in the preparation of the proposed FY 2003 Budget if City Council would discuss any concerns, issues, goals and priorities that they might have and especially in the



October 5, 2007

2007

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Director of Residential Life
Deborah Power
Director of Admissions
Sonny Robinson
Dance Faculty
Lisa Thomas
Dance Faculty

Mr. Kimball Payne, City Manager
900 Church Street
Lynchburg, VA 24505

Dear Mr. Payne, Mr. Erwin and Members of City Council:

This is a request by the Virginia School of the Arts to reopen discussion on having the revisionary clause removed from the school's deed. This conversation was begun in 2002 and has since fallen through the cracks.

As a refresher, the city gave VSA the Garland Rodes building in 1995 for the cost of \$1.00. In the deed there is a clause that states should VSA close down, the building would revert back to the city. It is this clause we wish to have removed. Our reasoning is simple; we have had difficulty seeking refinancing of debt due to this clause.

Over the years we have done well over \$250,000 worth of capital improvements to the building. It is the position of VSA to remain in the Garland Rodes building for the foresee-able future. To dispel any rumors, we have no intentions to sell or vacate the building. VSA is heading in a very positive direction with increased enrollment, new faculty and exciting new partnerships. We, at VSA, feel our presence on Rivermont Avenue (and in the city of Lynchburg) is a most valuable asset to our community.

We look forward to discussing with you VSA's future and working with Council on this issue at the work session on November 27th. We invite members of Council to VSA to see for themselves what excitement there is on Rivermont Avenue.

Thank you.

On behalf of Virginia School of the Arts
Page Carrington, Past Board President
Andy Tatom, Board President
Tyrone Brooks, Executive Director

Vision and Passion Creating Infinite Possibilities

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 27, 2007, Work Session**

AGENDA ITEM NO.: **2**

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Virginia School of the Arts**

RECOMMENDATION: Authorize a public hearing to receive comment on a proposal to eliminate a contingency reversionary interest clause in the deed that conveyed the Garland-Rodes Building to the Virginia School of the Arts in 1995.

SUMMARY: In 2002 Council agreed to schedule a public hearing on a proposal to eliminate a contingency reversionary interest clause in the deed that conveyed the Garland-Rodes Building on Rivermont Avenue to the Virginia School of the Arts in 1995. The Council report for that meeting as well as an excerpt from the minutes is attached for reference. The requisite deed was never prepared and the public hearing was never scheduled.

Recently, the School of the Arts has asked, via the attached letter, that this matter be reconsidered. Because so much time has passed staff felt it prudent to bring this matter back to Council to receive authorization to schedule the public hearing.

The School of the Arts still agrees to the City's right of first refusal and the conveyance of the sliver of land along the front of the property as recommended in 2002.

PRIOR ACTION(S): January 29, 2002, Council authorized the public hearing.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): January 22, 2002 Council Report, Excerpt from the Minutes of the January 29, 2002 meeting, October 5, 2007 letter from the Virginia School of the Arts.

REVIEWED BY: lkp

Excerpt of the Minutes of the November 27, 2007 City Council Meeting

// City Manager Kimball Payne stated that In 2002 City Council agreed to schedule a public hearing on a proposal to eliminate a contingency reversionary interest clause in the deed that conveyed the Garland-Rodes Building on Rivermont Avenue to the Virginia School of the Arts in 1995. Mr. Payne explained that at that time the deed was never prepared and the public hearing was never scheduled. Mr. Payne went on to say that recently the School of the Arts has asked that this matter be reconsidered and that because so much time has passed staff felt it prudent to bring this matter back to Council to receive authorization to schedule the public hearing. The School of the Arts still agrees to the City's right of first refusal and the conveyance of the sliver of land along the front of the property as recommended in 2002. Following the presentation, City Council agreed to the scheduling of a public hearing regarding this matter for the January 8 Council meeting.

THIS DEED, made this 8th day of February, 1995, by and between THE CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, party of the first part (Grantor); and VIRGINIA SCHOOL OF THE ARTS, INC., a Virginia corporation, party of the second part (Grantee);

W I T N E S S E T H:

WHEREAS, the Charter of the City of Lynchburg 1928, as amended, Section 38-1, Section 38-2, and Section 38-14, authorizes the City Council to convey real estate to an educational institution; and,

WHEREAS, it is deemed the conveyance of the hereinbelow described property to the Grantee will facilitate the Virginia School of the Arts as an educational entity in Lynchburg;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid, by the Grantee to the Grantor, and other valuable considerations, the receipt of which is hereby acknowledged, the party of the first part does hereby sell, grant and convey, subject to certain covenants, conditions and restrictions stated hereinbelow, with Special Warranty, unto the party of the second part, the following described property:

All that certain lot or parcel of land known as Tax Map No. 20-01-02, with the improvements thereon lying and situate in the City of Lynchburg, Virginia, on Rivermont Avenue, located between Columbia Avenue and the entrance to Riverside Park, known as Garland-Rodes School, and with all improvements now or hereafter located thereon, together with all tenements, hereditaments, appurtenances, rights, privileges, thereunto belonging and appertaining, described in the plat attached hereto and to be recorded herewith, to-wit:

BEGINNING at an iron pin set in the wall at the intersection of Columbia Avenue and Rivermont Avenue at the northeast corner of said intersection; thence N. 07° 55' 00" W. 212.19 feet to an iron pin found; thence N. 80° 36' 44" E. 114.10 feet to an iron pin found; thence N. 05° 45' 12" E. 60.18 feet to an iron pin set; thence S. 62° 30' 00" E. 223.66 feet to an iron pin set; thence S. 11° 23' 33" W. 197.66 feet to a point; thence on a curve with a radius of 757.00 for a length of 250.00 feet along Rivermont Avenue to the point of BEGINNING, being Lots 3 through 9, Parcel A and the closed portion of Yancey Street and also that certain 16 foot alley way extinguished by decree of the Circuit

Court of Campbell County, Virginia, in cause of William V. Wilson, et al. v. The Rivermont Company, entered March 20, 1905, for a total of 1.517 acres.

The property hereinabove described is the same property conveyed to the party of the first part by deeds recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, in Deed Book 123, at page 283, Deed Book 125, at page 82, and Deed Book 35, at page 97, and the vacation of Yancey Street, by Ordinance adopted by the Council of the City of Lynchburg, Virginia, on September 17, 1921, see City Council Minute Book, Volume 1, page 115.

This conveyance is not subject to recordation tax pursuant to Sec. 58.1-811 (A)(1), Code of Virginia.

The above-described property is conveyed subject to all easements, conditions, reservations and restrictions which may have been imposed upon said property by recorded deed, plat or other instrument, and which may now be binding thereon, and the covenants, conditions, restrictions and reservations hereinbelow imposed, which covenants, conditions, restrictions and reservations shall constitute covenants running with the land hereby conveyed, to-wit:

1. The parcel herein conveyed shall be maintained as one unit and shall not be subdivided.

2. The Grantee shall maintain the facade as near as is practicable in the style presently reflected. The external architecture of the Garland-Rodes school building shall not be altered without prior approval of the Grantor.

3. The Garland-Rodes building located on the above-described property shall not be demolished.

4. The structural integrity of the Garland-Rodes school building shall be maintained and every effort shall be made to prevent deterioration of the building.

5. The integrity of the Garland-Rodes school building's features, materials, appearance, workmanship and environment shall be preserved when maintaining, repairing and/or restoring.

6. Grantor conveys to the Grantee the hereinabove

described Garland-Rodes school to be used as a school for the arts, but if Grantee no longer uses or operates the hereinabove described and conveyed real estate as a school for the arts, the said property shall be used for education, cultural, historical, recreation, religious or charitable purposes.

X —————> 7. Grantor hereby retains the following described contingent reversionary interest in the above-described property:

Should Grantee or its successors or assigns elect to no longer use the property as a school for the arts, or for education, cultural, historical, recreation, religious or charitable purposes, the then owner of the property shall notify Grantor, by certified mail addressed to the City Manager, in writing, of its intention to no longer use the property for such purposes and Grantor shall then have ninety (90) days from the date of receipt of said notice to exercise its contingent reversionary interest by notifying the then owner of the property in writing of its intent to have the property revert back to Grantor. The property shall then revert to Grantor at such time as Grantee or its successors or assigns ceases to use the property for such purposes. Should Grantor fail to so exercise its reversionary interest, any and all of Grantor's contingent reversionary interest in the property shall expire and terminate at midnight on the ninetieth (90th) day following the date of receipt of the then owner's notice to Grantor.

Furthermore, provided the reversionary interest has not already expired, should Grantee or its successors or assigns desire to transfer the property, the then owner of the property may notify Grantor, by certified mail addressed to the City Manager, in

writing, of its intention to transfer the property, and Grantor shall then have ninety (90) days from the date of receipt to notify the then owner of the property in writing of Grantor's intention to exercise its reversionary interest should the transfer occur. In the event Grantor fails to exercise its reversionary interest within said 90 day period, any and all of Grantor's contingent reversionary interest shall expire and terminate at midnight on the ninetieth (90th) day following the date of receipt of the then owner's notice to Grantor. In the event Grantor notifies the then owner of the property within said 90 day period of its intent: to exercise its reversionary interest, Grantee shall then have the option (a) not to transfer the property, in which case Grantor's contingent reversionary interest shall remain, or (b) to have the property revert back to Grantor.

TOGETHER WITH an exclusive easement for the benefit of and as an appurtenance to the herein described and conveyed real estate, to perpetually use, operate, maintain, inspect, repair, restore, replace, rebuild, construct and improve the walls, foundations or supporting structures of any improvement, building or structure now or hereafter located upon the following described real estate, to-wit:

BEGINNING 86.15 feet southeast of an iron pin set at the most northerly point along the northern lot line of the hereinabove conveyed property; thence S. 86° 12' 00" E. 34.12 feet to a point; thence S. 3° 36' 00" W. 15.00 feet to a point; thence N. 62° 30' 00" W. 37.32 feet to the point of BEGINNING, being 256 square feet or 0.006 acre, and designated on the attached plat as "Perm. Easement, 256 Sq. Ft., 0.006 Ac."

The easement shall further include the right of unimpaired access thereto.

THERE IS FURTHER GRANTED AND CONVEYED a perpetual, non-exclusive easement for the benefit of and as an appurtenance to the herein described and conveyed real estate, and designated as

"Perm. Maintenance Easement & Joint Use Of Parking Lot" as shown on the attached plat, to be used by the parties hereto, their agents, successors, assigns, employees and invitees, for the maintenance, repair and improvements that may be desirable or necessary for the building and structures located on the above described and conveyed **real** estate and to park or store motor vehicles thereon, subject to such rules and regulations as may be reasonably imposed by the party of the first part for the orderly use and operation of the said permanent maintenance easement and joint use of parking lot.

The said easement is described according to said plat as follows, to-wit:

BEGINNING at an iron pin set at the most northerly point of the hereinabove conveyed property along the dividing line between the property owned by the party of the first part and property now or formerly owned by Francoise D. Watts: thence N. 05° 45' 12" E. 39.71 feet to an iron pin set: thence S. 78° 01' 30" E. 218.79 feet to an iron pin set; thence S. 11° 23' 33" W. 99.34 feet to an iron pin set: thence N. 62° 30' 00" W. 223.66 feet to the point of BEGINNING.

THERE IS FURTHER GRANTED AND CONVEYED a perpetual, non-exclusive easement and right of way for ingress and egress for the benefit of and as an appurtenance to the property hereinabove described and conveyed, along, over and across Lots 1 and 2, Block 79, Plan B of the Rivermont Company, that portion of Yancey Street (also known as Miller - Claytor Lane), adjoining to and north of the said Lots Nos. 1 and 2, and the area shown on the attached plat as "Access Easement" and known as the Riverside Park Entrance, to be used jointly and in common with all other having a like right.

By accepting and executing this deed, Virginia School of the Arts, for itself, its successors and assigns, agrees to be bound by the foregoing.

IN WITNESS WHEREOF, the City of Lynchburg and Virginia School of the Arts have caused this deed to be executed by their duly authorized representatives as of the date first-above

written.

CITY OF LYNCHBURG

By [Signature]
Its City Manager

ATTEST:

[Signature]
Patricia Kost, Clerk of Council

ACCEPTED AND AGREED TO:
VIRGINIA SCHOOL OF THE ARTS, INC.

By [Signature]
Its _____

COMMONWEALTH OF VIRGINIA,

CITY OF LYNCHBURG, TO-WIT:

I, Charles H. Bowers, a Notary Public in and for the Commonwealth of Virginia, at large, do hereby certify that Charles F. Church, City Manager of the City of Lynchburg, a municipal corporation of the Commonwealth of Virginia, whose name is signed on the foregoing deed, has acknowledged the same before me.

Given under my hand this 17th day of March, 1995.

[Signature]
Notary Public

My commission expires February 27, 1996.

COMMONWEALTH OF VIRGINIA;

CITY OF LYNCHBURG, to-wit:

I, Charles H. Bowers, a Notary Public in and for the Commonwealth of Virginia, at large, do hereby certify that Patricia Kost, Clerk of Council, whose name is signed on the foregoing deed, has acknowledged the same before me. Given under my hand this 17th day of March, 1995.

[Signature]
Notary Public

My commission expires February 27, 1996.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: March 11, 2008		AGENDA ITEM NO.: 7
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
ITEM TITLE:	FUTURE LAND USE MAP (FLUM) AMENDMENT: Office to Medium Density Residential CONDITIONAL USE PERMIT (CUP): The Commons at Fort Avenue, 4873 Fort Avenue and 1103 Tolleys Lane	

RECOMMENDATION: Denial of the requested future land use map amendment and conditional use permit petitions.

SUMMARY: David Ahrens is petitioning for a *Future Land Use Map* amendment and a conditional use permit to allow the construction of five (5) townhouses with associated parking at 4873 Fort Avenue and 1103 Tolleys Lane. The applicant originally proposed the construction of six (6) townhouses, but revised their request following the Planning Commission public hearing. The Planning Division recommended approval of the petition because:

- Petition agrees with the *Zoning Ordinance* in that townhouses are allowed in a B-1, Limited Business District, with approval of a conditional use permit by City Council.
- The *Comprehensive Plan* “promote[s] the construction of new housing and rehabilitation of existing housing to satisfy the demands of an increasingly diverse local and regional housing market” [page 10.12]. Current land uses include a combination of single-family homes, multi-family apartments, churches, government and commercial use properties adjacent to the site.
- The proposed development is located in the *Fort Avenue Corridor Study Area*. Planning goals for the future of this area include “retrofitting existing development to provide for safe pedestrian connections, transit access, ... cross-parcel vehicular circulation, ... limiting future conversion of single-family houses to commercial use and assessing opportunities for lot consolidation and redevelopment in areas currently zoned for commercial use [page 4.15]. The development meets these goals by providing pedestrian connections to Fort Avenue, lot consolidation, and redevelopment in the area.

PRIOR ACTION(S):

February 13, 2008: Planning Division recommended approval of the *Future Land Use Map* amendment and conditional use permit petition with the following conditions:

1. The property will be developed in substantial compliance with the site plan dated February 1, 2008 and received on February 6, 2008.
2. The mature tree located on the north east corner of the property shall be preserved.
3. The entrance from Fort Avenue shall be right-in only.

Planning Commission recommended denial (3-2, with 2 absent Sale, Oglesby) of the *FLUM* amendment and the CUP petition.

February 26, 2008: The petitioner revised their request for the approval of a *Future Land Use Map* amendment and a conditional use permit to allow the construction of five (5) townhouses with landscaping and pedestrian features.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

FLUM Resolution

Resolution

PC Report

PC Minutes

Vicinity Zoning Pattern

Vicinity Proposed Land Use

Watershed Location Map

Revised Site Plan – February 26, 2008

Site Plan

Speaker Sign-Up Sheet

REVIEWED BY: lkp

FUTURE LAND USE MAP AMENDMENT:

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 4873 FORT AVENUE AND 1103 TOLLEYS LANE, FROM OFFICE TO MEDIUM DENSITY RESIDENTIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Amend the Future Land Use Map for the subject property at 4874 Fort Avenue and 1103 Tolleys Lane, from Office to Medium Density Residential.

The area embraced within the following boundaries

BEGINNING at an iron pipe found on the edge of the right of way line of Fort Avenue on the division line between the property herein described and the land of Lindonn Associates to the northeast; thence S 37°16'11" W 83.27 feet along the northwesterly right of way line of Fort Avenue to a solid iron found at the intersection of Fort Avenue and Tolley's Lane, a point and the corner; thence along the northern right of way of Tolley's Lane N 56°58'55" W 214.19 feet to an iron rebar set on the division line between the property herein described and the land of Fred J. Wagner to the west; thence along the property line of Wagner N 33°22'37" E 92.57 feet to a bent pipe found on the division line between the property herein described and the land of Lindonn Associates to the northeast; thence with the line of Lindonn Associates, S 54°30'00" E 219.99 feet to the point of the BEGINNING and containing 0.432 acres.

This is the same property conveyed unto David Ahrens by deed dated July 20, 2004 recorded in the Circuit Court Clerk's Office of the City of Lynchburg as Instrument #040009660.

The area at 4874 Fort Avenue and 1103 Tolleys Lane is hereby amended on the Future Land Use Map from Office to Medium Density Residential and the Director of Community Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

027L1

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF SIX (6) TOWNHOUSES AND ASSOCIATED PARKING IN A B-1, LIMITED BUSINESS DISTRICT LOCATED AT 4873 FORT AVENUE AND 1103 TOLLEYS LANE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of David Ahrens for a conditional use permit for the property at 4873 Fort Avenue and 1103 Tolleys Lane to allow the construction of six (6) townhouses and associated parking in a B-1, Limited Business District be, and the same is hereby, approved subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan dated February 1, 2008 and received on February 6, 2008.
2. The mature tree located on the north east corner of the property shall be preserved.
3. The entrance from Fort Avenue shall be right-in only.

Adopted:

Certified:

Clerk of Council

027L2

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: February 13, 2008

Re: **Future Land Use Map Amendment: Office to Medium Density Residential Conditional Use Permit (CUP): The Commons at Fort Avenue, 4873 Fort Avenue and 1103 Tolleys Lane**

I. PETITIONER

David Ahrens, 1127 Old Station Farm Road, Forest, VA 24551

Representative: Thomas Brooks, Sr., Acres of Virginia, 404 Clay Street, Lynchburg, VA 24504

II. LOCATION

The subject properties include two (2) tracts totaling approximately forty-three hundredths (0.43) acres located at 4873 Fort Avenue and 1103 Tolleys Lane.

Property Owner: David Ahrens, 1127 Old Station Farm Road, Forest, VA 24551

III. PURPOSE

The purpose of this petition is to allow construction of six (6) townhouses with associated parking.

IV. SUMMARY

- The *Future Land Use Map [FLUM]* designation for this area is Office. Adjacent land uses designated by the map primarily include Office, Community Commercial, Institutional, and Low-Density Residential.
- Petition agrees with the *Zoning Ordinance* in that townhouses are allowed in a B-1, Limited Business District, with approval of a CUP by City Council.

The Planning Division recommends approval of the FLUM Amendment and CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Office development for this area. Office uses are intended for small-scale office buildings with building floorplates not exceeding twenty thousand (20,000) square feet and building heights not exceeding four (4) stories. Such offices provide adequate space for professional and service uses. Office uses are generally located in lower density areas of the City, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single-family homes than the urban office uses of the Downtown or the office parks of employment areas. A *Future Land Use Map* amendment for a Medium Density Residential use would be necessary for the project to be in accordance with the *Comprehensive Plan*.

The City of Lynchburg is supportive of the *Comprehensive Plan*'s goal to "promote the construction of new housing and rehabilitation of existing housing to satisfy the demands of an increasingly diverse local and regional housing market" [page 10.12]. Current land uses include a combination of single-family homes, multi-family apartments, church, government and commercial use properties adjacent to the site. Given existing zoning and adjacent land use patterns, the proposed residential use is suitable for the property.

The proposed development is also located in the *Fort Avenue Corridor Study Area*. "Over the past 20 years, the character of this corridor has changed substantially. As traffic has increased, uses

have shifted from single-family to a mix of single-family, retail, office, and medium density residential" [page 4.15]. Planning goals for the future of this area include "retrofitting existing development to provide for safe pedestrian connections, transit access, ... cross-parcel vehicular circulation, ... limiting future conversion of single-family houses to commercial use and assessing opportunities for lot consolidation and redevelopment in areas currently zoned for commercial use [page 4.15]. The development meets these goals by providing pedestrian connections through the site to Fort Avenue, lot consolidation, and redevelopment in the area.

2. **Zoning.** The subject property was annexed into the City in 1926. The existing B-1, Limited Business District, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On December 9, 1997, City Council approved Fort Hill Memorial Park, Inc.'s petition for a conditional use permit (CUP) to construct two additions to an existing mausoleum and a columbarium at 5196 Fort Avenue.
 - On August 8, 1995, City Council approved Chestnut Hill United Methodist Church's petition for a conditional use permit to construct a one story multi-purpose facility, a one story office and restroom addition, and the relocation/expansion of an existing playground at 4660 Fort Avenue.
 - On July 14, 1992, City Council approved Chestnut Hill Baptist Church's petition for a conditional use permit to construct an office addition to the existing church building and to amend a previously approved condition regarding landscaping for the parking area at 5225 Fort Avenue.
 - On January 8, 1991, City Council approved Chestnut Hill United Methodist Church's petition for a conditional use permit to operate a child care center at 4660 Fort Avenue.
 - On January 13, 1987, City Council approved Chestnut Hill Baptist Church's petition for a conditional use permit to allow the installation of a parking lot at 1157 and 1165 Lindsay Street with an exit driveway onto Chestnut Hill Drive.
 - On May 8, 1984, City Council approved Chestnut Hill United Methodist Church's petition for a conditional use permit to allow the installation of a parking lot at 1209 and 1211 Radcliff Avenue.
5. **Site Description.** The subject property is bound to the north by an adjacent commercial business and single-family homes, to the east by single-family homes, to the south by single-family homes, multi-family apartments, and commercial businesses, and to the west by single-family homes.
6. **Proposed Use of Property.** The purpose of the petitions is to allow the construction of six (6) townhouses with associated parking. The project would be required to meet all development standards for townhouse lots for sale as defined by the City's *Zoning Ordinance*, including minimum yard dimensions, building height, width and layout requirements. Landscaping would also comply with the landscaping section of the *Zoning Ordinance*, which requires street trees, parking area screening, parking lot landscaping, foundation plantings and utility area screening. The Planning Division also recommended a vegetative buffer be provided between the drive aisle of the subject property and 1111 Tolleys Lane; the buffer has been shown on the final site plan. A public sidewalk is proposed along the frontage of the property at Tolleys Lane, which will connect each unit to the existing public walk at Fort Avenue. The property would be served by City water and sewer with all utilities located underground.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested that the applicant show sight distance on Fort Avenue for right turning cars. The designer provided a "one way" traffic designation for the entrance, negating the need for a sight distance determination at this point.

Parking requirements for the proposed development are set at two and a half (2.5) spaces per unit by the City's *Zoning Ordinance*. The proposed six (6) townhouses would require fifteen (15) parking spaces. The site plan indicates that six (6) parking spaces will be provided for the townhouses in enclosed garages and twelve (12) parking spaces will be provided outside for a total of eighteen (18) spaces – thus exceeding the requirement of City Code.

Although Greater Lynchburg Transit Company's (GLTC) Route Four E (4E) runs along Fort Avenue, the nearest bus stop is over four thousand (4,000) feet from the proposed site. The petitioner has proposed to add a bus stop at the corner of Tolleys Lane and Fort Avenue to provide a new transit service point for the development. GLTC has reviewed the proposed location and agreed to work with the applicant to provide the stop.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new buildings and pavement area will be managed through the use of an above and below ground stormwater system. Stormwater quality will be addressed through a combination of infiltration and bio-retention to meet the performance or technology based standard requirements based on percentage of impervious area for the site. The proposed management strategy is acceptable to the City's Environmental Planner.

During the Technical Review Committee process, the Environmental Planner requested that the petitioner consider preserving the existing mature trees at the entrance to the site from Fort Avenue. The petitioner has agreed to preserve the tree located on the north east corner of the property.

9. **Emergency Services.** The City's Fire Marshal requested that the fire hydrants be shown on the final site plan, along with fire flow calculations. All comments have been or will be addressed by the developer prior to final site plan approval.

The City Police Department recommended dawn to dusk lighting for the proposed townhouse development for safety, the removal of the proposed spike strip in case of an emergency, and signs at the entrances to prevent through traffic. The petitioner has removed the spike strip and shown a "one way no thru traffic" sign on the site plan. Lighting will be addressed on the final site plan.

10. **Impact.** The development of a six (6) unit townhouse complex with associated parking and private amenities would have minimal impacts on the surrounding area. Setbacks for the adjacent commercial property will not change. The development meets the goals of the *Comprehensive Plan's Fort Avenue Corridor Study Area* by providing pedestrian access through the site, lot consolidation, and redevelopment of the area. Traffic, parking, stormwater management and emergency services concerns have all been addressed to the satisfaction of City staff and the result is a project that would fit into the fabric of the existing neighborhood.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on December 18, 2007. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
-

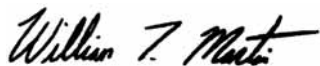
VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of an amendment to the Future Land Use Map from Office to Medium Density Residential Use at 4873 Fort Avenue and 1103 Tolleys Lane.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of David Ahren's petition for a conditional use permit (CUP) at 4873 Fort Avenue and 1103 Tolleys Lane to allow for the construction of a six (6) unit townhouse complex and associated parking, subject to the following conditions:

- 1. The property will be developed in substantial compliance with the site plan dated February 1, 2008 and received on February 6, 2008.**
- 2. The mature tree located on the north east corner of the property shall be preserved.**
- 3. The entrance from Fort Avenue shall be right-in only.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. David Ahrens, Petitioner, The Commons at Fort Avenue
Mr. Thomas Brooks, Sr., Representative, Acres of Virginia Inc.

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Site Plan**

c. Petition of David Aherns for a conditional use permit to allow the construction of 6 townhouses (for sale) with associated parking in a B-1, Limited Business District, at 4873 Fort Avenue and 1103 Tolleys Lane and an amendment to the *Future Land Use Map* from Office to Medium Density Residential Use.

Mr. Martin addressed the commissioners with the following comments. This is a petition for a conditional use permit to construct six (6) townhomes on property that is zoned B-1, Limited Business District. Approximately one year ago, City Council changed the ordinance requirement that stated that commercial districts could have residential uses upon approval of a conditional use permit. The *Future Land Use Map* for the area does recommend office uses which are supposed to be in character and scale with single-family residential. The proposal is to amend the *Future Land Use Map* from Office to Medium Density Residential use and for a conditional use permit. This would not change setbacks from adjacent commercially zoned properties and the Planning Division does recommend approval of the petition.

Mr. Thomas Brooks of Acres of Virginia came forward to speak as the representative for Ahrens Construction Company, the petitioner. The existing property has a two-story house and a cinder block garage at the rear. It was originally laid out as more townhomes, but the Planning staff wanted to see the parking for these townhomes at the rear, so they redid the project as six townhomes with the parking at the rear. The ingress from Fort Avenue is a one-way only entrance. They have met all the requirements for landscaping and setbacks. There is also a waterline that they will be accessing from Tolleys Lane.

Each unit is two stories with a garage in the rear. The stormwater detention will be underground with a bio-retention facility. They are also using bio-retention for discharge for best management practices. The site will be a paved site with curb and gutter. Mr. Brooks pointed out the landscaping on the site plan. There is a large tree on the corner that they will try to save. A survey of the property has been done and a topographical survey has been done as well. The site adjoins commercial property to the north. To the west is an existing one-story vinyl sided dwelling.

Mr. Brooks talked about the neighborhood and the fact that it is a mixed-use neighborhood. Mr. Brooks showed the commissioners what the proposed townhomes will look like and pointed out that they will be installing a sidewalk connecting it to the existing sidewalk on Fort Avenue and taking it around to Tolleys Lane. They will be redoing some of the curb and gutter and closing up some of the existing entrances. They will be doing a grading plan on the site if this is approved, and there will be cut along the rear of the property with possibly a small retaining wall. The other plans, such as erosion and sediment and stormwater management, will be done if this project is approved.

Chair Hamilton asked for anyone else present to speak in favor of the petition and no one came forward. She asked for anyone present to speak in opposition to the petition and also asked that if the neighbors had a representative that the representative speak first. She explained that the representative will have ten minutes to talk. She asked those that come up after to limit their comments to three minutes and try not to repeat one another.

Ms. Betty Stamps of the First Neighborhood Watch (her address is 955 Randolph Lane) explained that she is here today to voice her opinion to the petition to build six (6) townhomes on the corner of Fort Avenue and Tolleys Lane. She is a senior citizen as are many of our neighbors. They grew up in this neighborhood, along with their parents and grandparents. They have worked very hard to own and maintain our homes in this quiet, southern neighborhood. Up until recently, they had always felt safe and secure in their homes. They have enjoyed sitting on their porches and taking morning and evening walks through their streets. For the past seven months, she has had to put up with the unbelievable noise, traffic, unauthorized deliveries, trucks, workers, mud and other major inconveniences while the water tanks next to her home were being sandblasted and repainted. During that project, she suffered some major property damages and losses that the city had to pay to repair and replace. Before this, the City put new basketball goals on the playground next to her house. Now in the summer, she can hardly get to her own front door because the kids from all over the city come to play basketball there. They park directly in front of her house and directly across the street from her house. She put up railing to help her get up the steps to her home but many times she cannot park in front of her own

house because of all the cars. In the spring and summer, she cannot even get in and out of her sister's driveway next door because of all the traffic to the playground and the cars that block their driveways.

The young people leave trash on the streets, play loud offensive music and often are disrespectful. She does not even feel safe or comfortable in her home now. She cannot even take her great grandchildren to the park because the big boys from other parts of the city have taken over. When the Neighborhood Watch asked the City to remove the basketball hoops, their concern was dismissed by the City. Now another construction project is being proposed that will directly impact her and her neighbors. This is not fair.

Randolph Lane and Tolleys Lane, Johnson Road and Carver Street are all very narrow streets. It is already very hard for two cars to pass at one time on any of these streets. These townhomes will add more cars to these already narrow streets. Keep in mind that there is nowhere to turn around on either of these streets, meaning our streets will become thoroughfares instead of quiet neighborhood streets. More drivers will use their private driveways to turn around. If you allow these six townhomes to be built so close to her house, she will lose even more privacy, security and even mobility because of the traffic, not to mention putting up with the inconvenience of having construction crews, equipment and noise right in her own back yard. She will have more vehicles, children, pets, visitors and noise. Children from Tolleys Lane will cut through her yard to get to the playground. These townhomes will be built two hundred feet from her home. She asked if anyone on the panel would want six townhomes built in their back yard.

She further commented that they are all taxpaying citizens who have sacrificed too much to own their own homes and make this neighborhood what it is today. She asked that the commissioners not to disrupt their lives anymore and not to take anything more from them. Let them live their last few years in peace. Allow them to restore Randolph Lane, Carver Street, Johnson Road and Tolleys Lane back to the safe, quiet family neighborhood that it has been for a hundred years. She hopes that they will take these concerns into consideration and deny these townhomes. She is sure that they can find somewhere else in the city that is more suitable for these townhomes.

Ms. Yvonne Ferguson of 907 Tolleys Lane came forward to speak in opposition to the petition. She asked Mr. Brooks if Mr. Ahrens lives at Old Station Farm Road. Mr. Brooks said that he was not sure. Ms. Ferguson mentioned that there is an automobile repair place on Tolleys Lane at Fort Avenue. She opposes that because it brings traffic down Tolleys Lane and that is where the townhomes are going to be. Pedestrians have to walk in the street because there are no sidewalks. Her objection is not to the townhomes but to the traffic. There is no traffic light at Tolleys Lane and Fort Avenue, and it is very difficult to get out onto Fort Avenue. Fortunately there have been no accidents, but it is swift traffic. This may seem slight to the commissioners, but this traffic situation is very important to those who live on Tolleys Lane.

Mr. Donald Siwek owns the commercial property adjacent to this proposed site. He lives at Old Station Farm Road and said that Mr. Ahrens happens to be his neighbor as well. His business address is 4897 Fort Avenue. His main concern is parking. His lot is going to end up getting the overflow from these townhomes. He knows that he can post a sign and have them towed away, but it is an inconvenience to his customers. He was also told by Mr. Ahrens that underground parking would be put in and he does not see this mentioned. Mr. Siwek's other concern is that with this changing to residential property, he will have to have his property fenced. Chair Hamilton asked Mr. Martin if he would have to fence his property. Mr. Martin stated that this is not a rezoning, so there would be no buffer requirements.

Mr. Rick Reid who owns an office complex to the north of this property came next to speak in opposition to this petition. His concern is that whenever someone tries to put a business in the middle of residential, the question of spot zoning comes up every time. He can also see a problem with people parking in their lot when they have a party or something like that. He wanted to know what the cut will be, if it will be two feet. Chair Hamilton said that Mr. Brooks will address this in his rebuttal. Mr. Reid wanted the commissioners to think about how everyone would react if he tried to put his commercial business right in the middle of this residential neighborhood.

Mr. Les Ross of 809 Johnson Road came forward next. His biggest concern is traffic coming down Tolleys Lane up Carver Street to Johnson Street being exacerbated. He has called the City many times about putting up a sign for the children's safety, but a sign has never been placed there. He is also concerned about these townhomes making it more difficult to see to get out from Tolleys Lane onto Fort Avenue.

Mr. William H. Jones of 4823 Carver Street came forward next. He said that everything said today has to be taken under consideration because this is a dangerous spot. To get onto Fort Avenue, you have to go to a light. It is congested all day long. He also pointed out that when you come up Johnson Road, you cannot see over the hill. It is a dangerous place.

Ms. Alease Brown of 908 Randolph Lane came forward next. She said that there are many accidents on Fort Avenue and pointed out on a chart how Tolleys Lane, Carver Street and Randolph Lane are all dead end streets. She has asked the City to take down the basketball hoops because she finds more cars from the county parked there than from the City. She made several more comments about how more traffic is not needed on these streets.

Chair Hamilton commented that there have been a lot of concerns voiced about traffic, so others coming forward should try to address new concerns.

Ms. Marion Douglas of 904 Randolph Lane came forward next. She wanted to know the dimensions of the townhomes because she thinks the lot is too small. Chair Hamilton said that the wall facing Fort Avenue looks to be twenty-three (23) feet. Ms. Doyle did not think that this is going to be very attractive. She asked how deep these units will be and Chair Hamilton said they will be twenty-four (24) feet deep. Ms. Doyle also wanted to know how these units will connect to the city sewers. Chair Hamilton said that Mr. Brooks will address her concerns when he comes back for rebuttal.

Chair Hamilton asked those who agree with these concerns to stand up and seventeen people stood. She thanked them for coming and called Mr. Brooks up for a three-minute rebuttal.

Mr. Brooks first commented that he has basketball courts by his office and he puts up with kids parking in front of his office and with kids on the playground and with trash. He files his complaints with the City Manager. He would like to know how many of the people present today actually live on Tolleys Lane. He stated that they can place a business center on this site by right which will cause traffic and parking concerns. He clarified that these are not apartments for rent. They are townhomes which will be sold to individuals who will live there. The townhomes will be two bedrooms with two to two and a half baths and will have an inside garage with outside parking. Townhomes are normally sold to young adults and to the elderly. You are not going to find a lot of families living in two-bedroom townhomes. Statistics show that only ten percent of townhomes have families living in them.

The street at Tolleys Lane meets city standards. The plan has been reviewed by the police, Fire Marshal and Traffic Engineer. There will be curb and gutter and only one access to this property. All parking will be off street; there will be no parking on Tolleys Lane. Underground storage for stormwater was what was mentioned, not underground parking.

The cut at the corner of the property will probably be two feet. There will be a concrete retaining wall. The building setback is going to be about forty feet. That will actually make it easier to see traffic along Fort Avenue when pulling out from Tolleys Lane. The dimensions of the buildings will be 500 to 650 square feet on the first floor, doubling the square feet with the second floor.

Ms. Stamps referred her rebuttal to another citizen. Ms. Gaynelle Pullen is wondering how much space is between the back of the townhomes and the building behind them. She also complained about how hard it is to see down Fort Avenue when trying to get out from Tolleys Lane.

Ms. Brown came back to say that it seems to her that putting townhomes in a space this small is creating more traffic. There have been accidents on Fort Avenue. There are no traffic lights at these roads. She cannot

even get on Fort Avenue from Randolph Lane and much of the traffic comes through the neighborhood to Perrymont Avenue, where there is a traffic light.

Chair Hamilton closed the public hearing portion of the petition. Commissioner Swienton asked Mr. Brooks if they plan on having a homeowners covenant that prevents rentals. Mr. Brooks answered that they will have a homeowners association. Mr. Martin clarified that Mr. Brooks' answer did not really answer Commissioner Swienton's question. Mr. Brooks answered that there will be a homeowners association, which is required by ordinance. Mr. Martin commented that the Planning Commission would be getting into really shaky legal ground if they were looking to prevent rental units. Commissioner Swienton said that he was trying to establish Mr. Brooks' intentions as opposed to a Planning Commission opinion or recommendation. Commissioner Swienton clarified that Mr. Brooks had answered the question that they have plans to have a homeowners association.

Commissioner Swienton thanked Mr. Martin for including an amendment to the *Future Land Use Map* as part of this petition. He likes the idea of the stormwater being treated with underground detention. He likes the parking being off street and sidewalk connectivity. He thinks that city staff has done a good job of addressing the issue of internal traffic.

Commissioner Swienton commented that he has amending the *Future Land Use Map* as being something that he does not like as well. He has done the math and comes up with 13.9 units per acre. If this is changed to Medium Density Residential and that classification is only up to twelve units per acre, how would this be in compliance? Mr. Martin answered that Commissioner Swienton needs to remember that the *Future Land Use Map* is a guide. When we look at densities, we look at townhomes as being medium density. People typically confuse the *Zoning Ordinance* requirements as far as lot sizes and setbacks would allow a little bit more density than what is recommended by the *Future Land Use Map*. Mr. Martin commented that the commissioners could change the *Future Land Use Map* amendment to high residential density, but he thinks that it fits better in a medium density land use category than it would a high density.

Commissioner Swienton said that the current *FLUM* designation is Office and read that Office uses are generally located in lower density areas of the city often adjacent to low density residential areas. So he was wrestling with that and looking at perhaps this is more suitable for office space, maybe something that can support the neighborhood. Commissioner Swienton also commented that he also used to live on Midvale and thoroughly enjoyed the walkability of the neighborhood. He was really trying to decide from a planning perspective if this is better as residential or is better to have some type of business use that can support the community. That reduces the need to go elsewhere for services. Ultimately, he thinks that 13.9 units per acres is unreasonable in a low density residential area.

Chair Hamilton asked Mr. Brooks if there would be a covenant in the homeowners association that prohibits on street parking. Mr. Brooks stated that they have met the parking requirements. Nobody will be parking in front unless they choose to and if there are "No Parking" signs there, they are able to be policed. Whether people park along Tolleys Lane now, he has no idea. He clarified that this plan has been set up for off street parking.

Chair Hamilton asked Mr. Martin if the Traffic Engineer had any concerns about the amount of traffic that will be generated. Mr. Martin answered that the only concerns that the Traffic Engineer originally had was when the entrance was a two-way entrance. Since that has been converted to a right-turn in only, that concern was addressed. Mr. Martin offered that eighteen parking spaces have been provided and only fifteen are required. If you are going to use the argument that one of these people might have a party, which will create overflow parking, you could use that same argument with any other residential structure anywhere in the city.

Commissioner Hannon asked if the homeowners' association will be funded initially by the owner or will it be funded by the six owners of the units. Mr. Brooks said that he could not really answer that but that is not normally done. It will normally take four to five years before the funds are needed anyway for maintenance on the units. Commissioner Hannon said that the common areas will need maintenance. Mr. Brooks said that the owner would fund the mowing of the grass and so forth.

Commissioner Hannon asked about the nearest traffic light. Mr. Brooks thought that McKinley Avenue has one and that there is one below right next to Hawkins. He pointed out where he thought two more were on the site plan. In the other direction, the nearest one is Perrymont Avenue.

Commissioner Hannon thought that this site could actually improve the sight distance for an exit. He wanted to know if there was any reason why the traffic flow could not be reversed. Mr. Martin thought that the problem with that is that coming from the existing office complex, you would have people going in and out and then you would have someone who is just trying to come out and you create a conflict point with those two drives being so close to one another.

Mr. Brooks commented that he does not envision a lot of people going through Carver Street or Johnson Street because there are a lot of cars parked on the street. He admits that Fort Avenue is not the best road and there is an issue with speed. However, whether or not the townhomes go in here or a professional center goes in here, there will still be a traffic situation.

Chair Hamilton asked Mr. Brooks to address the bio-retention facility. Mr. Brooks pointed out that the pipes are sized to handle all the runoff from the paving. There will be no increase. He explained how the water will be taken from the storm sewer into the underground storm system. Above that, there is bio-retention of wetland plants and landscaping. He then explained how it goes from the bio-retention through a pipe through an inlet and is stored underground. The water then infiltrates into the soil. They have determined the soil percolation rate. The purpose of the bio-retention is to handle the water quality of the water. The underground facility is storing the water. Nothing is going to be turned into the city sewer.

Chair Hamilton asked him to talk a little bit about the retaining wall and the grading that will be done. Mr. Brooks explained that there will probably be a two foot cut and a two to two and a half foot retaining wall that will be on their property. Mr. Brooks clarified that they will maintain the integrity of Mr. Reed's property and his parking.

Commissioner Worthington asked about the square footage of the units. Mr. Brooks said they range from 1100 to 1200 square feet. Commissioner Worthington asked if this includes the garage and Mr. Brooks said that it does. Commissioner Worthington said that he thought the project is well thought out and things that can go in there by right will cause more traffic.

Commissioner Barnes commented that he agrees with many of the things that Commissioner Swienton said. He likes the bus stop that they will be putting in and the infiltration. He commends them for keeping their stormwater on site. But when he drove out to the site, it struck him as a very small site. He drove around the surrounding neighborhood and he agrees with Commissioner Worthington that the traffic will be there regardless of what goes in on the site. But ultimately, he thinks that this is trying to cram too much onto a small site and he is going to vote no.

Chair Hamilton commented that she thinks the plan is fine in terms of some of the amenities they have done, but she tends to agree that this size lot and the area that it is in is not the best site for townhomes.

Commissioner Swienton made the following motion, which was seconded by Commissioner Barnes.

"That the Planning Commission recommends to City Council denial of an amendment to the Future Land Use Map from Office to Medium Density Residential Use at 4873 Fort Avenue and 1103 Tolleys Lane and

That the Planning Commission recommends to City Council denial of David Ahren's petition for a conditional use permit (CUP) at 4873 Fort Avenue and 1103 Tolleys Lane to allow for the construction of a six (6) unit townhouse complex and associated parking."

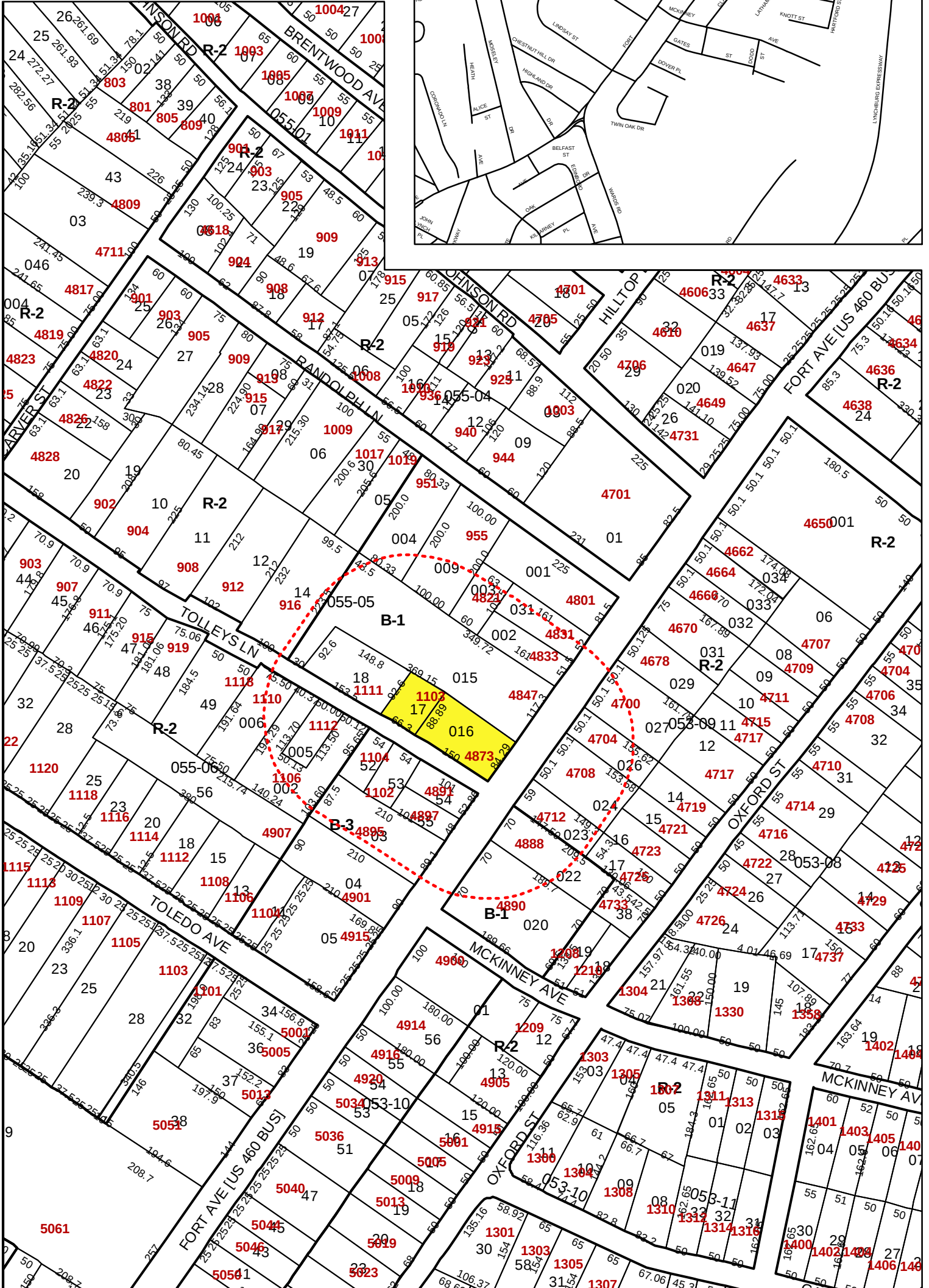
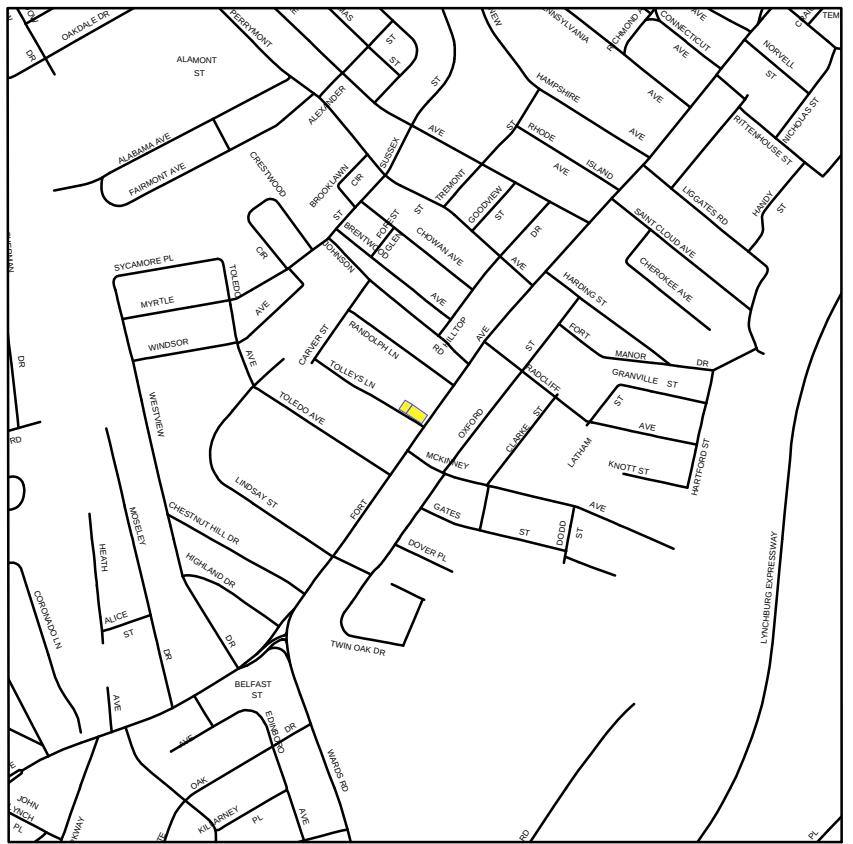
Before going forward with the vote, Commissioner Swienton commented that he thinks one of the charms of Lynchburg is the number of single-family homes on Fort Avenue. He believes that charm can be there many years down the road. He thinks this high-density proposal may negatively impact future developments on what he thinks is beautiful jewel of Lynchburg. Commissioner Barnes thought that this site could be developed as single-family homes or a community oriented business. Mr. Brooks commented that this will be going to a commercial center if this petition is denied.

The motion then passed by the following vote:

AYES:	Barnes, Hamilton, and Swienton	3
NOES:	Hannon and Worthington	2
ABSTENTIONS:		0
ABSENT:	Oglesby and Sale	2

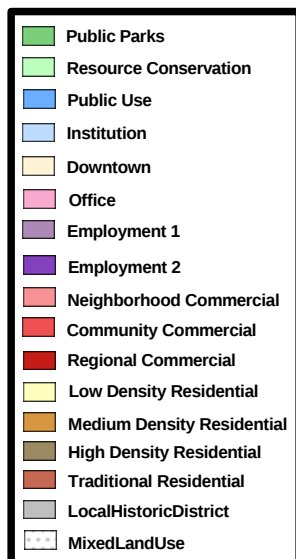
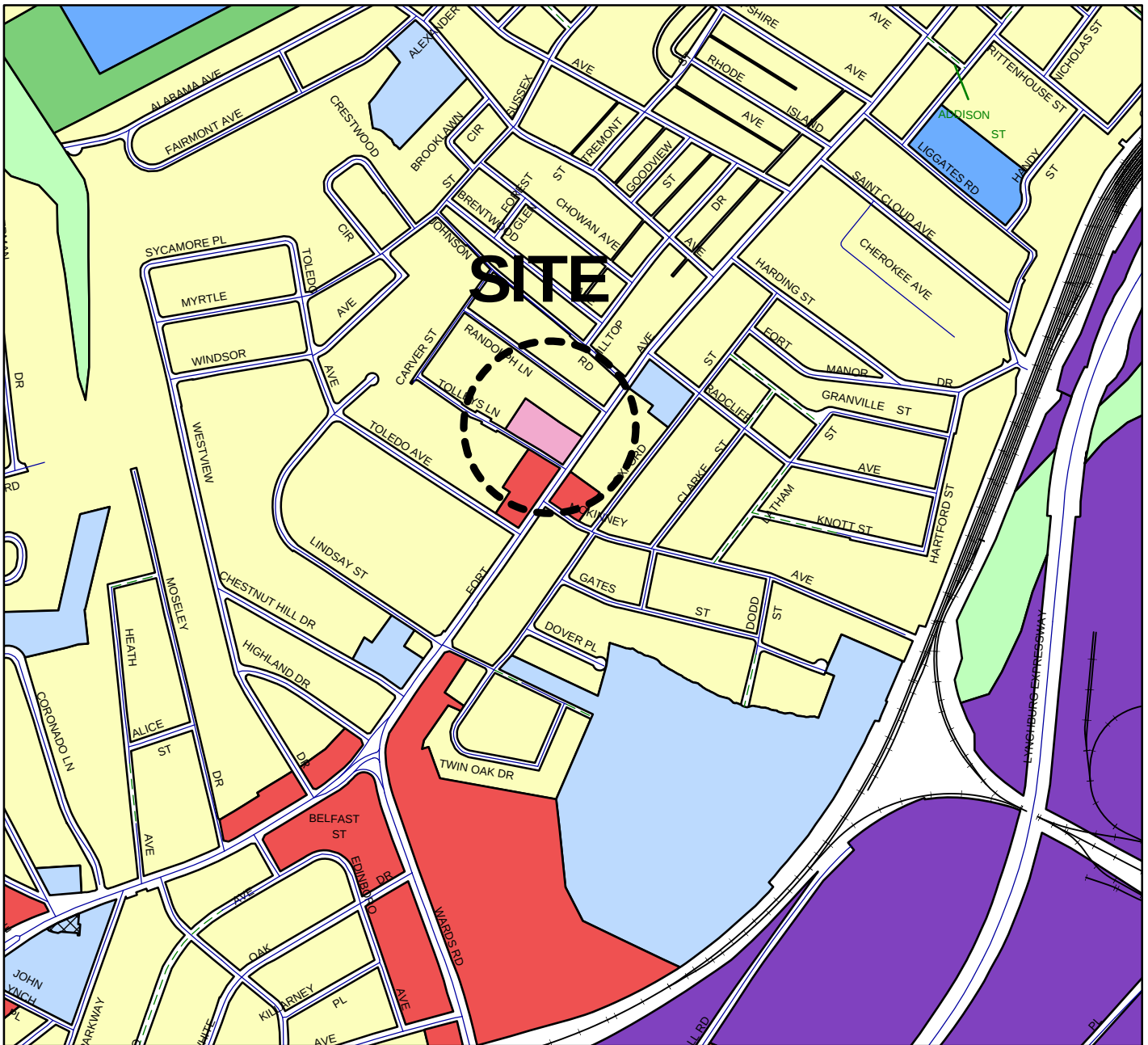
 Subject Property

 200 ft Radius



THE COMMONS AT FORT AVE ADJOINING OWNERS

PIN	OWNER	LOCADDR
5309020	MD DEVELOPERS LLC	4890 FORT AVE
5309022	CARRALES DANIEL	4888 FORT AVE
5309023	PELLETIER JONATHAN J	4712 FORT AVE
5309024	MARSTON KENNETH L	4708 FORT AVE
5309026	SALE AUBURN B JR & DELSIE G LIFE FISHER LS & WATKINS VS-REMAINDERMA	4704 FORT AVE
5309027	PHILLIPS WALTER L	4700 FORT AVE
5505002	CLARK DELORIS L	4833 FORT AVE
5505003	CITY OF LYNCHBURG C/O STEVE LAWSON	4821 FORT AVE
5505004	STEWART JOYCE A	951 RANDOLPH LN
5505009	STAMPS BETTY M	955 RANDOLPH LN
5505014	HALL BERT S JR	916 TOLLEYS LN
5505015	LINDONN ASSOCIATES LLC	4847 FORT AVE
5505016	AHRENS DAVID C/O AHRENS CONSTRUCTION CO	4873 FORT AVE
5505017	AHRENS DAVID C/O AHRENS CONSTRUCTION CO	1103 TOLLEYS LN
5505018	WAGNER JAMES D TRUSTEE	1111 TOLLEYS LN
5505031	CITY OF LYNCHBURG C/O STEVE LAWSON	4831 FORT AVE
5506002	KING SHARMEL	1106 TOLLEYS LN
5506003	R & M TURNER ENTERPRISES	4895 FORT AVE
5506006	BROWN MICHAEL J & TOLLEY KATHRINE B	1110 TOLLEYS LN
5506051	AHRENS DAVID J C/O AHRENS CONSTRUCTION CO	1112 TOLLEYS LN
5506052	AHRENS DAVID J & NICKOLE C	1104 TOLLEYS LN
5506053	SIWEK DONALD J & THERESA M	1102 TOLLEYS LN
5506054	SIWEK DONALD J & THERESA M	4891 FORT AVE
5506055	SIWEK DONALD J & THERESA M	4897 FORT AVE
Owner	AHRENS DAVID C/O AHRENS CONSTRUCTION CO	
Applicant	AHRENS DAVID C/O AHRENS CONSTRUCTION CO	
Representative	THOMAS BROOKS,SR./ACRES OF VIRGINIA	



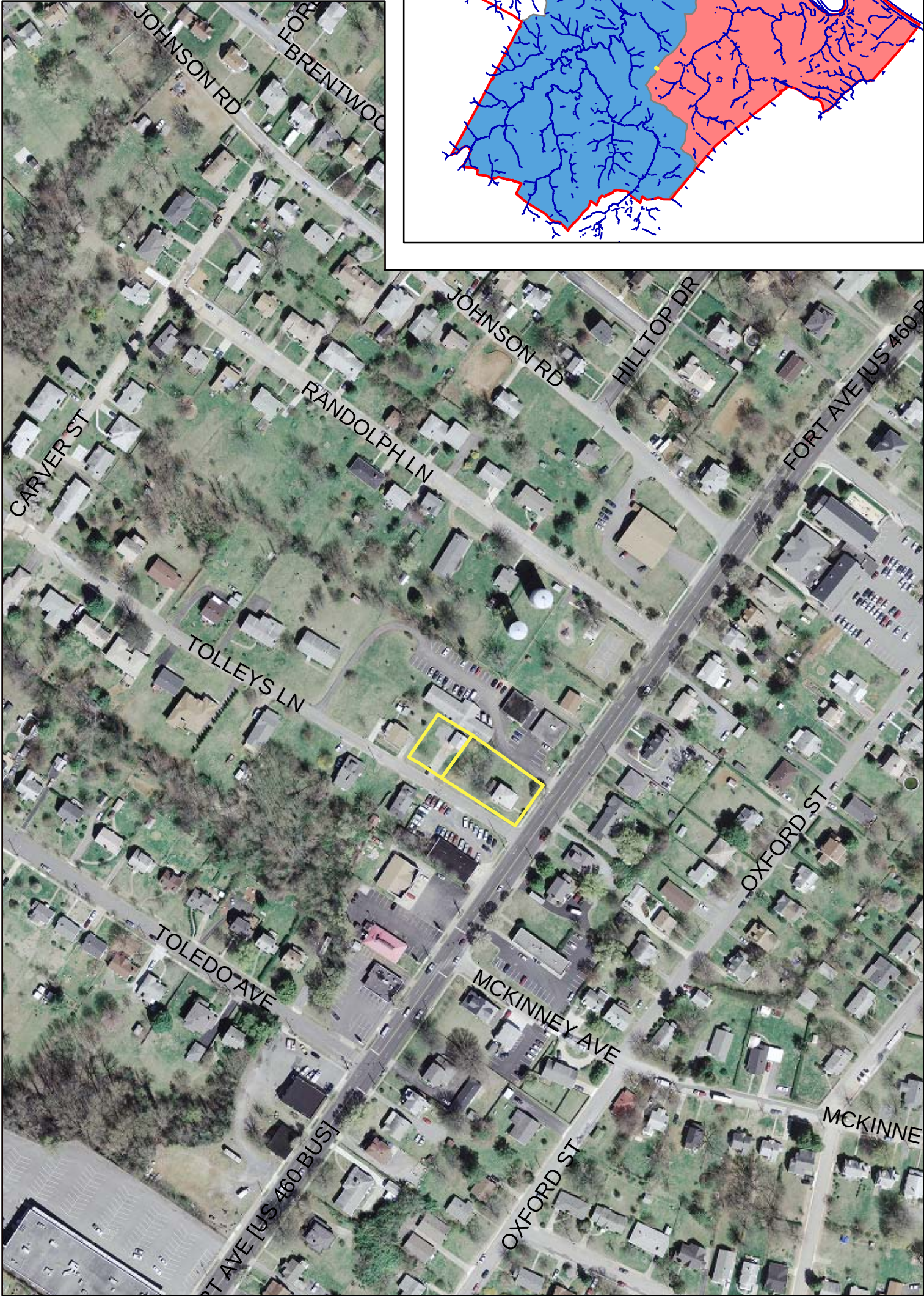
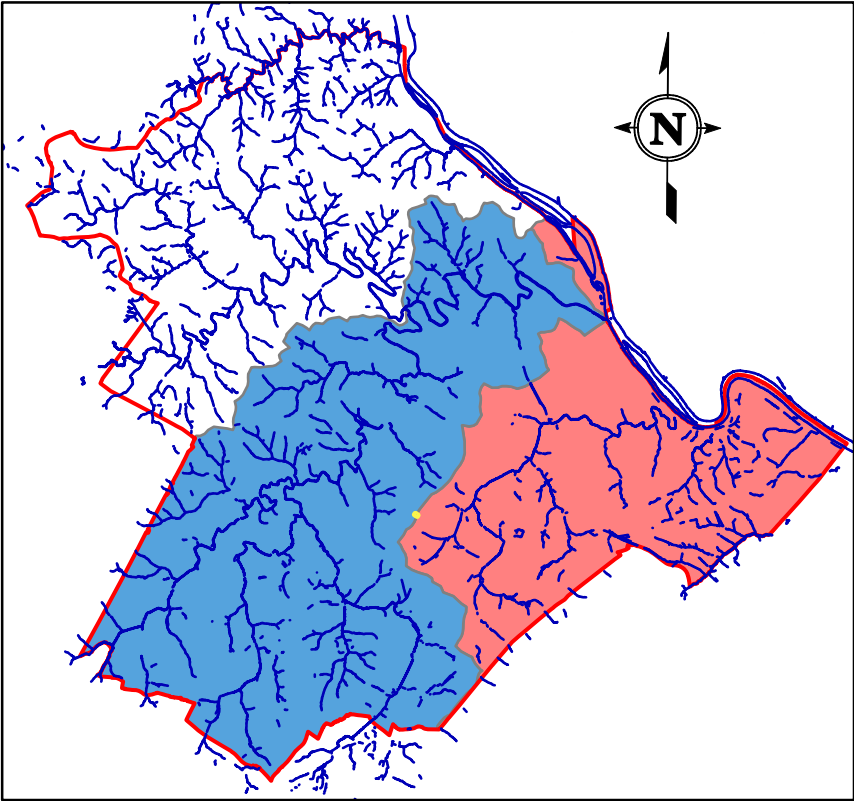
THE COMMONS AT FORT AVENUE 4873 FORT AVENUE, 1103 TOLLEYS LANE LAND USE PLAN



The Commons at Fort Avenue Watershed Location Map

Legend

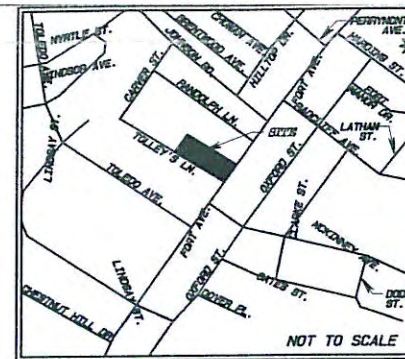
- Project Site
- Corporate Limit
- Blackwater Creek Watershed
- Fishing Creek Watershed



- LEGEND:
- 500 = EXISTING CONTOURS
 - D.B. = DEED BOOK
 - P. = PAGE
 - TELE. = TELEPHONE
 - CONC. = CONCRETE
 - S = EXISTING CITY SANITARY SEWER LINE
 - W = EXISTING CITY WATER LINE
 - P.P. = POWER POLE
 - O.H. = OVERHEAD
 - R/W = RIGHT OF WAY
 - B.M. = BENCHMARK
 - [Symbol] = PROPOSED TRAVELWAY, PARKING AREA & COMMON AREA
 - [Symbol] = IRON ROD SET
 - [Symbol] = STORM DROP INLET
 - [Symbol] = EXISTING STRUCTURES (TO BE DEMOLISHED)
 - [Symbol] = CLEARING LIMITS

TOTAL AREA = 0.432Ac.

SOURCE OF TITLE: TAX MAP PARCELS 055-05-018 & 017
THIS PROPERTY WAS CONVEYED TO DAVID ARRENS BY DEED OF CONVEYANCE DATED JULY 24, 2004 AND RECORDED BY INSTRUMENT NUMBER 0400020 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA.



VICINITY MAP

REVISION	DATE
1	08/30/07
2	01/11/08
3	08/01/08
4	
5	

ACRES OF VIRGINIA, INC.
SURVEYORS/ENGINEERS/PLANNERS & SOIL CONSULTANTS
WWW.ACRESOFVIRGINIA.COM
LYNCHBURG OFFICE: 1000 N. LYNCHBURG AVENUE, SUITE 200, LYNCHBURG, VA 24504
OFFICE (434) 558-4674
FAX (434) 845-1048

COMM. NO.: 081136
DATE: MAY 31, 2007
FILE NO.: 081136-081136
SCALE: 1" = 10'
TAX MAP NO. 55-05-018 & 017
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ACRES OF VIRGINIA, INC.
SITE & LANDSCAPE PLAN
PROPOSED TOWNHOUSES

The Commons at Fort Avenue
CITY OF LYNCHBURG, VIRGINIA
DRAWING
SITE & LANDSCAPE PLAN
CITY 1-2

LINE	BEARING	DISTANCE
L1	N33°01'05"E	68.02'
L2	N33°01'05"E	69.02'
L3	N33°01'05"E	70.02'
L4	N33°01'05"E	71.02'
L5	N33°01'05"E	72.02'
L6	N33°01'05"E	27.00'
L7	N65°38'14"E	29.68'
L8	N24°58'36"W	18.87'

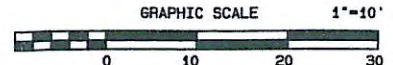
RECEIVED
FEB 06 2003
COMMUNITY DEVELOPMENT

TRC PROJECT NO.: CUP0712-0001

LANDSCAPE LEGEND AND REQUIREMENTS PER CITY ORDINANCE DATED JUNE 13, 2006: TREE CANOPY ON THIS SITE IS 0.6ACRES				
COMMON NAME	PLANTING COUNT	PLANTING FIELD	SIZE AT TIME OF PLANTING	BOTANICAL NAME
RED MAPLE (RED SUNSET OR OCTOBER GLORY) - MOST COLORFUL	14	5	1 1/2" CALIPER	(ACER RUBRUM)
LEGACY SUGAR MAPLE	14	5	1 1/2" CALIPER	(ACER SACCHARIN 'LEGACY')
HIBAN CHERRY	10	9	1 1/2" CALIPER	(PRUNUS SUBHIRTELLA)
JUNIPERS (3'± ON CENTER IN MULCH BED)	62	12	2" CONTAINER	(JUNIPERUS HORIZONTALIS 'BLAUCA')
GERMANDER HEDGE (18"± ON CENTER IN MULCH BED) (PLANT PERENNIALS AS NEEDED FOR FILLER)	76	24	4" CONTAINER	(TEUCRIUM CHAMAEDRYS)
ARROW-WOOD (PLANT PERENNIALS AS NEEDED FOR FILLER)	36	24	3" CONTAINER	(VIBURNUM DENTATUM)
JAPANESE FLOWERING GUINCE	77	13	3" CONTAINER	(CHAENOMELES JAPONICA)
CRIMSON PYGMY JAPANESE BARBERRY	51	12	3" CONTAINER	(BERBERIS THUNBERGII 'CRIMSON PYGMY')
BURFORD HOLLY	22	FILLER	1 1/2" CALIPER	(ILEX CORNUTA 'BURFORD')

COMMONWEALTH OF VIRGINIA
THOMAS C. BROOKS, SR.
No. 2048
02/01/08
LAND SURVEYOR

COMMONWEALTH OF VIRGINIA
R. J. HEWLETT, JR.
Lic. No. 6340
02/01/08
PROFESSIONAL ENGINEER



LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: March 11, 2008		AGENDA ITEM NO.: 8
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> HISTORIC DISTRICT OVERLAY ZONE: Daniel’s Hill Historic District Expansion to Include Lots at 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617 and 621 Hancock Street; 401 C Street and 423, 507 and 517 Spring Street		

RECOMMENDATION: Approval of the requested historic district overlay zoning petition.

SUMMARY: Filiaggi Restoration, LLC and the City of Lynchburg are petitioning to designate as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) and incorporate into the existing Daniel's Hill Historic District the properties at 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617 and 621 Hancock Street, 401 C Street and 423, 507 and 517 Spring Street.

The Planning Commission and the Historic Preservation Commission recommended approval of the historic overlay zoning petition because:

- The petition agrees with the Comprehensive Plan's Goals, Objectives & Strategies to "require that new buildings and signs be designed to complement the character and quality of existing development." (Chapter 6.21, Goal 1.2)
- The petition agrees with the Comprehensive Plan's Goals for History, Culture, Education and the Arts to "ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of designated historic districts and areas potentially eligible for designation." (Chapter 11.11, Goal 3)
- The petition agrees with the National Trust for Historic Preservation's A Guide to Delineating Edges of Historic Districts:
 1. Edges based on topographical consideration are especially valid when much of the character or visual importance of a district is derived from its geographical location—on an urban hillside. (Visual Factors, Page 14)
 2. It is preferable to draw the boundaries of a historic district to include properties fronting on both sides of a street. (Visual Factors, Page 14)
 3. Edges drawn to include gateways, entrances and vistas to and from a district are a conscious attempt to control the experience of entering a unique area or to provide unobstructed vistas to and from a historic district. Boundaries based on this factor are sometimes expanded beyond normal limits and include areas of little or no architectural or historical significance. (Visual Factors, page 14)

PRIOR ACTION(S):

- January 28, 2008: Planning Division recommended approval of the Historic District overlay zoning petition.
- January 28, 2008: Historic Preservation Commission recommended approval (7-0) of the Historic District overlay zoning petition.
- February 13, 2008: Planning Commission recommended approval (5-0 with two absent—Sale and Oglesby) of the Historic District overlay zoning petition.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902

Tom Martin/ 455-3909

Annette Chenault/455-3894

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Vicinity Map
- Property Owners
- HPC Minutes
- Photographs
- Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE DESIGNATING A CERTAIN AREA AS A LOCAL HISTORIC DISTRICT (HD) TO BE INCORPORATED INTO THE DANIEL'S HILL HISTORIC DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice, that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be, and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Designation of a certain area for Local Historic District (HD) zoning to be incorporated into the Daniel's Hill Historic District.

The area embraced within the following boundaries...

305 Hancock Street, also assigned as:	Tax Map No. 02325003;
317 Hancock Street, also assigned as:	Tax Map No. 02325002;
401 Hancock Street , also assigned as:	Tax Map No. 02322004;
403 Hancock Street, also assigned as:	Tax Map No. 02322003;
415 Hancock Street, also assigned as:	Tax Map No. 02322002;
419 Hancock Street, also assigned as:	Tax Map No. 02322001;
503 Hancock Street, also assigned as:	Tax Map No. 02321007;
507 Hancock Street, also assigned as:	Tax Map No. 02321008;
511 Hancock Street, also assigned as:	Tax Map No. 02321001;
601 Hancock Street, also assigned as:	Tax Map No. 02319006;
605 Hancock Street, also assigned as:	Tax Map No. 02319005;
609 Hancock Street, also assigned as:	Tax Map No. 02319004;
613 Hancock Street, also assigned as:	Tax Map No. 02319003;
617 Hancock Street, also assigned as:	Tax Map No. 02319002;
621 Hancock Street, also assigned as:	Tax Map No. 02319001;
401 C Street , also assigned as:	Tax Map No. 02325004;
423 Spring Street, also assigned as:	Tax Map No. 02318013;
507 Spring Street, also assigned as:	Tax Map No. 02318007; and
517 Spring Street, also assigned as:	Tax Map No. 02318005.

. . . is hereby designated as a Local Historic District zone to be incorporated into the Daniel's Hill Historic District.

And the Director of Community Planning and Development shall forthwith cause the "Historic District Map of Lynchburg," referred to in Section 35.1-44.1 of this chapter to be amended in accordance therewith to reflect the Daniel's Hill Historic District.

Adopted:

Certified: _____
Clerk of Council

028L

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

To: Planning Commission

From: Historic Preservation Commission

Date: February 13, 2008

Re: **PETITION OF FILIAGGI RESTORATION, LLC AND CITY OF LYNCHBURG TO DESIGNATE AND INCORPORATE INTO THE DANIEL'S HILL HISTORIC DISTRICT AS A LOCAL HISTORIC DISTRICT OVERLAY ZONE (SECTION 35.1-44.1 HISTORIC DISTRICTS OF THE ZONING ORDINANCE) THE PROPERTIES LOCATED ON THE SOUTHWEST SIDE OF HANCOCK STREET FROM C STREET TO G STREET, KNOWN AS 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617 AND 621 HANCOCK STREET, 401 C STREET; AND 423, 507 AND 517 SPRING STREET**

I. PETITIONERS

Filiaggi Restoration, LLC, in care of Larry and Thomas Filiaggi, P. O. Box 217, Madison Heights, VA 24572

City of Lynchburg, in care of City Manager's Office, City Hall, 900 Church Street, Lynchburg, VA 24504-1620

Representatives: Steve Lawson, Real Estate Manager, City of Lynchburg, City Hall, 900 Church Street, Lynchburg, VA 24504-1620
Larry and Thomas Filiaggi, Filiaggi Restoration, LLC, P. O. Box 217, Madison Heights, VA 24572

II. LOCATION

The properties with addresses from 305 to 621 Hancock Street are mostly rectangular, irregular-shaped lots located on the southwest side of Hancock Street and adjoin the Daniel's Hill Historic District to the northeast of these lots. The property at 401 C Street contains sixteen hundredths (0.16) acre on the northwest corner of Hancock and C streets. Three (3) lots--423, 507 and 517 Spring Street--are irregular-shaped lots on the southwest side of Spring Street.

Property Owners: The property owners are Filiaggi Restoration, LLC and the City of Lynchburg. A list of the properties, their parcel identification numbers and owners are included as Attachment 2.

III. PURPOSE

The purpose of the petition is to designate and incorporate into the Daniel's Hill Historic District as a local historic district overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) the properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601 605, 609, 613, 617 and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan's Goals, Objectives & Strategies* to 'require that new buildings and signs be designed to complement the character and quality of existing development.' (Chapter 6.21, Goal 1.2)

- Petition agrees with the *Comprehensive Plan's Goals for History, Culture, Education and the Arts* to “ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of designated historic districts and areas potentially eligible for designation.” (Chapter 11.11, Goal 3)
- Petition agrees with the National Trust for Historic Preservation’s A Guide to Delineating Edges of Historic Districts:
 1. Edges based on topographical considerations are especially valid when much of the character or visual importance of a district is derived from its geographical location—on an urban hillside. (Visual Factors, Page 14)
 2. It is preferable to draw the boundaries of a historic district to include properties fronting on both sides of a street. (Visual Factors, Page 14)
 3. Edges drawn to include gateways, entrances and vistas to and from a district are a conscious attempt to control the experience of entering a unique area or to provide unobstructed vistas to and from a historic district. Boundaries based on this factor are sometimes expanded beyond normal limits and include areas of little or no architectural or historical significance. (Visual Factors, Page 14)

The Planning Division recommends approval of the petition.

V. FINDINGS OF FACT

1. Comprehensive Plan.

The *City of Lynchburg Comprehensive Plan's Goals, Objectives & Strategies* Goal 1 ensures that development and redevelopment reinforce the City’s unique character and sense of place. It requires that new buildings and signs be designed to complement the character and quality of existing development.’ (Chapter 6.21, Goal 1.2)

The *Comprehensive Plan's* Goal 3 guides the City to ensure that future development, redevelopment, and public improvements complement the scale and character, and respect the integrity of, designated historic districts and areas potentially eligible for designation. (Chapter 11.11, Goal 3)

The *Comprehensive Plan* also recognizes that the Daniel’s Hill area has been designated as a local, state and federal historic district. (Chapter 6.17) The historic district designation supports the petition in order to encourage and preserve the character of the neighborhood and maintain property values.

2. A Guide to Delineating Edges of Historic Districts.

In A Guide to Delineating Edges of Historic Districts, by the National Trust for Historic Preservation, there are several factors to consider in determining the boundaries of a potential historic district. The properties proposed for designation on the southwestern edge of the Daniel’s Hill Historic District are based on the following factors:

- *Edges based on topographic considerations.* These edges are especially valid when much of the character or visual importance of a district is derived from its geographic location—on an urban hillside.
- The Guide provides that it is preferable to draw the boundaries of a historic district to include properties fronting on both sides of a street. The lots on the northeast side of Hancock Street are currently located in the existing Daniel’s Hill Historic District. According to the Guide, the subject lots on the opposite side of the street should be included in the District.

- *Edges drawn to include gateways, entrances and vistas to and from a district.* D Street is one of two major entrances to the Daniel's Hill Historic District and serves as the main gateway to Daniel's Hill.
3. **Zoning.** Most of the subject properties are zoned R-3, Medium Density Single-Family Residential District. The property at 317 Hancock Street is zoned B-2, Local Neighborhood Business District. The petition does not propose to change the existing zoning but proposes a historic district overlay zone for the properties.
 4. **Board of Zoning Appeals (BZA).** No variances will be needed for the proposed historic district overlay zone.
 5. **Surrounding Area.** The subject lots are located on the southwest side of, and would be incorporated into, the existing Daniel's Hill Historic District which was established on May 9, 1978. The properties on Spring Street adjoin the properties on Hancock Street. The lots are located between Daniel's Hill Historic District and Rivermont Historic District. However, the two historic districts would be separated by Victoria Avenue and Beech Street which are not historic-designated streets.

The property at 427 Spring Street (TM#023-18-009) lies in the middle of the Spring Street properties but is not included in the proposed historic district designation. The property is highlighted in blue below:



6. **Site Description.** Most of the properties under consideration for historic district status are City-owned properties that lay on a hillside leading to one of the major entrances of the Daniel's Hill Historic District. Two (2) of the lots—305 Hancock Street and 401 C Street--are included at the request of Filiaggi Restoration, LLC, who also owns several other properties in the Daniel's Hill Historic District. All of the properties are vacant, undeveloped parcels.
7. **Proposed Use of Property.** The purpose of the historic district overlay zone petition is to provide protection, professional assistance and guidance on new construction for properties that lead into a main gateway of the Daniel's Hill Historic District.
8. **Development and History.** The Daniel's Hill Historic District was designated a local historic district on May 9, 1978. Developed as a residential area during the 1840s, Daniel's Hill is an elevated 900-1,000 acre tract of land overlooking the James River and Blackwater Creek.

Originally, most of the land belonged to George Cabell, who built Point of Honor which today has been restored to its original form. The surrounding property passed out of Cabell's family and into the Daniel family through Judge William Daniel, Jr., from whom the hill acquired its name. The main road leading up the spine of Daniel's Hill later came to be named after George Cabell.

Daniel's Hill exhibits a wide variety of architectural styles among its buildings constructed from the early to the late nineteenth century. The styles found among the larger homes include Federal, Italianate, Queen Anne and Georgian Revival. The District also contains unassuming mid-nineteenth to early-twentieth century dwellings built as housing for workers.

All of the subject properties are vacant and located next to or on a hillside; however, the slope is such that several of them could be developed. Most are rectangular, some with irregular-shapes. Filiaggi Restoration, LLC currently owns the lots at 401 C Street and 305 Hancock Street. Filiaggi Restoration, LLC also owns several other properties in Daniel's Hill, one of them a former church structure at 215 Cabell Street which is being restored. It has contracted to buy the lot at 317 Hancock Street which is owned by the City of Lynchburg. Filiaggi Restoration, LLC is considering building on these lots but has no firm plans at this time. The City of Lynchburg has agreed to sell Filiaggi the property at 317 Hancock Street, provided that the City's lot and Filiaggi's properties on Hancock Street are included in the historic district designation.

9. **Traffic and Parking.** N/A

10. **Storm Water Management.** N/A

11. **Emergency Services.** N/A

12. **Impact.** The petition proposes to establish a historic district overlay zone on several lots that are adjacent to the Daniel's Hill Historic District. The petition would expand and support the existing historic district that was locally designated in 1978. One property—427 Spring Street—is a very small lot in the middle of the Spring Street properties proposed for designation. The property owner was invited but did not agree to include this property in the historic district. The lot is so small that it is unlikely to be developed in the future.

As indicated in the City's *Comprehensive Plan*, the City supports development and redevelopment that reinforce the City's unique character and sense of place. It requires that new buildings and signs be designed to complement the character and quality of existing development because Daniel's Hill is a historic district. The goal is to guide new construction for the benefit of the Daniel's Hill property owners and the City.

The vacant lots are highly visible from the D Street Bridge--the main entrance to the Daniel's Hill Historic District. It is important to review any new construction leading to the District from this important gateway. Open spaces usually have a positive effect on a district, but consideration for the protection of open space has on occasion been lacking, especially with regard to the potential for improper development. While historic district boundaries are often drawn along the edge fronting on the developed part of a district, it may be desirable to include all of the open space within the District. This would provide protection of the view entering into and exiting from the District and give guidance over any improvements.

13. **Technical Review Committee.** N/A

VI. HISTORIC PRESERVATION COMMISSION PUBLIC HEARING—JANUARY 28, 2008

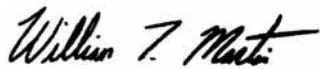
The Historic Preservation Commission held a public hearing on January 28, 2008. An excerpt from the minutes is included as Attachment 3. The following motion was unanimously approved (7-0):

“Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council approval of the petition of Filiaggi Restoration, LLC and City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel’s Hill Historic District.”

VII. PLANNING DIVISION RECOMMENDED MOTION:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Filiaggi Restoration, LLC and City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel’s Hill Historic District.”

This matter is respectfully offered for your consideration.



W. Thomas Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Charlene T. Montford, Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Ms. Annette M. Chenault, Planner II
Battalion Chief Gregory Wormser, Fire Marshal
Ms. Cindy Kozerow, Lynchburg Police Department Crime Prevention Bureau
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Scott Glass, Chair, Historic Preservation Commission
Mr. Thomas Filiaggi, Petitioner
Mr. Steve Lawson, Petitioner

VII. ATTACHMENTS

1. Vicinity

(see map with adjoining owners on back)

2. Property Owners

(see attached owners and parcel information)

3. Excerpt from HPC Minutes of January 28, 2008

4. Photographs

MINUTES FROM THE FEBRUARY 13, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Petition of Filiaggi Restoration, LLC and City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel's Hill Historic District.**

Ms. Annette Chenault came forward to address the commissioners. She explained that the purpose of this petition is to designate and incorporate into Daniel's Hill Historic District the above listed properties. The petition agrees with the *Comprehensive Plan's* goals toward history, culture, education and the arts, to ensure that future development and redevelopment complement the scale and character of the existing historic district. It also agrees with the National Trust for Historic Preservation guide to delineating a historic district--edges based on topographical considerations and edges drawn along gateways and major entrances to existing historic districts. It is also preferable to draw boundaries on both sides of the street. In this case, it would be along both sides of Hancock Street. The Planning Division recommends approval of the petition.

Mr. Scott Glass, the Chairman of the Historic Preservation Committee (HPC), came forward to speak in favor of the petition. He commented that the HPC looked at this petition last month and unanimously approved the petition.

Chair Hamilton asked for anyone else present to speak in favor or opposition to the petition. No one came forward and Chair Hamilton closed the public hearing portion of the petition. There were no questions from the commissioners. Commissioner Swienton made the following motion, which was seconded by Commissioner Barnes and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Filiaggi Restoration, LLC and City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel's Hill Historic District."

AYES:	Barnes, Hamilton, Hannon, Swienton and Worthington	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby and Sale	2

401 C Street, 423, 507, 517 Spring Street,
305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605,
609, 613, 617, 621 Hancock Street
Petitioner: Filiaggi Restoration, LLC, City of Lynchburg

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

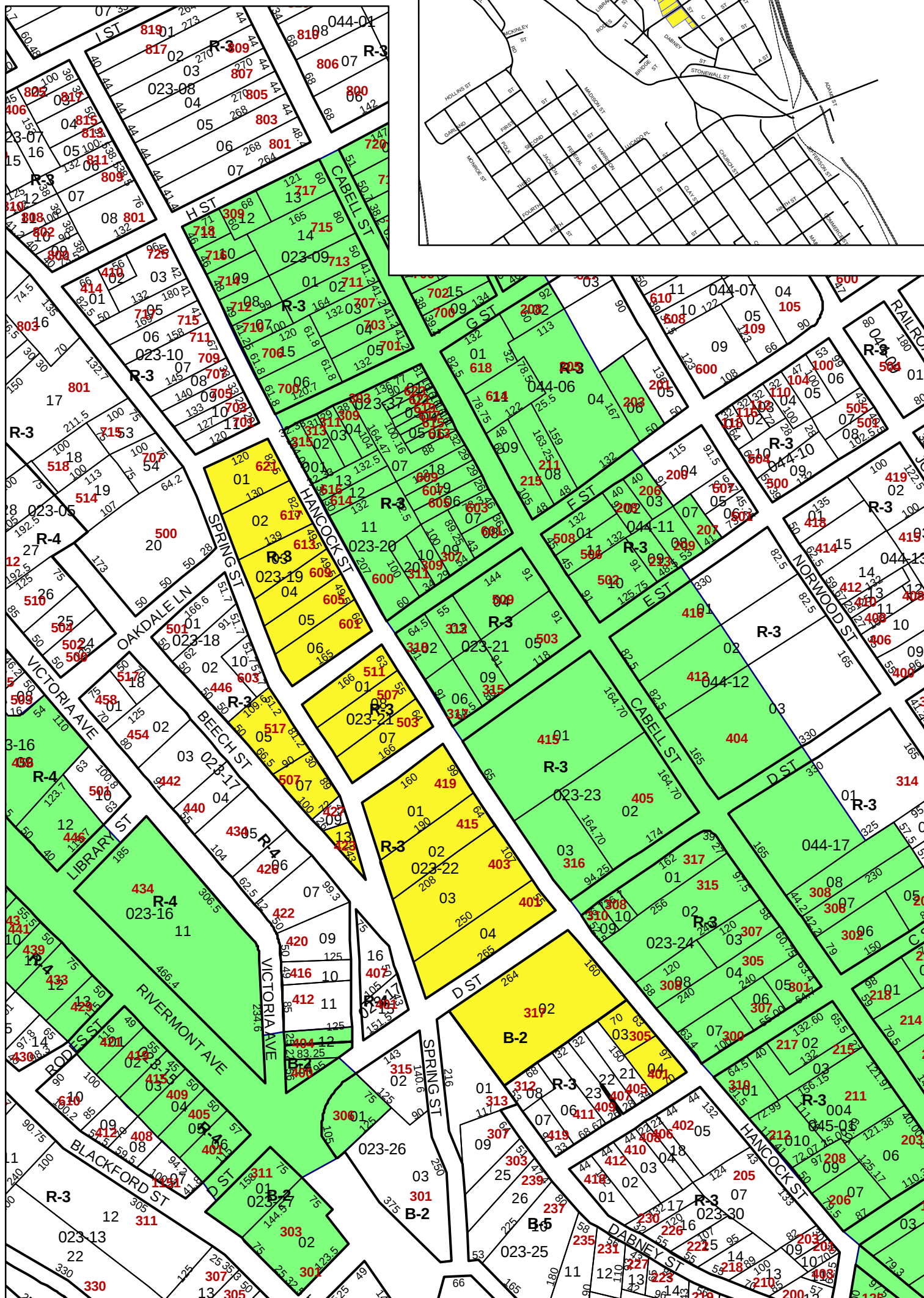


 Local Historic Districts

 Subject Property



200 ft Radius



PROPOSED HD ADJOINING OWNERS

PIN	OWNER	LOCADDR
2305017	MCDONALD JOSEPHINE P & LOUIS R C/O MRS DOROTHY HALL	801 SPRING ST
2305018	DOLSEY PATRICIA A	518 VICTORIA AVE
2305019	STEPHENSON FRANCES B T ESTATE C/O RICHARD B BALLOWE	514 VICTORIA AVE
2305020	LEDINGHAM JOHN L	500 OAKDALE LN
2305053	LYNCHBURG REDEVELOPMENT & HOUSING AUTHORITY	715 SPRING ST
2305054	NOWLIN WILLIAM W & WASHINGTON MAXINE	707 SPRING ST
2309003	LONDON HILLARY K	707 CABELL ST
2309004	WHITE JEAN D	703 CABELL ST
2309005	RAY DONNIE	701 CABELL ST
2309006	RAY DONNIE	700 HANCOCK ST
2309007	RAY DONALD P	710 HANCOCK ST
2309015	LACY ERNEST A	706 HANCOCK ST
2310007	COWAN DAVID C/O HATTIE TANNER	709 HANCOCK ST
2310008	HILL HARRY EDWIN C/O JANET JAMES	707 HANCOCK ST
2310009	FELLOWSHIP CHURCH OF CHRIST TR C/O ELDER ALFRED KEE	705 HANCOCK ST
2310010	RUCKER JAMES E SR	703 HANCOCK ST
2310011	DRISKILL ROBERT H	701 HANCOCK ST
2317001	HERNDON MATHEW T	458 VICTORIA AVE
2317002	BAILEY ALLEN H III & PATRICIA D	454 VICTORIA AVE
2317003	TELLING NOAH J & AMANDA J	442 VICTORIA AVE
2317004	TELLING RICHARD S & LINDA G	440 VICTORIA AVE
2317005	MAHONE PATRICK A & MELISSA J	434 VICTORIA AVE
2317006	MAHONE PATRICK A & MELISSA J	426 VICTORIA AVE
2317007	MAHONE PATRICK A & MELISSA J	422 VICTORIA AVE
2317009	HOLY TRINITY EVANGELICAL LUTHERAN CHURCH TRUSTEES	420 VICTORIA AVE
2317010	MAYBERRY ELMER L	416 VICTORIA AVE
2317011	SCRUGGS JOHN D & CHARLENE P	412 VICTORIA AVE
2317012	SUMNER JEFFREY W & ROSEMARY G	404 VICTORIA AVE
2317014	SUMNER JEFFREY W & ROSEMARY G	400 VICTORIA AVE
2317015	STEPHENSON FRANCES B T ESTATE C/O MRS FRANK STEPHENSC	401 SPRING ST
2317016	STEPHENSON FRANCES B T ESTATE C/O MRS FRANK STEPHENSC	407 SPRING ST
2317018	JOHNSON NONA REID C/O DR EL-DORADO JOHNSON	517 OAKDALE LN
2318001	KRAJEWSKI JESSIE V	501 OAKDALE LN
2318002	COHEN ABE ESTATE C/O BANK OF AM RPMC 995947215	446 BEECH ST
2318005	CITY OF LYNCHBURG C/O STEVE LAWSON	517 SPRING ST
2318007	CITY OF LYNCHBURG C/O STEVE LAWSON	507 SPRING ST
2318009	BARBOUR FREDDIE L	427 SPRING ST
2318010	CITY OF LYNCHBURG C/O STEVE LAWSON	603 SPRING ST
2318013	CITY OF LYNCHBURG C/O STEVE LAWSON	423 SPRING ST
2319001	CITY OF LYNCHBURG C/O STEVE LAWSON	621 HANCOCK ST
2319002	CITY OF LYNCHBURG C/O STEVE LAWSON	617 HANCOCK ST
2319003	CITY OF LYNCHBURG C/O STEVE LAWSON	613 HANCOCK ST
2319004	CITY OF LYNCHBURG C/O STEVE LAWSON	609 HANCOCK ST
2319005	CITY OF LYNCHBURG C/O STEVE LAWSON	605 HANCOCK ST
2319006	CITY OF LYNCHBURG C/O STEVE LAWSON	601 HANCOCK ST
2320001	GREEN CATHERINE A	315 G ST
2320002	FERGUSON DELORES N ESTATE C/O CHERYL A FERGUSON	313 G ST
2320003	FARISS C MATTHEW	311 G ST
2320004	FERGUSON DELORES J A	309 G ST
2320006	HAYTHE ELEANOR & CHARLIE N	605 CABELL ST
2320009	DUNN VICTOR S	307 F ST
2320010	RUCKER MYERS D & MYRA J	309 F ST
2320011	MOORE TAMAR L	600 HANCOCK ST
2320012	SMITH MILDRED L	614 HANCOCK ST
2320013	AYERS WAYNE A & WATSON JANE AYERS	616 HANCOCK ST
2320018	HAYTHE ELEANOR & CHARLIE N	609 CABELL ST
2320019	HAYTHE ELEANOR & CHARLIE N	607 CABELL ST
2320020	BAILIE VERGIE R	311 F ST
2321001	CITY OF LYNCHBURG C/O STEVE LAWSON	511 HANCOCK ST
2321002	GRIMES WILLIAM E	318 F ST
2321003	GRIMES WILLIAM E	312 F ST
2321004	KITCHELL CATHY S	509 CABELL ST
2321005	HALL MARY L C LIFE ESTATE	503 CABELL ST
2321006	ROBERTS EMILY B	317 E ST
2321007	CITY OF LYNCHBURG C/O STEVE LAWSON	503 HANCOCK ST
2321008	CITY OF LYNCHBURG C/O STEVE LAWSON	507 HANCOCK ST
2321009	HORSLEY LEONARD J & SARAH F	315 E ST
2322001	CITY OF LYNCHBURG C/O STEVE LAWSON	419 HANCOCK ST
2322002	CITY OF LYNCHBURG C/O STEVE LAWSON	415 HANCOCK ST
2322003	CITY OF LYNCHBURG C/O STEVE LAWSON	403 HANCOCK ST
2322004	CITY OF LYNCHBURG C/O STEVE LAWSON	401 HANCOCK ST
2323001	BEDSWORTH MICHAEL H & KATHY A	415 CABELL ST
2323002	CITY OF LYNCHBURG C/O STEVE LAWSON	405 CABELL ST
2323003	BEDSWORTH MICHAEL H & KATHY A	316 D ST
2324001	NEWELL ROBERT A	317 CABELL ST
2324002	HOLT WILLIAM W	315 CABELL ST
2324003	MORRIS GERALDINE H	307 CABELL ST
2324004	SOUTHERN PRECISION PROPERTIES INC	305 CABELL ST
2324005	DEACON TROY W & DELANEY THOMAS E	301 CABELL ST
2324006	HOPKINS ESTELLE L & KENNETH	307 C ST
2324007	HOPKINS KENNETH SR & LOWE ESTELLE	300 HANCOCK ST
2324008	MORRIS GERALDINE H	308 HANCOCK ST
2324009	CITY OF LYNCHBURG C/O STEVE LAWSON	310 D ST
2324010	CITY OF LYNCHBURG C/O STEVE LAWSON	308 D ST
2325001	CITY OF LYNCHBURG C/O STEVE LAWSON	313 DABNEY ST
2325002	CITY OF LYNCHBURG C/O STEVE LAWSON	317 HANCOCK ST
2325003	FILIAGGI RESTORAITON LLC	305 HANCOCK ST
2325004	FILIAGGI RESTORATION LLC	401 C ST
2325006	BARKSDALE DOUGLAS R & LOIS A	411 C ST
2325007	BOSTWICK DEANNA J	419 C ST
2325008	CITY OF LYNCHBURG C/O STEVE LAWSON	312 DABNEY ST
2325009	DUKES GRACIE G	307 DABNEY ST
2325010	RUSSELL SARAH L & C L C/O LOUISE JOHNSON	237 DABNEY ST
2325021	ROBINSON JAMES L & ROBINSON GARNETT W	405 C ST
2325022	BIVENS LEE ANNA P C/O DELORES E JACKSON	407 C ST
2325023	TRENT STELLA V & VAUGHAN PATRICIA A & SMITH RACHEL L	409 C ST
2325025	RUSSELL LORENZA E & JUANITA S	303 DABNEY ST
2325026	RUSSELL LORENZA E & JUANITA S	239 DABNEY ST
2326001	L&R LLC	306 RIVERMONT AVE
2326002	COKER SHERRY L	315 SPRING ST
2326003	COKER SHERRY L	301 SPRING ST
2330001	DANIELS CYNTHIA E	418 C ST
2330002	DANIELS JOHN U JR C/O CYNTHIA E DANIELS TRUSTEE	412 C ST
2330003	DANIEL JOHN U JR	410 C ST
2330004	ROSIER PROPERTIES LLC	408 C ST
2330005	SMITH KEVIN L	402 C ST
2330007	LINTHICUM MILDRED N	205 HANCOCK ST
2330016	THOMAS VICTOR L	226 DABNEY ST
2330017	THOMAS VICTOR L	230 DABNEY ST
2330018	ROSIER PROPERTIES LLC	406 C ST
2337007	CABELL STREET T/H HOMEOWNERS C/O ROBERT MCCLINTOCK	303 G ST
4501001	FILIAGGI RESTORATION LLC	310 C ST
4501002	FILIAGGI RESTORATION LLC	217 CABELL ST
4501003	FILIAGGI RESTORATION LLC	215 CABELL ST
4501004	STONER WAYNE E & SUSAN E	211 CABELL ST
4501010	STONER WAYNE E & SUSAN E	212 HANCOCK ST
Owner	FILIAGGI RESTORATION LLC	
Petitioner	CITY OF LYNCHBURG C/O STEVE LAWSON	
	FILIAGGI RESTORATION LLC	
	CITY OF LYNCHBURG C/O STEVE LAWSON	

Address		Parcel ID #	Owner
305	Hancock Street	2325003	FILIAGGI RESTORATION, LLC
317	Hancock Street	2325002	CITY OF LYNCHBURG
401	Hancock Street	2322004	CITY OF LYNCHBURG
403	Hancock Street	2322003	CITY OF LYNCHBURG
415	Hancock Street	2322002	CITY OF LYNCHBURG
419	Hancock Street	2322001	CITY OF LYNCHBURG
503	Hancock Street	2321007	CITY OF LYNCHBURG
507	Hancock Street	2321008	CITY OF LYNCHBURG
511	Hancock Street	2321001	CITY OF LYNCHBURG
601	Hancock Street	2319006	CITY OF LYNCHBURG
605	Hancock Street	2319005	CITY OF LYNCHBURG
609	Hancock Street	2319004	CITY OF LYNCHBURG
613	Hancock Street	2319003	CITY OF LYNCHBURG
617	Hancock Street	2319002	CITY OF LYNCHBURG
621	Hancock Street	2319001	CITY OF LYNCHBURG
401	C Street	2325004	FILIAGGI RESTORATION, LLC
423	Spring Street	2318013	CITY OF LYNCHBURG
507	Spring Street	2318007	CITY OF LYNCHBURG
517	Spring Street	2318005	CITY OF LYNCHBURG

HPC Meeting
January 28, 2008

1. ACTION: PUBLIC HEARING: Petition of Filiaggi Restoration, LLC and City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517 Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel's Hill Historic District

Chair Glass summarized the procedures for the public hearing and asked those in favor of the petition to come forward.

Steve Lawson, Real Estate Manager, City of Lynchburg, and Larry Filiaggi, were present to speak to the request. Mr. Lawson said the City owns most of the lots proposed for historic district designation. Filiaggi Restoration, Inc., owns the lots at 401 C Street and 305 Hancock Street, and it contracted to buy the City-owned lot at 317 Hancock Street. Instead of placing deed restrictions on 317 Hancock Street, they agreed to bring all of the properties into the Daniel's Hill Historic District. All of the lots proposed for designation are currently vacant, and the City has no plans for developing them. However, he said, they will be protected for future development.

Mr. Lawson added that the City may need to acquire some additional right-of-way (about ten feet) along the south side of D Street in order to make bridge repairs. Commissioners were not concerned about this since no historic buildings would be affected.

Michael Bedsworth, 404 Cabell Street, said he owns three properties in the Historic District and was 100% supportive of the petition. He said the designation would enhance the neighborhood by having development occur under the historic district guidelines.

James Delehanty, 613 Cabell Street, asked for clarification of the owners/petitioners and had several questions. After discussion, he stated his support for bringing the properties into the Historic District.

Larry Filiaggi said he owns and is restoring the old Christ Episcopal Church at 215 Cabell Street. He said at this time he did not have any plans to develop the properties on Hancock Street but agreed to have historic district restrictions placed on his properties.

Chair Glass asked those in opposition to the petition to come forward. There was no one present in opposition to the petition.

Commissioner Calhoun stated her support of the request and said historic district designation would give a measure of control over development. Commissioner Mundy commented that there were positive things going on in Daniel's Hill. Commissioner Harvey noted that D Street provided the sense of a gateway to the Historic District, and the subject properties should be protected.

After further discussion, Commissioner McDonald made the following motion which was seconded by Commissioner Calhoun and passed by the following vote:

MOTION: "Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council approval of the petition of Filiaggi Restoration, LLC and the City of Lynchburg to designate all properties located on the southwest side of Hancock Street from C Street to G Street, known as 305, 317, 401, 403, 415, 419, 503, 507, 511, 601, 605, 609, 613, 617, and 621 Hancock Street, 401 C Street; and 423, 507 and 517

Spring Street as a local Historic District overlay zone (Section 35.1-44.1 Historic Districts of the Zoning Ordinance) to be incorporated into the existing Daniel's Hill Historic District."

AYES: Bohnert, Brown, Calhoun, Glass, Harvey, McDonald, Mundy	7
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

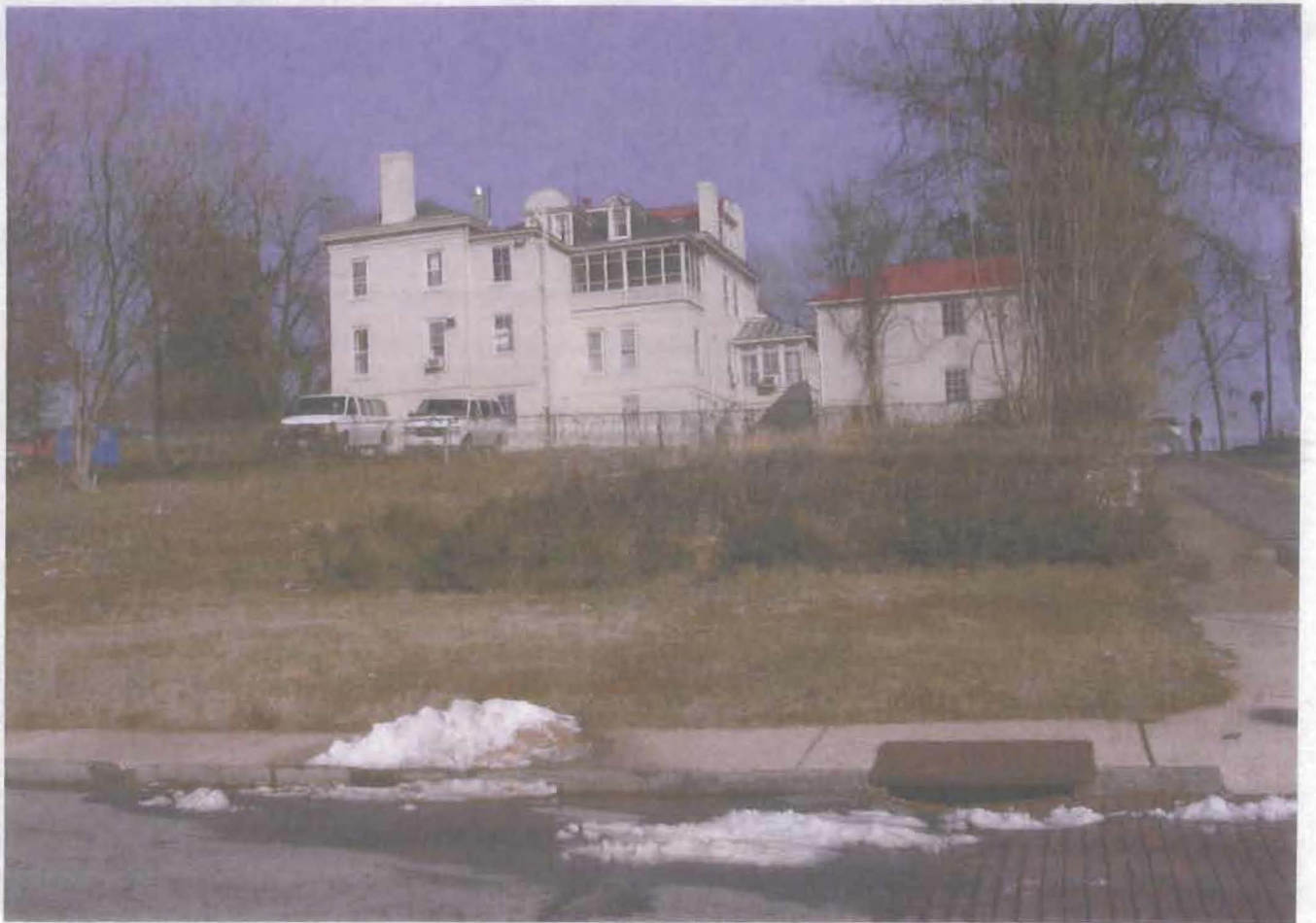
February 13, 2008

[illegible]



From D St. Bridge





Hancock & D Sts. toward N/E





D St. Bridge From Hancock St.





Hancock + C Sts.



LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: March 11, 2008		AGENDA ITEM NO.: 9
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> AMENDMENTS TO SECTION 35.1-44.1 HISTORIC DISTRICTS (c) (2) COMPOSITION, OF THE ZONING ORDINANCE		

RECOMMENDATION: Approval of proposed Amendments (1) and (2)
Denial of proposed Amendment (3)

SUMMARY: The City of Lynchburg is petitioning to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following: (1) "At least one (1) member of the HPC shall be an architect or an architectural historian..." (2)"At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the following disciplines*: architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service..." (3) "The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so."

The Planning Commission and the Historic Preservation Commission recommended approval of proposed Amendments (1) and (2) because:

- The petition for Amendment (1) "At least one (1) member of the HPC shall be an architect or an architectural historian..." agrees with the Comprehensive Plan's Goals, Objectives & Strategies which ensures that regulations and review procedures are effective in achieving Plan goals and objectives. (5.12) It also agrees with the Certified Local Government Program (CLG) requirements for a local review board composition. (CLG Program Requirements, page 13, II.B.2)
- The petition for Amendment (2) "At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the following disciplines*: architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service..." agrees with the Comprehensive Plan's Goals, Objectives & Strategies which ensures that regulations and review procedures are effective in achieving Plan goals and objectives (5.12) It also agrees with the CLG Program requirements for a local review board composition. (CLG Program Requirements, page 13, II.B.2)

*The words "following disciplines:" were added to proposed amendment (2) after the Planning Commission public hearing for grammatical clarity.

The Planning Commission and the Historic Preservation Commission recommended denial of proposed Amendment (3) because:

- The petition for Amendment (3) "The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so" does not agree with the Comprehensive Plan's Goals, Objectives & Strategies, which ensures that regulations and review procedures are effective in achieving Plan goals and objectives. (5.12) It does not meet the CLG Program's requirements for at least two (2) members to have professional training or experience. (CLG Program Requirements, page 13, II.B.2)

- Although the CLG Program regulations permit less than the required minimum number of professional HPC members if the local government can demonstrate it has made a reasonable effort to fill those positions, the Virginia CLG Program permits the appointment of qualified individuals from outside the community. When adequate review of any proposed action would normally involve a professional discipline not represented on the HPC, the HPC must seek appropriate professional advice before rendering its decision.
- With only one (1) HPC member meeting the professional qualifications, there is the greater likelihood for this member to have the need to abstain from participating, requiring the HPC to seek outside professional advice.
- Proposed Amendment (3) does not fulfill the CLG Program requirements for HPC Composition, and this amendment could put Lynchburg's CLG status in jeopardy.

PRIOR ACTION(S):

January 28, 2008: Planning Division recommended approval of proposed Amendments (1) and (2). It recommended denial of proposed Amendment (3).

January 28, 2008: Historic Preservation Commission recommended approval (7-0) of proposed Amendments (1) and (2). It recommended denial (7-0) of proposed Amendment (3).

February 13, 2008: Planning Commission recommended approval (5-0 with two absent—Sale and Oglesby) of proposed Amendments (1) and (2). It recommended denial (5-0 with two absent—Sale and Oglesby) of proposed Amendment (3).

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902
 Tom Martin/ 455-3909
 Annette Chenault/ 455-3894

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Proposed Zoning Ordinance Amendment to Section 35.1-44.1 Historic Districts (c) (2) Composition
- HPC Minutes
- Virginia Certified Local Government Program Requirements
- Secretary of the Interior's Professional Qualifications Standards (36 CFR 61)
- E-mail dated 11/16/07 from Camille Bowman, CLG Coordinator
- Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT SECTION 35.1-44.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE COMPOSITION OF THE HISTORIC PRESERVATION COMMISSION.

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

1. That in order to promote the public necessity, convenience, general welfare and good zoning practice that Section 35.1-44.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 35.1-44.1. Historic districts (HD).

(a) Intent.

The purposes of the historic districts are to promote the public welfare through the creation of historic districts for the protection and preservation of historic buildings, structures, places, archaeological sites, and areas of historic interest (as a class of structural and environmental types) within the City of Lynchburg, as well as the development and maintenance of appropriate settings and environment for such buildings, structures, places and areas as provided by Section 15.2-2306 of the Code of Virginia (1950), as amended.

Some additional purposes of these districts are to stabilize and improve property values in the historic districts; encourage new buildings and developments that will be architecturally compatible with existing historic landmarks, buildings and structures; prevent the encroachment of additions or new buildings and structures that are architecturally incongruous with the environs of the historic districts; promote local historic preservation efforts, and encourage the identification and nomination of qualified historic properties and districts to the National Register of Historic Places and the Virginia Landmarks Register.

The preservation of historical places is intended to provide an educational resource and to foster a sense of pride in our heritage for succeeding generations, that they may appreciate and understand the history of our culture.

(b) Definitions.

The following definitions apply to this historic districts ordinance:

(1) Alteration: Any change, modification or addition to a part of or all of the exterior of any building or structure.

(2) Certificate of appropriateness (COA): The approval statement signed by the historic preservation commission chair and/or the secretary that certifies the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, or demolition of all or a part of any building or structure within a historic district, subject to the issuance of all other permits needed for the matter sought to be accomplished.

(3) Lynchburg commercial historic districts design review guidelines: A publication adopted by city council on November 13, 2007, that gives detailed guidance to property owners of the commercial historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their

decision making. All future editions of the commercial guidelines document and all amendments thereto are automatically adopted and incorporated into the city code.

(4) Contributing property: Those properties which by reason of form, materials, architectural details and relation to surrounding properties contribute favorably to the general character of the historic district in which they are located.

(5) Demolition: The dismantling or tearing down of all or part of any building or structure and all operations incidental thereto.

(6) Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, details, features or elements.

(7) Historic district: A geographically defined area consisting of public and/or private property within the city, possessing a significant concentration, linkage, or continuity of sites, buildings or structures, areas of unique architectural value, landmarks or encompassing parcels of contiguous land united by past events or aesthetically by plan or physical development. A district may also comprise individual buildings or structures separated geographically but linked by association or history. A historic district shall further mean an area designated by city council as a historic district pursuant to the criteria established in (d)(1) of this ordinance. The historic district overlay zone defines the area in which the requirements of the historic districts ordinance shall apply. The historic district overlay zone shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in the historic district overlay zone shall also lie within one or more of the other zoning districts provided by this ordinance.

(8) New construction: Any construction within a historic district that is independent and exclusive of an existing building or structure or part thereof in the historic district.

(9) Noncontributing property: A property so designated on the inventory map of historic districts and properties which are adopted as a part of this ordinance, being generally those properties which by reason of age, condition, amount of alterations, form, materials, architectural details and relation to surrounding properties do not contribute favorably to the general character of the part of the historic district in which they are located.

(10) Repairs in like material and like design: Any work or all work involving the replacement of existing material with equivalent material for the purpose of maintenance, but not including any addition, change or modification in construction design.

(11) Lynchburg residential historic districts design review guidelines: A publication adopted by city council on November 13, 2007, that gives detailed guidance to property owners of the residential historic districts who are contemplating changes or additions to their building or property; and assists the historic preservation commission by providing them with minimum standards to guide their decision making. All future editions of the residential guidelines document and all amendments thereto are automatically adopted and incorporated into the city code.

(12) Restoration: Any or all work connected with the returning to or restoring of a building, or part of any building, to its original condition through the use of original or nearly original materials.

(c) The historic preservation commission.

There is hereby created and established a historic preservation commission, hereinafter referred to as the HPC, formerly known as the board of historic and architectural review, which shall consist of seven (7) members.

(1) Role. The role of the HPC is to administer the city's historic districts ordinance and to provide professional assistance and guidance to property owners in achieving appropriate alterations to their historic properties.

(2) Composition. The members of the HPC shall be appointed by city council and shall be residents of the City of Lynchburg. At least one (1) member of the HPC shall be an architect or an architectural historian and at least one (1) member shall be an owner and a resident of property in a historic district that is defined as a neighborhood but excludes single-structure districts. Not more than one (1) person shall be appointed who is principally engaged in the buying and selling of, or investment in, real estate. All members shall have a demonstrated interest, competence and knowledge in historic preservation. At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualifications used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61. The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the city can demonstrate it made a reasonable effort to fill those positions but was unable to do so.

(3) Terms of Office. All appointments shall be made for a term of three (3) years until they are reappointed or their successors are appointed. No member shall serve for more than three (3) consecutive terms. Within sixty (60) days after they occur, vacancies shall be filled by city council for the unexpired term.

(4) Organization; officers; meetings.

a. The HPC shall elect a chair and a vice-chair. The department of community development shall designate an administrative liaison to act as the secretary to the HPC.

b. The HPC shall meet at such times as it may determine by resolution and in any event within thirty (30) days after notification by the HPC secretary of an application for a permit to erect, reconstruct, externally alter, move or restore, raze or demolish, a building, landmark, or structure noted lying within the confines of a historic district.

c. If any HPC member is absent without cause for three (3) consecutive meetings or is absent for four (4) meetings in any twelve- (12) month period, that member's position shall be deemed vacant.

d. A permanent record shall be kept of the resolutions, transactions, and determinations of the HPC. This record shall be kept and maintained in the department of community development.

e. The HPC is authorized to adopt rules of procedure for its meetings and the administration of the historic districts ordinance.

(d) Historic districts.

(1) City council of the City of Lynchburg has adopted criteria for determination of landmarks, buildings, or structures to be designated as being historically significant. Any changes to said criteria shall be made by city council after receiving recommendations from the HPC.

(2) In order to execute the purposes and objectives of this ordinance, there may be created in the city districts to be known as "Historic Districts" in addition to any existing historic districts. A historic

district may be a part or all of a neighborhood, site, structure or a combination thereof. The boundaries of such districts shall be as described in the ordinance as adopted by city council. The boundaries of such districts shall be shown on maps which shall be filed and maintained in the department of community development.

(3) The procedure to be followed in establishing historic districts is specified in Section 35.1-17 of this code. However, due to the unique nature of a historic district designation relative to traditional zoning, consideration of designating an area as a historic district may be exempted by the city from the regulations cited in Section 35.1-17 with the exception of the public hearing requirements to appear in the local newspaper as specified in Section 35.1-19 of this code. The posting of a sign giving notice of intent to rezone may be waived by the city. In the case of historic district consideration, in addition to other requirements, a fee may be required from the petitioner in the amount set forth in the fee schedule adopted by city council to cover the cost of publishing legal notices for hearings before the HPC, the planning commission and the city council.

(4) A notice that a building may be designated as a "historic district" shall be sent by registered or certified mail to the present owners as disclosed by the landbooks of the city, which notice shall contain the following information: the location and street address; the reason why the building and/or the district in which it is proposed to be located is deemed to be of historic or architectural interest; a copy of the pertinent portions of this ordinance restricting the altering or razing of said building; the place, time and date of the public hearing of the HPC.

(5) The HPC, the planning commission, city council, any petitioner with a petition signed by five (5) registered voters, or the owner of any landmark, building, or structure in the City of Lynchburg, including those listed on the Virginia Landmarks Register or the National Register of Historic Places, may make a written request of the HPC for the consideration of recommending the designation of such landmarks, buildings, or structures as a historic district. The HPC shall recommend the requested addition if, after a public hearing pursuant to Section 35.1-19, it considers said building to be of historic, architectural, or cultural merit as based on the criteria cited in subsection (d)(1).

(6) The HPC, the planning commission, city council, the owner or owners of any landmark, building or structure located within a historic district may make a written request of the HPC for the consideration of recommending the removal of the historic district designation from such landmark, building, or structure. Procedure for notification of a public hearing to remove a designation as a historic district shall be the same as the procedure to establish such designation.

(e) Historic marker.

The HPC shall designate an appropriate marker and may permit each owner of a historic landmark, building or structure to display the marker in an appropriate manner. In addition, the HPC may at its discretion design and display similar markers denoting "historic districts." The costs of making, inscribing, installing and maintaining such markers shall be paid for by the City of Lynchburg. The costs of making, inscribing, installing and maintaining private individual markers shall be paid for by the property owner.

(f) Unauthorized display.

It shall be unlawful for any person to display, without the authorization of the HPC, a marker or any imitation thereof as provided for in subsection (e).

(g) Certificate of appropriateness.

Within a historic district, no building or structure, including signs, and including non-contributing buildings and structures and signs, shall be erected, reconstructed, restored, demolished, or altered in

any way that affects the external appearance of the building or structure, including such items as roofs, chimneys, fences, and color changes, unless the same is approved as being architecturally compatible with historic landmarks, buildings, or structures therein through the issuance of a certificate of appropriateness, also referred to as a COA, by the HPC, the secretary or by city council. A certificate of appropriateness that is granted by the HPC, the secretary or on appeal by city council shall be provided to the neighborhood services division and the inspections division from the secretary. No building permit or demolition permit to authorize any erection, reconstruction, alteration or demolition that affects the external appearance of any landmark, building or structure, or part thereof in a designated historic district, shall be issued until a certificate of appropriateness is issued by the HPC or city council. The decision of the HPC shall be final except where an appeal is timely made to city council pursuant to subsection (j).

Certain minor actions, which are deemed not to permanently affect the character of the historic district, may be exempted from review by the HPC, but the secretary of the HPC shall be notified of the proposed actions and may review and approve the alterations administratively or refer the proposed alterations to the HPC. Such actions shall include the following and any similar actions which in the opinion of the HPC secretary will have no more effect on the character of the district than those listed:

Repainting resulting in the same color scheme, in a different color scheme, or in a color scheme previously approved by the HPC. (Initial painting of masonry surfaces is not exempted from review by the HPC.)

Addition or deletion of storm windows and doors, window gardens, awnings, temporary canopies or similar appurtenances and window air conditioners.

Addition of television or radio antennas, satellite dishes, skylights or solar collectors.

The neighborhood services manager or his/her designee shall have the authority to order that work be stopped and that an application for the issuance of a certificate of appropriateness be filed in any case where in his/her opinion the action may exceed the conditions listed above. The neighborhood services manager or his/her designee shall report this action to the HPC secretary; however, in all cases the decisions may be appealed to the HPC, and a determination shall be made by the HPC on such appeal within thirty (30) days.

(1) Notice to affected property owners when certificate of appropriateness is to be issued; hearing to be afforded affected property owners. Whenever the HPC finds that the issuance of a certificate of appropriateness and the exercise of the rights and privileges granted thereby will, or is likely to, materially and adversely affect the property or the value thereof of another within two hundred feet of the subject property, the HPC shall, before the issuance of the certificate of appropriateness, give due notice of its intention to do so to the owner of such affected property and afford such owner an opportunity to be heard with respect thereto, and the certificate of appropriateness shall not be issued until such notice is given and opportunity afforded. In cases where the HPC deems it necessary, it may hold a public hearing concerning the application after notice has been given as provided for in Section 35.1-19 of this code.

The time within which such certificate of appropriateness may be issued shall, if necessary, be extended for such additional time as is required to give such notice and allow such hearing.

(2) Procedure for review of application. Applicants for review involving alterations and/or additions to existing historic structures or the erection of any new structure within a historic district shall submit to the HPC appropriate documentation, which may include, where appropriate, preliminary drawings and outline specifications, including color samples and photographs.

a. As used herein, drawings shall mean plans and exterior elevations drawn with sufficient detail to show, as far as they relate to exterior appearances, the architectural design, including proposed materials, textures and colors, and including samples of materials and color samples and a plot plan of all improvements affecting appearances of walls, walks, terraces, accessory buildings, lights, and other elements.

b. Legible photographs of all sides of a structure to be reviewed for repair, alteration, or additions will be submitted to the HPC. In the event of new construction, legible photographs of the adjoining and opposite properties may be required.

c. Applications for maintenance involving only a color change will include samples of the proposed colors.

(3) Standards. All decisions of the HPC shall be consistent with standards established by the secretary of the United States Department of the Interior. In addition to using the secretary of the United States Department of the Interior's Standards to guide decisions, the HPC, or city council on appeal, shall consider the following items in considering the appropriateness of architectural features:

a. General form and composition of proposed construction (shape of proposed structure in plan, relationship between width and height of elevation).

b. Setback and placement on lot.

c. Exterior construction materials (textures, patterns, and colors).

d. Architectural detailing (molding on cornices, finals, and cresting on roofs, gable ornaments, lintels).

e. Roof shapes.

f. Windows (relationship of width to height, location) and doors.

g. Height.

h. Porches (shape, style, size, location) and steps.

i. Walls, fences, walkways, pools, fountains, gazebos, gates, sidewalks, streets, signs, and accessory structures.

j. Enclosure (materials, location, height), such as outbuildings, roofed enclosures, and similar type structures.

k. Other features that have an impact on the historic and/or architectural character of the property.

Such compatibility shall be based on a comparison with significant, similar structures within the district and the residential or commercial historic districts design guidelines, as adopted by city council. The HPC shall also consider the economic feasibility and impact of the proposed repairs, alterations, additions, or new construction.

(4) Action of HPC.

a. Within thirty (30) days of receipt of an application for a certificate of appropriateness, the HPC shall meet to review such application. The applicant shall be informed of the time and place at which the HPC will consider the application, and the applicant shall have an opportunity to be heard. The HPC

shall approve or deny the application and notify the applicant of same within thirty (30) days after the first meeting.

b. Certificates of appropriateness issued by the HPC shall expire of their own limitations six (6) months from the date of issuance, if work authorized thereby is not commenced within that time, and shall also expire and become void if such authorized work is suspended or abandoned for a period of ninety (90) days. Any period of time during which the use of such certificate of appropriateness is stayed, pursuant to appeal or court action, is excluded from the computation of the said ninety (90) days.

c. The work authorized by the certificate of appropriateness shall be completed within twelve (12) months of the date of issuance of the certificate of appropriateness, unless, for good cause shown, the HPC determines that a longer period is warranted and the HPC secretary shall be notified by the neighborhood services division of the completed work. If the work authorized by the certificate of appropriateness is not completed within the allotted twelve (12) months or within such longer period as may have been approved by the HPC, the secretary shall be notified by the neighborhood services division and the applicant shall be required to apply in writing for an extension of time to complete the work authorized by the certificate of appropriateness. The HPC or the secretary may grant one or more ninety (90) day-extensions of time for completing the work authorized by the certificate of appropriateness. The failure to meet the deadlines in the certificate of appropriateness will result in the revocation of the COA, and any work done after the owner has been notified of the revocation is punishable as a violation of the zoning ordinance.

d. If the HPC disapproves such plans, it shall state its reason for so doing and shall transmit a record of the reasons therefore in writing to the neighborhood services manager or his/her designee and to the applicant. No further action shall be taken by the city building commissioner or his/her designee to issue a construction permit. The applicant may modify his/her application in regard to the HPC's recommendations and shall have the right to resubmit his/her application to the HPC for its recommendation.

(5) Action of the applicant.

Within ten (10) business days after the HPC shall approve a certificate of appropriateness, the secretary shall issue a certificate of appropriateness for the work authorized and forward it to the neighborhood services division and the inspections division and enter it into the department of community development project tracking system.

(6) Issuance of the certificate of appropriateness.

a. If the HPC approves the application, it shall issue a certificate of appropriateness dated and signed by the secretary. The secretary shall also stamp all prints and other documents submitted to the HPC signifying its decision.

b. Any person to whom a certificate of appropriateness has been issued may commence work at his/her own risk during the fifteen- (15) day appeal period provided for in subsection (j).

(7) Notification by the neighborhood services manager or his/her designee. The neighborhood services manager or his/her designee shall notify the HPC secretary upon completion of work approved in the certificate of appropriateness.

(8) Required for demolition. Subject to the provisions of subsection (i) of this ordinance, no historic landmark, building or structure within a historic district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the HPC, or, on appeal, by city council.

(h) Requirement to provide ordinary maintenance or repair.

(1) Property owners in historic districts (and citywide) shall not allow their buildings and structures to deteriorate by failing to provide ordinary maintenance or repair. The building commissioner or his/her designee is charged with such responsibilities regarding deterioration by neglect, as provided by the current BOCA National Property Maintenance Code. Historic properties must be maintained in accordance with the standards of the Uniform Statewide Building Code.

(2) Removal of exterior features for any reason, whether due to neglect, deterioration, damage or willful removal is a violation of this ordinance and subject to penalties as set forth in zoning ordinance Section 35.1-20(a). Removal of exterior features is not a violation of the historic districts ordinance if the removal is ordered by the building commissioner pursuant to the provisions of the Uniform Statewide Building Code.

(i) Demolition and moving. In addition to the right of appeal hereinafter set forth in subsection (j), the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subsection (g) hereof, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that:

(1) The owner has applied to the city council for such right; and,

(2) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair-market value as determined by the current assessment on the city assessor's records or, upon the owner's request by an appraisal committee which shall be appointed by city council and composed of two (2) local licensed real estate brokers and a local banker, made a bona fide (specifics of which are to be determined by the HPC, which may include but not be limited to national and internet advertising) offer to sell such landmark, building, or structure, and, if necessary, the land pertaining thereto, to the city, or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing and able to preserve and restore the landmark, building or structure and the land pertaining thereto; and,

(3) That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of city council, whether instituted by the owner or by any other party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by city council, but hereafter the owner may renew his/her request to city council to approve the razing or demolition of the historic landmark, building or structure.

(4) The time schedule for offers to sell shall be as follows: three months when the offering price is less than twenty-five thousand dollars (\$25,000); four months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000); five months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000); six months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000); seven months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000); and twelve months when the offering price is ninety thousand dollars (\$90,000) or more.

(j) Appeals.

(1) Whenever the HPC shall, in a final decision, deny an application for a certificate of appropriateness, the applicant for such certificate of appropriateness shall have the right to appeal to and be heard before the city council; provided that he/she files with the clerk of the city council within 15 days after the decision by vote of the HPC, a notice in writing of his/her intention to appeal.

(2) Upon receipt of such notice, the clerk of the city council shall promptly schedule a public hearing as soon as reasonably practical after complying with the appropriate notice requirements. Notice of the hearing shall be given as provided by Section 35.1-19 of this code. Each such appeal shall be accompanied by a check or money order in the amount set forth in the fee schedule adopted by the city council to cover the costs in connection with this notice.

(3) Opponents to the granting of certificates of appropriateness by the HPC shall have the right to appeal to and be heard before the city council, provided there is filed with the clerk of the city council within fifteen (15) days after the decision by vote of the HPC a written petition, signed by at least 25 registered voters of the city, indicating their intention to appeal. Upon receipt of such notice, the clerk of the city council shall promptly schedule a public hearing as soon as it is reasonably practical for city council after complying with notice requirements. Notice of the hearing shall be given as provided by Section 35.1-19 of this code. Costs of advertising appeal hearings requested by said opponents will be paid by the opponents in the amount set forth in the fee schedule adopted by the city council.

(4) On any such appeal, the final decision of the HPC appealed from shall be stayed pending the outcome of the appeal to city council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The city council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same standards and considerations aforesaid in Subsection (g)(3) of this section shall be applied by city council as are established for the HPC. The city council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of city council, subject to the provisions of Subsection i., shall be final. If approved, a certificate of appropriateness, signed by the clerk of the city council, shall be issued to the applicant.

(k) Appeal to the circuit court.

Within thirty (30) days after any final decision is rendered by city council pursuant to this section, an aggrieved party may appeal as a matter of right to the circuit court for the city by filing a petition at law setting forth the alleged illegality of the action by city council. The filing of the said petition shall stay the decision of the city council pending the outcome of the appeal to circuit court, except that the filing of such petition shall not stay the decision of city council if such decision denies the right to raze or demolish a historic landmark, building or structure.

(l) Conflict with statutes, local ordinances or regulations.

Whenever the regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the regulations made under authority of this chapter, the provisions of such statute or local ordinance or regulation shall govern.

(m) Assistance of city administration.

The departments, bureaus, divisions, boards, commissions, agencies, and other offices of the city government shall furnish to the HPC such available information and render it appropriate service as may be required for the exercise of the powers and performance of the duties and functions of the HPC. All city departments and agencies responsible for historic public buildings, monuments, districts, and places shall submit a COA application to demolish, move, or alter said structures or places to the HPC for review and recommendation.

(n) Acquisition of historic real property.

The HPC may recommend to city council that the city acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the HPC, should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people.

(o) Injunctions.

Wherever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the neighborhood services manager or his/her designee may make application to the circuit court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation, or to remedy such violations by restoring the affected property to its previous condition. Upon proof by the neighborhood services manager or his/her designee that such person has engaged in or is about to engage in any such act or practice, a temporary or permanent injunction, restraining order or other appropriate order shall be granted to the neighborhood services manager or his/her designee.

(p) Penalties.

For violations and penalties, see Section 35.1-20 of the zoning ordinance.

(q) Separability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

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

Adopted:

Certified:

Clerk of Council

029L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Historic Preservation Commission

Date: February 13, 2008

Re: **CONSIDERATION OF AMENDING SECTION 35.1-44.1 HISTORIC DISTRICTS (c) (2) COMPOSITION, OF THE ZONING ORDINANCE TO CHANGE THE FOLLOWING: (1) “AT LEAST ONE (1) MEMBER OF THE HPC SHALL BE AN ARCHITECT OR AN ARCHITECTURAL HISTORIAN...” (2) “AT LEAST TWO (2) MEMBERS SHALL MEET HAVE PROFESSIONAL TRAINING IN OR EQUIVALENT EXPERIENCE IN ANY OF THE ARCHITECTURE, HISTORY, ARCHITECTURAL HISTORY, ARCHAEOLOGY OR PLANNING AS PROVIDED IN THE PROFESSIONAL STANDARDS QUALIFICATION USED BY THE NATIONAL PARKS SERVICE...” (3) “THE MINIMUM NUMBER OF PROFESSIONALLY QUALIFIED MEMBERS OF THE HPC MAY BE WAIVED BY THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES WHEN THE CITY CAN DEMONSTRATE IT MADE A REASONABLE EFFORT TO FILL THOSE POSITIONS BUT WAS UNABLE TO DO SO.”**

I. PETITIONERS

City of Lynchburg, City Manager's Office, City Hall, 900 Church Street, Lynchburg, VA 24504-1620

Representative: Annette M. Chenault, Planner II, City of Lynchburg, City Hall, 900 Church Street, Lynchburg, VA 24504-1620

II. LOCATION: N/A

Property Owners: N/A

III. PURPOSE

The purpose of the petition is to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following: (1) “At least one (1) member of the HPC shall be an architect or an architectural historian...” (2) “At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service...” (3) “The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so.”

IV. SUMMARY

- Petition for Amendment (1) “At least one (1) member of the HPC shall be an architect or an architectural historian...” agrees with the *Comprehensive Plan's Goals, Objectives & Strategies* which ensures that regulations and review procedures are effective in achieving *Plan* goals and objectives. (5.12) It also agrees with the Certified Local Government Program (CLG) requirements for a local review board composition. (**CLG Program Requirements, page 13, II.B.2**)
- Petition for Amendment (2) “At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks

Service...” agrees with the *Comprehensive Plan’s Goals, Objectives & Strategies* which ensures that regulations and review procedures are effective in achieving *Plan* goals and objectives. (5.12) It also agrees with the CLG Program requirements for a local review board composition. (CLG Program Requirements, page 13, II.B.2)

- Petition for Amendment (3) “The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so” does not agree with the *Comprehensive Plan’s Goals, Objectives & Strategies* which ensures that regulations and review procedures are effective in achieving *Plan* goals and objectives. (5.12) It does not meet the CLG Program’s requirement for at least two (2) members to have professional training or experience. (CLG Program Requirements, page 13, II.B.2)
- Proposed Amendment (3) does not meet the CLG Program’s requirement for HPC Composition, and this amendment to the Ordinance would put Lynchburg’s CLG status in jeopardy.

The Planning Division recommends approval of proposed Amendments (1) and (2). It recommends denial of proposed Amendment (3).

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The City of Lynchburg *Comprehensive Plan’s Goals, Objectives & Strategies*, Goal 1 ensures that regulations and review procedures are effective in achieving *Plan* goals and objectives. Objective 1.A. provides that existing development regulations be amended to ensure clarity, ease of interpretation and administration, and effectiveness in promoting high quality development. The petition for Amendments (1) and (2) meet the intent of Goal 1. The petition for Amendment (3) does not meet the intent of Goal 1.
2. **Certified Local Government (CLG) Program.** General requirements for CLG Program certification are identified by Federal law; specific requirements for the Virginia Program have been established by the Department of Historic Resources (DHR). Lynchburg was designated the State’s first CLG in 1986. In order to obtain this certification, several amendments were made to the Zoning Ordinance requirements for HPC Members using the specific requirements under the State’s regulations. Proposed Amendments (1) and (2) are taken directly from the State’s language and are appropriate clarifications for HPC membership. Proposed Amendment (3) would not be in compliance with the CLG requirements. The CLG Program requires two (2) HPC positions be filled with professionally qualified people meeting the Secretary of the Interior’s Professional Qualifications Standards (36 CFR 61), identified in Attachment 4. If the City cannot fulfill this requirement, there are procedures for filling those positions with someone from outside the community.
3. **Zoning.** N/A
4. **Board of Zoning Appeals. (BZA).** No variances would be required as a result of the proposed amendments.
5. **Board of Zoning Appeals Surrounding Area.** N/A
6. **Site Description.** N/A
7. **Proposed Use of Property.** N/A
8. **Development and History.** In November, 2007, the Lynchburg City Council directed City staff to initiate proceedings to amend Zoning Ordinance Section 35.1-44.1 Historic Districts relating to (c) (2) Composition of the Historic Preservation Commission (HPC) Members.

Created by the National Historic Preservation Amendment Act of 1980, the Certified Local Government (CLG) Program allows the State Historic Preservation Officer—in Virginia, the Director of the Department of Historic Resources (DHR)—and the Secretary of the Interior to certify for formal participation in the national historic preservation program local governments that have certain elements of a preservation program in place. General requirements for certification are identified by federal law; specific requirements for the Virginia program have been established by the Department of Historic Resources.

Since its designation as a CLG, the City has received approximately \$60,000 in grants from the CLG Program. Also, because of its CLG status, the City has a Programmatic Agreement with the DHR that gives the HPC authority to review alterations to properties that have obtained Federal money in acquiring or restoring the properties. On a time frame for reviews, the Programmatic Agreement saves the City and other agencies such as the Lynchburg Redevelopment & Housing Authority weeks, and perhaps months, by keeping these reviews on a local level.

When Lynchburg became the State's first Certified Local Government (CLG) in 1986, several amendments, including requirements for HPC Members, were made to the Historic Districts Ordinance Section 35.1-44.1 (c) (2). These amendments were approved by the Department of Historic Resources for CLG compliance. HPC Composition currently is as shown in Attachment 1, and the proposed amendments are underlined.

Camille Bowman, Virginia's Certified Local Government Program Coordinator and Architectural Historian, reviewed the proposed amendments. By e-mail dated November 16, 2007 (see Attachment 5), she opined that Amendments (1) and (2) were acceptable under the CLG Program guidelines. Amendment (3), however, would not be acceptable.

9. **Traffic and Parking.** N/A
10. **Storm Water Management.** N/A
11. **Emergency Services.** N/A
12. **Impact.**

Proposed Amendment (1) that the Historic Preservation Commission (HPC) membership shall have an architect or an architectural historian would fulfill the CLG requirement to have 'at least one architect or architectural historian in the membership' according to the Federal and State requirements.

Proposed Amendment (2) that at least two (2) members shall 'have' (rather than 'meet') professional training in or equivalent experience in any of the architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service..." agrees with CLG requirements.

Proposed Amendment (3) offers the opportunity to waive the requirements for two (2) trained HPC members (i.e., the minimal number of trained, qualified members). Virginia's CLG Program requirements, Page 15, Item II.B.2, identified in Attachment 3, states that "At least two review board members shall have professional training or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology, or planning." The CLG Program requirements are emphatic that the HPC shall meet the minimum training standards. If the City cannot fulfill this requirement, there are procedures for filling those positions with someone from outside the community. In this way, at least two (2) trained members will always be

represented on the HPC. Amending the Ordinance to have less than the two (2) required positions would not be in compliance with Virginia's CLG Program.

Since its designation as a CLG, the City has received approximately \$60,000 in grants from the CLG Program. Proposed Amendment (3) does not meet the CLG Program's requirement for HPC composition, and this amendment to the Ordinance would put Lynchburg's CLG status in jeopardy and may affect the City's ability to obtain future grant money. Also, because of its CLG status, the City has a Programmatic Agreement with the Department of Historic Resources (DHR) that gives the HPC authority to review alterations to properties that have obtained Federal money in acquiring or restoring the properties. If the City loses its CLG status, the Programmatic Agreement could also be in jeopardy.

13. Technical Review Committee. N/A

VI. HISTORIC PRESERVATION COMMISSION PUBLIC HEARING—JANUARY 28, 2008

The Historic Preservation Commission held a public hearing on January 28, 2008. An excerpt from the minutes is shown in Attachment 2. The following motion was unanimously approved (7-0):

“Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council approval of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following: (1) ‘At least one (1) member of the HPC shall be an architect or an architectural historian...’ (2) ‘At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service...’ The Historic Preservation Commission recommends to the Planning Commission and City Council **denial** of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to add the following: (3) ‘The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so.’”

VII. PLANNING DIVISION RECOMMENDED MOTION:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following:

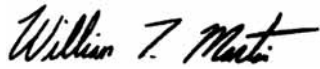
(1) “At least one (1) member of the HPC shall be an architect or an architectural historian...”

(2) “At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service...”

The Planning Commission recommends to City Council **denial** of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to add the following:

(3) “The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so.”

This matter is respectfully offered for your consideration.



W. Thomas Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Charlene T. Montford, Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Ms. Annette M. Chenault, Planner II
Battalion Chief Gregory Wormser, Fire Marshal
Ms. Cindy Kozerow, Lynchburg Police Department Crime Prevention Bureau
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Scott Glass, Chair, Historic Preservation Commission

VII. ATTACHMENTS

1. Proposed Zoning Ordinance Amendment to Section 35.1-44.1 Historic Districts (c) (2) Composition
2. Excerpt from HPC Minutes of January 28, 2008 meeting
3. Virginia Certified Local Government Program Requirements
4. Secretary of the Interior's Professional Qualifications Standards (36 CFR 61)
5. E-mail dated 11/16/07 from Camille Bowman, CLG Coordinator

MINUTES FROM THE FEBRUARY 13, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

b. Consideration of amending Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following:

- (1) "At least one (1) member of the HPC shall be an architect or an architectural historian..."**
- (2) "At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service..."**
- (3) "The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so."**

Ms. Annette Chenault came forward to comment on the petition. This petition was brought by some of the City Council members and brought through the City Manager's office. When the City of Lynchburg was designated as a Certified Local Government (CLG) in 1986, the portion of the ordinance regarding the composition of the Preservation Commission was taken mostly from the CLG guidelines. Amendments 1 and 2 are taken directly from the guidelines and they simply clarify the ordinance. Amendment 3 does not agree with the *Comprehensive Plan* or the CLG guidelines in that the minimum of professionally qualified members of the Preservation Commission cannot be waived. The CLG program requires that if they cannot find the minimum number locally that the city go outside and hire professional membership. The Planning Division recommends approval of Amendments 1 and 2 and denial of Amendment 3.

Mr. Scott Glass also came forward to speak for the petition. He stated the HPC took a look at this last month and their conclusion was the same recommendation as the Planning Division.

Chair Hamilton asked for anyone else to speak either in favor or opposition to the petition. No one came forward, so she closed the public hearing portion of the petition.

Chair Hamilton asked if the HPC is well represented at this time. Mr. Glass said that they are well represented now and always seem to find professional people to serve. They have two architects, an architectural historian and four representatives from the local historic districts on the HPC at the present time. Chair Hamilton asked if they felt that Amendment 3 is really necessary. Mr. Glass and Ms. Chenault both said no, and Mr. Glass thought that it would serve as a detriment because it could jeopardize the city's CLG status. Ms. Chenault said she received clarification from the CLG Coordinator in Richmond that this would jeopardize our CLG requirements. Over the years, the city has received \$60,000 in grants from them and she may be filing for another one this year. Ms. Chenault further commented that there are advantages to being a CLG and Lynchburg was Virginia's first CLG and they are very proud of that.

Chair Hamilton asked if members have to abstain a lot because of their professional affiliations. Mr. Glass said that rarely happens.

Commissioner Hannon asked where this recommendation came from, and Ms. Chenault said that it came from a member of City Council. Mr. Martin asked that if they are going to deny Amendment 3 and approve Amendments 1 and 2, that they make two separate motions.

Commissioner Worthington made the following motion, which was seconded by Commissioner Barnes, and it passed by the following vote:

“That the Planning Commission recommends to City Council approval of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following:

(1) “At least one (1) member of the HPC shall be an architect or an architectural historian...”

(2) “At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service...”

AYES:	Barnes, Hamilton, Hannon, Swienton and Worthington	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby and Sale	2

Commissioner Worthington made the following motion, which was seconded by Commissioner Hannon, and it passed by the following vote:

“That The Planning Commission recommends to City Council denial of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to add the following:

(3) “The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so.”

AYES:	Barnes, Hamilton, Hannon, Swienton and Worthington	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby and Sale	2

Section 35.1-44.1 Historic Districts Ordinance

(c) The historic preservation commission.

There is hereby created and established a historic preservation commission, hereinafter referred to as the HPC, formerly known as the board of historic and architectural review, which shall consist of seven (7) members.

(1) Role. The role of the HPC is to administer the city's historic districts ordinance and to provide professional assistance and guidance to property owners in achieving appropriate alterations to their historic properties.

(2) Composition. The members of the HPC shall be appointed by city council and shall be residents of the City of Lynchburg. At least one (1) member of the HPC shall be an architect or an architectural historian and at least one (1) member shall be an owner and a resident of property in a historic district that is defined as a neighborhood but excludes single-structure districts. Not more than one (1) person shall be appointed who is principally engaged in the buying and selling of, or investment in, real estate. All members shall have a demonstrated interest, competence and knowledge in historic preservation. At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualifications used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61. The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the city can demonstrate it made a reasonable effort to fill those positions but was unable to do so.

(3) Terms of Office. All appointments shall be made for a term of three (3) years until they are reappointed or their successors are appointed. No member shall serve for more than three (3) consecutive terms. Within sixty (60) days after they occur, vacancies shall be filled by city council for the unexpired term.

(4) Organization; officers; meetings.

a. The HPC shall elect a chair and a vice-chair. The department of community development shall designate an administrative liaison to act as the secretary to the HPC.

b. The HPC shall meet at such times as it may determine by resolution and in any event within thirty (30) days after notification by the HPC secretary of an application for a permit to erect, reconstruct, externally alter, move or restore, raze or demolish, a building, landmark, or structure noted lying within the confines of a historic district.

c. If any HPC member is absent without cause for three (3) consecutive meetings or is absent for four (4) meetings in any twelve- (12) month period that member's position shall be deemed vacant.

d. A permanent record shall be kept of the resolutions, transactions, and determinations of the HPC. This record shall be kept and maintained in the department of community development.

e. The HPC is authorized to adopt rules of procedure for its meetings and the administration of the historic districts ordinance.

HPC Meeting
January 28, 2008

- 2. ACTION: PUBLIC HEARING: Consideration of amending Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following: 1. "A least one (1) member of the HPC shall be an architect or an architectural historian..." 2. At least two (2) members shall meet have professional training in or equivalent experience in any of the architecture, history, architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service..." 3. "The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the city can demonstrate it made a reasonable effort to fill those positions but was unable to do so."**

Chair Glass summarized the procedures for the public hearing and asked those in favor of the petition to come forward. There was no one present to speak in favor or opposition to the request.

In response to Chair Glass's question, Ms. Chenault said the request for the amendments came through the City Attorney's Office at the directive of City Council. She said she spoke with Camille Bowman, the CLG Coordinator with the Department of Historic Resources, who followed up with an e-mail on November 16, 2007. Ms. Bowman had no concerns with proposed Amendments (1) and (2) but said Amendment (3) could put Lynchburg's CLG status in jeopardy.

Chair Glass and Commissioners Harvey and Bohnert expressed their opposition to proposed Amendment (3) based on Ms. Bowman's comments.

After further discussion, Commissioner Mundy made the following motion which was seconded by Commissioner Harvey and passed by the following vote:

MOTION: "Based on the preceding Findings of Fact, the Historic Preservation Commission recommends to the Planning Commission and City Council approval of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to change the following: (1) 'At least one (1) member of the HPC shall be an architect or an architectural historian...' (2) 'At least two (2) members shall ~~meet~~ have professional training in or equivalent experience in any of the architecture, history architectural history, archaeology or planning as provided in the Professional Standards Qualification used by the National Parks Service...'

The Historic Preservation Commission recommends to the Planning Commission and City Council denial of the petition of the City of Lynchburg to amend Section 35.1-44.1 Historic Districts (c) (2) Composition, of the Zoning Ordinance to add the following: (3) 'The minimum number of professionally qualified members of the HPC may be waived by the Virginia Department of Historic Resources when the City can demonstrate it made a reasonable effort to fill those positions but was unable to do so.'"

AYES: Bohnert, Brown, Calhoun, Glass, Harvey, McDonald, Mundy	7
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

VIRGINIA CERTIFIED LOCAL GOVERNMENT PROGRAM

I. INTRODUCTION

Enacted by Congress in 1966, the National Historic Preservation Act created a decentralized partnership between the federal government and the states for the operation of the national historic preservation program. This program of identification, evaluation, designation, and protection of historic resources has since been carried out largely by the states. No opportunity was provided in the 1966 act for the involvement of local governments in the national preservation program. Since its initial enactment in 1966 and through several amendments, the National Historic Preservation Act, as amended (16 U.S.C. 470 *et. seq.*) has provided the statutory framework for the national historic preservation partnership. Federal, State, Tribal, and local governments have well-defined and significant roles in the identification, evaluation, designation, and protection of historic and prehistoric properties. Under the National Historic Preservation Act the State Historic Preservation Officer (in Virginia the Director of the Department of Historic Resources) and the Secretary of the Interior are directed to certify local governments to participate formally in the national historic preservation program. The federal law also identifies specific requirements for certification. Chief among the Virginia requirements are administrative and legal capacities in the form of a historic preservation ordinance and a review board to administer the ordinance.

The Certified Local Government (CLG) program is designed to promote the preservation of historic buildings, structures, objects, and areas as well as prehistoric and historic archaeological sites through the establishment of a working relationship between the local government and the State Historic Preservation Office (SHPO). This relationship provides the means of encouraging and expanding local involvement in preservation concerns. For purposes of this program a Virginia local government is a political subdivision—an independent city, a county, or a town—with its own zoning authority.

Certified Local Governments will assume not only a role in the identification, evaluation, and protection of the community's historic resources, but also a formal role in the National Register nomination process. They are eligible to apply for grants from a minimum 10% share of the state's annual Historic Preservation Fund (HPF) allocation and will receive technical and advisory services from the State Historic Preservation Office.

The requirements for the Certified Local Government program in Virginia, the certification procedure, the process for Certified Local Government participation in the National Register program, and the procedure for the transfer of funds to Certified Local Governments are described further in this document.

II. REQUIREMENTS

The National Historic Preservation Act, as amended (16 U.S.C. 470 *et. seq.*) which established the concept of the Certified Local Government program contains five broad standards, shown as Items A-E in this section, all of which must be met before the local government can be certified. The federal standards are further defined and amplified below to indicate the specific standards a Virginia local government must meet in order to be certified.

A. Enforce appropriate state or local legislation for the designation and protection of historic properties.

The Virginia program requires the adoption of a local historic preservation ordinance pursuant to §15.2-2306 of the *Code of Virginia*. This section of the *Code* enables localities to adopt ordinances designating and protecting historic districts containing buildings or structures in the community. These local historic districts can be properties registered by the Virginia Board of Historic Resources as well as other buildings or structures in the locality having an important historic, architectural, archaeological or cultural interest. The section also enables localities to provide for a review board to administer the ordinance. The ordinance

may contain a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within a historic district unless approved by the review board as being architecturally compatible with the historic landmarks, buildings or structures within.

For purposes of the CLG program in Virginia, **designation** shall mean: The identification and designation by a local government for protection of properties meeting local government criteria for historic, architectural, archaeological, or cultural interest pursuant to §15.2-2306 of the *Code of Virginia*.

In Virginia, such designated properties are generally called “historic districts.” These locally designated historic districts can include areas containing a collection of historic resources or they can be individual structures or properties, as well as archaeological sites.

For purposes of this program, **protection** shall mean: A local review process established pursuant to §15.2-2306 of the *Code of Virginia* under which actions—including alterations, new construction, relocation, and demolition—affecting properties in locally designated historic districts must first be reviewed and approved or denied by a locally established review board or preservation commission.

The Virginia CLG program requires the adoption of a local historic preservation ordinance pursuant to §15.2-2306 of the *Code of Virginia* that shall:

1. Include a statement of purpose;
2. Establish a review board to administer the ordinance;
3. Include criteria for the establishment of historic districts that designate and protect properties with historic, architectural or cultural significance and that may be made up of areas including collections of properties, or individual structures, or archaeological sites;
4. Set out a procedure for establishing such historic districts that allows the review board, among others, to initiate proposals for such districts. Such procedures shall not include any requirement of individual owner consent for inclusion in the zoning district;
5. Require clearly delineated boundaries for any such historic districts;
6. Clearly define the actions subject to review by the review board so as to achieve substantially the purpose of preserving buildings and resources of historic, architectural, archaeological, or cultural significance. For those locally designated properties that are a part of multi-property districts listed on the National Register of Historic Places or districts certified for purposes of the Economic Recovery Tax Act of 1981, as amended, those actions shall include at a minimum:
 - a. review of and decision upon exterior alterations to or relocation of all structures (buildings, bridges, signs, fences, walls, monuments, etc.) or signs visible from a public right-of-way within the boundaries established by the ordinance,
 - b. review of and decision upon any proposed demolition within the boundaries established by the ordinance, and
 - c. review of and decision upon all proposed new construction visible from a public right-of-way within the boundaries established by the ordinance; and
 - d. other actions that may affect the locally designated properties.

7. Set forth the standards and guidelines by which the review board shall judge all proposed alterations, relocation, demolition, new construction and other actions brought before it. Alternatively the ordinance shall require the review board to develop and use design review standards and those standards must subsequently be approved by formal resolution of the local governing body. Such standards shall be substantially consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties*;
8. Provide that decisions of the review board are binding upon applicants, unless and until such decisions are overturned on appeal; and
9. Specify methods of enforcing the ordinance, penalties for violations, and procedures for appeal of review board decisions by applicants or other aggrieved parties.

B. Establish and maintain an adequate and qualified historic preservation review commission by state or local legislation

Section 15.2-2306 of the *Code of Virginia* provides for the establishment of local review boards by the local governing body. Under the Virginia program these review boards shall meet the following criteria:

1. All members shall be appointed to the review board by the local governing body and shall have a demonstrated interest, competence, or knowledge in historic preservation. Review boards shall be composed of a minimum of five members, except that in localities of a population smaller than 20,000 the minimum shall be three members.
2. To the extent available in the community, at least one board member shall be an architect or an architectural historian meeting the Secretary of the Interior's professional qualifications standards referred to in 36 CFR 61. At least two review board members shall have professional training or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology, or planning. Local governments may be certified without the minimum number of professional board members if they can demonstrate that they have made a reasonable effort to fill those positions. When individuals with the recommended professional qualifications are not available in the community, the Virginia CLG program permits the appointment of qualified individuals from outside the community, if permitted by the local government. When adequate review of any proposed action would normally involve a professional discipline not represented on the review board, the review board must seek appropriate professional advice before rendering its decision. Information on the credentials of all review board members shall be submitted to the State Historic Preservation Office and shall be kept on file locally for public inspection.
3. The review board shall adopt written bylaws that include at a minimum: provision for regularly scheduled meetings as often as required to complete its work in a timely fashion, but no less often than at least four times a year, a requirement that a quorum be present to conduct business, rules of procedure for considering applications, written minutes for all meetings, minimum attendance requirements for board members, and requirements for attendance at training sessions by board members.
4. Terms of office for review board members shall be for a minimum of three years and shall be staggered.
5. Vacancies on the review board shall be filled within sixty working days.

6. In addition to those duties specified in the local ordinance, the review board shall at a minimum perform the following duties:
 - a. conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by the State Historic Preservation Office (see Section II C);
 - b. act in an advisory role to other officials and departments of local government regarding protection of local cultural resources;
 - c. disseminate information within the locality on historic preservation issues and concerns; and
 - d. review all proposed National Register nominations for properties within the boundaries of the locality. If the review of a nomination would normally involve a professional discipline not represented on the review board, the review board must seek appropriate professional advice before rendering its decision (see Section II B 2).
7. Nothing in this section shall be construed to mean that all local historic preservation activities must be carried out by a single review board. While the SHPO must approve the board which carries out local design review and which will formally comment on National Register nominations, a locality may demonstrate that its review board's work is made effective by coordinated professional advice and activity from other local agencies, boards, and staff.
8. Review board members are expected to attend informational or educational meetings, approved by the SHPO, pertaining to the work and functions of review boards or to historic preservation. While annual training for every board member is the goal, the SHPO will consider the CLG review board training requirement to be met by a CLG if at least a majority of members of its review board receive such training in any one year.

C. Maintain a system for the survey and inventory of historic properties

Requirements for the Virginia program are as follows:

1. The locality shall initiate or continue a process approved by the SHPO to identify historic districts, buildings, archaeological sites, objects, or structures within the boundaries of the local jurisdiction. This process must include a systematic survey of archaeological sites.
2. The local system of survey and inventory and the data produced by that system must be compatible with statewide survey and inventory systems and capable of integration with them and the state comprehensive planning process. The SHPO can provide initial training and continuing technical assistance for the conduct of such survey and inventory systems.
3. The locality shall maintain a detailed inventory of all of its surveyed properties including, but not limited to, the designated multi-property districts, sites, and structures under the specific jurisdiction of the review board. For multi-property designated districts the inventory shall include information on each structure or site within the historic district.
4. All inventory material shall be:

- a. recorded on forms provided by or approved by the SHPO;
- b. accessible to the public, unless confidentiality is protected by law;
- c. updated periodically; and
- d. made available to the SHPO for inclusion in the statewide inventory and for integration into statewide comprehensive historic preservation planning efforts.

D. Provide for adequate public participation in the historic preservation program as a whole

The SHPO will provide guidance on mechanisms to ensure adequate public participation in the local historic preservation program including the process of evaluating properties for nomination to the National Register of Historic Places. The Virginia requirements for providing public participation are as follows:

- 1. All meetings of the review board must be publicly announced, be open to the public, and have an agenda made available to the public prior to the meetings.
- 2. Board meetings must occur at regular intervals and as often as necessary to complete the board's work in a timely manner, but not less often than four times a year.
- 3. Public notice must be provided prior to any special meetings.
- 4. The board shall allow for testimony from interested members of the public, not just applicants.
- 5. Written minutes of all decisions and actions of the board (or on appeal the local governing body), including the reasons and criteria upon which decisions were based must be kept on file and available for public inspection. In accordance with Section 304 of the National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), information concerning the locations of some properties in local historic property inventories may be withheld from public inspection when the release of such information could have the potential of damaging the qualities that make a property historic.
- 6. All decisions by a board shall be made in a public forum and applicants shall be given written notification of decisions of the board.
- 7. The rules of procedure adopted by the board shall be available for public inspection.

E. Satisfactorily perform the responsibilities delegated to it

The SHPO will monitor and evaluate the performance of CLGs according to written standards and procedures. For purposes of this program in Virginia, satisfactory performance shall be attained:

- 1. If the responsibilities delegated to the local government under the four broad standards listed in Sections II A-D of this document are carried out so that local activities are consistent and coordinated with identification, evaluation, and protection activities of the SHPO;
- 2. If review board's design review decisions are consistently made in accordance with and clearly justified by the historic preservation standards enacted by that locality, so that the purpose of preserving buildings and resources of historic, architectural, archaeological, or cultural significance is

met substantially:

3. If at least 80% of the CLG review board's reports to the SHPO on the eligibility of properties and districts within the jurisdiction that are nominated to the National Register of Historic Places are affirmed by the State Review Board;
4. If at least 75% of the nominations submitted by the CLG to the SHPO are technically complete and well documented in accordance with National Register criteria;
5. If a majority of review board members receives training annually;
6. If financial management systems are consistent with U.S. Department of the Interior regulations for fiscal responsibility and the Historic Preservation Fund Grants Manual, when funds have been awarded by the SHPO from the Historic Preservation Fund; and
7. For any local government so identified in its CLG agreement, if improvement can be demonstrated as specified in any or all of these categories:
 - a. extension of historic zoning to additional properties in multi-property historic districts listed in or eligible for listing in the National Register of Historic Places;
 - b. extension of historic zoning to include one or more additional individual properties listed in or eligible for listing in the National Register;
 - c. inclusion in the review board of one or more additional members with professional training in the disciplines identified in Section II B 2 of this document;
 - d. expansion of the review board's purview to include all alterations or new construction within a district rather than just those visible from a public right-of-way;
 - e. extension of local zoning protection to archaeological resources;
 - f. development of a preservation plan or accomplishment of preservation planning activities consistent with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*

Specific performance standards for Certified Local Governments are outlined in Attachment A.

III. PROCESS FOR CERTIFICATION OF LOCAL GOVERNMENTS

A. Applications for Certification to the SHPO

The chief elected official of the local governing body shall request certification from the SHPO. The request shall include:

1. a written assurance that the local government fulfills the requirements that are outlined in Section II A -- D;
2. a copy of the local preservation ordinance;
3. a list of and accompanying maps showing the areas and individual sites protected by the local ordinance;

NPS | [Find a Location](#) |

A Cultural Resource Subject

| [Find a Subject](#) |

ARCHAEOLOGY AND HISTORIC PRESERVATION:

Secretary of the Interior's Standards and Guidelines

[As Amended and Annotated]

Contents

Standards & Guidelines for:

Introduction

Preservation Planning

Identification

Evaluation

Registration

Note on Documentation and
Treatment of Hist. Properties

Historical Documentation

Architectural and Engineering
Documentation

Archeological Documentation

Historic Preservation Projects

Qualification Standards

Preservation Terminology

| [Find a Topic](#) |

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time

professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

[<< Hist. Preserv. Projects](#) | [Intro](#) | [Preserv. Terms](#) >>



"Bowman, Camille (DHR)"
<Camille.Bowman@dhv.virginia.gov>

11/16/2007 03:03 PM

To: <annette.chenault@lynchburgva.gov>

cc: "Carter, Bob (DHR)" <Bob.Carter@dhv.virginia.gov>,
"Andrus, Ann (DHR)" <Ann.Andrus@dhv.virginia.gov>,
<tom.martin@lynchburgva.gov>

bcc

Subject: RE: Historic Districts Ordinance - Proposed Changes

History: This message has been replied to.

Hi Annette:

I am attaching the CLG VA Full Program Document so that you can read the same things I am reading. As you know, this is a Federal program so there are Federal requirements. Additionally, there are State requirements for membership as well. Sometimes, we in Virginia are more strict than the Feds, particularly when it comes to CLG requirements.

The first change I see is that your board will no longer be required to have an architect, but an architectural historian would also serve that requirement. As I see it, that will be fine, according to the Federal and the State requirements. And if you cannot get either, there are procedures for filling those positions (really, that position) with someone from outside the community. So somehow, you would always have an architect or an architectural historian on your board. That's a good thing. In fact, having an architect is highly encouraged, and you would want to strive to have one on your board, whether from your community or outside the community.

I see that the proposal offers the opportunity to waive the requirements for two trained board members (i.e. the minimal number of trained, qualified members). I see that Virginia's requirements on page 15, item II.B.2. states that "At least two review board members shall have professional training or equivalent experience in any of the following disciplines: architecture, history, architectural history, archaeology, or planning." And then it goes on to say that you can find help elsewhere, outside the community. That appears to be fairly emphatic to me: SHALL sounds pretty definite. Therefore, watering down the board with less than two required positions would not be acceptable compliance with Virginia's CLG requirements.

I hope this helps. And I hope that Bob and/or Ann will speak up if I am off base in my interpretation of these requirements.

I am always encouraged by Lynchburg's conscientious efforts to comply with the requirements of the National Historic Preservation Act and to provide a good experience to others. I appreciate all you do.

Best wishes to you, Camille

-----Original Message-----

From: annette.chenault@lynchburgva.gov
[mailto:annette.chenault@lynchburgva.gov]

Sent: Thursday, November 15, 2007 10:27 AM
To: Bowman, Camille (DHR)
Cc: Carter, Bob (DHR); Andrus, Ann (DHR); tom.martin@lynchburgva.gov
Subject: Historic Districts Ordinance - Proposed Changes

Camille,
We anticipate that in the near future changes will be proposed to the City's Historic Districts Ordinance.

The Ordinance was amended several years ago to meet the requirements of becoming a CLG. One of those amendments was in the composition of the HPC.

Please review and let me know any thoughts/comments, particularly whether the changes would keep us in good standing as a CLG.

Thanks.

(See attached file: Historic Districts Ordinance 'HPC Composition'.doc)

Annette M. Chenault
Planner II
Department of Community Development
City Hall, 900 Church Street 24504
(434) 455-3894
fax: (434) 845-7630
www.lynchburgva.gov



- CLG VA Program full document.doc

Amending Section 35.1-44.1 Historic Districts

Public Hearing

February 13, 2008

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: March 11, 2008

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: X

CLOSED SESSION:

(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: Public Hearing Regarding Exchange of Real Estate Owned by the City of Lynchburg at 2617 Lakeside Drive for Real Estate Owned by WCI, L.C. at 2625 Lakeside Drive Along With Various Sanitary Sewer and Temporary Construction Easements.

City Project No. T0051-RWS

City Engineering Project No. 97038-R

RECOMMENDATION: After a public hearing, adopt a resolution authorizing a deed of exchange to be executed to convey to WCI, L.C., property owned by the City of Lynchburg, Tax Map No. 231-09-008, 2617 Lakeside Drive, containing approximately 1.06 acres, in exchange for a portion of Tax Map No. 231-09-001, 2625 Lakeside Drive, containing approximately 3.14 acres, owned by WCI, L.C. to be used as right of way. All sewer and temporary construction easements as shown on attached plan sheets will also be conveyed.

SUMMARY:

The City wishes to exchange property located at 2617 Lakeside Drive, Tax Map No. 231-09-008, containing approximately 1.06 acres, owned by the City of Lynchburg to WCI, L.C. in exchange for property located at 2625 Lakeside Drive, Tax Map No. 231-09-001. The property acquired from WCI, L.C. is to be used for right-of-way in the Breezewood Drive road project. In the exchange we will also acquire various sewer and construction easements as shown on attached plan sheets.

PRIOR ACTION(S):

November 14 2000 – Council heard report on project; adopted a resolution appropriating \$1,377,000.

February 3, 2004 PDC – Committee heard update and three proposed alignments for project.

June 13, 2004 – Council heard three alignment options for extension, history of project and input from public; deferred voting on alignment until August 10, 2004 special session.

June 22, 2004 special session – Council heard update on project; two alignments and approve staff conducting a public hearing on the two alignments.

August 10, 2004 special session – Council heard report reviewing the two alignments; voted and approved Alternative alignment #1.

January 25, 2005 PDC – Committee heard update on project status.

July 11, 2006 PDC – Committee heard update on project status.

September 26, 2006 – Council adopted a resolution to submit construction drawings for entire project to CTB for approval for location and design.

August 14, 2007 PDC – Committee heard a citizen concern regarding sidewalk on Phase II.

Council appropriated \$30,000 in the '99 Capital Budget, \$410,000 in the '05 Capital Budget, and \$2,877,568 in the '06 Capital Budget.

February 26, 2008 – Exchange of real estate reviewed by PDC

FISCAL IMPACT: None

CONTACT(S):

Lee Newland 455-3947

Steve Lawson 455-3945

ATTACHMENT(S):

Resolution; Assessment Information; Aerial Photograph of Each Property; 2 plan sheets showing the right-of-way, sewer, and temporary construction easements that the City of Lynchburg is acquiring from WCI, L.C.

RESOLUTION

WHEREAS, the City owns a parcel of property located at 2617 Lakeside Drive, Tax Map No. 231-09-008, containing approximately 1.06 acres;

WHEREAS, the City is not currently using the property at 2617 Lakeside Drive and does not anticipate any future use of the property;

WHEREAS, WCI, L.C., owns a parcel of property located at 2625 Lakeside Drive, Tax Map No. 231-09-001, containing approximately 3.14 acres;

WHEREAS, the City needs to acquire a portion of the property owned by WCI, L.C., located at 2625 Lakeside Drive and also needs to acquire various sewer and construction easements on the property for the Breezewood Drive road project;

WHEREAS, WCI, L.C., has agreed to convey a portion of the property located at 2625 Lakeside Drive to the City and to grant the City the necessary sewer and construction easements if the City will convey the 1.06 acre parcel of property located at 2617 Lakeside Drive to WCI, L.C.;

WHEREAS, since the City is not currently using the property at 2617 Lakeside Drive and does not anticipate any future use of the property, the City believes the exchange of such property for a portion of the property located at 2625 Lakeside Drive and the necessary sewer and construction easements needed for the Breezewood Drive road project is in the City's best interest.

NOW, THEREFORE, BE IT RESOLVED That the Lynchburg City Council determines that the City has no need for the 1.06 acre parcel of property located at 2617 Lakeside Drive and that the City's continued ownership of the property is no longer required, necessary, appropriate or in the best interest of the City;

BE IT FURTHER RESOLVED That the Council hereby vacates for any public purpose the 1.06 acre parcel of property located at 2617 Lakeside Drive; and

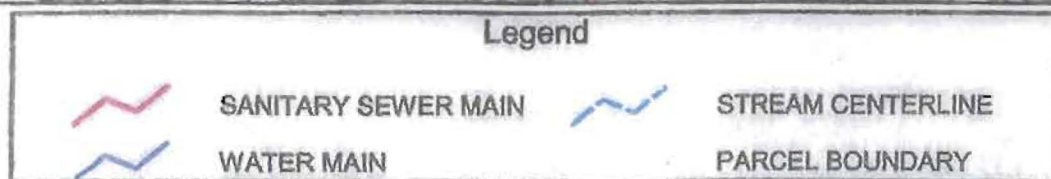
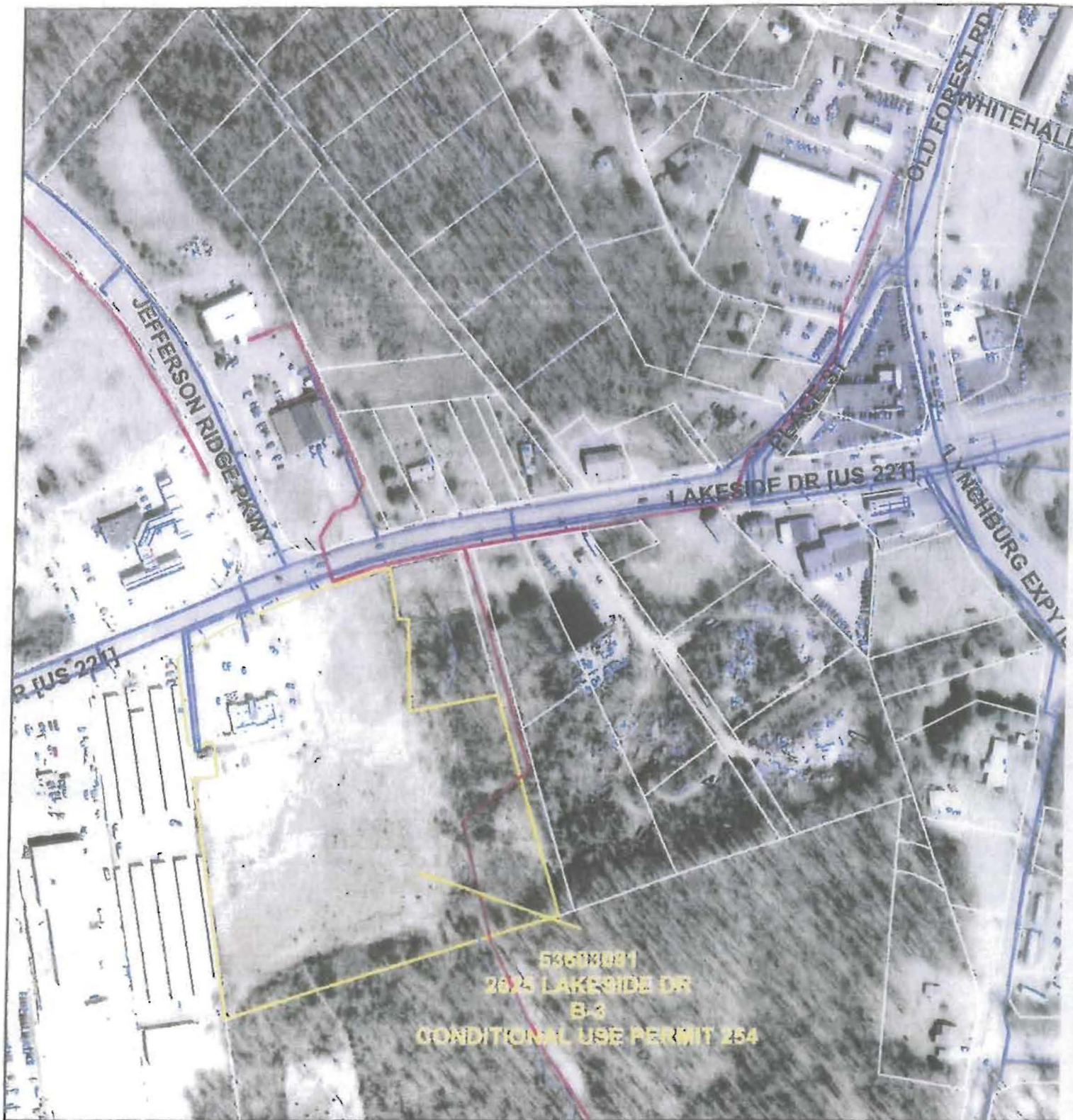
BE IT FURTHER RESOLVED That the City Council hereby accepts the offer of WCI, L.C. to exchange the 1.06 acre parcel of property located at 2617 Lakeside Drive for a portion of the property located at 2625 Lakeside Drive and the necessary sewer and construction easements needed for the Breezewood Drive road project and hereby authorizes the City Manager to execute any deeds and such other documents as may be necessary to complete the exchange of the properties.

Adopted:

Certified:

Clerk of Council

024L



GIS data has been obtained by the City from sources believed to be reliable. However, because of the possibility of human or mechanical error, the City does not guarantee the accuracy or completeness of any information and is not responsible for any errors or omissions or any losses or damages resulting from the use of such information.



Property Tax Values	View Sketch	View Photo	Recent Neighborhood Sales
View Property Card	Close	Print	

Residential Shed - Small Utility

Property Assessment Information - Lynchburg, Virginia**Parcel Identification**

Parcel ID (Old) 23109001
 Parcel ID (New) 53603081
 Property Address 2625 LAKESIDE DR
 Property Owner MAPLE HILLS INC
 Mailing Address 2701 THOMAS JEFFERSON RD
 FOREST, VA 24551-4220
 Legal Description SUBD OF WORLEY LOT 2
 Property Class COMMERCIAL - FAST FOOD
 Neighborhood 7302 - LAKESIDE
 COMMERCIAL CORRIDOR
 *New! Elementary School SHEFFIELD ELEMENTARY
 *New! Middle School PL DUNBAR
 *New! High School HERITAGE HIGH

Land

Legal Acreage 10.2600
 Square Footage 446925
 Frontage

Zoning Refer to Zoning Layer

Special Assessments

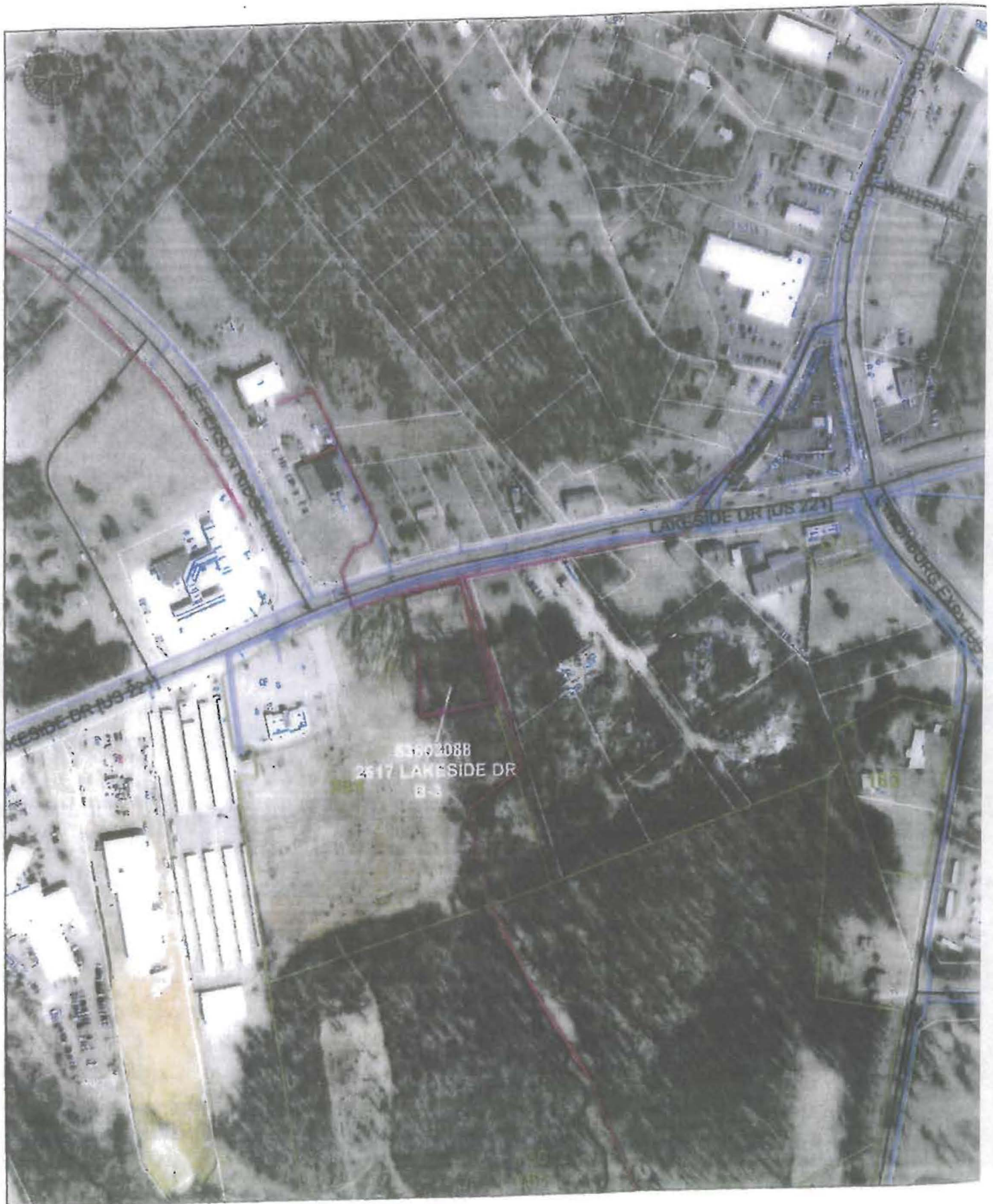
Participant In Land Use Prog NO
 Land Use Deferral Amount
 Participant In Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$787800
 Improvement Value \$625400
 Total Value \$1413200
July 1, 2006
 Land Value \$587800
 Improvement Value \$551000
 Total Value \$1138800
July 1, 2005
 Land Value \$587800
 Improvement Value \$551000
 Total Value \$1138800
Sales History 1
 Recorded Sale Date 01/01/1997
 Sale Amount \$0
 Prior Owner MAPLE HILLS REAL ESTATE CORP
 Prior Instrument Number
 Prior Deed Book/Page 982 12
Sales History 2
 Recorded Sale Date 11/01/1995
 Sale Amount \$335000
 Prior Owner WORLEY, WALTER R JR & MARY R & HUNTE
 Prior Instrument Number
 Prior Deed Book/Page 940 313
Sales History 3
 Recorded Sale Date 07/22/1986
 Sale Amount \$0
 Prior Owner WORLEY, THUSIE A
 Prior Instrument Number
 Prior Deed Book/Page 682 828

Improvement Data

Building Type Restaurant:001
 Type of Structure COMMERCIAL
 Number of Stories 1
 Year Built 1997
 Finished Sq Ft 5124
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft 5124
 Foundation
 Frame Fire Resistant
 Exterior Wall
 Roof Type METAL
 Roof Material
 Heat Type
 Air Conditioned N
 Fireplace
 Number of Rooms 0
 Number of Bedrooms
 Number of Full Baths 0
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings Paving



Property Tax Values

View Sketch

View 1 of 1

Recent Neighborhood Sales

View Property Card

Close

Print

Property Assessment Information - Lynchburg, Virginia

Parcel Identification

Parcel ID (Old) 23109008
 Parcel ID (New) 53603088
 Property Address 2617 LAKESIDE DR
 Property Owner COMMONWEALTH OF VA
 VDOT
 LYNCHBURG DIST OFC ROW
 & UTILS DIV
 Mailing Address PO BOX 11649
 LYNCHBURG, VA 24506-1649
 Legal Description WORLEY SUB.
 Property Class EXEMPT - STATE
 GOVERNMENT
 Neighborhood 7302 - LAKESIDE
 COMMERCIAL CORRIDOR
 *New! Elementary School SHEFFIELD ELEMENTARY
 *New! Middle School PL DUNBAR
 *New! High School HERITAGE HIGH

Land

Legal Acreage 1.0600
 Square Footage 46173
 Frontage 0

City of Lynchburg
 currently owns

Zoning Refer to Zoning Layer

Special Assessments

Participant in Land Use Prog NO
 Land Use Deferral Amount
 Participant in Rehabilitation Prog NO
 Exemption Amount
 Ending (June 30)

Sale/Assessment Information

Current Assessment
 Land Value \$39800
 Improvement Value \$0
 Total Value \$39800
July 1, 2006
 Land Value \$38000
 Improvement Value \$0
 Total Value \$38000
July 1, 2005
 Land Value \$38000
 Improvement Value \$0
 Total Value \$38000
Sales History 1
 Recorded Sale Date 07/01/1992
 Sale Amount \$72175
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page 0 0
Sales History 2
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page
Sales History 3
 Recorded Sale Date
 Sale Amount \$
 Prior Owner
 Prior Instrument Number
 Prior Deed Book/Page

Improvement Data

Building Type
 Type of Structure
 Number of Stories
 Year Built
 Finished Sq Ft
 Basement Sq Ft
 Finished Basement Sq Ft
 Finished Attic Sq Ft
 *New! Total Finished Sq Ft
 Foundation
 Frame
 Exterior Wall
 Roof Type
 Roof Material
 Heat Type
 Air Conditioned
 Fireplace
 Number of Rooms
 Number of Bedrooms
 Number of Full Baths
 Number of Half Baths
 Open Porch Sq Ft
 Enclosed Porch Sq Ft
 Patio/Deck Sq Ft
 Attached Garage Sq Ft
 Attached Carport Sq Ft
 Detached Garage Sq Ft
 Outbuildings

UTILITY OWNERS

WATER & SEWER
 City of Lynchburg
 Utilities Department
 Alvin Harry Doss, Jr.
 525 Taylor Street
 Lynchburg, VA 24501
 434-455-4250

TELEPHONE
 Verizon Virginia, Inc.
 Engineering Department
 553 Leeville Road
 Lynchburg, VA 24502
 434-237-9522
 Repair - 888-663-0363

ELECTRICITY
 American Electric Power
 Alvin Randle S. Eubank
 4001 Warfield Drive
 Lynchburg, VA 24501
 434-522-4231

GAS
 Columbia Gas of Virginia, Inc.
 Customer Service
 Richmond, VA 23235
 1-888-460-4332

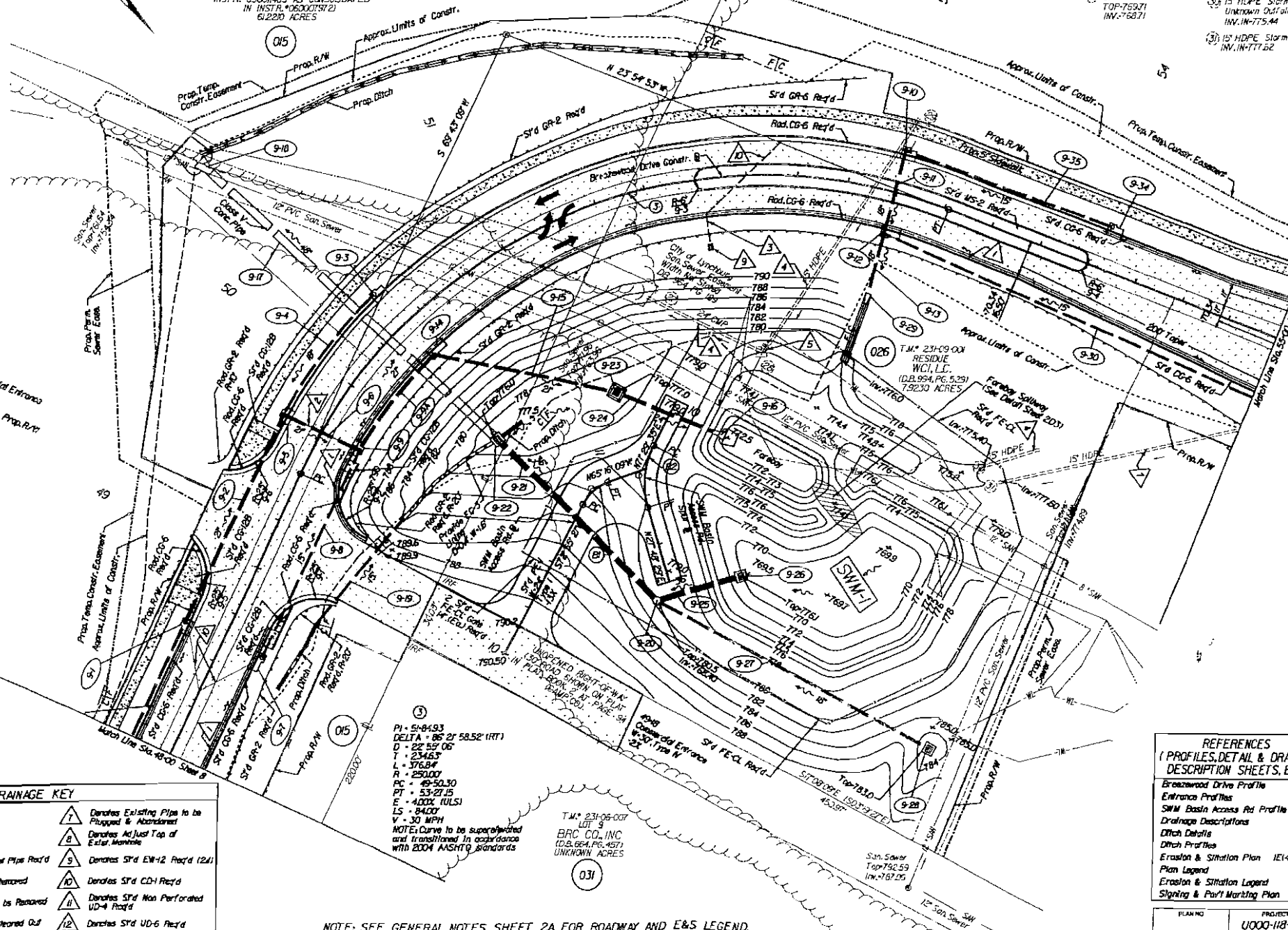
CABLE
 Adelphia Cable
 2820 Unkirk Drive
 Lynchburg, VA 24501
 434-384-1000

T.M. 231-09-001
 HERITAGE BAPTIST CHURCH, INC.
 (DB.554 PG.287 DB.587 PG.537,
 DB.636 PG.51 DB.791 PG.335,
 INSTR.*03001483 AS CONSOLIDATED
 IN INSTR.*060007512)
 6.220 ACRES

T.M. 231-09-001
 RESIDUE
 WCL, L.C.
 (DB.994 PG.529)
 7.9230 ACRES

REVISION	STATE	FEDERAL AID	PROJECT
	VA.		

24" CMP Storm Sewer INV. IN-773.60 INV. IN-767.37	15" HDPE Storm INV. IN-81.84 INV. IN-773.60
Storm Sewer TOP-769.71 INV. IN-768.71	15" HDPE Storm Unknown Outfall INV. IN-775.44
	15" HDPE Storm INV. IN-771.62



DRAINAGE KEY

- | | |
|---|---|
| 1. Ditches Srd UD-4 Road | 7. Ditches Existing Pipes to be Plugged & Abandoned |
| 2. Ditches Srd CD-2 Road | 8. Ditches At Just Top of E&S Manhole |
| 3. Ditches Srd Underdrain Outlet Pipe Road | 9. Ditches Srd EW-2 Road (24) |
| 4. Ditches Existing Pipes to be Removed | 10. Ditches Srd CD-1 Road |
| 5. Ditches Existing Structure to be Removed | 11. Ditches Srd Non Perforated UD-4 Road |
| 6. Ditches Existing Pipes to be Cleaned Out | 12. Ditches Srd UD-6 Road |

PI = 5484.93
 DELTA = 86° 27' 58.52" (RT)
 D = 22' 55' 06"
 T = 234.63
 L = 376.84
 R = 250.00
 PC = 4950.30
 PT = 5327.15
 E = 400X (ULS)
 LS = 84.00
 V = 30 MPH

NOTE: Curve to be super-elevated and transitioned in accordance with 2004 AASHTO standards

T.M. 231-09-001
 LOT 9
 BRC CO., INC.
 (DB.964 PG.457)
 UNKNOWN ACRES

NOTE: SEE GENERAL NOTES SHEET 2A FOR ROADWAY AND E&S LEGEND.

REFERENCES (PROFILES, DETAIL & DRAINAGE DESCRIPTION SHEETS, ETC.)

- Breezewood Drive Profile
- Entrance Profiles
- SWM Basin Access Rd Profile
- Drainage Descriptions
- Ditch Profiles
- Erosion & Situation Plan 1E14
- Plan Legend
- Erosion & Situation Legend
- Signing & Part Marking Plan

PLAN NO. PROJECT
 0000-118

CABLE
Adelphia Cable
2820 Unkown Drive
Lynchburg, VA 24503
434-384-1000

DRAINAGE KEY	
1 Denotes STD UD-4 Req'd	7 Denotes Existing Pipe to be Plugged Abandoned
2 Denotes STD CD-2 Req'd	8 Denotes Adjust Top of Exist. Manhole
3 Denotes STD Underdrain Outlet Pipe Req'd	9 Denotes STD Eff-12 Req'd (24)
4 Denotes Existing Pipe to be Removed	10 Denotes STD CD-1 Req'd
5 Denotes Existing Structure to be Removed	11 Denotes STD Non Perforated UD-4 Req'd
6 Denotes Existing Pipe to be Cleaned Out	12 Denotes STD UD-5 Req'd

T.M. 231-09-001
RESIDUE
WCI, L.C.
(O.B. 994, PG. 529)
79230 ACRES

(32) Storm Sewer
DI
TOP=826.00
INV.=822.00

(33) Storm Sewer
DI
TOP=827.75
INV.=823.55

(34) Storm Sewer
Grade Inlet

T.M.® 231-09-00
LOT 2
WCI, L.C.
(D.R. 994, PG. 529)
12820 AC8F5

DESIGN FEATURES RELATING TO CONSTRUCTION
OR TO REGULATION AND CONTROL OF TRAFFIC
MAY BE SUBJECT TO CHANGE AS DEEMED
NECESSARY BY THE CITY

9-16-107	STATE	PROJECT
----------	-------	---------

VA

Begin Route 221 Rt. Turn Lane
Sig. 10-2500

End Route 221 Rt. Turn Lane
Sta. 12+00.00

END PROJECT U000-118-123.C-50
STA. 59+55.23

NOTE: SEE GENERAL NOTES SHEET 2A FOR ROADWAY AND E&S LEGEND.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Regional Solid Waste Management Plan**

RECOMMENDATION: After a public hearing, adopt a resolution supporting the Regional Solid Waste Management Plan.

SUMMARY:

The State of Virginia requires an update to a Solid Waste Planning Unit (the City is one) Solid Waste Management Plan (SWMP) when there are significant changes. In December 2007, the State Corporation Commission officially approved the creation of the Region 2000 Services Authority of which Lynchburg was a charter member. With the creation of the Region 2000 Services Authority, the State requires a Regional Solid Waste Management Plan to be created and adopted by each participating locality. The SWMP addresses collection, disposal, recycling options, projected growth, and goals for the next 20 years.

This document will replace the City's Solid Waste Management Plan.

PRIOR ACTION(S): As noted above.

FISCAL IMPACT: None

CONTACT(S): Dave Owen

ATTACHMENT(S): Resolution
Regional Solid Waste Management Plan

REVIEWED BY: lkp

RESOLUTION

WHEREAS, Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board has promulgated such regulations entitled, "Regulations for the Development of Solid Waste Management Plans, Amendment 1 as 9 VAC 20-130-10 *et seq.*, effective date August 1, 2001, through the Virginia Department of Environmental Quality, and

WHEREAS these regulations require every locality to submit significant changes to its solid waste management plan, and

WHEREAS, the City has determined that it is in its best interest to participate in the regional solid waste management effort, and

WHEREAS, the City has participated in the creation of the regional solid waste management plan and provided time for the public to review and comment on said plan and held a public hearing to seek input on the plan, and

WHEREAS, the City has carefully solicited the public's comments and considered them in the final plan, and

BE IT RESOLVED, that the Council for the City of Lynchburg has reviewed the regional solid waste management plan and addressed the plan at their meeting on March 11, 2008, and hereby adopts the plan, and authorizes its support to the Virginia Department of Environmental Quality.

Adopted:

Certified:

Clerk of Council

025L

REGION 2000 SERVICES AUTHORITY

SOLID WASTE MANAGEMENT PLAN

(9 VAC 20-130-10 ET SEQ)

DRAFT | JANUARY 2008



R·W·BECK

Mind Powered: Insight with Impact.

R. W. BECK
REGIONAL SOLID WASTE MANAGEMENT PLAN
Region 2000 Service Authority

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This report has been prepared for the use of the client for the specific purposes identified in the report. The conclusions, observations and recommendations contained herein attributed to R. W. Beck, Inc. (R. W. Beck) constitute the opinions of R. W. Beck. To the extent that statements, information and opinions provided by the client or others have been used in the preparation of this report, R. W. Beck has relied upon the same to be accurate, and for which no assurances are intended and no representations or warranties are made. R. W. Beck makes no certification and gives no assurances except as explicitly set forth in this report.

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PRELIMINARY DRAFT

EXECUTIVE SUMMARY

The Region 2000 Partnership, located in south-central Virginia, is comprised of the following 11 communities:

- Appomattox County;
- Town of Appomattox;
- Amherst County;
- Town of Amherst;
- Campbell County,
- Town of Alta Vista;
- Town of Brookneal;
- Nelson County;
- City of Lynchburg;
- Bedford County; and
- City of Bedford.

Of these 11 communities, four (Campbell County, Nelson County, the City of Lynchburg, and the City of Bedford) decided to jointly address solid waste management needs by forming a regional solid waste planning unit. As required by Virginia Waste Management Board's Regulations for Solid Waste Management Planning (9 VAC 20-130-180 through 220) any group of communities that form a regional entity to jointly address solid waste management must first be recognized as a region by Virginia DEQ, and secondly prepare a Solid Waste Management Plan (the Plan) to demonstrate to DEQ that the Regional Authority has concisely planed out long-term solid waste collection and disposal needs.

The first Regional Solid Waste Management Plan, prepared by R. W. Beck, Inc. addresses the above mentioned 9 VAC 20-130-10 et. seq. Waste Management Board Regulations for Solid Waste Management Planning. The Plan presents the context for how the four members that currently comprise the Region 2000 Service Authority (the Authority) plan on addressing their solid waste collection and disposal needs and the context in which solid waste management programs occur in the region. The current focus of the member jurisdictions is to develop a regional approach to solid waste management that will result in greater cooperation, decreased cost of providing service to their customers and citizens, and better protection of human health and the environment. By working together, the member jurisdictions also recognize that a coordinated regional approach provides an enhanced ability to control costs as environmental regulations continue to tighten and the need exists to provide better and longer range solid waste planning. As partners in the Authority, all four communities

will, as of July 1, 2008, combine their regional solid waste disposal needs into one integrated solid waste management system.

The structure of the following solid waste management plan is as follows:

Section 1.0 Introduction

Section 1 provides a brief overview of the relevant Virginia Waste Management Board Solid Waste Management Planning Regulations in addition to the background of the Region 2000 solid waste planning unit and a summary of the region's solid waste goals and objectives.

Section 2.0 Background Information

Section 2 presents information on the status of solid waste management within the United States, focusing on solid waste and recycling generation and disposal and waste composition rates.

Section 3.0 Region 2000 Demographic Data

Section 3 provides a detailed breakout of population, housing, income and other relevant demographic data for the four communities that comprise Region 2000 solid waste planning unit. Information is included on climate, transportation, and economic development issues.

Section 4.0 Solid Waste Generation and Composition Rates

Section 4 contains projections and characterization of the future solid waste stream for the area. The section presents information on the regional solid waste generation quantities and disposal for a 20 year period. Existing landfill capacity is analyzed in light of the projections. The discussion of regional waste generation and composition issues includes sections on the projected tonnage amounts, disposal capacity and cell development of the two regional landfills, special wastes and waste stream composition.

Section 5.0 Existing Solid Waste Management System

Section 5 describes the major components of the current solid waste management systems for the four participating communities. Included in this section is an overview of acceptable materials at the regional landfills, and the individual and regional base, adjusted and final recycling rates calculated using DEQ Forms 50-30.

Section 6.0 Budget

Section 6 provides the Service Authority's FY 2008 operating budget.

Section 7.0 Hierarchy

Section 7 contains a discussion of the waste management hierarchy as it relates to regional solid waste management practices. The hierarchy includes source reduction, reuse, recycling, resource recovery and incineration, and landfilling. A discussion on future disposal options is provided.

Section 8.0 Goals and Objectives

Section 8 analyzes the various goals and objectives of the regional solid waste management program. These goals include collection and disposal, recycling, public awareness policies, and litter control programs.

Section 9.0 Resolutions

Section 9 contains the resolutions relating to the formation of the solid waste planning unit, Virginia DEQ's recognition of Region 2000 as a solid waste planning unit, and adoption of the first ever Region 2000 solid waste management plan.

Section 10.0 Funding and Financing

Section 10 provides an overview of the funding mechanisms and financing methods that the Service Authority will implement to ensure the financial integrity of the Service Authority.

Section 11.0 Public Participation

Section 11 provides information on when and where the Authority and the individual communities will address opportunities for public participation of the regional solid waste management plan.

Key Findings

Key Findings from the Plan include the following:

- The member jurisdictions have agreed to use their existing disposal facilities together via regionalization, operating under a regional Services Authority. Under this scenario, member jurisdictions of the Authority would send their solid waste to either the Campbell County (Campbell) or City of Lynchburg (Lynchburg) landfills. Under this approach, the landfills would have approximately 14 years of capacity assuming a regional start date of July 1, 2008.¹

¹ This projection is based on a 0.25 percent annual increase in tonnage and the assumption that all waste currently handled by the member jurisdictions will continue. In addition, Appomattox County waste will be disposed of at the landfill. Although Appomattox County is not currently a member of the solid waste planning unit, waste will still be sent to the Authority's operating disposal facility. will be disposed of at the landfill. Although Appomattox County is not currently a member of the solid waste planning unit, waste will still be sent to the Authority's operating disposal facility.

- The population of the four communities that comprise the regional solid waste planning unit is expected to increase from 139,785 to 147,000 in the next 25 years.
- In 2007, it is projected that the jurisdictions will dispose of 264,000 tons of solid waste. By 2027 this is projected to grow to 277,600 tons.
- A site life analysis was performed to determine the approximate life of each landfill operating as the regional facility. The analysis assumed that the Authority would accept waste from Appomattox County, the City of Bedford and Nelson County beginning July 2008. Assuming a start date of July 2008, it is estimated that the City of Lynchburg Landfill has five years worth of disposal capacity while the Campbell County landfill is estimated to have 8.3 years of disposal capacity.
- Assuming less than 14 years of disposal capacity remains, the Authority is considering the possibility of creating a new landfill, transfer station and/or waste-to-energy facility to handle the region's future disposal options. In addition, a comparative analysis was conducted to determine the feasibility of constructing a transfer station and a waste-to-energy facility to handle the regions waste.
- A total of 62 percent of the waste stream entering the City of Lynchburg Landfill in 2006 was comprised of MSW. Industrial Waste comprised 26 percent with Sludge another 9 percent.
- A total of 64 percent of the waste stream entering the Campbell County Landfill in 2006 was comprised of MSW. Industrial Waste comprised 21 percent with C&D another 6 percent.
- In 2006, the Base Recycling Rate for Region 2000 was calculated by R. W. Beck to be 28.1 percent. The Adjusted Recycling Rate was calculated to be 40.9 percent while the Final Calculated Recycling Rate is awaiting DEQ approval.

Issues to be dealt with in the future by the Authority include revisiting the extent and type of disposal options available to the region before the Campbell County Landfill reaches capacity. In addition the Authority will explore solid waste management possibilities for public/private partnerships and supervise the hiring of a Recycling Program Manager to oversee residential, commercial and industrial recycling program initiatives.

Section 1 INTRODUCTION

1.1 Legislation

The following solid waste management plan has been prepared in accordance with the Virginia Waste Management Board's Regulations for Solid Waste Management Planning, Amendment 1, 9 VAC 20-130-10 et seq., and effective date August 1, 2001.

1.2 Authority (9 VAC 20-130-20)

The regulations were promulgated pursuant to Chapter 14 (Sec.10.1-1400 et seq. and specifically Sections 10.1-1402, 10.1-1411 and 10.1-1413 of Title 10.1 of the Code of Virginia which authorized the Virginia Waste Management Board to promulgate and enforce such regulations as may be necessary to carry out its duties and power, and the intent of the Virginia Waste Management Act and the federal acts.

1.3 Purpose (9 VAC 20-130-40)

The purpose of the regulations as generally stated in 9 VAC 20-130-40 and elsewhere in the regulations is to:

1. Establish minimum solid waste management standards and planning requirements for protection of public health, public safety, the environment, and natural resources throughout the Commonwealth;
2. Require the development of a comprehensive and integrated solid waste management plan that addresses all components of the solid waste hierarchy established by the United States Environmental Protection Agency (EPA) as embraced by the Commonwealth as follows:
 - Source Reduction (most desirable activity)
 - Reuse
 - Recycling
 - Resource Recovery (waste-to-energy)
 - Incineration
 - Landfilling (least desirable activity)

3. Promote local and regional planning that provides for environmentally sound and compatible solid waste management with the most effective and efficient use of available resources;
4. Establish procedures and rules for designation of regional boundaries for solid waste management plans;
5. Establish state, local government, or regional responsibility for meeting and maintaining the minimum recycling rates of 25 percent;
6. Establish the requirement to withhold permits for failure to comply with the regulations;
7. Provide a method to request reasonable variance or exemptions from the regulations;
8. Provide for reporting and assessment of solid waste management in the Commonwealth.

1.4 Overview

The counties of Amherst, Appomattox, Campbell, Nelson and Bedford and the Cities of Lynchburg and Bedford, Virginia form a Local Government Council situated in South Central Virginia. The Local Government Council was established under section 15.2-4200 of the Code of Virginia as one of 21 planning districts which serve the local governments of the Commonwealth. The Local Government Council works to provide services for member localities and identify and develop opportunities for coordination among the region's local governments. As a part of its Strategic Planning initiative, Virginia's Region 2000 Partnership Local Government Council (the Council) identified regional solid waste management as a concept that should be investigated as a part of its effort to promote regional cooperation and more effective provision of public services within the Council's community. The following local governments within and adjacent to the Council are currently working together on this concept:

- Campbell County;
- Nelson County;
- City of Bedford; and
- City of Lynchburg.¹

The current focus of the member jurisdictions is to develop a regional approach to solid waste management that will result in greater cooperation, decreased cost of providing service to their customers and citizens, and better protection of human health and the environment. By working together, the member jurisdictions also recognize that a coordinated regional approach provides an enhanced ability to control

¹ Amherst County was originally involved in this process, but decided to withdraw from the regional concept in September 2007. In addition, Appomattox County might join the regional concept at a future date.

costs as environmental regulations continue to tighten and the need exists to provide better and longer range solid waste planning. As partners in Region 2000, all four communities will, as of July 1, 2008, combine their regional solid waste disposal needs into one integrated solid waste management system. These four communities have created the Region 2000 Service Authority (Service Authority).

Virginia Department of Environmental Quality (DEQ) regulations 9 VAC 20-130-180 through 220 require any new regional solid waste planning unit (SWPU) must be designated a region by DEQ before being considered for joint development of a solid waste management plan. As such the communities that comprise the Region 2000 SWPU (described in Section 1.5) petitioned the director of the Virginia DEQ for designation of a region. Approval was given to the Region 2000 SWPU on (Date). A copy of the letter approving this designation is provided in Appendix A.

9 VAC 20 regulations also state that any new regional entity, such as the Service Authority, must submit a revised solid waste management plan that details how the participants plan on meeting the mandatory regulations as a region. The following solid waste management plan, detailed in Sections 1 through 11 of this report, intends to fulfill the DEQ requirements as such.

1.5 Background and Planning Area

Between 2004 and 2007 members of the Region 2000 Partnership decided to look into the creation of a SWPU and create a regional boundary (in accordance with 9 VAC 20-130-180 through 9 VAC 20-130-220) for solid waste management issues. Of the seven communities that initially approached the possibility of forming a SWPU, four (Campbell and Nelson Counties, and the Cities of Lynchburg and Bedford) agreed to participate in the SWPU.

In 2004, a Working Group, comprised of local community representatives and Region 2000, conducted preliminary evaluations of the regionalization concept. This preliminary evaluation identified the following three regional alternatives:

- Joint use of existing disposal facilities;
- Creation of a new landfill;
- Creation of a Waste-to-Energy facility; and
- Creation of a Transfer Station.
- Based on the initial analysis, the Working Group recognized potential benefits in the regional concept, and recommended that these issues be studied in further detail by a solid waste management consulting firm (R. W. Beck, Inc.). Table 1-1 below shows the local governments within and adjacent to Region 2000 that participated in the study and the title and year of their independent solid waste management plans.

**Table 1-1
Solid Waste Plans**

Participant	Name and Date of Original SWM Plan
Campbell County	Campbell County, Town of Altavista, Town of Brookneal Solid Waste Management Plan (February 2005)
City of Bedford	City of Bedford Solid Waste Management Plan (February 2007)
Nelson County	Thomas Jefferson Planning District Commission Solid Waste Management Plan (October 2006)
City of Lynchburg	City of Lynchburg Solid Waste Management Plan (September 2007)
Amherst County	N/A
Appomattox County ¹	N/A
Bedford County ²	N/A

Following a competitive selection process, in January 2005 Region 2000 retained the services of R. W. Beck, Inc. (R. W. Beck) to complete a regional solid waste management analysis.

In April 2005, the Council and the participating communities completed a “Regional Solid Waste Management Analysis” with assistance from R. W. Beck. The report evaluated multiple regionalization scenarios such as the joint use of existing facilities, waste-to-energy and transfer stations. This analysis concluded on a preliminary basis that the joint use of existing facilities represents the most viable disposal option for all of the participating communities. Key benefits for the joint use of existing facilities include:

- Establishment of a regional solid waste entity would significantly enhance opportunities for other regional solid waste functions such as solid waste management planning, achievement of recycling goals, collection and disposal of household hazardous waste, and more efficient collection and convenience center operations.
- Significant cost savings to local governments and customers from consolidating landfill operations.
- More efficient landfill operations due to increased economies of scale.

² While Appomattox and Bedford Counties initially decided not to formally participate in the effort, the Commission did identify the need to evaluate the feasibility for these counties to be included in a regional approach. However, the Commission also understood that the analysis of these communities would need to be evaluated on a preliminary basis, since they would not provide direct information or input into the analysis. As of November 2007, Appomattox County is evaluating the feasibility of joining the regional program.

- Reduced air emissions as the City of Bedford and Nelson County would decrease hauling distance by using landfills within the Council, instead of outside of the Council.³
- Greater environmental control due to continued operation of environmental systems associated with each community's Subtitle D landfills, and ultimately closure of each landfill sooner than currently permitted.

Among the member jurisdictions, there are two landfills with significant remaining capacity in Region 2000 (e.g. Campbell County and City of Lynchburg). Operating as an Authority, only one of the two landfills would accept waste for disposal at a time. The member jurisdictions will be required to send all of their solid waste to the active landfill. The Campbell County Landfill will be inactive first and all waste from the member jurisdictions will be sent to the Lynchburg Landfill. Once the Lynchburg Landfill reaches capacity, all waste would go to the Campbell County Landfill. Although the Campbell County Landfill would not accept waste for disposal while inactive, operations would continue to occur from a regulatory perspective (i.e., environmental monitoring, post-closure of closed landfills, site maintenance). This approach of sequencing the use of the landfills has been approved by the Virginia Department of Environmental Quality (VDEQ). Under this approach, the landfills would have approximately 13.3 years of combined capacity assuming a regional start date of July 1, 2008.⁴

Figure 1-1 illustrates the location of the members of the region in relation to the Commonwealth of Virginia. Figure 1-2 provides a map of the location of existing disposal facilities in the Region. For the purpose of this plan, the term "Region" and "Authority" may be used interchangeably.

³ The City of Bedford is in the process of developing a transfer station that would replace its landfill. Without the regionalization option, the city would transfer its waste outside of the region. Nelson County currently transfers its waste to Amelia County.

⁴ This projection is based on a 0.25 percent annual increase in tonnage and the assumption that all waste currently handled by the participating communities will continue.

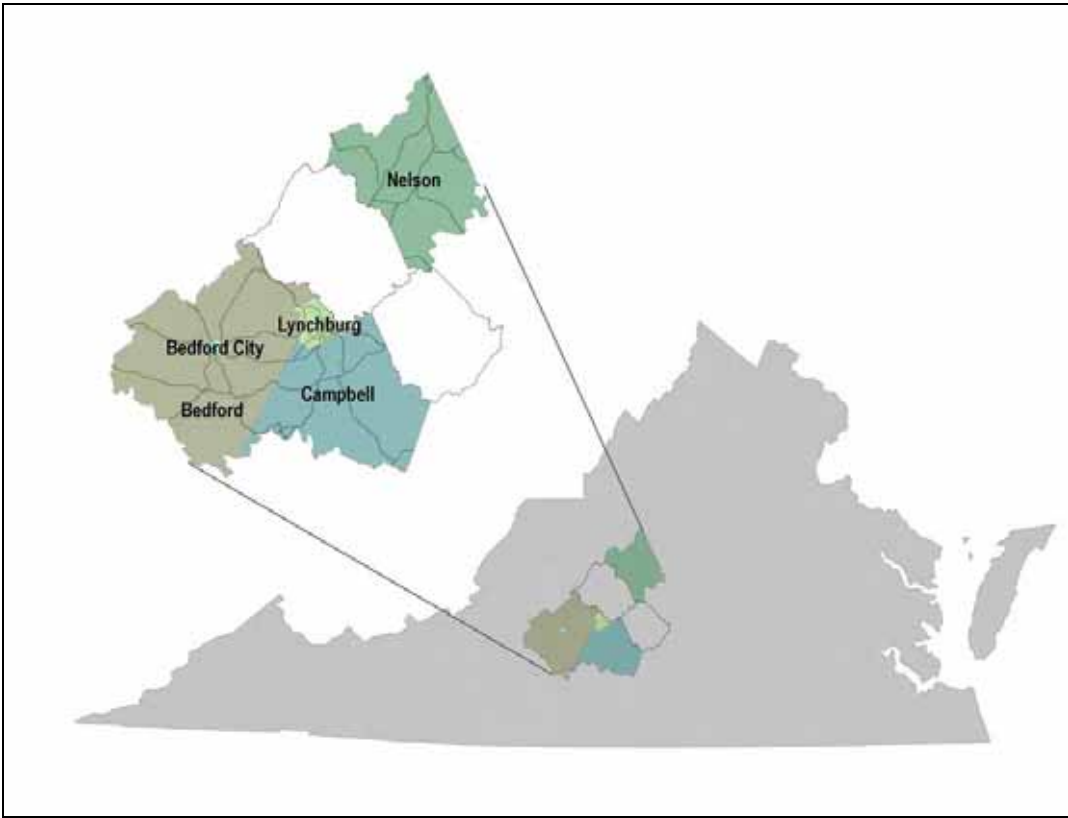


Figure 1-1: Member Communities

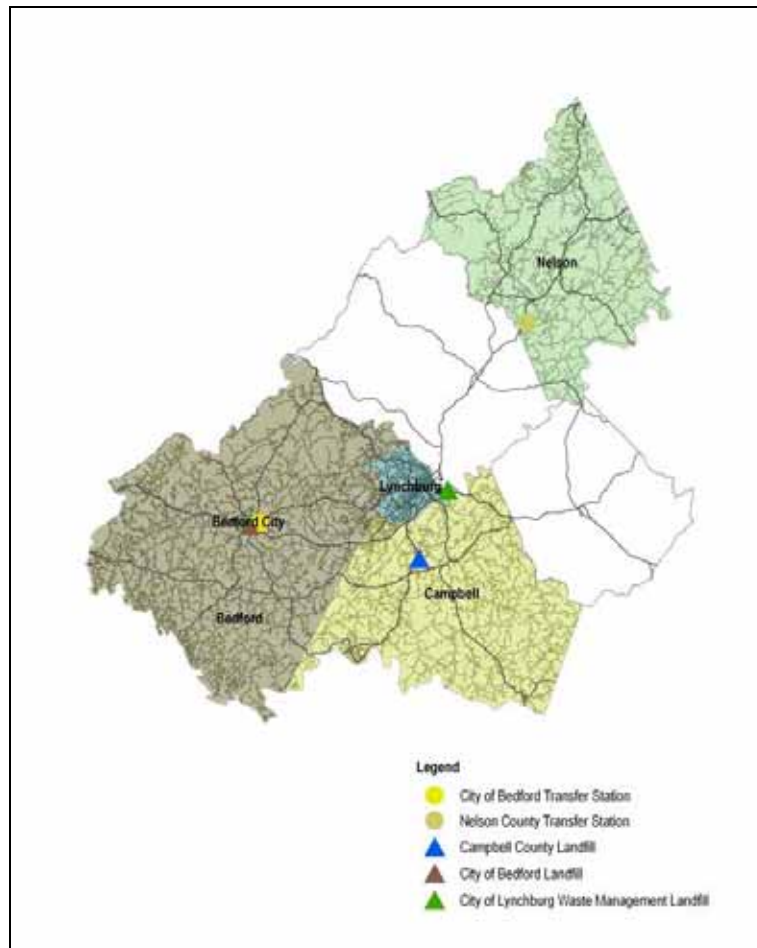


Figure 1-2: Existing Solid Waste Facilities

1.6 Summary of Region 2000 Goals and Objectives

Table 1-2 below summarizes the initial goals and objectives that the individual communities that comprise Region 2000 sought to achieve in order to move forward toward a regional solid waste plan. Appendix B displays the Region's "Master Schedule" detailing by Calendar Year (2007-2008), each major "Activity" that the Authority and the individual communities need to conduct to move forward toward solid waste regionalization.

Table 1-2
Summary of Original Plan and Goals

-
1. Evaluate the potential for alternative approaches to solid waste management practices within the region through the Strategic Planning Initiative of 2002 utilizing an Executive Committee and the formation of a Working Group
 2. Address solid waste management from a regional standpoint, thereby enhancing project economics and the environment and public health.
 3. For each locality to determine the feasibility of solid waste management alternatives within its own jurisdiction for the purpose of developing an integrated solid waste management system.
 4. Develop a regional solid waste management council within the District where local government officials and community representatives could exchange information, ideas, and evaluate possible regional approaches towards solid waste management.
 5. Address the short term and long term needs of the planning area with respect to solid waste management
 6. Encourage operation of solid waste disposal facilities and collection services among District localities where possible.
 7. Develop the most cost-effective and environmentally sound solid waste management system for the planning area.
 8. Meet the recycling mandates as set forth by the DEQ in the most feasible and practical manner.
 9. Determine feasibility of building three Transfer Stations. (Two smaller ones in the City of Bedford and in the Nelson County area, and one larger facility in the Lynchburg area)
 10. Determine feasibility of Waste-to-Energy.
 11. Determine feasibility of a regional cooperative operation of landfill facilities.
 12. Hire a Consultant to conduct a regional solid waste management analysis
 13. Determine budget and other financial estimates for a regional cooperation including cost savings to each individual community
 14. Elicit feedback from citizens of respective communities
 15. Prepare new Regional Solid Waste Management Plan
-

1.7 Planning Period

The planning period for this solid waste management plan is 20 years from 2008 through 2028. Projections of the amount of solid waste generated, and the remaining capacity for the regional disposal facilities will be shown in detail in Section 4.0.

1.8 Critical Definitions (9 VAC 20-130-10)

It is important that the reader of this solid waste management plan have a clear understanding of the terms used throughout the report. The following selected definitions are taken directly from the regulations:

Integrated Waste Management Plan – means a governmental plan that considers all elements of waste management during generation, collection, transportation, treatment, storage, disposal, and litter control and selects the appropriate methods of providing necessary control and services for effective and efficient management of all wastes. An “integrated waste management plan” must provide for source reduction, reuse, and recycling within the jurisdiction and the proper funding and management of waste management programs.

Principle Recyclable Materials (PRM) – means paper, metal (except automobile bodies), plastic, glass, yard waste, wood, and textiles. It does not include large diameter tree stumps.

Recycling – means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product. Recycling does not include processes that only involve size reduction.

Reuse – means the process of separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use.

Source Reduction – means any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery, and recycling within a process.

Supplemental Recyclable Material (SRM) – means waste tires, used oil, used oil filters, used antifreeze, automobile bodies, construction waste, demolition waste, debris waste, batteries, ash, sludge, or large diameter tree stumps, or material as may be authorized by the director.

Treatment – means any method, technique, or process, including but not limited to incineration, designed to change the physical, chemical or biological character or composition of any waste to render it more stable, safer for transport or more amenable to use, reuse, reclamation or recovery. Per email from DEQ, treatment includes tire shredding but does not include mulching.

Used or Reused Material - means a material which is either:

1. Employed as an ingredient (including use as an intermediate) in a process to make a product, excepting those materials possessing distinct components that are recovered as separate end products; or
2. Employed in a particular function or application as an effective substitute for a commercial product or natural resource.

For purposes of this plan, "used or reused material" means a given solid waste material that is separated from the waste stream and used, without processing or changing its form, for the same or another end use.

1.9 Additional Definitions

The following words and terms when used in this plan shall have the following meaning: (*Note:* The following definitions are taken from the Virginia Solid Waste Management Regulations, 9 VAC 20-80-10 or other appropriate sources.)

Agricultural Waste - means solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

CDD Waste - construction, demolition and debris waste defined generically as a category of waste as reported to DEQ which includes the wastes defined below.

Collector - person or business that collects and transports solid wastes or recyclables from residences or businesses for a fee.

Commercial Waste - means solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Composting - means the manipulation of the natural aerobic process of decomposition of organic materials to increase the rate of decomposition.

Construction Waste - means solid waste that is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to, lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if they are part of the construction material or empty containers for such materials. Paints, coatings, solvents, asbestos-containing material, any liquid, compressed gases, or semi-liquids and garbage are not construction wastes.

Contamination - means the degradation in quality of naturally occurring water, air, or soil resulting either directly or indirectly from human activity.

Convenience Center - means a solid waste collection center used by residents of the region to dispose of solid waste materials and recyclables.

DEQ - Virginia Department of Environmental Quality

Debris Waste - means waste resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition Waste - means solid waste produced by destruction of structures and their foundations and includes the same materials as construction wastes.

Discarded Material - means a material that is: (i) abandoned material; (ii) recycled material; or (iii) considered inherently waste-like.

Disposal - means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters.

Friable Asbestos - means any material containing more than 1.0 percent asbestos by weight that, when dry, may be crumbled, pulverized or reduced to powder by hand pressure and regulated as a special waste.

Garbage - a common term for readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Green Box Site - means a convenience center that utilizes roll off or front load containers less than 20 cubic yards in capacity for the collection and / or transportation of solid waste.

Groundwater - means any water below the land surface in the zone of saturation.

Hazardous Waste - means a "hazardous waste" as defined by the Virginia Hazardous Waste Management Regulation, 9 VAC 20-60-12 et seq. Hazardous wastes are wastes that, if not handled or disposed of properly, could cause injury or death, or damage or pollute land, air or water. Hazardous waste determinations are based on whether the waste is currently "listed" by the EPA or exhibits a "characteristic" of hazardous wastes. Listed wastes are waste that either exhibit one of the characteristics or contain any number of toxic constituents that have been shown to be harmful to health and the environment. The EPA list includes over 400 hazardous wastes. Characteristics of hazardous waste are "Ignitable/Flammable", "Corrosive", "Reactive" or "Toxic".

Household Hazardous Waste (HHW) – means any waste material derived from households (including single and multiple residences, hotels and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas) which, except for the fact that it is derived from a household, would otherwise be classified as a hazardous waste in accordance with 9 VAC 20-60.

Household Waste - means normal waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (seepage).

Incineration - means the controlled combustion of solid waste for disposal.

Incinerator - means a facility or device designed for the treatment for volume reduction of solid waste by combustion.

Industrial Waste - means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Industrial Waste Landfill - means a solid waste landfill used primarily for the disposal of a specific industrial waste or a waste that is a byproduct of a production process.

Institutional Waste - means solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include regulated medical waste from health care facilities and research facilities that must be managed as a regulated medical waste.

Jurisdiction - means a local governing body; city, county or town; or any independent entity, such as a federal or state agency, which join with local governing bodies to develop a waste management plan.

Landfill - means a sanitary landfill, a construction/demolition/debris landfill, or an industrial waste landfill.

Litter - means waste material that is discarded, blown, or scattered about a facility, road, or public area.

Mulch - means woody waste consisting of stumps, trees, limbs, branches, bark, leaves and other clean wood waste that has undergone size reduction by grinding, shredding, or chipping, and is distributed to the general public for landscaping purposes or other horticultural uses.

Municipal Solid Waste - means waste that is normally composed of residential, commercial, and institutional solid waste and residues derived from the combustion of these wastes.

Open Dump - means a site on which any solid waste is placed, discharged, deposited, injected, dumped or spilled so as to create a nuisance or present a threat of a release of harmful substances into the environment or present a hazard to human health. Such a site is subject to the open dump criteria in 9 VAC20-80-180.

Recycled Material - means a material that is derived from recycling.

Refuse - means solid waste products having the character of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Regional Authority - means the County of Campbell and the incorporated towns of Altavista and Brookneal, the County of Nelson; and the Cities of Lynchburg and Bedford.

Regulated Medical Waste - means solid wastes so defined by the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 et seq.) as promulgated by the Virginia Waste Management Board.

Residential Waste - means household waste.

Resource Recovery System - means a solid waste management system that provides for collection, separation, recycling and recovery of energy or solid wastes, including disposal of non-recoverable waste residues.

Rubbish - means combustible or slowly putrescible discarded materials that include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

Sanitary Landfill - means an engineered land burial facility for the disposal of solid waste that is so located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Scrap Metal - means bits and pieces of metal parts such as bars, rods, wire, or metal pieces that may be combined together with bolts or soldering that are discarded material and can be recycled. For the purposes of this plan, this definition includes the reclaimable metal parts of white goods.

Site - means land and structures, other appurtenances, and improvements on them used for treating, storing, and disposing of solid waste. This term includes adjacent land within the facility boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. (Note: This term includes sites whether they are planned and managed facilities or open dumps.)

Sludge - means any solid, semisolid or liquid wastes with similar characteristics and effects generated from a public, municipal, commercial or industrial waste water treatment plant, water supply treatment plant, air pollution control facility, or any other waste producing facility.

Solid Waste - means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges that are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

Solid Waste Management Facility ("SWMF") - means a site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Source Separation - means separation of materials from the waste stream by the waste generator of materials that are collected for use, reuse, or recycling.

Special Wastes - means solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Transfer Station - means any solid waste storage or collection facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a central solid waste management facility for disposal, incineration or resource recovery.

Trash - means combustible and noncombustible discarded materials and is used interchangeably with the term rubbish.

Vegetative Waste - means decomposable materials generated by yard and lawn care or land-clearing activities and includes, but is not limited to, leaves, grass trimmings, and woody wastes such as shrub and tree pruning's, bark, limbs, roots, and stumps.

White Goods - means any stoves, washers, hot water heaters or other large appliances. For the purposes of this plan, this definition also includes, but is not limited to, such Freon-containing appliances as refrigerators, freezers, air conditioners, and dehumidifiers.

Yard Waste - means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings. Yard waste shall not include roots or stumps that exceed six inches in diameter.

Section 2 BACKGROUND INFORMATION

To provide background to the discussions contained in this solid waste management plan, a discussion of the status of solid waste management nationally and the Region 2000's goals and objectives are provided in this Section.

2.1 Status of Solid Waste Management Nationally

The following information is taken from "Municipal Solid Waste Generation, Recycling and Disposal in the United States: 2005 Facts and Figures," produced by the United States Environmental Protection Agency (EPA), EPA530-R-06-011, dated October 2006. This report provides data on the national municipal solid waste stream for 1960 through 2005 and is the most recent data provided by the EPA as of May 2007.

It should be noted that as used by the EPA, the term municipal solid waste (MSW) consists of "everyday" items such as product packaging, grass clippings, furniture, clothing, food scraps, newspapers, appliances, and batteries. It does not include materials that may also be landfilled but are not generally considered MSW, such as construction and demolition debris, sludge, and non-hazardous industrial wastes. Virginia's definition is similar defining MSW as waste that is normally composed of residential (household), commercial (businesses other than manufacturing or construction) and institutional solid waste. However, record keeping of localities may not segregate the waste materials in a similar way. Thus, when comparing the information in this section with the data in the solid waste plan, care must be given to the term MSW.

2.1.1 Waste Generation

According to the EPA report, the United States generated approximately 88.1 million tons of MSW in 1960 and approximately 245.7 million tons in 2005. This represents a 279 percent increase in the solid waste generated over the 45-year period. At the same time the United States population increased from 180.0 million persons in 1960 to 296.4 million persons in 2005 or almost a 165 percent increase over the 45-year planning period. Clearly, the increase in tonnage is not just a factor of population but is also impacted by other factors including the commercial sector. Table 2-1 summarizes the waste generation, of MSW for 1960 – 2005 on a pounds per person per day basis:

Table 2-1
USA Waste Generation (MSW) 1960 – 2005
Pounds per Person per Day
as Reported by EPA

Year	Pounds per Person per Day
1960	2.68
1970	3.25
1980	3.66
1990	4.50
1995	4.45
2000	4.63
2001	4.45
2002	4.48
2003	4.53
2004	4.61
2005	4.54

The report noted that residential waste (including apartment houses) is estimated to be 55% and 65% of the total MSW generated, and that commercial waste (including institutional wastes, some industrial sites where packaging is generated and businesses) constitutes between 35% and 45% of the total MSW generated.

2.1.2 What is in the Waste?

In evaluating waste generation, the report examined the composition of the waste materials as discarded before recycling and the amount of the material recovered through recycling programs. Tables 2-2 and 2-3 summarizes the findings from this report:

Table 2-2
USA Waste Composition by Material Type
As Summarized in U.S. EPA Report
2005 Data

Material	Percent of Total Waste Stream	Recovery as Percent of Waste Generation
Paper	34.2	50.0
Glass	5.2	21.6
Metals	7.6	36.8
Plastics	11.8	5.7
Rubber, leather, & textiles	7.3	13.2
Wood	5.7	9.4
Yard trimmings	13.1	61.9
Food scraps	11.9	2.4
Misc. Inorganic Wastes	3.4	Neg.

Table 2-3
USA Generation and Recovery of Materials in MSW
(in millions of tons and % generation by material type)
as Summarized in EPA Report
2005 Data

Material	Weight Generated	Weight Recovered	Recovery as a Percent of Generation
Paper	84.0	42.0	50.0
Glass	12.8	2.8	21.6
Metals (total)	18.7	6.9	36.8
Plastics	28.9	1.7	5.7
Rubber, leather, & textiles	17.8	2.7	13.2
Wood	13.9	1.3	9.4
Yard trimmings	32.1	19.9	61.9
Food scraps	29.2	0.7	2.4
Misc. Inorganic Wastes	3.7	Neg.	Neg.

Based on this information a significant portion of the yard waste, paper and metal wastes are being recovered while there remains limited recovery of plastics, wood, and food scraps.

In addition the report evaluated the waste stream by product type. Table 2-4 summarizes the findings of the report:

Table 2-4
USA Generation and Recovery of Products in MSW
(in millions of tons and % generation by material type)
As Summarized in EPA Report
2005 Data

Material	Weight Generated	Weight Recovered	Recovery as a Percent of Generation
Durable goods	40.3	7.5	18.5
Nondurable goods	63.7	20.5	32.1
Containers and packaging	76.7	30.5	39.8
Food scraps	29.2	0.7	2.4
Yard trimmings	32.1	19.9	61.9
Misc. Inorganic Wastes	3.7	Neg.	Neg.

2.1.3 Disposal

The report tracks the ultimate handling of the wastes generated and indicates that 13.6 percent of the waste generated is combusted, 32.1 percent of the waste is recovered and that 54.3 percent of the waste is landfilled. It also noted that although the number of landfills decreased from nearly 8,000 in 1988 to 1,654 in 2005 the average size of the individual landfills actually increased.

2.1.4 Recycling

According to the report, the United States recycled approximately 5.6 million tons of materials in 1960 and 58.4 million tons in 2005. This represents a 1,005 percent increase in recycling over the 45-year period. In addition, composting of yard trimmings, food scraps, and other MSW organic material has increased from negligible reported quantities in 1960 to 20.6 million tons in 2005. This does not include back yard composting projects. Thus, in 1960, the overall recycling rate in the United States as calculated as recyclables over total MSW was 6.4 percent and in 2005 is 23.8 percent without composting or 32.1 percent with composting. The following table summarizes the recycling and composting rates for 1960 – 2005 on a pounds-per- person per day (pppd) basis:

Table 2-5
USA Recycling and Composting Rates
1960 – 2003
As Reported by EPA

Year	Recycling (pppd)	Composting (pppd)	Total (pppd)
1960	0.17	Neg. spell out	0.17
1970	0.22	Neg.	0.22
1980	0.35	Neg.	0.35
1990	0.64	0.09	0.73
1995	0.96	0.20	1.16
2000	1.03	0.32	1.35
2003	1.05	0.36	1.41
2004	1.07	0.38	1.45
2005	1.08	0.38	1.46

2.1.5 Waste Reduction and Reuse

The following information is taken from the EPA document, “Municipal Solid Waste in the United States: 2001 Facts and Figures,” as cited above. When EPA established its waste management hierarchy in 1989, it emphasized the importance of reducing the amount of waste created, reusing whenever possible, and then recycling what is left. When municipal solid waste is reduced and reused, this is called “source reduction”, meaning that the material never enters the waste stream. Instead it is managed at the source of generation. Source reduction includes the design, manufacture, purchase or use of materials, such as products and packaging, to reduce their amount or toxicity before they enter the MSW waste stream. Examples of source reduction activities are:

- Designing products or packaging to reduce the quantity or the toxicity of the materials used, or to make them easier to reuse.
- Reusing existing products or packaging; for example, refillable bottles, reusable pallets, and reconditioned barrels and drums.
- Lengthening the lives of products so less material is thrown away over time.
- Using packaging that reduces the amount of damage or spoilage of a product.
- Managing non-product organic wastes through onsite composting or other alternative disposal techniques.

According to the EPA, the United States prevented more than 55 million tons of MSW from entering the waste stream using 1990 as the baseline year. The EPA believes that reducing the amount of yard trimmings is particularly important in reducing the MSW in landfills across the United States. The following table taken from the EPA indicates the source reduction by major material categories:

Table 2-6
USA Source Reduction by Major Category
Year 2000 as Reported by EPA

Material	Million Tons	% Total
Durable goods (e.g. appliances, furniture)	5.4	9.8%
Nondurable goods (e.g. newspapers, clothing)	9.3	16.8%
Containers and packaging (e.g. bottles, boxes)	15.5	28.1%
Other MSW (e.g. yard trimmings, food scraps)	25.0	45.3%
Total Source Reduction (1990 baseline year)	55.1	100.0%

Source reduction avoided an increase in the waste stream from 1999 to 2000 of nearly 25 percent. According to EPA, between 2 and 5 percent of the waste stream is potentially reusable and reflecting the interest in reuse is the establishment of over 6,000 reuse centers throughout the country ranging from specialized programs for building materials, to salvage facilities at landfills, to local/national programs such as Goodwill and Salvation Army.

Section 3

REGION 2000 DEMOGRAPHIC DATA

3.1 Location

The four participating communities that comprise Region 2000 are located in South Central Virginia and include the Counties of Campbell and Nelson and the City's of Bedford and Lynchburg. The total land mass of the four communities is approximately 1,032 square miles. The highest population densities exist in around the City of Lynchburg located geographically in the center of the four communities. Figure 3-1 displays the individual communities in relation to each other and the state as a whole.

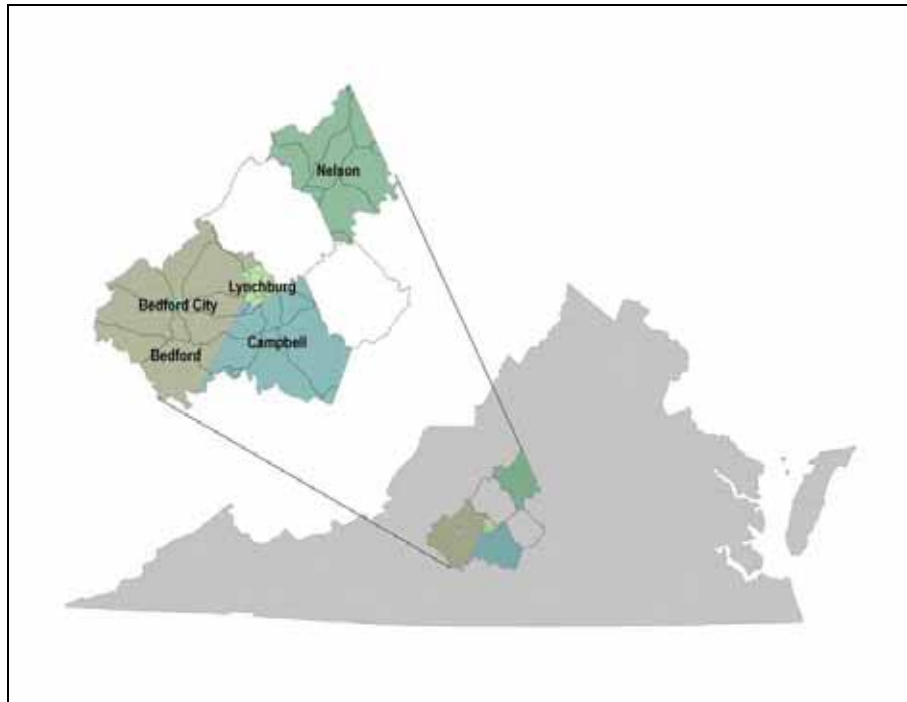


Figure 3-1: Map of Region 2000 Communities

3.2 Demographics

3.2.1 Population

The University of Virginia's Weldon Cooper Center for Public Service (the Center) provides population and other demographic information for both the state of Virginia, in addition to the state's counties and cities. The Center reports that the Commonwealth's population reached 7.6 million on July 1, 2006, which includes more than 560,000 new residents since 2000. The state's population growth is due, almost equally, to natural increase (more births than deaths) and to net in-migration.

The Center reports that the state as a whole had an annual growth rate of 1.3 percent between 1990 and 2000. The growth rate since 2000 has been slightly slower at 1.2 percent. In 2005 the state gained a net increase of 78,500 persons, lower than the average of 92,000 from previous years. The five fastest growing localities in the state, since 2000 are Loudon County (59%), Manassas Park City (35%), Prince William County (32%), Stafford County (30%), and Spotsylvania County (30%).

While most localities have gained population since 2000, 33 counties and cities have experienced population losses. These localities consist primarily of older central cities, such as Richmond, Petersburg, Portsmouth and Roanoke, and rural localities in Southside and Southwest Virginia.

According to the Weldon Cooper Center, in 2005 the population of the four Region 2000 communities was 139,785. The Virginia Employment Commission projects that between 2010 and 2025 the population of the Region 2000 communities will grow approximately four percent. Table 3-1 below provides a breakdown of the population projections for the Region by individual community, while Figures 3-2 and 3-3 display the overall population percent projections for 2005 and 2030.

Table 3-1
Regional Population Projections
2010-2030

Name	2005 ¹	2010 ²	2015 ³	2020 ²	2025 ⁴	2030 ²
Campbell County	50,995	53,600	54,850	56,100	57,250	58,400
Nelson County	14,909	15,100	15,500	15,900	16,250	16,600
Bedford City	6,125	6,500	6,550	6,600	6,650	6,700
Lynchburg City	67,756	65,300	65,300	65,300	65,300	65,300
Total:	139,785	140,500	142,200	143,900	145,450	147,000

¹ Source: Weldon Cooper Center for Public Service, Demographics and Workforce Section, www.coopercenter.org/demographics/

² Source: Virginia Employment Commission, <http://velma.virtuallmi.com/>

³ Extrapolated by R. W. Beck using the average of 2010 and 2020 population

⁴ Extrapolated by R. W. Beck using the average of 2020 and 2030 population projections

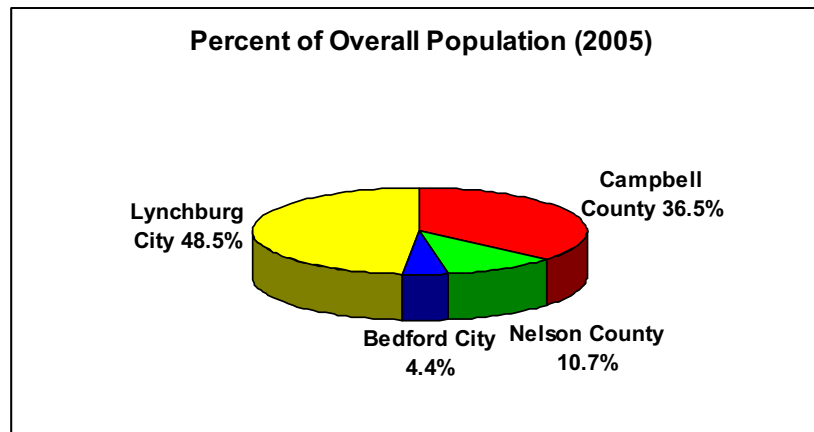


Figure 3-2: Population Percent Breakout (2005)

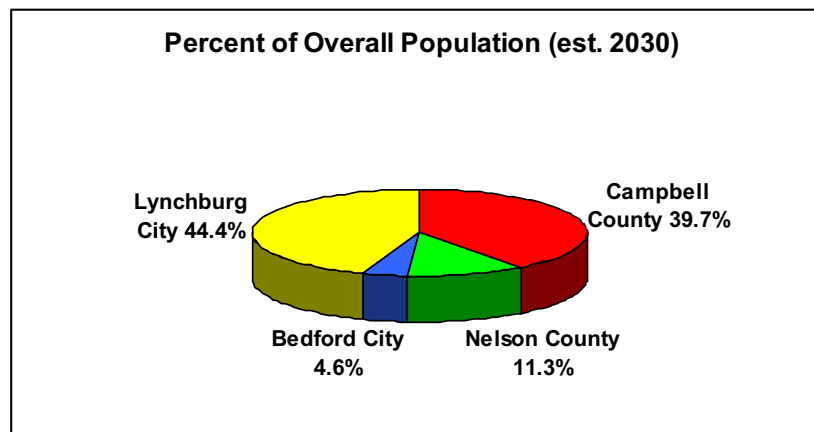


Figure 3-3: Estimated Population Percent Breakout (2030)

3.2.2 Additional Relevant Demographic Data

In addition to population growth, other relevant demographic data from the Region 2000 communities was researched and compared to the State-wide average. This included the number of housing units; the average household size; the average family size; population density; racial makeup; median household and median family income. Table 3-2 below presents the results of the analysis using the 2000 U.S. Census Bureau website and corresponding data, unless otherwise noted.

Section 3

PRELIMINARY DRAFT

Table 3-2
Regional & Statewide Demographic Comparisons
2000 US Census Bureau (unless otherwise noted)

Demographic	Campbell County	Nelson County	Bedford City	Lynchburg City	State Average
Total Number of Housing Units	22,088	8,554	2,702	27,640	2,904,192
Average Household Size	2.45	2.42	2.26	2.30	2.54
Average Family Size	2.91	2.88	2.87	2.92	3.04
Population Density ¹	101.0/mi ²	31.7/mi ²	900.7/mi ²	1,355.1/mi ²	191.1/mi ²
Racial Makeup	88.8% White 14.7% Black 0.8% Hisp. 0.6% Asian 0.5% Native American	82.7% White 14.9% Black 2.1% Hisp. 0.6% Asian 0.2% Native American	75.3% White 22.4% Black 0.9% Hisp. 0.6% Asian 0.1% Native American	66.6% White 29.7% Black 1.3% Hisp. 1.3% Asian 0.3% Native American	72.3% White 19.6% Black 4.7% Hisp. 3.7% Asian 0.3% Native American
Median Household Income	\$37,280	\$36,760	\$28,792	\$32,234	\$46,677
Median Family Income	\$42,901	\$42,917	\$35,023	\$40,844	\$54,169

Source: 2000 U.S. Census Bureau, American FactFinder, <http://factfinder.census.gov>

¹ Calculated using 2005 Virginia Employment Commission population numbers and square mileage provided by individual solid waste management plans

3.3 Geographic Conditions

3.3.1 Campbell County

Campbell County is located in the south-central Piedmont Region of the Commonwealth of Virginia and is approximately 504 square miles in size. The County is bordered to the north by the City of Lynchburg, the James River, and Amherst County; to the west by Bedford County; to the south by Pittsylvania County and Halifax County; and, to the east by Appomattox and Charlotte Counties.

3.3.1.1 Town of Altavista

The Town of Altavista is located in the southwestern portion of Campbell County, and borders Pittsylvania County to the south. The town was incorporated in 1912, and originally encompassed 1.87 square miles. To adequately plan for future growth, the Town annexed an additional 3.13 square miles of Campbell County in 1977. Thus, to date the Town is approximately 5.0 square miles in size. The 2000 Census Population of the Town of Altavista was 3,425 persons. Primary travel throughout the Town is provided by Route 29.

3.3.1.2 Town of Brookneal

The Town of Brookneal is located in the southeastern portion of Campbell County, and borders Halifax County. The Town is approximately 3.62 square miles in size and had a 2000 Census Population of 1,259 persons. Primary travel throughout the Town is provided by Route 501.

3.3.2 Nelson County

Nelson County is bounded on the northwest by the Blue Ridge Mountains and the Blue Ridge Parkway. The George Washington National Forest takes up much of the northwestern part of the county. The County is mountainous, although it begins to flatten as it stretches toward the James River along the southeast border. Commercial development in Nelson centers on the tourist areas near Wintergreen and Afton and near Lovingson along Route 29.

The county has a total area of 471 square miles. It is bordered on the east by the James River and on the west by the Blue Ridge Mountains. A large portion of the western section of the county is in the George Washington National Forest. Elevation range from about 500 feet above sea level near the James River to as high as 4,000 feet in the Blue Ridge. The climate is moderately warm in the summers, with temperatures averaging about 77 degrees in July. Winters are moderately cool, with temperatures in January averaging about 38 degrees. Average annual precipitation is about 42 inches.

3.3.3 City of Bedford

The City of Bedford is located within the physical boundaries of Bedford County which is located in the west-central portion of Virginia's central plateau. The City of Roanoke is located west of Bedford and the City of Lynchburg is located east of Bedford. The City is 6.81 square miles in area and is located within the physical boundaries of Bedford County. The City can be described as rolling hilly terrain with elevations of 900 to 1100 feet above sea level. Bedford City lies in the Piedmont physiographic province and the Roanoke River watershed and enjoys plentiful surface water for agricultural, industrial, energy and recreational purposes.

3.3.4 City of Lynchburg

Lynchburg is a city of 50 square miles located near the geographic center of Virginia, bordered by the eastern edge of the Blue Ridge Mountains. The City is situated on the James River and is surrounded by the counties of Campbell (south and east), Bedford (west), and Amherst (north and east). It is located approximately 180 miles southwest of the nation's capital, Washington, D.C., 54 miles east of Roanoke and 114 west of Richmond.

Lynchburg is part of the Lynchburg Municipal Statistical Area (1,802 sq. mi) that includes Bedford City, Lynchburg City, Bedford County, Campbell County, Amherst County and Appomattox County.

Lynchburg is nicknamed by residents as the "Hill City" and the "City of the Seven Hills," reference to seven distinct hills/neighborhoods in the original town limits.

Sources

Campbell County, Town of Altavista, Town of Brookneal Solid Waste Management Plan (June 2004)

Thomas Jefferson Planning District Commission Solid Waste Management Plan (February 2005)

City of Bedford Solid Waste Management Plan (January 2007)

City of Lynchburg Solid Waste Management Plan (February 2005)

3.4 Climate

The citizens of Region 2000 enjoy a mild temperate climate as evidenced by an average temperature of 75 degrees Fahrenheit in July and 34 degrees Fahrenheit in January. Rainfall averages approximately 40 inches annually, and snowfall averages approximately 21 inches per year.

Sources

Virginia's Region 2000 Economic Development Council:

<http://www.region2000.org/edc/live/characteristics.htm>

National and Local Weather Forecast, Radar, Map and Report: <http://www.weather.com/>

3.5 Transportation

Region 2000 is ideally located to major East Coast and Midwest markets - just 200 miles west of the Port of Hampton Roads. Areas such as New York, Philadelphia, Pittsburgh, Charlotte, Atlanta, and Detroit are within a single day's drive.

3.5.1 Highways

The Region is bisected by US 29 (North/South) and US 460 (East/West); both are divided four-lane highways. US 501 is another major North/South thoroughfare that travels through the center of Lynchburg and Campbell County. The region is within 45 minutes of Interstate 81, the major North/South corridor in the state, and within 60 minutes of Interstates 64, the major East/West corridor in the state. Figure 3-4 displays the major transportation corridors bisecting the region while Table 3-3 displays the distance (in miles) to various major population centers.

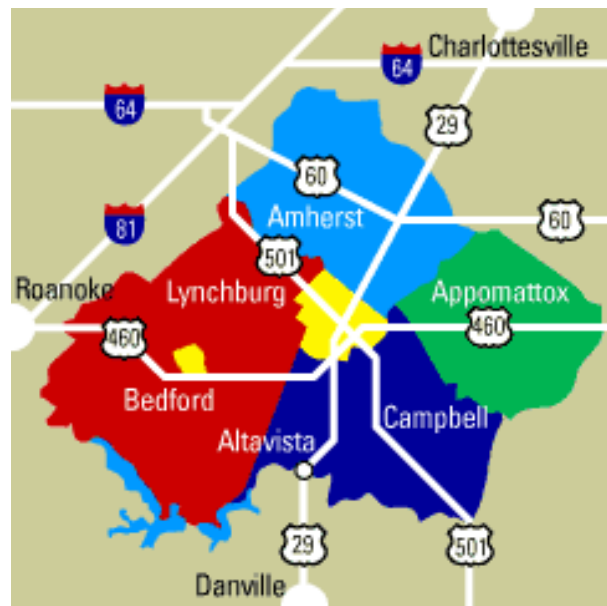


Figure 3-4: Regional Transportation Corridors

Source

Virginia's Region 2000 Economic Development Council:
<http://www.region2000.org/edc/maps/roads.htm>

Table 3-3
Distance to Selected Cities

City Name	Direction from Region 2000 Epicenter	Distance
Atlanta	Southwest	470 miles
Baltimore	Northeast	214 miles
Charlotte	South	203 miles
Chicago	Northwest	697 miles
Greensboro	South	110 miles
New York	Northeast	415 miles
Pittsburgh	Northwest	323 miles
Raleigh-Durham	Southeast	137 miles
Richmond	East	114 miles
Roanoke	West	54 miles
Washington, DC	Northeast	180 miles

Source

Virginia's Region 2000 Economic Development Council:
<http://www.region2000.org/edc/maps/roads.htm>

3.5.2 Air

The major airport serving the Region 2000 communities is the Lynchburg Regional Airport which is located between U.S. 29 and U.S. 460 approximately 5.7 miles to the south of downtown Lynchburg. The airport's commercial passenger service is provided by two regional carriers: Delta Connection/Atlantic Southeast Airlines with service to Atlanta Hartsfield International Airport; US Airways Express/Shuttle America and Air Midwest Airlines with service to Pittsburgh and Charlotte International Airports. The Regional carriers offer 24 daily arrivals and departures from 6:00 a.m. to midnight.

The next closest airport is the Roanoke Regional Airport, located 43.5 miles west of Lynchburg on U.S. 460, which is serviced by five commercial and commuter airlines.

Air freight can be handled directly from Lynchburg Regional Airport by charter or commercial services. Five freight forwarding companies serve the area daily. Two private airports serve Lynchburg in addition to Lynchburg Regional Airport.

The following Commercial Air services are listed below with the approximate distance from Lynchburg and the airlines serviced.

Lynchburg Regional Airport, Lynchburg 0.0miles (0.0 km.)

- Delta Connection/Atlantic Southeast Airlines
- US Airways Express

Roanoke Regional Airport, Roanoke 7.1 miles (11.4 km.)

- Atlantic Southeast Airlines
- Comair
- Northwest Air-link
- United Express
- US Airways

Shenandoah Valley Regional Airport, Staunton 33.7 miles (54.2 km.)

- US Airways Express

Charlottesville-Albemarle Airport, Charlottesville 41.9 miles (67.4 km.)

- Comair/Delta Connection
- Northwest Airlines
- United Express
- US Airways Express

Greenbrier Valley Airport, Lewisburg, WV 44.8 miles (72.2 km.)

- Delta Airlines
- US Airways

Sources

City of Lynchburg Solid Waste Management Plan (February 2005)

Virginia Economic Development Partnership: <http://virginiascan.yesvirginia.org/>

3.5.3 Railways

Reliable rail transportation services for the region are provided by CSX Transportation, Norfolk Southern Railway Company and Amtrak.

Sources

Virginia's Region 2000 Economic Development Council:

<http://www.region2000.org/edc/maps/roads.htm>

Virginia Economic Development Partnership: <http://virginiascan.yesvirginia.org/>

3.6 Economic Growth

According to Region 2000's Economic Development Council, Region 2000 is a prosperous community with the infrastructure, resources, and economic vitality needed to sustain business and industry. According to the Federal Deposit Insurance Corporation (FDIC), the first quarter unemployment rate in 2007 for the state of Virginia was 3.2 percent. The first quarter unemployment rate in 2007 for Campbell

County, Nelson County, and the cities of Lynchburg and Bedford were 3.8 percent, 3.0 percent, 3.9 percent and 4.7 percent respectively.

The economic strength of the region lies in its broad base of employers. These include numerous manufacturers (plastics, wireless communications equipment, materials handling equipment, etc.), two large nuclear firms with three percent of the region's workforce, major insurance firms, a sizeable medical complex, and five colleges and universities. Over 20 percent of the workforce continues to be employed in the technology-based manufacturing sector.

Table 3-4 below shows the selected major manufactures in the Region.

**Table 3-4
Region 2000
Selected Major Manufactures**

Name	Product	Approximate Employment
BWXT (McDermott Intl.)	Nuclear Fuel	2,200
AREVA	Nuclear Maintenance & Repairs	1,600
R.R. Donnelley Printing Company	Publishing, Printing	550
Ross Products (Abbott Laboratories)	Adult/Infant Nutritional	800
BGF Industries	Fiberglass Fabrics	700
Southern Air	Heating/Cooling Systems	750
M/A-COM	Communications Equipment	500
C. B. Fleet Co., Inc.	Pharmaceuticals	450
Griffin Pipe Co.	Gray & Ductile Iron Pipe	340
Progress Printing	Publishing, Printing	350
Timken, Inc.	Bearings Manufacturing	320
Schrader-Bridgeport	Tire Valves	300
Frito-Lay Inc.	Snack Foods	300
Tessy Plastics	Injection Molding	140
Belvac Production Machinery, Inc.	Can making Equipment	150

The following data in Tables 3-5 and 3-6 was taken from the Virginia Economic Development Partnership (VEDP) website and displays the percent employment by sector and occupation for each of the four communities. The average for the region is also shown. Note that the total percentage might not equal 100 percent. The reason is not explained by the VEDP but seems to be due to a rounding issue.

Table 3-5
Region 2000
Percent Employment by Sector (2nd Qtr. 2006)

Sector	Campbell County	Nelson County	City of Bedford	City of Lynchburg	Region 2000 Average
Services	20.9	39.8	34.1	35.1	32.5
Government	14.8	19.7	16.6	14.3	16.4
Manufacturing	24.7	7.1	14.5	18.8	16.3
Trade	15.3	8.6	16.0	16.0	14.0
Construction	14.1	12.1	11.6	7.1	11.2
Financial	3.1	3.0	3.6	4.6	3.6
Transportation & Utilities	5.4	3.5	1.2	2.4	3.1
Natural Resources and Mining	0.8	5.3	0.7	0.4	1.8
Information	0.9	1.0	1.7	1.1	1.2
Total	100.0	100.1	100.0	99.8	100.0

Table 3-6
Region 2000
Employment by Percent Occupation (2nd Qtr. 2006)

Sector	Campbell County	Nelson County	City of Bedford	City of Lynchburg	Region 2000 Average
Sales & Office	22.2	21.3	27.8	27.0	24.6
Managerial, Professional & Related	18.9	24.8	24.8	23.9	23.1
Service	14.4	26.2	16.0	17.9	18.6
Production, Transportation & Material Moving	26.9	10.1	17.6	20.2	18.7
Construction, Extraction & Maintenance	17.0	14.2	13.2	10.7	13.8
Farming, Fishing & Forestry	0.5	3.4	0.6	0.3	1.2
Total	99.9	100.0	100.0	100.0	100.0

Sources

Virginia's Region 2000 Economic Development Council: <http://www.region2000.org/edc/business/eco-base.htm>

Virginia Economic Development Partnership – Community Profile: <http://virginiascan.yesvirginia.org/>

Additional Sources

Campbell County website: <http://www.co.campbell.va.us/>

U.S. Department of Labor, Bureau of Labor Statistics: <http://www.bls.gov/lau/>

Nelson County website: <http://www.nelsoncounty.com/>

City of Bedford website: <http://www.bedfordva.gov/>

City of Lynchburg website: <http://www.ci.lynchburg.va.us/>

FDIC: http://www2.fdic.gov/recon/ovrpt.asp?CPT_CODE=E40&ST_CODE=51&RPT_TYPE=Tables

Section 4

WASTE GENERATION AND COMPOSITION

4.1 Introduction

The member jurisdictions have agreed to use their existing disposal facilities together via regionalization, operating under a regional Services Authority (Authority). Under this scenario, member jurisdictions of the Authority would send their solid waste to either the Campbell County (Campbell) or City of Lynchburg (Lynchburg) landfills. The member jurisdictions include:

- City of Bedford
- Campbell County
- City of Lynchburg
- Nelson County

This would mean that only one of the two landfills would operate at a single time. The City of Lynchburg's landfill would be utilized first. The Campbell landfill would become inactive until the Lynchburg landfill reaches capacity. Although the Campbell landfill would not initially accept waste for disposal, operations would continue to occur from a regulatory perspective (e.g., environmental monitoring, post-closure of closed landfills, site maintenance). This approach provides an opportunity to maximize the use of resources and increase economies of scale.

Under this approach, the landfills would have approximately 13.3 years of capacity assuming a regional start date of July 1, 2008.¹ The following information is based on information gathered from the member jurisdictions as well as statistics derived from the April 2006 Regional Solid Waste Management Financial, Operational and Regulatory Analysis report and the April 2005 Regional Solid Waste Management Analysis. Both reports were written by R. W. Beck.

The purpose of this section is to estimate the quantities of solid waste that will require disposal over the next 10 years from calendar (CY) 2007 through 2027. R. W. Beck completed this analysis based on tonnage data provided by the member jurisdictions, as well as an assumed annual tonnage growth rate of 0.25 percent. The waste stream projections include both waste generated from the member jurisdictions, as well as waste disposed by commercial collection companies currently operating within those jurisdictions.

¹ This projection is based on a 0.25 percent annual increase in tonnage and the assumption that all waste currently handled by the member jurisdictions will continue.

4.2 Historical Tonnage Amounts

R. W. Beck reviewed historical tonnage amounts from the five year period from 2002 through 2006 to gain a better understanding how much solid waste was disposed of during this time period.

R. W. Beck evaluated historical tonnage data provided by each of the communities included in the study. Table 4-1 summarizes the amount of solid waste disposed of from 2002 through 2006 by each of the member jurisdictions. Over this time period, total tonnage from the member jurisdictions increased from 220,299 tons in 2002 to 263,413 tons in 2006. Based on the amount from 2006, these communities disposed of approximately 1,013 tons per day based on an operation of five days per week² and 844 tons per day based on an operation of six days per week. Based on these amounts, R. W. Beck assumed that a regional facility would need a disposal rate of 900 tons per day.

Table 4-1
Member Jurisdictions' Landfill Disposal (Tons) 2002-2006

Calendar Year	Campbell County	City of Lynchburg	City of Bedford	Nelson County	Total
2002	47,044	153,749	8,694	10,812	220,299
2003	38,531	177,837	10,322	11,992	238,682
2004	50,376	172,968	5,283	13,510	242,137
2005	42,755	177,027	7,397	13,395	240,574
2006	60,293	181,517	7,365	14,238	263,413
2006 Tons per Day					
5 days per week	232	698	28	55	1,013
6 days per week	193	582	24	46	844

Notes:

Tons per day based on 2006 tonnages.

The 2006 Campbell County landfill tonnage includes tonnage from Appomattox County.

The 2006 tonnage for the Campbell County landfill includes tonnage hauled to the landfill by Appomattox County. The tonnage from Appomattox County is expected to continue to be taken to the regional landfill once the Authority begins operations in July 2008 and therefore was included in the analysis.

4.3 Projected Tonnage Amounts (2007–2027)

The following section forecasts tonnage amounts from calendar 2007 through 2027. These projections are all based on assumptions relating to the base year of 2006. Base

² R. W. Beck calculated the tons per day based on a five day per week basis to provide an understanding of peak waste flows. For example, while facilities may be open Monday through Saturday, they will typically receive higher quantities of waste during weekdays.

year figures are based on historic figures or conversations with staff from the member jurisdictions. Table 4-2 presents the 2006 base year data plus the tonnage projections.

Table 4-2
Projected Region 2000 Landfill Disposal (Tons) 2006-2027

Calendar Year	Campbell County	City of Lynchburg	City of Bedford	Nelson County	Total
2006	60,293	181,517	7,365	14,238	263,413
2007	60,444	181,971	7,383	14,274	264,071
2008	60,595	182,426	7,402	14,309	264,732
2009	60,746	182,882	7,420	14,345	265,393
2010	60,898	183,339	7,439	14,381	266,057
2011	61,050	183,797	7,458	14,417	266,722
2012	61,203	184,257	7,476	14,453	267,389
2013	61,356	184,717	7,495	14,489	268,057
2014	61,509	185,179	7,514	14,525	268,727
2015	61,663	185,642	7,532	14,562	269,399
2016	61,817	186,106	7,551	14,598	270,073
2017	61,972	186,571	7,570	14,634	270,748
2018	62,127	187,038	7,589	14,671	271,425
2019	62,282	187,505	7,608	14,708	272,103
2020	62,438	187,974	7,627	14,745	272,784
2021	62,594	188,444	7,646	14,781	273,466
2022	62,750	188,915	7,665	14,818	274,149
2023	62,907	189,388	7,684	14,855	274,835
2024	63,065	189,861	7,704	14,893	275,522
2025	63,222	190,336	7,723	14,930	276,211
2026	63,380	190,812	7,742	14,967	276,901
2027	63,539	191,289	7,761	15,004	277,593

4.4 Remaining Landfill Capacity and Site Life

4.4.1 Lynchburg Landfill

The City of Lynchburg is currently operating in Phase III of its active four-phase landfill. The City is in the process of excavating material for daily and intermediate cover from the final permitted phase. The City currently anticipates final design and construction of Phase IV to occur during fiscal year 2008. Table 4-3 summarizes the remaining capacity of each phase of the active landfill as of January 1, 2007.

Table 4-3
City of Lynchburg Landfill – Remaining Capacity at January 2007

Phase	Design Capacity (cubic yards)	Percent Capacity Remaining	Remaining Capacity (cubic yards)
I	951,800	28.9%	275,392
II	1,022,300	22.0%	224,424
III	1,742,100	47.3%	823,871
IV	644,700	100.0%	644,700
TOTAL	4,360,900	45.1%	1,968,387

Source: City of Lynchburg Form 50-25 and survey data.

Based on the current disposal rate and a reported airspace utilization factor (AUF) of 1,650 pounds per cubic yard, R. W. Beck estimates the City of Lynchburg landfill would reach capacity in October 2015 if *not* operated as a regional landfill.

4.4.2 Campbell County Landfill

Campbell County began placing waste in Cell 5 of Phase III in October 2004. Phase III includes two additional cells – Cells 6 and 7 (not developed). The County has also permitted a five-cell Phase IV landfill. Table 4-4 summarizes the remaining landfill capacity of the Campbell County landfill as of January 1, 2007.

Table 4-4
Campbell County Landfill – Remaining Capacity at January 2007

Phase	Design Capacity (cubic yards)	Percent Capacity Remaining	Remaining Capacity (cubic yards)
III-5	413,036	70.2%	290,088
III-6	405,729	100%	405,729
III-7	643,318	100%	643,318
IV	1,525,828	100%	1,525,828
TOTAL	2,987,911	95.9%	2,864,963

1. Source: Campbell County Form 50-25

2. Cells 1-4 of Phase III are assumed to be at capacity.

Based on the current disposal rate, a reported waste density of 1,273 pounds per cubic yard and a cover soil usage of five percent of the waste volume, R. W. Beck estimated that Phase III of the Campbell County landfill would reach final capacity in September 2023 if not operated as a regional landfill. If Campbell County develops Phase IV of the landfill, R. W. Beck estimates the site will reach capacity in November 2039, if not operated as a regional landfill.

4.4.3 Life of Regionally Operated Landfills

Estimates provided in this section will likely change depending on factors such as operations, tonnage flow and types of materials received. R. W. Beck would recommend that the Authority update the remaining capacity projections annually.

Assuming that the Authority would not begin operation until July 2008, a portion of the remaining capacity at each landfill will already be consumed by each jurisdiction in continuing its current operation. Table 4-5 estimates the airspace consumed at each facility from January 1, 2007 through June 30, 2008 as well as the remaining landfill capacity available to the Authority.

Table 4-5
Estimated Authority Landfill Capacity at July 1, 2008, in cubic yards

Landfill	Remaining Capacity as of Jan. 1, 2007	Projected Airspace Consumption	Estimated Capacity as of July 1, 2008
Lynchburg	1,968,387	342,918	1,625,469
Campbell	2,864,963	133,491	2,731,472
TOTAL	4,833,350	476,409	4,356,941

Note: Projected Airspace Consumption represents the estimated airspace consumed by each facility (prior to operation by the Authority) for one year and six months from January 1, 2007 through June 30, 2008. Appomattox County tonnage was assumed to be taken to the Campbell County landfill from January 1, 2007 through June 30, 2007 and the City of Lynchburg landfill from July 1, 2007 to June 30, 2008.

Based on the estimated capacity remaining as of July 1, 2008, a site life analysis was performed to determine the approximate life of each landfill operating as the regional facility. The analysis also assumed that the Authority would accept waste from Appomattox County, the City of Bedford and Nelson County beginning July 2008.

The site life analysis assumes that each landfill, when operated by the Authority, will perform similarly. For example, since each active landfill will dispose of approximately the same tonnage of waste annually, a similar amount of daily cover material will be used. In addition, the same equipment will be employed at each active landfill thus achieving similar compaction rates.

For the purposes of the site life analysis, R. W. Beck assumed that each regionally operated landfill will achieve an AUF similar to the City of Lynchburg's current operation. The City currently achieves an AUF of about 1,650 pounds per cubic yard based on the amount of waste disposed, including sludge from the City's wastewater treatment plant, and soil cover used. However, the City is currently evaluating land application of sludge as an alternative to landfill disposal. If the sludge is not disposed, the AUF would decrease to about 1,300 pounds per cubic yard.

Table 4-6 indicates the approximate life of each landfill in years and the predicted date when each facility will begin operation as the regional landfill.

Table 4-6
Authority Site Life Summary (Start Date July 2008)

Landfill	Life (in years)	Open Date
Lynchburg	5.0	7/1/2008
Campbell	8.3	7/1/2013
Total	13.3	---

Note: Assumes an AUF of 1,650 pounds per cubic yard for the Lynchburg and Campbell Landfills.

The site life analysis results above reflect the use of modified site specific information related to waste compaction densities, cover soil usage, and types of material accepted (i.e., WWTP sludge). It assumes that when each landfill is operated by the Authority (rather than two independent operators operating under different conditions), operations at each site will be more similar. This translates into a longer site life based on higher AUFs for the two landfills combined compared to current operations at each facility. R. W. Beck estimates that the two landfills will provide the Authority with disposal capacity starting in July 2008 for about 13 years. Additional disposal options past the estimated 13.3 years life span of the two regionally operated landfills is addressed in Section 7.8.

4.4.4 Sequencing of Landfills and Timing of New Cell Development

Although the City of Lynchburg landfill does not have the greatest operational capacity remaining, it is most prepared to operate as the regional facility. In order to accept significant increases in waste quantities, the Campbell County landfill would require several capital improvements.

Once the Lynchburg landfill reaches capacity, all waste would go to the Campbell County landfill. In order to ensure that landfill space does not expire before a facility, or new cell, is ready to operate, the Authority will want to plan and implement capital improvements and cell development in a timely manner. New cells should be ready at a minimum six months, recommended one year, before the developed capacity is anticipated to expire. The Authority should re-evaluate the remaining capacity on an annual basis.

4.5 Additional Materials and Special Wastes

The two operating landfills in the region (Campbell County and the City of Lynchburg) track their waste in accordance with the categories outlined in DEQ Form 50-25 which includes the following:

- Municipal Solid Waste
- Construction/Demolition/Debris
- Industrial Waste

- Regulated Medical Waste
- Vegetative/Yard Waste
- Incinerator Ash
- Sludge
- Tires
- White Goods
- Friable Asbestos
- Petroleum Contaminated Soil

Only those facilities that treat, store, or dispose of solid waste must complete Form 50-25 due to DEQ by March 31 of each year. (9VAC 20-130-165.A). The Communities track the following materials under their recycling programs. These materials are listed under 9 VAC 20-130-150.3 as special wastes:

- Waste Tires
- Used Oil
- Used Oil Filters
- Used Anti-Freeze
- Abandoned Automobiles Removed
- Batteries

Septage is not accepted at the landfills and is not tracked by the localities under the solid waste programs. Spill residues, if meeting the allowable limits of the regulations, would be recorded as “Other” on Form 50-25. Tables 4-7 and 4-8 summarize the waste types that were handled by the two participating landfills for Calendar Year 2006.

Section 4

PRELIMINARY DRAFT

**Table 4-7
DEQ Form 50-25 (Solid Waste Information & Assessment Program Reporting) – City of Lynchburg (2006)**

Waste Type	Total Waste Received	Recycled On-Site	Composted On-Site	Landfilled On-Site	Incinerated On-Site	Sent Off-Site to be:		Stored On-Site:		Other	
						Recycled	Treated, Stored, Disposed	Beginning of Reporting Period	End of Reporting Period	Mulched	Other Than Mulched
Municipal Solid Waste	128,771.90	0.00	0.00	128,771.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Construction/Demolition Debris	107.22	0.00	0.00	67.18	0.00	0.00	0.00	0.00	0.00	40.04	0.00
Industrial Waste	55,286.53	22,482.28	0.00	32,804.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Regulated Medical Waste	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vegetative/Yard Waste	5,362.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,362.16	0.00
Incineration Ash	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sludge	19,873.52	0.00	0.00	19,873.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tires	66.10	0.00	0.00	0.00	0.00	66.10	0.00	0.00	0.00	0.00	0.00
White Goods	214.51	0.00	0.00	0.00	0.00	214.51	0.00	0.00	0.00	0.00	0.00
Friable Asbestos	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Petroleum Contaminated Soil	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other Wastes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	209,681.94	22,482.28	0.00	181,516.85	0.00	280.61	0.00	0.00	0.00	5,402.20	0.00

PRELIMINARY DRAFT

WASTE GENERATION AND COMPOSITION

**Table 4-8
DEQ Form 50-25 (Solid Waste Information & Assessment Program Reporting) – Campbell County (2006)**

Waste Type	Total Waste Received	Recycled On-Site	Composted On-Site	Landfilled On-Site	Incinerated On-Site	Sent Off-Site to be:		Stored On-Site:		Other	
						Recycled	Treated, Stored, Disposed	Beginning of Reporting Period	End of Reporting Period	Mulched	Other Than Mulched
Municipal Solid Waste	40,276.00	0.00	0.00	40,276.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Construction/Demolition Debris	4,006.00	0.00	0.00	4,006.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Industrial Waste	13,193.00	0.00	0.00	13,193.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Regulated Medical Waste	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vegetative/Yard Waste	1,038.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,038.00	0.00
Incineration Ash	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sludge	2,818.00	0.00	0.00	2,818.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tires	290.00	0.00	0.00	0.00	0.00	290.00	0.00	0.00	0.00	0.00	0.00
White Goods	106.00	0.00	0.00	0.00	0.00	106.00	0.00	0.00	0.00	0.00	0.00
Friable Asbestos	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Petroleum Contaminated Soil	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other Wastes	542.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	542.00
Total	62,269.00	0.00	0.00	60,293.00	0.00	396.00	0.00	0.00	0.00	1,038.00	542.00

4.5.1 Waste Generated Outside of the Commonwealth

Virginia Waste Management Board's regulations for Solid Waste Management Planning 9 VAC 20-130-165 stipulate that the regional solid waste management plant identify and estimate the amount of waste generated outside of the Commonwealth and the jurisdictions where such waste originated. No waste from outside the Commonwealth was disposed of in either the Campbell County Sanitary Landfill or the City of Lynchburg Landfill in 2006.

4.6 Waste Stream Composition

In form DEQ 50-25, DEQ identifies 11 waste categories for tracking in addition to a category for other types of materials. The following two pie diagrams (Figures 4.1 and 4.2) illustrate the difference in the waste stream composition (total waste received) by the top six categories for the City of Lynchburg and Campbell County landfills.

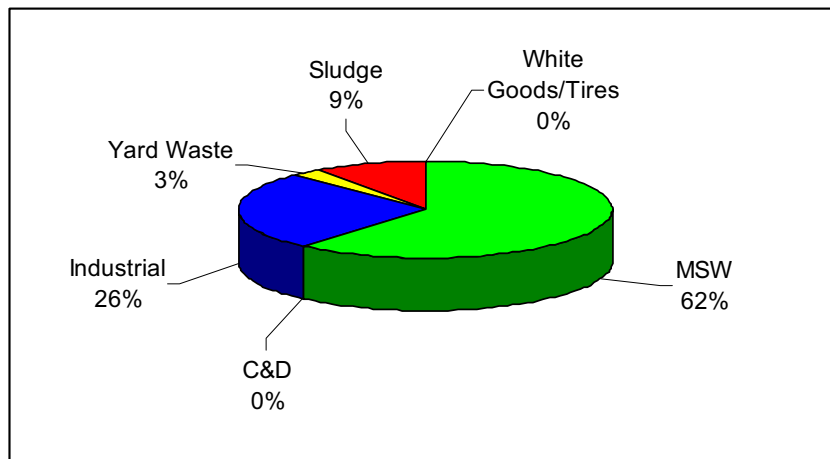


Figure 4-1: Waste Stream Composition – City of Lynchburg Landfill (2006)

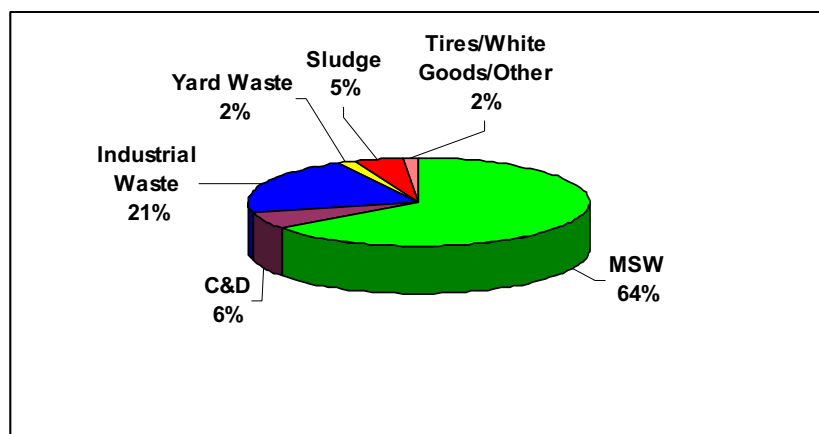


Figure 4-2: Waste Stream Composition – Campbell County Landfill (2006)

Section 5

EXISTING SOLID WASTE MANAGEMENT SYSTEM

Section 5.1 describes the major components of the Region's current solid waste management system (as taken from the individual communities' solid waste management plans and discussions with the communities). Section 5.2 details the tons recycled in 2006 by material type and the individual communities recycling rates.

5.1 Highlights from the Current Solid Waste Management System for Campbell and Nelson Counties and the City's of Bedford and Lynchburg

All information detailed in Section 5.1 was taken from the following six reports listed below, recycling data from Form 50-30's from individual communities, and follow up conversations with the individual communities. The remaining landfill tonnage data for Campbell County, and the City of Lynchburg was derived Section 4.0. Note that the landfill and collection information detailed on the original plan highlights is subject to change once the new Regional authority is created.

1. Campbell County, Town of Altavista, Town of Brookneal Solid Waste Management Plan, June 2004.
2. Thomas Jefferson Planning District Commission (Nelson County), February 2005.¹
3. City of Bedford Solid Waste Management Plan, January 2007.
4. City of Lynchburg Solid Waste Management Plan, February 2005.
5. Region 2000, Regional Solid Waste Management Analysis, April 2005.
6. Region 2000, Regional Solid Waste Management Financial, Operational and Regulatory Analysis, April 2006

¹ Nelson County was previously a member of the Thomas Jefferson Planning District Commission (TJPDC) but is now part of Region 2000. TJPDC completed the regional solid waste management plan in February 2005 and Nelson County adopted the plan in October 2006. This region consisted of the following localities: the Counties of Albemarle, Fluvanna, Greene, the City of Charlottesville, and the towns of Columbia, Scottsville, and Stanardsville.

5.1.1 System Components

The major plan components (including collection, disposal, and recycling methods) for the residential, commercial and industrial solid waste management system for the five communities that make up Region 2000 are listed in Table 5-1 below.

**Table 5-1
Components of the Solid Waste System**

Locality & Year Plan Submitted	Major Plan Components
Campbell County	<u>Main Disposal Site</u> ▪ Landfill Name: Campbell County Sanitary Landfill ▪ Year Established: October 26, 1979 (Permit # 285) ▪ Materials Accepted: MSW, commercial, CDD, non-hazardous industrial waste, tires, white goods, yard waste and recyclables. ▪ Remaining Capacity as of January 2007: 2,864,963 CY (See Section 4.4.2 for assumptions) ▪ Equipment: 1 Compactor, 2 Track loaders, 1 Track Hoe, 1 Scraper, 1 Tank Trailer, 1 Lowboy Trailer, 1 Mad Vac Trailer, 1 Tractor with Bushhog, 1 Brush Chipper, and 3 Personnel Vehicles. <u>Residential Solid Waste</u> ▪ Who collects: In County - Private Haulers or self-haul to one of nine convenience centers. In Towns of Altavista & Brookneal - Curbside ▪ Collection Frequency: Within County – Citizens with private collection - Once per week or Residents may drop off at one of 9 convenience centers. Towns of Altavista & Brookneal – Once per week. ▪ Container(s) used: County residents with private collection – 30-gallons. Town of Altavista – maximum of 30-gallons. Town of Brookneal – 30-gallons. ▪ Drop-off Centers: County residents may utilize one of nine convenience centers operated by County. <u>Commercial Solid Waste</u> ▪ Who collects: Private Haulers for customers within Campbell County. Town of Brookneal and Town of Altavista provide limited collection or self-hauled to landfill. ▪ Type of Service Provided (i.e. front load, roll-off): Majority front load or roll-offs. <u>Residential Recycling</u> ▪ Program Description (i.e. curbside or drop-off): Drop-off to Sanitary Landfill or private haulers will collect.

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Locality & Year Plan Submitted	Major Plan Components
	▪ Materials Collected: newspaper and newspaper inserts, paper products, cardboard, metal, bi-metal, aluminum, wood waste, waste tires, used oil, abandoned automobiles, batteries, and electronics ▪ Processing Facility: Recyclables collected at Campbell County Sanitary Landfill. Various vendors process materials. Some residents bring directly to vendor for processing. <u>Commercial Recycling</u> ▪ Program Description (i.e. curbside or drop-off): Drop-off to Sanitary Landfill and some private haulers will collect. ▪ Who Collects: Brought to Landfill or self-hauled to vendor for processor. <u>Yard Waste</u> ▪ Program Description (i.e. curbside or drop-off): County Residents – Drop-off and chipped at Sanitary Landfill. Town of Altavista – collected curbside and brought to Campbell County Sanitary Landfill. Town of Brookneal – Collected curbside and kept with Town. ▪ Processing Facility: Campbell County Sanitary Landfill – Chipped on site, given to residents for free. ▪ Materials Collected: Leaves and grass clippings ▪ Tons Recycled (2006): 1,046.3 (includes wood waste). <u>Bulky Items</u> ▪ Program Description (i.e. curbside or drop-off): County – Drop-off only. Town of Altavista – curbside. Town of Brookneal - curbside ▪ Processing Facility: Dropped off at Convenience Centers or Sanitary Landfill. ▪ Materials Collected: Various vendors. Tire and white goods recycling and scrap metal recycling. Pay somebody to take Freon out of refrigerators. ▪ Tons recycled (2006): 106.0 Nelson County <u>Disposal Site:</u> ▪ Transfer Station Name: Nelson County Transfer Station ▪ Year Established: 1994 ▪ Materials Accepted: Household waste, C&D & commercial waste, recycling ▪ Starting July 2008, County will send waste to a Region 2000 landfill.

Locality & Year Plan Submitted	Major Plan Components
	<u>Residential Solid Waste</u> ▪ Who collects: Private haulers & self-delivery to transfer station & collection centers ▪ Collection Frequency: Containers are picked up when full (average of once a week) ▪ Container(s) used: 40 yd. compactor cans; 30 yd. recycle containers, & 30 yd. open-tops ▪ Drop-off Centers: 1 staffed collection center, 10 unsupervised dumpster sites, 4 recycle sites at schools (at the end of 2007, there will be 3 staffed sites, 6 unsupervised dumpster sites, & 4 recycle sites at schools) <u>Commercial Solid Waste</u> ▪ Who collects: Private haulers or self-delivery to landfill ▪ Type of Service Provided (i.e. front load, roll-off): Front load, open-top roll-offs, & private vehicles <u>Residential Recycling</u> ▪ Program Description (i.e. curbside or drop-off): Self-haul to green-boxes ▪ Materials Collected: Mixed paper and commingled glass, plastics, & metals. ▪ Processing Facility: Rockfish Collection Center, Transfer Station, & recycling containers at Lovington, Mac's Market, Faber, Montebello, Wintergreen, & schools <u>Commercial Recycling</u> ▪ Program Description (i.e. curbside or drop-off): Private haulers & self-haul to transfer station or end user (MRF, etc.) ▪ Who Collects: All private <u>Yard Waste</u> ▪ Program Description: Self drop-off & commercial haul ▪ Processing Facility: Transfer Station & 1 private stump-grinding facility ▪ Materials Collected: Grass, leaves & limbs at Transfer Station; stumps & tree trunks at private facilities ▪ Tons Recycled (2006): 2,250.4 <u>Bulky Items</u> ▪ Program Description (i.e. curbside or drop-off): Drop-off

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Locality & Year Plan Submitted	Major Plan Components
	▪ Processing Facility: Primarily Transfer Station, with limited drop-off at open-top sites ▪ Materials Collected: White goods, furniture, mowers, etc. ▪ Tons recycled (2006): 199
City of Bedford	<u>Main Disposal Site:</u> ▪ Name: City of Bedford Sanitary Landfill ▪ Year Established: 1962 ▪ New Transfer Station (150 tpd capacity) and Compost Facility began operations in January 2007. ▪ 38 Tons/day taken to Landfill (according to SWMP). 20 of 38 tons originating from Transfer Station and taken to Landfill is MSW. Remaining 18 tons C&D, special waste, yard, white goods, etc. ▪ Estimated remaining capacity of Landfill (2005): 3 years ▪ Starting July 2008, County will send waste to a Region 2000 landfill. ▪ Equipment: – Track Loader, Front End Loader, Rubber Tire Loader, Road Tractor for hauling, 2 walking floor trailers, back hoe, pick up truck, tub grinder, bush hog, yard dog (tractor to pull the trailers around), Two 20-cy open top containers for bulk and white goods; Trammel screen for compost operation, electric mixer to mix compost and sludge <u>Residential Solid Waste</u> ▪ Who collects: City ▪ Collection Frequency: Once per week ▪ Container(s) used: City does not provide ▪ Drop-off Centers: Transfer Station <u>Commercial Solid Waste</u> ▪ Who collects: Private Haulers ▪ Type of Service Provided (i.e. front load, roll-off): Side-load <u>Residential Recycling</u> ▪ Program Description (i.e. curbside or drop-off): Curbside and drop-off

Locality & Year Plan Submitted	Major Plan Components
	- Materials Collected: newspaper, plastic, aluminum, tin cans, green, brown and clear glass, cardboard, mixed paper - Processing Facility: Bryant Salvage in Madison Heights, VA
	<u>Commercial Recycling</u>
	- Program Description (i.e. curbside or drop-off): Curbside - Who Collects (2006): City of Bedford but some entities have own recycling program. City collects mixed paper only
	<u>Yard Waste</u>
	- Program Description (i.e. curbside or drop-off): - Processing Facility: City of Bedford Compost Facility - Materials Collected: Brush, yard debris, leaves, bio-solids - Tons Recycled (2006): 1,216.0 (includes wood waste) - All yard waste and brush ground up and sold as mulch – most goes into compost. - Selling for \$40/ton.
	<u>Bulky Items</u>
	- Program Description (i.e. curbside or drop-off): Drop-off - Processing Facility: Located in Montvale, Va. - Materials Collected: Refrigerators (Freon must be removed first), washing machines, stoves, dryers, etc. - Tons recycled (2006): 467
City of Lynchburg	<u>Main Disposal Site</u>
	- Name: City of Lynchburg Waste Management Landfill - Year Established: 1994 - Materials Accepted: MSW, commercial, non-hazardous industrial, tires, white goods, yard waste and metals - Remaining Capacity as of January 2007: 1,968,387 CY (See Section 4.4.1 for assumptions) - Equipment: 3 Compactors, 2 Dozers, 1Track loader, 2 Wheel loaders, 1 Scraper, 1 Dump Truck, 3 Hook-lift Trucks, 1 Street Flusher, 1 Fuel Truck, 1 Service Truck, 1 Forklift, 1 Flatbed Trailer, 1 Tractor with Bushhog, 1 Riding Mower, and 5 Personnel Vehicles

Locality & Year Plan Submitted	Major Plan Components
	<u>Residential Solid Waste</u> ▪ Who collects: City curbside, self-haul and private sector ▪ Collection Frequency: once per week ▪ Container(s) used: 32 and 64-gallon ▪ Drop-Off Centers: City of Lynchburg WM Landfill <u>Commercial Solid Waste</u> ▪ Who collects: City and private haulers ▪ Type of Service Provided (i.e. front load, roll-off): City and Private. City collects small businesses that choose to utilize city curbside collection program. Refuse placed in city-issued 32 or 64 gallon containers. Private haulers utilize various containers and collect using front load and roll-off vehicles <u>Residential Recycling</u> ▪ Program Description (i.e. curbside or drop-off): 9 drop-off centers ▪ Materials Collected: newspaper, mixed paper, OCC, plastic bottles and jugs (#1 & #2), aluminum and steel cans. ▪ Processing Facility: City uses two local recyclers: Paperstock Dealers and Cycle Systems. <u>Commercial Recycling</u> ▪ Program Description (i.e. curbside or drop-off): Private haulers use drop-off containers at the business. Several use smaller recycling containers for office paper ▪ Who Collects: Various private haulers
	<u>Yard Waste</u> ▪ Program Description (i.e. curbside or drop-off): curbside and drop-off ▪ Processing Facility: used as Alternate Daily Cover at Landfill ▪ Materials Collected: brush, tree limbs, bagged leaves ▪ Tons Recycled (2006): 7,724.0 (includes wood waste)
	<u>Bulky Items</u> ▪ Program Description (i.e. curbside or drop-off): curbside and drop-off

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Locality & Year Plan Submitted	Major Plan Components
	▪ Processing Facility: City landfill – materials that can be recycled taken to Cycle Systems. Freon recycled at a local business ▪ Materials Collected: Household appliances, tires without rims, furniture, mattresses, and trash from residential remodeling and repair operations (if the work is performed by the resident and the proper building permit is displayed) ▪ Tons recycled (2006): 214.51

5.1.2 Materials Permitted for Acceptance at Landfills

In accordance with the Virginia Solid Waste Management Regulations, landfills may accept the following wastes subject to permit specific limitations:

1. Agricultural waste
2. Ashes and air pollution control residues that are not classified as hazardous waste. Incinerator and air pollution control residues should be incorporated into the working face and covered at such intervals as necessary to prevent them from becoming airborne
3. Commercial waste
4. Compost
5. Construction waste
6. Debris
7. Demolition waste
8. Discarded material
9. Garbage
10. Household waste
11. Industrial waste meeting all criteria contained in the VSWM regulations
12. Inert waste
13. Institutional waste except anatomical waste from health care facilities or infectious waste as specified in Waste Management Board's Infectious Wastes Regulations (VR 672-40-01).
14. Municipal solid waste
15. Putrescible waste. Occasional animal carcasses may be disposed of within a sanitary landfill. Large number of animal carcasses shall be placed in a separate area within the disposal unit and provided with a cover of compacted soil or other suitable material.
16. Refuse
17. Residential waste
18. Rubbish
19. Scrap metal
20. Sludge. Water treatment plant sludge containing no free liquid and stabilized, digested or heat treated wastewater treatment plant sludge containing no free liquid may be placed on the working face along with municipal solid wastes and covered with soil or municipal solid wastes. The quantities accepted should be determined by operational conditions encountered at the working face.

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21. Trash
22. White goods, provided that white goods are free of chlorofluorocarbons and PCBs prior to placement on the working face.
23. Non-regulated hazardous wastes and treated wastes rendered non-hazardous by specific approval only
24. Specific wastes as approved by the DEQ
25. Waste oil that has been adequately absorbed in the source of a site cleanup.
26. Vegetative waste.
27. Yard waste

Source

Southside Regional Public Service Authority Solid Waste Management Plan. Revision 2, September 12, 2005. Draper Aden Associates.

5.1.3 Materials not Accepted at Landfills

The following wastes are considered to be unauthorized wastes and **are prohibited** at the landfills:

1. Under 9 VAC 20-80-250.C.17):
 - a. Free liquids
 - (1) Bulk or non-containerized liquid waste, unless:
 - (a) The waste is household waste; or
 - (b) The waste is leachate or gas condensate derived from that landfill and the facility is designed with a composite liner and leachate collection system.
 - (2) Containers holding liquid waste, unless:
 - (a) The container is a small container similar in size to that normally found in household waste;
 - (b) The container is designed to hold liquids for use other than storage; or
 - (c) The waste is household waste.
 - b. Regulated hazardous wastes
 - c. Solid wastes, residues, or soils containing more than 1.0 ppb (parts per billion) of Dioxins
 - d. Solid wastes, residues, or soils containing more than 50.0 ppm (parts per million) of PCB's except as allowed under the provisions of 9 VAC 20-80-650
 - e. Un-stabilized sewage sludge as defined by the Virginia Department of Health or sludges that have not been dewatered
 - f. Pesticide containers that have not been triple rinsed and crushed
 - g. Drums that are not empty, properly cleaned, and opened

- h. Contaminated soil unless approved by the DEQ in accordance with the requirements of 9 VAC 20-80-630 or 9 VAC 20-80-700.
- 2. Additional wastes not accepted by the landfills:
 - a. Friable Asbestos – defined as any waste material containing more than 1.0 percent asbestos as determined using the polarized light microscopy methods specified in 40 CFR Part 763, Appendix E, Subpart E, Section 1, that when dry, is capable of being crumbled, pulverized or reduced to powder by hand pressure.
 - b. Hazardous Waste - defined as a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness;
 - (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed;
 - (3) have at least one of four characteristics: ignitability, corrosivity, reactivity, and toxicity; or
 - (4) Hazardous wastes are regulated under the Virginia Department of Environmental Quality Hazardous Waste Management Regulations (9 VAC 20-60).

Source

Southside Regional Public Service Authority Solid Waste Management Plan. Revision 2, September 12, 2005. Draper Aden Associates.

5.2 Regional Recycling Rates

The Virginia Waste Management Board's 2001 August 1, 2001 regulations for solid waste management planning (9VAC 20-130-40 and 9VAC 20-130-120) state that state, local government, or a region must meet and maintain a minimum recycling rate of 25 percent. However, in 2006 the Code of Virginia was amended to provide for a two-tiered recycling mandate for the Commonwealth's solid waste planning units (SWPU). All SWPU's are still required to meet the minimum recycling rate of 25 percent unless the population density is less than 100 persons per square mile or if their civilian unemployment rate is 50 percent above the statewide average. If one or both of these criteria are met, a minimum recycling rate of 15 percent is mandated. While Campbell County falls under this new mandate, Region 2000 as a whole does not. The population density for the four communities that comprise Region 2000 is approximately 135.5 per square mile, while the average unemployment rate for the Region, which for the first quarter 2007 was 3.9 percent, is approximately 20 percent above the 2007 first quarter state wide average of 3.2 percent.

As the region does not meet the 15 percent criteria, the region must maintain a 25 percent overall recycling rate. The following write-up and Table 5-2 in particular,

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calculates the individual communities recycling rate; displaying the “base”, “adjusted” and “final” 2006 recycling rates derived from the individual communities Forms 50-30. The table also calculates the Region as a whole’s “base” and “adjusted” recycling rate. The “final” regional recycling rate will not be known until Virginia DEQ provides final approval of the regional calculations.

The current “base” recycling rate for the region stands at 28.1 percent, while the adjusted recycling rate (which considers credits based on re-used and non-MSW recycled tonnages) is 40.9 percent. This adjusted recycling rate, in all likelihood, will decrease after the Virginia DEQ determines what percent of the adjusted tonnages can be considered in the final recycling rate calculation.

It is important to note that 94.4 percent of the regional materials recycled were considered “principle recycled material.” This lends credence to the notion that more recycling or re-use of “supplemental” materials, such as household hazardous wastes, tires, electronics, etc. is needed and could boost the overall recycling rate of the region. The reuse of these supplemental materials should be a priority as the Region moves forward.

Table 5-2
Summary of Recycling Data (2006) as submitted to Virginia DEQ

Material	Campbell County ^A	Nelson County ^B	Bedford City ^B	Lynchburg City ^B	Region 2000	% Of Total
Total Principle R&M	Tons	Tons	Tons	Tons	Tons	%
Paper	7,292.2	664.7	675.5	43,096.0	51,728.4	65.3%
Metal	5,645.9	199.0	487.7	3,366.0	9,698.6	12.2%
Plastic	51.0	0.0	13.9	794.0	858.9	1.1%
Glass	0.0	0.0	38.1	2.0	40.1	0.1%
Commingled	9.5	145.9	0.0	0.0	155.4	0.2%
Yard Waste	1,044.3	2,250.3	816.0	5,419.0	9,529.6	12.0%
Waste Wood	2.0	0.1	400.0	2,306.0	2,708.1	3.4%
Textiles	0.0	1.0	0.0	6.0	7.0	0.0%
SUBTOTAL	14,044.8	3,261.0	2,431.2	54,989.0	74,726.12	94.4%
Total Supplemental R&M	Tons	Tons	Tons	Tons	Tons	%
Waste Tires	410.4	54.0	22.2	124.0	610.6	0.8%
Used Oil	492.7	3.3	65.4	194.0	755.4	1.0%
Used Oil Filters	6.4	0.0	0.0	9.0	15.4	0.0%
Used Anti-Freeze	9.0	0.0	1.6	10.0	20.6	0.0%
Auto Bodies	27.6	0.0	0.0	102.0	129.6	0.2%
Batteries	15.5	21.6	0.0	48.0	85.1	0.1%

Section 5

PRELIMINARY DRAFT

Material	Campbell County ^A	Nelson County ^B	Bedford City ^B	Lynchburg City ^B	Region 2000	% Of Total
Sludge	0.0	0.0	0.0	0.0	0.0	0.0%
Electronics	0.0	0.0	0.0	6.0	6.0	0.0%
Other	0.0	28.4	0.0	80.0 ^C	108.4	0.1%
SUBTOTAL	961.6	107.3	89.2	573.0	1,731.1	2.2%
MSW Reused	Tons	Tons	Tons	Tons	Tons	%
C&D Waste	8.5	1,404.0	0.0	0.0	1,412.5	1.8%
Debris Waste	0.0	1,303.0	0.0	0.0	1,303.0	1.6%
Ash	0.0	0.0	0.0	0.0	0.0	0.0%
SUBTOTAL	8.5	2,707.0	0.0	0.0	2,715.5	3.4%
TOTAL PRM & SRM	15,014.8	6,075.3	2,520.4	55,562.0	79,172.7	100.0%
Total MSW Disposed	52,695.2	14,238.0	7,136.0	128,772.0	202,841.2	
Base Recycling Rate	22.2%	29.9%	26.1%	30.1%	28.1%	
Recycling Credits (RC)	Tons	Tons	Tons	Tons	Tons	
Recycling Residue	0	0	0	0	0.0	
SW Reused	0	78	0	56,446	56,524	
Non-MSW Recycled	0	0	4,470.3	0	4,470.3	
Total Recycling Credits	0	78	4,470.3	56,446	60,994.3	
Adjusted Recycling Rate	22.2%	30.2%	49.5%	46.5%	40.9%	
Final Calculated Recycling Rate	22.2%	30.2%	31.1%	35.1%	Awaiting DEQ evaluation	

A) CY 2006 Recycling Rate Report approved by Commonwealth of Virginia DEQ.

B) CY 2006 Recycling Rate Report submitted to Commonwealth of Virginia DEQ, currently being reviewed.

C) Includes Tree Stumps (79 tons) and other (1 ton).

5.2.1 Methodology to Determine Recycling Rates

The methodology used to calculate the recycling rate is as follows.

- The following formulas were used:

$$\text{Base Recycling Rate} = [PRM + SRM] / [PRM + SRM + M] \times 100$$

$$\text{Adjusted Recycling Rate} = [PRM + SRM + CR] / [PRM + SRM + CR + M] \times 100$$

where:

PRM = Principal Recyclable Materials

SRM = Supplemental Recyclable Materials

CR = Recycling Credits for residue, solid waste reused and non-MSW recycled

M = Total Municipal Solid Waste Disposed within the NSWMR

PRELIMINARY DRAFT EXISTING SOLID WASTE AND QUANTITIES SYSTEM

2. The amounts will be expressed in one of the following units:
 - a. The actual weight of each component.
 - b. The volume of each component.
 - c. The estimated weight of each component based on the most accurate survey or estimated per capita weight.
3. PRMs include paper, metal (except automobile bodies), plastic, glass, commingled, yard waste, waste wood, and textiles.
4. SRMs include recycled and reused materials. Recycled SRMs included waste tires, used oil, used oil filters, used antifreeze, abandoned automobiles removed, batteries, composted sludge, electronics, and large diameter tree stumps (>6 inches in diameter). Reused SRMs are materials that are separated from the waste stream and used without processing or change its form for an end use. Reused SRMs include construction waste, demolition waste, debris waste, ash, and sawdust.
5. The total municipal solid waste disposed will be the amount of MSW generated within the planning region.
6. If the region participates in the used tire management program sponsored by the DEQ, the amount of those tires may be added to the "SRM" amount in the recycling rate calculation.
7. Mulched or composted yard waste can be included in the "PRM" amount if it can be demonstrated that the finished mulch will be marketed or otherwise used productively.
8. Used oil, used oil filters, and used antifreeze can be included in the "SRM" amount if it can be demonstrated that the materials will be marketed or used productively.
9. Where a source reduction of any municipal solid waste material or reuse of a principal recyclable material is documented to have occurred, is accurately quantified and is requested as a petition for a variance in accordance with 9 VAC 20-130-230, the DEQ may issue a credit for the amount to be added into the "PRM" or "SRM" amounts in each calculation method.

Source

Form 50-30 revised. Virginia Department of Environmental Quality. Commonwealth of Virginia Recycling Rate Report for Calendar Year 2006.

Budget estimates have been developed concerning the anticipated costs associated with the Service Authority. It should be noted that the budget estimates provided in this section should be considered preliminary, as efforts are still on-going to develop and refine the budget.

6.1 Service Authority Operating Budget for FY 2008

With significant input from the participating communities, R. W. Beck developed a preliminary operating budget for the Service Authority. The budget is for fiscal year 2008, assuming that the Service Authority will begin landfill operations approximately July 1, 2008. Table 6-1 contains the FY 2008 budget for the Service Authority

**Table 6-1
Service Authority Budget**

Budget Category	FY 2008 Budget
Personnel	\$1,251,607
Active Landfill O&M	\$1,407,441
Inactive Landfill O&M	\$71,904
Equipment	\$684,513
Capital	\$1,655,108
Financial Assurance	\$583,099
Reserve Funds	\$445,427
Potential Environmental Remediation	\$50,000
Total	\$6,149,099
Total Tons Accepted	265,099
Cost per Ton	\$23.20

Per the Use Agreement for the Service Authority future budgets will be established on or before each March 1. The Service Authority shall adopt its Annual Budget for the ensuing Fiscal Year, which shall include, without limitation, projected Operating Costs and Operating Revenues, taking into account Tipping Fees established.

7.1 Waste Management Hierarchy

Region 2000 and its member localities continue to examine various alternatives for the management of solid waste in Central Virginia. The Virginia Waste Management Board Regulations for Solid Waste Management Planning, Amendment 1, 9 VAC 20-130-10 et seq., requires the Plan to develop comprehensive and integrated solid waste management plans that consider, at a minimum, all components of the following hierarchy:

1. Source Reduction;
2. Reuse;
3. Recycling;
4. Resource recovery (Waste-to-Energy);
5. Incineration; and
6. Landfilling.

Elements higher in the hierarchy are more desirable, and tend to reduce the need for lower, less desirable, elements of the hierarchy. Therefore, when developing a solid waste management plan, preference should be given to those elements higher in the hierarchy.

The localities in the Region have developed and implemented an integrated solid waste management strategy. The Region will rely mainly on landfilling to meet their solid waste disposal needs and will continue to do so. Recycling and landfilling will play the major roles in the Region's integrated solid waste management plan with source reduction and reuse having smaller roles in the plan. Resource recovery and incineration are not currently considered viable options for the Region; however each was initially considered and will be discussed in this section. The Region plans to continue and expand its programs to meet the future solid waste needs of the community.

The following sections detail the integrated solid waste management hierarchy as it relates to the region, in addition to the future disposal options available to the region once the regional landfills reach capacity in 2021 as detailed in Section 4.

7.2 Source Reduction

Source reduction of the waste stream involves the alteration of a service, process, design or input material used for production and/or consumption of a good thus lessening the generation of the waste by-product.

The Virginia Solid Waste Planning Regulations (VR 672-50-01) define source reduction as “any action that reduces or eliminates the generation of waste at the source, usually within a process. Source reduction measures include process modifications, feedstock substitutions, improvements in feedstock purity, improvements in housekeeping and management practices, increases in the efficiency of machinery and recycling within a process.”

Frequently, source reduction results in beneficial energy savings, and ideally, it decreases the generated quantity of both solid and hazardous waste. Source reduction can also be brought about through our free market system. The impact of consumer preferences for certain products or packaging can impact industries to change established procedures and also motivate local governments to impose restrictions on businesses.

Source reduction has commonly been thought of as industrial waste minimization, but due to the solid waste crisis has been incorporated in all areas from business to household. The reduction of business waste often comes with systems automation; i.e., use of fax machines, computers, e-mail, networking, and duplex copy machines, etc.

The reduction of the residential waste stream requires that citizens achieve greater awareness of disposal costs and the effect solid waste has on the environment. Public information offers educational benefits that help residents become aware of their throw-away mentality and its effect on costs and harm on the environment.

Section 2.1.5 previously discussed the trends in source reduction nationally, noting that the reduction of yard waste in landfills is the most significant source reduction activity at the moment as localities and states ban yard waste from landfills.

While individuals can attempt to reduce their volume of waste, source reduction policies will be aimed primarily at businesses and industries. Many source reduction policies are not feasible at the local level but are best handled at the state or federal level. Examples of this are the banning of yard waste from landfills or requiring minimum packaging standards. Financial incentives and disincentives, broad regulations concerning source reduction and changes to manufacturing processes are difficult to implement on a local basis. As waste tipping fees at the commercial sector will become more sensitive to the expenses involved in their disposal programs, and will begin to consider source reduction more closely.

To increase citizen awareness of source reduction activities that can be implemented on an individual basis, the Region will consider the implementation of a public information program designed to increase source reduction activity as time and funding permits. The program, if implemented, will primarily consist of information on source reduction activities. The DEQ can be used as a resource for obtaining

appropriate literature on source reduction activities and assistance in developing the program.

To facilitate this, the services authority is currently considering hiring a Recycling Program Manager by spring 2008. If hired, the Recycling Manager's salary and benefits would be split between the city of Lynchburg (40%), Campbell County (40%) and the regional authority (20%). A description of the proposed Recycling Manager's duties and responsibilities are explained further in Sections 7.4 and 7.5.

It should be noted that source reduction and reuse will remain under the control of each individual locality. Proposed future activities include the following:

7.3 Reuse

Reuse is similar to source reduction as it prevents materials from entering the waste stream, but involves separating a given solid waste material from the waste stream and using it, without processing or changing its form, other than size reduction, for the same or another end use. Examples of reuse include such activities as swap shops or thrift stores, clothing collection centers, pallet reuse, use of refillable bottles, reconditioning of drums or barrels, use of saw dust from lumber mills for the manufacture of paper or particle board, and waste exchange programs (such as HHW).

As with source reduction, private citizens can make an effort to reuse or encourage reuse of many items that would normally be discarded to the landfill. However, the focus of the program would be better aimed at the commercial sector including the Region businesses and industries.

The following activities are proposed under this plan relative to reuse, as interest and funding are available:

- Continue to educate the public relative to the need for reuse
 - Initial plan would be for individual communities to continue to conduct reuse education programs on their own
 - As the region moves forward with the hiring of a Recycling Manager, this would change and the authority occur some of the responsibility
- Expansion of education to commercial sector to address reuse
- Collection of data on commercial reuse programs

7.4 Recycling

Recycling is defined by the Virginia regulations as “the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product, which may or may not be similar to the original product.” Section 5.1.1 outlined the recycling programs for the individual communities in the Region.

Region 2000 and its member communities are operating a number of recycling programs, including curbside and convenience center (green-box) drop off programs, yard waste composting, white goods collection, used clothing reuse, and household hazardous waste collection programs. Section 5.2 displays the recycling materials, tonnage and rates for the Region 2000 community reported to DEQ as of 2006.

Regionalization has the potential to have a significant positive impact on recycling and waste diversion in the Region 2000 area by allowing more cost effective implementation and operation of recyclable material collection and processing infrastructure. The existing recycling infrastructure within Region 2000 is limited, incurs costs that are difficult to justify to rate payers, and does not have a significant impact on total waste disposed. Individual jurisdictions do not typically generate enough recyclable material to justify investment in collection and processing equipment required to aggregate and process quantities of material sufficient to take advantage of today's high market values.

The aggregation of loose materials at widely dispersed drop-off centers throughout the region requires paying private sector waste haulers or material buyers the same hauling fees as for waste. Moreover, the hauler often charges for processing material; e.g. baling it, despite the fact that materials such as plastic and aluminum are currently worth \$600 and \$1,500 per ton, respectively. A regional system offers the opportunity to consider the following:

- The hiring of a regional Recycling Program Manager
 - Responsibilities would include developing and implementing recycling and education programs and activities and ensuring compliance with Virginia Department of Environmental Quality annual recycling reporting requirements.
 - Program Manager would report to the Solid Waste Director.
- Promoting recycling and educating residents, businesses and schools in a uniform manner.

7.4.1 Citizens' Convenience Centers

The Campbell County Landfill should continue to operate as a customer convenience station (CCS) when it is inactive (and subsequently Lynchburg when it closes). Each jurisdiction should also operate CCS throughout their community. Initially, R. W. Beck recommends that each jurisdiction continue to service their own CCS, including the CCS located at the inactive landfills. This includes hauling full containers, providing empty containers, and cleaning the site. Long-term, R. W. Beck recommends that the Authority coordinate a regional approach to providing this service either via the Authority or private sector. If the Authority provided service for the CCS, each jurisdiction should be responsible for a portion of the cost depending on the number of sites within each jurisdiction and the quantity of waste collected at each site (i.e., how often sites require service).

If the Authority accepted full responsibility for operation of the convenience stations, each jurisdiction should be required to upgrade their facilities to meet the Authority's service requirements. R. W. Beck recommends that each site be fenced for security and to prevent vandalism. Depending on the quantity of material received, types of wastes accepted and number of customers, the Authority will need to evaluate the need for staffing each station. Unmanned stations are also more susceptible to disposal of prohibited wastes.

Currently, sites in Campbell County include compactors, which are all mobile. Some sites have roll-off and packer containers that are serviced by one truck through a service contract. The Authority should also evaluate the number of sites and quantities of waste collected to determine if some sites can be combined or closed altogether to reduce operations costs but without impacting customer service.

It's likely that two drivers and one laborer would be required to service and maintain all of the CCS. The Authority should evaluate the need to staff each station to manage non-permitted uses, such as use by commercial customers. Use of the stations by non-permitted customers' results in the loss of revenue generated at the landfill.

7.4.2 Household Hazardous Waste

Lynchburg currently provides no-fee HHW collection four times per year for City residents. Collection of HHW materials, such as used oil, paints, insecticides, and pesticides, occurs on the second Saturday in April, June, August and October between 9 a.m. and 1 p.m. If the Authority took over operation of this program, they could provide the service to each of the member jurisdictions.

The City owns a portable trailer that could be purchased by the Authority and moved around to each community. Each community would be required to pay for its share of the program cost, but would not be required to participate. The City currently contracts with a private company to dispose of the materials collected, which has averaged approximately \$15,000 per year. The Authority would need to establish a similar contract for disposal.

The Authority would also need to provide properly trained staff at each event. Training would consist of the OSHA 40-hour and 8-hour annual refresher HAZWOPER course. The City has provided staff for each event through overtime. If the City of Bedford and Nelson County participated, there could be as many as 20 HHW collection events each year.

R. W. Beck recommends that the Authority be responsible for this program serving all member jurisdictions. Providing HHW collection to each of the communities will minimize the amount of HHW that is disposed of in the landfill. Member jurisdictions would need to pay for their proportional disposal costs for HHW. R. W. Beck would recommend that the Authority develop a proposal for a regional HHW program.

7.4.3 Maintaining a 25% Recycling Rate

As discussed in Section 5.2 (Regional Recycling Rates), the Virginia Waste Management Board's August 1, 2001 regulations for solid waste management planning (9VAC 20-130-40 and 9VAC 20-130-120) state that a regional entity must meet and maintain a minimum recycling rate of 25 percent (with one amendment as described in Section 5.2).

The Region's 2006 "adjusted" recycling rate, as calculated from individual Forms 50-30 stands at 40.9 percent. The "final" regional recycling rate will not be known until Virginia DEQ provides final approval of the regional calculations.

The Authority plans on maintaining an overall recycling rate of 25 percent by:

- Continuing individual community recycling and diversion programs;
- Hiring a regional recycling manager;
- Surveying residents and businesses on how to improve recycling programs;
- Presentation to schools and other community functions;
- Helping businesses start or advance recycling programs; and
- Continuing the local litter prevention commission.

7.5 Resource Recovery (WTE) and Incineration

A resource recovery system, or a waste-to-energy system, is defined by Virginia's solid waste regulations as a solid waste management system that "provides for the collection, separation, recycling, and recovery of energy or solid wastes, including disposal of non-recoverable waste residues." Incineration is defined as the controlled combustion of solid waste for disposal. It is different from resource recovery in that no usable product is generated from the combustion of the waste. The sole purpose of incineration is to burn the waste to reduce the quantity to be managed or disposed.

The two major types of resource recovery facilities are (1) the refuse derived fuel (RDF) facility and (2) the mass burn facility. RDF systems utilize a separation process that divides material that is combustible from material that is non-combustible. The non-combustible material may be collected and sold as a recyclable or reusable product. The combustible material is processed into pellets or fluff (RDF) and sold or used by the manufacturer as a fuel for combustion. Revenue results from the sale of both the noncombustible material, as well as the RDF itself.

Mass burn facilities do not utilize a separation process. All municipal solid waste is directly fed into the incinerator, which burns the waste at a high temperature. The resulting heat may be used to generate steam or electricity. It should be noted the mass burn of municipal solid waste results in the production of both air emissions and ash. The air emissions are regulated by state and federal agencies. The ash must be landfilled as a waste. This being the case, the locality must still plan for the disposal of a waste product, although the amount of waste to be disposed will be greatly decreased.

In the 2005 Regional Solid Waste Management Analysis, R. W. Beck performed a feasibility study for the region to utilize waste-to-energy (mass burn at 900 TPD) as their primary disposal mechanism. The analysis accounted for all costs and revenues that such a facility would incur. Some of the costs associated with a WTE facility that R. W. Beck analyzed included capital costs, operating and maintenance costs, and costs relating to the disposal of the ash generated by the facility. R. W. Beck estimated that a WTE facility that would process 900 tons per day of refuse would have a capital cost of approximately \$117 million. Based on financing this cost with a 20-year bond at an interest rate of five percent, the annual debt service would total \$9.4 million.

The operations and maintenance costs for a WTE facility would be expected to be in the range of \$30 to \$35 per ton based on R. W. Beck's industry experience. In an effort to develop fiscally conservative cost estimates, R. W. Beck used the rate of \$35 per ton in 2006. R. W. Beck inflated operations and maintenance cost at 2.5 percent per year from 2006 to 2015. Based on an annual tonnage generation figure of 260,598 in 2006 (including BFI tonnage), total operations and maintenance costs for the year were forecast to be \$9.1 million.

Revenue earned from the facility would have been contingent upon MSW tipping fees and the average price per kilowatt-hour that can be obtained in the wholesale electric market and the number of kilowatt-hours generated by the facility. Disposal costs per ton range from \$71 per ton in 2006 to \$81 per ton in 2015. These costs are driven up by large capital and operating and maintenance costs.

As a result of the analysis, R. W. Beck concluded that given the high costs associated with constructing and maintaining a waste-to-energy facility that the Region not consider waste-to-energy as a viable disposal option at that time. However, the option could be reevaluated in the future when landfills in Region 2000 are closer to reaching capacity.

7.6 Landfilling

The two counties and two cities that comprise Region 2000 will rely on Landfilling to meet the near-term disposal needs of its citizens. Beginning July 1, 2008 the four communities will send their solid waste to one of the two landfills in the region (Campbell County, or City of Lynchburg). R. W. Beck estimates that the two landfills will have a combined disposal capacity of 4,833,350 cubic yards (from Section 4 assumptions). Under this scenario, the Region would be able to operate the landfills for approximately 13.3 years (beginning in July 2008) before reaching capacity in October 2021.

The regional landfills, identified in Section 4, will continue to support the waste disposal needs of the region. This includes the disposal of all wastes currently permitted for the facility, including, but not limited to: MSW, C&D, Industrial waste, sludge, citizen's drop-off areas, HHW facilities, and bulky item (white goods) disposal area.

Virginia DEQ mandates (via 9VAC 20 regulations), that each community or regional entity that submits a solid waste management plan account for the area's disposal needs on a 20-year basis. As discussed in Section 4, the remaining landfill space from the three Region 2000 disposal sites will reach capacity within 14 years. In light of the limited lifespan of the two regional landfills, Region 2000 has explored options to provide for the area's future disposal needs once the landfill's current disposal cells have reached their capacity. The disposal options for additional years are discussed in Section 7.8 below. Note that no decision has yet been made as to which disposal option will be utilized. The following sections are intended to show to the Virginia Department of Environmental Protection that the Region has carefully thought out its disposal options once the current landfill capacity is reached.

7.7 Future Disposal Options

The 2005 Regional Solid Waste Management Analysis (and updated via the 2007 Region 2000 Services Authority Operations Plan performed by R. W. Beck) considered the most economically feasible disposal options for the Region for 2008 and beyond. The reports analyzed the following options to handle the region's waste:

- Joint use of existing landfilling facilities;
- Construction of a new landfill;
- Construction of a transfer station; or
- Building a waste-to-energy facility.

Note that in addition to the sections below, Section 8.2 discusses the disposal system goals and actions items.

7.7.1 Joint Use of Existing Landfills

As discussed throughout the report, the 2005 Analysis recommended the joint use of the existing landfill facilities as the most viable disposal option for all of the participating communities. The 2005 Analysis assumed that the City of Lynchburg's landfill would be the first facility to serve as the region's disposal facility until it reaches capacity. Once the first landfill (e.g. Lynchburg) reaches capacity, all waste would go to the landfill in either Campbell or Amherst County. Assuming a regional start date of July 1, 2008, the three landfills will reach disposal capacity by 2021. See Section 4 for a detailed discussion on the remaining landfill capacity and site life of the two regionally operated landfills.

7.7.2 Develop New Landfill within Region 2000

One future disposal option would be to develop a new landfill facility within Region 2000. This concept would essentially mean continuing the practice of the Service Authority owning and operating a landfill within the Region. In order for this option to be developed, Region 2000 would need to acquire property or rely on one of the communities within Region 2000 to obtain property that would be suitable for the

development of a landfill. Owning and operating another landfill would allow Region 2000 to better control costs since the facility would be located closer than another facility and because the region would not be subject to market pricing from a third party landfill. At the same time, Region 2000 would face the challenge of having to site a new landfill within its service area.

The following describes the advantages and disadvantages associated with a new landfill.

Advantages

- Minimizes transportation costs as collection vehicles and transfer trucks would remain in the region.
- Greater control of costs as compared to having to contract with a third party for disposal.
- Opportunity would exist to generate excess revenue for the benefit of member communities.
- Overall disposal capacity could be developed for 20 or more years, depending on the size of the site.
- Could consider expanding an existing landfill site within the region.

Disadvantages

- Another landfill would need to be sited and developed in the region.
- Depending on the location of the landfill, the need for a transfer station could exist for one or more community.
- The Service Authority would continue to have financial and operational liability for owning and operating a landfill.

Since the implementation of Federal landfill laws (Subtitle D) in the 1990's, landfills have become more sophisticated and expensive to operate. Consequently, the number of facilities has decreased while the size of remaining landfills has increased. As existing facilities reach capacity and there are fewer suitable sites for landfills, future facilities will need to be regional in nature.

7.7.3 Transfer Station

A transfer station is a facility where solid waste collection vehicles discharge their loads into a receiving area; then, the waste is placed into larger hauling vehicles for travel to a disposal site such as a landfill or waste-to-energy facility. Among the Region 2000 communities, Nelson County has owned and operated a transfer station for a number of years and the City of Bedford utilizes a transfer station that they own and operate.

As the landfill space begins to diminish, Region 2000 may again consider utilizing transfer stations as its primary disposal option. Any future transfer station analysis would account for all costs that would be associated with such an operation such as

capital costs, operations and maintenance costs, hauling costs from the transfer station to disposal site and tipping fees at the disposal site. The evaluation completed in the 2005 Analysis can provide a baseline of information concerning the future costs that may be associated with a transfer station system.

The following describes the advantages and disadvantages associated with transfer stations.

Advantages

- Occupies less space and fewer environmental issues than a landfill.
- Reduces the amount of waste going into landfills in Region 2000, thereby reducing the demand for additional landfills in the region.
- Communities in Region 2000 may eventually need a transfer station once their existing landfills reach capacity.
- Lower capital investment than compared to landfills.

Disadvantages

- Facility must be located in the center of the region.
- Currently premature to develop a major transfer station given the remaining disposal capacity in the existing landfills.
- The potential exists for high hauling and disposal costs since these services would be contracted with private companies.
- Loss of control over future price increases.
- Difficult to recover costs for existing debt service and unfunded closure and post closure costs with existing landfill operations.
- Represents a serious change in how solid waste services are provided within Region 2000.

Relying on transfer stations continues to represent a need for communities as they either fill up their existing landfills or rely on landfills that are located further distances from their collection areas. Key trends specific to transfer stations currently involve selecting appropriate compaction technologies for maximizing payloads and consideration of various transportation networks (e.g. trucks, railways and barges).

7.7.4 Waste-to-Energy

Waste-to-energy technology can be used as an integral component of a comprehensive, integrated solid waste management program. The Integrated Waste Services Association (IWSA) states that in addition to providing essential trash disposal services, today's waste-to-energy plants generate clean, renewable energy. Communities that utilize waste-to-energy are provided a disposal alternative to communities that would otherwise have to buy power from conventional power plants and dispose of their trash in landfills.

There are currently 89 waste-to-energy plants nationwide which dispose of more than 90,000 tons of trash each day, while generating enough clean electricity to supply energy to about 2.3 million homes. Through this public-private partnership, communities and waste-to-energy companies have invested approximately \$1 billion to upgrade their air quality control systems while employing state-of-the-art emission control devices that reduce pollutants from today's facilities to levels far below state and federal standards.

As the landfill space begins to diminish, Region 2000 may again look at waste-to-energy as their primary disposal option. Any future analysis will account for all costs and revenues that such a facility would incur. Some of the costs associated with a WTE facility include capital costs, operating and maintenance costs, and costs relating to the disposal of the ash generated by the facility.

The following describes the advantages and disadvantages associated with WTE.

Advantages

- Facility generates revenue from electric sales.
- Occupies less space than a landfill.
- Reduces the amount of waste going into landfills, thereby extending the lives of current landfills and reducing the demand for additional landfills.

Disadvantages

- Capital requirements for the construction of the facility are extremely large, significantly driving up cost per ton figures relative to alternatives.
- Operations and maintenance expenses for WTE are high compared to those of landfills.
- Revenues from electricity sales typically are not significant enough to reduce operating costs to levels competitive with landfilling.
- Facility should be centrally located to minimize transportation costs.
- Facility will generate additional air pollution within region, raising environmental concerns.
- Certain WTE facility designs require large amounts of water to make up for evaporation losses.
- Operations will produce substantial tonnages of ash which must be tested and landfilled.
- A large waste stream must be dedicated to the facility for a long period of time.
- The WTE program may divert waste from composting and recycling programs.

WTE facility construction within the United States has been stymied over the past decade due to increasing regulatory requirements and the construction of new regional landfills. In addition, pressure from environmental groups concerned about pollution and low landfill disposal fees in much of the country has limited the development of new projects. No new WTE facilities have been built in the U.S. in recent years.

There are a number of companies touting the benefits of emerging WTE technologies, such as gasification and plasma arc. However, based on analysis that R. W. Beck has completed for other clients, these technologies are untested in scenarios where they would process approximately 900 tons per day.

Section 8

GOALS AND OBJECTIVES OF PROGRAM

The establishment of a regional solid waste entity would significantly enhance opportunities for other regional solid waste functions such as solid waste management planning, achievement of recycling goals, collection and disposal of household hazardous waste, and more efficient collection and convenience center operations.

The following section outlines the goals and objectives for the Region 2000's establishment of a regional solid waste management program. Any future program activities may become regional overseen by the Region 2000 Service Authority.

The members of the Service Authority have developed and adopted this solid waste management plan for the following reasons:

1. Significant cost savings to local governments and customers from consolidating landfill operations.
2. To provide for the efficient and economical disposal of the solid waste.
3. To provide a reliable and long-term source of disposal for the five communities.
4. To protect the health, safety, and welfare of their citizens by providing and planning for their present and future solid waste disposal needs.
5. To promote recycling activities and make a substantial effort to comply with State mandated recycling rate of 25 percent.
6. To develop an integrated approach for the handling and disposal of solid waste.
7. To effectively and efficiently use limited natural resources.
8. To protect the environment from the mismanagement of solid waste.
9. To comply with State Regulations 9 VAC 20-130-10 et seq.
10. More efficient landfill operations due to increased economies of scale.

8.1 Collections

Table 8-1
Collection System Goals and Action Items

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
C-1	Campbell and Lynchburg to send all solid waste directly to one of the two Region 2000 landfills (e.g. Campbell County and City of Lynchburg) in Region 2000 in a coordinated manner. The City of Bedford and Nelson County would send waste to the one operating landfills via use of existing Transfer Stations.	To commence when date agreed by council	July 1, 2008	N/A
C-2	Continue to provide a cost effective collection system for the citizens of the Region	Need to evaluate opportunities for consolidation of operations	July 1, 2008	N/A
C-3	Provide comprehensive services at the green-box and other collection sites in Campbell Co., City of Bedford, and City of Lynchburg including trash disposal, bulky item collection, recycling, and yard waste handling	Expand the services as interest and funding become available. Service authority might take over management of sites. Operations plan will update	July 1, 2008	Currently unknown
C-4	Assess the need for transfer stations and WTE as the regional landfills near capacity	Region 2000 will continue to assess need	As necessary	No specific project costs at this time
C-5	Coordinate recycling efforts through the Regional Authority to comply with DEQ requirements and to meet recycling goals	See Section 7	As necessary	Currently unknown

8.2 Disposal

Disposal consists of the operation of one of the two landfills (Campbell County, and City of Lynchburg) currently in use by the participating jurisdictions. The landfill not operating would be temporarily closed until the landfill in operation is filled. Once the first landfill (Lynchburg) is filled, the second (Campbell County) would be placed in service until filled. Nelson County and City of Bedford would utilize a transfer station to transfer their waste to the operating landfill. It is assumed that a little over thirteen years of operation life would result from this arrangement. With an estimated regionalization start date of July 1, 2008, it is expected that the final landfill will be filled by 2021.

Several years prior to the close of the second landfill, a regional solid waste management plan will be prepared to determine the approach to managing the regional waste beyond the estimated 2021 post closure date of the final landfill in operation. Table 8-2 below displays the region's disposal system goals, timeline, and estimated costs.

Table 8-2
Disposal System Goals and Action Items

Item Number	Goal	Action Item	Anticipated Schedule	Estimated Costs (2007 dollars)
D-1	Open Lynchburg landfill first in 2008 to waste disposal from Region 2000 communities.	Provide adequate training to all operating personnel	July 2008	Variable by locality.
D-2	Maintain closure of the Lynchburg landfill in an environmentally sound manner (including leachate system) and in accordance with all federal, state and local regulations and initiate the 30 year post closure period.	Provide adequate training to all personnel in the closure and post closure of the landfill	July 2013 through July 2043	Under Development
D-3	Assume operation of the Campbell County regional landfill.	Provide adequate training to all operating personnel	August 2013	Under Development
D-4	Maintain closure of the Campbell County landfill in an environmentally sound manner (including leachate system) and in accordance with all federal, state and local	Provide adequate training to all personnel in the closure and post closure of the landfill	February 2021 thru February 2051	Under Development

Item Number	Goal	Action Item	Anticipated Schedule	Estimated Costs (2007 dollars)
	regulations and initiate the 30 year post closure period.			
D-5	Determine new disposal options	Work with Region 2000 members to revisit 2005 plan.	Unknown	Under Development

8.3 Recycling

The regional recycling efforts and various goals are discussed in detail in Section 7.4.

8.4 Public Awareness

Region 2000 will strive to increase the public's perception of waste management and recycling goals throughout the Region. Table 8-3 lists three such goals that are subject to expansion as the July 1, 2008 start date approaches.

Table 8-3
Public Awareness Goals

Original Objective	Current Status
Conduct special educational programs within the public schools that illustrate the importance of proper waste disposal and waste reduction and promote such behavior.	Considering hiring Regional Recycling Program Manager to facilitate objective
Develop and make readily available information and educational materials concerning solid waste and its proper management to all interested citizen groups and organizations.	Considering hiring Regional Recycling Program Manager to facilitate objective
Utilize communication mediums such as local newspapers and radio stations to publicize local waste management regulations, problems, and the public's responsibility concerning them.	Considering hiring Regional Recycling Program Manager to facilitate objective

8.5 Litter Control

The four communities that comprise Region 2000 will continue to support existing litter control and collection programs. An overview of the existing litter control programs for the four communities and the Region as a whole is provided in this section. Note that if the Regional Recycling Program Manager is hired in 2008, part of

his or her job responsibilities will be to oversee any litter control or remediation programs.

8.5.1 Campbell County

Campbell County retains a Litter and Environmental Commission, which speak at Raritan Clubs and other civic groups about solid waste disposal and recycling issues. In addition, County personnel speak to students at local schools twice a year to educate them on the importance of proper solid waste disposal and recycling. New programs and changes in existing programs are advertised and announced in local and regional newspapers, as well as often announced through radio and television.

The Town of Altavista also has a new government information channel that announces the times and dates of household waste and recycling collections, as well as what materials are collected for recycling.

8.5.2 Nelson County

The County employs a part-time recycling coordinator as a means of enhancing and improving this program. Trash cans help reduce litter in Lovington, a major volunteer road cleanup is held every spring, and a major James River cleanup is held in the fall. The County is exploring a wood chipping operation at the transfer station to reduce the quantity of wood disposal.

Outreach programs in most localities generally include descriptions of waste management services available to residents on the website, in the annual county services brochure, postings at the courthouse and County Office building, and in ads and articles for special events (waste amnesty days, Christmas tree collection, etc.) in local newspapers. In the RSWA service area, outreach also includes website, public forums, flyers at the recycling center, radio advertisements, and inserts in local newspapers. General public service announcements on radio and television also help educate the public. Adopt-a-Street programs and highway signs promote litter control.

Public participation in solid waste management and planning occurs at advertised meetings of public bodies that discuss and act on the issues. In addition, Nelson County has a "Keep Nelson Beautiful" program that promotes recycling and waste reduction as well as periodic clean-up days.

8.5.3 City of Bedford

The Keep Bedford Beautiful Commission has been a prominent force in promoting an interest among citizens to preserve the environment and control litter. They currently sponsor the Adopt-a-Highway and Adopt-a-Spot programs. The Keep Bedford Beautiful Commission also sponsors twice per year City clean-up events where volunteers walk the streets of the City and pick up litter. The Keep Bedford Beautiful Commission is funded by state litter control and recycling grants. The City of Bedford addresses litter control in the City Code Section 20-35.

8.5.4 City of Lynchburg

The City has an extensive litter control program. This program include coordinating the clean up of litter with approximately 70 volunteer groups within the City. The City conducts a “March on Litter” campaign where City residents organize on the second Saturday of March to collect litter. In 2006, 150 participants collected 8 tons of trash and litter. In addition, the City currently has an environmental education program for providing information to the public. The program has been designed to focus on basic environmental awareness issues, recycling, litter control and pollution prevention education. The goal of the program is to educate the community through special promotional programs and organized community environmental events. This program will continue to be expanded as interest and funding allow.

8.5.5 Region 2000

As shown in Table 8-3, Region 2000 will continue to promote their existing litter control and prevention programs and expand as resources and interests allow.

Table 8-4
Region 2000 Litter Control Goals and Action Items

Item Number	Goal	Action Item	Schedule	Estimated Costs (2007 dollars)
LC-1	Hire Recycling Program Manager	N/A	July 1, 2008	To be determined based on qualifications
LC-2	Educate public relative to litter control.	Continue to support existing educational programs. Expand as resources are available.	On-going	No specific funding required at this time
LC-3	Reduce litter in the Cities and Counties	Continue to support road cleanups by KAB affiliates, Adopt-A-Street and Adopt-A-Spot, City Walkers, community volunteers and VDOT. Expand as resources are available.	On-going	No specific funding required at this time.
LC-4	Minimize illegal dumping.	Continue to patrol communities and Provide comprehensive and timely collection services.	On-going	No specific funding required at this time.

9.1 Formation of Solid Waste Planning Entity

Whereas the Counties of Campbell and the Cities of Bedford and Lynchburg had previously prepared individual solid waste plans, and whereas Nelson County had been part of the Thomas Jefferson Planning District Commission, the four communities will, beginning on July 1, 2008 combine their regional solid waste disposal needs into one integrated solid waste management system.

In 2007, the Region 2000 Local Government Council, representing the Counties of Campbell and Nelson, and the Cities of Bedford and Lynchburg agreed to become a new regional solid waste planning unit. A copy of the four local governing bodies' resolution authorizing the formation of the Region 2000 Solid Waste Authority is provided in Appendix C.

9.2 Virginia DEQ Recognition of Solid Waste Planning Unit

The Virginia Department of Environmental Quality is currently in the process of recognizing Region 2000 as a solid waste planning unit.

9.3 Resolution Adopting Regional Solid Waste Management Plan

Per 9 VAC20-130-140 of the Virginia Waste Management Board, as the Region 2000 solid waste management plan has been developed as a regional plan, a resolution approving the plan, adopted in accordance with the Virginia Area Development Act, the Virginia Water and Waste Authorities Act, and the provisions of the Code of Virginia (15.2-1300) has been approved by the Region 2000 Solid Waste Authority in 2007. A copy of the resolution approving the acceptance of the solid waste plan by each individual community is provided in Appendix D.

After the Regional Plan has been adopted by the Authority and the four individual communities, a copy of the adopted plan will be placed in the Administrative Offices of each County and City, and at the Region 2000 headquarters located at 828 Main Street, 12th Floor, Lynchburg, VA 24504.

Section 10 FUNDING AND FINANCING

This section provides an overview of the funding mechanisms and financing methods that the Service Authority will implement to ensure the financial integrity of the Service Authority.

10.1 Funding Mechanism

The Service Authority will be funded through tipping fees from the member communities and commercial customers. The projected per ton tipping fees have been developed based on the projected quantity of material that will be landfilled during FY 2008, which should allow the Service Authority to generate sufficient revenue levels. The Service Authority has the expectation that it will recover all of its expenses through its tipping fees. However, to the extent that there is a revenue shortfall, the Use Agreement for the Service Authority does include provisions that require each member jurisdictions to pay for its Pro Rata Share of the deficit. Each such Member Jurisdiction shall have a “moral obligation” to appropriate its Pro Rata Share of such Annual Deficit.

10.2 Financing

The Service Authority will have a need to issue debt to fund various capital expenses, which include but are not limited to the initial acquisition of assets, equipment and facility development/improvement. While the Service Authority is finalizing its options, it is expected that the Service Authority will issue revenue bonds to fund future debt. The Service Authority is currently in discussions with the Virginia Resources Authority (VRA). VRA provides cost-effective financial solutions to local governments and other public bodies for projects that improve the quality of life of Virginians.

Section 11 PUBLIC PARTICIPATION

11.1 Public/Private Partnerships

The Authority seeks to support all activities relative to reuse, reduction and recycling. However, at this time, it does not have any contracted partnerships with the private sector.

11.2 Public Hearings

Virginia Waste Management Board Solid Waste Management Planning Regulation 9 VAC 20-130-130 states that prior to the submission of a solid waste management plan, the submitter (Region 2000) shall publish a notice and hold a public hearing on the plan in accordance with the procedures of the Region 2000 planning agency. A record of the public hearing, copies of all written comments and the submitter's responses to the comments need to be included with the plan.

To ensure compliance with 9 VAC 20-130-130, the authority, in addition to the individual communities will conduct a public meeting to discuss the waste management issues with community residents and to establish working relationships with community interest groups, businesses, and industry.

11.2.1 Authority

On behalf of Campbell and Nelson Counties, and the Cities of Lynchburg and Bedford, the Authority advertised in the **Periodical or Media Name** on **Month, Day, Year**, and held a public hearing on the plan at **(Location)** on **Month, Day, Year**. A copy of the Notice of Public Hearing issued by the Authority is shown in Appendix E. All records and written comments are shown in Appendix F.

11.2.2 Individual Communities

In addition to the Notice of Public Hearing issued by the Authority, the individual communities each conducted a Public Hearing to provide residents and businesses with an option to comment on the regional solid waste management plan. Table 11-1 displays the advertisement media and the dates of the individual public hearings.

**Table 11-1
Public Hearings**

Name	Advertisement Media Used	Day of Week Public Hearing Scheduled	Month/Date/Year of Public Hearing	Location of Public Hearing
Campbell County				
Nelson County				
City of Bedford				
City of Lynchburg				

Appendix G contains a copy of the Notice of Public Hearing that each individual community issued. Copies of the minutes and other notes from these meetings are included in Appendix H.

Appendix A
DEQ DESIGNATION OF REGION (APPROVAL LETTER)

Appendix B
MASTER SCHEDULE

[illegible]

Appendix C

AUTHORIZATION BY LOCAL GOVERNMENTS TO FORMATION OF REGION 2000 SOLID WASTE AUTHORITY

COUNTY OF CAMPBELL



At the regular meeting of the Campbell County Board of Supervisors held on the 15th day of October 2007 in the Board of Supervisors Meeting Room of the Haberer Building, Rustburg, Virginia:

**CONCURRENT RESOLUTIONS OF THE BOARDS OF SUPERVISORS OF CAMPBELL COUNTY,
NELSON COUNTY AND THE CITY COUNCILS OF BEDFORD AND LYNCHBURG CREATING AND
ADOPTING ARTICLES OF INCORPORATION FOR THE REGION 2000 SERVICES AUTHORITY AND
APPROVING THE REGION 2000
SERVICES AUTHORITY MEMBER USE AGREEMENT**

Whereas, the respective City Councils and Boards of Supervisors have published notices pursuant to the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Sections 15.2-5100 *et. seq.* of the Code of Virginia), as amended, ("the Act") of their intent to create and adopt proposed Articles of Incorporation for a body politic and corporate to be known as the Region 2000 Services Authority and to approve the Region 2000 Services Authority Member Use Agreement; and

Whereas, public hearings have been conducted by each of the respective Boards of Supervisors and City Councils; and

Whereas, the Boards of Supervisors and City Councils find it be in the public interest that the Region 2000 Services Authority be established to exercise the powers and carry out the responsibilities set forth in the Act, for the benefit of the citizens of Campbell and Nelson Counties and the Cities of Bedford and Lynchburg.

NOW THEREFORE, IT IS CONCURRENTLY RESOLVED BY THE BOARDS OF SUPERVISORS OF CAMPBELL AND NELSON COUNTIES AND THE CITIES OF BEDFORD AND LYNCHBURG, that the Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia under the following:

ARTICLES OF INCORPORATION

Article 1. The Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia. The principal office of the Authority shall be located with the Virginia's Region 2000 Partnership Local Government Council at 828 Main Street, 12th Floor, Lynchburg, Virginia 24505 and shall consistently reside with the Local Government Council offices in the future.

Article 2. The names of the localities participating in the Authority are the Counties of Campbell and Nelson, and the Cities of Bedford and Lynchburg.

Article 3. The Authority shall consist of a board of four members, with one member appointed by the local governing body of each jurisdiction. The terms of the initial members of the board shall expire June 30, 2010. Members shall then be appointed for four year terms. The names and addresses of the initial members of the Board are:

Campbell County

R. David Laurrell, County Administrator
P.O. Box 100, Rustburg, VA 24588

RESPECTING THE PAST, ATTENDING THE PRESENT, CONCENTRATING ON THE FUTURE

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Nelson County

Stephen A. Carter, County Administrator
P.O. Box 336, Lovingson, VA 22949

City of Lynchburg

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

City of Bedford

Charles Kolakowski, City Manager
P.O. Box 807, Bedford, VA 24523

Article 4. Each local governing body also may select an alternate board member to have all of the voting and other rights of a board member if the board member is not present at a meeting of the Authority. The term for each alternate shall be the same as the term of the board member. The following persons are appointed to serve as the initial alternates to the board of the Authority:

Campbell County

Clifton M. Tweedy
P.O. Box 100, Rustburg, VA 24588

Nelson County

Susan E. McSwain
P.O. Box 336, Lovingson, VA 22949

City of Lynchburg

David A. Owen
900 Church Street, Lynchburg, VA 24504

City of Bedford

Article 5. The Authority is created and established under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Section 15.2-5100 *et. seq.* of the Code of Virginia) (the "Act"). The authority shall have all powers and duties set forth in the Act, as the same may be from time to time amended. The initial project of the Authority shall be to own and operate as a regional entity the landfills that currently are owned and operated by the City of Lynchburg and Campbell County, and to accept municipal solid waste generated within each of the participating jurisdictions (and from outside the jurisdictions if approved by the Authority) in those landfills in accordance with a Member Use Agreement to be approved by each of the local governing bodies. It is anticipated that the use of the landfills will be phased, with the Campbell County landfill being temporarily closed while the Lynchburg landfill is being utilized to its operating capability. The initial capital cost to purchase the landfills, including the site improvements, landfill capacity and land, buildings, equipment and rolling stock, and the closure and post-closure reserve funds, less the outstanding debt and the closure and post-closure liability for each locality, result in a payment to the City of Lynchburg of \$1,714,840, and a payment from Campbell County of \$270,000, for a net capital cost of \$1,444,840. The preliminary estimate of the cost per ton to the localities for solid waste delivered to the landfills owned by the Authority is \$23.91 per ton. It is impractical at this time to determine a per ton charge for private haulers using the landfills. Both the capital cost figure and the cost per ton are preliminary figures and are subject to change.

Article 7. All members of the board shall serve without compensation, but may be reimbursed by the Authority for their actual expenses incurred in the course of their duties.

Article 8. Existing members of the Authority may withdraw from membership, and other localities may join the Authority, as provided in Section 15.2-5112 of the Code of Virginia, as amended. In the event other localities join the

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BOARD OF SUPERVISORS

THOMAS D. HARVEY
North District

HARRY S. HARRIS
South District

ALLEN M. HALE
East District

THOMAS H. BRUGUIERE, JR.
West District

CONSTANCE BRENNAN
Central District



STEPHEN A. CARTER
Administrator

DEBRA K. McCANN
Director of Finance and
Human Resources

R2007-065

NELSON COUNTY BOARD OF SUPERVISORS

CONCURRENT RESOLUTIONS OF THE BOARDS OF SUPERVISORS OF AMHERST COUNTY, CAMPBELL COUNTY AND NELSON COUNTY AND THE CITY COUNCILS OF BEDFORD AND LYNCHBURG CREATING AND ADOPTING ARTICLES OF INCORPORATION FOR THE REGION 2000 SERVICES AUTHORITY AND APPROVING THE REGION 2000 SERVICES AUTHORITY MEMBER USE AGREEMENT

Whereas, the respective City Councils and Boards of Supervisors have published notices pursuant to the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Sections 15.2-5100 *et seq.* of the Code of Virginia), as amended, ("the Act") of their intent to create and adopt proposed Articles of Incorporation for a body politic and corporate to be known as the Region 2000 Services Authority and to approve the Region 2000 Services Authority Member Use Agreement; and

Whereas, public hearings have been conducted by each of the respective Boards of Supervisors and City Councils; and

Whereas, the Boards of Supervisors and City Councils find it be in the public interest that the Region 2000 Services Authority be established to exercise the powers and carry out the responsibilities set forth in the Act, for the benefit of the citizens of Amherst, Campbell and Nelson Counties and the Cities of Bedford and Lynchburg.

NOW THEREFORE, IT IS CONCURRENTLY RESOLVED BY THE BOARDS OF SUPERVISORS OF AMHERST, CAMPBELL AND NELSON COUNTIES AND THE CITIES OF BEDFORD AND LYNCHBURG, that the Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia under the following:

ARTICLES OF INCORPORATION

Article 1. The Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia. The principal office of the Authority shall be located with the Virginia's Region 2000 Partnership Local Government Council at 828 Main Street, 12th Floor, Lynchburg,

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Virginia 24505 and shall consistently reside with the Local Government Council offices in the future.

Article 2. The names of the localities participating in the Authority are the Counties of Amherst, Campbell and Nelson, and the Cities of Bedford and Lynchburg.

Article 3. The Authority shall consist of a board of five members, with one member appointed by the local governing body of each jurisdiction. The terms of the initial members of the board shall expire June 30, 2010. Members shall then be appointed for four year terms. The names and addresses of the initial members of the Board are:

Amherst County

Rodney E. Taylor, County Administrator
P.O. Box 390, Amherst, VA 24521

Campbell County

R. David Laurell, County Administrator
P.O. Box 100, Rustburg, VA 24588

Nelson County

Stephen A. Carter, County Administrator
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

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

City of Bedford

Charles Kolakowski, City Manager
P.O. Box 807, Bedford, VA 24523

Article 4. Each local governing body also may select an alternate board member to have all of the voting and other rights of a board member if the board member is not present at a meeting of the Authority. The term for each alternate shall be the same as the term of the board member. The following persons are appointed to serve as the initial alternates to the board of the Authority:

Amherst County

Teresa M. Nuckols
P.O. Box 390, Amherst, VA 24521

APPENDIX C

Campbell County
Clifton M. Tweedy
P.O. Box 100, Rustburg, VA 24588

Nelson County
Susan E. McSwain
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg
David A. Owen
900 Church Street, Lynchburg, VA 24504

City of Bedford
Clarke W. Gibson
P.O. Box 807, Bedford, VA 24523

Article 5. The Authority is created and established under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Section 15.2-5100 *et. seq.* of the Code of Virginia) (the "Act"). The authority shall have all powers and duties set forth in the Act, as the same may be from time to time amended. The initial project of the Authority shall be to own and operate as a regional entity the three landfills that currently are owned and operated by the City of Lynchburg, Amherst County and Campbell County, and to accept municipal solid waste generated within each of the five participating jurisdictions (and from outside the five jurisdictions if approved by the Authority) in those landfills in accordance with a Member Use Agreement to be approved by each of the local governing bodies. It is anticipated that the use of the three landfills will be phased, with the Campbell County landfill being temporarily closed while the other two landfills are being utilized to their operating capabilities. The initial capital cost to purchase the three landfills from each other localities, including the site to purchase the three landfills from each of the localities, including the site improvements, landfill capacity and land, buildings, equipment and rolling stock, and the closure and post-closure reserve funds, less the outstanding debt and the closure and post-closure liability for each locality, result in a payment to the City of Lynchburg of \$1,714,840, a payment from Campbell County of \$270,000, and a payment to Amherst County of \$363,849 for a net capital cost of \$2,348,689. The preliminary estimate of the cost per ton to the five localities for solid waste delivered to the landfills owned by the Authority is \$23.91 per ton. It is impractical at this time to determine a per ton charge for private haulers using the landfills. Both the capital cost figure and the cost per ton are preliminary figures and are subject to change.

Article 7. All members of the board shall serve without compensation, but may be reimbursed by the Authority for their actual expenses incurred in the course of their duties.

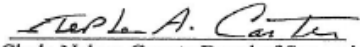
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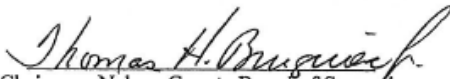
Article 8. Existing members of the Authority may withdraw from membership, and other localities may join the Authority, as provided in Section 15.2-5112 of the Code of Virginia, as amended. In the event other localities join the Authority, they will be asked to reimburse the localities who initially created the Authority for a fair share of the development costs of the Authority.

Article 9. All of the operations, management and fiscal services of the Authority shall be provided through contractual arrangements through the Virginia's Region 2000 Local Government Council. Subject to the approval of the Authority Board, it is the intent of the Member Jurisdictions that the Executive Director of Virginia's Region 2000 Local Government Council be appointed by the Authority to serve as the chief administrative or executive officer of the Authority pursuant to Section 15.2-5113(E) of the Code of Virginia.

BE IT FURTHER RESOLVED that the Region 2000 Services Agreement is hereby approved, and the Chairman or Mayor is authorized to enter into such Agreement.

Adopted: July 10, 2007

Attest: 
Clerk, Nelson County Board of Supervisors

Attest: 
Chairman, Nelson County Board of Supervisors

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Article 3. The Authority shall consist of a board of five members, with one member appointed by the local governing body of each jurisdiction. The terms of the initial members of the board shall expire June 30, 2010. Members shall then be appointed for four year terms. The names and addresses of the initial members of the Board are:

Campbell County

R. David Laurrell, County Administrator
P.O. Box 100, Rustburg, VA 24588

Nelson County

Stephen A. Carter, County Administrator
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

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

City of Bedford

Charles Kolakowski, City Manager
P.O. Box 807, Bedford, VA 24523

Article 4. Each local governing body also may select an alternate board member to have all of the voting and other rights of a board member if the board member is not present at a meeting of the Authority. The term for each alternate shall be the same as the term of the board member. The following persons are appointed to serve as the initial alternates to the board of the Authority:

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Clifton M. Tweedy
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P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

David A. Owen
900 Church Street, Lynchburg, VA 24504

City of Bedford

Clarke W. Gibson
P.O. Box 807, Bedford, VA 24523

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Article 5. The Authority is created and established under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Section 15.2-5100 *et. seq.* of the Code of Virginia) (the "Act"). The authority shall have all powers and duties set forth in the Act, as the same may be from time to time amended. The initial project of the Authority shall be to own and operate as a regional entity the three landfills that currently are owned and operated by the City of Lynchburg, and Campbell County, and to accept municipal solid waste generated within each of the five participating jurisdictions (and from outside the five jurisdictions if approved by the Authority) in those landfills in accordance with a Member Use Agreement to be approved by each of the local governing bodies. It is anticipated that the use of the three landfills will be phased, with the Campbell County landfill being temporarily closed while the other two landfills are being utilized to their operating capabilities. The initial capital cost to purchase the three landfills from each other localities, including the site to purchase the three landfills from each of the localities, including the site improvements, landfill capacity and land, buildings, equipment and rolling stock, and the closure and post-closure reserve funds, less the outstanding debt and the closure and post-closure liability for each locality, result in a payment to the City of Lynchburg of \$1,714,840, a payment from Campbell County of \$270,000. The preliminary estimate of the cost per ton to the five localities for solid waste delivered to the landfills owned by the Authority is \$23.91 per ton. It is impractical at this time to determine a per ton charge for private haulers using the landfills. Both the capital cost figure and the cost per ton are preliminary figures and are subject to change.

Article 7. All members of the board shall serve without compensation, but may be reimbursed by the Authority for their actual expenses incurred in the course of their duties.

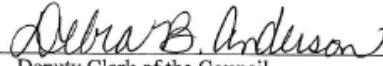
Article 8. Existing members of the Authority may withdraw from membership, and other localities may join the Authority, as provided in Section 15.2-5112 of the Code of Virginia, as amended. In the event other localities join the Authority, they will be asked to reimburse the localities who initially created the Authority for a fair share of the development costs of the Authority.

Article 9. All of the operations, management and fiscal services of the Authority shall be provided through contractual arrangements through the Virginia's Region 2000 Local Government Council. Subject to the approval of the Authority Board, it is the intent of the Member Jurisdictions that the Executive Director of Virginia's Region 2000 Local Government Council be appointed by the Authority to serve as the chief administrative or executive officer of the Authority pursuant to Section 15.2-5113(E) of the Code of Virginia.

BE IT FURTHER RESOLVED that the Region 2000 Services Agreement is hereby approved, and the Chairman or Mayor is authorized to enter into such Agreement.

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I hereby certify that the foregoing is a true and exact copy of a Resolution adopted at an adjourned meeting of the Council of the City of Bedford, Virginia, held on October 9, 2007, at which said meeting a quorum was present and voted.

A handwritten signature in cursive script, reading "Debra B. Anderson", is written over a horizontal line.

Deputy Clerk of the Council

APPENDIX C

#R-07-136

CONCURRENT RESOLUTIONS OF THE BOARDS OF SUPERVISORS OF CAMPBELL COUNTY, NELSON COUNTY AND THE CITY COUNCILS OF BEDFORD AND LYNCHBURG CREATING AND ADOPTING ARTICLES OF INCORPORATION FOR THE REGION 2000 SERVICES AUTHORITY AND APPROVING THE REGION 2000 SERVICES AUTHORITY MEMBER USE AGREEMENT

Whereas, the respective City Councils and Boards of Supervisors have published notices pursuant to the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Sections 15.2-5100 *et. seq.* of the Code of Virginia), as amended, ("the Act") of their intent to create and adopt proposed Articles of Incorporation for a body politic and corporate to be known as the Region 2000 Services Authority and to approve the Region 2000 Services Authority Member Use Agreement; and

Whereas, public hearings have been conducted by each of the respective Boards of Supervisors and City Councils; and

Whereas, the Boards of Supervisors and City Councils find it be in the public interest that the Region 2000 Services Authority be established to exercise the powers and carry out the responsibilities set forth in the Act, for the benefit of the citizens of Campbell and Nelson Counties and the Cities of Bedford and Lynchburg.

NOW THEREFORE, IT IS CONCURRENTLY RESOLVED BY THE BOARDS OF SUPERVISORS OF CAMPBELL AND NELSON COUNTIES AND THE CITIES OF BEDFORD AND LYNCHBURG, that the Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia under the following:

ARTICLES OF INCORPORATION

Article 1. The Region 2000 Services Authority (the "Authority") is hereby created and established as a body politic and corporate in the Commonwealth of Virginia. The principal office of the Authority shall be located with the Virginia's Region 2000 Partnership Local Government Council at 828 Main Street, 12th Floor, Lynchburg, Virginia 24505 and shall consistently reside with the Local Government Council offices in the future.

Article 2. The names of the localities participating in the Authority are the Counties of Campbell and Nelson, and the Cities of Bedford and Lynchburg.

Article 3. The Authority shall consist of a board of four members, with one member appointed by the local governing body of each jurisdiction. The terms of the initial members of the board shall expire June 30, 2010. Members shall then be appointed for four year terms. The names and addresses of the initial members of the Board are:

APPENDIX C

Campbell County

R. David Laurell, County Administrator
P.O. Box 100, Rustburg, VA 24588

Nelson County

Stephen A. Carter, County Administrator
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

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

City of Bedford

Charles Kolakowski, City Manager
P.O. Box 807, Bedford, VA 24523

Article 4. Each local governing body also may select an alternate board member to have all of the voting and other rights of a board member if the board member is not present at a meeting of the Authority. The term for each alternate shall be the same as the term of the board member. The following persons are appointed to serve as the initial alternates to the board of the Authority:

Campbell County

Clifton M. Tweedy
P.O. Box 100, Rustburg, VA 24588

Nelson County

Susan E. McSwain
P.O. Box 336, Lovingston, VA 22949

City of Lynchburg

David A. Owen
900 Church Street, Lynchburg, VA 24504

City of Bedford

Clarke W. Gibson
P.O. Box 807, Bedford, VA 24523

Article 5. The Authority is created and established under the provisions of the Virginia Water and Waste Authorities Act, Chapter 51 of Title 15.2 (Section 15.2-5100 et. seq. of the

APPENDIX C

Code of Virginia) (the "Act"). The authority shall have all powers and duties set forth in the Act, as the same may be from time to time amended. The initial project of the Authority shall be to own and operate as a regional entity the landfills that currently are owned and operated by the City of Lynchburg and Campbell County, and to accept municipal solid waste generated within each of the participating jurisdictions (and from outside the jurisdictions if approved by the Authority) in those landfills in accordance with a Member Use Agreement to be approved by each of the local governing bodies. It is anticipated that the use of the landfills will be phased, with the Campbell County landfill being temporarily closed while the Lynchburg landfill is being utilized to its operating capability. The initial capital cost to purchase the landfills,, including the site improvements, landfill capacity and land, buildings, equipment and rolling stock, and the closure and post-closure reserve funds, less the outstanding debt and the closure and post-closure liability for each locality, result in a payment to the City of Lynchburg of \$1,714,840, and a payment from Campbell County of \$270,000, for a net capital cost of \$1,444,840. The preliminary estimate of the cost per ton to the localities for solid waste delivered to the landfills owned by the Authority is \$23.91 per ton. It is impractical at this time to determine a per ton charge for private haulers using the landfills. Both the capital cost figure and the cost per ton are preliminary figures and are subject to change.

Article 7. All members of the board shall serve without compensation, but may be reimbursed by the Authority for their actual expenses incurred in the course of their duties.

Article 8. Existing members of the Authority may withdraw from membership, and other localities may join the Authority, as provided in Section 15.2-5112 of the Code of Virginia, as amended. In the event other localities join the Authority, they will be asked to reimburse the localities which initially created the Authority for a fair share of the development costs of the Authority.

Article 9. All of the operations, management and fiscal services of the Authority shall be provided through contractual arrangements through the Virginia's Region 2000 Local Government Council. Subject to the approval of the Authority Board, it is the intent of the Member Jurisdictions that the Executive Director of Virginia's Region 2000 Local Government Council be appointed by the Authority to serve as the chief administrative or executive officer of the Authority pursuant to Section 15.2-5113(E) of the Code of Virginia.

BE IT FURTHER RESOLVED that the Region 2000 Services Agreement is hereby approved, and the Mayor is authorized to enter into such Agreement.

Adopted: October 9, 2007

Certified: Catrina W. Kent
Clerk of Council

APPENDIX C

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

HARRY S. HARRIS
South District

ALLEN M. HALE
East District

THOMAS H. BRUGUIERE, JR.
West District

CONSTANCE BRENNAN
Central District



STEPHEN A. CARTER
Administrator

DEBRA K. McCANN
Director of Finance and
Human Resources

RESOLUTION-R2007-090
NELSON COUNTY BOARD OF SUPERVISORS
REGION 2000 SOLID WASTE AUTHORITY RE-ADOPTION OF RESOLUTION
R2007-065 ESTABLISHING THE AUTHORITY EXCLUDING AMHERST
COUNTY

WHEREAS, the Board of Supervisors on July 10, 2007 adopted Resolution **R2007-065** creating and adopting Articles of Incorporation for the Region 2000 Services Authority and approving the Region 2000 Services Authority Member Use Agreement including Amherst County, and;

WHEREAS, Amherst County has not adopted the same Articles of Incorporation and Member Use Agreement indicating non-participation in the Region 2000 Services Authority, and;

WHEREAS, legal council for the Region 2000 Services Authority recommends re-adoption of Resolution **R2007-065** removing all references to Amherst County, in order to establish the Authority in accordance with State Corporation Commission guidelines;

NOW THEREFORE BE IT RESOLVED, by the Nelson County Board of Supervisors that Resolution **R2007-065** previously adopted on July 10, 2007 approving the Articles of Incorporation and Member Use Agreement for the Region 2000 Services Authority, is hereby re-adopted removing all references, in both the Articles of Incorporation and Member Use Agreement, to the County of Amherst as a member of the Authority.

Adopted: October 9, 2007

Attest: Stephen A. Carter
Clerk, Nelson County Board of Supervisors

APPENDIX C

Appendix D

ACCEPTANCE OF THE SWMP BY INDIVIDUAL COMMUNITIES

RESOLUTION FOR ACCEPTANCE OF THE SOLID WASTE MANAGEMENT PLAN BY **Name, County/City, VIRGINIA**

WHEREAS, Section 10.1-1411 of the Code of Virginia authorizes the Virginia Waste Management Board to promulgate regulations specifying requirements for local and regional solid waste management planning, and

WHEREAS, the Virginia Waste Management Board has promulgated such regulations entitled, "Regulations for the Development of Solid Waste Management Plans, Amendment I as 9 VAC 20-130-10 *et seq.*, effective date August 1, 2001, through the Virginia Department of Environmental quality, and

WHEREAS, these regulations require every county, city and incorporated town within the Commonwealth to submit a solid waste management plan by July 1, 2004, and

WHEREAS, **Name, County/City, Virginia** ("**Name**"), has determined that it is in its best interest to be a part of the Region 2000 Planning Region for preparation of the regional Solid Waste Management Plan, and

WHEREAS, the Region 2000 Planning Region consists of the Counties of Campbell and Nelson and their respective incorporated Towns, and the Cities of Bedford and Lynchburg, and

WHEREAS, the Region 2000 Planning Region has enlisted the services of Draper Aden Associates and R.W. Beck, Inc. to complete such a plan, and

WHEREAS, **Name** has provided time for the public to review and comment on said plan and held a public hearing relative to the plan on **Day, Month Date, Year**, and

WHEREAS, **Name** recognizes its responsibility to notify Region 2000 should anything change from that reported in the Solid Waste Management Plan recognizing that major changes will require an amendment to the plan as required by the regulations under 9 VAC 20-130-175.

NOW, THEREFORE, BE IT RESOLVED, that the City Council/Board of Supervisors of **Name County/City, Virginia**, has reviewed the plan and addressed the plan at their meeting in

APPENDIX D

regular session on **Day, Month Date, Year**, and hereby adopts the portion which applies directly to **Name**, and authorizes its submittal to the Virginia Department of Environmental Quality.

Adopted this **Date** day of **Month, Year**.

Appendix E

NOTICE OF PUBLIC HEARING - AUTHORITY

NOTICE OF PUBLIC HEARING

RE: REGION 2000 SERVICES AUTHORITY SOLID WASTE MANAGEMENT PLAN

Pursuant to the requirements of 9 VAC 20-130-130.A of the Virginia Solid Waste Management Plan Regulations, on DATE, beginning at TIME, in LOCATION, the CITY COUNCIL/BOARD OF SUPERVISORS will conduct a public hearing to discuss the proposed Region 2000 Services Authority Solid Waste Management Plan. The plan, by regulations must address collection, disposal and recycling for a twenty year period.

The purpose of this public hearing is to allow the public an opportunity to comment on the plan. Comments will then be forwarded to the Region 2000 Services Authority for consideration for inclusion in the final plan.

Written comments on the Region 2000 Services Authority Solid Waste Management Plan will be accepted by CITY/COUNTY until TIME AND DATE. All comments in writing shall be addressed to CITY/COUNTY.

A copy of the Region 2000 Solid Waste Management Plan can be viewed at CITY/COUNTY ADMINSTRATIVE BUILDING from TIME AND DAYS.

Appendix F
MINUTES AND ADDITIONAL DOCUMENTATION FROM
PUBLIC HEARING HELD BY THE AUTHORITY

Appendix G
NOTICE OF PUBLIC HEARINGS HELD BY CAMPBELL AND
NELSON COUNTIES AND THE CITIES OF LYNCHBURG
AND BEDFORD

Appendix H
MINUTES AND ADDITIONAL DOCUMENTATION FROM
PUBLIC HEARINGS HELD BY CAMPBELL AND NELSON
COUNTIES AND CITIES OF LYNCHBURG AND BEDFORD

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Establish a \$15,000,000 Line of Credit for Interim Capital Financing**

RECOMMENDATION: City Council is requested to take the following actions to establish a \$15,000,000 Line of Credit for capital projects interim financing.

- (a) Conduct a Public Hearing in accordance with Section 15.2-2606.A of the *Code of Virginia*, 1950, for the issuance of \$15,000,000 General Obligation Public Improvement Bond Anticipation Notes (BANS).
- (b) Adopt a Resolution authorizing the issuance of \$15,000,000 General Obligation Public Improvement Bond Anticipation Notes and authorizing the City Manager to execute appropriate documents to establish a \$15,000,000 Line of Credit with SunTrust Bank.
- (c) Adopt a resolution amending the FY 2008 General Fund's Adopted Budget and appropriate \$34,250 from the General Fund Reserve for Contingencies for fifty percent (50%) of the issuance costs.

SUMMARY: Originally, in 1997, the City established a Line of Credit to provide interim financing for accelerated water and sewer projects for the Lynchpin Industrial Park. Subsequent to its expiration in January 2002, the City established for a second time a five (5) year, \$15,000,000 Line of Credit in June 2002, which expired in August 2007. That Line of Credit provided interim financing for accelerated construction schedules to renovate E. C. Glass High School. In both instances, the Line of Credit provided interim financing for the timely construction of large general government and school capital projects which needed to occur prior to the receipt of bond proceeds. An example of an upcoming project that will require the use of interim financing is the construction of the new Sandusky Middle School while the City awaits Literary Fund Loan Program proceeds. This Line of Credit will provide interim financing for capital needs only and will not be utilized for any City operating expenditures. Also, it will facilitate the City's objective of issuing bonds on an every other year basis and/or when the market environment is more favorable.

Requests for Proposals were distributed to financial institutions on February 20, 2008. Proposals were received on February 29, 2008 and evaluated by the City staff and financial advisor, Davenport & Company, LLC. A status update was provided to the Finance Committee on March 4, 2008. Various interest rate assumptions were analyzed where the one month London Interbank Offered Rate (LIBOR) ranged from three (3%) to six percent (6%), and SunTrust Bank provided the lowest cost of financing.

The following summarizes the proposed issuance costs:

Issuance Cost	FY 2008 Estimate
Bond Counsel	\$12,500
Financial Advisor	\$55,000
Miscellaneous	\$ 1,000

PRIOR ACTION(S): March 4, 2008 Finance Committee

FISCAL IMPACT: Interim financing interest expense will be funded through the fund's operating budget related to the capital project for which the interim financing occurred. Line of Credit principal debt retirement will be reflected in the future operating budget's annual debt service payments when permanent bond financing occurs. The utilization of interim financing through the Line of Credit along with its related permanent bond financing will be in accordance with the City's Financial Management Policies. The General Fund Reserve for Contingencies will fund \$34,250 or fifty percent (50%) of the issuance costs, while the Water and Sewer Funds equally will fund the remainder of the issuance costs from their existing FY 2008 Adopted Budgets.

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

ATTACHMENT(S): BAN Resolution for Line of Credit and authorization for City Manager to execute the appropriate documents
Appropriation Resolution for Issuance Costs

REVIEWED BY: lkp

C.

Resolution

BE IT RESOLVED THAT the FY 2008 General Fund's Adopted Budget is amended; and, \$34,250 is appropriated from the General Fund Reserve for Contingencies for issuance costs related to the FY 2008 General Obligation Public Improvement Bond Anticipation Notes for the Line of Credit.

Introduced:

Adopted:

Certified:

Clerk of Council

034L

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000) PRINCIPAL AMOUNT OF BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR SUCH CITY AND AUTHORIZING AND PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS

WHEREAS, in the judgment of the Council of the City of Lynchburg, Virginia (the "City"), it is necessary and expedient to authorize the issuance and sale of not to exceed Fifteen Million Dollars (\$15,000,000) of Bonds of the City for the purpose of providing funds to pay the cost of various public improvement projects of and for the City and to authorize the issuance and sale of a like principal amount of General Obligation Public Improvement Bond Anticipation Notes in anticipation of the issuance and sale of such Bonds;

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), for the purpose of providing funds to pay the cost of various public improvement projects of and for the City set forth in Section 8 hereof, there are authorized to be issued not to exceed Fifteen Million Dollars (\$15,000,000) principal amount of bonds of the City (the "Bonds"). The form, denomination and other details of the Bonds, including the subsection of Article VII, Section 10(a) of the Constitution of Virginia pursuant to which the Bonds shall be issued if the Bonds shall not be secured by the full faith and credit of the City, the security pledged to the payment of the Bonds and any covenants pertaining to the status of the interest on the Bonds for purposes of federal and Commonwealth of Virginia income taxation, shall be provided for by the subsequent resolution of this Council.

SECTION 2. (a) In anticipation of the issuance and sale of the Bonds authorized for issuance pursuant to Section 1 hereof, there are authorized to be issued and sold not to exceed Fifteen Million Dollars (\$15,000,000) principal amount of general obligation public improvement bond anticipation notes of the City to be designated "City of Lynchburg, Virginia, General Obligation Public Improvement Bond Anticipation Notes" (the "Notes"). The Notes shall mature and be payable within five (5) years of the date of their initial issuance. The issuance and details of the Notes shall be governed by the provisions of Section 15.2-2628 of the Code of Virginia, 1950. The Bonds in anticipation of which the Notes are issued pursuant to this Section 2(a) may be issued and sold in accordance with the provisions of this Resolution at any time or from time to time; *provided* that in any event such Bonds shall be issued and sold not

later than five (5) years from the date of the original issuance of the first Notes issued in anticipation of such Bonds.

(b) The Notes shall be issued in fully registered form and the Notes of a given series shall be numbered from R-1 upwards in order of issuance. There is hereby delegated to the City Manager of the City the authority, without further action of this Council, to fix the denomination or denominations of the Notes, to sell the Notes at competitive or negotiated sale at such price plus accrued interest and on such other terms and conditions as shall be determined by the City Manager. There is hereby further delegated to the City Manager the authority to determine, in accordance with and subject to the provisions of this Resolution and without further action of this Council: the date or dates of the Notes; the rate of interest per annum to be borne by the Notes or the method for calculating the rate of interest to be borne by the Notes from time to time, *provided* that in no event shall the Notes bear interest at a rate in excess of 6% per annum; the basis of computing interest on the Notes (*e.g.*, a 360-day year comprised of twelve 30-day months or a 365- or 366-day year and actual days elapsed or such other basis as shall be determined by the City Manager); the interest payment dates thereof; the maturity date or dates thereof; the amount of principal maturing on each maturity date; the place or places of payment thereof and the paying agent or paying agents therefor; the place or places of registration, exchange or transfer thereof and the registrar therefor; and whether or not the Notes shall be subject to redemption prior to their stated maturity or maturities and, if the Notes shall be subject to redemption, the premiums, if any, payable upon such redemption; *provided* that no such premium shall exceed 2% of the principal amount of the Notes, and the respective periods in which such premiums are payable and the method and timing for giving notices of redemption of the Notes.

(c) The City Manager is hereby authorized, without further action of this Council, to execute and deliver a credit facility or loan agreement or line of credit financing agreement providing for the issuance of the Notes as evidence of advances made thereunder in a principal amount not to exceed the principal amount of the Notes authorized for issuance pursuant to Section 2(a) hereof and is hereby further authorized to cause to be paid on behalf of the City the fees and expenses payable to the issuer of such credit facility or loan agreement or line of credit financing agreement pursuant to the terms thereof. All actions taken by officials, employees, agents and attorneys of the City with respect to the preparation, solicitation and receipt of proposals for a credit facility or loan agreement or line of credit financing agreement providing for the issuance of the Notes as evidences of advances made thereunder prior to the date hereof are hereby ratified and confirmed.

SECTION 3. (a) The Notes shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor or the Vice Mayor of the City and shall have an impression of the corporate seal of the City or a facsimile thereof embossed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City. The certificate of authentication on the Notes shall be executed by the Registrar for the Notes designated by the City Manager.

(b) The execution and authentication of the Notes in the manner above set forth is adopted as a due and sufficient execution and authentication of the Notes.

SECTION 4. (a) Both the principal of and premium, if any, and interest on the Notes shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(b) Interest on the Notes shall be payable by check mailed by the Registrar to the registered owners of such Notes at their respective address as such addresses appear on the books of registry kept pursuant to the provisions of this Section 4. Principal of and premium, if any, on the Notes shall be payable on presentation and surrender thereof at the office of the Registrar.

(c) At all times during which any Note of any series remains outstanding and unpaid, the Registrar for such series shall keep or cause to be kept at its office books of registry for the registration, exchange and transfer of Notes of such series. Upon presentation at its office for such purpose the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Notes as hereinbefore set forth.

(d) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(e) Any Note may be exchanged at the office of the Registrar for such series of Notes for a like aggregate principal amount of such Notes in other authorized principal sums of the same series, interest rate and maturity.

(f) Any Note of any series may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Notes to the Registrar for such series for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or his duly authorized agent, in form satisfactory to the Registrar.

(g) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owner of such Notes, except as otherwise herein provided, and except that the Registrar for such series of Notes shall require the payment by the registered owner of the Note requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Notes surrendered pursuant to this Section 4 shall be cancelled.

SECTION 5. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on the Notes as the same become due. In each year while the Notes, or any of them, are outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Notes to the extent such principal, premium, if any, and interest shall not be paid from the proceeds of the Bonds of the City in anticipation of which the Notes are issued or from other funds of the City lawfully available and appropriated for such purpose.

SECTION 6. CUSIP identification numbers may be printed on the Notes, but no such number shall constitute a part of the contract evidenced by the particular Note upon which it is printed and no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Notes) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of such numbers on the Notes shall be paid by the City including the CUSIP Service Bureau charge for the assignment of such numbers.

SECTION 7. The City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder so long as any Note is outstanding.

SECTION 8. The proceeds of the sale of the Bonds and the Notes in anticipation of which the Bonds are issued shall be applied to the payment of the cost of the following public improvement projects of and for the City in substantially the following respective amounts:

<u>Purpose</u>	<u>Amount</u>
Public School Improvement Projects	\$ 7,500,000
Public Buildings, Streets and Bridges and General Municipal Improvement Projects	3,500,000
Water and Sewer Improvement Projects	<u>4,000,000</u>
	\$15,000,000

If any project set forth above shall require less than the entire respective amount so set forth, the difference may be applied to any of the other projects so set forth.

SECTION 9. The Notes shall be in the form approved by the City Manager.

SECTION 10. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 11. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 12. This Resolution shall take effect upon its adoption.

Adopted:

Certified: _____
Clerk of Council

034LB

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED FIFTEEN MILLION DOLLARS (\$15,000,000) PRINCIPAL AMOUNT OF BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR SUCH CITY AND AUTHORIZING AND PROVIDING WITH RESPECT TO THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS

WHEREAS, in the judgment of the Council of the City of Lynchburg, Virginia (the "City"), it is necessary and expedient to authorize the issuance and sale of not to exceed Fifteen Million Dollars (\$15,000,000) of Bonds of the City for the purpose of providing funds to pay the cost of various public improvement projects of and for the City and to authorize the issuance and sale of a like principal amount of General Obligation Public Improvement Bond Anticipation Notes in anticipation of the issuance and sale of such Bonds;

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), for the purpose of providing funds to pay the cost of various public improvement projects of and for the City set forth in Section 8 hereof, there are authorized to be issued not to exceed Fifteen Million Dollars (\$15,000,000) principal amount of bonds of the City (the "Bonds"). The form, denomination and other details of the Bonds, including the subsection of Article VII, Section 10(a) of the Constitution of Virginia pursuant to which the Bonds shall be issued if the Bonds shall not be secured by the full faith and credit of the City, the security pledged to the payment of the Bonds and any covenants pertaining to the status of the interest on the Bonds for purposes of federal and Commonwealth of Virginia income taxation, shall be provided for by the subsequent resolution of this Council.

SECTION 2. (a) In anticipation of the issuance and sale of the Bonds authorized for issuance pursuant to Section 1 hereof, there are authorized to be issued and sold not to exceed Fifteen Million Dollars (\$15,000,000) principal amount of general obligation public improvement bond anticipation notes of the City to be designated "City of Lynchburg, Virginia, General Obligation Public Improvement Bond Anticipation Notes" (the "Notes"). The Notes shall mature and be payable within five (5) years of the date of their initial issuance. The issuance and details of the Notes shall be governed by the provisions of Section 15.2-2628 of the Code of Virginia, 1950. The Bonds in anticipation of which the Notes are issued pursuant to this Section 2(a) may be issued and sold in accordance with the provisions of this Resolution at any time or from time to time; *provided* that in any event such Bonds shall be issued and sold not

later than five (5) years from the date of the original issuance of the first Notes issued in anticipation of such Bonds.

(b) The Notes shall be issued in fully registered form and the Notes of a given series shall be numbered from R-1 upwards in order of issuance. There is hereby delegated to the City Manager of the City the authority, without further action of this Council, to fix the denomination or denominations of the Notes, to sell the Notes at competitive or negotiated sale at such price plus accrued interest and on such other terms and conditions as shall be determined by the City Manager. There is hereby further delegated to the City Manager the authority to determine, in accordance with and subject to the provisions of this Resolution and without further action of this Council: the date or dates of the Notes; the rate of interest per annum to be borne by the Notes or the method for calculating the rate of interest to be borne by the Notes from time to time, *provided* that in no event shall the Notes bear interest at a rate in excess of 6% per annum; the basis of computing interest on the Notes (*e.g.*, a 360-day year comprised of twelve 30-day months or a 365- or 366-day year and actual days elapsed or such other basis as shall be determined by the City Manager); the interest payment dates thereof; the maturity date or dates thereof; the amount of principal maturing on each maturity date; the place or places of payment thereof and the paying agent or paying agents therefor; the place or places of registration, exchange or transfer thereof and the registrar therefor; and whether or not the Notes shall be subject to redemption prior to their stated maturity or maturities and, if the Notes shall be subject to redemption, the premiums, if any, payable upon such redemption; *provided* that no such premium shall exceed 2% of the principal amount of the Notes, and the respective periods in which such premiums are payable and the method and timing for giving notices of redemption of the Notes.

(c) The City Manager is hereby authorized, without further action of this Council, to execute and deliver a credit facility or loan agreement or line of credit financing agreement providing for the issuance of the Notes as evidence of advances made thereunder in a principal amount not to exceed the principal amount of the Notes authorized for issuance pursuant to Section 2(a) hereof and is hereby further authorized to cause to be paid on behalf of the City the fees and expenses payable to the issuer of such credit facility or loan agreement or line of credit financing agreement pursuant to the terms thereof. All actions taken by officials, employees, agents and attorneys of the City with respect to the preparation, solicitation and receipt of proposals for a credit facility or loan agreement or line of credit financing agreement providing for the issuance of the Notes as evidences of advances made thereunder prior to the date hereof are hereby ratified and confirmed.

SECTION 3. (a) The Notes shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor or the Vice Mayor of the City and shall have an impression of the corporate seal of the City or a facsimile thereof embossed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City. The certificate of authentication on the Notes shall be executed by the Registrar for the Notes designated by the City Manager.

(b) The execution and authentication of the Notes in the manner above set forth is adopted as a due and sufficient execution and authentication of the Notes.

SECTION 4. (a) Both the principal of and premium, if any, and interest on the Notes shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(b) Interest on the Notes shall be payable by check mailed by the Registrar to the registered owners of such Notes at their respective address as such addresses appear on the books of registry kept pursuant to the provisions of this Section 4. Principal of and premium, if any, on the Notes shall be payable on presentation and surrender thereof at the office of the Registrar.

(c) At all times during which any Note of any series remains outstanding and unpaid, the Registrar for such series shall keep or cause to be kept at its office books of registry for the registration, exchange and transfer of Notes of such series. Upon presentation at its office for such purpose the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange, transfer, or cause to be registered, exchanged or transferred, on the books of registry the Notes as hereinbefore set forth.

(d) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(e) Any Note may be exchanged at the office of the Registrar for such series of Notes for a like aggregate principal amount of such Notes in other authorized principal sums of the same series, interest rate and maturity.

(f) Any Note of any series may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Notes to the Registrar for such series for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or his duly authorized agent, in form satisfactory to the Registrar.

(g) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owner of such Notes, except as otherwise herein provided, and except that the Registrar for such series of Notes shall require the payment by the registered owner of the Note requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Notes surrendered pursuant to this Section 4 shall be cancelled.

SECTION 5. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and premium, if any, and interest on the Notes as the same become due. In each year while the Notes, or any of them, are outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on the Notes to the extent such principal, premium, if any, and interest shall not be paid from the proceeds of the Bonds of the City in anticipation of which the Notes are issued or from other funds of the City lawfully available and appropriated for such purpose.

SECTION 6. CUSIP identification numbers may be printed on the Notes, but no such number shall constitute a part of the contract evidenced by the particular Note upon which it is printed and no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Notes) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of such numbers on the Notes shall be paid by the City including the CUSIP Service Bureau charge for the assignment of such numbers.

SECTION 7. The City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder so long as any Note is outstanding.

SECTION 8. The proceeds of the sale of the Bonds and the Notes in anticipation of which the Bonds are issued shall be applied to the payment of the cost of the following public improvement projects of and for the City in substantially the following respective amounts:

<u>Purpose</u>	<u>Amount</u>
Public School Improvement Projects	\$ 7,500,000
Public Buildings, Streets and Bridges and General Municipal Improvement Projects	3,500,000
Water and Sewer Improvement Projects	<u>4,000,000</u>
	\$15,000,000

If any project set forth above shall require less than the entire respective amount so set forth, the difference may be applied to any of the other projects so set forth.

SECTION 9. The Notes shall be in the form approved by the City Manager.

SECTION 10. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 11. All ordinances, resolutions and proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 12. This Resolution shall take effect upon its adoption.

Adopted:

Certified: _____
Clerk of Council

034LB

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: March 11, 2008

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: X

CLOSED SESSION:

(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: Installation of a Traffic Signal at the Intersection of Paulette Circle and Enterprise Drive

RECOMMENDATION:

Adopt a resolution to amend the FY 2008 City Capital Projects Fund budget and appropriate \$185,000 to install a traffic signal at the intersection of Paulette Circle and Enterprise Drive.

SUMMARY:

Staff has monitored the current traffic flows and warrants at the intersection of Paulette Circle and Enterprise Drive for over two years. Recently, the City contracted with a traffic engineering firm to provide a report and recommendations on the need to install a traffic signal at this intersection. After many iterations and research, the warrants for this signal have been met; staff concurs with the report's results and recommends a signal be installed.

PRIOR ACTION (S):

Physical Development Committee, February 26, 2008
Finance Committee, March 4, 2008

FISCAL IMPACT:

\$185,000 in the City Capital Projects Fund

CONTACT(S):

Gerry Harter, 455-3935
Lee Newland, 455-3947

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the FY 2008 City Capital Projects Funds is amended and \$185,000 is appropriated to install a traffic signal at the intersection of Paulette Circle and Enterprise Drive.

Introduced:

Adopted:

Certified:

Clerk of Council

032L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

CLOSED SESSION:

Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **May 9, 2006 General Obligation Public Improvement Bond Anticipation Notes (BANS); Reallocation of up to \$500,000 of Proceeds from Sewer Capital Improvement Projects to Water Capital Improvement Projects**

RECOMMENDATION: Adopt a resolution authorizing the reallocation of May 9, 2006 General Obligation Public Improvement Bond Anticipation Notes in the amount of up to \$500,000 from Sewer Capital Projects to Water Capital Projects

SUMMARY: The City issued \$6,500,000 of General Obligation Public Improvement Bond Anticipation Notes (BANS) on May 9, 2006 for Sewer Capital Projects. This amount included \$1,000,000 for the Wastewater Treatment Plant Sodium Hypochlorite project. Since that time, a change in that project schedule has resulted in approximately \$500,000 of Sewer BAN proceeds potentially not being expended by the May 9, 2008 twenty-four (24) month Internal Revenue Service (IRS) fourth spend down exemption test date.

The IRS exemption provision allows the City to retain arbitrage (interest) funds, if all four spend down exemption tests are met, instead of rebating them to the IRS. Potential rebate amounts are determined through an extensive calculation that compares investment earnings' interest rate(s) during the time period that debt proceeds are being expended for capital projects to the debt service interest rate for that bond issue (bond yield). The calculated amount that results from the investment earnings' rate(s) being above the debt service interest expense rate is rebated to the IRS unless the City meets the spend down exemption tests.

In order to avoid a rebate situation, staff is seeking approval to reallocate up to \$500,000 of Sewer capital projects BAN proceeds to Water capital projects to meet the last spend down exemption test. Monitoring efforts will continue towards utilizing the Sewer BAN proceeds on other Sewer capital projects up to the May 9, 2008 date. Approval of the resolution, however, will allow staff to reallocate any remaining Sewer BAN proceeds to Water capital projects in order to fully expend those proceeds by May 9, 2008.

PRIOR ACTION(S): March 14, 2006 Public Hearing and Resolution Authorizing the May 9, 2006 General Obligation Public Improvement Bonds and Bond Anticipation Notes issue;
March 4, 2008 Finance Committee

FISCAL IMPACT: Reallocation of BAN proceeds up to \$500,000 will shift related debt service from the Sewer Fund to the Water Fund and will provide increased assurance that the last IRS spend down test can be met for the debt proceeds maximizing the potential that the City will retain the arbitrage from this debt issue. The arbitrage rebate was estimated to be \$268,622 at January 31, 2008 for this bond/BAN debt issue.

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

ATTACHMENT(S): Sewer Capital Projects BANS to Water Capital Projects Reallocation Resolution

REVIEWED BY: lkp

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LYNCHBURG, VIRGINIA, REALLOCATING UP TO \$500,000 OF
THE PROCEEDS OF ITS GENERAL OBLIGATION PUBLIC
IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2006,
FROM SEWER IMPROVEMENT PROJECTS TO WATER
IMPROVEMENT PROJECTS**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LYNCHBURG,
VIRGINIA:

SECTION 1. Findings and Determinations. The Council (the "Council") of the City of Lynchburg, Virginia (the "City"), hereby finds and determines as follows:

(a) On May 9, 2006, the City issued \$16,500,000 principal amount of its General Obligation Public Improvement Bond Anticipation Notes, Series 2006, dated May 9, 2006 (the "Series 2006 BANs"), the proceeds of sale of \$6,500,000 principal amount of which were to be allocated to pay the costs of Sewer Improvement Projects.

(b) Of the proceeds of the sale of Series 2006 BANs so allocated to Sewer Improvement Projects, the Council desires to reallocate the amount of up to \$500,000 of such proceeds to Water Improvement Projects.

SECTION 2. Reallocation of Series 2006 BANs Proceeds from the Sewer Improvement Projects to Water Improvement Projects. The Council hereby reallocates to the payment of the costs of Water Improvement Projects the amount of up to \$500,000 of the proceeds of sale of the Series 2006 BANs heretofore allocated to the payment of the costs of Sewer Improvement Projects.

SECTION 3. Effectiveness of Resolution. This resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

026L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 11, 2008**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

CLOSED SESSION:

Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Issuance of not to exceed \$10,000,000 General Obligation Public Improvement Refunding Bonds, Series 2008**

RECOMMENDATION: City Council is requested to take the following actions to authorize a current refunding of all or a portion of the City's outstanding General Obligation Public Improvement Refunding Bonds, Series1998B.

- (a) Adopt a resolution authorizing the issuance of not to exceed \$10,000,000 principal amount of General Obligation Public Improvement Refunding Bonds, Series 2008.
- (b) Adopt a resolution amending the FY 2008 General, Water, Sewer and Solid Waste Management Funds' Adopted Budgets and appropriate \$24,250, \$6,790, \$11,155 and \$6,305 respectively with resources from the refunding bond proceeds for \$48,500 of estimated issuance costs.
- (c) Adopt a resolution amending the FY 2008 Solid Waste Management Fund's Adopted Budget by \$292,000 to redeem its entire principal portion of the City's outstanding General Obligation Public Improvement Refunding Bonds, 1998B Series. With the City's transition to a Regional Solid Waste Authority by July 1, 2008, this Fund's outstanding principal portion of this 1998B bond issue will be paid and not refinanced.

SUMMARY: Due to lower interest rates, the City's financial advisor, Davenport & Company LLC, recommended that the City refund a portion of the General Obligation Public Improvement Refunding Bonds, Series1998B through the issuance of General Obligation Public Improvement Refunding Bonds. A Request for Proposals for a private placement was distributed to financial institutions on February 20, 2008. Proposals were received on February 29, 2008 and evaluated by City staff and financial advisor. A status update was provided to the Finance Committee on March 4, 2008. The results of that evaluation were that Banc of America Public Capital Corporation (BAPCC) was successful with the lowest interest rate (fixed) of 2.9305%. The debt service savings net of issuance costs are estimated to be approximately \$400,000 at this point and above the three percent (3%) present value savings net of issuance costs threshold which indicates that is it financially beneficial to refund bonds. Final savings will be determined with the bond closing scheduled for March 19, 2008.

The following summarizes the proposed costs of issuance:

Issuance Cost	FY 2008 Estimate
Bond Counsel	\$22,500
Financial Advisor	\$25,000
Miscellaneous	\$ 1,000

PRIOR ACTION(S): March 4, 2008 Finance Committee

FISCAL IMPACT: Refunding bonds are long- term debt and this financing includes funding the issuance costs with the 2008 Refunding Bonds proceeds. Use of \$292,000 Solid Waste Management Fund's current resources to redeem its portion of the 1998B refunded bonds.

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

ATTACHMENT(S):

Refunding Bond Resolution

Appropriation Resolution for Issuance Costs and for the Solid Waste Management Fund's 1998B Principal Debt Service

REVIEWED BY: lkp

RESOLUTION

(A)

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000) PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND A PORTION OF THE CITY'S GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS, SERIES 1998B, DATED APRIL 1, 1998; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER FEATURES OF SUCH BONDS; PROVIDING FOR THE PRIVATE PLACEMENT OF SUCH BONDS AND DELEGATING TO THE CITY MANAGER THE AUTHORITY TO SELECT THE PURCHASER OF SUCH BONDS AND TO DETERMINE THE INTEREST RATES AND OTHER DETAILS OF SUCH BONDS; AUTHORIZING THE CITY TO ENTER INTO A PRIVATE PLACEMENT AGREEMENT WITH THE PURCHASER OF SUCH BONDS; AND AUTHORIZING THE DESIGNATION OF THE REFUNDED BONDS FOR REDEMPTION

WHEREAS, pursuant to Article 5 of Chapter 26 of Title 15.2 of the Code of Virginia, 1950, as now in effect (the same being referred to herein as the "Public Finance Act of 1991"), the City is authorized to issue refunding bonds to refund all or a portion of its bonds in advance of their stated maturities; and

WHEREAS, the City has been advised by the City's Financial Advisor that the current refunding and redemption of a portion of the City's General Obligation Public Improvement Refunding Bonds, Series 1998B, dated April 1, 1998 (the "Refunded Bonds"), would result in annual debt service cost savings to the City; and

WHEREAS, in the judgment of this Council, it is necessary and expedient to authorize the issuance and sale of General Obligation Public Improvement Refunding Bonds of the City in the principal amount of not to exceed Ten Million Dollars (\$10,000,000) for the purpose of refunding a portion of the outstanding Refunded Bonds and paying certain costs related to the issuance of the Bonds;

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

1. (a) Pursuant to the Public Finance Act of 1991, there are authorized to be issued not to exceed Ten Million Dollars (\$10,000,000) principal amount of general obligation refunding bonds of the City for the purpose of refunding the Refunded Bonds and paying certain costs related to the issuance of the Bonds, such general obligation bonds to be designated "City of Lynchburg, Virginia, General Obligation Public Improvement Refunding Bonds, Series 2008" (the "Bonds"). The Bonds shall be issued and sold in their entirety at one time. All such Bonds shall be issued in fully registered form and shall be in the denomination of \$100,000 and any integral multiple of \$1,000 in excess thereof and may be in the form of a single amortizing bond if so specified by the purchaser of the Bonds (the "Purchaser") selected by the City Manager in accordance with the provisions of Paragraph 7 hereof. The Bonds shall

be numbered from R-1 upwards in order of issuance; and shall mature on such dates in such years and in such amounts in each year and shall bear interest at such rate or rates per annum as shall be determined by the City Manager in accordance with the provisions of Paragraph 7 hereof, such interest being payable on the day which is not more than one (1) year from the date of the Bonds and semiannually thereafter and, unless otherwise provided in the proceedings authorizing the issuance of the Bonds, such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. The Director of Financial Services is authorized to determine, in accordance with and subject to the provisions of this Resolution: the date or dates of the Bonds; the place or places of payment thereof and the paying agent or paying agents therefor; and the place or places of registration, exchange or transfer thereof and the registrar therefor.

(b) In the event the Bonds shall be dated as of a date other than the first day of a calendar month or the dates on which interest is payable on the Bonds are other than the first days of calendar months, the provisions of Paragraph 2 with regard to the authentication of such Bonds and of Paragraph 8 with regard to the form of such Bonds shall be modified as the Director of Financial Services shall determine to be necessary or appropriate.

(c) The Bonds shall not be subject to redemption prior to their stated maturities.

(d) The Bonds shall be issued, upon initial issuance, in fully registered form and registered in the name of the Purchaser of the Bonds selected by the City Manager in accordance with Paragraph 7 of this Resolution. One fully registered Bond of the principal amount of each maturity shall be registered in the name of the Purchaser unless the Purchaser shall specify that the Bonds shall be in the form of a single authorizing Bond evidencing the Bonds of the series authorized hereby.

(e) The Director of Financial Services of the City shall serve as Registrar and Paying Agent for the Bonds.

2. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor or the Vice Mayor of the City and shall have an impression of the corporate seal of the City or a facsimile thereof embossed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City.

(b) The Director of Financial Services, as the Registrar for the Bonds, shall authenticate such Bonds and no such Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by the Registrar or an authorized designee of the Registrar. Upon the authentication of any Bonds, the Registrar shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the issue of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such following interest payment date, the certificate shall be

dated as of such following interest payment date and (iv) in all other instances the certificate shall be dated as of the actual date upon which the Bond is authenticated by the Registrar.

(c) The execution of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

3. (a) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(b) Interest on the Bonds shall be payable by check mailed by the Registrar to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to the provisions of this Paragraph 3 or, at the option of the Purchaser, by wire transfer. Principal of the Bonds shall be payable on presentation and surrender thereof at the office of the Registrar.

(c) At all times during which any Bond remains outstanding and unpaid, the Registrar shall keep or cause to be kept at its office books of registry for the registration, exchange and transfer of Bonds. Upon presentation at its office for such purpose the Registrar, under such reasonable regulations as it may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, on the books of registry the Bonds as hereinbefore set forth.

(d) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(e) Any Bond may be exchanged at the office of the Registrar of Bonds for a like aggregate principal amount of such Bonds in other authorized principal sums of the same series, interest rate and maturity.

(f) Any Bond may, in accordance with its terms, be transferred upon the books of registry by the person in whose name it is registered, in person or by his duly authorized agent, upon surrender of such Bond to the Registrar for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner in person or his duly authorized agent, in form satisfactory to the Registrar.

(g) All transfers or exchanges pursuant to this Paragraph 3 shall be made without expense to the registered owners of such Bonds, except as otherwise herein provided, and except that the Registrar shall require the payment by the registered owner of a Bond requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered pursuant to this Paragraph 3 shall be cancelled.

4. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, this Council shall be authorized and required to levy and collect annually, at the same time and in the same manner as other taxes

of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

5. The City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986, and the applicable Treasury Regulations promulgated under such Sections 103 and 141-150 so long as any Bond is outstanding.

6. The net proceeds of sale of the Bonds shall be applied to the payment of the principal of and premium, if any, and interest on the Refunded Bonds and to certain costs related to the issuance of the Bonds.

7. (a) The Bonds shall be sold in accordance with the provisions of Paragraph 1 at a private placement on such date as shall be determined by the Director of Financial Services.

(b) Pursuant to the authority of and for the purposes specified herein, there is hereby delegated to the City Manager the authority, without further action by this Council, to sell the Bonds at private placement to the Purchaser selected by the City Manager, at a price not less than ninety-eight percent (98%) of the principal amount of the Bonds, plus accrued interest from the date of the Bonds to the date of delivery thereof and payment therefor, and to execute and deliver to the Purchaser relating to the sale of the Bonds by the City to such Purchaser a Private Placement Agreement; *provided* (i) that the true interest cost to the City shall not be in excess of six percent (6%) and (ii) the net present value savings ratio shall not be less than three percent (3%) based on the debt service on the Refunded Bonds. The City Manager is hereby further authorized to determine, or to modify the provisions of this Resolution with respect to, the dated date of the Bonds, the interest payment dates for the Bonds, the dates on which and years in which the Bonds shall mature, the principal amount of the Bonds maturing on each such maturity date and to fix the rates of interest to be borne by the Bonds.

8. The Bonds, the certificate of authentication of the Registrar and the assignment endorsed on the Bonds, shall be in substantially the forms set forth in Exhibit A with such changes in format as may be appropriate to conform with customs and practices applicable to comparable securities; *provided* that the Bonds may be in the form of a single amortizing Bond if so specified by the Purchaser.

9. Subject to the issuance, sale and delivery of the Bonds pursuant to this Resolution for the purpose of refunding the Refunded Bonds and paying certain costs related to the issuance of such Bonds, this Council hereby designates for redemption on such date as shall be determined by the City Manager or the Deputy City Manager the Refunded Bonds selected for refunding by the City Manager or the Deputy City Manager. The City Manager and the Deputy City Manager are hereby authorized to take all such actions as they shall deem to be necessary or desirable to effect the redemption of the Refunded Bonds.

10. All actions and proceedings heretofore taken by this Council, the City Manager, the Deputy City Manager, the Director of Financial Services and the other officers, employees, agents and attorneys of the City in connection with the authorization, issuance and sale of the Bonds are hereby ratified, confirmed and approved.

11. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

12. All ordinances, resolutions and other proceedings in conflict herewith are, to the extent of such conflict, repealed.

13. This Resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

035LA

EXHIBIT A

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF LYNCHBURG
GENERAL OBLIGATION PUBLIC IMPROVEMENT
REFUNDING BOND, SERIES 2008

REGISTERED

REGISTERED

NO. R-_____

\$_____

INTEREST
RATE

MATURITY
DATE

DATE OF BOND

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The City of Lynchburg, a municipal corporation of the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above) unless this Bond shall have been duly called for previous redemption and payment of the redemption price duly made or provided for, the Principal Sum (specified above) and to pay interest on such Principal Sum until the payment of such Principal Sum in full, at the Interest Rate (specified above) per annum, on _____, ____ and semiannually on each _____ __ and _____ __ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date if interest shall have been paid to that date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date. *[To be substituted if the interest payment date is the 15th day of the month:* or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which event from such following interest payment date]. Such interest shall be computed on the basis of a three hundred and sixty (360) day year consisting of twelve (12) thirty (30) day months. Such interest is payable on each interest payment date by check mailed by the Registrar hereinafter mentioned to the Registered Owner hereof at his address as it appears on such books of registry kept by the Registrar, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date. *[To be substituted if the interest payment date is the 15th day of the month:* Such interest is payable on each interest payment date by check mailed by the Registrar hereinafter mentioned to the Registered Owner

hereof at his address as it appears on the books of registry kept by the Registrar, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date].

The principal of this Bond is payable on presentation and surrender hereof at the office of the **Director of Financial Services of the City**, as Registrar, in the City of Lynchburg, Virginia. The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of an issue of Bonds aggregating _____ Dollars (\$_____) in principal amount issued for the purpose of providing funds and to refund in advance of their stated maturities selected maturities of certain outstanding general obligation public improvement refunding bonds of the City under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991), the Charter of the City, and a resolution and other proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the series of which this Bond is one shall not be subject to redemption prior to its stated maturity.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, this Bond may be exchanged at the office of the Registrar for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same series, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, on the books of registry kept by the Registrar for such purpose at the office of the Registrar, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the series of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, series, interest rate and maturity as the Bond surrendered will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have

happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia or the Charter of the City.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor or its Vice Mayor; a facsimile of the corporate seal of the City to be imprinted hereon, attested by the manual or facsimile signature of the Clerk of Council of the City; and this Bond to be dated the date first above written.

CITY OF LYNCHBURG, VIRGINIA

Mayor (Vice Mayor)

Attest:

Clerk of Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

By: _____
Director of Financial Services,
as Registrar

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sell(s), assign(s) and transfer(s) unto _____

(Please print or typewrite name and address, including zip code, of Assignee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER TAX IDENTIFYING NUMBER OF ASSIGNEE

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, agent, to transfer the same on the books of registry in the office of registrar with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange Inc. or a commercial bank or trust company.

(Signature of Registered Owner)

NOTICE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

Resolution

(B)

BE IT RESOLVED THAT the FY 2008 General, Water, Sewer and Solid Waste Management Funds' Adopted Budgets are amended; and, \$24,250, \$6,790, \$11,155 and \$6,305 are appropriated respectively with resources of \$48,500 from refunding bond proceeds to fund issuance costs related to the General Obligation Public Improvement Refunding Bonds, Series 2008.

Introduced:

Adopted:

Certified:

Clerk of Council

035LB

Resolution

(C)

BE IT RESOLVED THAT the FY 2008 Solid Waste Management Fund's Adopted Budget is amended; and \$292,000 is appropriated to redeem this Fund's entire outstanding principal debt related to the City's General Obligation Public Improvement Refunding Bonds, 1998B Series.

Introduced:

Adopted:

Certified:

Clerk of Council

035LC