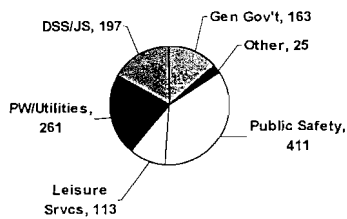


City of Lynchburg Workforce Overview 2010 - 2011

March 8, 2011

Departmental Distribution
Individuals in Filled Full and Part-Time Positions
as of January 2011



Total of 1170 Employees



Citywide Turnover

CY 2010

- Turnover rates returning to more typical experience
 - 5.10% Voluntary
 - Voluntary Resignations
 - 11.56% Total
 - Somewhat higher than past years
 - All Reasons
 - Resignation, Resignation in lieu of Dismissal, Release during Initial Employment Period, Dismissal, Retirement, Death

3/2/2011

Human Resources Department

3

 City-Wide Turnover Trend Calendar Year Turnover		
Year	Voluntary (Resignations)	Total (All Reasons)
2010	5.10%	11.56%
2009	3.00%	8.00%
2008	5.37%	9.78%
2007	5.31%	8.16%
2006	5.36%	9.93%

3/3/2011 Human Resources Department 4

 Large Department Turnover Trend		
Sworn Police Fire/EMS		
	Voluntary	Total
2010	9.47%	12.43%
2009	4.17%	6.55%
2008	3.53%	7.65%
2007	5.79%	8.95%
2006	4.22%	6.63%

	Voluntary	Total
2010	2.29%	6.29%
2009	1.69%	6.74%
2008	1.12%	6.74%
2007	1.09%	1.64%
2006	0	2.34%

3/3/2011 Human Resources Department 5

 Large Department Turnover Trend		
Emergency Services Social Services		
	Voluntary	Total
2010	0	8.11%
2009	11.76%	17.95%
2008	9.09%	12.12%
2007	6.45%	12.90%

	Voluntary	Total
2010	4.88%	14.63%
2009	9.84%	13.93%
2008	10.57%	12.20%
2007	8.04%	13.39%

3/3/2011 Human Resources Department 6



Market Comparison Trend

Salaries as of January 2011

	Pay Range Min to Mkt Min	Employee Avg Pay to Mkt Avg Pay
2011	90.25%	91.52%
2010	91.96%	93.48%
2009	91.96%	92.86%
2008	90.72%	92.18%
2007	91.91%	92.17%
2006	94.97%	93.38%

3/3/2011

Human Resources Department

10



Salary Trend

Annual Salary as of January 2011

Year	Avg Salary	Median Salary
2011	40,555	35,568
2010	41,238	36,150
2009	41,516	36,196
2008	40,456	35,381
2007	39,157	34,185

3/3/2011

Human Resources Department

11



Total Compensation

Salary and Benefits

Year	Avg Salary	Avg Value of Benefits	Total Comp
2011- Plan 1	40,555	17,161	57,716
2011- Plan 2	40,555	15,133	55,688
2010	41,238	16,464	57,702
2009	41,516	16,150	57,666
2008	40,456	16,061	56,517
2007	39,157	15,572	54,729

3/3/2011

Human Resources Department

12



Benefits

- Medical/Rx Coverage
 - Currently provide single coverage at no cost to employees, if participating in HMP, and make family member coverage available
 - City's costs remain comparable or less than market at \$353 per month for single and \$727 for family coverage
- Other benefits such as dental, 457 plan, FSA, are also available
- Paid time off is comparable to local government market
- Defined benefit retirement plan is common in public sector and much less so in other sectors

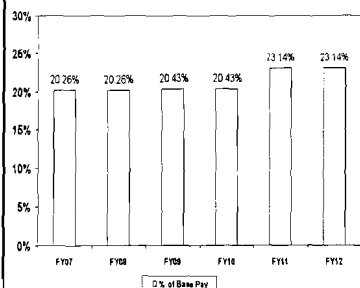
3/3/2011

Human Resources Department

13



VRS Contribution History



- Generally transparent to employees
- State code requires that localities provide VRS or comparable plan
- VRS sets rates based on Lynchburg's specific situation and history

3/3/2011

Human Resources Department

14



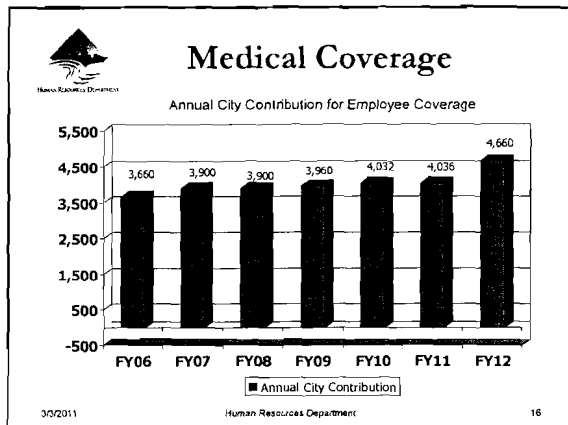
Retirement VA Retirement System

- FY2012 rate at 23.14% of pay
 - Last year at this rate
 - FY2013-14 rate expected to increase
- City pays full 23.14% for employees hired before 7/1/10 (1035 employees)
- City shares cost with employees hired on or after 7/1/10 (43 employees)
 - City pays 18.14%
 - Employee pays 5%
- General Assembly did not support localities' ability to share costs with employees hired before 7/1/10

3/3/2011

Human Resources Department

15



Medical Cost Management

- Proposed budget includes 10% increase in City contribution for employee and retiree medical coverage
- Maintaining slower rate of increase compared to PCHP and National trends of 12-13%
- Little impact of Health Care Reform this year

3/3/2011 Human Resources Department 17

On-Site Support Programs

- Occupational Health Program – work related conditions
 - Mature program for physicals, drug/alcohol screening and work related injury assessment and treatment
 - \$1.18 value for every dollar spent
 - Some shifting of services from occupational health to health management program

3/3/2011 Human Resources Department 18



On-Site Support Programs

- Health Management Program (HMP) – non-work related conditions
 - Maturing program - 3 full years of experience
 - Currently 1,136 participants – 95% of those eligible
 - Certified Nurse Practitioner on-site 30 hours a week for urgent care and outreach to high risk members

3/3/2011

Human Resources Department

19



HMP Outcomes

- Savings continue:
 - Analysis of the 925 members with two year participation indicate an 33% reduction in claims over base period
 - In 2010, \$2.07 value for every dollar spent
 - Claims savings of \$412,624 above the \$199,728 cost of the program
 - Savings due to
 - CNP office visits
 - Reduction in number high risk conditions
 - Reduction in number of individuals with claims over \$15,000
 - On-going review will continue to validate these results

3/2/2011

Human Resources Department

20



Workforce Development



3/3/2011

Human Resources Department

21



■ A Tool to Support Workforce Development

- Integrated, multi-faceted array of classes, activities and developmental experiences
- Learning and demonstrating new skills and abilities
- Organizational change to increase “bench” strength

3/3/2011

Human Resources Department

22



On-Going Challenges

- Retention Challenges
- Potential Benefits Consolidation
- New mandates at state and federal levels
 - Line of Duty changes
 - Managing two sets of VRS rules
 - Health Care Reform

3/3/2011

Human Resources Department

23



Overall Conclusions

- Workforce challenges continue as we adapt to the “new normal”
- Stable, high performing workforce
- Benefit package continues to be comparable recognizing that the retirement program is more generous than private sector
- Staying on the leading edge in several areas
 - Employee health management support
 - Workforce Development
 - Employee Engagement

3/3/2011

Human Resources Department

24

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of February, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Helgeson, Johnson, Nelson, Perrow, Foster 6

Absent: Gillette 1

// Mayor Foster recognized City Manager Kimball Payne on receiving his 10 year service award with the City.

// Mayor Foster stated that she serves on the Board of the Airshow and believes this does not cause a conflict.

// Jones Stanley, Dave Young and John Barksdale, Airshow organizers, gave a brief presentation on the upcoming Lynchburg Regional Airshow. Mr. Stanley stated that plans are underway to have the U.S. Navy's elite Blue Angels flight squadron perform at the Airshow to be held May 21-22, 2011 at the Lynchburg Regional Airport. However, if the Blue Angels are not able to attend then a one-day show is planned for Saturday, May 21.

After Council discussion, Mayor Foster asked City Manager Payne about obtaining a permit from Campbell County for the Airshow, and on motion of Council Member Helgeson and seconded by Council Member Cary, Council by the following recorded vote approved the motion to obtain a permit from Campbell County for the Airshow:

Ayes: Cary, Helgeson, Johnson, Nelson, Perrow, Foster 6

Noes: 0

Absent: Gillette 1

// Mr. Keith Wright, Neighborhood Program Manager for the Department of Community Development, gave a report on the activities of the Code Enforcement Task Force. Mr. Wright stated in February 1997 the Code Enforcement Task Force was formed, in response to specific property on Federal Street that had been cited for multiple violations by several City departments. The Task Force's purpose was to develop and implement a coordinated and focused long term strategy to improve living conditions through consistent code enforcement, thereby facilitating a positive impact on the quality of life in Lynchburg. Mr. Wright further stated since 2008, the Task Force has conducted fourteen walk-through inspections of various City neighborhoods. The walk-throughs were to identify concerns, as well as raise awareness of local codes and public maintenance needs (i.e. street lights and pot holes).

During Council discussion, Council Member Perrow asked if Council wanted to continue receiving status updates on the Code Enforcement Task Force and it was the consensus of Council to continue receiving status reports.

// Mr. Tim Mitchell, Director of Utilities, gave a summary of the FY 2012 Rate Study and Annual Report. Mr. Mitchell stated that the report contains statistical and financial information that routinely helps enhance performance and track various trends such as water consumption, so that the City can be more responsive to changing conditions. Mr. Mitchell further stated that the FY 2012 Rate Study and Annual Report includes the following:

1. Annual Report
2. Water and sewer fund statistical and financial data.
3. Financial Projections which include the following:
 - a. Water and sewer fund key assumptions.
 - b. Water and sewer fund capital financing plan.
 - c. Water and sewer operating fund and budget projections.
 - d. Revenue projections.

Mr. Mitchell stated the utility rate strategy developed for this year continues with the guiding principles of:

1. Equitable sharing of water and sewer costs based on service provided.
2. Ensure rates promote sustainable water and sewer operations and infrastructure.
3. Minimize future rate spikes.
4. Meet the financial obligations related to the CSO Special Order.
5. Ensure compliance with Council's financial policies.

Mr. Mitchell went on to say the recommendations include: a 3% increase in the water volume rate to \$2.29 per h.c.f., a 2% increase in the sewer volume rate, and a 1.8% increase in the sewer only rate. As a result, the composite water and sewer bill for the typical residential customer increases by 2.2%.

City Council commended City staff on the good work that has been done on this project.

// Project Manager Jeff Scarano gave a summary of the Amending Rainleader Disconnect Program Policy and Guidelines. Mr. Scarano stated that the goal is to eliminate 75 percent of the area connected to the sewer system via rainleaders that enter the system. Mr. Scarano further stated that while the 75 percent disconnection goal has generally been met in residential areas, urban disconnections are well short of this goal. This has primarily been due to limited pervious areas on downtown properties, which can lead to negative impacts on neighboring properties if the rainleaders are disconnected. Mr. Scarano went on to say in an effort to achieve the goal of 75 percent disconnection throughout the City, an amendment to the original disconnection policy has been developed that reduces peak flows into the combined sewer system from rainleaders through the use of stormwater best management practices. Under the amended policy, these rainleaders would not be disconnected from the sewer system, thus protecting neighboring properties from negative impacts, but peak flows into the sewer system would be reduced, thus helping to reduce overflows.

Council Member Perrow, Physical Development Committee (PDC) Chair made a motion to approve the amendments to the Rainleader Disconnect Program Policy and Guidelines, and Council approved by the following recorded vote:

Ayes: Cary, Helgeson, Johnson, Nelson, Perrow, Foster

6

Noes:

0

Absent: Gillette

1

// During Roll Call Council Member Perrow stated, just for information purposes regarding the sediment being left at the jug handle project between the 460/29 Bypass, that it was a Virginia Department of Transportation project and not the City. Vice Mayor Johnson stated that earlier today he had visited with

R. S. Payne students talking about City Government. Vice Mayor Johnson also stated that he had a visit from a family from our City Sister in Glauchau Germany.

// Copies of the minutes of the February 8, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Human Services – General, Resolution #R-11-010 amending the FY 2011 City/Federal/State Aid Fund and appropriating \$14,117 with resources of \$12,706 from the federal government's Juvenile Accountability Block Grant program, and \$200 from Campbell County to purchase GPS systems and provide additional mentoring and/or family counseling services, laid over from the February 8, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Parks and Recreation – General, Resolution #R-11-011 amending the FY 2011 City Capital Projects Fund budget and appropriating \$17,261, with resources from a donation from the Friends of Lynchburg Stream Valleys to support the rehabilitation and extension of the Creekside Trail, in accordance with the Creekside Trail Extension Plan, laid over from the February 8, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Commonwealth Attorney, Resolution #R-11-012 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$40,000, fully reimbursable, to support a Family Violence Legal Assistant position and activities related to the Domestic Violence and Intimate Partner Prosecution Unit, laid over from the February 8, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

// The meeting was adjourned at 6:00 P.M.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 9

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant to purchase a Physio LifePak 15 cardiac monitor/defibrillator and two Lucas 2 CPR Assist devices.

RECOMMENDATION: Adopt a resolution to amend the FY 2011 City/Federal/State Aid Fund budget and appropriate \$67,385 with resources of \$50,996 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and \$16,389 from the FY 2011 General Fund Fire Department budget to purchase a Physio LifePak 15 cardiac monitor/ defibrillator and two Lucas 2 CPR Assist devices for the Lynchburg Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) periodically awards grant funding to assist career and volunteer EMS agencies in obtaining/maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of citizen and community EMS services. This grant request is a continuation of such endeavors.

The Fire Department has been awarded a Rescue Squad Assistance Fund grant for \$50,996 to purchase a Physio LifePak 15 cardiac monitor/defibrillator and two (2) Lucas 2 CPR Assist devices. The original application included funding for the continuation of the 24 7 Now CentreLearn Learning Management System (online training); however, this item was not funded.

The Physio LifePak 15 cardiac monitor/defibrillator will replace one in-service LifePak 12 unit that has reached the end of its useful life cycle. The LifePak 15 is an upgrade from the LifePak 12; it has carboxyhemoglobin monitoring capability and is more ruggedly constructed. It will integrate seamlessly with the current supply of LifePak 12 monitors.

The Lucas 2 CPR assist device is a mechanical chest compression system. The department has been utilizing mechanical CPR assist devices since 2007 and has consistently seen a pre-hospital ROSC (Return of Spontaneous Circulation) of 20-25 percent. This increase of ROSC can be attributed to the consistent and quality chest compressions that the mechanical CPR assist devices provide. The department requested two of the Lucas 2 devices so that they may be deployed on additional ambulances.

This grant requires a 20 percent local match. The cost of the LifePak 15 cardiac monitor / defibrillator is \$36,485 and the cost of the two (2) Lucas 2 CPR Assist devices is \$30,900 for a total cost of \$67,385. The RSAF did not fund the full price quoted for the equipment, which increases the needed match. The \$16,389 match will be funded from the Fire Department's current budget.

PRIOR ACTION(S): Finance Committee, September 28, 2010; Finance Committee, February 22, 2011

FISCAL IMPACT: The match is available in the Fire Department's FY 2011 budget. Future funds will be needed for periodic maintenance of the equipment purchased.

CONTACT(S): Fire Chief S. Brad Ferguson, 455-6340; Captain Sean Regan, 455-4139; Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED That the FY 2011 City/Federal/State Aid Fund budget is amended and \$67,385 is appropriated with resources of \$50,996 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and \$16,389 from the FY 2011 General Fund Fire Department budget to purchase a Physio LifePak 15 cardiac monitor/ defibrillator and two Lucas 2 CPR Assist devices for the Lynchburg Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

041L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 10

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant to purchase a 2010 PL Custom Titan International ambulance.

RECOMMENDATION: Adopt a resolution to amend the FY 2011 City/Federal/State Aid Fund budget and appropriate \$218,113 with resources of \$166,718 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and \$51,395 from the FY 2011 Fleet fund budget to purchase a 2010 PL Custom Titan International ambulance for the Lynchburg Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) periodically awards grant funding to assist career and volunteer EMS agencies in obtaining/maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of citizen and community EMS services. This grant request is a continuation of such endeavors.

The Fire Department has been awarded a Rescue Squad Assistance Fund grant for \$166,718 to purchase a 2010 PL Custom Titan International ambulance. This grant requires a 20 percent local match. The cost of the ambulance is \$218,113. The RSAF grant did not fund the full price for the unit, which increases the match required. The \$51,395 match will be funded from the FY 2011 Fleet Fund budget.

PRIOR ACTION(S): Finance Committee, February 22, 2011

FISCAL IMPACT: The match is available in the FY 2011 Fleet fund budget. Future funds will be needed for periodic maintenance of the equipment purchased.

CONTACT(S):

Fire Chief Steven B. Ferguson, 455-6340

Captain Chris Adams, 455-4139

Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2011 City/Federal/State Aid Fund budget is amended and \$218,113 is appropriated with resources of \$166,718 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund Grant and \$51,395 from the FY 2011 Fleet fund budget to purchase a 2010 PL Custom Titan International ambulance for the Lynchburg Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

042L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 11

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Office of Emergency Medical Services Grant**

RECOMMENDATION:

Adopt a resolution to amend the FY 2011 City/Federal/State Aid Fund budget and appropriate \$112,509 with resources of \$82,695 from the Financial Assistance for Emergency Medical Services Grant Program and \$29,814 from the General Fund Reserve for Contingencies to establish an Emergency Medical Dispatch (EMD) program.

SUMMARY:

The EMD program would allow Emergency Services personnel to give pre-arrival instructions to callers that are experiencing serious medical emergencies. These instructions would allow patients to begin receiving potentially lifesaving treatment much quicker than provided in the current system. The EMD program will also assist Emergency Services personnel in prioritizing calls so as to maximize efficient use of existing Emergency Medical Services (EMS) resources in the field.

A grant was applied for through the Virginia Office of Emergency Medical Services last fall. It was unknown at the time what level of funding (if any) would be awarded, or what the economic outlook would be when the grants were awarded. We have recently received notification that we have been awarded partial funding for the program.

PRIOR ACTION(S):

January 25, 2011 Finance Committee

February 22, 2011 Finance Committee

FISCAL IMPACT:

The City of Lynchburg will have to initially provide additional funding of \$29,814.

The City would also need to commit to retaining the three (3) dispatch positions that were created using the ARRA Byrne JAG Grant in FY 2010 as that additional staffing would be necessary to ensure a successful program. The current annual cost for the three (3) positions is \$119,664, and it is believed that the grant money currently covering these costs will be exhausted sometime within FY 2012.

There will also be recurring costs of approximately \$14,170 per year to maintain the program beginning in FY 2013.

CONTACT(S):

William A. Aldrich, Director of Emergency Services, 455-4285

ATTACHMENT(S):

Resolution

Request to begin an Emergency Medical Dispatch (EMD) Program Overview

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2011 City/Federal/State Aid Fund budget is amended and \$112,509 is appropriated with resources of \$82,695 from the Financial Assistance for Emergency Medical Services Grant Program and \$29,814 from the Reserve for Contingencies to establish an Emergency Medical Dispatch (EMD) program within the Department of Emergency Services.

Introduced:

Adopted:

Certified:

Clerk of Council

043L

Request to begin an Emergency Medical Dispatch (EMD) program

What is EMD?

EMD stands for Emergency Medical Dispatch. EMD programs enable 911 dispatchers to better assess the medical needs of the caller and to better prioritize the physical response of the Emergency Medical Service (EMS) units. EMD also provides 911 dispatchers with a standardized medical protocol system including specific instructions that can be relayed to the caller to immediately begin potentially life saving treatment.

Why?

With public safety resources becoming increasingly costly and calls continuously on the rise it is important to effectively manage our physical response to calls. EMD programs provide a management tool for the Department of Emergency Services and the Fire Department to work collaboratively to standardize physical response protocols. EMD provides the 911 dispatcher with a systematic approach to call assessment that concludes with a more uniform and predictable result than currently exists, thereby making it possible to better prioritize the physical response than currently done. Enhancing the prioritization system has historically resulted in reducing equipment responses in non emergency situations and increasing equipment availability for emergency situations.

Why now?

We have an opportunity to receive grant funds from the State to offset a significant amount of the initial startup costs of this project. We have been notified that we can receive a grant from the Emergency Medical Services Grant Program for \$82,695. We must accept the grant by March 1, 2011 if we intend to take advantage of this opportunity.

What are the immediate costs to the City?

It will cost the City \$29,814 for additional startup costs. The additional funding needed is not currently available in the Department of Emergency Services general fund budget.

What are the long range considerations?

There will be recurring costs of approximately \$14,170 per year to sustain the program. Staffing at the Department of Emergency Services would need to minimally remain at the current levels to sustain the delivery of these enhanced emergency dispatch services.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Public Hearing and Adoption of the Amended Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Program

RECOMMENDATION: Conduct a public hearing to receive comments regarding the proposed amendments to the Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME Program) and adopt a resolution approving the Plan.

SUMMARY: The U. S. Department of Housing and Urban Development (HUD) requires each entitlement city that receives CDBG and HOME Program funds to have a Citizen Participation Plan. The purpose of the Citizen Participation Plan is to provide policies and procedures for citizen participation with respect to activities funded under the CDBG and HOME Program from HUD.

The current Citizen Participation Plan was updated by City Council on November 11, 2008. City staff has proposed revisions to the Plan that will better align the contents of the Plan with HUD requirements for citizen participation; eliminate public hearing redundancy and reduce advertising costs; and focus the work of the Community Development Advisory Committee (CDAC) on reviewing CDBG and HOME Program applications and making recommendations for funding to City Council. The Proposed Citizen Participation Plan also incorporates City Council's recent restructuring of programs and activities that can be funded with CDBG funds (10% allocation to public service programs and activities in FY 2012 with remaining funds allocated to the Lynchburg Redevelopment and Housing Authority, City capital projects in eligible areas, targeted neighborhoods, and Bluffwalk (if necessary)).

At the February 8, 2011 Work Session City Council reviewed the draft Plan and was in support of the recommended revisions. It was suggested that language regarding the posting of documents at the Downtown Branch Library be less specific; this adjustment has been made in the attached document and is noted in italics on page 6.

The HUD-required 30-day public comment period began on February 4 and will conclude at the public hearing. To date, City staff has not received any written public comments.

PRIOR ACTION(S): February 8, 2011: City Council Work Session – Review of Draft Citizen Participation Plan

FISCAL IMPACT: The HUD regulations require a minimum of two annual public hearings. There will be a reduction in the cost of advertising as the number of public advertisements will be reduced.

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3990; Melva Walker, Grants Manager, 455-3916

ATTACHMENT(S): Proposed Citizen Participation Plan

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the Lynchburg City Council hereby adopts the Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Program dated March 8, 2011.

Adopted:

Certified:

Clerk of Council

040L

City of Lynchburg, Virginia

DRAFT ***Citizen Participation Plan*** ***for the*** ***Community Development Block Grant*** ***and HOME Program***

Prepared by the
Grants Administration Office
900 Church Street
Lynchburg, Virginia 24504
(434) 455-3900

Approved by City Council on November 11, 2008

Revised: _____

Draft Revision: March 8, 2011

Table of Contents

	<u>Page Number</u>
INTRODUCTION	21
CERTIFICATION OF COMPLIANCE	21
CITIZEN PARTICIPATION PLAN	2
Encouragement <u>and Methods</u> of Citizen Participation	32
Methods of Citizen Involvement	3
RESPONSIBILITIES AND OBLIGATIONS	43
Assignments	53
Notification Process Public Meetings	4
Public Notices	4
Access to Records	5
COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)	5
Membership and Composition	75
Terms	76
Officers	86
Quorum	86
Rules of Procedure	86
Citywide Citizen Participation Program	8
REQUIRED SUBMISSIONS	6
Annual Action Plan	97
Consolidated Plan	118
Consolidated Annual Performance and Evaluation Report (CAPER)	1310
AMENDMENT PROCESS	140
SUBMITTAL TO HUD	12
<u>ACCESS TO RECORDS</u>	15
<u>TECHNICAL ASSISTANCE</u>	15
COMPLAINT PROCESS	152
ANTI-DISPLACEMENT/RELOCATION POLICY	12
<u>JURISDICTIONAL RESPONSIBILITY</u>	16
APPENDIX A – Definitions	173
APPENDIX B – Description of CDBG and HOME Programs	184
APPENDIX C - Map of CDBG target areas	22

CITIZEN PARTICIPATION PLAN

City of Lynchburg, Virginia

INTRODUCTION

This Citizen Participation Plan was prepared in accordance with Section 104(a) of the Housing and Community Development Act of 1974, as amended. The 24 CFR 91.105 federal regulations outline the “citizen participation” requirements. This document has been developed in order for the City of Lynchburg, Virginia to be in compliance with the requirements of the regulations.

The Plan sets forth the City’s policies and procedures by which it encourages local citizens to participate and comment on the federally funded Community Development Block Grant (CDBG) and HOME pPrograms. The provisions concerning citizen involvement in implementing and assessing the CDBG and HOME pPrograms apply to all activities that are ongoing, as well as to all future activities. This pPlan shall remain in eeffect until all activities are completed, or until this Plan is superseded by a new Plan.

In accordance with the City of Lynchburg’s mission of responsive, effective local government and vision principles that include engaging the community, the City will follow the Citizen Participation Plan detailed in this document. This Plan will help the City to determine and prioritize the needs of neighborhoods and communities, administer programs intended to address those needs, and involve the public in the Consolidated Plan, Annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER) process.

CERTIFICATION OF COMPLIANCE

As a part of the City’s submission of its Five-Year Consolidated Plan, and any amendments thereto, the City will submit certification to the U.S. Department of Housing and Urban Development (HUD) that the City is following an approved Citizen Participation Plan, which:

1. Provides for and encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used;
2. Provides for participation by residents in low and moderate income neighborhoods or targeted revitalization areas as defined by the City;
3. Provides for and encourages citizen participation of residents of public and assisted housing developments, as well as providing information to the housing agency about Consolidated Plan activities related to its development;
4. Provides for and encourages citizen participation of persons with disabilities as well as provides a copy of the Citizen Participation Plan in a format accessible to persons with disabilities, upon request;
5. Provides for and encourages citizen participation of all of the City of Lynchburg citizens, including minorities and non-English speaking persons, and identifies how the needs of non-English speaking residents will be met in the case of public hearings where a

significant number of non-English speaking residents can be reasonably expected to participate;

6. Provides citizens with reasonable and timely notification and access to local meetings, information, and records relating to the City's proposed and actual use of federal CDBG and HOME funds;
7. Provides for technical assistance to groups/organizations representative of persons of low and moderate income that request such assistance in developing proposals, with the level and type of assistance to be determined by the City;
8. Provides for public hearings to obtain citizen views, and to respond to proposals and questions at all stages of the community development program process, including at least the development of needs, the review of proposed activities, and the review of the programs annual performance. The hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the disabled; and
9. Provides for timely written response to written complaints and grievances where applicable.

CITIZEN PARTICIPATION PLAN

The U.S. Department of Housing and Urban Development requires the City of Lynchburg to have and follow a Citizen Participation Plan as a condition of receiving federal funds. This Plan contains the City's policies and procedures for involving the community in:

- the development of the Annual Action Plan and the Five-Year Consolidated Plan;
- the review of the Consolidated Annual Performance and Evaluation Report; and
- the use of Community Development Block Grant (CDBG) and HOME program funds.

Included in this Citizen Participation Plan are policies and procedures for amending these documents and local programs. The Citizen Participation Plan will apply to the Section 108 loan program and other HUD programs that would require citizen participation. (See Appendix A for a definition of the Annual Action Plan, Consolidated Plan and CAPER and Appendix B for a description of the CDBG and HOME ~~p~~Programs).

This Plan was prepared by the ~~Community Development Department~~, Grants Administration ~~Division~~ Office, which is the lead entity for the administration of the CDBG and HOME ~~p~~Programs for the City of Lynchburg.

Encouragement and Methods of Citizen Participation

Participation by residents in low and moderate income neighborhoods, as well as minorities, non-English speaking persons, and persons with mobile, visual and hearing disabilities is encouraged throughout the development of the Consolidated Plan, Annual Action Plan, the CAPER, and any amendments to these ~~p~~Plans. Residents of public and housing developments are also encouraged to participate.

Methods of Citizen Involvement

The City provides ~~three~~ methods of citizen involvement in the development of the Five Year Consolidated Plan and the Annual Action Plan.

- ~~1. Local community involvement;~~
- ~~2. Community Development Advisory Committee (CDAC) review and hearings; and~~
- ~~3. City Council public hearings.~~

Citizens are encouraged to participate in the process via public input through the Community Development Advisory Committee (CDAC), and City Council. The City and HUD recognize community input as an important component in identifying high priority needs in the community and ensuring that CDBG and HOME funds are used for activities that address those issues and concerns. These groups include public and private entities, both non-profit and for-profit, particularly those whose purpose relates to housing, homelessness, neighborhoods, community development and economic development;

Prior to the annual review of the Five Year Consolidated Plan Goals, City staff will conduct an informal conversation with citizens to hear comments and determine if the Goals continue to be meaningful and effective.

In addition, to expand and broaden citizen participation, the City will also post public notices on the City's web site (www.lynchburgva.gov/grants), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

City staff will coordinate these efforts through the City's Communications and Marketing Department.

RESPONSIBILITIES AND OBLIGATIONS

This section of the Citizen Participation Plan provides guidance to the various stakeholders in the activities required to develop and implement the Consolidated Plan, Annual Action Plan and the CAPER. These guidelines are provided to be inclusive and protect the fairness and integrity of the Community Development Block Grant and HOME programs. They are not intended, in any way, to exclude or limit access to the process.

Assignments

The City of Lynchburg Citizen Participation Plan describes the roles of the City Council, Community Development Advisory Committee, City staff and others involved in developing and evaluating progress toward implementation of the Consolidated Plan and Annual Action Plan.

The **Lynchburg City Council** serves as the body of elected community-wide representatives responsible for addressing policy issues related to the Consolidated Plan and Annual Action Plan. The City Council gives direction to City staff as to how to proceed in assessing Lynchburg's housing and community development needs and a strategy to address the needs identified. It must approve the Consolidated Plan and the Annual Action Plan prior to submission to HUD.

The City Council must also comment and approve revisions to the Citizen Participation Plan and amendments to the Consolidated Plan.

The City Council will appoint and oversee the a **Community Development Advisory Committee (CDAC)**. The CDAC will review the development of the Consolidated Plan and the Annual Action Plan, apply strategies developed in the Consolidated Plan and make recommendations to the City Council for funding activities and programs in the Annual Action Plan for under the CDBG and HOME pPrograms and generally to act in an advisory capacity to City Council with reference to the programs and related project activities. The committee will also annually review the Consolidated Annual Performance and Evaluation Report (CAPER) and review and comment on the development of the Citizen Participation Plan. (A detailed description of the CDAC is provided on page 75 of this document).

City staff will facilitate the process by assisting the City Council and the CDAC in meeting the City's obligations and responsibilities as an entitlement City for the CDBG and HOME pPrograms. This will include preparing and submitting the required reports and documents to HUD and providing other support as required.

Other interested ~~citizens and groups~~ are encouraged to participate in the process via public input. The City and HUD recognize community input as an important component in identifying high priority needs in the community and ensuring that CDBG and HOME funds are used for activities that address those issues and concerns. These groups include the following:

- ~~public and private entities, both nonprofit and for profit, particularly those whose purpose relates to housing, homelessness, neighborhoods, community development and economic development;~~
- ~~The community at large, civic organizations, particularly those from low and moderate income neighborhoods, civic associations and tenant associations;~~
- ~~The business community;~~
- ~~Public Housing residents and agency staff;~~
- ~~Lynchburg City schools;~~
- ~~Clients, program users, program operators; and~~
- ~~Residents and organizations in the CDBG target area.~~

Public Meetings Notification Process

It is the policy of the City of Lynchburg to give citizens timely notice of local meetings and reasonable and timely access to local meetings, information, performance reports, and records relating to the City's proposed and actual use of CDBG and HOME pProgram funds.

All meetings will be published at least once as a legal advertisement in the local paper at least 15 days in advance of the ~~meeting~~ public hearing date. Those meetings requiring more than 15 days notice in advance, will meet the required advance notice timeline. The published information will include:

- Description of the activity;
- What entity is conducting the meeting;
- Amount of source of funds;
- Where and how information may be obtained;
- The date, time and location of the public meetings(s);
- Timeframe for the public to submit public comments;

- How and in what format comments will be accepted; and
- Contact person for additional information.

Public notices related to proposed funding allocations for the Annual Action Plan will include: a statement of program objectives; amount of grant funds and program income anticipated; range of activities that may be undertaken; estimated amount of grant funds and program income proposed to be used for activities that will benefit low and moderate income persons; any proposed activities likely to result in displacement; and the City's plan for minimizing displacement.

Documents that require a Public Comment period will be available for review at the following locations:

- Grants Administration Division, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia and other branches of the Library that may be in operation (~~Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504~~)
- Grants Administration website at www.lyncburgva.gov/grants

The City wants to ensure that all people are able to participate in public meetings. Therefore, the City will make reasonable efforts to provide translators, upon request, to help non-English speaking persons at public hearings, working sessions and public meetings. Likewise, the City will make reasonable efforts to provide special accommodations for persons with disabilities so they can participate. The City will schedule meetings in locations that are accessible and at times that are convenient for the community. Persons needing special accommodations or translators should make their requests **one week** before the meeting so that the City can assure that the special needs are met. These requests should be made to the ~~Community Development Department~~, Grants Administration ~~Division Office~~ at (434) 455-390016.

Public Notices

~~Public Notices will be published at least once as a legal ad in the local newspaper. These notices will include: a statement of program objectives; amount of grant funds and program income anticipated; range of activities that may be undertaken; estimated amount of grant funds and program income proposed to be used for activities that will benefit low and moderate income persons; any proposed activities likely to result in displacement; and the City's plan for minimizing displacement.~~

~~Documents that require a Public Comment period will be available for review at the following locations:~~

- ~~Community Development Department, Grants Administration Division, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504~~
- ~~Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia~~
- ~~Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504~~
- ~~Community Development Department, Grants Administration Division website~~

Access to Records

~~The City will provide access to public records related to the Consolidated Plan, Annual Action Plan and the CAPER and the use of assistance under the programs covered by the Plans during the proceeding five years. The City may charge a fee for copies to recover cost of materials. The~~

City may require an appointment to view records and may require City staff to be present during the inspection of records.

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)

The Community Development Advisory Committee (CDAC) will serve as a primary mechanism for facilitating citizen participation throughout all stages of the federal government consolidated planning, implementation and evaluation process. The committee shall make recommendations to the City Council regarding plans and projects for the CDBG and HOME programs. The CDAC will act in an advisory capacity to the City Council in reference to the CDBG and HOME programs and related project activities.

The CDAC will meet at least four times during the program year and will offer advice and recommendations on development of the Annual Action Plan, implementation and evaluation of the CDBG and HOME programs, proposed amendments to the Consolidated Plan and/or Annual Action Plan, and allocations of unprogrammed CDBG and HOME funds. No member of the advisory committee may vote on a proposal initiated by a neighborhood organization of which he or she is a member.

At each meeting of the CDAC, City staff will report on the progress of current projects and programs. These meetings shall be open to the public. The agenda for any regular or other public CDAC meeting will be provided to all Committee members in writing five (5) days prior to the meeting. Meeting dates and times shall be determined by consent of the Committee members. The time and place of the CDAC meetings can be obtained by calling the Community Development Department, Grants Administration Division, at (434) 455-3900.

The Chair may, when it is deemed necessary and expedient, call a special meeting of the CDAC for the purpose of transacting business. No business shall be considered other than as designated in the call. The special meeting shall be called by written notice to the members of the Committee.

Membership and Composition: The CDAC shall consist of ~~nine~~ (9) members. The composition of the ~~e~~Committee shall be as follows:

1. a. Members: Five (5) members shall be ~~citizens~~ residents of predominately low and moderate income neighborhoods, and/or other slum and blighted areas of the City. No more than one representative from a single neighborhood shall be allowed to serve at a time. These persons may or may not be current members of neighborhood organizations.

~~a. Two (2) members shall be representatives from the community at large and represent the business community, health care industry or other special interest groups such as the disabled, homeless, elderly, residents of public or subsidized housing, etc.~~

~~b. Two (2) members shall be current members of the Lynchburg City Council.~~

b. Terms: All members of the CDAC will be appointed annually by the City Council to serve four year terms, not to exceed two consecutive terms for a period of one year. No person may serve for more than four consecutive years. ~~Annually, the CDAC members will participate in a training workshop on the CDBG and HOME programs. The training workshop will include information on the current status of programs and agencies receiving federal funds.~~

2. Objectives. CDAC will review CDBG and HOME Program applications and will make recommendations to City Council regarding proposed Annual Action Plan projects.

3. Officers: The officers of the CDAC shall consist of a Chair and Vice-Chair. The Chair and Vice-Chair shall be members of City Council and selected annually by City Council.

Chair: The Chair shall preside at all meetings of the Committee. Except as otherwise authorized by resolution of the ~~CDAC~~ Committee, the Chair shall sign all official documents and other instruments to be executed by the Committee.

Vice-Chair: In the absence or incapacity of the Chair, the Vice-Chair shall preside at all meetings of the Committee, and may perform such other duties as may be required by the Chair.

Recording Secretary: The Recording Secretary shall keep the records of the Committee, act as Secretary to all meetings of the Committee, record all votes and shall keep a record of the proceedings of the Committee. The Grants ~~Administrator~~ Manager, or his/her designee, shall act as Recording Secretary. The Recording Secretary shall not be a member, and will have no voting power; however, he or she may participate in discussions, and provide such information as requested by the Committee.

4. Meetings:

a. Regular Meetings. The regular meetings of the Committee will be to review the CDBG and HOME Program applications and to make funding recommendations to City Council. These meetings will be open to the public. The agenda for any regular or other public Advisory Committee meeting will be provided to all Committee members in writing five (5) days before the meeting. Meeting dates and times shall be determined by consent of Committee members.

(b) Special Meetings. The Chairman may, when it is deemed necessary and expedient, and shall, by written request to the members of the Committee, call a special meeting of the Committee for the purpose of transacting any business designated in the call. No business shall be considered other than as designated in the call.

5. Quorum: At all meetings of the Committee, a majority of the total membership shall constitute a quorum for the purpose of transacting business.

6. Rules of Procedure: The Committee will operate under “Roberts Rules of Order”, as revised. The Community Development Director and Grants Administration staff will provide technical assistance and support to the CDAC. This support includes notice of meetings, provision of meeting space, minutes, interpretation of HUD policies and requirements, and program status reports. Community Development staff may also prepare letters, reports, responses and other documents for the Committee, as requested, and shall attend all CDAC meetings and hearings.

7. Citywide Citizen Participation Program: A Citywide Citizen Participation Program, designed to encourage a broader range of membership on the City's boards and commissions, was initially approved by City Council in July, 1978. Persons' names received through the Citywide Citizen Participation Program who are interested in serving on the Community Development Advisory Committee will be submitted to City Council for consideration for annual appointments and as vacancies occur.

REQUIRED SUBMISSIONS

Although both the Five-Year Consolidated Plan and the Annual Action Plan seek community involvement on many levels, the involvement levels differ for the two plans. Efforts to involve local citizens, non-profit entities and other interested stakeholders, is more intensive during the Five-Year Consolidated Plan preparation process, than in the Annual Action Plan process. The purpose of the Five-Year Plan is to identify needs and develop a multi-year strategy to address those needs. The primary purpose of the Annual Action Plan is to identify specific activities to be funded or actions to be taken during a particular fiscal year to address needs that were identified in the Five-Year Consolidated Plan. Therefore, the citizen involvement process for each plan is described separately below.

Annual Action Plan

At the beginning of the Annual Action Plan process City Council will conduct a public hearing to receive citizen input regarding the Citywide community development and housing needs and the review of the approved Consolidated Plan goals. A notice of this meeting will be published in the local newspaper at least 15 days prior to the meeting.

In addition, At the beginning of the Annual Action Plan process, the City staff will prepare an Application for Funding and Information Guide that describes the City's funding application processes. The Application for Funding and Information Guide will include the objectives and eligible uses of the CDBG and HOME pPrograms funds and the amount of funds expected to be received by the City, including program income. This document will also provide a tentative time schedule that the City is expected to follow in the preparation of the Plan.

Local Community Involvement: The City will make every effort to involve the community, especially low and moderate income persons and those who live in areas eligible for CDBG and/or HOME Program funds, in the annual planning and funding process ~~within reasonable limits of staffing and budgetary constraints.~~ (See Appendix C for a map of eligible areas).

~~The City wants to ensure that all people are able to participate in all public meetings. Therefore, the City will make reasonable efforts to provide translators, upon request, to assist non English speaking persons at public hearings, workshops and public meetings. Likewise, the City will make special accommodations for persons with disabilities so they can participate. The City will schedule meetings in locations that are free from accessibility problems and at times that are convenient for the community. Persons needing special accommodations or translators should make their requests **one week** before the meeting so the City can assure that the special needs are met. These requests should be made to the Grants Administration Division, of the Department of Community Department at (434) 455-3900 or by writing to: City of Lynchburg, Grants Administration Division, 900 Church Street, Lynchburg, Virginia 24504.~~

For the community as a whole, the City will publish a public notice in the ~~News and Advance~~ local newspaper that the City is starting the Annual Action Plan process and the acceptance of funding application requests. This notice will include information regarding the application process ~~and technical assistance workshop.~~ The City's ~~Community Development Department~~ Grants Administration Office website (www.lyncburgva.gov/grants) will also contain information about the City's application process, application, and the time schedule.

Community Development Advisory Committee (CDAC) meeting: ~~The CDAC, a citizen advisory group appointed by the City Council, is~~ will be responsible for reviewing and making recommendations on the funding applications described in the Annual Action Plan. The CDAC will conduct at least one meeting at the onset of the planning process for the Annual Action Plan. At this meeting, †The CDAC will review program accomplishments as described in the Consolidated Annual Performance and Evaluation Report (CAPER) and obtain citizen input on housing and community development needs conduct a meeting to review Annual Action Plan funding requests for the CDBG and HOME Program. A notice of this meeting will be published in the local newspaper, ~~the News and Advance,~~ at least 15 days prior to the meeting. If needed, the CDAC will conduct a second meeting to review applications, prior to making recommendations to the City Council. At the discretion of the CDAC, entities with eligible applications, including the City, may be invited to present their projects at the CDAC meeting and to answer questions. The CDAC may also at its discretion, seek information and clarity from City staff. At the conclusion of the CDAC process, City staff ~~the committee chair~~ will prepare a Council report with CDAC's funding recommendations which will be submitted to the for City Council consideration and adoption. The CDAC recommendations will be included in the final adopted Annual Action Plan for information.

City Council Public Hearings: The CDAC funding recommendations for the CDBG and HOME Program activities for the Annual Action Plan will be submitted to City Council. City Council will hold at least one public hearing on the Annual Action Plan to obtain citizen input on housing and community development needs and proposed Annual Action Plan activities; and allow CDBG and HOME Program applicants to present their funding requests. This public hearing will be advertised in the local newspaper at least 15 days prior to the hearing.

Thirty-Day (30-day) Public Review Period: ~~After the CDAC recommendations, the City staff will prepare a draft Annual Action Plan which will include the projects and programs recommended for funding with CDBG and HOME funds. The City staff will then publish a 30-day legal notice in the News and Advance local newspaper that the draft Annual Action Plan is available for public review and written comment. Any written comments must be submitted to the Department of Community Development, Grants Administration Division Office, prior to the end of the thirty 30- day review period. During the review period, the draft Annual Action Plan will be available for review at the Department of Community Development Grants Administration Office, and the Lynchburg Public Library, and the City of Lynchburg website (www.lyncburgva.gov/grants).~~

City Council Public Hearings: ~~The City Council will hold at least one public hearing on the Annual Action Plan. This public hearing must be advertised in the local newspaper, the News and Advance, at least 15 days prior to the hearing. After the City Council adoption, staff will submit the Annual Action Plan to HUD for the required 45-day review period.~~

City Council Adoption: At the conclusion of the 30-day public review period, City Council will conduct a public hearing for the adoption of the Annual Action Plan. This public hearing will be advertised in the local newspaper at least 15 days prior to the hearing.

HUD Review Period: ~~After adoption, the City will attach to of the Annual Action Plan, the City will attach a summary of any written or oral comments received during the public review period and the public hearings. If the City does not incorporate a recommendation received from the public, the City will attach the reasons why that recommendation was not included when the Annual Action Plan is sent to HUD. The City staff will then send the Annual Action Plan to the U.S. Department of Housing and Urban Development HUD for review and approval.~~

HUD Review Period: The HUD approval process takes 45 calendar days. If the Plan has included all of the required sections and has gone through the required public comment and review, HUD approval is considered routine. The City may incur costs at the beginning of the program year which starts on July 1st, but may not draw down any funds until HUD has completed its 45 day review period and a grant agreement has been fully executed with HUD.

Consolidated Plan

As stated earlier, the City is required to prepare a multi-year Consolidated Plan. Consolidated Plans are usually prepared for a three to five year period. The City of Lynchburg has traditionally prepared a Five-Year Consolidated Plan. The purpose of the Consolidated Plan is to identify the needs of lower income persons, establish funding priorities and develop a multi-year strategy to address those needs. The Annual Action Plan must be consistent with the Consolidated Plan.

Local Community Involvement: The City will make every effort to involve the community, particularly low to moderate income persons and those living in areas eligible for CDBG funds, during the preparation of the Consolidated Plan. Community involvement will be at the planning and the funding processes and will be within the reasonable limits of staff time and cost considerations. This involvement will include people and groups that participate in the preparation of the Annual Action Plan. In addition to those traditionally included in the preparation of the Annual Action Plan, the City will seek input from other groups that might not be eligible for funding, particularly housing industry representatives, such as lenders and real estate professionals. In that the Consolidated Plan is concerned with identifying Citywide needs and trends, the City will seek information, data and input from these groups to assist the City decision makers in identifying and prioritizing needs and developing strategies in addressing those needs.

The City will use the following procedure in developing the list of agencies and individuals that the City will consult with during the Consolidated Plan preparation process:

- The City will identify all agencies and individuals that have applied for HUD funds from the City since the previous Consolidated Plan was prepared.
- The City will identify and involve nonprofit and governmental agencies that might have useful information about the City's overall housing, community development, health services and economic development needs. This will include agencies that represent persons with special needs.
- The City will request housing industry associations to appoint a person to represent that group in working with the City.
- The City will involve the CDAC and other committees and groups that may be affected by the CDBG and HOME programs.
- The City will retain, on an annual basis, a list of agencies, groups and individuals who have requested information about the programs and have requested to be put on the City's mailing list for input into the Consolidated Plan. ~~The City will periodically verify that the agencies and persons are still interested in the program and that addresses and telephone numbers are current.~~
- The City will encourage the Lynchburg Redevelopment and Housing Authority residents and staff to participate in the planning process.
- The City will notify appropriate City of Lynchburg departments that the Grants Administration Division is preparing a description of non-housing community needs. In addition, the City will consult with the Health Department and other relative agencies regarding data on lead based paint hazards and poisonings.

- The City will send a ~~press releases and notices~~ to the local newspapers and other media. ~~This will include publishing a notice in the News and Advance~~ advising the public that the planning process has begun and encouraging participation.

~~At the beginning of the planning process and Aafter compiling a list of interested participants, the City will invite these agencies and individuals to attend one of several working sessions. Each working session will involve a certain topic or funding category, so that persons with similar interests, but not necessarily similar perspectives, can fully discuss a City Council public hearing to provide input regarding the Ceitywide community development and housing needs for that particular topic area or funding source and the proposed Consolidated Plan goals.~~

Thirty-Day Review Period: Upon completion, the City will notify the working session participants that the proposed Consolidated Plan is available for public review for a thirty-day period. A public notice in the *News and Advance* will also notify the public of the thirty-day public review period by publishing a short summary of the Consolidated Plan. This summary will briefly describe the contents and purposes of the Plan. The notice will include the locations where copies of the Plan can be reviewed. Copies of the Plan will also be available to the public, upon request, in the Community Development Department.

Community Development Advisory Committee (CDAC) meetings: ~~At the beginning of the planning process for the Citizen Participation Plan, tThe citizen involvement process will includes outreach to stakeholders to attend a public meeting by the CDAC on the overall needs, and priorities, and/or revisions and development of Consolidated Plan goals to be recommended as a part of the Consolidated Plan at the beginning of the planning process. The CDAC will review the Plan at various stages of development. At a public hearing, Tthe CDAC will review and make recommendations on the final draft of the Consolidated Plan prior to the Plan being presented to the City Council for adoption. The CDAC will consider public comments on the Plan at that meeting. The public meeting hearing may be held toward the end of the required thirty30-day review period. A notice of the CDAC public meeting will be published in the local newspaper at least 15 days prior to the meeting.~~

City Council Hearing: ~~At the conclusion of the 30-day public review period, tThe City Council will conduct at least one public hearing on the Consolidated Plan prior to adoption. This hearing may or may not be in conjunction with the hearing on the Annual Action Plan. CDAC members and working session Interested participants will be notified of the public hearing. This hearing will also be noticed in the News and Advance and listed in the City Council's Agenda. The notice may be included be advertised in the thirty day notice and the CDAC public hearing notice local newspaper at least 15 days prior to the public hearing.~~ The ultimate responsibility for the Consolidated Plan adoption is with the City Council.

After adoption, the City will attach to the Consolidated Plan a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the Consolidated Plan is sent to HUD. ~~The City will send the Consolidated Plan to the U.S. Department of Housing and Urban Development for review and approval.~~

HUD Review Period: The City will then send the Consolidated Plan to the U.S. Department of Housing and Urban Development for review and approval. The HUD approval process takes 45 calendar days. If the Plan has included all of the required sections and has gone through the required public comment and review, HUD approval is considered routine. The City may incur

costs at the beginning of the first year of the Consolidated Plan which starts on July 1st, but may not draw down any funds until HUD has completed its 45 day review period and a grant agreement has been fully executed with HUD.

Anti-Displacement/Relocation Policy

In developing and implementing the Consolidated Plan, the City of Lynchburg intends to cause no displacement to persons receiving assistance from the CDBG or HOME Program. The City recognizes that while it intends no displacement, situations may arise wherein displacement and/or relocation or temporary relocation is the only viable method for providing assistance. The City will then provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG or HOME funds to acquire or substantially rehabilitate residential and nonresidential property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

CONSOLIDATED ANNUAL EVALUATION AND PERFORMANCE REPORT (CAPER)

On or about September 28th of each year, the City is required to submit a performance report to HUD for the previous program year. This report is called the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER provides a description of the following:

- Resources available to the City;
- Investment of those resources, the geographic distribution and location of investments;
- Number of families and persons assisted (including the racial and ethnic status of persons assisted);
- Actions taken to affirmatively further fair housing;
- Evaluation of other actions and activities, such as infrastructure projects, indicated in the strategic plan of the Consolidated Plan and the Annual Action Plan;
- Evaluation of the jurisdiction's progress in meeting its specific objectives of providing affordable housing, including the number and types of families served; and
- A summary of any written comments or views received from citizens regarding the City-funded programs and performance as well as any oral testimony at public hearings for City-funded programs and performance.

~~The City will publish a legal notice in the *News and Advance* at least 15 days before submittal of the CAPER to HUD so that citizens may comment on the report. Additionally, a public hearing is conducted by the City on performance and needs at the onset of the program planning process. At this hearing, the City will consider public comments on the CAPER.~~

A public notice in the local newspaper will notify the public of the 15-day public review period and City Council public hearing date by publishing a short summary of the CAPER. This summary will briefly describe the contents and purposes of the CAPER. The notice will include the locations where copies of the CAPER can be reviewed. Copies of the CAPER will also be available to the public, upon request, in the Grants Administration Office as well as at the City's web site: www.lyncburgva.gov/grants.

After adoption, the City will attach to the CAPER a summary of any written or oral comments received during the public review period, including the public hearings. If the City does not

incorporate a recommendation from the public, the City will attach reasons why that recommendation was not included when the CAPER is sent to HUD. The City will send the CAPER to the U.S. Department of Housing and Urban Development for review and approval.

AMENDMENT PROCESS

During the program year, the City may amend the Consolidated Plan and/or the Annual Action Plan. These amendments may be minor or substantial. HUD requires minor or substantial amendments to the Plan, whenever the City makes one of the following decisions:

1. Changes its CDBG or HOME funding allocation priorities;
2. Changes the City's program and activity funding selection process;
3. Carries out an activity, using funds from any program covered by the Consolidated Plan (including program income), not previously described in the Action Plan; or
4. Changes the purpose, scope, location or beneficiaries of an activity.

Minor amendments for any of these programs do not require public review or any additional action by the City.

Federal regulations require that the Citizen Participation Plan define when an amendment is considered substantial and what the citizen process will be when there is a substantial amendment. The process for amending either the Consolidated Plan or the Annual Action Plan will differ from program to program based on the definition of substantial change for that particular program, whether it be the CDBG or HOME program.

In the Consolidated Plan, there are priority goals and each goal has several action items. An amendment will be considered substantial, if the City will add, delete or modify a priority goal category currently in the adopted Plan. The addition, deletion or modification of a specific action item would not be considered a substantial change when the change would not result in an addition or deletion of a priority goal.

In the Consolidated Plan, most activities funded with CDBG and HOME funds have units of measure, such as the number of houses rehabilitated or the linear feet of curb and gutter constructed. These production projections in the Consolidated Plan are considered estimates and changes would not be considered, by themselves, substantial. The addition, deletion or modification of programs described in the Consolidated Plan will not necessarily be considered a substantial change, even if that change were considered substantial for the Annual Action Plan. The reason is that unlike the Annual Action Plan, the Consolidated Plan does not commit to specific programs and funding amounts. Instead the Consolidated Plan focuses on overall City needs and goals.

For the City's CDBG and HOME programs, a change in the Annual Action Plan will be considered substantial whenever costs increase by \$25,000 or 25% of the project's budget, whichever is greater. Costs savings or the deletion of work items to keep a particular project within budget will not constitute a substantial change, if the purpose, scope, location or beneficiaries of the project remain essentially the same. Modifications to program requirements would constitute a substantial amendment if the beneficiaries remain the same. Such modification would be reviewed by the Grants Administration staff prior to being presented to the City Council.

Whenever the City proposes a substantial amendment, the Grants Administration staff will review and make a recommendation regarding the proposal. ~~The City Council~~ will consider the staff recommendation and take final action regarding the proposed amendment.

The ~~CDAC~~ and public will also be encouraged to provide input. A legal notice will be placed in the local newspaper advising the public of the proposed amendment ~~30~~^{thirty} days before action by the City Council. The legal notice will include the date the City Council will consider the proposed amendment. City Council approval of the addition, deletion or modification of the project will constitute approval of the substantial amendment.

Amendments to the Citizen Participation Plan will be handled in a similar manner as substantial changes to the Consolidated Plan or Annual Action Plan.

SUBMITTAL TO HUD

~~The Consolidated Plan and the Annual Action Plan will be submitted to the U.S. Department of Housing and Urban Development for a 45 day review period. Since project selection and program priorities are strictly local decision, HUD approval is considered routine, provided that the Plan includes all of the required sections and has gone through the required public review.~~

~~Persons having concerns about the City federal programs should first express those concerns locally, because final programmatic decisions are the responsibility of the City. It should be noted that HUD officials will consider public concerns anytime regarding the City's plans and programs described in this Citizen Participation Plan, preferably during the 45 day HUD review period.~~

ACCESS TO RECORDS

The City will provide reasonable and timely access to public records related to the Consolidated Plan, Annual Action Plan and the CAPER and the use of funds allocated under the programs covered by the Plans during the proceeding five years. The City may charge a fee to recover the costs of accessing, duplicating, supplying, or searching for the requested records. The City may require an appointment to view records and may require City staff to be present during the inspection of records.

TECHNICAL ASSISTANCE

Upon request, the Grants Administration staff will provide technical assistance, as determined appropriate by City staff, to groups representative of persons of low and moderate income that request such assistance in developing proposals for funding assistance under any of the programs covered by the Consolidated Plan. This technical assistance shall consist of the provision of available and relevant information rather than funds.

COMPLAINT PROCESS

~~HUD requires thirty day public review periods for the Consolidated Plan and the Annual Action Plan. The review period for the CAPER is fifteen days. Questions, concerns, comments and complaints may be directed to the following City department during these review periods, and at any times of the year:~~

The City, through the Deputy City Manager, or his/her designee, will respond to any written complaint it receives in regard to the CDBG and/or HOME Program. Written complaints may be directed to the following City Office:

City of Lynchburg
~~Community Development Department~~
Grants Administration Division Office
900 Church Street
Lynchburg, Virginia 24504
(434) 455-3900 16

The City will respond, in writing, to concerns and complaints within 15 business days ~~in a timely manner.~~

ANTI-DISPLACEMENT/RELOCATION POLICY

~~The City will minimize temporary and permanent displacement of persons as a result of the CDBG and HOME program activities. However, there may be occasions where relocation may be necessary to achieve the City's overall housing and community development goals. In these cases, the City has adopted an Anti-displacement Plan to describe how the City intends to assure that the rights of the affected residents are protected. The City's Anti-Displacement Plan is included in the Consolidated Plan and the CAPER.~~

JURISDICTIONAL RESPONSIBILITY

In accordance with HUD regulations, the requirements for citizen participation do not restrict the responsibility or authority of the City of Lynchburg for the development and execution of its Consolidated Plan.

In accordance with 24 CR 91.105 (k), the undersigned certifies that the City of Lynchburg, Virginia, shall adhere to the policies and procedures set forth in this Citizen Participation Plan with respect to activities funded under the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME Program), and other federally-funded programs awarded by the U. S. Department of Housing and Urban Development.

L. Kimball Payne, III
City Manager

Date: _____

APPENDIX A

Definitions

Annual Action Plan – The City is required to prepare an Annual Action Plan which describes how it will use CDBG and HOME funds during each new fiscal year to address the needs discussed in the Consolidated Plan. The Annual Action Plan must be consistent with the multi-year Consolidated Plan. The Annual Action Plan must be submitted to HUD 45 days prior to the beginning of the program year. For the City of Lynchburg, this is July 1st.

Community Development Block Grant (CDBG) Program – See Appendix B for a description of the program.

Community Housing Development Organizations (CHDO) – CHDOs are housing nonprofit organizations that meet certain requirements set forth by HUD under the HOME program. The federal government requires the City to set aside 15% of its HOME Program allocation for CHDOs.

Consolidated Annual Performance and Evaluation Report (CAPER) – This report describes the accomplishments of the City's CDBG and HOME programs at the end of each fiscal year. The Plan is an assessment of the City's progress in accomplishing the goals of the Annual Action Plan and the Consolidated Plan. There is also a discussion of some of the additional funds that the City has accessed during the year to leverage the HUD funding.

Consolidated Plan – The City is required to prepare a five year Consolidated Plan to receive Community Development Block Grant (CDBG) and HOME funds. The Plan includes a description of the housing and community development needs of the City, the City's priorities given the limited financial resources available to the City, and a strategy toward addressing those needs.

Home Investment Partnerships (HOME) Program – See Appendix B for a description of the program.

Low and Moderate Income – Low and moderate income means family or household annual income less than the Section 8 Low Income Limit, generally 80 percent of the area median income (established by HUD and adjusted for family size).

Substantial Amendment – An addition, deletion, or modification of a priority goal category in the Consolidated Plan or Annual Action Plan.

U.S. Department of Housing and Urban Development (HUD) – HUD is the federal agency which administers the CDBG and HOME funds. The City must abide by HUD regulations for these programs as a condition for receiving these funds. Some changes in the regulations can be accomplished by HUD, but many of the requirements are part of the legislation passed by Congress and would require action by Congress if the requirements were to be modified or waived.

APPENDIX B

DESCRIPTION OF CDBG AND HOME PROGRAMS

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The Community Development Block Grant (CDBG) Program is administered by HUD and is authorized under Title 1 of the Housing and Community Development Act of 1974, as amended. The purpose of the CDBG Program is to enhance and maintain viable urban communities through the provision of decent housing, a suitable living environment, and the expansion of economic opportunities, principally for low and moderate income persons.

To be eligible for CDBG funding, a project or activity must qualify by meeting **one** of the following three national objectives.

National Objective No. 1 – Activities Benefiting Lower Income Persons/Households

The definition of a lower income person or household is one having an income equal to or less than 80% of Lynchburg's median income. A minimum of 70% of the City's total allocation must be used to address the needs of lower income persons. Projects must be either a direct benefit activity or an area benefit activity.

Direct Benefit Activities – To qualify as a direct benefit activity, there must be documentation that the public service program is benefiting lower income residents. At least 51% of the recipients of public service programs must have incomes equal to or below 80% of the median income. Certain other activities, such as housing rehabilitation, require all program participants to be lower income households.

HUD presumes certain groups meet the lower income criteria. Therefore, a record of the beneficiaries would not be required. HUD has defined these groups as abused children, battered spouses, elderly persons, adults with severe disabilities, homeless persons, illiterate adults, persons living with AIDS, and migrant workers.

Area Benefit Activities – These are activities that serve geographic areas in which at least 51% of the households are lower income, based on census date. To meet these criteria, 51% of household incomes must be equal to or less than 80% of the median income of the project's service area. See Appendix D for a map of the eligible areas in the City.

Examples of Area Benefit Activities include public improvements, i.e., street, sidewalk, curb, and gutter improvements (including related design and engineering work), park improvements, community centers, and public facilities.

Public Services – A maximum of 15% of the City's total annual CDBG allocation may be used for public service activities.

The Agency must be able to document that at least 51% of a public service activity's clientele are lower income residents. Public service projects must be a new service or an increase in the existing level of service. Examples of public services include crime prevention, child care, and drug-abuse related services.

Housing Activities – Housing activities include acquisition or rehabilitation of properties. CDBG funds may not be used for new housing construction, but may be used for property acquisition and construction of off-site improvements in conjunction with new construction.

The City currently has a housing rehabilitation program for lower income owner- and renter-occupied units.

National Objective No. 2 – Activities That Aid in the Prevention or Elimination of Slum/ Blight

If a project cannot meet the low income objective, a project may qualify if it benefits a slum or blighted area. State or local laws define slum and blighted areas as those that contain a high number of deteriorating or dilapidated buildings or infrastructures within the area. Redevelopment project areas generally qualify under this category. **Note:** Most blighted areas also qualify under national objective No. 1 (Activities Benefiting Lower Income Persons/Households). It is **not** necessary to meet the special requirements for slums and blight if the project already addresses the needs of low income persons.

To meet this Objective, the activity must be located in a City redevelopment area and in an area where there is a substantial number of deteriorated buildings, and designed to address one or more of the conditions that qualified the area as “slum/blighted.”

Projects may qualify outside a slum or blighted area on a spot blight basis. Activities include acquisition, demolition, rehabilitation, relocation, and historic preservation. Under this standard, rehabilitation of a building or a house is limited to the extent necessary to eliminate substandard conditions detrimental to public health and safety.

National Objective No. 3 – Activities Designated to Meet Needs Having a Particular Urgency

Activities must be designed to alleviate existing conditions that pose a serious and immediate threat to the health or welfare of the community that became urgent within the past 18 months. No other funding sources are available to address the problem. Again, projects that meet either National Objective No. 1 or 2 do not need to meet this objective. **Note:** This objective is difficult to achieve because the City must demonstrate that it has used all of its available resources prior to qualifying. This occurs only in a major disaster.

ELIGIBLE CDBG ACTIVITIES

In addition to meeting one of the above national objectives, the activity must also be eligible, according to HUD-approved criteria. Eligible activities include the following:

Acquisition, design, construction, rehabilitation, or installation of certain publicly-owned facilities such as:

- Parks, playgrounds and recreational facilities
- Senior centers, except 24-hour care facilities
- Centers for the handicapped, except 24-hour care facilities
- Neighborhood facilities
- Parking facilities
- Street improvements including curbs, gutters, sidewalks, lights and street pavement
- Water system improvements including fire hydrants
- Flood, drainage, or sewer facilities

Expansion and improvement in the quantity and quality of public services, principally for lower income persons (15% limitation).

Acquisition of property that is of historic value; appropriate for beautification or conservation of open spaces; or appropriate for low- or moderate-income housing.

- Demolition of buildings and clearance of land that may be a health hazard to the community
- Interim assistance or temporary help to alleviate harmful or dangerous conditions
- Removal of architectural barriers that restrict mobility of persons with disabilities
- Code enforcement in designated targeted areas

Historic preservation activities such as restoring and preserving properties formally designated as historic structures.

Conservation and improvement of the housing stock through rehabilitation of homes belonging to lower income persons.

Assistance to lower income first-time home buyers.

Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.

Eligible planning and environmental design cost.

Eligible economic development activities such as creation of jobs for persons of low- and moderate-income through the expansion of business opportunities by providing financial incentives to small businesses. Note: there are additional federal requirements for qualifying projects under this provision. Interested persons should discuss their proposal with City staff prior to submitting an application.

INELIGIBLE CDBG ACTIVITIES

- Buildings for the general conduct of government such as city halls, courthouses, and police stations (Note: Police substations may be built in CDBG-eligible areas);
- Stadiums, sports arenas, auditoriums, museums, and central libraries (Note: Branch libraries and community centers may be built in CDBG-eligible areas);
- Airports, subways, bus or other stations;
- Expenses of general government for operation and maintenance of public facilities;
- Political activities;
- Direct income payments to residents;
- New housing construction (except when done by a community-based development organization recognized by HUD).

HOME PROGRAM

HUD also administers the Home Investment Partnerships (HOME) Program as authorized by the 1990 National Affordable Housing Act, as amended by the Housing and Community Development Act of 1992. The intent of the HOME Program is to expand the supply of decent, safe, sanitary and affordable housing. This is done through the following:

- Community Housing Development Organizations (CHDO). HUD requires that 15% of the City's HOME funds be set aside for CHDO activities. Funds are restricted to qualified nonprofit organizations with 501(c)(3) tax status and other special requirements;
- Home ownership assistance;
- Rehabilitation;
- New Construction of affordable housing;
- Tenant-based rental assistance;
- Acquisition of property for affordable housing.

HOME PROGRAM ELIGIBILITY

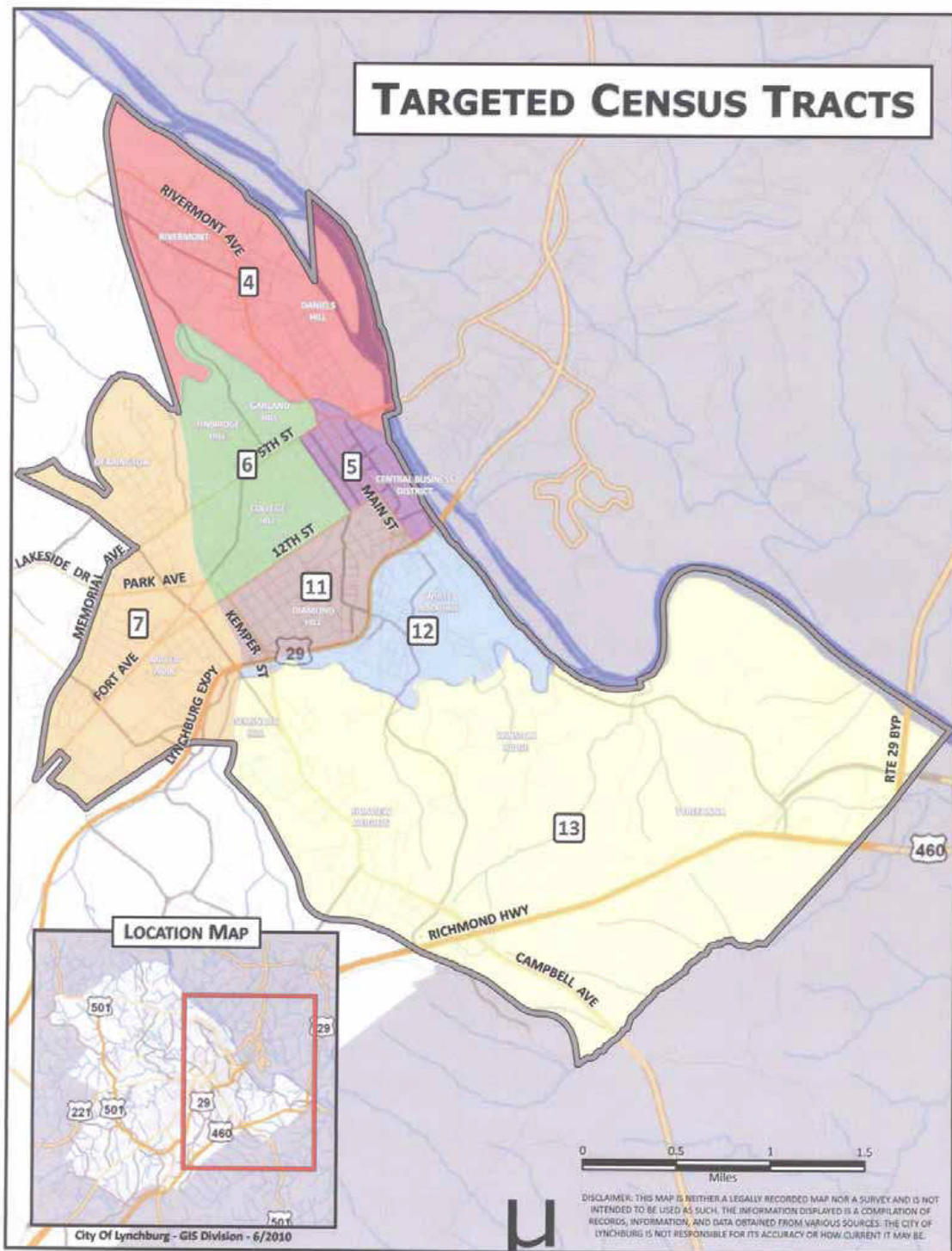
In order for an activity or program to be eligible for HOME funding, it must qualify by meeting the following guidelines:

- 100% of all funding must be used to benefit households or persons with incomes less than 80% of Lynchburg's median income.
- All HOME-funded projects must have 25% non-federal matching funds.
- The HOME program has strict long-term affordability requirements which differ based on the type of project and the amount of funding requested per unit.
- Prevailing wage requirements are different from the CDBG program. Federal prevailing wages (Davis-Bacon) are triggered when there are 8 or more units assisted with CDBG funds. For the HOME program, it is 12 or more units.

INELIGIBLE HOME ACTIVITIES

- Emergency repair programs;
- Project reserve accounts;
- Public housing projects;
- Properties receiving Rental Rehabilitation Program funds;
- Commercial properties;
- Homeless shelters;
- Project-based rental assistance or substitution of Section 8 assistance for troubled HUD-insured projects;
- Preservation of affordable housing projects;
- Matching funds as the non-federal match for other programs except to match McKinney Act funds;
- During the period of affordability, properties previously assisted with HOME funds;
- Temporary shelters;
- Other properties that do not constitute permanent housing such as residential health care facilities and publicly run residential ; or
- Acquisition of City or agency-owned properties.

APPENDIX C
TARGETED CENSUS TRACTS



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Pyramid Motors, LLC Request for Approval for Installation of Private Storm Pipe from 407 Federal Street to 317 Federal Street

RECOMMENDATION:

After a public hearing, approve the attached resolution to grant Pyramid Motors, LLC a license agreement to place a private storm pipe in city owned right-of-way of Fourth Street.

SUMMARY:

Ms. Dupuy of LNDF and managing member of Pyramid Motors, LLC, has submitted a request for installation of approximately 30 feet of private storm pipe for the disconnect of rooftop rain leaders at 407 Federal Street from the City's Combined Sewer System. The stormwater would cross under Fourth Street to their property at 317 Federal Street where it would flow into a bio-filter basin.

PRIOR ACTION(S):

PDC - March 8, 2011

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland – City Engineer – 455-3947

Steve Lawson – Real Estate Manager – 455-3945

David Owen – Public Works Director - 455-4469

ATTACHMENT(S):

Resolution

Map Showing Route of Storm Sewer Across Right-of-Way

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the City Manager is hereby authorized to execute a license agreement with Pyramid Motors,LLC. allowing them to install an underground private storm pipe in the Fourth Street right-of-way from Pyramid Motor's existing facility located at 407 Federal Street to Pyramid Motor's parking facility located at 317 Federal Street.

Adopted:

Certified:

Clerk of Council

034L



SCALE = 1" TO 30'

WARNER
ENGINEERING
WE move the project forward

1509B ENTERPRISE DRIVE
LYNCHBURG, VIRGINIA 24602

PHONE: 434-682-8007 FAX: 434-682-5008

TITLE:
PYRAMID HEALTH CLINIC
4TH STREET WATER QUALITY

STORM SEWER SKETCH

STORM SEWER SKETCH

DATE:	2/9/11
DRAWN BY:	JLW
DESIGNED BY:	JLW
SHEET NO:	1 OF 1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 14

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Liberty University, Inc. Request for Approval for Installation of Fiber Optic Cable from 601 Mountain View Road to 3700 Candler Mountain Road

RECOMMENDATION:

After a public hearing, approve the attached resolution to grant Liberty University, Inc. a license agreement to place fiber optic cable in city owned right-of-way across Candler Mountain Road as seen on the attached map route.

SUMMARY:

Liberty University, Inc., has submitted a request for installation of approximately 200 feet of fiber optic cable from 601 Mountain View Road (Thomas Road Baptist Church property) to 3700 Candler Mountain Road (Candler Station). This bore will allow Liberty University, Inc. to bring Liberty University fiber optic lines from Campus North to the former Circuit City building at Candler Station.

PRIOR ACTION(S):

PDC approval – February 8, 2011

FISCAL IMPACT:

None

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland – City Engineer – 455-3947

David Owen – Public Works Director - 455-4469

ATTACHMENT(S):

Resolution

Map Route of Fiber Optic Cable Across Right-of-Way

REVIEWED BY: lkp

RESOLUTION

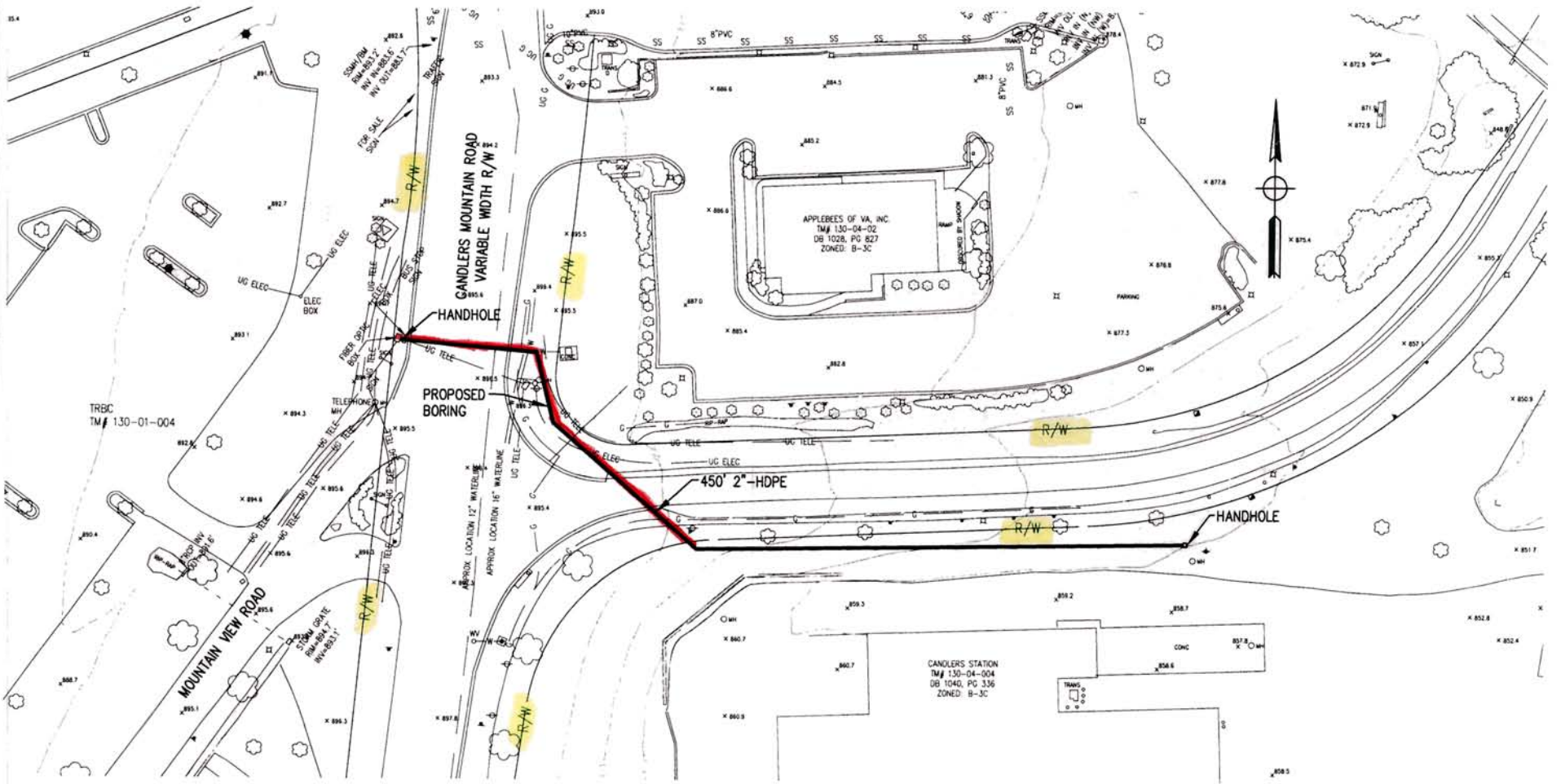
BE IT RESOLVED That the City Manager is hereby authorized to execute a license agreement with Liberty University, Inc. allowing Liberty University to install an underground fiber optic cable in the Candler's Mountain right-of-way, running from the North Campus under Candler's Mountain Road to the former Circuit Court building located at Candler's Station.

Adopted:

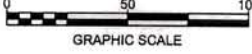
Certified:

Clerk of Council

035L



PROPOSED CANDLER MOUNTAIN ROAD BORE
FOR LIBERTY UNIVERSITY
LYNCHBURG, VIRGINIA



Scale: 1"=50'
Date: 1/26/11

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 15

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning: B-3, Community Business District to B-5, General Business District at 101 Breezewood Drive**

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Kendall Craft, Chief Investment, LLC, is petitioning to rezone approximately four (4) acres from B-3, Community Business District to B-5, General Business District at 101 Breezewood Drive. The purpose of the petition is to allow the use of the property for automobile sales and service. The submitted concept plan indicates that a fourteen thousand five hundred eighty (14,580) square foot building and associated parking spaces would be constructed.

The Planning Commission recommended approval of the rezoning petition because:

- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends a Community Commercial use for the property.
- Petition agrees with the *Zoning Ordinance* which permits automobile sales and service in B-5, General Business Districts.
- The property is located in a commercial area with other existing automobile dealerships and service centers.

PRIOR ACTION(S):

February 23, 2011: Planning Division recommended approval of the proposed rezoning petition.

Planning Commission recommended approval of the rezoning petition (5-0, with one abstention, Swienton and one absence, Coleman).

FISCAL IMPACT: None

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance – Rezoning
- Planning Commission Report – February 23, 2011
- Planning Commission Minutes – February 23, 2011
- Rezoning Concept Plan
- Hyundai Photos
- Vicinity Zoning Pattern
- Vicinity Land Use
- Watershed Location Map
- Property Photographs

REVIEWED BY: lkp

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 101 BREEZEWOOD DRIVE FROM B-3, COMMUNITY BUSINESSES DISTRICT TO B-5, GENERAL BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 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.____. Change of a certain area located at 101 Breezewood Drive from B-3, Community Business District to B-5, General Business District.

The area embraced within the following boundaries . . .

BEGINNING AT A POINT BEING A COMMON CORNER BETWEEN THE LANDS OF WCI, L.C., HERITAGE BAPTIST CHURCH, INC., AND THE WESTERLY RIGHT-OF-WAY OF BREEZEWOOD DRIVE; THENCE SOUTH 70°27'05" WEST 405.43 FEET TO A POINT; THENCE NORTH 09°20'43" WEST 537.94 FEET TO A POINT; THENCE NORTH 76°40'47" EAST 244.56 FEET TO A POINT; THENCE NORTH 13°19'13" WEST 101.26 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF BREEZEWOOD DRIVE; THENCE RUNNING WITH THE SAID RIGHT-OF-WAY THE FOLLOWING SIX COURSES AND DISTANCES: SOUTH 23°55'20" EAST 119.10 FEET TO A POINT; SOUTH 28°04'08" EAST 200.52 FEET TO A POINT; SOUTH 23°55'20" EAST 143.19 FEET TO A POINT; WITH A CURVE TO THE LEFT HAVING AN INTERNAL ANGLE OF 9°39'37", A RADIUS OF 285.50 FEET, AN ARC LENGTH OF 48.14 FEET, A CHORD DISTANCE OF 48.08 FEET, AND A CHORD BEARING OF SOUTH 28°45'07" EAST TO A POINT; SOUTH 56°25'06" WEST 19.50 FEET TO A POINT; SOUTH 30°24'16" EAST 93.21 FEET TO THE POINT OF BEGINNING, CONTAINING 4.028 ACRES.

... is hereby changed from B-3, Community Business District to B-5, General Business District.

And the Director of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

036L

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

To: Planning Commission
From: Planning Division
Date: February 23, 2011
Re: Rezoning: 101 Breezewood Drive – B-3, Community Business District to B-5, General Business District

I. PETITIONER

Kendall Craft, Chief Investment, LLC, 2639 Lakeside Drive, Lynchburg, VA 24501

Representative: Patrick Proffitt, P.E., Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately four (4) acres located at 101 Breezewood Drive.

Property Owner: WCI, LC, 2701 Thomas Jefferson Road, Forest, VA 24551

III. PURPOSE

The purpose of this petition is to allow the use of the property for automobile sales and service.

IV. SUMMARY

- Petition agrees with the *Zoning Ordinance* which permits automobile sales and service in B-5, General Business Districts.
- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends a Community Commercial use for the property.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

Comprehensive Plan. The *Comprehensive Plan 2002-2020* recommends Community Commercial uses in this area. Community Commercial (**pg. 5.5**) areas “contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods up to the entire City. Colored red on the Future Land Use Map, Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed.”

1. **Zoning.** The subject property was annexed into the City in 1976. The existing B-3, Community Business District zoning was established on October 13, 1992 with the adoption of the Graves Mill Road/U.S. 221 Area Land Use Study.
2. **Proffers.** The petitioner is not requesting a proffered rezoning.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On September 28, 1982, City Council approved the conditional use permit petition of A.T. Williams Oil Company to allow an auto service station at 2501 Lakeside Drive.
 - On May 10, 1983, City Council approved the conditional use permit petition of Heritage Baptist Church to allow a temporary tent revival at 219 Breezewood Drive.
 - On May 14, 1985, City Council approved the conditional use permit petition of Heritage Baptist Church to allow the construction of an educational wing and offices at 219 Breezewood Drive.
 - On September 20, 1985, City Council approved the petition of Gary F. Woodward to rezone two and seven tenths (2.7) acres from I-2, Light Industrial District and I-3, Heavy Industrial District to B-5, General Business District to allow the establishment of a retail plant nursery and greenhouse at the intersection of Lakeside Drive and Peace Street.
 - On October 14, 1986, City Council approved the petition of Elizabeth T. Hamersley to rezone nine (9) acres from I-2, Light Industrial District and R-3, Two-Family Residential District to B-5, General Business District to allow the establishment of an automobile dealership at 2643 Lakeside Drive.
 - On July 10, 1990, City Council approved the conditional use permit petition of Heritage Baptist Church to allow the construction of a classroom building at 219 Breezewood Drive.
 - On January 14, 1992, City Council approved the conditional use permit petition of Heritage Baptist Church to allow the installation of a modular classroom unit and parking area expansion at 219 Breezewood Drive.
 - On October 13, 1992, City Council adopted the Graves Mill Road/U.S. 221 Area Land Use Study.
 - On February 9, 1993, City Council approved the conditional use permit petition of Heritage Baptist Church to allow an expansion of church facilities at 219 Breezewood Drive.
 - On October 12, 1993, City Council approved the conditional use permit petition of Heritage Baptist Church to allow the installation of two (2) classroom trailers at 219 Breezewood Drive.
 - On April 12, 1994, City Council approved the conditional use permit petition of Heritage Baptist Church to amend the previously approved master plan by adding classroom space at 219 Breezewood Drive.
 - On May 12, 1998, City Council approved the conditional use permit petition of Heritage Baptist Church to amend the previously approved master plan at 219 Breezewood Drive.
 - On May 12, 1998, City Council approved the petition of Craft Properties, LLC to rezone two tenths (0.2) acres from R-4, Medium-High Density Residential District to B-5, General Business District (Conditional) to allow the establishment of an automotive shop at 2519 Lakeside Drive.
 - On October 13, 1998, City Council approved the conditional use permit petition of Pavilion Development to allow the construction of a single-bay car wash at 2625 Lakeside Drive.

- On April 13, 1999, City Council approved the conditional use permit petition of Heritage Baptist Church to amend the previously approved master plan at 219 Breezewood Drive.
 - On September 13, 2005 , City Council approved the petition of Clarion Investments, LLC, to rezone five and three-tenths (5.3) acres from B-3, Community Business District and R-4, Medium-High Density Residential District to B-5, General Business District (Conditional) to allow the establishment of an automobile dealership at 2639 Lakeside Drive.
 - On February 14, 2006, City Council approved the conditional use permit petition of Heritage Baptist Church to amend the previously approved master plan at 219 Breezewood Drive.
 - On December 14, 2010, City Council approved the conditional use permit petition of Heritage Baptist Church to allow a “comprehensive sign plan” at 219 Breezewood Drive.
5. **Site Description.** The subject property is currently vacant, with a gentle slope in a southerly direction. The property is bordered to the north by a commercial use (Famous Anthony’s) to the south by an institutional use (Heritage Baptist Church) to the east by vacant land and to the west by a commercial use (storage warehouses).
 6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a building (approximately twelve thousand (12,000) square feet) and parking area for automobile sales and service. City water and sewer are available to serve the property. Landscaping for the project would comply with the requirements of the City’s *Zoning Ordinance*, which includes parking area landscaping, foundation plantings, buffering and street trees. Section 35.1-25.1.7, Parking area landscaping provides that when a property is used for the display and sale of merchandise, the required parking area screening and landscaping may be disbursed in a reasonable manner as not to interfere with display and maintenance.
 7. **Traffic, Parking and Public Transit.** The vehicle trip threshold for the existing and proposed uses is less than the five hundred (500) daily trips and the fifty (50) peak hour trips that would warrant a traffic study. The submitted site plan indicates one (1) right in right out access (closest to Lakeside Drive) and one (1) full access in the middle of the property. The City’s Transportation Engineer concurs with the proposed entrance locations.

Parking requirements are established by the City’s *Zoning Ordinance* and include two (2) spaces per one thousand (1,000) square feet of gross floor area plus one (1) per three (3) employees on duty at any one time. A maximum of thirty-one (31) parking spaces would be required. The submitted site plan indicates a total of two hundred thirty (230) parking spaces for required parking and display area.

The property is not served by public transportation.
 8. **Stormwater Management.** The construction of the proposed twelve thousand (12,000) square foot building and two hundred thirty (230-space parking area would exceed the one thousand (1,000) square foot threshold for stormwater management. In an agreement between the City of Lynchburg and WCI, LC signed May 11, 2009, the City agreed to allow the use of the City owned stormwater basin located to the southeast of the subject property (across Breezewood Drive) for both stormwater quantity and quality. This agreement was in exchange for the right of way necessary to construct the Breezewood Drive extension.
 9. **Emergency Services.** The City’s Fire Marshal had no concerns regarding the proposed use of the property. The City Police Department provided recommendations concerning site security which have been noted by the petitioner.
 10. **Impact.** The rezoning petition would facilitate the development of the property for use as an automobile dealership and service center. The site is located in a commercial area with other existing automobile dealership and service centers and is designated for commercial use on the City’s *Future Land Use Map*. The proposal would meet the required setbacks and would be screened from the nearest residentially zoned property, which is used for an institutional use (Heritage Baptist Church). The City’s Transportation Engineer, Fire Marshal and

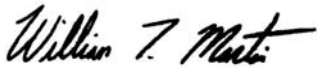
Crime Prevention Specialist had no concerns with the proposed rezoning. The rezoning would allow the development of the property with minimal impact on the surrounding area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on February 1, 2011. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Chief Investment, LLC, to rezone four (4) acres from B-3, Community Business District to B-5, General Business District at 101 Breezewood Drive.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Doug Saunders, Acting Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Ms. Erin Hawkins, Environmental Reviewer
Mr. Kendall Craft, Chief Investment, LLC

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**
4. **Rezoning Drawing**
5. **Photos**

MINUTES FROM THE FEBRUARY 23, 2011 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

- a. Petition of Chief Investment, LLC to rezone approximately 4.03 acres at 101 Breezewood Drive from B-3, Community Business District to B-5, General Business District to allow the use of the property for automobile sales and service.**

Commissioner Swienton indicated that he would be abstaining from participating in the discussion and vote for this petition. Mr. Kevin Henry had the following comments for the commissioners. The rezoning of 101 Breezewood Drive from B-3 to B-5 would allow the petitioner to use the property for automobile sales and service. The existing B-3 zoning was established in 1992 with the adoption of the Graves Mill Road and Route 221 area land use study. Several properties in the immediate area are currently either zoned B-3 or B-5. The *Comprehensive Plan* recommends Community Commercial uses in this area. This would include such things as retail, personal service, entertainment and restaurant uses. Typically these uses draw customers from at least several neighborhoods and up to the entire city. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Office, research and development and technology development uses may be permitted in the Community Commercial areas, as long as traffic and other impacts to the community are mitigated. In particular, conversion of an existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed.

Traffic, parking, stormwater management and emergency service impacts have already been addressed or will be addressed through the site plan process. The site is located in a commercial area with other existing automobile dealerships and service centers and is designated for commercial use on the City's *Future Land Use Map*. The proposal would meet the required setbacks and would be screened from the nearest residentially zoned property, which is to the south and is used as an institutional use by Heritage Baptist Church. There are no proffers proposed by the petitioner due to the minimal impact to the surrounding area. The petition conforms to the City of Lynchburg's *Comprehensive Plan*, which recommends Community Commercial uses for the property. Given the following facts, staff recommends approval of the rezoning for the following reasons. There is minimal impact; there are several existing B-5 zoned properties with similar uses in close proximity to the subject area and its conformance with the *Comprehensive Plan*.

Mr. Patrick Proffitt of Hurt and Proffitt came forward to represent the petition. Mr. Proffitt pointed out that there is a stormwater management pond that is located adjacent to this property. Mr. Proffitt has spoken with Dee Dee Conner and J. P. Morris with the City of Lynchburg Engineering staff. That pond has been designed or will be upgraded to accept stormwater quantity and quality from this site. That is the reason no stormwater management measures are shown on the site plan because the stormwater will be conveyed to the pond he just mentioned.

The size of the building is dictated by the Hyundai. On the current plan, it is shown as 12,000 square feet. More than likely, this will be a 14,580 square foot building.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Barnes asked about the landscaping on the plan and asked if there was any more detail about the landscaping for the parking islands. Mr. Proffitt said it will conform to the landscaping ordinance and will be a combination of low shrubs, probably medium shrubs and some trees in the islands themselves. Mr. Proffitt pointed out that there is landscaping shown along the building but because this is a car sales dealership and service center, chances are these landscaping items will be

located somewhere else on the site. He thinks the ordinance allows for that for these types of sales. The landscaping will be in compliance with the ordinance and will be on the final site plan.

Commissioner Sale asked if they had spoken with the church. Mr. Kendall Craft came up and said they had spoken to the church and the church has not come forward with any issues. Chair Hamilton asked about the nearby restaurant. Mr. Craft said they had not talked to the restaurant. The same people they are buying the property from own the restaurant.

Chair Hamilton asked Mr. Proffitt if the stormwater pond is managed by the City. Mr. Proffitt said it is. It is on City property and was expanded as part of the right-of-way dedication from WCI, LC previously. Mr. Craft said it is his understanding that the pond was built big enough to take care of this property and two pieces of property that are to the right when the property was given to the City to put in Breezewood Drive. Commissioner Sale asked what their time line was and Mr. Craft said as soon as possible if given approval by City Council and after getting the building layout from the manufacturer.

Chair Hamilton asked if they would have enough visibility from 221. Mr. Craft said he hopes so. They looked at everything up 221 trying to stay in the City and trying to stay where their other dealerships are. This is the best location they could find with enough room for the dealership.

Commissioner Hannon made the following motion, which was seconded by Commission Sale:

"That the Planning Commission recommends to City Council approval of the petition of Chief Investment, LLC, to rezone four (4) acres from B-3, Community Business District to B-5, General Business District at 101 Breezewood Drive."

Commissioner Sale thought it was a good use of the property and conforms to adjacent uses, particularly those around it. It is a little concerning to him that it is so close to the main entrance of the church but if the church seems happy, let's moves on. Commissioner Hannon commended them for looking for property in the City of Lynchburg.

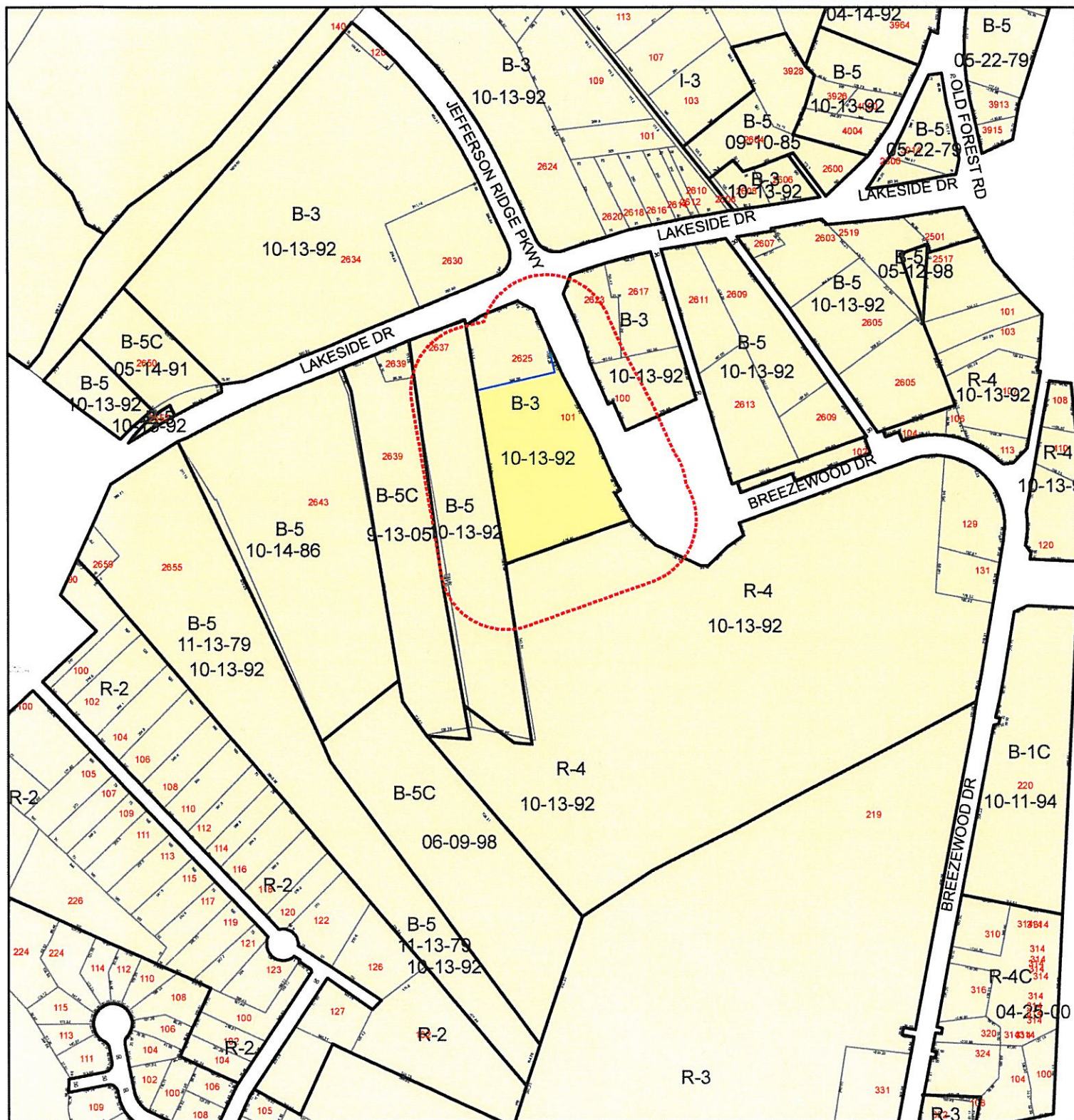
The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Hooper and Sale	5
NOES:		0
ABSTENTIONS:	Swienton	1
ABSENT:	Coleman	1











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

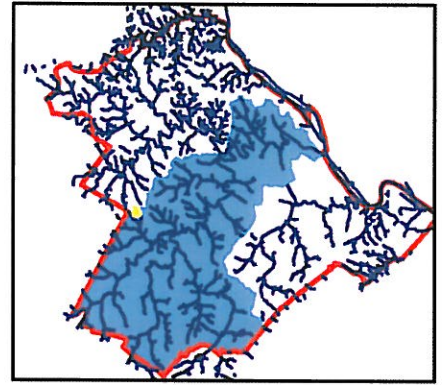
PROPOSED CAR SALES LOT 101 BREEZEWOOD DRIVE LAND USE PLAN



Proposed Car Sales Lot

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Corporate Limit





Looking West from Breezewood Drive



City's Detention Pond



Looking South



Property Frontage

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 16

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Request for Third and Final Twelve-Month Extension of Conditional Use Permit (CUP) for Holly Hills Townhomes, 1700 Graves Mill Road

RECOMMENDATION: Approval of resolution to grant the third and final twelve-month CUP extension.

SUMMARY: John O'Keeffe, Jr., O'Keeffe & Spies is requesting a third and final twelve-month extension of the CUP granted by the City Council on August 11, 2009. The CUP was granted to allow the construction of fifty (50) townhomes and associated parking at 1700 Graves Mill Road.

The City Manager has approved two (2) six month extensions of the CUP. The first extension was granted on February 11, 2010 and the second August 11, 2010 which expired on February 11, 2011. The third and final CUP extension was requested by Mr. O'Keeffe prior to the expiration of the CUP.

Section 35.1-15 (i) 2 of the *Zoning Ordinance* states "a third and final twelve (12) month extension may be requested from city council prior to the expiration of the second six (6) month administrative extension". If the CUP extension is not granted or if the project is not started within twelve (12) months the CUP will become void and new public hearings would need to occur in order for the project to proceed.

PRIOR ACTION(S):

May 13, 2009: Planning Division recommended approval of the CUP petition.
May 13, 2009: Planning Commission recommended denial of the CUP petition.
June 9, 2009: City Council conducted a public hearing and tabled the CUP petition.
June 23, 2009: City Council determined revisions to the concept plan received were significant and forwarded the item back to the Planning Commission for consideration.
July 22, 2009: Planning Commission recommended approval of the CUP petition.
August 11, 2009: City Council approved the CUP petition.
February 11, 2010: First six (6) month extension granted by the City Manager.
August 11, 2010: Second six (6) month extension granted by the City Manager.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Resolution
- Resolution #R-09-078
- Concept Plan
- Vicinity Zoning Pattern
- Letter dated January 25, 2011
- Property Photographs

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A THIRD AND FINAL TWELVE-MONTH EXTENSION TO THE CONDITIONAL USE PERMIT GRANTED TO JMU, LLC, AUGUST 11, 2009, TO ALLOW THE CONSTRUCTION OF FIFTY (50) TOWNHOUSE UNITS WITH ASSOCIATED PARKING AND AMENITIES AT 1700 GRAVES MILL ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the request of John J. O'Keeffe, Jr. for a third and final twelve-month extension of the Conditional Use Permit granted to JMU, LLC, to allow the construction of fifty (50) townhouse units with associated parking and amenities at 1700 Graves Mill Road be, and the same is hereby, approved subject to the following conditions:

1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated June 17, 2009 and received by the Department of Community Development on July 7, 2009.
2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.
3. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.
4. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy.
5. The third and final twelve-month extension will expire March 8, 2012.

Adopted:

Certified:

Clerk of Council

037L

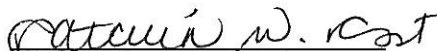
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JMU, LLC TO ALLOW THE CONSTRUCTION OF FIFTY (50) TOWNHOUSE UNITS WITH ASSOCIATED PARKING AND AMENITIES AT 1700 GRAVES MILL ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of JMU, LLC to allow the construction of fifty (50) townhouse units with associated parking and amenities at 1700 Graves Mill Road be, and the same is hereby, approved subject to the following condition:

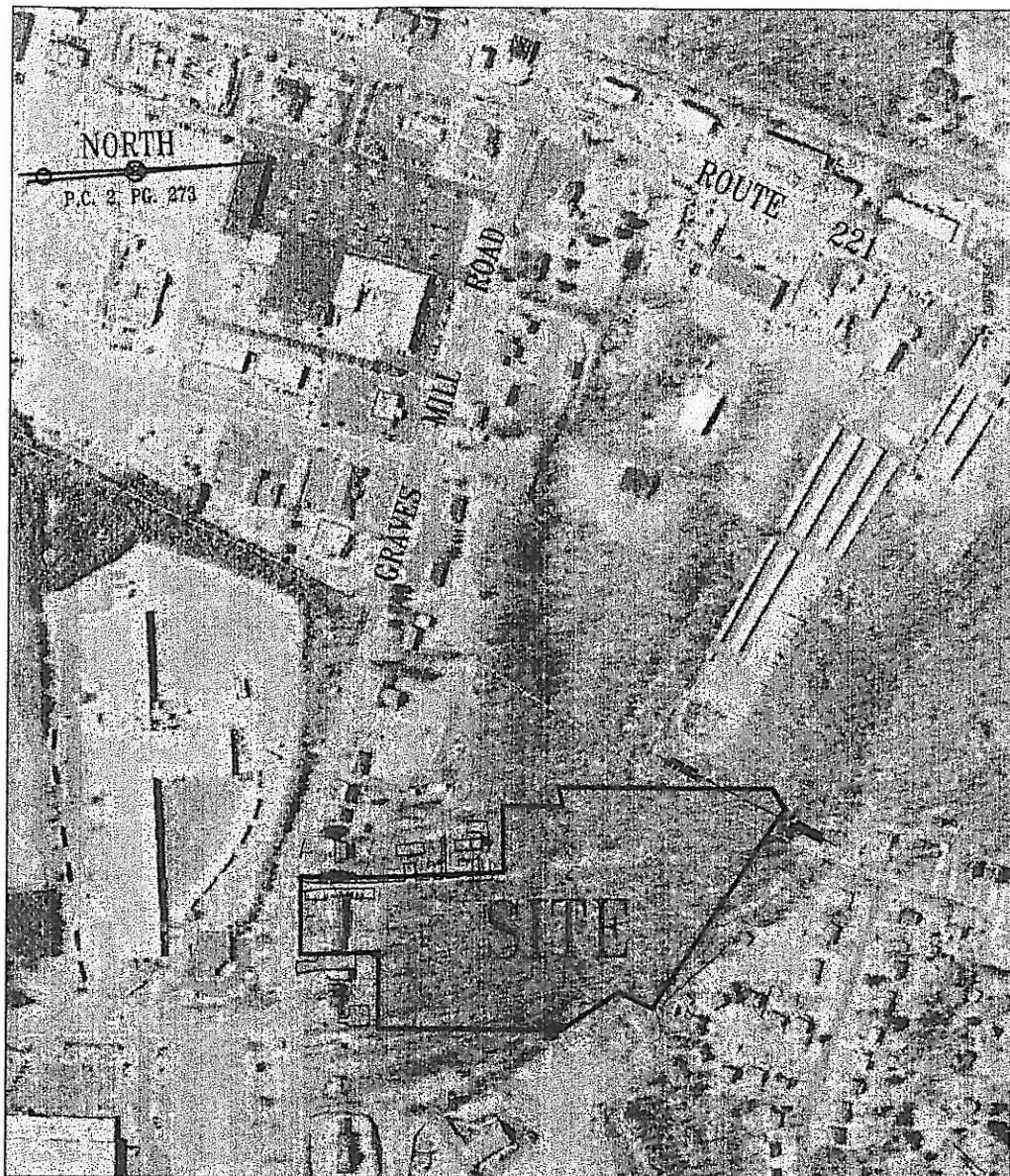
1. The project will be developed in substantial compliance with the concept plan for Holly Hill Townhomes, prepared by James C. May and Associates, dated June 17, 2009 and received by the Department of Community Development on July 7, 2009.
2. The townhouses will be constructed within substantial compliance with the photographic renderings submitted by JMU, LLC as part of the concept plan and received by the Department of Community Development on May 7, 2009.
3. The requirements of the Scenic Corridor Overlay District, as defined by Section 35.1-43.3 of the City's *Zoning Ordinance*, will apply to the entire property at 1700 Graves Mill Road.
4. The petitioner will secure a twenty (20)-foot utility easement for the extension of the public sewer line from the existing public line to the property. All City reimbursements for the extension will be in accordance with City policy.
5. It is mutually agreed by JMU, LLC and the City that the City's approval of the conditional use permit is contingent upon a deed restriction being placed on the 4.96 acre parcel prohibiting its development for a period of 15 years. The failure to comply with this condition shall render the granting of the conditional use permit null and void.

Adopted: August 11, 2009

Certified:


Clerk of Council

084L2



LOCATION MAP

SCALE : 1" = 500'

DEVELOPER/PETITIONER

JMU, LLC
316 BREEZEWOOD DRIVE
LYNCHBURG, VIRGINIA
24502

CONTACT : UEL HARTLESS
PHONE : (434) 237-1072

PROPERTY OWNER

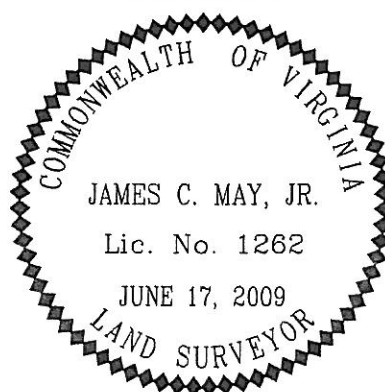
AGO PROPERTIES
C/O JOHN O'KEEFFE
416 HOWARD DRIVE
LYNCHBURG, VIRGINIA
24503

CONTACT : RICK READ
PHONE : (434) 455-3618

RECEIVED

JUL 07 2009

COMMUNITY
DEVELOPMENT



GENERAL NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PROPERTY IS NOT IN FLOOD ZONE A OR B. THIS PROPERTY IS IN FLOOD ZONE X AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP #5100930038D PANEL 38 OF 131 REVISED JUNE 3, 2008.
3. BEARING AND DISTANCES SHOWN ON THIS PLAN BASED ON "PLAT SHOWING PROPERTY OF CHRISTINE S. CARPENTER" BY HURT & PROFFITT, INC. DATED JULY 11, 1986. AS SHOWN HEREON.
4. TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN TAKEN FROM CITY OF LYNCHBURG G.I.S. DATA. CONTOUR INTERVAL = 2 FEET.
5. THIS PROPERTY IS SERVED BY THE CITY OF LYNCHBURG PUBLIC WATER SYSTEM. PUBLIC SEWER IS AVAILABLE. A 20' UTILITY EASEMENT IS REQUIRED FROM THE PUBLIC SEWER TO PROPERTY LINE OF THIS SITE.
PROPOSED WATER AND SEWER SYSTEMS TO BE PUBLICLY OWNED AND MAINTAINED.
6. EXISTING ELECTRIC SERVICE IS OVERHEAD. EXISTING TELEPHONE SERVICE IS UNDERGROUND.
PROPOSED ELECTRIC SERVICE AND TELEPHONE SERVICE TO BE UNDERGROUND.
7. ADDITIONAL SITE DEVELOPMENT, LANDSCAPING, WATER, SEWER, GRADING AND EROSION CONTROL PLANS WILL BE SUBMITTED UPON APPROVAL OF THE CONDITIONAL USE PERMIT.

DEVELOPMENT NOTES:

THIS SITE IS ZONED : "B-1". THE DEVELOPER HAS SUBMITTED AN APPLICATION FOR A C.U.P. AND IS ALSO APPLYING TO AMEND THE FUTURE LAND USE MAP FOR 10.04 ACRES OF THE PROPERTY TO MEDIUM DENSITY RESIDENTIAL.

TAX MAP # 240-14-01 = 10.72 ACRES+/-
(PER TAX RECORDS)

TAX MAP # 240-14-01 = 10.95 ACRES+/-
(TOTAL AREA PER HURT & PROFFITT PLAT)

PART OF TAX MAP # 240-14-01
0.13 ACRE IS LOCATED IN BEDFORD COUNTY

0.78 ACRE+/- TO BE RESERVED FOR
FUTURE OFFICE SPACE.

5.21 ACRES+/- TO BE DEVELOPED AS A
TOWNHOUSE COMPLEX. (MULTI-FAMILY USE)

4.83 ACRES+/- EXISTING WOODED AREA
NOT TO BE DEVELOPED.

PROPOSED DEVELOPMENT:

PROPOSED 50 - 2 STY. TOWNHOMES
TO BE BUILT ON 5.21 ACRES+/-

REQUIRED PARKING : 2.5 SPACES PER UNIT
2.5 SPACES x 50 UNITS = 125 SPACES REQ'D.

PROPOSED PARKING : 126 SPACES (9'x18')

PROPOSED LIGHTING TO BE GLARE SHIELDED AND
DIRECTIONAL TO PREVENT ILLUMINATION BEYOND
THE PROPERTY LINES.

A TRAFFIC IMPACT STUDY WAS COMPLETED BY
RENAISSANCE PLANNING GROUP IN CHARLOTTESVILLE
VIRGINIA ON APRIL 29, 2009 AND SUBMITTED TO
THE CITY OF LYNCHBURG TRAFFIC DEPT. FOR REVIEW.

A PORTION OF THIS SITE IS LOCATED WITHIN THE
SCENIC CORRIDOR OVERLAY DISTRICT.

SOURCES OF TITLE :

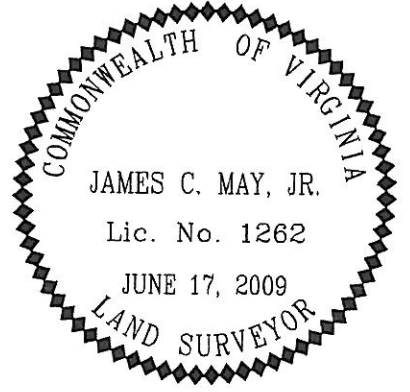
TAX MAP #240-14-01 : DEED TO AGO PROPERTIES / D.B. 683, PG. 780
RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY
OF LYNCHBURG, VIRGINIA.

SHEET 1 of 2

JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
434-528-1005 (FAX 434-846-5412)

CONCEPTUAL PLAN FOR CONDITIONAL USE PERMIT
HOLLY HILL TOWNHOMES
50 UNIT TOWNHOUSE COMPLEX
1700 GRAVES MILL ROAD
CITY OF LYNCHBURG, VIRGINIA

SOURCE OF TITLE:	SEE ABOVE		
SCALE: 1" = 100'	DATE: JUNE 17, 2009	COMM. NO.: 09033	F.B. REF.: N/A
FOR:	J M U, LLC	TAX ID.: 240-14-01	



NOTE : PROPOSED LANDSCAPING WILL MEET ALL
REQUIREMENTS IN CITY OF LYNCHBURG
LANDSCAPE ORDINANCE.

SOURCE OF TITLE:		AGO PROPERTIES D.B. 785, PG. 780 & D.B. 683, PG. 334	
SCALE: 1" = 100'	DATE: JUNE 17, 2009	COMM. NO.: 09033	F.B. REF.: N/A
FOR: J M U, LLC		TAX ID.: 240-14-01	

HOLLY HILL TOWNHOMES

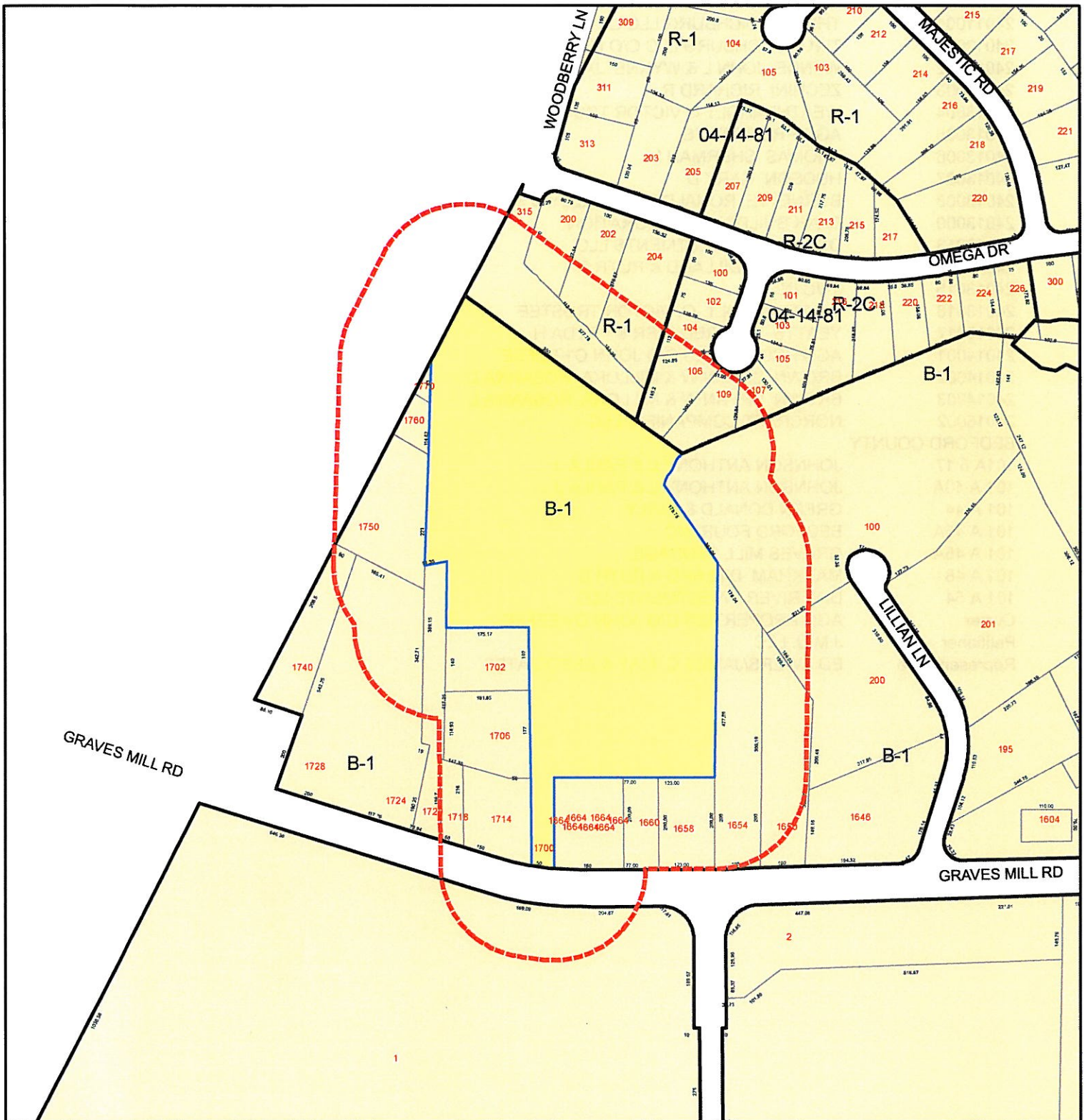
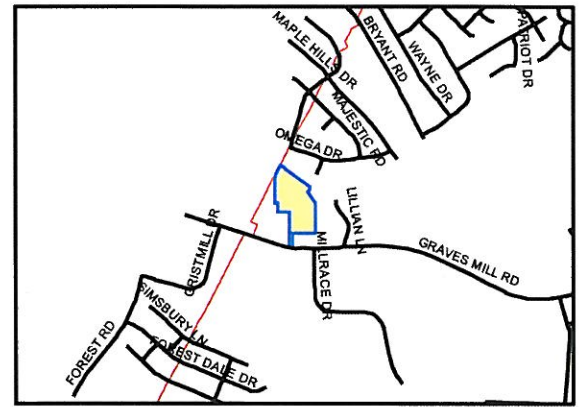
1700 Old Graves Mill Road
PIN# 240-14-001
Conditional Use Permit Request
Petitioner-J.M.U. LLC



Subject Property



200 FT Buffer



O'KEEFFE & SPIES

ATTORNEYS AT LAW

828 MAIN STREET, SUITE 1803

POST OFFICE BOX 1419

LYNCHBURG, VIRGINIA 24505-1419

JOHN J. O'KEEFFE, JR.

RICHARD E. SPIES

JAMES G. HUNTER, III

JENNIFER E. STILLE

TELEPHONE

(434) 845-6555

TELECOPIER

(434) 845-4267

January 25, 2011

L. Kimball Payne, III, City Manager
The City of Lynchburg
900 Church Street, 3rd Floor
Lynchburg, Virginia 24504
HAND-DELIVERED

**RE: AGO Properties
1664 Graves Mill Road
1700 Graves Mill Road**

Dear Mr. Payne:

Please let this letter serve to advise the City of Lynchburg that AGO Properties, owner of those certain properties located at 1664 Graves Mill Road and 1700 Graves Mill Road is requesting a third and final twelve (12) month extension of the Conditional Use Permit previously granted by the City of Lynchburg for the aforementioned properties.

Reference is made to your letter dated July 15, 2010 setting forth that a third and final twelve (12) month extension may be requested prior to February 11, 2011 expiration of the aforesaid extension. This letter is being hand-delivered to your office on this 25th day of January, 2011, prior to the February 11th expiration date.

Should you have any questions, please do not hesitate to call me.

Thank you for your attention to this matter.

Very truly yours,

O'KEEFFE & SPIES

John J. O'Keeffe, Jr.

JJOjr: lbc

cc: ✓ Tom Martin, AICP, City Planner

Hand-Delivered

Rick Read

c/o Forehand & Company

S:\LCarroll\January Letter 2011\01-25-2011 Payne, Kimball.wpd







**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 17

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Adopt ordinances dealing with probate and administrative fees and taxes**

RECOMMENDATION: Adopt an ordinance allowing the Circuit Court Clerk's Office to continue to collect a probate tax on the probate of wills and adopt an ordinance authorizing the Clerk's Office to start collecting a \$25 fee to help offset the cost of administering estates.

SUMMARY: The State Code imposes a state tax on the probate of a will. The amount of the tax is based on the size of the estate and the Circuit Court Clerk's Office collects the tax. In addition to the State tax the State Code also allows the Clerk's Office to collect a City tax in an amount equal to one-third of the amount of the state tax. For example, if an estate is worth \$100,000 the State tax is \$100 and the City tax is \$33. The Clerk's Office has been collecting the City's portion of the tax for a number of years. The State Auditor of Public Accounts recently audited the Clerk's Office and advised the Clerk that since the City is receiving a portion of the probate tax collected by the Clerk's Office the City should adopt a local ordinance imposing the City's portion of the probate tax. Ordinance "A" is the ordinance recommended by the Auditor of Public Accounts and allows the Clerk's Office to continue to collect the City's share of the probate tax. For the 2009-2010 fiscal year the City received \$14,616.91 from the probate taxes collected by the Clerk's Office

The Circuit Court Clerk's Office incurs various costs when administering estates on behalf of citizens. The State and the City share the costs of the Clerk's Office with the City contributing at least 50% of such costs. In 2010 the General Assembly adopted legislation enabling localities to adopt a local ordinance authorizing the Clerk's Office to charge a \$25 fee for the recordation of a list of heirs or affidavit as part of the administration of the estate. Adopting such an ordinance would allow the City to recover a portion of the costs it provides to the Clerk's Office. Last year the Clerk's Office estimated that the City could collect approximately \$5,000 a year from such a fee. Ordinance "B" is the ordinance that authorizes the Clerk's Office to collect the \$25 fee.

PRIOR ACTION(S): None

FISCAL IMPACT: Adopting ordinance "A" would allow the City to continue to collect approximately \$14,616.91 a year in probate taxes. Adopting ordinance "B" would allow the City to start collecting approximately \$5,000 a year in administration of estate fees.

CONTACT(S): Walter C. Erwin, 455-3973

ATTACHMENT(S): Ordinances "A" and "B" that would add Sections 36-192 and 36-193 to the City Code.

REVIEWED BY: lkp

ORDINANCE "A"

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 36-192, RELATING TO THE CONTINUED COLLECTION OF PROBATE TAXES.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 36-192 as follows:

Sec. 36-192. Probate tax.

Pursuant to the provision of Section 58.1-1718 of the Code of Virginia, in addition to the state tax and fee imposed by Sections 58.1-1712 and 58.1-1717.1 of the Code of Virginia, the city hereby imposes a city tax in an amount equal to one-third of the amount of the state tax on the probate of a will or grant of administration on the probate of every such will or grant of administration

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

Adopted:

Certified:

Clerk of Council

038LA

ORDINANCE "B"

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 36-193, AUTHORIZING THE COLLECTION OF A FEE FOR RECORDING LISTS OF HEIRS AND AFFIDAVITS IN THE ADMINISTRATION OF ESTATES .

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 36-193 as follows:

Sec. 36-193. Fee for recording a list of heirs or affidavit.

Pursuant to the provisions of Section 58.1-1718 of the Code of Virginia, the city hereby charges a \$25 fee for the recordation of a list of heirs pursuant to Section 64.1-134 of the Code of Virginia or an affidavit pursuant to Section 64.1-135 of the Code of Virginia, as provided in Section 58.1-1717.1 of the Code of Virginia.

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

Adopted:

Certified:

Clerk of Council

038LB

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 19

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Housing Virginia Grant**

RECOMMENDATION: Adopt a resolution to amend the FY 2011 City/Federal/State Aid Fund budget and appropriate \$6,500, with resources of \$5,000 from Housing Virginia and \$1,500 in local match from the staff in the Department of Community Development, to develop an affordable housing strategy that will increase awareness and action on housing needs and resources in the City.

SUMMARY: In January, Housing Virginia awarded the City a grant in the amount of \$5,000 through its Housing Education Partnership Program. This grant will allow the City to create an assessment and analysis of its current housing stock. Through this assessment the City will identify housing needs and priorities, and develop annual strategies and goals. City staff will hold a series of community conversations with citizens and various stakeholders to review the current housing data, identify housing needs, and determine strategies to meet the identified needs. Additional financial resources are available through the Community Development Block Grant (CDBG) administrative funds that will be used in conjunction with the Housing Virginia funds to contract with a consultant to assist with gathering and analyzing data and other administrative costs associated with the citizen meetings.

PRIOR ACTION(S): Finance Committee, February 22, 2011

FISCAL IMPACT: Staff resources of \$1,500 will be used as the local match for this grant.

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3987
Kent White, Director of Community Development, 455-3919
Kevin Henry, Planner II, 455-3915

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2011 City/Federal/State Aid Fund budget is amended and \$6,500 is appropriated, with resources of \$5,000 from Housing Virginia and \$1,500 in local match from the staff in the Department of Community Development, to develop an affordable housing strategy that will increase awareness and action on housing needs and resources in the City.

Introduced:

Adopted:

Certified:

Clerk of Council

044L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **March 8, 2011**

AGENDA ITEM NO.: 18

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amend Section 26-55 of the City's Noise Ordinance**

RECOMMENDATION: Adopt the attached ordinance amending Section 26-55 of the City Code to make it clear that Lynchburg does not use the "unreasonably loud" standard when determining if the noise ordinance is being violated.

SUMMARY: Lynchburg's current noise ordinance was adopted on July 9, 1991. Violations of the noise ordinance are based on maximum sound pressure levels (decibels). The sound pressure levels used in the noise ordinance were based on recommendations developed by the U.S. Department of Environmental Protection. However, in addition to sound pressure levels the noise ordinance also contains references to "loud, disturbing and unnecessary noise." For many years it was common for noise ordinances to prohibit loud and disturbing noises that offended the sensibilities of a reasonable person. However, in 2009 the Virginia Supreme Court struck down Virginia Beach's noise ordinance on the grounds that a noise ordinance that is based on the "unreasonably loud" standard is too vague and does not give any objective standards by which noise can be evaluated. The Supreme Court's decision invalidated most noise ordinances throughout the state. Since Lynchburg's ordinance was primarily based on an objective decibel standard it could continue to be enforced. In order make it clear that Lynchburg's ordinance does not use the unreasonably loud standard when determining noise violations, the Commonwealth Attorney's Office suggested that language be added to the ordinance stating that noise violations only occur when the noise exceeds the designated decibel levels.

PRIOR ACTION(S): The City's noise ordinance was adopted on July 9, 1991.

FISCAL IMPACT: None

CONTACT(S): Walter C. Erwin, 455-3973

ATTACHMENT(S): An ordinance amending Section 26-55 of the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 26-55 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE CITY'S NOISE ORDINANCE.

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

1. That Section 26-55 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 26-55. Prohibited noise, generally.

(a) Prohibited noise. No person shall create or cause the creation of any noise so as to disturb or disrupt the peace and quiet of reasonable persons in the City of Lynchburg.

(b) Maximum sound pressure levels. No person shall operate or permit to be operated any noise source which generates a sound pressure level exceeding the limits set forth in the table entitled "Maximum Sound Pressure Levels" when measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one (1) district classification, the limits of the most restrictive classification shall apply.

(c) Noise sensitive zones. No person shall operate or permit to be operated any noise source on any street or on any property adjacent to any school, institution of learning or court, while the same is in session, or adjacent to any building used as a place of public worship while being so used, or adjacent to any hospital which unreasonably interferes with the workings of such school, institution or court or the services being conducted in such place of worship or which disturbs or unduly annoys patients in such hospital.

(d) Enumerated acts. No person shall engage in any of the following acts, among others, which are declared to be loud disturbing and unnecessary noise in violation of this section, but such enumeration shall not be deemed to be exclusive:

(1) Radios, phonographs, etc. No person shall operate or permit the playing of any radio, phonograph, television set, music sound system, tape player, radio receiving set, musical instrument or similar device which produces, reproduces, or amplifies sound or any musical instrument on any public sidewalk or right-of-way or on any other publicly owned property or on any privately owned property in such a manner or with such volume to disturb or annoy the quiet, comfort or repose of reasonable persons. (Prohibitions against excessive noise from radios and music systems in motor vehicles are found in section 26-58 of this article and prohibitions against excessive noise from radios and music systems in the public parks are found in section 28-7(B) of the city code.)

(2) Yelling, shouting, etc. No person on or in any public sidewalk, street or right-of-way or on any other publicly owned property or on any privately owned property shall engage in yelling, shouting, hooting, whistling or singing in such a manner or with such volume as to disturb or annoy the quiet, comfort or repose of reasonable persons.

(3) Loudspeakers, amplifiers, etc. for advertising. No person shall use or permit the use of any musical instrument, radio, phonograph, sound amplifier or device of any kind whereby sound is cast on any highway, street or across property boundaries for the purpose of advertising or attracting the attention of the public to any performance, show, sale or display or merchandise or to any building or structure between the hours of 9:00 p.m. and 7:00 a.m. The use of such devices shall be permitted at other times provided they are not operated in such a manner or with such volume as to disturb or annoy the quiet, peace or repose of reasonable persons.

(4) Shouting and crying of peddlers, etc. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood is prohibited.

(5) Animals. No person shall keep or permit the keeping of any animal which, by causing frequent or long-continued noise, shall disturb the quiet, comfort or repose of the neighborhood to such an extent as to constitute a nuisance.

(e) Exceeding maximum sound pressure levels. The enumerated acts listed in this section are examples of acts that may constitute loud, disturbing and unnecessary noise in violation of the section. However, in order for any of the acts listed in this section to be a violation of the section the noise generated by such acts must exceed the maximum sound pressure levels set forth in section 26-56 of the city code.

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

Adopted:

Certified:

Clerk of Council

039L