

August 10, 2021

Physical Development Committee Meeting – 8:00 a.m.

Finance Committee Meeting - CANCELED

A G E N D A

City Council Meeting of August 10, 2021

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

NO 4:00 P.M. WORK SESSION

7:30 P.M.

City Council Agenda Items

COUNCILMEMBER WILDER WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

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

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

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

CONSENT AGENDA

- A) Consideration of approving the minutes from the April 6, 2021 Council Meeting.

PUBLIC HEARING

- #1. Consideration of adopting an ordinance to rezone approximately 1.55 acres located at 902 Old Graves Mill Road.
#O-21-____

PUBLIC COMMENTS

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

GENERAL BUSINESS

- #2. Consideration of adopting a resolution to expand local probation and pretrial services to the unserved portion of the 24th Judicial District (Amherst County).
#R-21-____
- #3. Consideration of introducing a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022.
#R-21-____
- #4. Consideration of adopting a resolution approving the issuance of bonds for the acquisition and rehabilitation of James Crossing Apartments by the Lynchburg Regional Housing Authority.
#R-21-____
- *#5. *Second Reading: Consideration of adopting Resolution #R-21-061 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$12,000 to provide training for Communications Specialists.
- #6. Consideration of a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Youth Services Citizens Board, MLK/Lynchburg Community Council, Board of Zoning Appeals, and Lynchburg Community Action Group, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

// A special meeting of the Council of the City of Lynchburg was held on the 6th day of April, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Budget, Agenda Item #1, Council continued reviewing the budget. Interim City Manager Dr. Reid Wodicka, and Interim Deputy City Manager Mr. Kent White, finished presenting the Proposed FY 2022 – FY 2026 Capital Improvement Program and Enterprise Funds.

Councilmember Faraldi asked staff if the use federal CARES funding could be used for the HVAC equipment in the schools instead of using local tax money. Ms. Witt responded that the schools were working on identifying some equipment where CARES funding could be utilized.

// In the matter of Budget, Agenda Item #2, Council began balancing the budget, but first received a revised report on revenues from Chief Financial Officer Ms. Donna Witt who explained that the Compensation Board is giving all Constitutional Officers a 5% pay increase, however, there is offsetting expenditures associated with the increase. The state also is giving the Department of Human Services staff a 5% increase, also with an associated local match.

The Commissioner of the Revenue and the City Assessor provided the budget staff with updated revenue projections that totaled about \$3.4 million increase to proposed revenue compared to what is reported in the budget book. On the expense side, given the local matches needed for the pay increase to constitutional officers and Human Services' employees, plus the proposal of additional \$200,000 to the fuel increases as the fuel prices go up, the proposed expenses will go up about \$932,000 which leaves a net of about \$2.5 million. This changes things and opens up the options available to Council. Staff propose the following plan: leave the tax rate at \$1.11 since the future economic landscape is unclear; because the state and Human Services employees, surrounding counties, and Lynchburg City Schools employees are receiving a 5% salary increase, staff proposed a 5% increase for all city employees at the

cost of \$3.3 million. The implementation of the Strategic Initiative Budget Priority that addressed the lowest paid employees would not need to be executed, freeing up \$289,000. Staff proposed leaving the fund balance at 11.8% and not growing it to 12.3% and increase the dept service reserve to \$200,000.

Vice Mayor Wright asked when the last time a general wage increase was adopted; staff confirmed a general wage increase was last given on July 1, 2019. He asked what the consequences are if Council doesn't lower the Real Property Tax rate from a \$1.11. Dr. Wodicka commented that if there is a recession in the future, leaving the rate at \$1.11 allows for a stable revenue source. He also explained that increasing the Debt Service Reserve by \$200,000, resulting in \$400,000 total, will help pay the debt service for various CIP projects that are coming up, like the police department. Building that capacity in the Operating Budget to pay the Debt Service Reserve is beneficial and will allow to pay for expenses like furniture, fixtures, and equipment for these CIP projects, like the police department, instead of borrowing the funds. He said that staff recommend adding to this reserve over the next couple of years to avoid potential shocks in the debt service needs.

Councilmember Faraldi stated that he would be in favor of working out some sort of compromise with the additional revenues that allows the 5% wage increase but also gives relief to the tax payer.

Councilmember Wilder stated that he does not feel comfortable approving a 5% wage increase for only a portion of City employees since every employee has worked during the pandemic. He is also not in favor of equalizing the Real Property Tax rate because projects, like the police headquarters, will need to be funded.

Councilmember Nelson stated that in the past, when assessments increased Council lowered the tax rate to accommodate the burden placed on citizens. Then, with the recession in 2008, Council returned the Real Property Tax rate to its **previous** amount. He asked staff to clarify what the consequences would be to somewhat equalize the current rate and then raise the rate in the event of a recession. Ms. Witt explained that the way it impacts the organization was each year every department, including public safety and public works, were asked to cut their budgets between 5% and 10%. There was a reduction in services by implementing furlough days, reducing the General Fund to about 60 vacated positions, and enacting a hiring freeze until the rate was able to be put back to \$1.11.

Councilmember Nelson posed the hypothetical question; if additional resources to raise salaries are used, what happens when a recession occurs? Does Council lower employees' salaries? Does Council lay them off? He explained that for the time being, some equalization to the tax rate is a more equitable, just, and an appropriate approach. He also stated that he was inclined to use some of the Debt Reserve Funds to provide the equalization but after talking with Dr. Wodicka, he understands the importance from a bond rating standpoint of maintaining continuity with that amount. Not doing so could potentially compromise building the police department.

Vice Mayor Wright stated that the 5% wage increase would be about employee retention and would essentially be a cost of living raise. He further stated that Sales and Use Tax are holding fairly well which means citizens are spending money where they want.

Councilmember Tweedy commented that she is not in favor of lowering tax rate, stating that she represents citizens across the city, many more than what was in Council Chamber at the March 30, 2021 Public Hearing. She has heard from citizens who appreciate city services and are willing to pay for them.

Dr. Wodicka reviewed the procedures for removing items from The List; staff will ask for a motion for a decision on each one of these items. A motion to remove these items from The List will be that it is funded as presented.

Councilmember Wilder made a motion to remove legal aid from the list, effectively leaving it funded in the budget. Vice mayor wright seconded the motion.

Councilmember Faraldi stated that his predecessor, Mr. Turner Perrow, did not support funding Virginia Legal Aid Society and he does not think it is good practice to give money to an organization that sues the city. Councilmember Helgeson agreed with his sentiments.

Councilmember Nelson stated for the record that Legal Aid did not sue the city; an individual client represented by an attorney sued the city. That client came to that attorney via the Virginia Legal Aid Society. In stating his support for funding the Virginia Legal Aid Society, he metaphorically emphasized that the importance of Legal Aid is that it serves all of the citizens who may be blind to the unknown hazards and obstacles on the road to justice.

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

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

Noes: Helgeson, Faraldi 2

Councilmember Helgeson made the motion to remove item #6 Public Safety Building Reserve from The List, seconded by Vice Mayor Wright.

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

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

Noes: 0

Councilmember Helgeson made the motion to remove item #9 General Fund Reserve for Contingencies from The List stating that he only put this item on The List because he wanted a list of all the dedicated reserves that are budgeted for. Vice Mayor Wright seconded the motion.

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

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

Noes: 0

Vice Mayor Wright made the motion to remove item #7 Concord Turnpike Maintenance Reserve from The List, seconded by Councilmember Wilder.

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

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

Noes: 0

// The meeting adjourned at 5:56 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 10, 2021**

AGENDA ITEM #: **1**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional)– 902 Old Graves Mill Road

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the rezoning from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) at 902 Old Graves Mill Road to allow the construction of four (4) duplexes and associated parking.

SUMMARY: Margaret D. Gilliland is petitioning to rezone approximately one and fifty-five hundredths (1.55) acres located at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional). If approved, the existing home would be demolished and four (4) duplexes would be constructed. A sixteen (16) space parking area is proposed to serve the eight (8) residential units.

This petition was originally submitted without proffers. On July 14th, the Planning Commission tabled the item at the request of the petitioner so proffers could be considered. The Planning Commission recommended approval at the subsequent meeting on July 28th.

PRIOR ACTION(S):

July 14, 2021: The Planning Division recommended approval of the rezoning petition.
The Planning Commission tabled the petition so that a proffer could be submitted

July 28, 2021: The Planning Commission recommended approval (3-1 with 3 members absent, Bowden, Johnson & Rogers) of the rezoning petition with the added proffer.

FISCAL IMPACT: n/a

CONTACT(S):

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – July 28, 2021
- Memorandum – July 21, 2021
- Planning Commission Minutes – July 14, 2021
- Planning Commission Packet – July 14, 2021
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw
094A

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 902 OLD GRAVES MILL ROAD FROM R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

Beginning at a point along the northwest corner of Tax Map Number 24303024, at its intersection with the southwestern corner of Tax Map Number 24304016 and the eastern right of way line of Old Graves Mill Rd, thence south 82 degrees 48 minutes 00 seconds east, 306.71 feet to a point; thence south 16 degrees 48 minutes 00 seconds east 147.70 feet to a point; thence south 78 degrees 14 minutes 00 seconds west 350.14 feet to a point; thence N 21 degrees 55 minutes 00 seconds West 78.45 feet to a point; thence along the right of way of Old Graves Mill Road N 08 degrees 00 minutes 00 seconds E, 180.21 feet to the point of beginning, being the original point of beginning and containing 1.546 acres more or less.

...is hereby changed from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional), subject to the condition herein below which was voluntarily proffered in writing by the petitioner, Margaret D. Gilliland, to wit:

1. I, Margaret D. Gilliland (owner) proffer that the project submitted to the City of Lynchburg to rezone my property located at 902 Old Graves Mill Road will be built in substantial compliance with the site plan dated 3/21/21 and revised on 7/1/21 which was completed by Nixon Land Surveying, LLC and presented to Planning Commission on July 14th, 2021.

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE JULY 28, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Margaret D. Gilliland to rezone approximately one and fifty-five hundredths (1.55) acres located at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) to allow the construction of four (4) duplexes and associated parking lot.

Ms. Rachel Frischeisen, Planner II, provided the following summary to the Commission. A public hearing regarding the rezoning petition to allow four (4) duplexes was held on July 14, 2021. The item was tabled because the representative requested time to proffer substantial compliance with the concept plan. That proffer has been submitted by the owner, so the item is back before the commission today for consideration.

Commissioner Perault noted that the Commission discussed this item in greater detail at the last meeting. He then reiterated that the owner proffered substantial compliance with the concept plan preventing other uses.

Ms. Frischeisen shared agreement. The concept plan must be followed and constructed.

Commissioner Lowe asked for clarification as to what "substantial compliance" means.

Ms. Frischeisen responded that is the standard language. There may be slight variation to things like landscaping but the general layout of the building and parking must be followed.

Commissioner Perault recalled that the Commission's previous discussion had to do with the difference in the two sides of Old Graves Mill Road. One side is heavily built with different uses while the other side is still a lot of single-family homes. This petition is located on the single-family home side.

Commissioner Lowe noted that if this petition is approved it may open the single-family home side up to more duplexes and other uses. He is concerned with what will happen to the existing neighborhoods.

Commissioner Light responded that it will probably look like Leesville Road. The neighborhoods there remain intact and have not been compromised by the other uses in the area. The way this concept plan looks, it will not negatively impact the neighborhoods in the area. Additionally, the houses there are not being maintained and other neighbors have expressed interest in doing something similar.

Commissioner Lowe reiterated that this will invite duplexes to continue down the road.

Commissioner Marion stated that "the horse has already left the barn". This petition will extend the transition from R-2 to R-3 across the road. It will not change the character of the road or the neighborhoods on the side streets.

Commissioner Perault stated that he drove down Old Graves Mill Road and noted the difference in the sides of the road. Aside from a church, the only thing on the right side of the road is single-family houses. One petition will not change it too much but it might open the door for future petitions. Again, the difference in the two sides of the road is noticeable. He is not adamantly opposed to the petition but is concerned about the long-term ramifications. A previous public hearing on Graves Mill Road drew a lot of questions and showed the interest of residents in traffic and other issues. It is something to keep in mind.

Commissioner Lowe stated that the house was built in 1925 and was annexed. It is zoned R-2, which may have limited the owner's options. He is not sure what should be done with the property.

Commissioner Marion stated that there are no neighbors here to speak against the petition.

Commissioner Lowe shared agreement but noted that people usually do not pay attention unless it is something right next to their property or is an extreme change. He then stated that he cannot say no to this petition in good conscience. He does not want to see the house torn down but if the petition is denied the house will sit there and fall down in time anyway.

Ms. Frischeisen stated that this petition represents the “missing middle”, the slightly denser uses that are not as intense as large apartment complexes. These uses include things like duplexes, triplexes, and sometimes small-scale apartments. This is one way to meet the housing demand without installing something as impactful as a high-density residential development. In the future, interest for duplexes or other uses in this area will need to be examined on a case by case basis. This concept plan has a nice layout that is proffered and will maintain the integrity of the neighborhood.

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

AYES:	Light, Lowe, Marion	3
NOES:	Perault	1
ABSTENTIONS:		0
ABSENT:	Bowden, Johnson, Rogers	3



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: File

Date: July 21, 2021

Re: Rezoning for Duplexes – 902 Old Graves Mill Road

On July 14, 2021, the Planning Commission conducted a public hearing concerning the rezoning request of Margaret D. Gilliland. The petition proposed to rezone the property at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3, Medium Density Residential District in order to allow the construction of four (4) duplexes and a sixteen (16) space parking lot.

The item was tabled so that the following proffer could be voluntarily submitted:

I, Margaret D. Gilliland (owner) proffer that the project submitted to the City of Lynchburg to rezone my property located at 902 Old Graves Mill Road will be built in substantial compliance with the site plan dated 3/21/21 and revised on 7/1/21 which was completed by Nixon Land Surveying, LLC and presented to Planning Commission on July 14th, 2021.

The addition of this proffer ensures that the site will be developed as shown on the plan. The addition of the proffer also means that the petition now proposes to rezone the property from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional).

If you have questions, please contact me at (434) 455-3909 or tom.martin@lynchburgva.gov.

MINUTES OF THE JULY 14, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Margaret D. Gilliland to rezone approximately one and fifty-five hundredths (1.55) acres located at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3, Medium Density Residential District to allow the construction of four (4) duplexes and associated parking lot.

Ms. Rachel Frischeisen, Planner II, provided the following summary to the Commission. The purpose of this rezoning is to allow the construction of four (4) duplexes, for a total of eight (8) dwelling units with associated parking. The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Residential District zoning was established on May 22, 1979 with the adoption of the Timberlake Road Study. The R-2 zoning district does not allow for duplexes. The subject property is proposed to be rezoned to the R-3, Medium Density Residential District. This zoning district allows for small-lot single-household development, and duplexes as desired by the petitioner. The City's Comprehensive Plan 2013-2030, Future Land Use Map (FLUM) currently recommends Low Density Residential use for the property. Nearby land uses designated by the FLUM include Low Density Residential, Medium Density Residential, and Institutional Uses. Low-Density Residential areas are predominantly single family detached housing at up to four (4) dwelling units per acre. These areas may also include public and institutional uses that are compatible in scale. The property currently has a single-family residential structure. If the rezoning is approved, the existing structure will be demolished and four (4) duplexes will be constructed. A sixteen (16) space parking lot will also be constructed. The proposed duplexes should have little impact on the surrounding neighborhood. The proposed use mirrors the existing four (4) duplexes across Old Graves Mill Road. Planning staff initially had concerns about the parking lot, which was proposed to be in front of the duplexes. Due to setbacks and access management standards, the concept plan was revised to show the parking behind the duplexes and access taken from Hillview Drive. The design will create a more cohesive neighborhood appearance from the street and a safer traffic configuration. The Technical Review Committee (TRC) reviewed the petition on June 15, 2021 and all comments were minor in nature. Planning staff recommends approval of the petition.

Vice-Chair Johnson asked who was present to speak on behalf of the petition.

Mr. Russ Nixon, of Nixon Land Surveying, LLC, addressed the Commission. He is representing Margaret Gilliland. She would like to rezone the property, is working with a realtor to market it, and plans to sell it to a developer. Across the street there are existing duplexes fronting on Old Graves Mill Road. There are even more duplexes to the south. This concept plans shows a single access parking lot for safety and traffic reduction. The original entrance was on Old Graves Mill Road but has since shifted to Hillview Drive. Both the concrete walkway and landscaping will meet City Ordinances. Environmental requirements will also be met. This project should increase the value of the property and other neighbors have expressed interest in doing the same with their properties.

Vice-Chair Johnson asked if there was anyone present who wished to speak in favor of the petition. When no one stepped forward, she asked if there was anyone present who wished to speak in opposition of the petition. When no one stepped forward again, Vice-Chair Johnson closed the public hearing.

Commissioner Light asked if there are plans to widen this section of Old Graves Mill Road.

Mr. Tom Martin responded that he is not aware of any such plans. He noted that the parking access is off of Hillview Drive.

Mr. Nixon stated that access changed to Hillview Drive after speaking with the City Engineer and because it makes more sense.

Commissioner Light asked for clarification that other property owners want to do the same.

Mr. Nixon responded that a property owner to the north expressed interest. He is not sure it will work there because that lot is not as deep as this one is. They might be able to do two (2) duplexes but with the cost of demolishing the existing structure, it might not be worth it to them.

Commissioner Light noted that property would need to be accessed from Old Graves Mill Road.

Mr. Nixon responded that the existing driveway comes off of a different road so not necessarily.

Commissioner Lowe reiterated that two (2) other properties are interested in doing the same thing.

Mr. Nixon responded that is correct. The property owners to the north live in Florida and discussed rezoning their property with him. The other property is further south.

Ms. Frischeisen stated that those properties have not submitted for a rezoning and are not part of this petition.

Vice-Chair Johnson stated that the lot size is conducive to this type of project. The surrounding lots are not as big. She also likes the access off of Hillview Drive. She then asked if there are any concerns with rezoning the property before a developer is lined up.

Commissioner Perault responded that more than likely, a developer won't buy the property until it has been rezoned.

Vice-Chair Johnson noted that typically such proposals come before the Commission when there is a contract on the property.

Commissioner Light stated that any plans developed will need to be consistent with what has been presented to the Commission.

Mr. Nixon stated that if a developer wants to make a change to what is being presented, they would need to go back through the process and do an amendment.

Ms. Frischeisen stated that the concept plan is not proffered.

Mr. Nixon responded that the owner did not want to proffer anything.

Ms. Frischeisen stated that as a result, developers will not be tied to the concept plan, which could result in more curb cuts on Old Graves Mill Road. This plan prevents that but again it is not proffered.

Commissioner Perault asked what would be possible if the rezoning were approved the way it is now.

Mr. Martin stated that if this plan is not proffered, a developer could subdivide the property with seventy-five (75) foot lots and driveways off of Old Graves Mill Road. There would be no assurance that the property would be developed in the manner presented. He cannot recommend the Commission approve this rezoning without proffering the plan.

Mr. Nixon offered to get a signed proffer before the City Council meeting.

Mr. Martin responded that the item needs to come back to the Planning Commission.

Vice-Chair Johnson stated that she likes the concept plan but agrees that it needs to be proffered.

Mr. Nixon responded that there is a lot of thought put into it. He then stated that he will get a signed proffer stating compliance with the concept plan to staff.

Commissioner Lowe stated that rezoning this property gets away from the intent of the original zoning and causes the loss of traditional housing to duplexes. Additionally, other nearby property owners have expressed interest in doing the same thing causing even more loss of traditional housing. Residential neighborhoods need to be preserved.

Commissioner Perault shared agreement.

Commissioner Light stated that Old Graves Mill Road is not a traditional neighborhood at this point. Though the side streets may be a different matter. He does not have particular issue with this plan and likes the access from Hillview Street. The existing house is languishing.

Commissioner Lowe responded that this is expanding to the side streets of Old Graves Mill Road.

Vice-Chair Johnson shared agreement with Commissioner Light. Old Graves Mill Road has many existing duplexes and apartments and the single-family homes are no longer as attractive as they once were. She then asked what the City's Future Land Use Map (FLUM) dictates for the area.

Ms. Frischeisen responded that the City's Future Land Use Map (FLUM) designates this area as Low Density Residential, which is up to four (4) dwelling units per acre. Medium Density Residential is up to twelve (12) dwelling units per acre. Changing the FLUM now would make it more difficult to petition for smaller scale projects in the future. This project is also closer to five (5) or six (6) units per acre and the Low Density designation that the property is now.

Commissioner Perault stated that he agrees with not changing the FLUM.

Mr. Nixon stated that he would like to discuss all potential issues at this meeting. He noted that this project will meet all necessary requirements. With the proffer, the concept plan will be locked in.

Commissioner Light stated that he will not vote in favor without the proffered concept plan.

Commissioner Perault stated that his concern is that one side of the road is vastly different than the other side of the road. The FLUM and zoning reflects those differences in character. There are no existing duplexes on the right side of the road and it is all single-family homes.

Commissioner Lowe added that the right side of the road is a long-established neighborhood. People built there with a dream and this petition will change the face of that dream to duplexes or, later on, apartments. The traditional neighborhood will no longer exist. The Commission should not approve this and should preserve the traditional neighborhood.

Mr. Nixon noted that a nearby property is zoned R-3. This property also wasn't part of a traditional subdivision when it was created and the existing structure is in disrepair. The owner doesn't want to invest in its repair and instead wants to sell the property.

Commissioner Light noted that no one is present to speak against the petition.

Mr. Nixon asked if anyone has called Planning staff to speak against it.

Ms. Frischeisen responded that there have been no calls.

Commissioner Lowe stated that changing the zoning is not doing a service to the neighborhood.

Vice-Chair Johnson noted that the owner doesn't want to put money into repairs. The area is not attractive for single-family homes and the property is not marketable due to the amount of money it would require to buy it and then to repair the home. A single-family home is not the best use for the property at this time.

Commissioner Marion shared agreement. The road has a lot of properties zoned R-3 and is not a quiet residential street. She reiterated that no one is present to speak in opposition of the petition. She is in favor of it if the concept plan is proffered.

Commissioner Lowe stated that he would like to see the proffer before making a final judgement.

Commissioner Marion made a motion to table the item until the next meeting on July 28, 2021. The motion was seconded by Commissioner Light, and approved by the following vote:

AYES:	Johnson, Light, Lowe, Marion, and Perault	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden, Rogers	2

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: July 14, 2021
Re: **Rezoning: R-2, Low-Medium Density Residential District to R-3, Medium Density Residential District– 902 Old Graves Mill Road**

I. PETITIONER

Margaret D. Gilliland, 902 Old Graves Mill Road, Lynchburg, Virginia 24502

Representative: Russell E. Nixon, Nixon Land Surveying, LLC, 2063 Airport Road, Lynchburg, Virginia 24502

Property Owner: Same as petitioner

II. LOCATION

The parcel is a tract of approximately one and fifty-five hundredths (1.55) acres located at 902 Old Graves Mill Road.

III. PURPOSE

The purpose of the rezoning is to allow the construction of four (4) duplexes, for a total of eight (8) dwelling units with associated parking.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* currently recommends Low Density Residential use for the property. Nearby land uses designated by the *FLUM* include Low Density Residential, Medium Density Residential, and Institutional Uses.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends Low Density Residential use for the property.

Low-Density Residential areas are predominantly single family detached housing at up to four (4) dwelling units per acre. These areas may also include public and institutional uses that are compatible in scale. (pg. 72)

Nearby land uses designated by the *FLUM* include Low Density Residential, Medium Density Residential, and Institutional Uses.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Residential District zoning was established on May 22, 1979 with the adoption of the Timberlake Road Study. The R-2 zoning district does not allow for duplexes.

The subject property is proposed to be rezoned to the R-3, Medium Density Residential District. This zoning district allows for small-lot single-household development, and duplexes as desired by the petitioner.

3. **Proffers.** N/A

4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 9, 2018, City Council approved the Conditional Use Permit (CUP) petition of Jeffrey Carico to allow the use of a portion of the existing building as an indoor training facility at 127 Tomahawk Industrial Park
 - On December 13, 1994, City Council approved the CUP petition of Believers Fellowship to allow the construction of a ninety (90) space parking area at 727 Old Graves Mill Road.
 - On August 11, 1987, City Council approved the CUP of Seven Hills Church of Christ to allow building and parking additions for the existing church at 810 Old Graves Mill Road.
 - On October 11, 1983, City Council approved the CUP petition of Believers Fellowship to allow the construction of a church and parking area at 727 Old Graves Mill Road
 - On March 24, 1981, City Council approved the CUP petition of Seven Hills Church of Christ to allow the construction of a church at 810 Old Graves Mill Road.
 - On May 22, 1979, City Council approved the Timberlake Road Land Use Study, rezoning a number of properties in the area, including the subject parcel at 902 Old Graves Mill Road.
6. **Site Description.** The subject property includes an existing a one and a half (1.5) story, wood frame, vinyl siding house consisting of one thousand, seven hundred and eight (1,708) square feet. The home was constructed in 1925. The property is bound to the north and east by single family homes, to the south by single family homes and an institutional use, and to the west by duplexes across Old Graves Mill Road.
7. **Proposed Use of Property.** If the rezoning is approved, the existing structure would be demolished and four (4) duplexes would be constructed. A sixteen (16) space parking lot would also be constructed.
8. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the proposed use. During the Technical Review Committee (TRC) meeting, the City Engineer expressed concern about the initial design of the parking lot, which had two entrances along Old Graves Mill Road. The concept plan was revised to indicate access would be taken from one point on the adjoining street, Hillview Drive and this configuration was approved by the Engineer.

The City's Zoning Ordinance requires one (1) parking space per residential dwelling unit, resulting in eight (8) required spaces for the proposed use. The proposed sixteen (16) space parking lot exceeds the minimum standard.

The property is not served by Greater Lynchburg Transit Company. The nearest bus stop is located seven tenths (0.7) of a mile away on Graves Mill Road.
9. **Stormwater Management.** The submitted concept plan indicates the use of a detention pond or underground detention to address stormwater quantity. Offsite nutrient credits will likely be used to satisfy stormwater quality requirements. A complete stormwater management / erosion & sediment control plan will be required at the site plan phase.

10. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.
11. **Impact.** The proposed duplexes should have little impact on the surrounding neighborhood. The proposed use mirrors the existing four (4) duplexes across Old Graves Mill Road. Planning staff initially had concerns about the parking lot, which was proposed in front of the duplexes. Due to setbacks and access management standards, the concept plan was revised to show the parking behind the duplexes and access taken from Hillview Drive. The design will create a more cohesive neighborhood appearance from the street and a safer traffic configuration.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on June 15, 2021. Comments have or will be addressed 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 Margaret D. Gilliland to rezone the property located at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3, Medium Density Residential District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Dr. Reid Wodicka, Interim City Manager
Mr. Kent L. White, Interim Deputy City Manager
Mr. Matthew Freedman, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Ms. Margaret D. Gilliland, Petitioner
Mr. Russ Nixon, Representative

VII. ATTACHMENTS

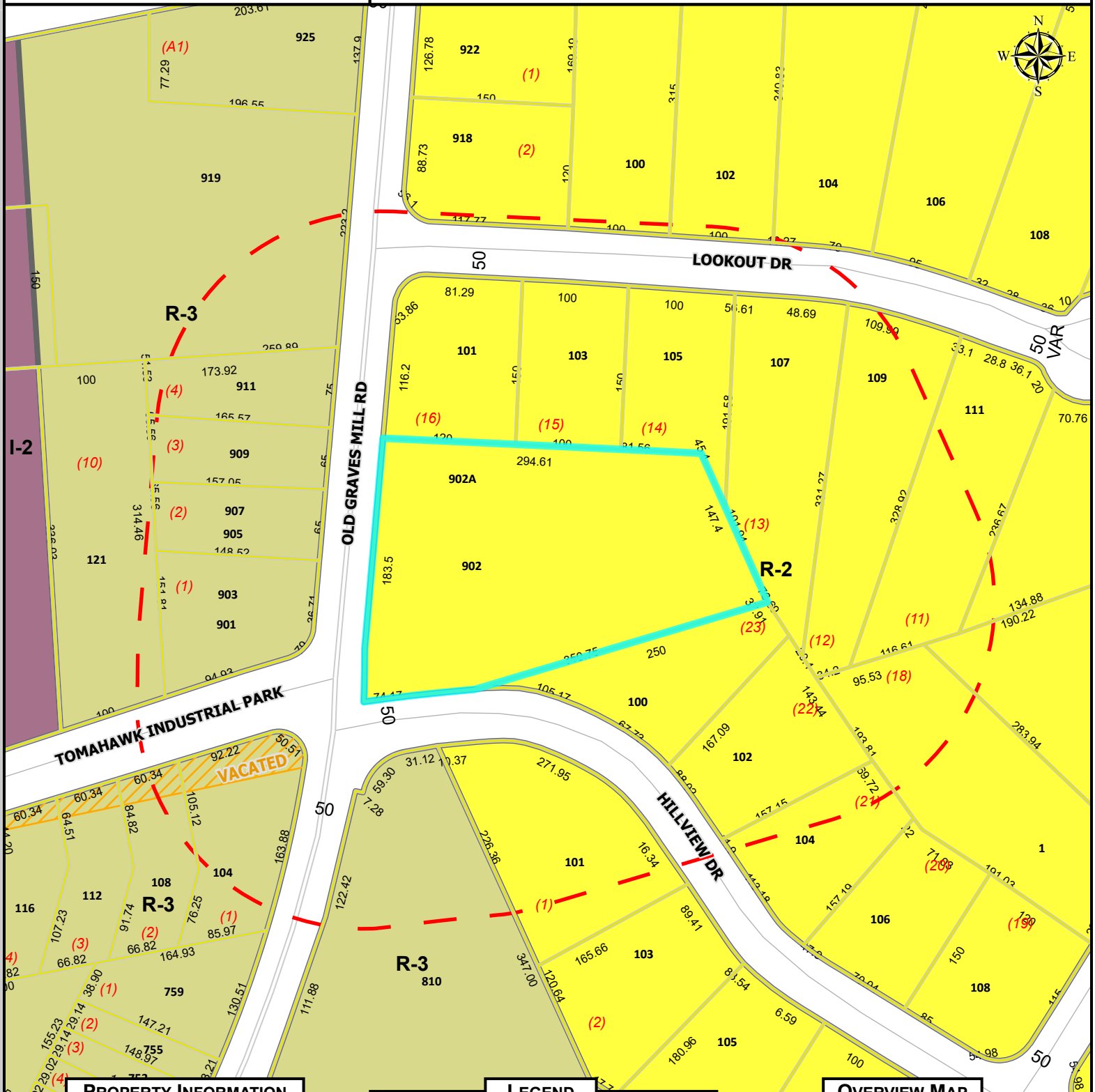
1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Property Photograph**

Zoning

TRC

902 OLD GRAVES MILL RD

Nixon Land Surveying, LLC



PROPERTY INFORMATION

PARCEL ID

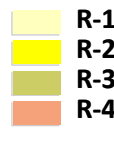
24303024

ADDRESS

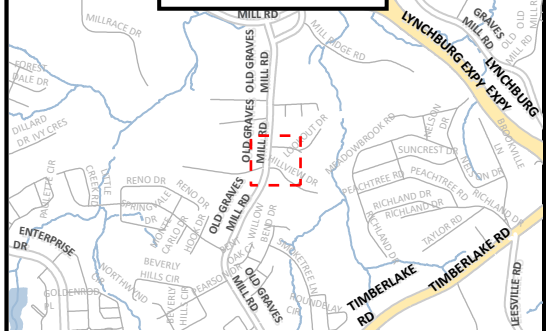
LEGEND

Subject Property

215 Foot Buffer



OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 6/1/2021

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

902 Old Graves Mill Road

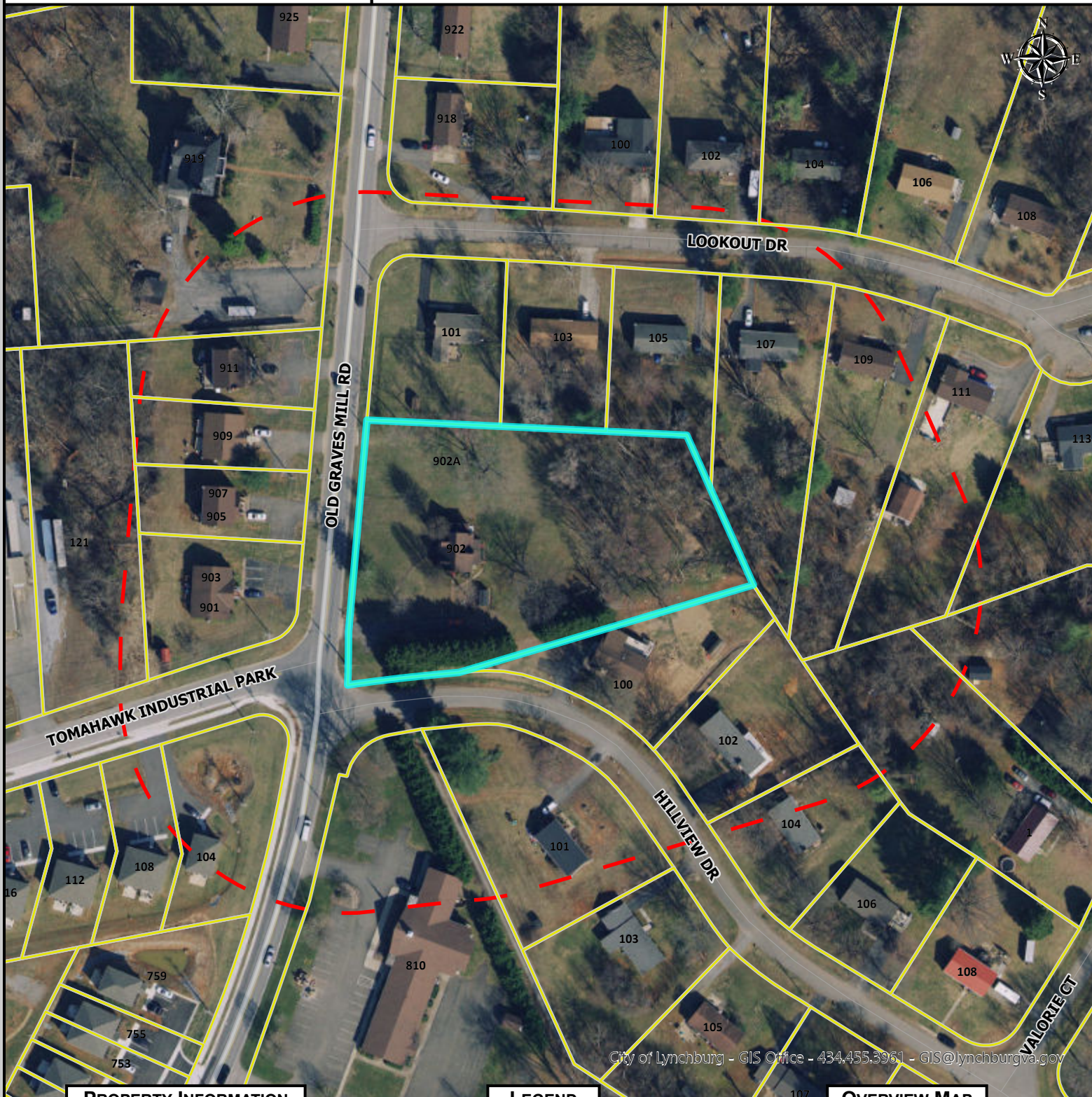
Parcel ID	Address	Owner
24302002	810 OLD GRAVES MILL RD	SEVEN HILLS CHURCH OF CHRIST TRS
24303001	101 HILLVIEW DR	NOBLE, SCOTT H & ASHLEY E
24303017	2 VALORIE CT	ALBERT, DANIEL
24303018	1 VALORIE CT	GRUBBS, KENNETH W & PATRICIA J
24303021	104 HILLVIEW DR	ASHLEY, KELLY R & JOHN W
24303022	102 HILLVIEW DR	WILKERSON, MARK A & BRENDA L
24303023	100 HILLVIEW DR	RAO, CLAIRE L & RAO, KAROLYN
24303024	902 OLD GRAVES MILL RD	GILLILAND, WILSON LEE & MARGARET D
24304002	918 OLD GRAVES MILL RD	PHH MORTGAGE CORPORATION
24304003	100 LOOKOUT DR	GUTHRIE, DAVID C & JENNIFER D
24304004	102 LOOKOUT DR	TYREE, ASHLEY S & BOND, BRIDGET L
24304005	104 LOOKOUT DR	LE, TIN MINH
24304010	113 LOOKOUT DR	SMITH, BRUCE H & LINDA W
24304011	111 LOOKOUT DR	CHAVIS, LEONARD JR & MONICA LYNN
24304012	109 LOOKOUT DR	BECKLOFF, RICHARD T LIFE ESTATE
24304013	107 LOOKOUT DR	TURNER PROPERTIES LLC
24304014	105 LOOKOUT DR	HUGHES, JENNIFER W & WELLER, PAUL &
24304015	103 LOOKOUT DR	PEERMAN, WILLIAM H & CAROLYN L
24304016	101 LOOKOUT DR	REAMER, WALTER R JR & DAPHNE W
24307001	919 OLD GRAVES MILL RD	MINOR, JEREMY W & TONYA P
24307002	901 OLD GRAVES MILL RD	SUTTON, JOSHUA A
24307016	121 TOMAHAWK INDUSTRIAL PARK	T/W PROPERTIES
24307017	905 OLD GRAVES MILL RD	SKINNER, GERARD J & RHONDA S
24307018	909 OLD GRAVES MILL RD	SKINNER, GERARD J & RHONDA &
24307019	911 OLD GRAVES MILL RD	LIPSCOMB, JACK C TRS &
24307024	108 TOMAHAWK INDUSTRIAL PARK	DRV CONSTRUCTION LLC
24307025	104 TOMAHAWK INDUSTRIAL PARK	DRV CONSTRUCTION LLC

Watershed

TRC

902 OLD GRAVES MILL RD

Nixon Land Surveying, LLC



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

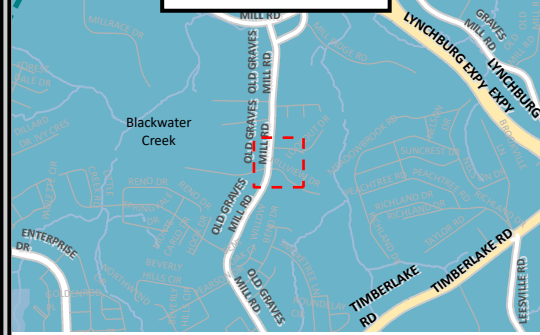
PARCEL ID	ADDRESS
24303024	902 OLD GRAVES MILL RD

LEGEND

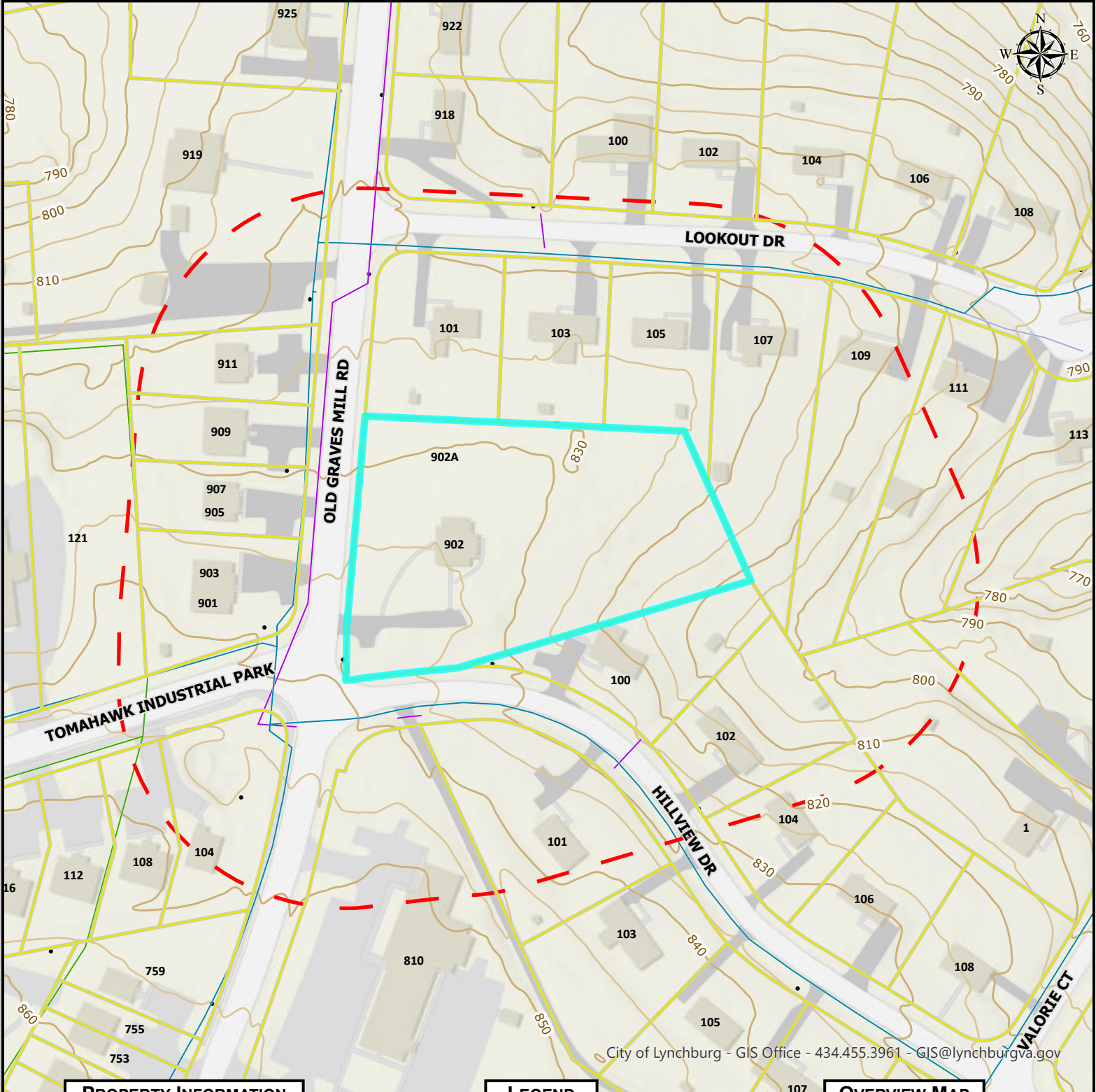
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1:48,000 DATE PRINTED: 6/1/2021

OVERVIEW MAP



TRC



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID	ADDRESS
24303024	902 OLD GRAVES MILL RD

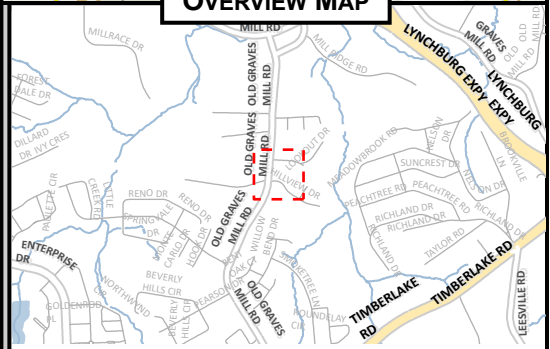
LEGEND

	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Planimetrics	Structure	Roadway	Parking
Topography	Sidewalk	Driveway	Contour
	Paved	Unpaved	Other
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1:48,000

DATE PRINTED: 6/1/2021

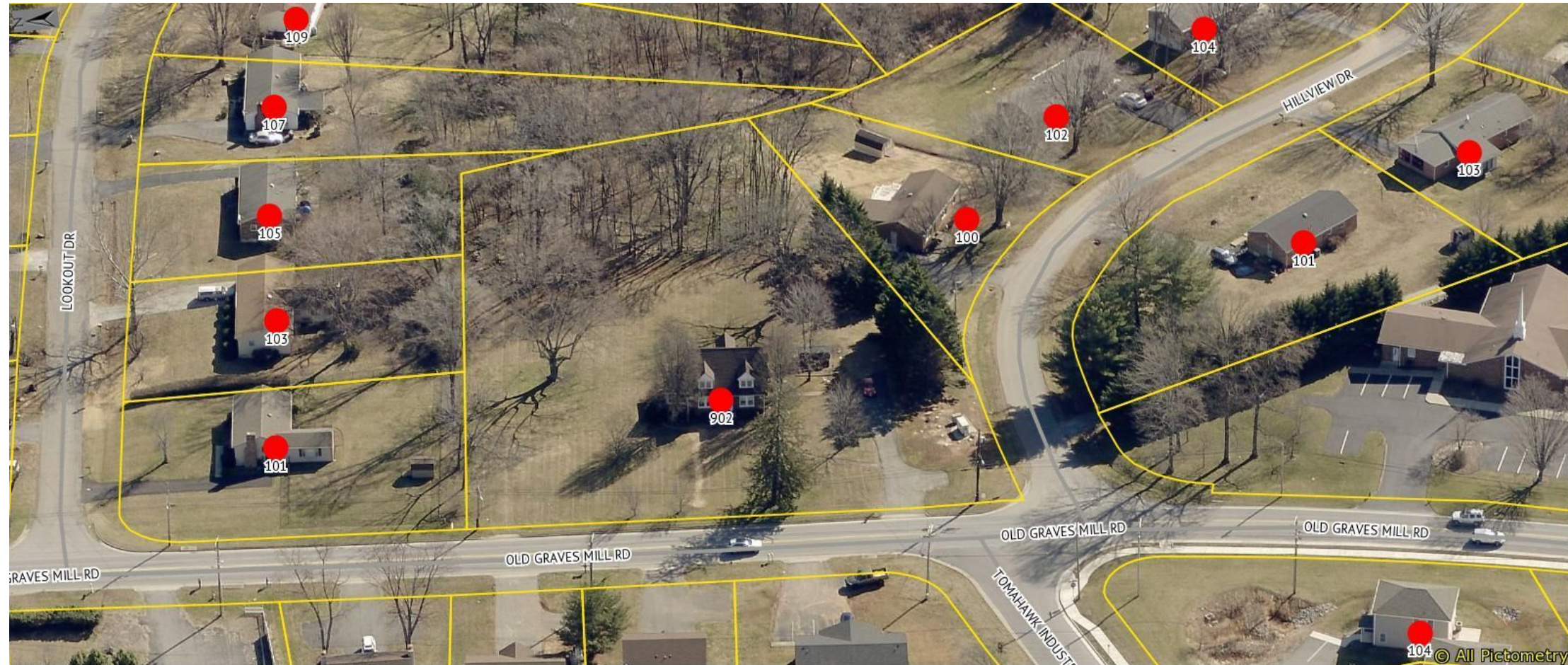
OVERVIEW MAP



VICINITY MAP (N.T.S.)

SURVEYED FOR: WILSON LEE GILLILAND & MARGARET D. GILLILAND	
Nixon Land Surveying, L.L.C. 1063C Airport Road Lynchburg, VA 24042 Phone: (434) 237-3600 Fax: (434) 237-0699	REZONING PLAN FOR PROPERTY OF WILSON LEE GILLILAND AND MARGARET D. GILLILAND CITY OF LYNCHBURG, VIRGINIA
rus@nixonlsec.com nixonlsec.com	COMM. NO.: 20203000 REVISED: 07/01/21 SCALE: 1"=20' DR. BY: WAR DATE: 03/31/21 SHEET: 1 OF 1 CHK. BY: REN DRW. NME.SITE-R3

902 Old Graves Mill Road



**Rezoning for Duplexes, R-2 to R-3
902 Old Graves Mill Road
July 14, 2021**

PLEASE PRINT CLEARLY

[illegible]

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 902 OLD GRAVES MILL ROAD FROM R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT TO R-3C, MEDIUM DENSITY RESIDENTIAL DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 902 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional).

The area embraced within the following boundaries:

Beginning at a point along the northwest corner of Tax Map Number 24303024, at its intersection with the southwestern corner of Tax Map Number 24304016 and the eastern right of way line of Old Graves Mill Rd, thence south 82 degrees 48 minutes 00 seconds east, 306.71 feet to a point; thence south 16 degrees 48 minutes 00 seconds east 147.70 feet to a point; thence south 78 degrees 14 minutes 00 seconds west 350.14 feet to a point; thence N 21 degrees 55 minutes 00 seconds West 78.45 feet to a point; thence along the right of way of Old Graves Mill Road N 08 degrees 00 minutes 00 seconds E, 180.21 feet to the point of beginning, being the original point of beginning and containing 1.546 acres more or less.

...is hereby changed from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional), subject to the condition herein below which was voluntarily proffered in writing by the petitioner, Margaret D. Gilliland, to wit:

1. I, Margaret D. Gilliland (owner) proffer that the project submitted to the City of Lynchburg to rezone my property located at 902 Old Graves Mill Road will be built in substantial compliance with the site plan dated 3/21/21 and revised on 7/1/21 which was completed by Nixon Land Surveying, LLC and presented to Planning Commission on July 14th, 2021.

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted: August 10, 2021

Certified: Alicia L. Finney
Clerk of Council



Lynchburg City Council – Agenda Addendum: Public Comment

Tuesday, August 10, 2021

7:30 P.M. – City Council Meeting

Council Chamber, City Hall, 900 Church Street

- A) Hear from a group representative regarding a concern. (Jamie Maxwell)
 - B) Hear from a group representative regarding a concern. (Carl Hutcherson)
-

RULES OF PROCEDURE

- // An individual may speak for up to 3 minutes; please state clearly your name and locality of residence.
- // A group spokesperson may speak for up to 5 minutes; please state clearly your name and the group you will be representing.

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

Finney, Alicia

From: Finney, Alicia
Sent: Friday, August 6, 2021 10:47 AM
To: Jamie Maxwell
Subject: RE: Speak at council 10 Aug 2021

Good Morning!

I had you on the agenda already to speak about LynCom. Can you confirm which topic you'd like to speak about and whether or not you're representing a group?

I'll forward you that email again so that you can take a look.

Thank you!

ALICIA L. FINNEY – Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 **F:** (434) 847-1536

From: Jamie Maxwell <local1146president@gmail.com>
Sent: Friday, August 6, 2021 9:02 AM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: Speak at council 10 Aug 2021

CAUTION: External Sender

Good morning. I hope you have had a great summer. I would like to be put on agenda for the 10 Aug 730 meeting please. My topic is Passion of being a firefighter. If the Acting City Attorney denies my request I would like it to be put on agenda so the council may vote on me speaking. Thank you and have a great day.

--

In Unity,
Jamie Maxwell, President
Lynchburg Firefighters Association
IAFF Local 1146

"Rangers Lead the Way"

Finney, Alicia

From: Jamie Maxwell <local1146president@gmail.com>
Sent: Friday, August 6, 2021 11:18 AM
To: Finney, Alicia
Subject: Re: Speak at 22 June 2021 Council Meeting

CAUTION: External Sender

I will not be speaking about LynCom. Let's make it the new topic please

Sent from my iPhone

On Aug 6, 2021, at 10:48 AM, Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

FYI – this was our communication back in June. Please let me know which topic you'd like to speak about by noon today.

Thanks again!

ALICIA L. FINNEY – Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 **F:** (434) 847-1536

From: Jamie Maxwell <local1146president@gmail.com>
Sent: Wednesday, June 16, 2021 8:04 PM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: Re: Speak at 22 June 2021 Council Meeting

CAUTION: External Sender

Thank you. We can push it out to the First August meeting. I will unavailable for the July meeting. Again thank you

Sent from my iPhone

On Jun 16, 2021, at 3:10 PM, Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Hi Jamie – due to a lack of agenda items, the June 22nd meeting has been canceled. I'll place you on the next City Council meeting scheduled for July 13, 2021.

Thank you!

ALICIA L. FINNEY – Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 **F:** (434) 847-1536

*Formerly alicia.campbell@lynchburgva.gov

From: Jamie Maxwell <local1146president@gmail.com>
Sent: Monday, June 14, 2021 9:00 AM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: Speak at 22 June 2021 Council Meeting

CAUTION: External Sender

Good morning Alicia. I would like to be placed on the Council agenda to speak. My topic will be LynCom/Melissa Foster. If the city attorney wishes to deny my request, I would like to be put on agenda so council may vote for me to speak pursuant to Section 5 Subsection 5.3 Subsection B Item 13. Thank you.

--

In Unity,
Jamie Maxwell, President
Lynchburg Firefighters Association
IAFF Local 1146

"Rangers Lead the Way"

July 30, 2021

To: The Clerk of City Council

I would like to speak on behalf of the Lynchburg Branch N.AACP to City Council at their August 10th meeting on the disparagement of women whose views may not coincide with some of the views of their male counterparts.

Carl Hutcherson J.
(434) 401-1435
1600 Buchanan St.
Lynchburg, Va. 24501

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 10, 2021**

AGENDA ITEM #: **2**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Expansion of the Comprehensive Community Correction Act to and Pretrial Services Act to Amherst County

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a joint resolution with Amherst County, Bedford County and Campbell County providing for the implementation of the Comprehensive Community Corrections Act (CCCA) for Local Responsible Offenders, the Pretrial Services Act (PSA) and the establishment of the Regional Community Criminal Justice Board (CCJB).

SUMMARY: Effective 1/1/21 the City of Lynchburg, as the administrative and fiscal agent for the CCCA and PSA Agency received additional state funding to expand local probation and pretrial services to the unserved portion of the 24th Judicial District (Amherst County). All localities participating in a multijurisdictional program must be represented on the CCJB and agree upon the locality to serve as the administrative and fiscal agent. This resolution adds Amherst County to the service area and as member of the CCJB. Similar resolutions are being brought before the Boards of Supervisors of all the participating localities.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Cynthia Plummer, Agency Director, Lynchburg Community Corrections and Pretrial Services Agency (434) 455-3751

ATTACHMENT(S):

Resolution

§9.1-181 of the Code of Virginia

REVIEWED BY: raw

095A

RESOLUTION:

RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF THE COMPREHENSIVE
COMMUNITY CORRECTIONS ACT FOR LOCAL RESPONSIBLE OFFENDERS, THE
PRETRIAL SERVICES ACT AND THE ESTABLISHMENT OF THE REGIONAL COMMUNITY
CRIMINAL JUSTICE BOARD

Whereas, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (§ 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (§ 19.2-152.2 et seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

Whereas, §§ 9.1-174 and 19.2-152.2 of the Code of Virginia requires counties and cities approved for a jail project pursuant to § 53.1-82.1 to develop and establish services in accordance with both Acts; and

Whereas, §§ 9.1-178 and 19.2-152.5 of the Code of Virginia require that each county and city establishing and operating local community-based probation and pretrial services establish a Community Criminal Justice Board (CCJB), and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

BE IT THEREFORE RESOLVED that the City of Lynchburg jointly agrees with Amherst County, Bedford County and Campbell County to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act with, pursuant to § 9.1-183, the City of Lynchburg acting as the administrator and fiscal agent on behalf of the participating localities.

BE IT FURTHER RESOLVED that the Counties of Amherst, Bedford and Campbell and the City of Lynchburg establish the Regional Community Criminal Justice Board; that said board shall fulfill its responsibilities pursuant to § 9.1-180; and shall be comprised of the following members, pursuant to § 9.1-178 of the Code of Virginia:

- One representative of the governing body of each participating jurisdiction
- A Circuit Court judge representing the 24th Judicial Circuit as agreed upon by the judges of said circuit
- A judge of the General District Court, representing the 24th Judicial District as agreed upon by said judges of the district
- A judge of the Juvenile and Domestic Relations District Court representing the 24th Judicial District as agreed upon by the said judges of the district
- The Chief Magistrate for the 24th Judicial District
- A Commonwealth's Attorney representing all of the Commonwealth's Attorneys of the participating jurisdictions
- A public defender where available in the participating localities or an attorney experienced in the defense of criminal matters who is a current member of the Virginia State Bar

- The Regional Jail Administrator responsible for jails serving the jurisdictions involved in local pretrial and community-based probation services
- A Chief of Police or a Sheriff in a jurisdiction not served by a police department to represent all law enforcement agencies of the participating jurisdictions
- A Community Services Board Administrator providing services to participating jurisdictions
- A local adult educator from a local college or university

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approved by the localities relating to the establishment of required services and the formation of the Regional Community Criminal Justice Board.

BE IT FURTHER RESOLVED that the Lynchburg City Council appoints the Lynchburg Deputy City Manager as its governing body representative on the CCJB.

That this resolution shall be in force and effect upon adoption.

Adopted:

Certified: _____
Clerk of Council

Code of Virginia

Title 9.1. Commonwealth Public Safety

Chapter 1. Department of Criminal Justice Services

Article 9. Comprehensive Community Corrections Act for Local-Responsible Offenders

§ 9.1-181. Eligibility to participate

A. Any city, county, or combination thereof, which elects to, or is required to establish services shall participate in a local community-based probation services agency by ordinance or resolution of its governing authority. In cases of multijurisdictional participation, each ordinance or resolution shall identify the chosen administrator and fiscal agent as set forth in § 9.1-183. Such ordinances or resolutions shall be provided to the Director of the Department, regardless of funding source for the established programs.

B. Any local community-based probation services agency established pursuant to this article shall be available as a sentencing alternative for persons sentenced to incarceration in a local correctional facility or who otherwise would be sentenced to incarceration and who would have served their sentence in a local or regional correctional facility.

1992, c. 196, § 53.1-185.1; 1994, 2nd Sp. Sess., cc. 1, 2; 2000, c. 1040; 2001, c. 844; 2007, c. 133.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 10, 2021**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Fiscal Year 2022 Local Drug Court Grant

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 with resources of \$65,000 from the Supreme Court of Virginia to support salary and benefits for the Drug Court Coordinator position during FY 2022. The required local match of \$16,250 (25%) was previously appropriated from City funds for the Drug Court grant.

SUMMARY: The Lynchburg Circuit Court submitted a grant application due to the Supreme Court of Virginia with the objective of furthering the City's effort to administer a Local Drug Court program. The award letter for the grant was received on July 29, 2021 in the amount of \$65,000, which is intended to be used July 1, 2021 – June 30, 2022. These funds will be used to support the Drug Court Coordinator position in the Circuit Court.

Treatment-based drug court is an alternative to incarceration for defendants who enter the judicial system because of addiction. Through a non-adversarial team approach combined with an intensive, judicially monitored treatment program, drug court offers defendants the opportunity to restore themselves as productive, non-criminal members of society. The Lynchburg Drug Court has the following key components:

1. Integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel will promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. The Court will ensure access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy to participant's compliance.
7. Ongoing judicial interaction with each drug court participant.
8. Monitoring and evaluation measures will be in place to ensure the achievement of program goals and gauge effectiveness.

\$65,000 from the Supreme Court of Virginia will be used for salaries and benefits. The required local match of \$16,250 (25%) will be used for supplies and other expenses associated with the Drug Court Coordinator position. The local match is provided from City funds previously appropriated for the Drug Court grant.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Local match of 25% (cash, in-kind, or combination) previously appropriated for the Drug Court grant.

CONTACT(S): Taylor M. Jones, Adult Drug Treatment Court Coordinator, 455-2741
Judge James F. Watson, Lynchburg Circuit Court, 455-2600

ATTACHMENT(S): Resolution
Grant Award Letter

REVIEWED BY: raw

096A

RESOLUTION:

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

Introduced:

Adopted:

Certified:

Clerk of Council

EXECUTIVE SECRETARY
KARL R. HADE

**ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL**
EDWARD M. MACON

COURT IMPROVEMENT PROGRAM
SANDRA L. KARISON, DIRECTOR

EDUCATIONAL SERVICES
CAROLINE E. KIRKPATRICK, DIRECTOR

FISCAL SERVICES
BARRY M. WENZIG, DIRECTOR

HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR

SUPREME COURT OF VIRGINIA



OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

JUDICIAL INFORMATION TECHNOLOGY
MICHAEL J. RIGGS, SR., DIRECTOR

JUDICIAL PLANNING
CYRIL W. MILLER, JR., DIRECTOR

JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
STEVEN L. DALLE MURA, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
KRISTI S. WRIGHT, DIRECTOR

MAGISTRATE SERVICES
JONATHAN E. GREEN, DIRECTOR

July 29, 2021

Honorable James F. Watson, Judge
Lynchburg Circuit Court
P.O. Box 4
900 Court Street
Lynchburg, VA 24505-0004

**Supreme Court of Virginia Drug Treatment Court Docket Grant,
Title: Lynchburg Adult Drug Treatment Court**

Dear Judge Watson:

I am pleased to advise you that your grant for the above-referenced grant program has been approved for \$65,000 in State funds for fiscal year 2022.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Courtney Stewart, Specialty Dockets Grants Management Analyst, at the Office of the Executive Secretary (OES). Please review the conditions carefully as they require action on your part before we will disburse grant funds. Prior to the OES disbursing of funds, the Subrecipient must agree to comply with the following and the attached special conditions:

- a. Submit the quarterly grant reports by their due date to the Statewide Drug Treatment Court Coordinator.
- b. Maintain accurate & current data in the new web-based drug treatment court database beginning July 1, 2012.
- c. Submit a copy of any final federal grant report(s) and/or quarterly reports of any drug court Federal grant funds awarded.

When we receive documentation showing that you have complied with the conditions, you will be eligible to request funds awarded under this grant. A **REQUEST FOR FUNDS** form is also included with this letter and should be used for this purpose. You may request funds at the same time you submit the documentation of compliance with the grant conditions or at any time thereafter. However, we cannot process your request until we have received and approved all required information.

Lynchburg Adult Award Letter
July 29, 2021
Page Two

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Courtney Stewart at 804-356-1064.

Yours very truly,



Paul F. DeLosh

PFD/ces
Enclosures

cc: Reid Wodicka, Interim City Manager
Donna Witt, CFO
Karl R. Hade, Executive Secretary
Anna Powers, Drug Treatment Court Coordinator

RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF THE COMPREHENSIVE
COMMUNITY CORRECTIONS ACT FOR LOCAL RESPONSIBLE OFFENDERS, THE
PRETRIAL SERVICES ACT AND THE ESTABLISHMENT OF THE REGIONAL COMMUNITY
CRIMINAL JUSTICE BOARD

Whereas, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (§ 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (§ 19.2-152.2 et seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

Whereas, §§ 9.1-174 and 19.2-152.2 of the Code of Virginia requires counties and cities approved for a jail project pursuant to § 53.1-82.1 to develop and establish services in accordance with both Acts; and

Whereas, §§ 9.1-178 and 19.2-152.5 of the Code of Virginia require that each county and city establishing and operating local community-based probation and pretrial services establish a Community Criminal Justice Board (CCJB), and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

BE IT THEREFORE RESOLVED that the City of Lynchburg jointly agrees with Amherst County, Bedford County and Campbell County to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act with, pursuant to § 9.1-183, the City of Lynchburg acting as the administrator and fiscal agent on behalf of the participating localities.

BE IT FURTHER RESOLVED that the Counties of Amherst, Bedford and Campbell and the City of Lynchburg establish the Regional Community Criminal Justice Board; that said board shall fulfill its responsibilities pursuant to § 9.1-180; and shall be comprised of the following members, pursuant to § 9.1-178 of the Code of Virginia:

- One representative of the governing body of each participating jurisdiction
- A Circuit Court judge representing the 24th Judicial Circuit as agreed upon by the judges of said circuit
- A judge of the General District Court, representing the 24th Judicial District as agreed upon by said judges of the district
- A judge of the Juvenile and Domestic Relations District Court representing the 24th Judicial District as agreed upon by the said judges of the district
- The Chief Magistrate for the 24th Judicial District
- A Commonwealth's Attorney representing all of the Commonwealth's Attorneys of the participating jurisdictions

- A public defender where available in the participating localities or an attorney experienced in the defense of criminal matters who is a current member of the Virginia State Bar
- The Regional Jail Administrator responsible for jails serving the jurisdictions involved in local pretrial and community-based probation services
- A Chief of Police or a Sheriff in a jurisdiction not served by a police department to represent all law enforcement agencies of the participating jurisdictions
- A Community Services Board Administrator providing services to participating jurisdictions
- A local adult educator from a local college or university

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approved by the localities relating to the establishment of required services and the formation of the Regional Community Criminal Justice Board.

BE IT FURTHER RESOLVED that the Lynchburg City Council appoints the Lynchburg Deputy City Manager as its governing body representative on the CCJB.

That this resolution shall be in force and effect upon adoption.

Adopted: August 10, 2021

Certified: Alicia L. Frings
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 10, 2021**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Authorization of a supplemental bond Issuance for the Lynchburg Redevelopment and Housing Authority supporting the James Crossing renovation project

KEY ELEMENTS:

___Economic Development **X** Excellent Government ___Natural and Built Environment ___Safe Community **X** Vibrant Community

RECOMMENDATION: Adopt a resolution approving the issuance by the Lynchburg Redevelopment and Housing Authority (LRHA) of its taxable multifamily housing revenue bonds for the acquisition and rehabilitation of James Crossing Apartments located in the City of Lynchburg, Virginia.

SUMMARY: On December 8, 2020, City Council Authorized the Lynchburg Redevelopment and Housing Authority to issue bonds to finance a portion of the costs of acquisition and rehabilitation of a 288-unit multifamily housing apartment project and related or ancillary facilities known as James Crossing Apartments, located at 808 Greenfield Drive, Lynchburg, Virginia 24501, in the City of Lynchburg, Virginia.

The developer who intends to renovate James Crossing requested the LRHA issue additional bonds, in this case taxable, to assist in completing this project. Similar to the initial issue, City Council must approve this supplemental issue.

PRIOR ACTION(S): December 8, 2020: City Council re-authorized the LRHA to issue bonds for this project
December 10, 2019: City Council initially authorized bonds for this project

FISCAL IMPACT: Neither the Authority nor the City has responsibility for the payment of these bonds as they are a conduit for revenue bonds.

CONTACT(S): Richard L. Hurlbert, Jr., Bond Counsel, 804-554-4802
Herschel Keller, Attorney, LRHA, 455-9944

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

097A

RESOLUTION:

**SUPPLEMENTAL RESOLUTION APPROVING THE ISSUANCE BY THE
LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY
OF ITS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS
FOR THE ACQUISITION AND
REHABILITATION OF JAMES CROSSING APARTMENTS
LOCATED IN THE CITY OF LYNCHBURG, VIRGINIA**

WHEREAS, by resolution adopted on November 19, 2020 (the “Inducement Resolution”), the Lynchburg Redevelopment and Housing Authority (the “Authority”) considered and approved the request of Waters at James Crossing, LP, a Delaware limited partnership (the “Purchaser”), whose address is c/o Atlantic Housing Foundation, Inc., 4770 Iberia Avenue, Suite 100, Dallas Texas 75207, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$28,000,000, upon terms and conditions to be mutually agreed upon by the Authority and the Purchaser (the “Tax-Exempt Bonds”), to finance a portion of the costs of acquisition and rehabilitation of a 288-unit multifamily housing apartment project and related or ancillary facilities known as James Crossing Apartments (the “Project”), located at 808 Greenfield Drive, Lynchburg, Virginia 24501, in the City of Lynchburg, Virginia (the “City”); and

WHEREAS, by resolution adopted on December 8, 2020 (the “Approving Resolution”), the City approved and authorized, among other things, the issuance of the Tax-Exempt Bonds by the Authority for the Project; and

WHEREAS, the Approving Resolution remains in full force and effect; and

WHEREAS, the plan of finance for the Project has been adjusted to include as a source of funds a series of taxable bonds in an amount not to exceed \$6,000,000 (the “Taxable Bonds”), and the Borrower has requested, and the Authority has agreed by Supplemental Inducement Resolution adopted July 15, 2021 (the “Supplemental Inducement Resolution”) to undertake the issuance of such Taxable Bonds, in addition to the Tax-Exempt Bonds contemplated by the Inducement Resolution; and

WHEREAS, the approvals previously granted by the Authority and the City regarding the issuance of the Bonds will expire before it will be possible for the Bonds to be issued; and

WHEREAS, the City has been advised that the provisions of the Internal Revenue Code of 1986, as amended (the “Code”) relating to the issuance of tax-exempt bonds are not applicable to the Taxable Bonds; and

WHEREAS, notwithstanding that the provisions of the Code are not applicable to the Taxable Bonds, the Authority has requested that the City authorize and approve the issuance by the Authority of the the Taxable Bonds in an aggregate principal amount not to exceed \$6,000,000, the proceeds of which will be used by the Purchaser to finance costs to be incurred in acquiring and rehabilitating the Project, as permitted under the Act;

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

1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The City Council approves the issuance of the Taxable Bonds by the Authority in an amount not to exceed \$6,000,000 for the benefit of the Purchaser and approves the Authority's taking all actions necessary in the discretion of the Authority, to permit the Authority to assist in the financing of the Project through the issuance of the Taxable Bonds. Each of the City Manager, the Mayor and the Clerk of this Council are hereby authorized to take such further actions and execute and deliver such other documents, instruments, certificates or correspondence as are not inconsistent with this Resolution and may be necessary or appropriate for the issuance of the Taxable Bonds by the Authority.

3. The approval of the City Council of the issuance of the Taxable Bonds by the Authority does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Purchaser, and the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. In approving this Resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaims all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Taxable Bonds for any reason.

5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Taxable Bonds.

6. This Resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: August 10, 2021

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Lynchburg, Virginia, upon reading on a resolution titled “**SUPPLEMENTAL RESOLUTION APPROVING THE ISSUANCE BY THE LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF JAMES CROSSING APARTMENTS LOCATED IN THE CITY OF LYNCHBURG, VIRGINIA,**” taken at a meeting of the City Council held on August 10, 2021:

	AYE	NAY	ABSTAIN	ABSENT
MaryJane Dolan, Mayor				
Beau Wright, Vice Mayor				
Chris Faraldi				
Jeff Helgeson				
Randy Nelson				
Treney Tweedy				
Sterling Wilder				

Dated: August 10, 2021

(SEAL)

Mayor, City of Lynchburg, Virginia

ATTEST:

Clerk, City Council of the City of
Lynchburg, Virginia

The undersigned Clerk of the City Council of the City of Lynchburg, Virginia (the “City Council”) hereby certifies that the foregoing is a true, correct, and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on August 10, 2021, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Lynchburg, Virginia this Authority this ____ day of August, 2021

Clerk, City Council of the City of Lynchburg,
Virginia

**SUPPLEMENTAL RESOLUTION APPROVING THE ISSUANCE BY THE
LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY
OF ITS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS
FOR THE ACQUISITION AND
REHABILITATION OF JAMES CROSSING APARTMENTS
LOCATED IN THE CITY OF LYNCHBURG, VIRGINIA**

WHEREAS, by resolution adopted on November 19, 2020 (the "Inducement Resolution"), the Lynchburg Redevelopment and Housing Authority (the "Authority") considered and approved the request of Waters at James Crossing, LP, a Delaware limited partnership (the "Purchaser"), whose address is c/o Atlantic Housing Foundation, Inc., 4770 Iberia Avenue, Suite 100, Dallas Texas 75207, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$28,000,000, upon terms and conditions to be mutually agreed upon by the Authority and the Purchaser (the "Tax-Exempt Bonds"), to finance a portion of the costs of acquisition and rehabilitation of a 288-unit multifamily housing apartment project and related or ancillary facilities known as James Crossing Apartments (the "Project"), located at 808 Greenfield Drive, Lynchburg, Virginia 24501, in the City of Lynchburg, Virginia (the "City"); and

WHEREAS, by resolution adopted on December 8, 2020 (the "Approving Resolution"), the City approved and authorized, among other things, the issuance of the Tax-Exempt Bonds by the Authority for the Project; and

WHEREAS, the Approving Resolution remains in full force and effect; and

WHEREAS, the plan of finance for the Project has been adjusted to include as a source of funds a series of taxable bonds in an amount not to exceed \$6,000,000 (the "Taxable Bonds"), and the Borrower has requested, and the Authority has agreed by Supplemental Inducement Resolution adopted July 15, 2021 (the "Supplemental Inducement Resolution") to undertake the issuance of such Taxable Bonds, in addition to the Tax-Exempt Bonds contemplated by the Inducement Resolution; and

WHEREAS, the approvals previously granted by the Authority and the City regarding the issuance of the Bonds will expire before it will be possible for the Bonds to be issued; and

WHEREAS, the City has been advised that the provisions of the Internal Revenue Code of 1986, as amended (the "Code") relating to the issuance of tax-exempt bonds are not applicable to the Taxable Bonds; and

WHEREAS, notwithstanding that the provisions of the Code are not applicable to the Taxable Bonds, the Authority has requested that the City authorize and approve the issuance by the Authority of the Taxable Bonds in an aggregate principal amount not to exceed \$6,000,000, the proceeds of which will be used by the Purchaser to finance costs to be incurred in acquiring and rehabilitating the Project, as permitted under the Act;

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

1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.
2. The City Council approves the issuance of the Taxable Bonds by the Authority in an amount not to exceed \$6,000,000 for the benefit of the Purchaser and approves the Authority's taking all actions necessary in the discretion of the Authority, to permit the Authority to assist in the financing of the Project through the issuance of the Taxable Bonds. Each of the City Manager, the Mayor and the Clerk of this Council are hereby authorized to take such further actions and execute and deliver such other documents, instruments, certificates or correspondence as are not inconsistent with this Resolution and may be necessary or appropriate for the issuance of the Taxable Bonds by the Authority.
3. The approval of the City Council of the issuance of the Taxable Bonds by the Authority does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Purchaser, and the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.
4. In approving this Resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaims all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Taxable Bonds for any reason.
5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Taxable Bonds.
6. This Resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: August 10, 2021

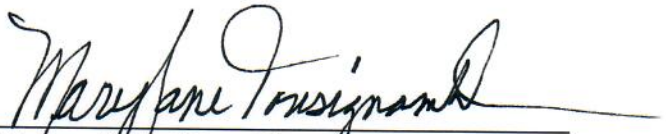
CERTIFICATE

Record of the roll-call vote by the City Council of the City of Lynchburg, Virginia, upon reading on a resolution titled **"SUPPLEMENTAL RESOLUTION APPROVING THE ISSUANCE BY THE LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAXABLE MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF JAMES CROSSING APARTMENTS LOCATED IN THE CITY OF LYNCHBURG, VIRGINIA,"** taken at a meeting of the City Council held on August 10, 2021:

	AYE	NAY	ABSTAIN	ABSENT
MaryJane Dolan, Mayor	X			
Beau Wright, Vice Mayor	X			
Chris Faraldi	X			
Jeff Helgeson	X			
Randy Nelson	X			
Treney Tweedy	X			
Sterling Wilder	X			

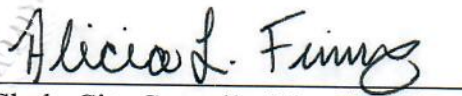
Dated: August 10, 2021

(SEAL)



Mayor, City of Lynchburg, Virginia

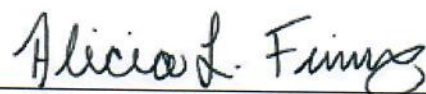
ATTEST:



Clerk, City Council of the City of
Lynchburg, Virginia

The undersigned Clerk of the City Council of the City of Lynchburg, Virginia (the "City Council") hereby certifies that the foregoing is a true, correct, and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on August 10, 2021, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded, or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Lynchburg, Virginia this Authority this 10th day of August, 2021



Clerk, City Council of the City of Lynchburg,
Virginia

RESOLUTION:

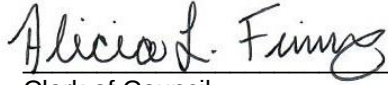
#R-21-061

BE IT RESOLVED that the FY 2022 City/Federal/State Aid Fund budget is amended and \$12,000 is appropriated with resources from the Virginia Wireless E-911 Services Board FY22 Public Safety Answering Point (PSAP) Grant Program that will be used to provide training for 911 professionals.

Introduced: July 13, 2021

Adopted: August 10, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL PHYSICAL DEVELOPMENT COMMITTEE

City Council Chambers

August 10, 2021

8:00 a.m.

Information Items:

Recent/Pending Contract Awards:

- **Reusens Road Retaining Wall:**

Contractor:	Alleghany Construction
Award Amount:	\$814,000
Construction Engineering:	\$17,300
Budget:	\$840,000
Avg. Bid:	\$947,000

- Presented by Lee Newland

Priority Projects Update:

Attached

- Presented by Lee Newland

General Business:

1) Railroad Avenue ROW Vacation

- Presented by Eve Mergenthaler

2) Department of Water Resources 20 Year Capital Improvement Plan

- Presented by Tim Mitchell

Roll Call:

Pc: City Council
Wynter Benda, City Manager
Reid Wodicka, Deputy City Manager
Kent White, Director of Community Development
John Hughes, Assistant City Manager
Gaynelle Hart, Director of Public Works

Next Meeting: September 14, 2021

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

August 10, 2021

Projects of Interest	Phase	Phase Completion	US	Budget	Notes
Main Street Renewal Project	Construction	November 2021	Green	Green	Two Way Open to 11th. Working on Arrival Pad. 1100 Block Opens End of September. Church to Two Way Mid-October
Lakeside Drive Bridge Over Blackwater - Design-Build	Design / Construction	June 2023	Green	Green	Construction Underway
Link Road Bridge	Construction	September 2021	Green	Green	Opens this Week
One Way Pairs @ 501/221	Design	December 2021	Yellow	Green	Reviewing 60% Plans - Scheduling a Public Meeting September
Downtown Watermain Replacement & Streetscape 2	Construction	September 2023	Green	Green	Commerce Street - Starting on 7th the 16th.
Reusens Road Retaining Wall	Construction	January 2022	Green	Green	Road Closed -
Police Department Headquarters	Pre-Design	September 2020			Complete - Currently Reviewing Budget Estimates, Conceptual Designs - Unsolicited PPEA Rec'd, Competing Proposals Due May 13
Fifth Street Phase 4	Design	October 2021			Design Plans Underway

LEGEND

Schedule -

Green



0-5% Behind

Yellow



5-10% Behind

Red



> 10% Behind

V



VDOT Managed

Budget -

Green



0-10% Over

Yellow



10-20% Over

Red



> 20% Over

V



VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 10, 2021 – Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Railroad Avenue Right of Way Vacation

KEY ELEMENTS:

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

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

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

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

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

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

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

ATTACHMENT(S):

- Ordinance
- Application
- Street Vacation Plat
- Title Work

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

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

WHEREAS, Ed Willman, on behalf of Dan Hague, is petitioning to vacate right-of-way known as Railroad Avenue; and

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

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

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

LEGAL DESCRIPTION

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

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

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

Adopted:

Certified: _____
Clerk of Council



The City of Lynchburg, Virginia

RIGHT-OF-WAY VACATION PACKET

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

1. PETITIONER: The applicant is the: •Owner ☒ •Contract Purchaser: ☐ •Contract Leaseholder: ☐

Name: Dan Hague

Street: PO Box 333 City: Lynchburg State: VA Zip: 24505

Telephone#: E-Mail:

E-Signed: Dan Hague (Petitioner) Date: 5/26/2021

2. OWNER: (if different from petitioner; otherwise leave this section blank)

Name:

Street: City: State: Zip:

Telephone#: Email:

E-Signed: (Owner) Date:

3. REPRESENTATIVE:

Name: Fred "Ed" Willman, LS, OSE

Firm Name: Accupoint Surveying & Design, LLC

Street: 6200 Fort Avenue City: Lynchburg State: VA Zip: 24502

Telephone#: 434-610-4334

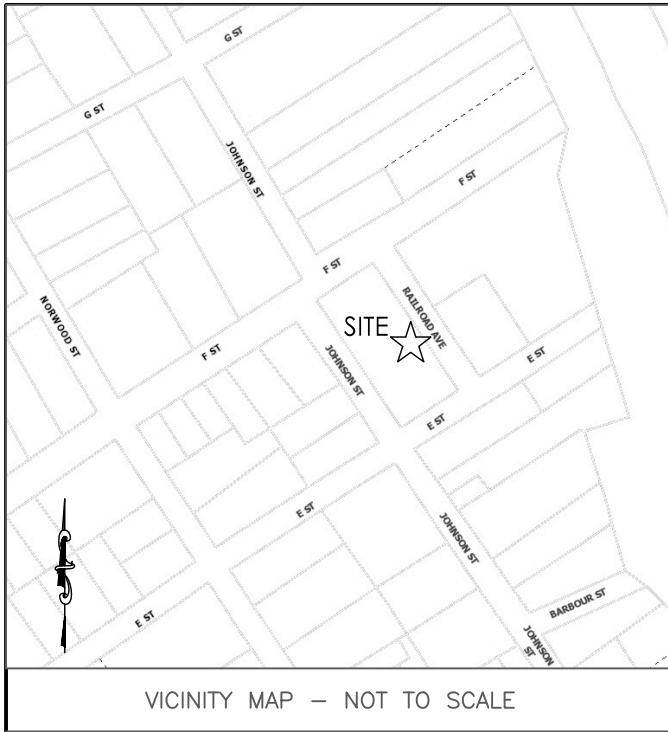
Email: ewillman@accupointsurveying.com

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

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

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

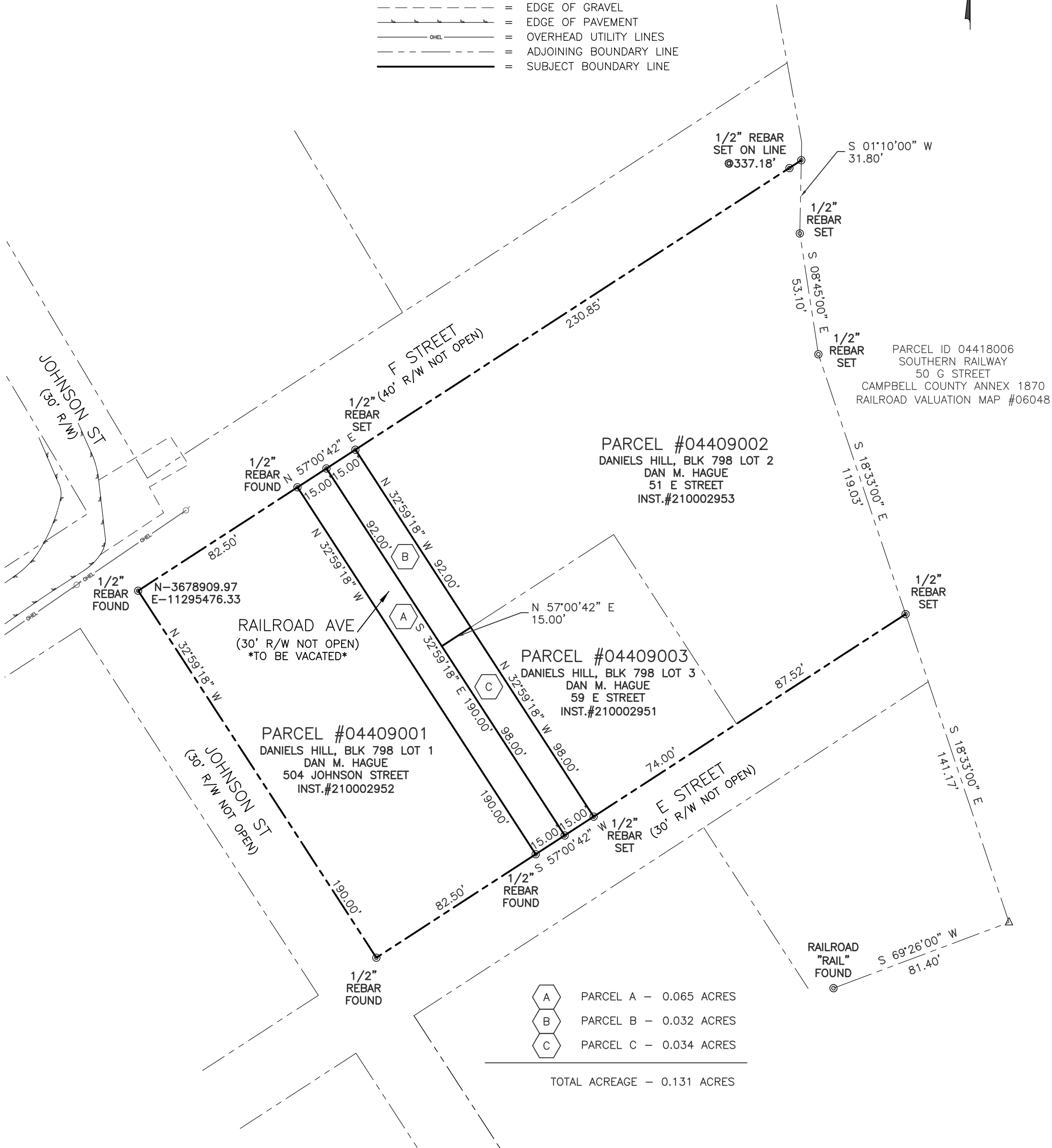
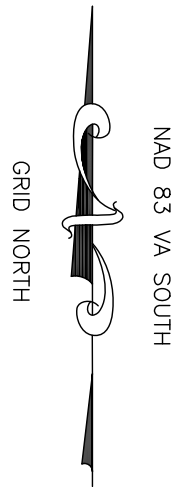
- a. Some ROW's are simply left by the developer/owner as private, joint and common use, to adjacent properties.
 - b. Private alleys, etc., are generally private issues that do not involve the City
 2. If the ROW is public, in which locality (city or county) was the ROW dedicated?
 - a. When was the ROW dedicated?
 - b. Which law was in effect at the time of dedication? Certain acquisition years mean the City/locality only acquired the right to use the ROW. Fee simple ownership would be retained by the property owner dedicating the ROW to the locality.
 - c. Was the ROW dedicated by deed, plat, or prescription?
 - d. Did the locality accept the ROW?
 - e. Was the ROW dedicated to VDOT?
 - i. ROW dedicated to counties was most likely state maintained and state owned.
 - ii. Annexation by the City does not automatically determine the annexed ROW's clear title to the City. Often the ROW ownership is retained by the State even though the City is maintaining the ROW.
 3. A copy of an article discussing the factors that are to be considered when determining who gets title to a vacated right-of-way is included with the Right-of-Way Vacation Application.
 - d. If the application is for an active ROW (ex. a street or alley that is used by the public), submit photos of notification signs posted in the area to be vacated. Sign formatting requirements can be found in City Code §35.2-10.14.3.b. This is to be arranged and paid for by the petitioner.
 - i. Active ROW petitions also require notice be mailed to property owners within 200' of the proposed vacation. This cost will be billed to the petitioner.
 - di. A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council (\$75)
 - dii. Electronic copy of all submittals. (Electronic copies may be submitted through eTrakit by contacting Victoria Glasgow @ 434-455-3937, by email at victoria.glasgow@lynchburgva.gov or on a flashdrive. Please name the files in the following format: (YY-MM-DD _File name)
2. Upon determining that the application materials are complete and sufficient, the petition will be reviewed by the City's Technical Review Committee.
 - a. City departments will have the opportunity to comment and voice any concerns over vacating the ROW.
 - b. The Planning Division generally does not support vacating ROW that is reserved for future street connectivity.
 - c. Usually, attendance at this meeting is not required, unless the ROW is active or part of a larger development project.
 3. The petition will be scheduled for review by the Physical Development Committee (PDC), usually held on the second Tuesday morning of the month.
 - a. This is a three member board, composed of three members of City Council. The mayor also sits on this board.
 - b. The Planning Division will present its recommendation.
 - c. PDC will deliberate and forward the petition on to full council as they see fit.
 - d. Attendance is required at this meeting (by the petitioner or the representative)
 4. The petition will be advertised in the newspaper, as required by state code. This cost will be billed to the petitioner.
 5. The petition will be scheduled for a public hearing with City Council.
 - a. Members of the public may speak in favor of or against the petition.
 - b. Council will vote to approve to approve or deny the vacation.



VICINITY MAP — NOT TO SCALE

CITY PLANNER: _____
CITY ENGINEER: _____

- = UTILITY POLE
- ⊙ = BOUNDARY CORNER
- = EDGE OF GRAVEL
- = EDGE OF PAVEMENT
- OH = OVERHEAD UTILITY LINES
- - - = ADJOINING BOUNDARY LINE
- = SUBJECT BOUNDARY LINE



- NOTES:
1. THIS PLAT WAS PREPARED AT THE REQUEST OF DAN HAGUE.
 2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D EFFECTIVE JUNE 3, 2008.
 4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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

DAN M. HAGUE

STATE OF _____ CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____

BY _____

NOTARY PUBLIC

REGISTRATION NO.

MY COMMISSION EXPIRES _____

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

CITY OF LYNCHBURG, VIRGINIA



SCALE: 1" = 40'

ASD JOB #: 2021-175

FILE #: 2021-175_ST_VAC.DWG

DATE: MAY 10, 2021

REV: JUNE 28, 2021

REV:

SHEET: 1 OF 1



05/24/2021

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

Dear Ms. Glasgow and to whomever it may concern,

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

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

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

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

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

Please let me know if there are any questions.

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



SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
434.610.4334 | 6200 FORT AVENUE | LYNCHBURG, VA 24502
www.accupointsurveying.com



DBE# 723629

AMHERST Co.

EXHIBIT 1

J A M

JAMES RIVER & KANAWHA CANAL

WHEELS ISLAND

LITTLE R.

FEEDER CANAL

W.C. VA. MIDLAND & G. SOUTHERN R.R.

LOCK

UPPER

BASIN

ADAMS ST.

CANAL ST.

LYNCHBURG
GAS WORKS

CABELL ST.

BLACKWATER ST.

MISSISSIPPI & OHIO R.R.

HARBOR ST.

BARRON ST.

JAMES ST.

JOHNSON ST.

H ST.

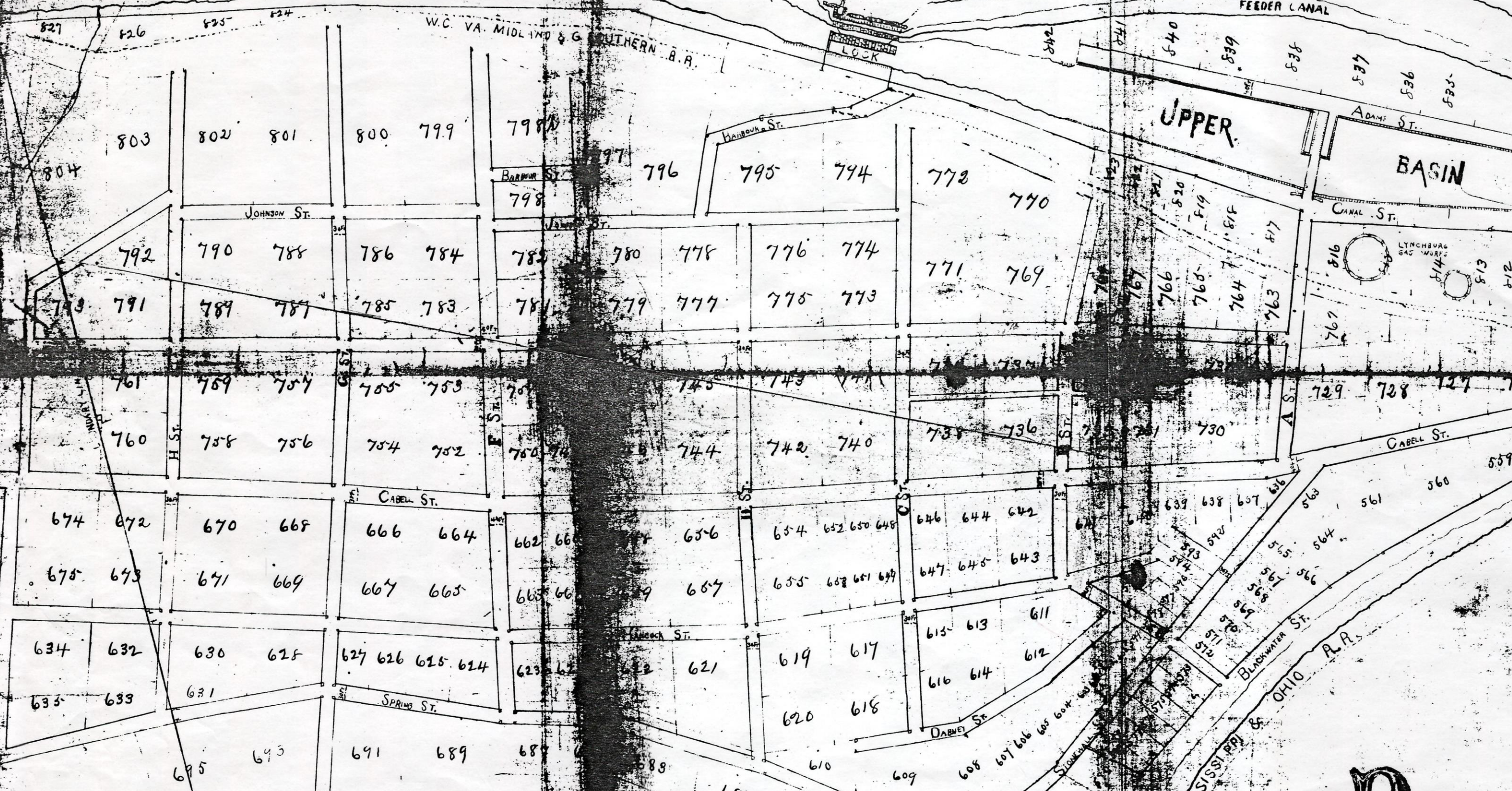
CABELL ST.

HANCOCK ST.

SPRING ST.

DABNEY ST.

SLOAN ST.



J. H. Egan
 A. H. Adams
 T. V. Strange
 E. S. Hutter
 Committee.

Lynchburg 23^d Aug 1875

To The City Council

Your committee has had under consideration a communication of Property Holders of Daniels Hill signed by W. H. Shaw Chairman and others addressed to the Chairman of the Street Committee asking the adoption of a survey & map and names of streets of that part of your City adopted by a meeting of the Property Holders of Daniels Hill asking that said map be adopted by the Council.

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

B. H. Nowlin
 J. M. Wood
 J. M. Moore.

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

Passed Sept 3rd 1875

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

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

II. That the Clerk of the Council is hereby directed to record said map together with a copy of their ordinance, of the petition of citizens referred to in the preamble and of the report

of the Street Committee in regard thereto, in a book to be provided by him for the purpose of recording this and all similar maps and papers in accordance with the provisions of the first section of Chapter fifty-four of the Code of Virginia.

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

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

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

VI This ordinance shall take effect from its passage.

Virginia

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

Teste:

Walter Glass Clerk L.

Virginia

In the Clerk's Office of the Corporation Court for the city of Lynchburg the 15th day of August 1892. The foregoing copies of certain Ordinances passed by the Common Council of the city of Lynchburg together with the map referred to and accompanying the same were this day presented in said Office and admitted to record.

Teste:

W. W. Wingfield Clerk

no plot attached

going to map room in City

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 10, 2021 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Department of Water Resources 20 Year Capital Improvement Plan

KEY ELEMENTS:

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

RECOMMENDATION: This is an informational item that requires no action from Council at this time. However, it should be used as a foundation for future capital spending and rate setting.

SUMMARY: Water Resources staff will provide an overview of the department's 20-year Capital Improvement Plan. Water and sewer utilities are very complex and capital intensive. Capital programs must not only address the needs of aging infrastructure but also address future needs associated with growth, development, and community sustainability while meeting ever increasing regulatory demands. Historically, the Department has developed a five-year capital improvement program and financial projection. However, given the increasing needs and demands a longer capital horizon must be considered in order to adequately and affordably address system needs. The Department has a number of ongoing efforts to better plan for future needs including: the development of a Water System Master Plan, an update of the Solids Master Plan for the Water Resource Recovery Facility, and the development of an Unsewered Area Master Plan, just to name a few.

This presentation provides an overview of the needs and priorities of the Water, Sewer, and Stormwater funds and discusses the fiscal impacts of those needs.

PRIOR ACTION(S): None.

FISCAL IMPACT: Varies depending on capacity

CONTACT(S): Tim Mitchell (455-4252)

ATTACHMENT(S): 20 Year Capital Improvement Program Presentation

REVIEWED BY: raw



LYNCHBURG
WATER
RESOURCES

The background of the slide is composed of three photographs. The top-left photo shows a close-up of white, turbulent water flowing over a rocky ledge. The top-right photo shows a wide view of the Lynchburg skyline across the James River, with a large fountain in the foreground and dense green trees in the middle ground. The bottom-left photo shows a bridge crossing the river, with a large dam structure visible in the distance under a blue sky.

20-Year Capital Improvement Plan

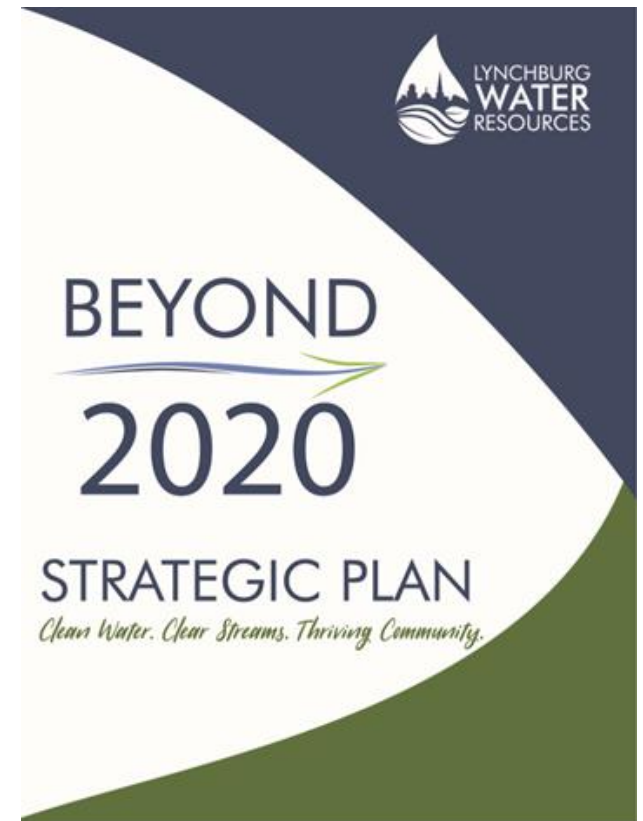
Timothy A. Mitchell, P.E.

Director

August 10, 2021

Overview

- Review overall water, sewer, and stormwater condition
- Overview 20-year capital needs and priorities
- Detailed review of priority projects
- Review of current capital expenditures
- Discussion of 20-year capital needs vs. realistic goals
- Review of existing rates and future rate considerations will occur next meeting





Assumptions

- 3% Inflation on expenses beginning in FY 2023
- 3% Inflation on capital expenses beginning in FY 2027 (inflation already accounted for in capital project estimates for the next 5 years)
- Added 3 staff (project manager, project inspector, project accountant) in FY 2023 to handle increase in capital projects
- Non-contract water use = 2,555,000 hcf in FY 2023, increases 7,500 hcf each year thereafter
- Non-contract sewer use = 3,080,000 hcf in FY 2023, increases 7,500 hcf each year thereafter
- Truck hauled waste revenue all years = \$1,750,000
- Council fiscal policies and CSO financial requirements are met

Infrastructure Report Card


REPORT CARD
 Lynchburg Water Resources

Overall grade:


Infrastructure Factor	Grade
Raw Water System	C+
Water Filtration Plants	B-
Water Storage Tanks	B
Water Pump Stations	C
Water Distribution System	D
Wastewater Treatment Plant	B-
Wastewater Conveyance System	D-
Stormwater Conveyance System	C-
Stormwater Best Management Practices	C

Grading System

A= Exceptional	D= Poor, at risk
B= Good, Adequate for now	F= Failing/Critical, unfit for purpose
C= Mediocre, requires attention	

American Society of Civil Engineers (ASCE) Grade Scale

- A = Exceptional, fit for the future
- B = Good, adequate for now
- C = Mediocre, requires attention
- D = Poor, at risk
- F = Failing/Critical, unfit for purpose



Water Fund – 20 Year Priorities

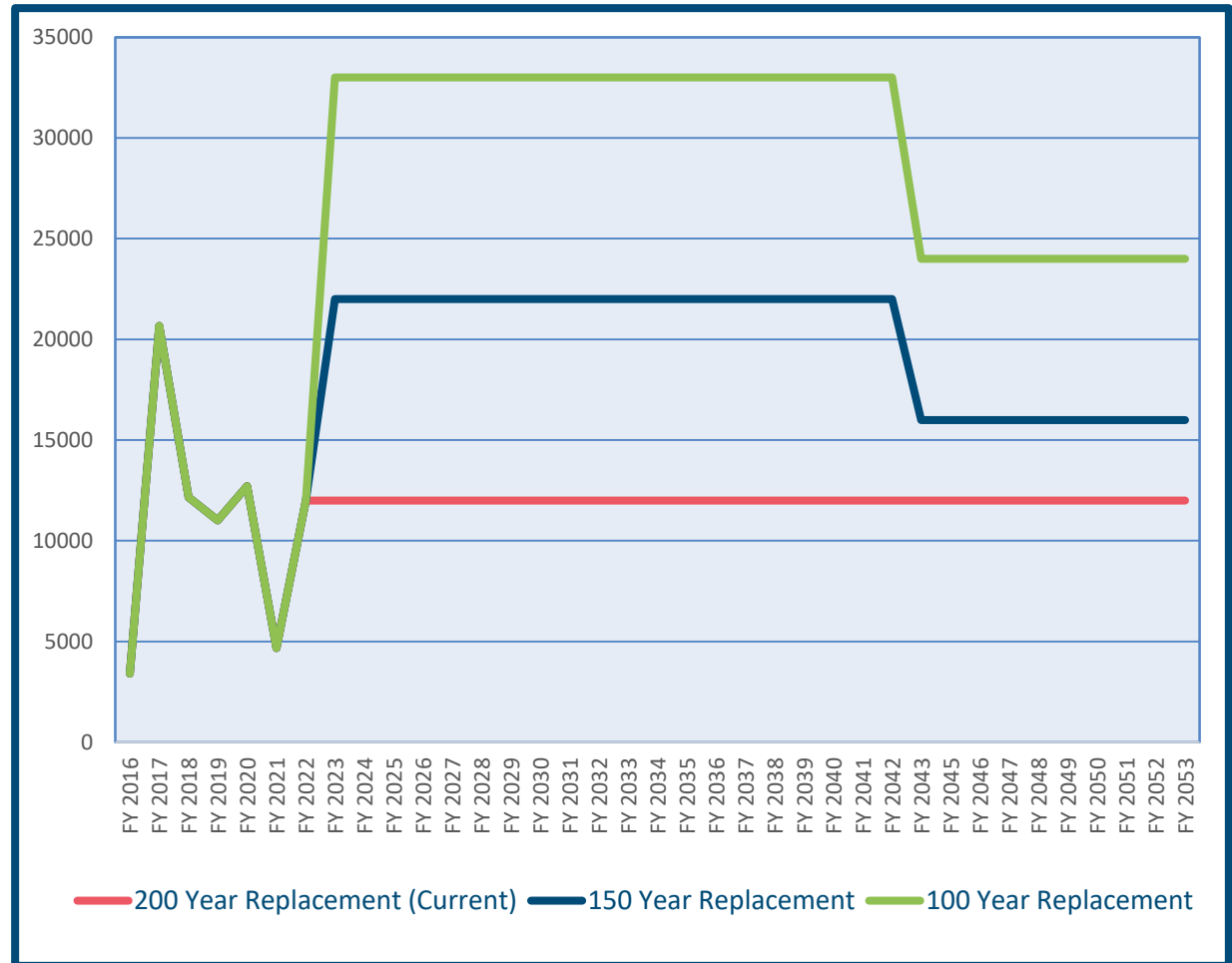
- Waterline Replacement = \$120 million
- Water Distribution System Improvements = \$41 million
- General Facilities Improvements = \$23 million
- Downtown Renewal = \$24 million
- Water Tank Rehabilitation = \$6.3 million
- Water Meter Replacement = \$15.7 million
- Potential Regulatory Requirements (PFAS, Lead and Copper Rule, other) = \$20 million?

Total Projected Water Fund CIP Needs = \$250 million (\$12.5 million per year)



Water Distribution System Replacement Rates

- Current replacement rate = 12,000 feet (annual avg.), approx. 0.5% of water system (200 years)
- 95 miles to “catch-up”
- 150-year replacement cycle = 22,000 ft per year for 20 years then 16,000 ft per year thereafter
- 100-year replacement cycle = 33,000 ft per year for 20 years then 24,000 ft per year thereafter





-
- City of Lynchburg Water Master Plan
2050 Max Day Demand Projection
Per Pressure Zone**
- Legend**
2050 Max Day Demand (GPD)
- 10,000
 - 50,000
 - 100,000
 - 500,000
 - 1,000,000
- Pressure Zone**
- 2 1 0 2 Miles
- WRA**
Figure 2-5



Sewer Fund – 20 Year Priorities

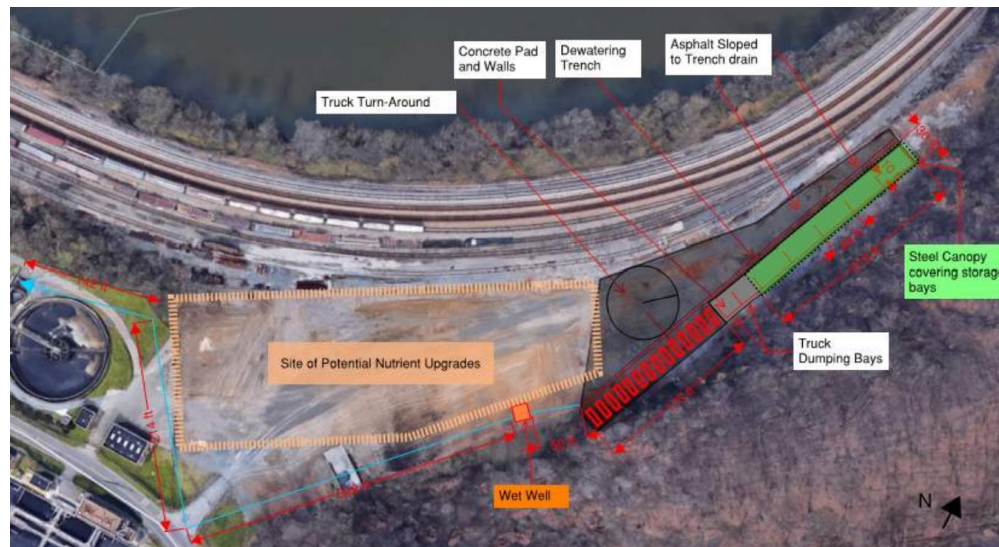
- Complete CSO Program = \$50 million (\$25million State ARPA Funds = \$25 million local)
- Lynchburg Water Resource Recovery Facility – Solids Master Plan = \$63 million
- Sewer System Capacity Improvements = \$22 million
- Sewer Collection System Renewal = \$107 million
- Extending Sewer to Unsewered Areas = \$95.4 million in needs (\$40 million over 20 years)
- Other minor projects = \$12 million
- Potential Regulatory Requirements (Nutrients, PFAS, PCBs, other) = \$100+ million?

Total Projected Sewer Fund CIP Needs = \$394 million (\$19.7 million per year)

Water Resource Recovery Facility

Solids Master Plan

- 70 wet tons per day
- Dispose at: Region 2000 Landfill, Maplewood Landfill, Land Application
- CIP Needs \$63 million
- Evaluating 5 options – looking at life cycle costs. Drier sludge = higher capital cost + lower disposal costs
- Life cycle costs range from \$73M to \$104M



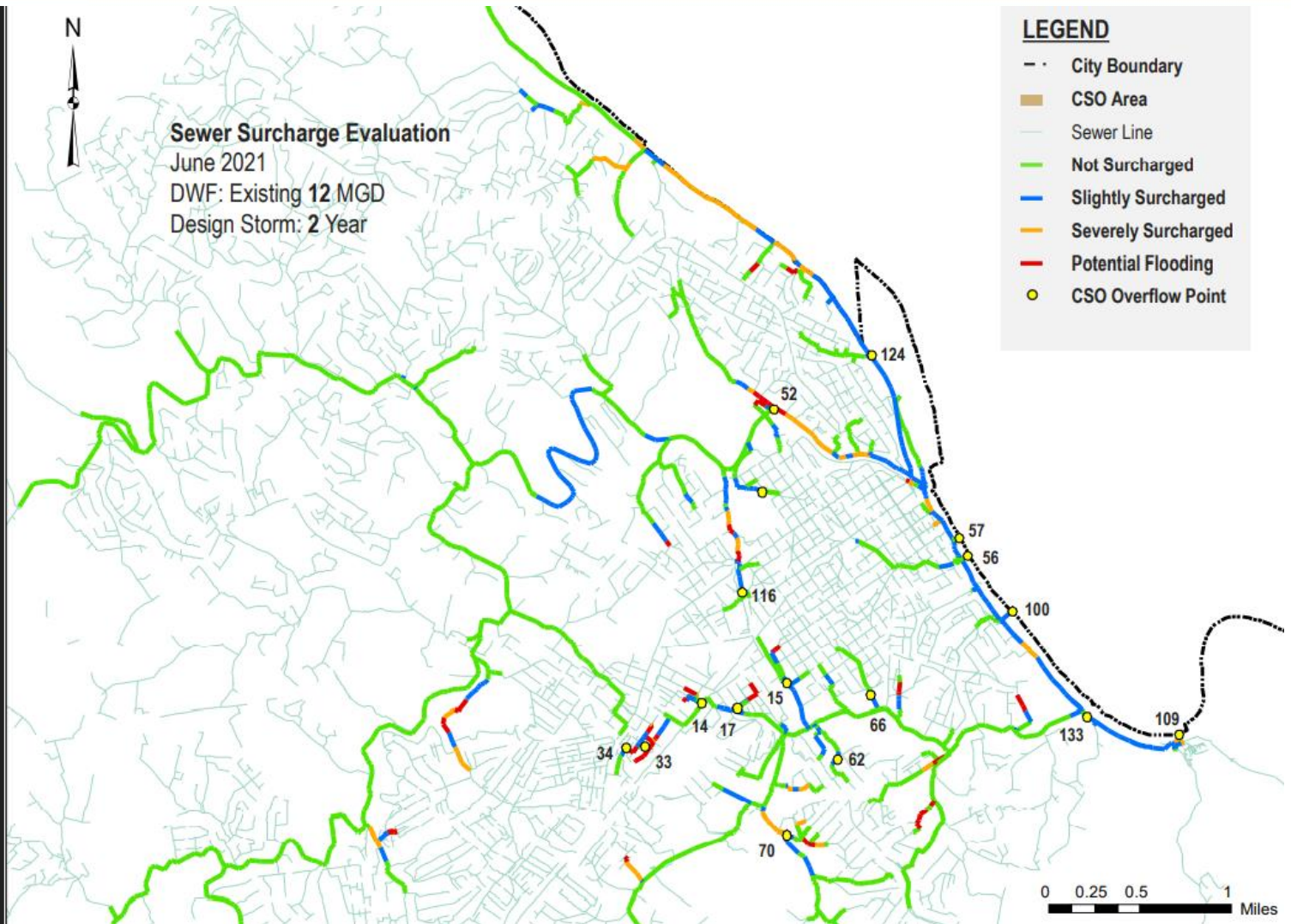


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Sewer Capacity Issues

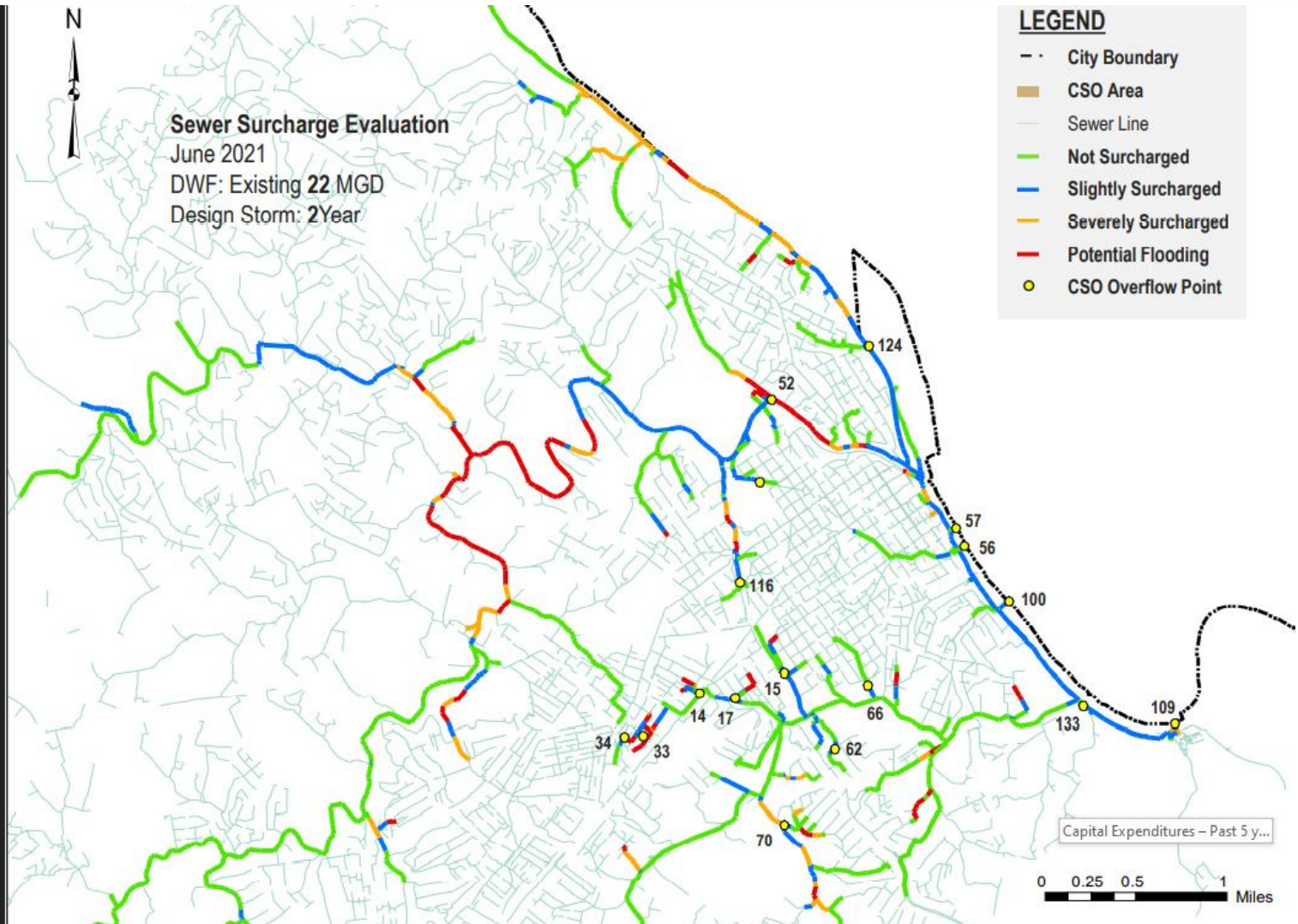


**LOS
Map
Existing
2-yr**



Sewer Capacity Issues


LOS
Map
Future
2-yr





Stormwater Fund – 20 Year Priorities

- Meet current Chesapeake Bay water quality goals, however, more reductions may be required in the future
- Other water quality requirements are pending (PCB Total Maximum Daily Load (TMDL), Benthic (TMDL), etc.
- Compliance with stringent permit requirements
- Green infrastructure maintenance and renewal
- Failing stormwater infrastructure most challenging issue (Currently assessing condition and developing priorities)
- Drainage issues
- Incorporate stormwater improvements into other neighborhood projects
- Overall stormwater infrastructure needs still being determined





Capital Expenditures – Past 5 years

	Water	Sewer	Stormwater
Capital Expenditures - FY20	\$4,427,100	\$28,589,700	\$2,508,500
Capital Expenditures - FY19	4,862,400	17,661,100	841,700
Capital Expenditures - FY18	3,447,300	11,184,700	984,400
Capital Expenditures - FY17	4,650,800	7,704,100	1,804,500
Capital Expenditures - FY16	2,781,100	8,354,500	561,500
Total	\$20,168,700	\$73,494,100	\$6,700,600
Average	\$4,033,740	\$14,698,820	\$1,340,120

Note: Sewer includes \$30 million state grant and Stormwater includes a \$1.69 million in a Stormwater Local Assistance Fund grant

Needed Capital Expenditures

- Sewer = \$19.7 million per year vs. \$14.7 million per year currently
- Water = \$12.5 million per year vs. \$4.0 million per year currently
- Stormwater – Actual spending needs are not yet developed but likely greater than current \$1.3 million per year





Realistic Water Fund Capital Expenditure Goals

- Exclude regulatory upgrades (\$19 million) since they are unknown at this time
- Reduce buried infrastructure replacement/renewal rate to 150-year cycle (\$40 million)
- Reduce general water system renewal (\$6 million)
- Reduce downtown renewal (\$2 million)

Total 20-year CIP = \$183 million or \$9.15 million annually



Realistic Sewer Fund Capital Expenditure Goals

- Exclude regulatory upgrades (\$105 million) since they are unknown at this time
- Reduce buried infrastructure replacement/renewal rate to 150-year cycle (\$14 million)

Total 20-year CIP = \$256 million or \$12.8 million annually



Summary

- Water, Sewer, and Stormwater infrastructure needs are significant
- Each year we are falling further behind in adequately addressing needs (Currently on a 200+ year replacement cycle) - Not sustainable
- We will continue to seek various funding opportunities and develop funding strategies
- We have a history of striving to keep utility rates low, this will continue
- However, we need to commit adequate resources to address infrastructure needs



Discussion & Questions?

