

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 23, 2010, Work Session**

AGENDA ITEM NO.: /

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **FY 2011 Rate Study and Annual Report**

RECOMMENDATION: Proceed to a public hearing regarding the recommendations to increase the water rates and fees, and sewer fees as proposed in the FY 2011 Rate Study and Annual Report.

SUMMARY: This year the Utilities Department has combined the Rate Report and Financial Projections into one document. In addition, we have added a statistical and financial information section of key measures we routinely track to help enhance performance and track various trends such as water consumption, so that we can be more responsive to changing conditions.

The FY 2011 Rate Study and Annual Report includes the following:

1. Executive Summary.
2. Proposed rate increases and comparisons.
3. Capital Projects Discussion.
4. Water and sewer fund statistical and financial data.
5. Financial Projections which include the following:
 - a. Water and sewer fund key assumptions.
 - b. Water and sewer fund capital financing plan.
 - c. Water and sewer operating fund and budget projections.
 - d. Revenue projections.

The utility rate strategy developed for this year continues with the goals to:

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

The recommendations include: a 4 % increase in water volume rate to \$2.22 per h.c.f.; and increases in various other fees to more closely reflect the actual cost of providing the associated services. No increase in the sewer rate is proposed for FY 2011. As a result, the composite water and sewer bill for the typical residential customer increases by slightly over 1%.

PRIOR ACTION(S): None

FISCAL IMPACT: Increase revenues in the Water and Sewer Funds to meet existing operating and capital needs, and meet financial targets.

CONTACT(S): Tim Mitchell, Director of Utilities 455-4252
Greg Poff, Assistant Director of Utilities 455-4249

ATTACHMENT(S): Department of Utilities FY 2011 Rate Study and Annual Report

REVIEWED BY: lkp

**A copy of the Department of Utilities FY
2011 Rate Study and Annual Report may be
reviewed at the Department of Utilities.**

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 23, 2010**

AGENDA ITEM NO.: **2**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **2010 Low Income Housing Tax Credit Projects**

RECOMMENDATION: Receive a report from staff on letters of support provided for 2010 Low Income Housing Tax Credit Program (LIHTC) projects in Lynchburg. Unless Council directs otherwise, letters of support will be sent over the City Manager's signature as indicated below.

SUMMARY: The Tax Reform Act of 1986 established the LIHTC Program to encourage private investment in affordable housing. More specifically, the LIHTC is a dollar-for-dollar reduction in tax liability to the owner of qualified low-income housing development for the acquisition, rehabilitation, or construction of low-income rental housing units. The amount of credits allocated is based directly on the number of qualified low-income units that meet federal rent and income targeting requirements. The Virginia Housing Development Authority is responsible for allocating the credits to developments within Virginia and has established several tax credit pools and a scoring system to determine the allocation through a competitive process. The tax credits apply to the owner's federal tax return.

To qualify for tax credits, a development must meet a number of conditions set forth in Section 42 of the Internal Revenue Code. In particular, the development must provide low-income housing units that meet certain occupancy and rent requirements and must provide localities with an opportunity to comment on the developments under consideration. The specific requirement regarding occupancy can be satisfied in two ways: either at least 20% of the tenants must have an income less than 50% of the Area Median Gross Income (AMGI), adjusted for family size; or, at least 40% of the tenants must have an income less than 60% of the AMGI, adjusted for family size.

An applicant or project receiving a letter of support from the locality will qualify for 50 points. If an opposition letter stating that the development is inconsistent with 1) current zoning or, 2) other applicable land use regulations is written, the development will receive no points. Additionally, if a locality provides no comments or if the letter does not meet the support or opposition criteria required, the application will receive a score of 25 points. The maximum number of points available differs based on the type of tax credit the developer is seeking.

The City has received five notices of potential applicants for the tax credits, as follows:

Project: # Units; Brief Description

1. Frank Roane Apartments: 26 units; rehabilitation of an existing project owned and managed by Lynchburg Covenant Fellowship (a letter of support has already been submitted for this project; additional documentation is not provided with this report)
2. Lynchburg High Apartments: 74 units; rehabilitation of an existing project owned and managed by Lynchburg Covenant Fellowship (a letter of support has already been submitted for this project; additional documentation is not provided with this report)
3. Fort Ave. Lofts: 66 units; development of a former industrial building at 2730 & 2734 Fort Ave.; this project is subject to a rezoning request that will be heard by Council in April or later. It is suggested that no letter of support be provided unless and until the rezoning is approved by Council. Additional information is provided in the attached documentation.

4. Jobbers Overall Apartments: 50 units (16 in an existing building and 34 in new construction); adaptive reuse and new construction at 1421 Kemper Street. Additional information is provided in the attached documentation.
5. Village Oak Townhomes: 100 units; rehabilitation of the existing property by LNDF. Additional information is provided in the attached documentation.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Project letters from VHDA

REVIEWED BY: lkp



February 5, 2010

L. Kimball Payne, III
City Manager
Lynchburg City
900 Church St.
Lynchburg, VA 24504

Re: Fort Ave Lofts
VHDA Tracking Number: 2010-C-95

Dear Mr. Payne:

On February 1, 2010, the Virginia Housing Development Authority (VHDA) sent a letter to inform you that the above referenced development may be submitted to VHDA for a reservation of Low Income Housing Tax Credits. That letter contained certain attachments intended to provide the information you will need in order to comment on this development. **One document, however, was inadvertently omitted from this mailing.** The document that was omitted provided the standard language that should be used to convey locality support or opposition to the development.

The purpose of this letter is to inform you of that omission, and to provide the additional information you will need. Attached you will find the entire set of documents that you should have received in the February 1, 2010 mailing. Please note that the deadline to respond to the proposed development is still April 1, 2010.

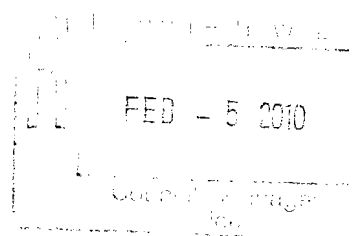
If you have any questions regarding this matter please Jim Chandler at (804) 343-5786.

Thank you again for your time and consideration.

Sincerely,

James M. Chandler
Director of LIHTC Programs

JMC/dlg
Enclosure





February 1, 2010

L. Kimball Payne, III
City Manager
Lynchburg City
900 Church St.
Lynchburg, VA 24504

Re: Fort Ave Lofts
VHDA Tracking Number: 2010-C-95

Dear Mr. Payne:

The above referenced development may be submitted to the Virginia Housing Development Authority (VHDA) for a reservation of Low Income Housing Tax Credits. The tax credits apply to the owner's federal tax return, but the VHDA is responsible for allocating the credits to developments within Virginia. We are required by the Internal Revenue Code to provide localities with an opportunity to comment on the developments under consideration.

You may have already written a letter, which will be included in the application package submitted by the development sponsor, and if so, we appreciate that input. If not, or if you would like to comment further, you may do so at this time. **In order for us to consider your comments in our scoring, we must receive your letter by April 1, 2010.**

Letters that correspond to the attached letter of support will qualify the application for 50 points. If you send an opposition letter stating that the development is inconsistent with (1) current zoning, or (2) other applicable land use regulations, the development will receive no points in this category. Additionally, if you provide no comments or if your letter does not meet the support or opposition criteria discussed above, the application will receive a score of 25 points.

For your reference, we have included development information sheets that briefly explain the development and identify the sponsor. I would encourage you to contact the person listed in the Owner Information Section to achieve a better understanding of the proposed development. A notification letter is also being sent to Joan Foster, Mayor, for informational purposes.

Thank you for your time and consideration.

Sincerely,



James M. Chandler
Director of LIHTC Programs

JMC/dlg
Enclosures



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

Tracking Number: 2010-C-95
Notice Type: 9% Competitive
Cycle Year: 2010
Last Saved: Jan 27, 2010 11:56:35 AM
Last Saved By: jim@landmarkdevelopment.biz

DEVELOPMENT INFORMATION

Name: fort ave lofts
Address: 2730 & 2734 fort ave
lynchburg VA 24501

VHDA Tax Credit Pool: Balance of State
Development Type: Family

Location in which the Deed to Property is or will be Recorded: Lynchburg City

Development Census Tract Number: 007
Located in a Difficult Development Area: No
Located in a Revitalization Area: Yes

Congressional District: 6
Planning District: 11
State Senate District: 23
State House District: 23

Description of Development: up to 66 garden style lofts in former mill site.
adaptive reuse loft apts like i did @ kemper st in
lynchburg

Description of Exterior Finish: existing brick former industrial bldgs
Description of Community Facilities: community room, fitness, computer room,
playground, sitting areas

Description of Heating/AC System: 14+ seer heat pumps

Qualified Census Tract: Yes
High Rise: No
One Story Elderly: No
Single Family Detached: No
Townhouse (Two Story): No
Garden Style: Yes
Slab on Grade: Yes
Elevator: No
Crawl Space: Yes
Basement: Yes



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

Units

New Units:	0
Adaptive Reuse Units:	66
Rehabilitation Units:	0
Total number of all units:	66
Low Income Units:	66
% Low-Income Units:	100%
Property Type:	Adapt

Floor Area

Gross Residential Floor Area:	70,000
Commercial Floor Area:	0
Low-Income Floor Area:	70,000
% Low-Income Unit Floor Area:	100%

Number / Age of Buildings

Number of Buildings:	2
Number of Stories:	1.00
Age of Building(s):	75



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

OWNER & SELLER INFORMATION

Owner Information:

Name: fort ave lofts, llc
Address: 2741 biting road
winston salem, NC 27104
Phone Number: 336-972-4182
Best Person to Contact: jim sari
Entity Type: LLC

List of Principals:

Principal Name:	Phone Number:	Ownership Type:	% Ownership:
jim sari, sari investments,llc	336-972-4182	llc	25
kurt kehoe, ktwo housing group, inc	407-408-8741	corporation	25
tom keady, bainbridgecommunities acquisitions III llc	561-723-6097	llc	50

Seller Information:

Name: tony west
Address: 2600 memorial ave, ste ll1
lynchburg, VA 24501
Phone Number: 434-401-4962

Notice Nature Of Interest Name:	ID of Interest:
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Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

CEO & JURISDICTION INFORMATION

Development Jurisdiction: Lynchburg City

Chief Executive Officer:

Name: kim payne
Job Title: City Manager
Address: 900 church street
lynchburg, VA 24504

Mayor or Chairman of the Board of Supervisors Information

Name: joan foster
Job Title: Mayor
Address: 900 church street
lynchburg, VA 24504

Local Planning / Zoning Contract Information

Name: tom martin
Job Title: Director of Planning
Phone Number: 434-455-3990

Locality CEO Support Letter

(DATE)

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220

VHDA Tracking Number: _____
Development Name: _____
Name of Owner/Applicant: _____

Dear Mr. Chandler:

The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help to meet the housing needs and priorities of (NAME OF LOCALITY). Accordingly, (NAME OF LOCALITY) supports the allocation of federal housing tax credits requested by (NAME OF APPLICANT) for this development.

Yours truly,

(CEO Name)
(Title)



February 5, 2010

L. Kimball Payne, III
City Manager
Lynchburg City
900 Church St.
Lynchburg, VA 24504

Re: Jobbers Overall Apartments
VHDA Tracking Number: 2010-C-64

Dear Mr. Payne:

On February 1, 2010, the Virginia Housing Development Authority (VHDA) sent a letter to inform you that the above referenced development may be submitted to VHDA for a reservation of Low Income Housing Tax Credits. That letter contained certain attachments intended to provide the information you will need in order to comment on this development. **One document, however, was inadvertently omitted from this mailing.** The document that was omitted provided the standard language that should be used to convey locality support or opposition to the development.

The purpose of this letter is to inform you of that omission, and to provide the additional information you will need. Attached you will find the entire set of documents that you should have received in the February 1, 2010 mailing. Please note that the deadline to respond to the proposed development is still April 1, 2010.

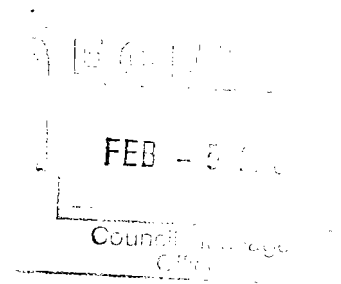
If you have any questions regarding this matter please Jim Chandler at (804) 343-5786.

Thank you again for your time and consideration.

Sincerely,

James M. Chandler
Director of LIHTC Programs

JMC/dlg
Enclosure





February 1, 2010

L. Kimball Payne, III
City Manager
Lynchburg City
900 Church St.
Lynchburg, VA 24504

Re: Jobbers Overall Apartments
VHDA Tracking Number: 2010-C-64

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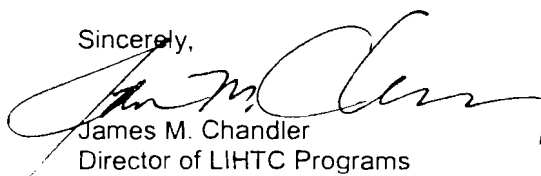
You may have already written a letter, which will be included in the application package submitted by the development sponsor, and if so, we appreciate that input. If not, or if you would like to comment further, you may do so at this time. **In order for us to consider your comments in our scoring, we must receive your letter by April 1, 2010.**

Letters that correspond to the attached letter of support will qualify the application for 50 points. If you send an opposition letter stating that the development is inconsistent with (1) current zoning, or (2) other applicable land use regulations, the development will receive no points in this category. Additionally, if you provide no comments or if your letter does not meet the support or opposition criteria discussed above, the application will receive a score of 25 points.

For your reference, we have included development information sheets that briefly explain the development and identify the sponsor. I would encourage you to contact the person listed in the Owner Information Section to achieve a better understanding of the proposed development. A notification letter is also being sent to Joan Foster, Mayor, for informational purposes.

Thank you for your time and consideration.

Sincerely,



James M. Chandler
Director of LIHTC Programs

JMC/dlg
Enclosures

Project At A Glance:

Name: Jobbers Overall Apartments
Location: 1421 Kemper Street & 1500 Kemper Street
Type: 50 units
Total Dev Cost: Approximately \$9.0 million
Owner/Developer: TCG Development Services, Silver Spring, MD
Blue 22 Development, Durham, NC

The Jobbers Overall Apartments is a combination of the adaptive reuse of the western piece of the Jobbers Overall Co. Suspenders Factory located at 1421 Kemper Street and a new construction component on a one acre tract located in the 1500 block of Kemper Street directly adjacent to the parking lot to the west of the site in between the highway access. We plan on developing approximately 18 units in the factory and 32 units on the site. While the partnership is only purchasing a piece of the factory (the orange building with the flea market located in it) the owner of the connecting piece has agreed to complete any type of renovation work only if it complies with all historic design requirements.

Developer:

The project is a joint venture between Blue 22 Development and TCG Development Services. Combined the two developers have completed over 40 projects and 3,000 units of affordable and mixed-income housing while winning numerous awards in the process. A principal of Blue 22 was involved in the development of Tinbridge Manor, the renovation of the former Tinbridge Hospital on Hollins Street. The development team also intends to include the Lynchburg Neighborhood Development Foundation which will have the option to purchase the property after the required compliance period.

Surrounding Land Uses and Amenities:

The subject site is located within one mile of downtown Lynchburg which is occupied by a range of buildings including: government; churches; restaurants and educational institutions, all within easy walking distance. There is public transportation approximately ¼ mile from the site which makes getting to the downtown amenities quite easy and convenient. The site is not isolated and there are no incompatible uses nearby.

Site Suitability:

There are adequate traffic controls, speed limits and turn lanes located on Kemper Street. The Jobbers Building is currently occupied by some commercial tenants and the current owner of the property has committed to working with the tenants in finding new space. The residents will have ample notice and all current leases will be honored. Due to the fact that the building is still in use there are no known negative environmental issues expected.

Rents:

We have structured the rents to serve a variety of incomes targeting residents at 30%, 50% and 60% of the area median income. The rent levels (utilities included) range from \$450 to \$700. The developer will pay for water and sewer.

Building:

The Jobbers Overall Co. Suspendor Factory was built circa 1920 by Pendleton Clark and an addition was added in 1952. The westernmost portion of the building is flanked by a six bay façade. The building is two stories above Kemper Street with two basement levels. The building has a long gable roof, which was recently renovated, capped by terra cotta tiles. The work spaces within the building are well lit by large steel windows. There are numerous other historic buildings in the near vicinity which also remain.

There will be three buildings; the factory and two additional structures for the approximate 30-32 units. The total square footage is approximately 65,000 and the unit net square footage average will be approximately 1,110 sq. ft. All of the units will be handicapped adaptable; eight of the units will be fully handicapped accessible. The new construction building will be composed of brick and hardi-plank and will have front gables and balconies. A community room, leasing office, computer lab, playground and gazebo will be provided on-site.

Site/Unit Amenities:

Due to the infill location and proximity to downtown and numerous amenities encouraging walking and socializing among residents is important. The site will also have a high-end, very attractive entrance with brick pavers and wrought iron which will act as a gateway into the development. Ample parking will be provided by the existing parking lot so no additional paving will need to be added. All kitchen and laundry appliances will meet the EPA's Energy Star qualified program requirements. All units will also have the infrastructure necessary for high speed cable, DSL or wireless internet service.

Market Need

The project wide capture rate is estimated at less than 5% with a project absorption period estimated at only six months.

The development is located in a Qualified Census Tract and is part of the Kemper Street Industrial Historical District. The Jobbers building is already listed on the National Register of Historic Places. The Kemper Street corridor is rapidly gentrifying with the completion of the Kemper Street Lofts and redevelopment of the Barker Jennings building into condominiums. The project is very unique in its combination of both a new construction component and the adaptive reuse of a historic building.

Project Status:

There are numerous benchmarks which need to be addressed in a timely manner. We will be applying to the Virginia Housing Development Authority (VHDA) for an

allocation of tax credits. These are very competitive and approximately 20% of all projects are awarded. This year will be especially competitive with the Agency having an extremely limited amount of funds available for disbursement. We are seeking from either the city or economic development authority some type of financial assistance which increases one's score in the application process. It is our understanding that the city may have up to \$400,000 in HOME funds available. We feel this development by its location and unique project type would certainly meet the city requirements for affordable housing. We would not seek a grant, but a low interest loan (approximately 2%) which will be paid back from development cash flow over a 30 year amortization period. If the city has impact fees for a new construction component, we would also request a waiver of these which would also meet VHDA requirements for local participation. This development would not commence construction until December 2010 at the earliest and no funds would need to be drawn down until the first quarter of 2011. The city would, however, need to commit these funds by the application deadline which is in early March.

Our resident base is comprised primarily of professionals – teachers, nurses, police officers and the like. The development will provide added tax base during difficult economic circumstances and we will also use local contractors and property management to keep as many jobs in the community as possible.

We feel that this development meets many town initiatives as Lynchburg continues to develop its downtown core and nearby surroundings. With its close proximity to downtown this development would encourage pedestrian activity and growth in the downtown core.

We look forward to working with council, staff and residents in designing the best product possible for the town.



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

Tracking Number:	2010-C-64
Notice Type:	9% Competitive
Cycle Year:	2010
Last Saved:	Jan 26, 2010 3:48:56 PM
Last Saved By:	rosen@tcgdevelopment.com

DEVELOPMENT INFORMATION

Name:	Jobbers Overall Apartments
Address:	1421 Kemper Street Lynchburg VA 24501
VHDA Tax Credit Pool:	Balance of State
Development Type:	Family
Location in which the Deed to Property is or will be Recorded:	Lynchburg City
Development Census Tract Number:	11
Located in a Difficult Development Area:	No
Located in a Revitalization Area:	Yes
Congressional District:	6
Planning District:	11
State Senate District:	23
State House District:	23
Description of Development:	The adaptive reuse of the historic Jobbers Overall Co. Suspenders Factory into 16 units and a new construction component adjacent to the building of 34 units.
Description of Exterior Finish:	Brick & Hardiplank
Description of Community Facilities:	Community room, computer center screened porch, exercise room
Description of Heating/AC System:	Electric Heat Pump
Qualified Census Tract:	Yes
High Rise:	No
One Story Elderly:	No
Single Family Detached:	No
Townhouse (Two Story):	No
Garden Style:	Yes
Slab on Grade:	Yes
Elevator:	Yes
Crawl Space:	No
Basement:	Yes



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

Units

New Units:	34
Adaptive Reuse Units:	16
Rehabilitation Units:	0
Total number of all units:	50
Low Income Units:	50
% Low-Income Units:	100%
Property Type:	New/Adapt

Floor Area

Gross Residential Floor Area:	86,683
Commercial Floor Area:	0
Low-Income Floor Area:	86,683
% Low-Income Unit Floor Area:	100%

Number/Age of Buildings

Number of Buildings:	2
Number of Stories:	1.00
Age of Building(s):	90



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

OWNER & SELLER INFORMATION

Owner Information:

Name: Jobbers Overall, LP
Address: 812 Berkeley Street
Durham, NC 27705
Phone Number: 919-622-2293
Best Person to Contact: Andy Rosen
Entity Type: Limited Partnership

List of Principals:

Principal Name:	Phone Number:	Ownership Type:	% Ownership:
Andy Rosen	919-622-2293	Principal	0
Blue Twenty Two Development LLC	919-622-2293	General Partner	25
Jaime Bordenave	202-667-3002	Principal	0
Peter Behringer	301-563-5562	Principal	0
TCG Development Associates, LLC	301-563-5562	Managing General Partner	75
TCG Development Services, LLC	301-563-5562	Managing Member	0
The Communities Group, Inc.	202-667-3002	Managing Member	0

Seller Information:

Name: Oliver Kuttner
Address: 108 2nd St, NW
Charlottesville, VA 22902
Phone Number: 434-806-2435

Notice Nature Of Interest Name:	ID of Interest:
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Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

CEO & JURISDICTION INFORMATION

Development Jurisdiction: Lynchburg City

Chief Executive Officer:

Name: Kimball Payne
Job Title: City Manager
Address: 900 Church Street
Lynchburg, VA 24504

Mayor or Chairman of the Board of Supervisors Information

Name: Joan F Foster
Job Title: Mayor
Address: 900 Church Street
Lynchburg, VA 24504

Local Planning / Zoning Contract Information

Name: Tom Martin
Job Title: Director of Planning
Phone Number: 434-455-3909



Locality CEO Support Letter

1. General Instructions

- The letter below must be submitted under locality's letterhead.
- **NOTE TO LOCALITY:** Any change in this form letter may result in a reduction of points under the scoring system.
- **NOTE TO OWNER/DEVELOPER:** You are strongly encouraged to submit this certification to the appropriate local official at least three weeks in advance of the application deadline to ensure adequate time for review and approval.

Locality CEO Support Letter

(DATE)

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220

VHDA Tracking Number: _____
Development Name: _____
Name of Owner/Applicant: _____

Dear Mr. Chandler:

The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help to meet the housing needs and priorities of (NAME OF LOCALITY). Accordingly, (NAME OF LOCALITY) supports the allocation of federal housing tax credits requested by (NAME OF APPLICANT) for this development.

Yours truly,

(CEO Name)
(Title)



February 5, 2010

L. Kimball Payne, III
City Manager
Lynchburg City
900 Church St.
Lynchburg, VA 24504

Re: Village Oaks Townhomes
VHDA Tracking Number: 2010-C-78

Dear Mr. Payne:

On February 1, 2010, the Virginia Housing Development Authority (VHDA) sent a letter to inform you that the above referenced development may be submitted to VHDA for a reservation of Low Income Housing Tax Credits. That letter contained certain attachments intended to provide the information you will need in order to comment on this development. **One document, however, was inadvertently omitted from this mailing.** The document that was omitted provided the standard language that should be used to convey locality support or opposition to the development.

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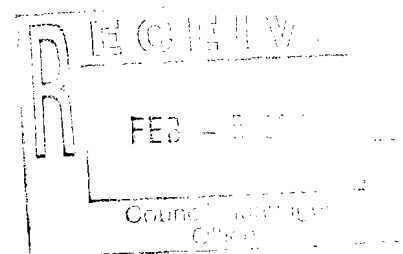
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Thank you again for your time and consideration.

Sincerely,

James M. Chandler
Director of LIHTC Programs

JMC/dlg
Enclosure





February 1, 2010

L. Kimball Payne, III
City Manager
Lynchburg City
900 Church St.
Lynchburg, VA 24504

Re: Village Oaks Townhomes
VHDA Tracking Number: 2010-C-78

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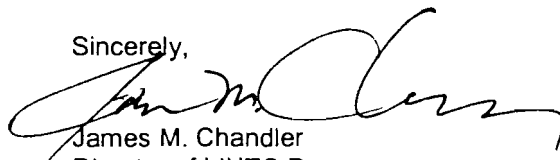
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Thank you for your time and consideration.

Sincerely,



James M. Chandler
Director of LIHTC Programs

JMC/dlg
Enclosures



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

Tracking Number:	2010-C-78
Notice Type:	9% Competitive
Cycle Year:	2010
Last Saved:	Jan 27, 2010 10:35:26 AM
Last Saved By:	csterling@vacdc.org

DEVELOPMENT INFORMATION

Name:	Village Oaks Townhomes
Address:	2101-2207 Murrell Road; 2100-2164 and 2101-2179 Carrington Road; and 2417-2423 Langhorne Road Lynchburg VA 24501
VHDA Tax Credit Pool:	Non-Profit
Development Type:	Family
Location in which the Deed to Property is or will be Recorded:	Lynchburg City
Development Census Tract Number:	0003
Located in a Difficult Development Area:	No
Located in a Revitalization Area:	Yes
Congressional District:	6
Planning District:	11
State Senate District:	23
State House District:	23
Description of Development:	The property consists of 100 apartment units in an existing townhouse and garden-style apartment community built in 1949 during the suburban expansion of Lynchburg. There are 23 residential buildings and a laundry building. The apartments are a mix of 1, 2, and 3-bedroom units.
Description of Exterior Finish:	Brick and siding
Description of Community Facilities:	Office, community center, and open space
Description of Heating/AC System:	Energy efficient heat pumps with air conditioning
Qualified Census Tract:	No
High Rise:	No
One Story Elderly:	No
Single Family Detached:	No
Townhouse (Two Story):	Yes
Garden Style:	Yes
Slab on Grade:	Yes
Elevator:	No
Crawl Space:	Yes
Basement:	No



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

Units

New Units:	0
Adaptive Reuse Units:	0
Rehabilitation Units:	100
Total number of all units:	100
Low Income Units:	100
% Low-Income Units:	100%
Property Type:	Rehab

Floor Area

Gross Residential Floor Area:	55,300
Commercial Floor Area:	0
Low-Income Floor Area:	55,300
% Low-Income Unit Floor Area:	100%

Number/Age of Buildings

Number of Buildings:	24
Number of Stories:	1.00
Age of Building(s):	61



Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

OWNER & SELLER INFORMATION

Owner Information:

Name: Village Oaks Townhomes, LLC
Address: 927 Church Street
Lynchburg, VA 24504
Phone Number: 434-846-6964
Best Person to Contact: Laura N Dupuy
Entity Type: LLC

List of Principals:

Principal Name:	Phone Number:	Ownership Type:	% Ownership:
Lynchburg Neighborhood Development Foundation	434-846-6964	Member	99
Village Oaks Development Corporation	434-846-6964	Managing Member	1

Seller Information:

Name: Village Oaks Associates Limited Partnership
Address: 2309 Heron Place
Lynchburg, VA 24503
Phone Number: 434-385-5938

Notice Nature Of Interest Name:	ID of Interest:
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Locality Notification Information Summary

Date: 1/28/2010
Time: 10:16 AM

CEO & JURISDICTION INFORMATION

Development Jurisdiction: Lynchburg City

Chief Executive Officer:

Name: Kimball Payne
Job Title: City Manager
Address: 900 Church Street
Lynchburg, VA 24504

Mayor or Chairman of the Board of Supervisors Information

Name: Joan F Foster
Job Title: Mayor
Address: 900 Church Street
Lynchburg, VA 24504

Local Planning / Zoning Contract Information

Name: Bonnie Svrcek
Job Title: Director of Planning
Phone Number: 434-455-3900



Locality CEO Support Letter

1. General Instructions

- The letter below must be submitted under locality's letterhead.
- **NOTE TO LOCALITY:** Any change in this form letter may result in a reduction of points under the scoring system.
- **NOTE TO OWNER/DEVELOPER:** You are strongly encouraged to submit this certification to the appropriate local official at least three weeks in advance of the application deadline to ensure adequate time for review and approval.

Locality CEO Support Letter

(DATE)

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220

VHDA Tracking Number: _____
Development Name: _____
Name of Owner/Applicant: _____

Dear Mr. Chandler:

The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help to meet the housing needs and priorities of (NAME OF LOCALITY). Accordingly, (NAME OF LOCALITY) supports the allocation of federal housing tax credits requested by (NAME OF APPLICANT) for this development.

Yours truly,

(CEO Name)
(Title)

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 23, 2009**

AGENDA ITEM NO.: **3**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Creation of an Arts & Cultural District**

RECOMMENDATION: Authorize the development of an ordinance to create an Arts & Cultural District.

SUMMARY: State Code permits localities to create Arts & Cultural Districts to provide incentives to attract and grow arts and cultural organizations. The attraction and growth of artists and cultural organizations will further revitalize Lynchburg's historic downtown, creating an "entertainment cluster", add jobs and increase an important element in Community Livability.

The development of an Arts and Cultural District requires decisions with respect to two issues; the boundaries of the district and any incentives that might be offered to qualified arts organizations.

The ordinance establishing Harrisonburg's Arts & Cultural District is attached for information.

PRIOR ACTION(S): Council has identified this as a potential new initiative.

FISCAL IMPACT: Estimated Amusement Tax collected from existing "qualified arts organizations" in 2009 was \$18,000.00.

CONTACT(S): Marjette G. Upshur – 455-4492

ATTACHMENT(S): Excerpt from the Code of Virginia regarding the establishment of Arts & Cultural District; Harrisonburg Arts & Cultural District information; Outline of an ordinance to establish an Arts & Cultural District

REVIEWED BY: lkp

Excerpt from the Code of Virginia:

§ 15.2-1129.1. Creation of arts and cultural district.

A. Any locality may by ordinance establish within its boundaries an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Each locality may provide incentives for the support and creation of arts and cultural venues in the district. Each locality may also grant tax incentives and provide certain regulatory flexibility in an arts and cultural district.

B. The tax incentives may be provided for up to 10 years and may include, but not be limited to: (i) reduction of permit fees; (ii) reduction of user fees; and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

C. Each locality may also provide for regulatory flexibility in such zone which may include, but not be limited to: (i) special zoning for the district; (ii) permit process reform; (iii) exemption from ordinances; and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

(2001, c. 550; 2005, c. 330; 2006, c. 482; 2007, cc. 236, 251, 280; 2008, c. 290; 2009, cc. 300, 637, 738.)

ORDINANCE ENACTING CHAPTER 5 OF TITLE 9
OF THE
HARRISONBURG CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Chapter 5 of Title 9 be enacted as follows:

TITLE 9
PARKS, RECREATION AND CULTURAL AFFAIRS
CHAPTER 5. ARTS AND CULTURAL DISTRICT

Article A. General Provisions

Section 9-5-1. Purpose.

The City of Harrisonburg finds that the continued development and success of its arts and cultural venues requires incentives, and determines that the most appropriate method of offering incentives for the area described below is to create an arts and cultural district in that area, as authorized by Section 15.2-1129.1 of the Code of Virginia. The City believes that the establishment of an arts and cultural district will improve the economic conditions of this geographic area located in the central portion of the City which could, in turn, benefit the welfare of the citizens of Harrisonburg.

Section 9-5-2. Administration.

The Administrator of the Harrisonburg Arts and Cultural District shall be the City Manager or his designee. The Administrator shall determine the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

Section 9-5-3. Definitions.

For the purposes of this chapter, the phrase below shall have the following meaning, unless clearly indicated to the contrary:

QUALIFIED ARTS ORGANIZATION. The term qualified arts organization shall mean a business or not-for-profit organization physically located within the Harrisonburg Arts and Cultural District which, by the determination of the Administrator, positively contributes to the spectrum of arts and cultural activities and venues available to the public. Examples may include, but are not limited to, theatres, art galleries, museums, and dance studios.

Section 9-5-4. Boundaries.

The arts and cultural district shall be located in the central portion of the City, defined by the following borders. Beginning at the intersection of Washington and Main Streets, the boundary line follows Washington Street northwest to the railroad tracks, then follows the tracks southwest to Rock Street; west along Rock Street to High Street; south along High Street to Grace Street; east along Grace Street to the railroad tracks; follows the railroad tracks southeast through the James Madison University campus to Cantrell Avenue; west along Cantrell Avenue to Mason Street; north along Mason Street to Newman Avenue; east along Newman Avenue to Ott Street; north along Ott Street to Market Street; west along Market Street to Broad Street; north along Broad Street to Elizabeth Street; west along Elizabeth Street to Community Street; north along Community Street to Johnson Street; east along Johnson Street to Harris Street; north along Harris Street to Washington Street; northwest along Washington Street to the intersection with Main Street. All parcels located within the boundaries described above are included in the Harrisonburg Arts and Cultural District.

Section 9-5-5 through 9-5-9. Reserved.

Article B. Tax Exemptions

Section 9-5-10. Taxes eligible for exemption.

1. Business, Professional, and Occupational License taxes and fees

Qualified arts organizations shall be exempted from the payment of the business, professional and occupational license (BPOL) taxes and fees imposed by Chapter 1 of Title 12 of the Harrisonburg City Code for the first three (3) full years following the actual occupation and/or certification of the qualified arts organization within the arts and cultural district. To secure the above exemption, the arts organization shall file all necessary tax applications and apply to the Administrator for certification as a qualified arts organization. Upon certification by the Administrator and proof that no taxes are outstanding at the time of the application, the arts organization shall be entitled to the three (3) year exemption created by this section.

2. Admissions taxes

Qualified arts organizations shall be exempt from the fees for admissions tax imposed by Chapter 2 of Title 4 of the Harrisonburg City Code.

3. Partial exemption for certain rehabilitated, renovated or replacement residential and commercial structures

Title 4, Chapter 2, Article B, Section 28 of the Harrisonburg City Code offers a partial exemption from taxation to qualified applicants within the B-1 Central Business District. Real estate within the arts and cultural district that is either owned or majority leased by a qualified arts organization for use as an arts and cultural venue may also be eligible for the partial exemption. Majority in this section is defined as fifty percent (50%) or more of the total square footage of the structure or structures. All requirements imposed by Chapter 2 of Title 4 of the Harrisonburg City Code shall also apply to arts organizations seeking partial tax exemption under this section of the Code. Upon certification by the Administrator, verification by the Commissioner of the Revenue, and proof that no taxes are outstanding prior to or upon the completion of the rehabilitation, renovation, or replacement project, the qualified arts organization or lessor shall be entitled to the partial exemption for a period no longer than five (5) years.

Sections 9-5-11 through 9-5-19. Reserved.

This ordinance shall be effective July 1, 2001.

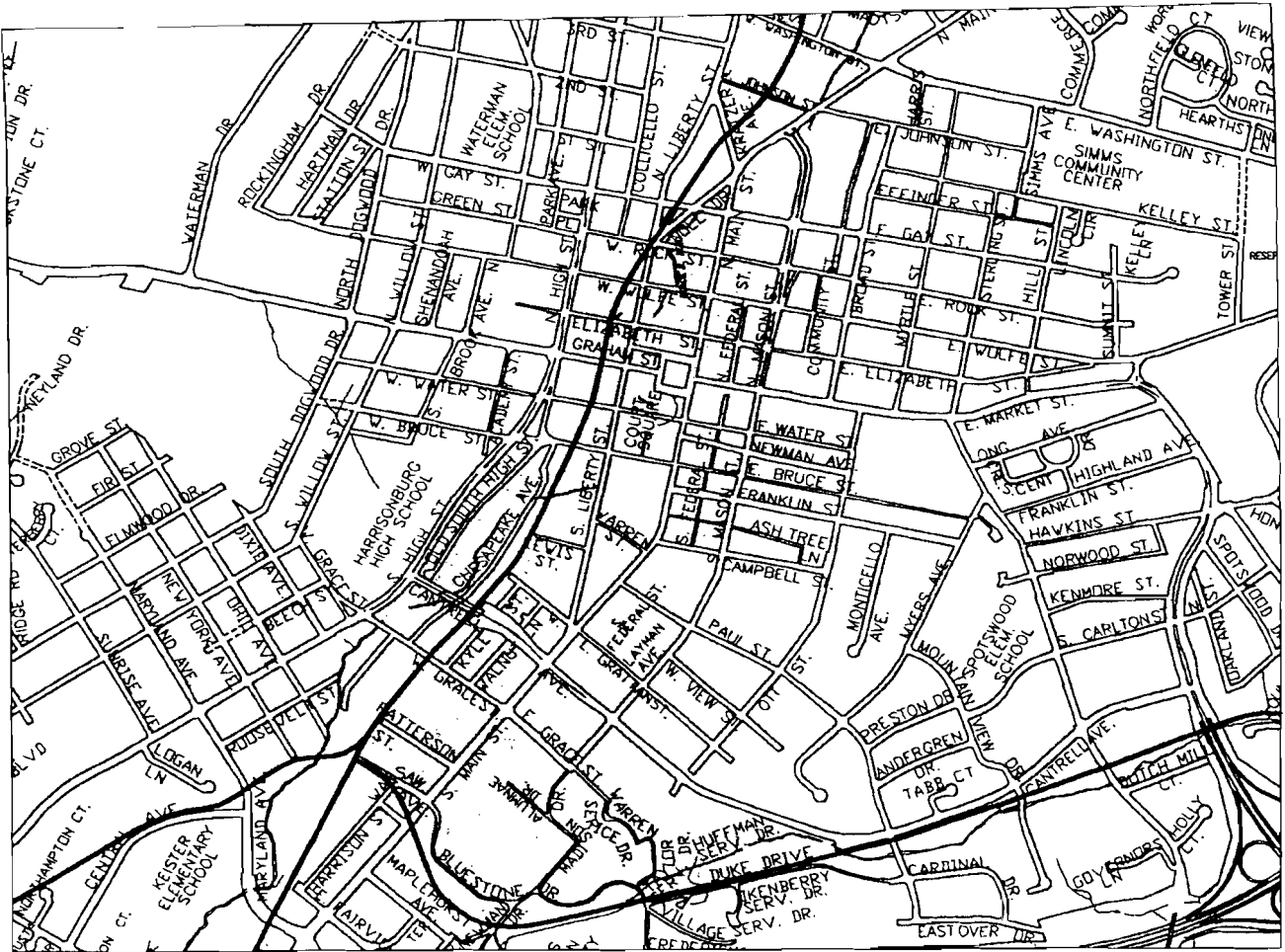
ADOPTED AND APPROVED this 12th day of June, 2001.

MAYOR

ATTEST:

CITY CLERK

Downtown Harrisonburg Arts and Cultural Overlay District



The Downtown Harrisonburg Arts and Cultural Overlay District begins at the north intersection of Washington and Main Streets. The line follows Washington Street west to the railroad track, then follows the track south to Rock Street; west to High Street; south to Grace Street; east to the railroad track; around JMU's bluestone campus to Cantrell Avenue; west to Mason Street; north to Newman Avenue; east to Ott Street; north to Elizabeth Street; west to Community Street; north to Johnson Street; east to Harris Street; north to Washington Street.

Incentives are offered to artists and arts organizations located within this district. For more information, please contact Brian Shull, Harrisonburg Economic Development, at 540-432-7701 or econ_dev@ci.harrisonburg.va.us

Outline of Lynchburg Ordinance Creating Arts & Culture District

Draft: 1-25-10

Purpose and Findings:

It is the goal of this City to create vibrant commercial and residential communities, and to attract new residents, businesses and commerce while retaining and growing those already here.

- Cities that have created arts and culture districts, and supported them with meaningful economic incentives and marketing presence, have found that people and businesses that create arts, culture, and resulting economic activity are drawn to those areas, and populate and develop them;
- Cities that have chosen a focused, contiguous and concentrated arts and culture district have had more success in developing them than have cities with multiple or large districts
- This city seeks to promote the growth of downtown Lynchburg as the center of the city's economic development and arts and culture communities; in pursuit of that goal, the City seeks to encourage the creation of arts, culture, and the businesses and residences that support them in the downtown area.
- The most appropriate method of offering incentives for the area described below is to create an arts and cultural district in that area, as authorized by section 15.2-1129.1 of the Code of Virginia

Creation of District:

Pursuant to Virginia Code Section 15.2-1129.1, the City hereby creates an Arts and Culture district defined as follows:

- Geographic limits: all land and buildings in the Central Business district extending up Fifth Street to Monroe and up Rivermont Avenue to Bedford Avenue.

Administration.

The administrator of the Arts and Cultural District shall be the city manager or his designee. The administrator shall determine the procedures for obtaining the benefits created by this chapter and for the administration of this chapter.

Definitions.

For the purposes of this chapter, the phrase below shall have the following meaning:

Qualified arts organization. The term qualified arts organization shall mean a business or not-for-profit organization physically located within the Arts and Cultural District which, by the determination of the administrator, positively contributes to the spectrum of arts and cultural activities and venues available to the public. Examples may include, but are not limited to, theatres, art galleries, museums, dance studios, music venues, performance spaces, and artists and artisans creating art within the district.

Qualified artist. The term qualified artist shall mean an individual who within the Arts and Culture District. creates visual or performing art such as but not limited painting, sculpture, textiles, dance, or music and derives 50% or more of his or her income from such creative activities.

Taxes eligible for exemption.

(1) Business, professional, and occupational license taxes and fees.

Qualified arts organizations and artists shall be exempted from the payment of the business, professional and occupational license (BPOL) taxes and fees for three full years following the actual occupation and/or certification of the qualified arts organization within the arts and cultural district. To secure the above exemption, the arts organization or artist shall file all necessary tax applications and apply to the administrator for certification as a qualified arts organization. Upon certification by the administrator and proof that no taxes are outstanding at the time of the application, the arts organization shall be entitled to the exemption created by this section.

(2) Admissions taxes.

Qualified arts organizations shall be exempt from the fees for admissions tax imposed by the City Code for up to ten years after certification of eligibility by the Administrator or the fees for admission tax imposed by City Code for up to ten years shall be redistributed to promote and market the district, improve aesthetic infrastructure in the District .

Regulatory Flexibility.

The administrator may also provide for regulatory flexibility in the District which may include, but not be limited to: (i) special zoning for the District; (ii) permit process reform; (iii) exemption from ordinances; and (iv) any other incentive adopted by ordinance.

Promotion

The administrator is authorized to promote the development and visiting of the Arts and Culture District and their benefits through use of appropriate funds, grants and revenues.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of February, 2010, at 5.00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// City Manager Kimball Payne stated that the Proposal to Move Polling Place was requested by Council to be placed on the work session agenda for discussion. Mr. Payne stated that the City Attorney Walter Erwin would be in a better position to brief Council on the Proposal. Mr. Erwin explained options regarding relocating the polling place; the tight timeframe and the public hearing would have to be advertised twice before the February 23 Council meeting; notify the citizens 15 days before voting; allows polling place to be within 1 mile of precinct boundary. Council Member Helgeson made a motion to hold a public hearing; begin the advertisement to hold a public hearing, for the discussion, to relocate the polling place from Heritage Elementary School to Circuit City, which is the old Circuit City building in Candler's Station and to schedule the public hearing for February 23, regarding the relocation of the polling place from Heritage Elementary School to the Circuit City building. The motion was seconded by Council Member Perrow. Several Council Members had concerns regarding the motion (1) this item should be referred to the Electoral Board first to address technical issues; (2) the traffic problem on Candler's Mt. Road; moving the polling place out of the precinct where citizens have voted for many years; (3) it is disadvantageous/disrespectful to the permanent residents of that precinct; (4) "disenfranchised" voters; (5) not to move ahead without formal request and (6) should hear from voters in precinct. Electoral Board Chair Arelia Langhorne was asked questions by Council. After recognizing the Electoral Board, the Registrar and Deputy Registrar, Ms. Langhorne explained some of the concerns: compliance, suitability, 5 polling places in Ward 3, to staff the polling place, election officers and more equipment. Vice Mayor Dodson made a substitute motion to consider moving the polling place to the First Church of the Nazarene, Council Member Gillette seconded that motion. Mayor Foster asked Vice Mayor Dodson if he would consider a friendly amendment to the substitute motion to have the Electoral Board approach The First Church of the Nazarene as having the opportunity to move the polling place from Heritage Elementary School possibility to the First Church of the Nazarene on Wards Ferry Road for the May 4 election and to have a public hearing on February 23 in relation to the proposed change so that it will be enough time to make application to the Federal Justice Department. The friendly amendment was seconded by Council Member Nelson. Mayor Foster called for a vote on the item, Council by the following recorded vote agreed to hold a public hearing to move the polling place from Heritage Elementary School possibility to the First Church of the Nazarene on Wards Ferry Road for the May 4 election:

Ayes: Dodson, Gillette, Helgeson, Nelson, Perrow, Foster 6

Noes: Johnson 1

Council Member Helgeson commented about procedures for voting at Heritage Elementary School and asked Mr. Bill McRorie, representing Liberty University, about the timeline that would be needed to put the paperwork together, to meet a 15 day notice requirement, if Justice Department takes two months and could be asked to expedite the review. Council Member Perrow had some concerns that Heritage may no longer be an adequate place but will support Substitute Motion as a tip in the right direction.

Council Member Nelson's concerns were about the expenditures of taxpayer's dollars on this effort that at best only "might" happen then support substitute motion.

Vice Mayor Dodson restated his motion that the Electoral Board approve The First Church of the Nazarene, have Public Hearing on February 23 for proposed change. Vice Mayor Dodson made the motion and Council Member Gillette seconded. Council Member Helgeson suggested having a backup site and the answer was "No". Mayor Foster called for a vote on the substitute motion, Council by the following recorded vote agreed to hold a public hearing to move the polling place from Heritage Elementary School possibility to the First Church of the Nazarene on Wards Ferry Road for the May 4 election:

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

6

Noes: Johnson

1

//Mayor Foster recognized Alex Jennings and Thacher Jennings of the Mayor's Youth Council.

//Parks and Recreation Director Kay Frazier gave a brief update regarding the proposal to form a recreation Youth Football and Cheerleading League to be managed by the Department of Parks and Recreation. Ms. Frazier explained since the January 12th work session, Parks and Recreation staff and representatives from Hill City Youth Football and Cheerleading (HCYF) have met to discuss the recreation league and a draft agreement was given to HCYF for their consideration. Ms. Krazier stated that at this time, it is the recommendation that the recreation youth football and cheerleading program remain under the management of the Hill City Youth Football and Cheerleading Program. Ms. Frazier went on to say that this recommendation is contingent on both the City and HCYF signing an agreement that formalizes the local governmental and non-governmental partnership and establishes the general terms and conditions that will guide the expectations of both parties and management of a recreation youth football and cheerleading program. Ms. Frazier included in the report information requested by Council on the Adult (16+) Open Gym program. The open gym program has had consistent participation for many years. A youth program is also offered serving for ages 6-18. Both programs are free and open to the general public with no requirement for registration. Several Council Members commented that there had been good progress made and supported the suggestion made by Parks and Recreation Kay Frazier in relation to continue the relationship with Hill City Football for a year obviously with the agreement signed. A motion was made by Vice Mayor Dodson and seconded by Council Member Johnson that the Hill City Youth Football and Cheerleading continues to manage the program, and not the City. After further discussion by Council, City Manager Kimball Payne stated that he wanted to be clear what the motion was and stated the following: The motion is to accept the recommendation which is that the Hill City Youth Football and Cheerleading continues to manage the program contingent on the successful

negotiation of an agreement with the Parks and Recreation Department. Council by the following recorded vote approved the recommendation that the Hill City Youth Football and Cheerleading continues to manage the program contingent on the successful negotiation of an agreement with the Parks and Recreation Department:

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

7

Noes:

0

//City Planner Tom Martin gave an overview of the Proposed Zoning Ordinance Amendment regarding the Institutional Overlay District. Mr. Martin stated that the City's Zoning Ordinance currently requires institutions such as schools, colleges, universities, churches and hospitals to obtain a conditional use permit for expansions depending on the district in which they are located. Mr. Martin explained that the proposed ordinance would create a mechanism that would allow established institutions to develop an overlay district with development standards. Mr. Martin went on to say after consideration and review by the Planning Commission and adoption by City Council, the overlay district and development standards would become the land use regulations guiding future development of the institution. Mr. Martin stated that this would eliminate the need for future and multiple conditional use permits for institutions with an approved institutional overlay district. Mr. Martin stated Section 35.1-17, Amendments of the Zoning Ordinance states that the City Council may initiate an amendment to the text of the Zoning Ordinance provided that its resolution or motion proposing the rezoning shall state the public necessity, convenience, general welfare or good zoning practice constituting the public purpose of such rezoning. Mr. Martin listed the following tentative schedule for the draft Institutional Overlay District to come before City Council for final consideration:

Tuesday, February 9: City Council initiates Zoning Ordinance Amendment.

Wednesday, March 10: Planning Commission Public Hearing.

Tuesday, March 23: City Council Work Session.

Tuesday, April 13: City Council Public Hearing and consideration of adoption

Several Council Members commented that they were glad that they had heard from the stakeholders, which would allow the stakeholders to apply to the overlay district, and no way effect the building, zoning under lining zoning and building permits. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved Resolution #R-10-009 for the Proposed Zoning Ordinance Amendment regarding the establishment of an Institutional Overlay District:

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

7

Noes:

0

//During roll call Council Member Perrow commended the City Manager and City staff, especially Public Works Department, for dealing with all the snow. Council Member Johnson wanted to take a moment and remind Council and City Staff that the City lost two City employees over the weekend and we should honor their lives with a moment of silence at the beginning of our next meeting. Vice Mayor Dodson has been

approached by several caterers in the City regarding meal tax for non-profit, would like opinion from City Attorney and then place it on a future work session if required.

// City Council recessed the meeting at 7:01 p.m.

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

// Copies of the minutes of the January 26, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Commonwealth's Attorney, City Council Report #6 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-010, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$90,253, with \$67,683 reimbursement, to support the Domestic Violence Prosecution Unit:

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

Noes: 0

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-011, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$38,579, with \$19,289 reimbursement, to purchase a Physio LifePak 15 cardiac monitor/defibrillator and a 24 7 Now CentreLearn Learning Management System for the Fire Department:

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

Noes: 0

// In the matter of Juvenile Services, City Council Report #8 was considered. On motion of Council Member Gillette seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-012, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$16,801, with 16,351 reimbursement, to provide support to localities in their efforts to strengthen the local juvenile justice system:

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

Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #9 regarding Program Year 2008 (2008-2009) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. Ms. Svrcek stated that the U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment.

Ms. Svrcek explained that the CAPER describes the City's progress towards the housing and community development goals established within the 2005-2010 Consolidated Plan and the 2008 Annual Action Plan.

The CAPER is for the period of July 1, 2008, through June 30, 2009. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Gillette, Chair of the CDAC, commended the Committee on all the hard work that went into this plan. There was no action taken or required by Council.

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 10 to rezone properties at 4005, 4011, 4015, 4019, 4023, 4101, 4105, 4109, 4115, 4121, 4201, 4205, 4117, and 4225 Hydro Street from I-3, Heavy Industrial District to R-2, Low-Medium Density, Single-Family Residential District, to allow continued use of residential properties as single-family homes. City Planner Tom Martin provided a brief summary regarding the request. Mr. Martin explained although the homes are currently allowed as "nonconforming" uses under the current industrial zoning, the homes may not be enlarged, expanded or rebuilt (unless damaged by acts of God). Mr. Martin went on to say that the proposed rezoning to R-2 would allow for rebuilding or expansion of existing residences "by-right," as well as infill development of new single-family homes on vacant lots, provided the standards of that zoning district are met. Mr. Martin stated that under the Virginia law, in order to justify a downzoning, there must have been a substantial change in circumstances since the previous zoning. On June 3, 2008, FEMA adopted a revised flood study that adjusted the limits of, and removed the properties from the one hundred (100)-year floodplain. Mr. Martin went on to say that prior to the floodplain revision, any addition of earth or the construction of a structure proposed for the properties would have required a conditional use permit (CUP) from City Council for fill within the floodplain; the revision to the flood study negates the need for a CUP. The *Comprehensive Plan 2002-2020* also identifies both Low Density Residential and Resource Conservation uses – not Employment 2 (i.e. industrial) uses – as appropriate for the subject area. Although an industrial zoning designation has been in effect for the subject properties since 1978, the properties never developed as industrial uses and the area has remained a single-family residential neighborhood (with the majority of the homes constructed in the late 1800's and early 1900's). Mr. Martin stated that the Planning Commission recommended approval of the rezoning petition. Mr. Duane Burks a representative of the residents spoke in favor of the rezoning change on Hydro Street. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-10-013, as presented, granting the petition:

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

7

Noes:

0

// Mayor Foster announced that Agenda Item #11 has been removed from the agenda.

// In the matter of Economic Development - General, City Council Report # 12 was considered. On motion of Council Member Joshnson, seconded by Vice Mayor Dodson, Council by the following recorded vote

adopted Resolution #R-10-014, as presented, approving the issuance of not to exceed \$5,000,000 bonds through the Economic Development Authority of Lynchburg, Virginia (EDA), for Lynchburg College.

Council Member Nelson stated that he would refrain from voting on this item due to a conflict regarding the Lynchburg College:

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

// In the matter of Juvenile Services - General, City Council Report #13 was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-015, as presented, amending the FY 2010 Comprehensive Services Act (CSA) Fund budget and appropriating \$370,570, with \$269,182 reimbursement, to increase the amount of local resources:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Planning Commission, Lynchburg Community Action Board and Region 2000 Economic Development Council, and for consultation with legal counsel and briefings by staff members about a specific legal matter, the collection of delinquent accounts by the City, respectively, pursuant to Section 2.2-3711(A)(1)(7) of the Code of Virginia, 1950, as amended.

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

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

// Council Member Gillette made the following motion:

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

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

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

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

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Appointments, and on nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Kevin D. Hooper, to serve on the Planning Commission for a term ending December 31, 2012:

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

Noes: 0

// On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Council Member J. Randolph Nelson to serve on the Lynchburg Community Action Board to fill an unexpired term ending June 30, 2010:

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

Noes: 0

// On nomination of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote appointed Council Member J. Randolph Nelson to serve on the Region 2000 Workforce investment Board to fill an unexpired term ending June 30, 2010:

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

Noes: 0

// The meeting was adjourned at 8:30 P.M.

Interim Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 6th day of February, 2010, at 9:00 A.M., in the Lynchburg Pubic Library, Memorial Avenue, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct City Council's Annual Budget Retreat. The following Members were present:

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

7

Absent:

0

// City Manager Kimball Payne reviewed the agenda and expectations for the day long retreat. The majority of the morning session focused on pre-planning for the FY2011 Budget development. Mr. Payne explained that based on a mid-year look at revenues and expenditures, it will not be necessary to impose furloughs on employees this Spring, this is the result of keeping positions vacant and diligently watching expenditures. Mr. Payne stated that he wanted to commend all City employees for their role in reducing costs and for putting forth the additional effort necessary to maintain excellent service delivery despite staff cutbacks. Mr. Payne went on to say that we are only half-way through the fiscal year and we need to continue to be disciplined and conservation in managing expenditures. Mr. Payne updated Council on the following concerns for next Fiscal Year:

- Debt Service—initial estimates had debt service increasing about \$1.4 million—the actual increase will only be about \$0.785 million due to the utilization of Build America Bonds and the refunding of existing debt
- Employee Compensation & Benefits—VRS rate increase of 2.7% was less than the anticipated 4-5% but will still cost an additional \$1.4 million; General Assembly action could further increase costs. Medical benefits costs are estimated to increase by approximately \$380,000 in the General Fund.
- Energy Costs—increases in excess of 10% have occurred as expected
- Fleet Replacement--\$1.5 million is needed to accomplish the replacement schedule; this is about \$200,000 less than an earlier estimate (eliminated two large snow trucks!)
- Other Post Employment Benefits--\$250,000 should be set aside under the adopted schedule
- State Funding Cuts—as noted previously
- Falling Assessed Values of Motor Vehicles—assessed values have actually shown an increase for about 10% of the vehicles
- Falling property values (Commercial & residential)—real property values are holding steady so far; there is still concern about potential declines in property values; currently we are holding at an overall assessment/sale ratio of 96.5%, for sales since July 1, 2009 compared to the July 2009 assessment.
- Reduction in consumption taxes revenues—sales, meals, and consumer utility taxes are in line with budget estimates; flat but not declining

- Unfunded mandates—a number of bills before the General Assembly would impose new unfunded mandates but nothing of major impact has been adopted yet; there may be some legislation affecting schools
- Infrastructure—Heritage High School, the Grove Street Center, the West Building, City Stadium and a number of bridges need to be addressed; there may be a minimal amount of funds available for pay-as-you-go projects; we are not planning on issuing G.O. bonds in FY 2011 and intend to minimize use of the line of credit
- Loss of Stimulus Funds—this mainly affects schools, although both schools and the City have minimized the use of stimulus funds for ongoing expenditures
- Schools Funding:
 - o Increase in Composite Index—from 0.3327 to 0.3643—potential impact of about \$1.7 million in additional required local effort
 - o State Funding--\$4.9 million reduction based on Governor Kaine's proposed budget
 - o Local Funding--\$3.2 million reduction proposed by City Manager
 - o Additional Costs—approximately \$2 million for VRS and health benefits
 - o Total Deficit--\$10 million
 - o On top of a reduction of approximately \$4.5 million from FY 2009 to FY2010

// Financial Services Director Donna Witt provided an overview regarding the FY 2010 Six Month Revenues and Expenditures Review along with the FY2011 Revenue Budget. Ms. Witt stated that the amended FY 2010 figures reflect Council action to change the Adopted Budget as of December 31, 2009. Ms. Witt also explained that the Revised FY 2010 figures reflect staff projections based on year-to-date information, the current economy, and economic forecasts.

//Director of Human Resources Margaret Schmitt and Director of Communication and Marketing JoAnn Martin did a group exercise in what are the most unconventional, novel, creative or unexpected ideas that would make the most of our available resources, using the Citizens and Employees priority exercise results as a guideline.

// City Council took a brief lunch break and reconvened the meeting at 1:05 p.m.

// The following items were identified for discussion:

- What do we hope to accomplish?
- What would success look like?
- How will we know when we are done?

// City Manager Kimball Payne presented five questions to Council for consideration during the upcoming budget discussion:

- What are Council's priorities with regard to services provided for citizens?
- As cuts are considered, is anything untouchable?

February 6, 2009

- What services, program, or activities can be stopped?
- Are there any new initiatives that Council would like to consider?
- What are Council's Capital Improvement Program priorities?

// The meeting was adjourned at 5:00 p.m.

Interim Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 16th day of February, 2010, at 5:00 P.M., in the Council Chamber, Joan F. Foster, President, presiding. The purpose of the special meeting is to advertise additional polling place alternatives for Precinct 304 (the Heritage Elementary School polling place) for the public hearing currently scheduled for February 23, 2010. The following Members were present:

Present: Helgeson, Nelson, Perrow, Foster 5

Absent: Dodson, Gillette 2

// Mayor Foster opened the special meeting by reading the following statement, the meeting was called at the request of Council Member Helgeson and Council Member Perrow, to consider adding additional alternative polling places for comment during the public hearing scheduled for February 23, 2010. Mayor Foster read e-mail statements from Vice Mayor Dodson and Council Member Gillette who could not attend the meeting due to scheduling conflict.

Council Member Nelson reviewed Council discussion from one week ago related to considering relocating the polling place. Council Member Nelson made a motion stating that "For the benefit and convenience of all registered Liberty University students and in the interests of all citizens, City Council shall proceed with its previous plans to hold a public hearing for relocating the Ward III, Precinct 4 polling place to The First Church of The Nazarene unless there is clear and convincing evidence of a clear and present safety hazard at that site that cannot be corrected before May 4, 2010. If Council resolves tonight that there is such a clear and present safety hazard at that site, then Council will consider alternative polling places at the public hearing already scheduled for February 23, 2010." Mayor Foster seconded that motion.

Council Members discussed the motion that was made by Council Member Nelson. Council Member Helgeson stated that the only purpose of this meeting was to discuss the possibility of adding additional polling locations to the public hearing to be held on February 23. Council Member Helgeson stated a motion was already on the floor and made a substitute motion with the following Resolution: NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council hereby directs that the notice of public hearing advertising the possible change of the location of the voting place for the Fourth Precinct of the Third Ward from Heritage Elementary School to the Lynchburg First Church of the Nazarene be amended to also include the former Circuit City Building in the Candler's Station shopping center and the Fellowship

Hall of Thomas Road Baptist Church as possible locations for the voting place. Council Member Perrow stated that he understands the motion is not to take anything away from the public notice but to add additional locations. Council Member Perrow seconded the substitute motion.

After discussion from Council, Mayor Foster called for a vote on the substitute motion, and the substitute motion failed by the following recorded vote:

Ayes: Helgeson, Perrow	2
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Noes: Johnson, Nelson, Foster	3
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Absent: Dodson, Gillette	2
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// Mayor Foster called for a vote on Council Member Nelson motion, and the motion failed by the following recorded vote:

Ayes: Nelson, Foster	2
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Noes: Helgeson, Johnson, Perrow	3
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Absent: Dodson, Gillette	2
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// The meeting was adjourned at 5:45 P.M

Interim Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 23, 2010**

AGENDA ITEM NO.: 12

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Certified Crime Prevention Community Recertification**

RECOMMENDATION:

Adoption of a resolution approving the Certified Crime Prevention Program Recertification, which is the first step required in the Department of Criminal Justice Services recertification process.

SUMMARY:

The Certified Crime Prevention Community Program, coordinated by the Department of Criminal Justice Services, makes Virginia a national leader in community safety by establishing a benchmark that local communities can meet in terms of providing for the safety of their citizens. It sends a clear signal to criminals that criminal behavior will not be tolerated. The program recognizes and certifies localities that have implemented a defined set of community safety strategies as part of a comprehensive community safety/crime prevention effort. Participation in this program will continue to give Lynchburg a preference in the state criminal justice grant application process. The evaluation and recertification process occurs every three years, and this will be our second time recertifying. The City of Lynchburg is one of only 15 Certified Crime Prevention Communities in the Commonwealth of Virginia.

PRIOR ACTION(S):

The City of Lynchburg was originally certified as a Crime Prevention Community in March of 2001 and was then recertified in June of 2007.

FISCAL IMPACT:

None

CONTACT(S):

Chief Parks Snead, Chief of Police, 455-6104

Cindy L. Kozerow, Crime Prevention Specialist, 455-6145

ATTACHMENT(S):

The Certified Crime Prevention Community Recertification Resolution

REVIEWED BY: lkp

Resolution

WHEREAS, The governing body of the City of Lynchburg is committed to assuring the safety and security of its citizens and the community at large, as evidenced by its having been designated a Certified Crime Prevention Community by the Criminal Services Board; and,

WHEREAS, The governing body continues to support community crime prevention; and

WHEREAS, continued designation as a Certified Crime Prevention Community requires re-certification every three years;

NOW, THEREFORE, BE IT RESOLVED by City Council that our community, the City of Lynchburg wishes to continue to participate in the Certified Crime Prevention Community Program, and that the City Council and law enforcement leadership of this community fully support all reasonable efforts to meet the re – certification requirements established by the Department of Criminal Justice Services and the Criminal Justice Services Board; and

BE IT FURTHER RESOLVED, that re-certification requires the continued existence of a local community crime prevention / community safety council, and this governing body designates the Lynchburg Police Department to continue to represent our community for participation in this program.

Adopted:

Certified:

Clerk of Council

018L



RE-CERTIFICATION RESOLUTION

WHEREAS, The governing body of _____ is committed to assuring the safety and security of its citizenry and the community at large, as evidenced by its having been designated Certified Crime Prevention Community by the Criminal Justice Services Board; and,

WHEREAS, The governing body continues to support community crime prevention; and

WHEREAS, continued designation as a Certified Crime Prevention Community requires re-certification every three year;

NOW, THEREFORE, BE IT RESOLVED by the _____ that our community, _____ wishes to continue to participate in the Certified Crime Prevention Community Program, and that the (City or Town Council; or County Board of Supervisors) and law enforcement leadership of this community fully support all reasonable efforts to meet the re-certification requirements established by the Department of Criminal Justice Services and the Criminal Justice Services Board; and

BE IT FURTHER RESOLVED, that re-certification requires the continued existence of a local community crime prevention/community safety council, and this governing body designates the _____ to continue to represent our community for participation in this program.

This resolution is in full effect upon its adoption this _____ day of _____, 20____

SEAL:

Official

Title

Attest

Title

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **February 23, 2010**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Relocation of the Heritage Elementary School Polling Place**

RECOMMENDATION: Hold a public hearing to receive citizen input on the possible relocation of the polling place for the Fourth Precinct of the Third Ward from Heritage Elementary School to the Lynchburg First Church of the Nazarene.

SUMMARY: During City Council's January 26 work session it was suggested that the Heritage Elementary School polling place be relocated to accommodate the large number of Liberty University students that registered to vote in the 2008 and 2009 elections. City Council agreed to schedule the matter for discussion at its February 9th work session. At the February 9th work session Council voted to advertise and hold a public hearing to receive citizen input on the possible relocation of the polling place from Heritage Elementary School to the Lynchburg First Church of the Nazarene. City Council also requested that representatives of the Lynchburg Electoral Board and the Lynchburg Area Center for Independent Living (LACIL) visit and inspect the First Church of the Nazarene to determine if the proposed location meets the accessibility and other requirements for a polling place. Notice of the public hearing was duly advertised in the *News & Advance* once a week for two successive weeks.

If City Council adopts an ordinance changing the polling place from Heritage Elementary School to the Lynchburg First Church of the Nazarene, the change in location will have to be submitted to the U. S. Department of Justice for approval as required by the Civil Rights Act of 1965. The City will ask for an expedited review in order to utilize the new polling place for the upcoming May election.

PRIOR ACTION(S):

January 26, 2010: City Council agreed to discuss the possible relocation of the Heritage Elementary School polling place at Council's February 9th work session.

February 9, 2010: City Council voted to hold a public hearing on the proposed relocation of the polling place.

February 16, 2010: City Council voted not to advertise additional alternative locations for the polling place.

FISCAL IMPACT:

There will be some additional cost to the City if Council decides to relocate the polling place. For example, the cost of mailing notices to the registered voters of the change in the polling place, but the actual costs associated with relocating the polling place have not been determined at this time.

CONTACT(S): L. Kimball Payne, 455-3990 or Walter C. Erwin, 455-3980

ATTACHMENT(S): Proposed Ordinance

REVIEWED BY:

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 14-34 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE PRECINCTS AND VOTING PLACES WITHIN THE CITY'S THIRD WARD.

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

1. That Section 14-34 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 14-34. Third ward.

The third ward shall be divided into five (5) election precincts, the boundaries of which shall be as follows.

(1) First precinct. All that portion of the third ward lying northwest of the centerline of the line formed by Edley Place and the Norfolk Southern Railroad. The voting place in said first precinct of the third ward shall be at Lynchburg Public Library, 2315 Memorial Avenue.

(2) Second precinct. All that portion of the third ward lying northeast of the centerline of Odd Fellows Road, Perkins Street and Mayflower Drive and southeast of the centerline of the Norfolk Southern Railroad. The voting place in said second precinct of the third ward shall be Fairview Christian Church, 2107 Campbell Avenue.

(3) Third precinct. All that portion of the third ward lying southwest of the centerline formed by Edley Place and Odd Fellows Road (extended) and north of the 1976 corporate limits. The voting place in said third precinct of the third ward shall be Sheffield School, 115 Fenwick Drive.

(4) Fourth precinct. All that portion of the third ward lying south of the tributary of Burton Creek and extending east of the 1976 corporate limits and east of the centerline of Leesville Road and Del Ray Circle and west of the centerline of Candler's Mountain Road. The voting place in said fourth precinct of the third ward shall be ~~Heritage Elementary School, 501 Leesville Road~~ the Lynchburg First Church of the Nazarene, 1737 Wards Ferry Road.

(5) Fifth precinct. All that portion of the third ward lying west of the centerline formed by Leesville Road and Del Ray Circle. The voting place of said fifth precinct of the third ward shall be Heritage United Methodist Church, 582 Leesville Road.

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

Adopted:

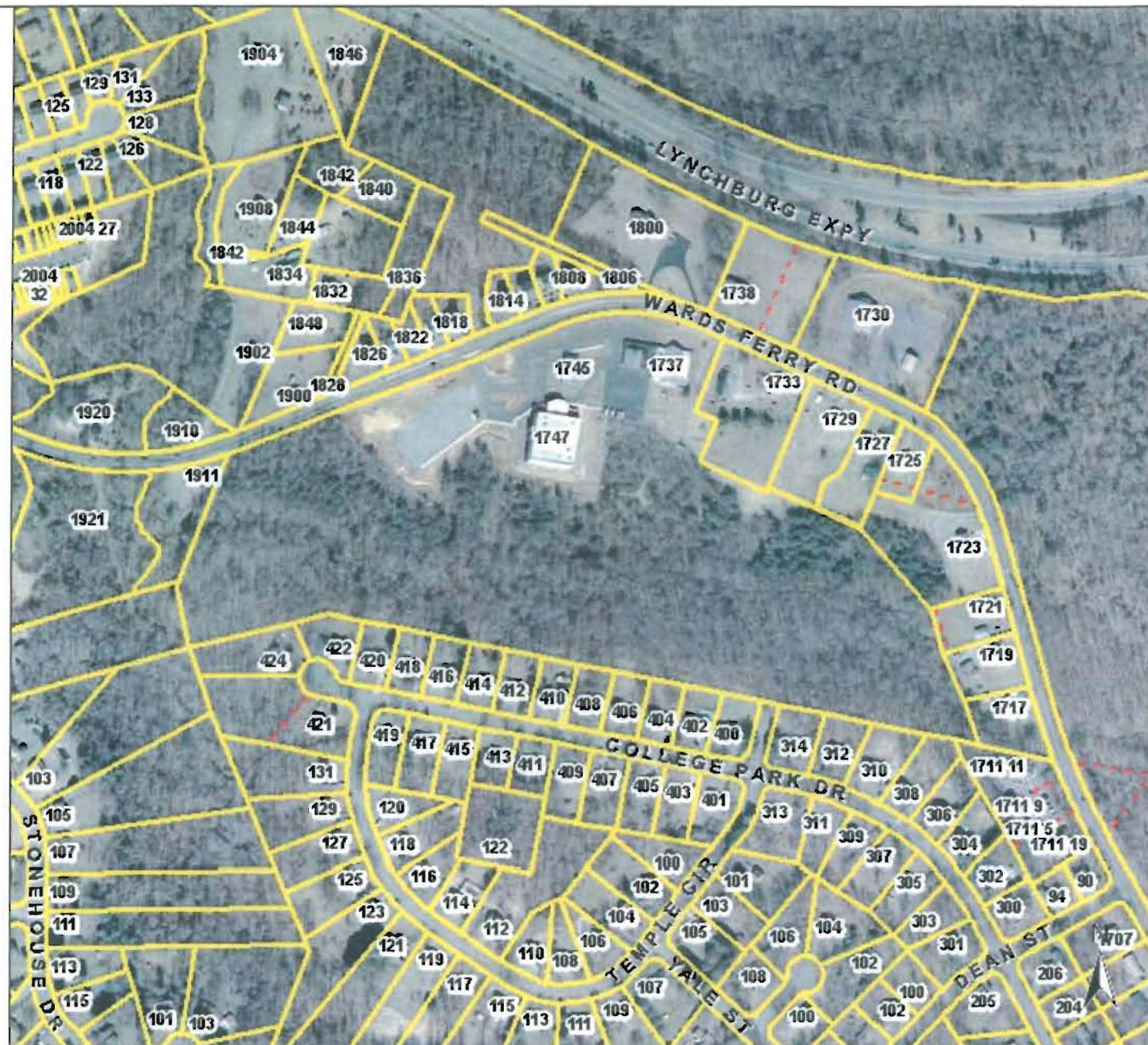
Certified:

Clerk of Council

019L

The City of Lynchburg, VA

- Legend**
- Corporate Limit
 - Addresses
 - Street Labels
 - Vacation
 - Parcels
 - Legal Lot Line
 - Legal Lot Line
 - Vacated Right of Way



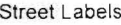
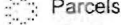
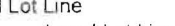
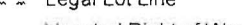
Title: 1737 Wards Ferry RD - Church of the Nazarene Date: 2/10/2010

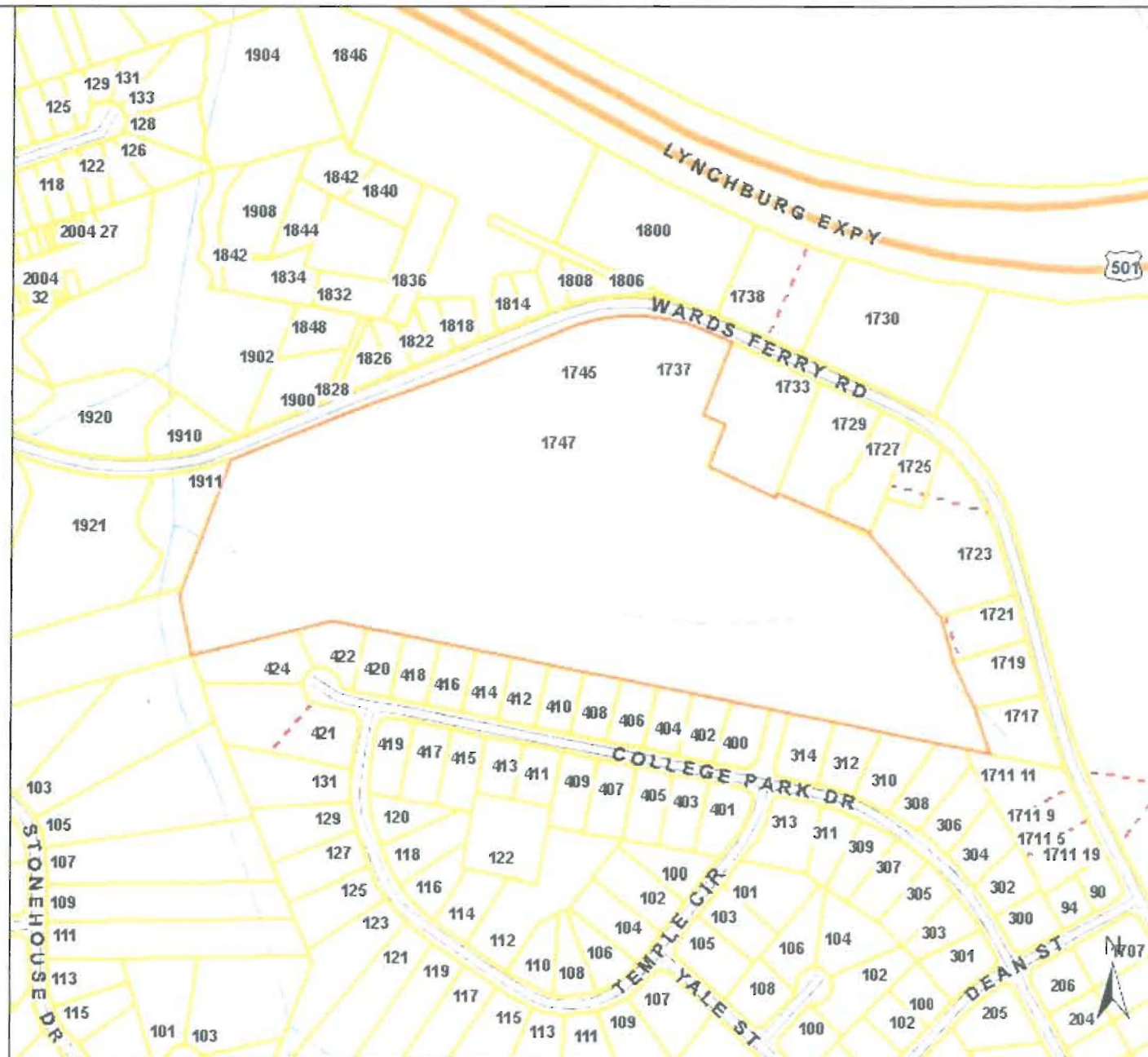


DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and the city of Lynchburg is not responsible for its accuracy or how current it may be.

The City of Lynchburg, VA

Legend

-  Corporate Limit
-  Addresses
-  Street Labels
-  Vacated
-  Parcels
-  Legal Lot Line
-  Vacated Right of Way



Title: 1737 Wards Ferry RD - Church of the Nazarene

Date: 2/10/2010



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