1. 5:00 p.m.

1. City Council Work Session

1. 5:00 – 5:05p.m. Brief Council on Changes to the Sound System in Council Chamber
2. 5:05 – 5:15 p.m. Report from Heritage High School Task Force Steering Committee
3. 5:15 – 6:05 p.m. Update from Historic Preservation Commission
4. 6:05 – 6:55 p.m. Presentation of SWAC Recommendations
5. 6:55 p.m. – 7:00 p.m. Roll Call

1. 7:30 p.m.

1. City Council Agenda Items

1. R E C O G N I T I O N

> 1. Lynchburg Garden Club/Gazebo Garden Project

1. C 0 N S E N T A G E N D A

#6. Consideration of approving the minutes of the January 11, 2011 meeting.

#7. Consideration of adopting a resolution approving a change order for U0192, Knight Street Small Main Replacement, to increase the total contract amount to $552,729.51.

1. G E N E R A L B U S I N E S S

#8. Consideration of adopting a resolution authorizing City Council to serve as the primary mechanism for facilitating citizen participation throughout all stages of the federal government consolidated planning, implementation, and evaluation process for the Community Development Block Grant (CDBG) and HOME Program, until such time as the current Citizen Participation Plan can be amended.

1. P U B L I C H E A R I N G

#9. Public hearing to receive citizen comments regarding the goals for the development of the 2011-2012 Annual Action Plan and adopt a resolution approving the goals.

#10. Public hearing to receive public input regarding the reallocation of the CDBG Program Year 2007-2008 funds in the amount of $100,000 for the Spot Blight Program be reallocated to 2010-2011 Spot Blight Low Interest Loan Program; 2006-2007 HOME Program funds in the amount of $40,273 for The Housing and Development Corporation be reallocated and redirected to the 2006-2007 HOME Program Lynchburg Covenant Fellowship Lynchburg High Apartments Renovation Project; 2008-2009 HOME Program funds in the amount of $40,000 for The Housing and Development Corporation be reallocated and redirected to the 2008-2009 Lynchburg Covenant Fellowship Shalom Apartments Rehabilitation Project.

1. G E N E R A L B U S I N E S S – C O N T I N U E D

#11. Consideration of adopting a resolution approving the Low Pressure Sewer System Policy.

#12. Consideration of adopting an ordinance amending the City Code regarding membership on the Airport Commission.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 2

CONSENT: REGULAR: WORK SESSION: **X** CLOSED SESSION: (Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Status Report from the Heritage High School Task Force Steering Committee**

RECOMMENDATION: No action required.

SUMMARY: School Board member Al Billingsly, Vice-Chair of the HHS Task Force Steering Committee, will provide a brief report on the progress of the committee in developing the task force. Council Member Gillette will be making a similar presentation to the School Board the same evening.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

016L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011**			AGENDA ITEM NO.: 3
CONSENT:	REGULAR:	WORK SESSION: **X**	CLOSED SESSION: (Confidential)
ACTION:		INFORMATION: **X**	

ITEM TITLE: **Update on activities of the Historic Preservation Commission (HPC)**

RECOMMENDATION: Hear presentation concerning the activities of the HPC

SUMMARY: The role of the HPC is to administer the City's Historic Districts Ordinance and to provide professional assistance and guidance to property owners in achieving appropriate alterations to their historic properties. An update to the *Lynchburg Historic Districts Residential Design Review Guidelines* and *Lynchburg Historic Districts Commercial Design Review Guidelines* were adopted by City Council on November 13, 2007.

Dr. James Mundy, PhD, HPC Chairman and Mr. Neil Bohnert, HPC, Vice-Chairman will present information to Council on the following items:

1. The role of the HPC
2. Implementation of the *Residential and Commercial Design Review Guidelines*
3. Notification of new Historic District property owners
4. Historic District Advocates
5. HPC actions for 2010
6. Dealing with non-compliance

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Dr. James Mundy, HPC Chairman, Neil Bohnert, HPC Vice-Chairman

ATTACHMENT(S):

- HPC actions for 2010

REVIEWED BY: bms

014L

HPC Decisions on COA's for 2010

Decision Key- Approved= A Approved w/conditions= A/C Denied=D Denied w/conditions=D/C T=Tabled

Address	Type	Decision	Conditions
509 Cabell	Demolition of porch	A/C	Part of porch remain where there are stairs
102 Oakwood	Replace retaining wall	A	
1313 Pierce	Sign	A/C	Sign design would be approved administratively
Federal Hill	Bronze Markers	A/C	Decision will be left to district associations
303 Washington	Replace fence	A	
2245 Rivermont	Replace doors	A	
603 Grace	Storm Windows & Grates	A	
2935 Rivermont	New Fence	A/C	Final stain color approved administratively
2312 Rivermont	Fill arches with stucco	T	HPC asked applicant to modify request
802 Court	Modified proposed exterior rehab	A	
1524 Rivermont	Remove carport, Install shed	A/C	Shed drawings will be approved at a later date
1311 Madison	New chain-link Fence	D/C	Picket fence facing the street can remain
1121 Harrison	New roof membrane	A/C	Repairs shall include all roofing surfaces
500 Washington	Chicken coop	A/C	Clapboard siding on exterior; paint match house
1919 Rivermont	New horse stables	A	
1917 Rivermont	Replace siding, change balcony	A/C	Replace T111 siding with hardiplank, like colors
603 Grace	Install shutters	A/C	shutters cannot be mixed with grates, if shutters are louvered it must be done within each level
1408 Church	New Driveway	T	applicant needs finer detail on design
1125 Rivermont	Restore side stair	A/C	railing built to guidelines; siding on the landing will be removed
112 Cabell	Remove shed	A	
2058 Garfield	Campus signs	A/C	material should be one that is within guidelines, such as aluminum
1415 Grace	National Register	A	
802 Court	Modified deck design	A	
813 Federal	Demolish shed	A	
1420 Church	Retaining wall veneer	A/C	Material should be made from rocks on the property
2144 Rivermont	Install privacy fence	A/C	Wood should be painted once it has been weathered
1408 Church	Driveway paving surface	A/C	Material will be 78 Brown Crusher Run from Boxley
1414 Church	Driveway paving surface	A/C	Material will be 78 Brown Crusher Run from Boxley
1418 Church	Driveway paving surface	A/C	Material will be 78 Brown Crusher Run from Boxley
860 Victoria	Porch Repair	A	
211 Cabell	Install Deck and Railings	A/C	Advocate will review brick & mortar selection; railing to match house
210 C	New House	A/C	Several conditions; match guidelines for new construction
1504 Grace	Porch Railing	A/C	Picket color match house; hubble house clay on the top & bottom; turn the bottom 2x4
2212 Rivermont	Window replacement	D	
1919 Rivermont	Fence	A	
1015 Rivermont	Exterior Renovation	A	
2705 Rivermont	Demolition of garage	A	
1121 Harrison	Rebuild front steps	A/C	option to fully restore porch to original size

2058 Garfield	National Register	A	
1358 Rivermont	Replace shed	A/C	change siding to horizontal
757 Sandusky	Fence	A	
757 Sandusky	Storage Shed	A/C	roofline match that of the existing classroom
2132 Rivermont	Addition & Deck	A/C	built in accordance with materials submitted
2200 Rivermont	New Carport	A/C	clapboard or a similar material with horizontal siding on the gable
2500 Rivermont	Building Alterations	A	
	Total Applications:	**45**	**A= 17 A/C= 24 D= 1 D/C= 1 T= 1**

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011**			AGENDA ITEM NO.: 4
CONSENT:	REGULAR:	WORK SESSION: **X**	CLOSED SESSION: (Confidential)
ACTION:		INFORMATION: **X**	

ITEM TITLE: **Stormwater Advisory Committee Study Findings and Recommendations**

RECOMMENDATION: No action required.

SUMMARY: Utilities Director Tim Mitchell, CSO Program Manager Jeff Scarano and the Stormwater Advisory Committee (SWAC) will present the stormwater study findings and recommendations to Council for their consideration and approval. The attachments provide a summary of the presentation and additional background information.

PRIOR ACTION(S): July 13, 2010 Council work session presentation.
September 28, 2010 Council work session presentation.
December 14, 2010 Council work session update (document only).

FISCAL IMPACT: N/A

CONTACT(S): Tim Mitchell, 455-4252; Jeff Scarano, 455-4281

ATTACHMENT(S): Presentation and Summary Paper

REVIEWED BY: lkp

Attachment A- Code of Virginia

§ 15.2-2114. Regulation of stormwater (emphasis added).

A. ***Any locality, by ordinance, may adopt a stormwater control program*** consistent with Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of Title 10.1, or any other state or federal regulation, by establishing a utility or enacting a system of service charges. ***Income derived from these charges shall be dedicated special revenue*** and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Engineering and design, debt retirement, construction costs for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, whether publicly or privately owned, that serve to control stormwater; however, prior to adoption of any ordinance pursuant to this section related to the enlargement or improvement of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing;
4. Facility maintenance, including the maintenance of dams, whether publicly or privately owned, that serve to control the stormwater; however, prior to adoption of any ordinance pursuant to this section related to the maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing;
5. Monitoring of stormwater control devices;
6. Pollution control and abatement, consistent with state and federal regulations for water pollution control and abatement; and
7. Planning, design, land acquisition, construction, operation and maintenance activities.

B***. The charges may be assessed to property owners or occupants***, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), ***and shall be based upon their contributions to stormwater runoff***; however, prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication. ***A locality adopting such a system shall provide for full waivers of charges to federal, state, or local government agencies when the agency owns and provides for maintenance of storm drainage and stormwater control facilities or is a unit of the locality administering the program.*** A locality shall also provide full waivers of charges for roads and public street rights-of-way that are owned and maintained by state or local agencies. ***A locality adopting such a system shall also provide for full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. The locality shall***

base the amount of the waiver in part on the percentage reduction in both stormwater flow and pollutant loading, from predevelopment to postdevelopment. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required by statute or regulation. A locality adopting such a system may also provide for full waiver of charges to cemeteries. Income derived from service charges may not exceed the actual costs incurred by a locality operating under the provisions of this title.

C. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

D. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

E. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

(1991, c. 703, § 15.1-292.4; 1994, cc. 284, 805; 1997, cc. 331, 587; 1998, c. 182; 2003, c. 390; 2004, c. 507; 2005, c. 313; 2006, c. 11; 2009, c. 703.)

City of Lynchburg

Stormwater Management

Stormwater Advisory Committee

Presentation to City Council

January 25, 2011

THE CITY OF LYNCHBURG

CDM

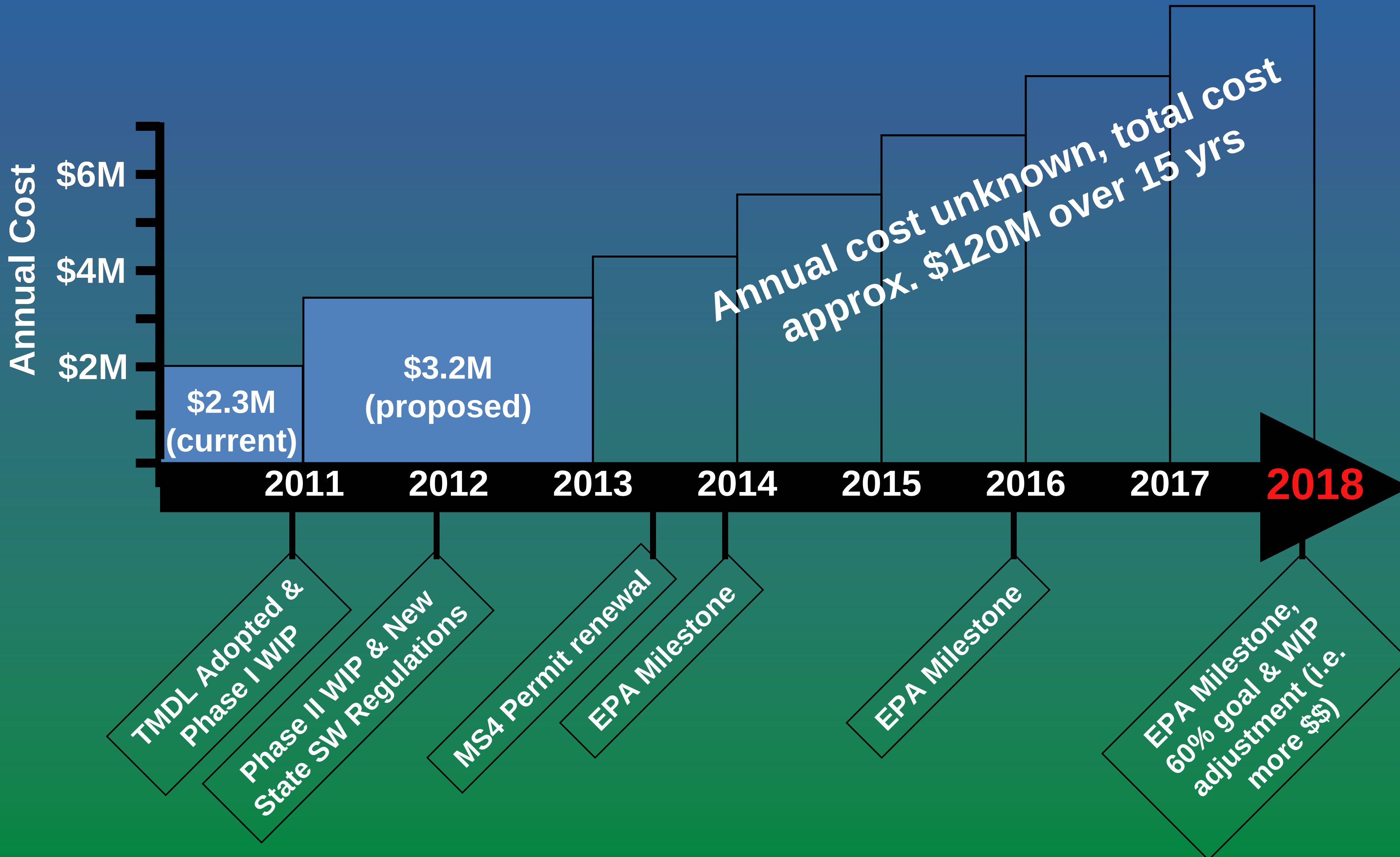
Guiding Principles

- Provide services that promote the health, safety and prosperity of the city.
- Manage the city’s stormwater needs and infrastructure effectively and efficiently.
- Comply with environmental regulations.
- Engage State and Federal regulators to keep the city well-positioned on future issues.
- Fairly and equitably charge for services provided.
- Educate and engage the public.

Stormwater- Why Here, Why Now?

- Current organization is decentralized, funding is non-dedicated, services provided are minimum required, no dedicated staff.
- Existing stormwater infrastructure needs have been essentially ignored.
- New regulations will require significant investment on stormwater and come with increased oversight and accountability.
- Being proactive will allow the city to qualify for future funding.

TMDL Timeline



Compliance Language in City’s NPDES Permit

4VAC50-60-1220. of NPDES General Permit

“The failure to provide adequate program funding, staffing or equipment maintenance shall not be an acceptable explanation for failure to meet permit conditions.”

Virginia Dedicated Stormwater Funding Programs

- **16 programs have dedicated funding**
  - 13 are fee-based
  - 3 are tax-based ★
- **Two communities have pending fee programs and two are evaluating options**

City/County	Population	Funding Method	Status
Fairfax County ★	1,015,302	Dedicated Tax	Implemented
Virginia Beach	435,619	User Fee (ERU)	Implemented
Prince William County	379,166	User Fee (ERU)	Implemented
Loudoun County	301,171	User Fee (ERU)	Implemented
Henrico County	296,415	n/a	Feasibility
Norfolk ☆	229,112	User Fee (ERU)	Implemented
Chesapeake	220,560	User Fee (ERU)	Implemented
Arlington County ★	217,483	Dedicated Tax	Implemented
Richmond ☆	192,913	User Fee (SFU)	Implemented
Newport News ☆	178,281	User Fee (ERU)	Implemented
Hampton ☆	145,017	User Fee (ERU)	Implemented
Alexandria ★	143,885	Dedicated Tax	Implemented
Portsmouth ☆	101,377	User Fee (ERU)	Implemented
Roanoke ☆	91,552	n/a	Pending
Suffolk	81,071	User Fee (ERU)	Implemented
Lynchburg ☆	72,000	n/a	Feasibility
James City County	63,735	User Fee (ERU)	Implemented
Charlottesville ☆	41,487	n/a	Pending
Staunton ☆	23,853	User Fee (SFU)	Implemented
Colonial Heights	17,768	User Fee (ERU)	Implemented

☆ - Virginia First City

Purpose of the Stormwater Advisory Committee (SWAC)

- To represent a wide cross-section of interest groups.
- To engage public participation.
- To make recommendations on the following:
  - Stormwater management priorities;
  - Appropriate and affordable level of service;
  - Level of interest in public participation in stormwater management program activities;
  - Recommendations of various stormwater management needs assessments, regulations and policies, financial requirements, and funding mechanisms.

Key Project Findings

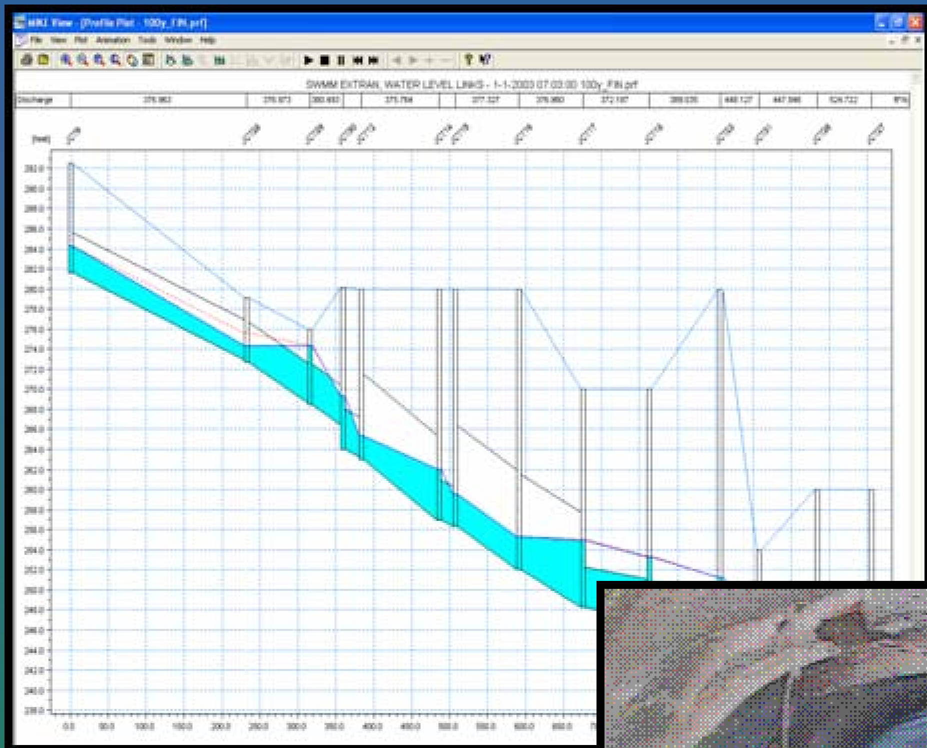
1. The current program provides the minimum for existing regulatory and permit compliance.
2. The majority of the SWAC recognized the need for a higher level of service.
3. Current resources are not sufficient to meet pending regulatory requirements.
4. A user fee is more equitable than a tax to fund stormwater management.

The City's Stormwater Level of Service Should Be Increased to a LOS 3.5

Level of Service	*Program Management*	*Regulatory Compliance*	*Operation and Maintenance*	*Capital Improvement Projects*	*Total Program Cost*
5	$1,137,000	$828,000	$1,712,000	$854,000	$4,531,000
	Comprehensive Planning & Full Implementation Capabilities	Exemplary Permit Compliance	Fully Preventative/ 100% Routine	Prioritized / Fully-Funded	
4	$790,000	$530,000	$1,487,000	$754,000	$3,561,000
	Pro-Active Planning & Systematic CIP Implementation Capabilities	Pro-Active Permit Compliance	Mixture of Routine and Inspection Based	Phased Implementation / Allocated Budgets	
3.5	*Preferred LOS per SWAC Recommendation* *				*$3,206,000*
3	$551,000	$384,000	$1,262,000	$654,000	$2,851,000
	Priority Planning & Partial CIP Implementation Capabilities	Full Permit Compliance	Mixture of Inspection and Responsive Based	Complaint, Inspection-Based / Moderate Budget	
Existing LOS (2.5)	$342,000	$290,000	$1,146,000	$554,000	$2,332,000
	Well-Trained, In-House Staff Minimal Long Range Planning	Minimum Permit Compliance Resources At Capacity	Limited Routine Activities Lack of Dedicated Resources	Critical Needs Only / Minimum Budget	

Note*: The SWAC ranked Program Management and O&M as the highest priority program elements for the early phases of the improved stormwater program.

Master Planning and Condition Assessment Should Be Prioritized Early in the Program



A Stormwater User Fee is Recommended to Fund a Portion of the Stormwater Program**

Tax Based Systems

- **Advantages**
  - Billing System Already In Place
  - Easier to Collect and Administer
  - Can Be Sufficient for All Services
- **Disadvantages**
  - Not Equitable
  - Typically Not Dedicated*
  - Requires Increase in Real Property Tax

User Fee Based Systems

- **Advantages**
  - **Equitable (i.e., Fee Related to Service Provided)**
  - Stable & Dedicated Funding for All Program Services
  - Incentivizes Good Practices On-Site
- **Disadvantages**
  - Potential Startup Costs
  - New Funding Mechanism and Associated Fee

***It is not typical for taxes to be dedicated for stormwater only, although there are three examples in Virginia where this is the case.**

****Three SWAC members did not support a user fee system, seven SWAC members did not indicate a preference.**

A Funding Program that Leverages Multiple Sources is Preferred*

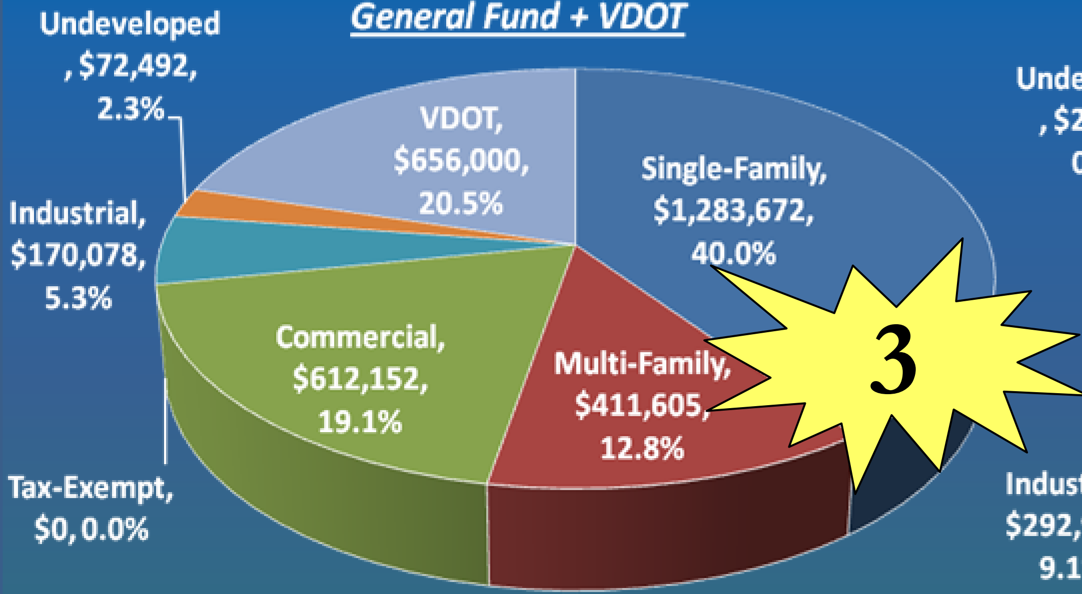
	LOS 3.5* Keep GF & VDOT	LOS 3.5 Fee & VDOT	LOS 3.5 Fee Only
Stormwater User Fees	$ 1,750,000	$ 2,550,000	$ 3,206,000
General Fund (property taxes)	$ 800,000	$ 0	$ 0
VDOT & Misc.	$ 656,000**	$ 656,000*	$ 0
Total	$ 3,206,000	$ 3,206,000	$ 3,206,000
Approximate Monthly User Fee:	$3.00 per SFU	$4.00 per SFU	$5.00 per SFU

Notes:

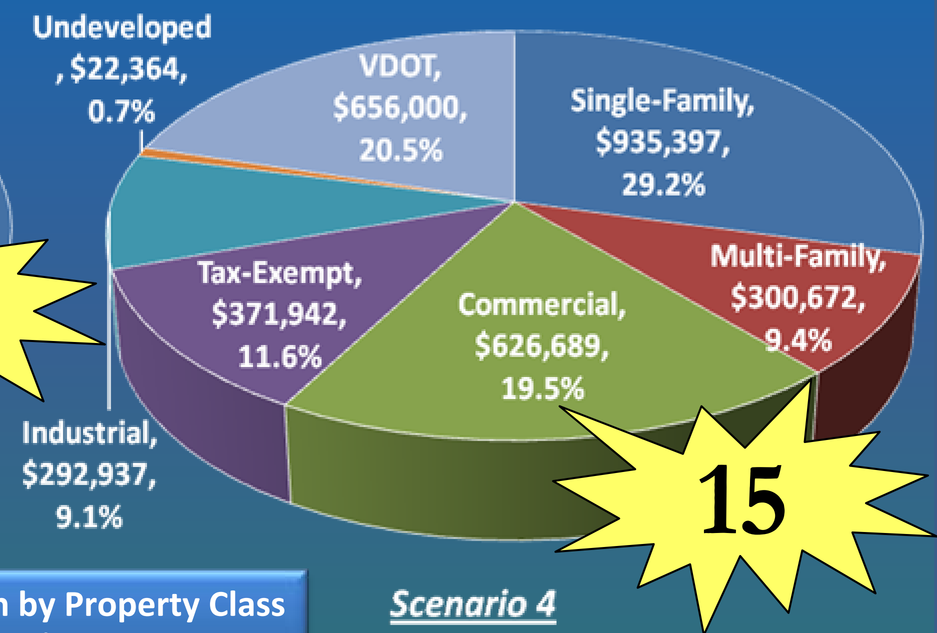
* Four SWAC members did not support the 3.5 LOS- one preferred a 4.0 LOS, two preferred a 3.0 LOS, and one preferred the existing 2.5 LOS. Seven SWAC members did not indicate a preference.

** VDOT reimbursement amount may vary annually based on available funding

Scenario 1
General Fund + VDOT

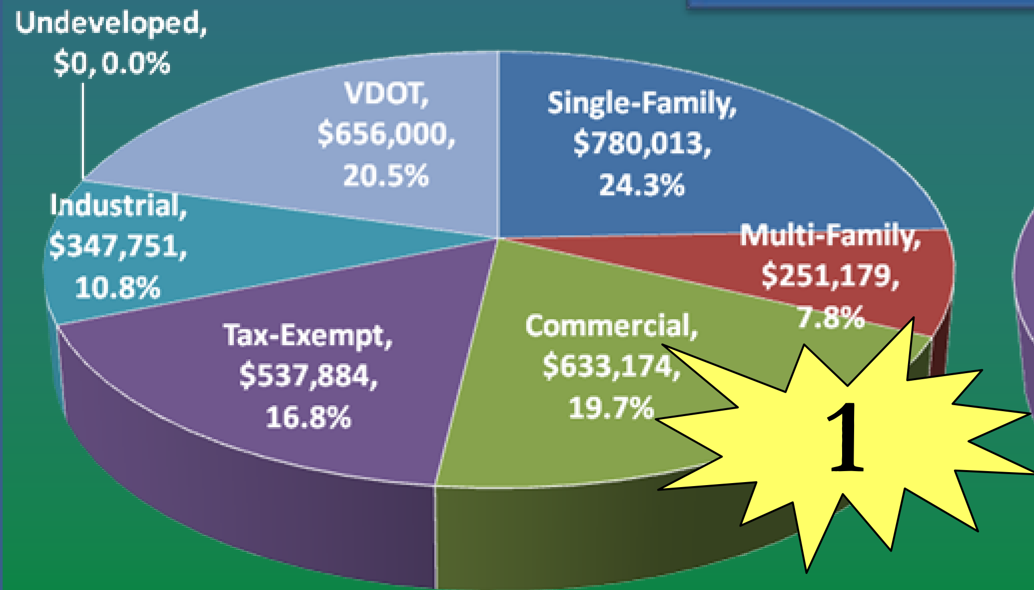


Scenario 2
General Fund + VDOT + User Fees

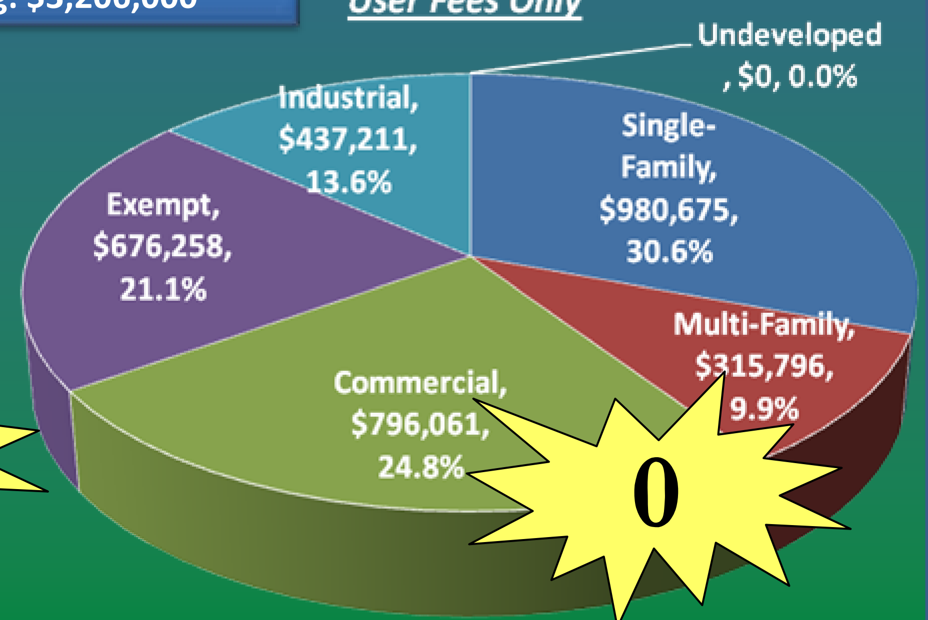


Fund Contribution by Property Class
Total Funding: $3,206,000

Scenario 3
User Fees + VDOT

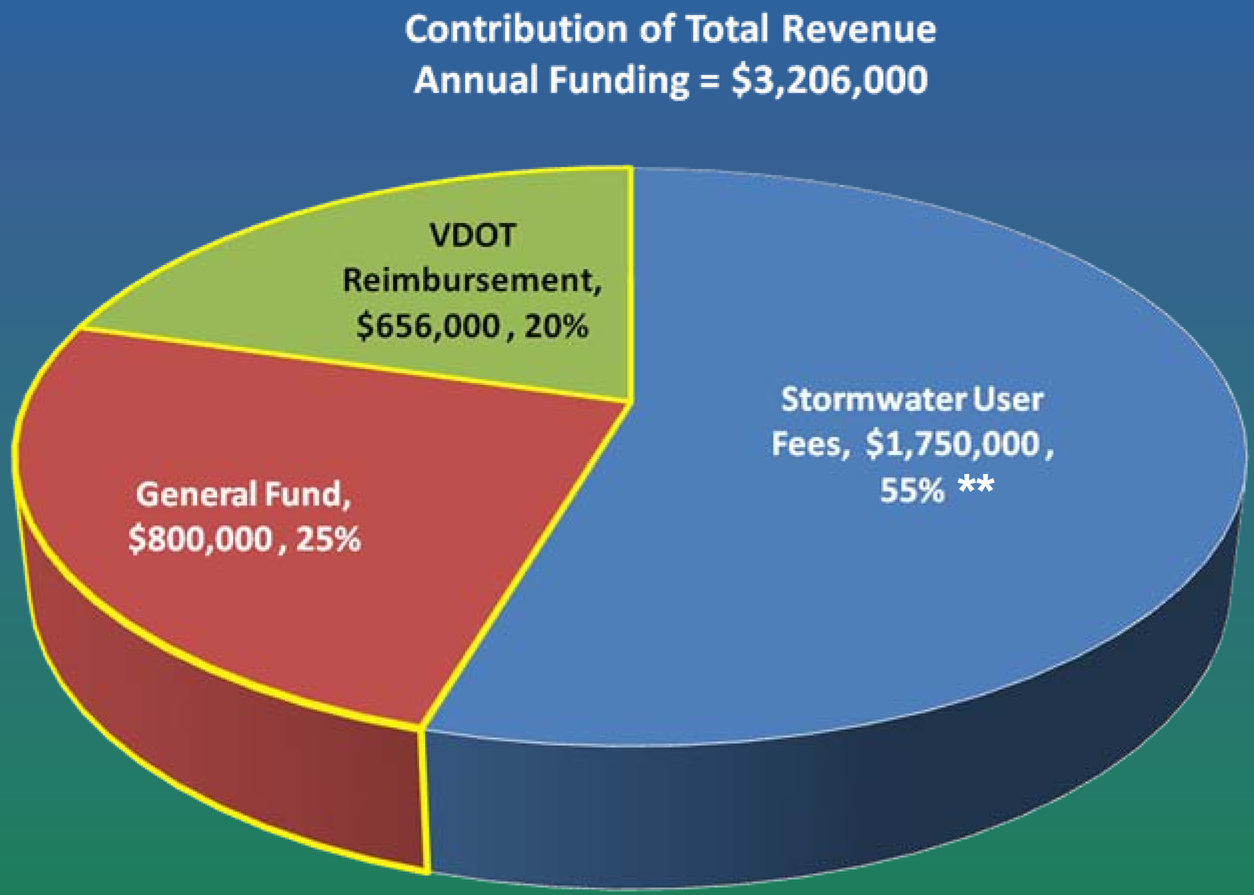


Scenario 4
User Fees Only



Note: Seven SWAC members did not indicate a preference for a funding scenario.

Proposed Funding Scenario Supported by Majority* of SWAC Members



Note: *Four SWAC members did not support this funding scenario and seven SWAC members did not indicate a preference for a funding scenario.

**The SWAC proposed that the User Fee be capped at 55% of the total annual program cost.

Fee Credits Shall Be Offered for On-Site Reductions in Runoff and Pollution

- **Structural Stormwater Controls for Quantity and/or Quality**
  - Stormwater ponds, wetlands, low impact development (LID) practices
- **Non-Structural Stormwater Controls**
  - Permit holders, education, lawn care management, and maintenance programs

Note: Fee Credits are required by Virginia State Law (§ 15.2-2114) for Stormwater Utility Programs

A Tiered Rate Structure is Recommended for Single-Family Residential Customers

Tier 1

< 1,293 Sq. Ft. = 0.5 SFU

Tier 2

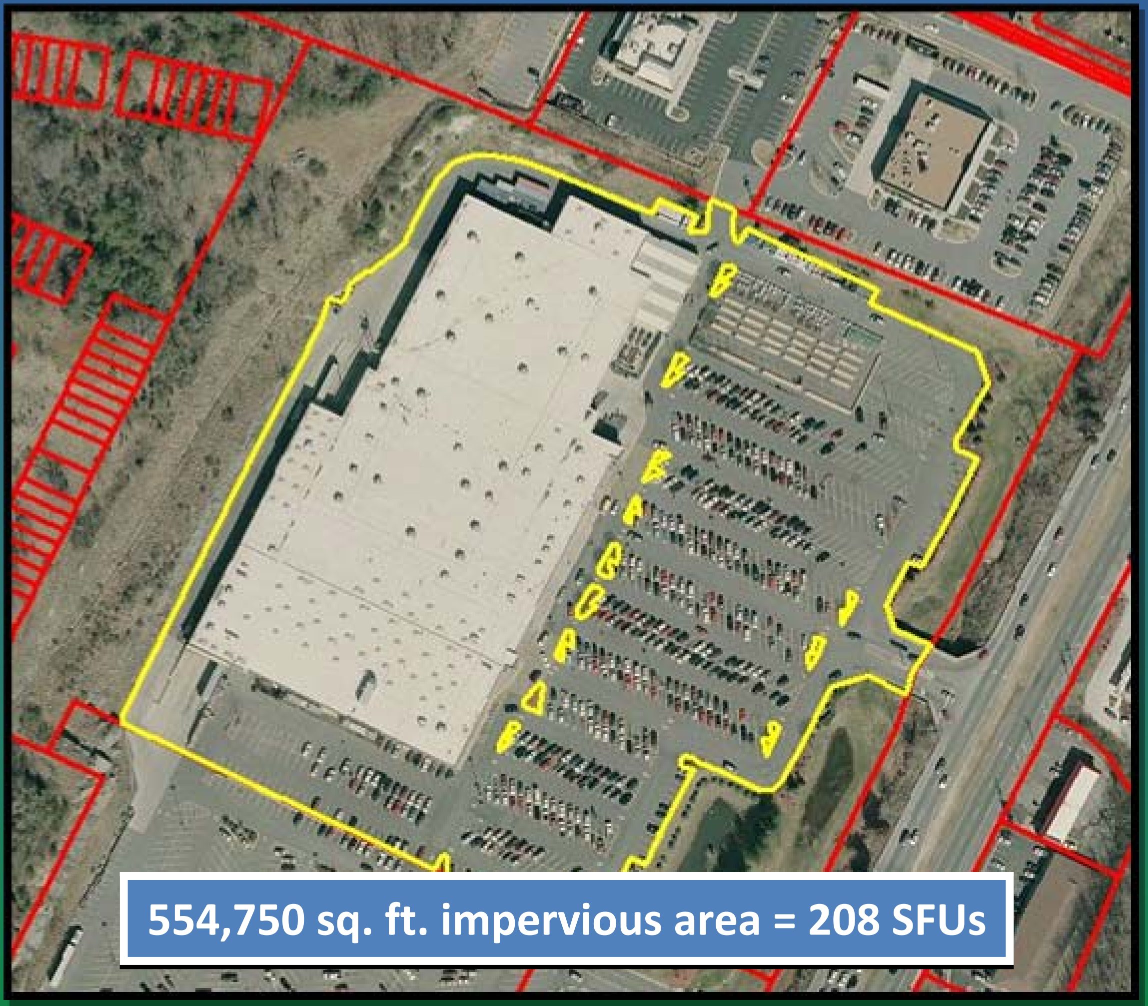
1,294 to 4,256 Sq. Ft. = 1.0 SFU

Tier 3

> 4,257 Sq. Ft. = 1.6 SFU

The Average Single-Family Residential Unit (SFU) in Lynchburg is 2,672 sq. ft.

Non-Residential Customers Should Pay a Fee in Proportion to Absolute Impervious Area



$$SFU = \frac{\textit{Non-Residential Impervious Area}}{\textit{SFU (2,672 sq. ft.)}}$$

The City Should Implement Unique Rates for Multifamily Property Classes

- Non Single-Family Properties Were Sampled Separately
- Average Impervious Area Per Dwelling Unit Was Determined

Type	SFU Assignment
Apartments	0.3
Town Homes	0.4
Condominiums	0.4
Duplex	0.5
Mobile Homes	0.7

Based on Lynchburg Sample Measurements

Summary of SWAC Recommendations

- **Provide a higher level of stormwater service ($3.2M)**
  - VDOT (approximately $656,000 annually)
  - General Fund
  - Fee (capped at 55% of total annual program cost)
- **Provide an equitable rate structure:**
  - 3 rate tiers for single-family residents
  - Unique rates for multi-family property classes
  - Rates for non-residential customers based on actual, measured impervious area
- **Develop a fee credit program**
- **Charge the property owner, not the tenant**

Current, Proposed and Future Program

	Program Management	Regulatory Compliance	Operation and Maintenance	Capital Improvements
Current Program	$342,000	$290,000	$1,146,000	$554,000
	$2,300,000 annually			
	Planning and management of existing personnel and program, GIS and regulatory development	Minimum MS4 permit compliance	Inlet cleaning, ditch maintenance, street sweeping	Culvert and pipe repair
Proposed Program	$3,200,000 with emphasis on PM, O&M and Master Planning			
	Current Program + Master Plan development and strategic planning	Current Program + fund additional staff to administer/enforce permit, develop local programs required by MS4 and new state stormwater regs.	Current Program + restore 3rd street sweeper and provide higher level of inspection and inventory	Current Program + begin building reserve
Future Program	Annual cost will depend on availability of state/federal funding and progress of TMDL			
	Dictated by regulatory mandates, Capital and O&M requirements	Increased monitoring and reporting likely	Proportional to Capital Improvements	$120M+ between 2011 and 2025

Summary of Estimated Annual Program Cost for Stormwater Management (based on FY11)

Primary Stormwater Program Costs	Program Management	Regulatory Services	Operation & Maintenance	Capital Improvements	Totals
Utilities					
Non-Departmental	$19,000				**$19,000**
Stormwater System Maintenance	$162,000		$234,000		**$396,000**
Public Works					
Streets		$30,000	$642,000		**$672,000**
Engineering	$139,000	$4,000			**$143,000**
Parks / Grounds		$4,000	$96,000		**$100,000**
Refuse		$5,000	$174,000		**$179,000**
Community Development					
Zoning and Natural Resources		$166,000			**$166,000**
Inspections/Code Enforcement		$26,000			**$26,000**
GIS	$22,000				**$22,000**
Parks & Recreation		$45,000			**$45,000**
Soil and Water Conservation District		$10,000			**$10,000**
Capital Improvements				$554,000	**$554,000**
SUBTOTALS	**$342,000**	**$290,000**	**$1,146,000**	**$554,000**	**$2,332,000**

Other Storm-Related Program Costs	Program Management	Regulatory Services	Operation & Maintenance	Capital Improvements	Totals
Loose Leaf Collection			$319,000		**$319,000**
Transportation Capital Projects				$1,340,000	**$1,340,000**
SUBTOTALS	**$0**	**$0**	**$319,000**	**$1,340,000**	**$1,659,000**

Proposed Schedule based on SWAC recommendations

- February 8 Work Session
- February 22 Work Session (optional)/Public Hearing
- March 8 Work Session (optional)/Public Hearing (alternate)
- March 22 Work Session and Council Meeting for adoption
- Stormwater Utility (enterprise fund) effective July 1, 2011
- Develop credit policy by January 1, 2012
- First bill January 1, 2012

Decision Points For Council

Level of Service	2.5 3 **3.5** 4 5	
	Option A	Option B
Funding Mechanism	Fee or any combination of **Fee/VDOT/General Fund**	General Fund-Increase Real Estate Tax or keep equal to current rate
Basis of Charge	**Impervious Area**	Property Value
Tax Exempt Properties Included?	**Yes**	No
Enterprise Fund Required?	**Yes**	No
Who To Bill?	**Property Owner** or Tenant	Property Owner
How To Bill?	Water/Sewer Bill Real Estate Bill Separate Bill	Real Estate Bill
Financial Policy Required?	**Yes**	No
Ordinance Required?	**Yes**	No
Credits Allowed?	**Yes**	No

Memorandum

To: *Lynchburg City Council*

From: *Stormwater Advisory Committee Members*

Date: *January 25, 2011*

Subject: *SWAC Stormwater Study Findings and Recommendations*

Purpose of the SWAC

Over the past eight months, City of Lynchburg (City) staff has facilitated a series of meetings with the Stormwater Advisory Committee (SWAC) to solicit feedback on the City's level of service for stormwater management and potential funding options for the current and future program. The committee members represent a wide cross-section of interest groups and engage public participation to make recommendations on the following:

- Stormwater management priorities.
- Appropriate and affordable level of service.
- Level of interest in public participation in stormwater management program activities.
- Recommendations of various stormwater management needs, assessments, regulations and policies, financial requirements, and funding mechanisms.

The following is a summary of the findings and recommendations of the SWAC.

Stormwater Program Findings and Recommendations

- Current resources (approx. $2.3M annually) provide the minimum level of service required by existing permits and regulations.
- The majority of the SWAC members recognized the need for a higher level of service, with emphasis on Program Management, Master Planning and Condition Assessment, at a level of approximately $3.2M for the first year. Three SWAC members did not support this higher level of service, one SWAC member wanted a higher level of service, and seven SWAC members indicated no preference.
- Current resources are not sufficient to meet pending regulatory requirements.
- A user fee is more equitable than a tax to fund stormwater management.

Funding and Fee Recommendations

- Fund $3.2M for stormwater services via:
  - User fee of $1.75M (capped at 55% of total annual program cost)
  - Fund remainder from combination of General Fund revenues and VDOT reimbursement. General Fund tax-based support would be $800K. Historical VDOT reimbursements for stormwater are estimated at $656K per year. This proposed funding scenario was supported by 15 SWAC members. Three members supported the existing funding scenario (General Fund and VDOT only), one supported the Fee and VDOT only, and seven SWAC members indicated no preference.

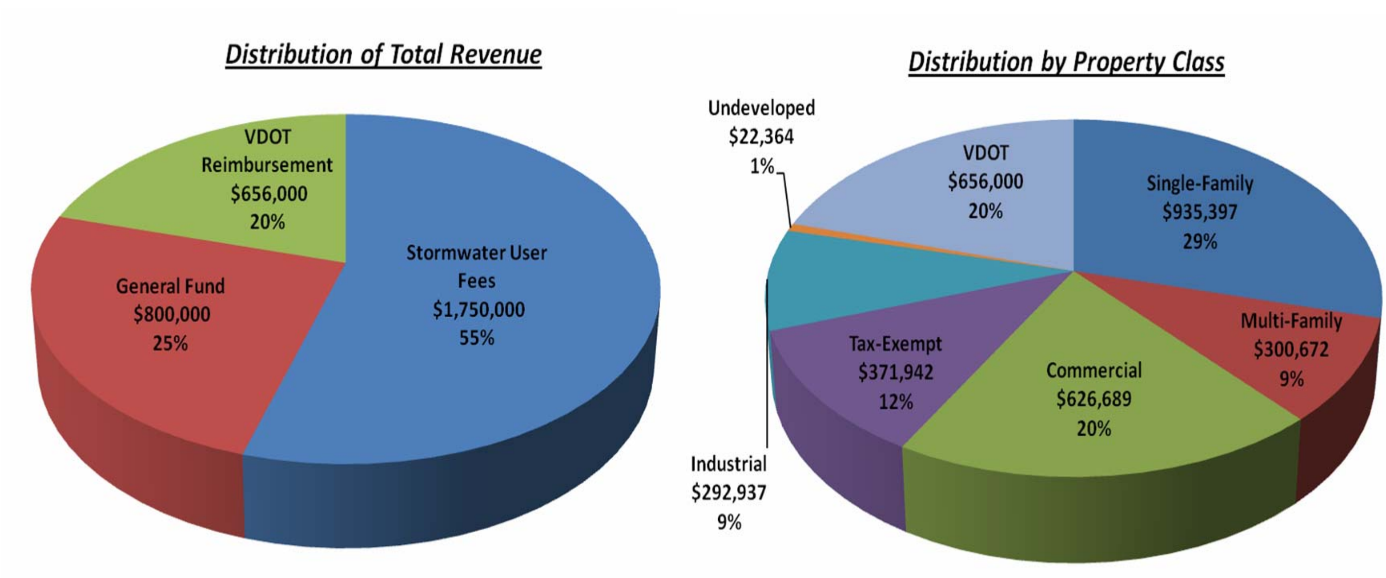


Figure 1. Distribution between revenue sources and property classes for SWAC-recommended funding of $3.2M for stormwater program

- Fee should be based on a property's impervious area.
- Provide Fee Credits for on-site stormwater controls. Credits are required to be offered per Virginia State Code (§ 15.2-2114).
- To ensure equity in the fee system:
  - Establish three tiers for single family residential (small, medium and large).
  - Establish unique rates for multi-family property classes based on average impervious area in each class.
  - Non-residential fee based on actual impervious area of each property.
- The property owner, not the tenant should be charged for stormwater.

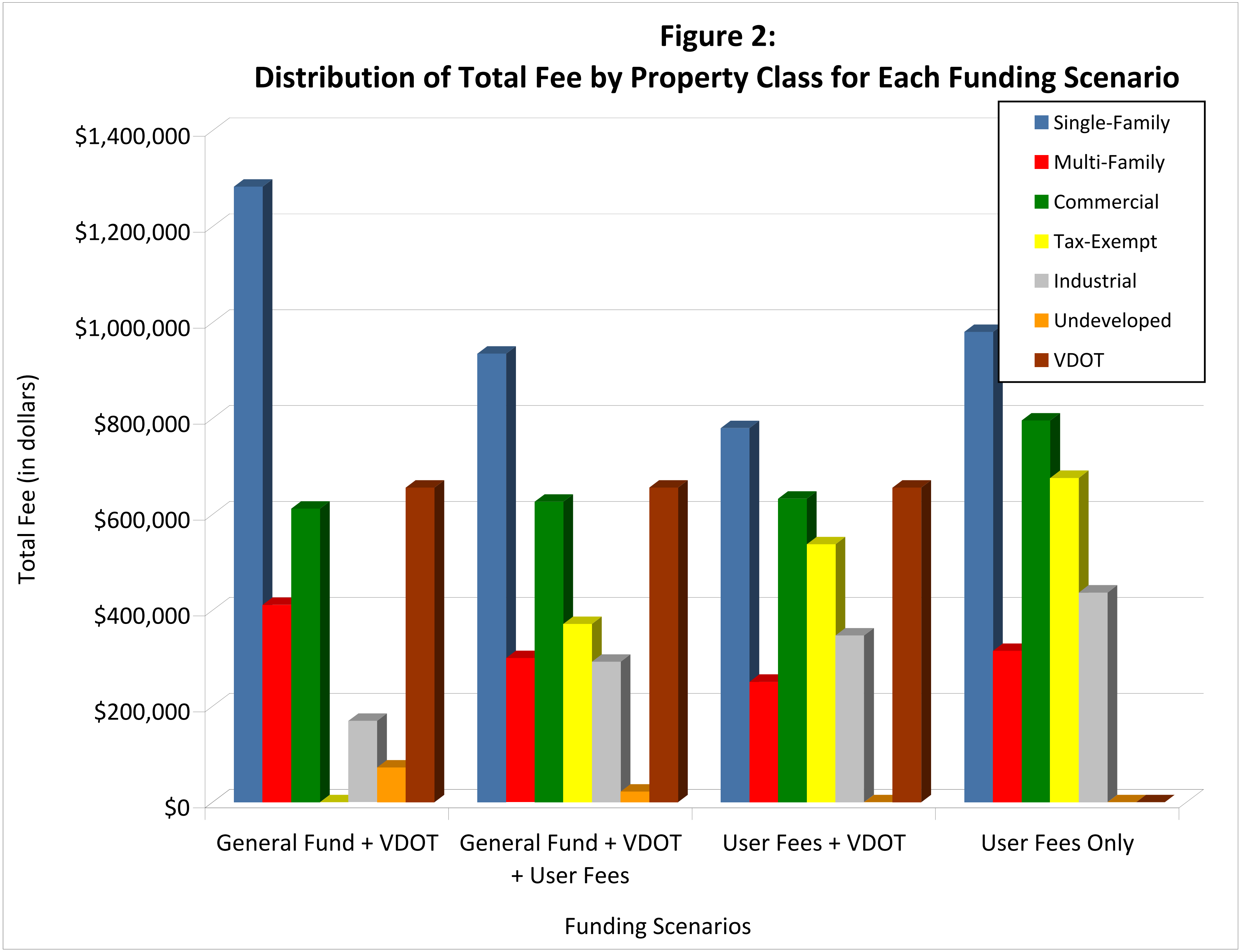


Figure 2:
Distribution of Total Fee by Property Class for Each Funding Scenario
Single-Family
Multi-Family
Commercial
Tax-Exempt
Industrial
Undeveloped
VDOT
$1,400,000
$1,200,000
$1,000,000
$800,000
$600,000
$400,000
$200,000
$0
Total Fee (in dollars)
General Fund + VDOT
General Fund + VDOT + User Fees
User Fees + VDOT
User Fees Only
Funding Scenarios

Table 1: Summary of Voting Results for all SWAC members

Category	Company Name	Member Name	Initial Level of Service	Preferred Funding Scenario	Fee Capped at 55% of Program Cost?	Who receives bill?
Large Industry	RR Donnelly	David Rakes	3.5	2	Yes	Owner
Large Business	Genworth Financial	Mike Minnick	Did not vote.			
Small Business	Boxley Block	Andy Reel	3.5	2	Yes	Owner
	True Value	Charles "Chuck" Overstreet	Did not vote.			
Hospitals	Centra Health	Joe Archambeault P.E.	Did not vote.			
City Schools		Sonny Witt	3.5	2	Yes	Owner
Churches	Crosspoint Church	Pastor John Williamson	3.5	No Preference	Yes	Owner
	Jackson St Church	Rev. Quentin Lawson	No longer involved with SWAC.			
Housing Authority		Edward McCann	3.5	2	Yes	Owner
Commercial Realtor/Developer		Gary Case	3.5	2	Yes	Owner
Residential Realtor	Blickenstaff and Associates	Jane Blickenstaff	3	1	Yes	Owner
Multifamily	Brownstone Properties Inc.	Mike Lucado	3.5	2	Yes	Owner
Universities	Liberty University	Maggie Cossman/Lee Beaumont	2.5	1	Yes	Owner
College/Chamber	LC/Chamber Board Member	Dr. Ken Garren	3.5	2	No Preference	Owner
Mall	River Ridge Mall	Harvey Lindsay	3.5	2	Yes	Tenant
	River Ridge Mall	Sandra Rogness	No longer involved with SWAC.			
Builders	Gordon T Cudd Construction Inc	Gordon Cudd	Did not vote.			
Contractors	CL Lewis	Preston Craighill	3.5	2	Yes	Owner
Non-profit	United Way	Marie Martin	Did not vote.			
Environmental Group		Ken Smith	No longer involved with SWAC.			
EDA		Louise Mitchell	Did not vote.			
Residential	annexed areas - Sandusky	Susan White	3.5	2	Yes	Owner
Residential	annexed areas-Richland Hills	Chris Wiley	No longer involved with SWAC.			
Residential	downtown	Michelle Jackson	3.5	2	Yes	Owner
	Fort Ave	Tammy Driskill	3.5	2	Yes	Owner
	Rivermont	Eugene (Gino) Palladino	3	1	Yes	Tenant
Downtown Special Interest	LNDF	Laura Dupuy	3.5	2	No Preference	Owner
	Lyn. Com. Action Group	Dr. Jim Mundy	3.5	2	Yes	Owner
Downtown		Rodney Taylor	Did not vote.			
Institutional	Presbyterian Home	Jeff Creekmore	4	3	No	Owner
Local engineering firm	Wiley|Wilson	Tom Fitzgerald	3.5	2	Yes	Owner

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of January, 2011, at 5:00 P.M. in the Parks and Recreation Auditorium at 301 Grove Street, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Helgeson 1

// Council Member Helgeson arrived at 5:15 during the tour of the Miller Center.

// Director of Parks and Recreation Kay Frazier gave a brief outline of the Miller Center before the tour. Ms. Frazier reported on the progress of the project to date and on the plans for renovation. During the tour Ms. Frazier pointed out the Miller Center currently houses a neighborhood center, program classrooms, auditorium, a customer service desk for all programs and services, the main office space for Parks and Recreation, and offices for Virginia Cooperative Extension. Representatives, Michael Ashe and Kevin Kattwinkel with Hankins & Anderson (H&A) Architects & Engineers gave an overview of the Miller Center stating the existing building is in fair to good condition with no structural problems noted. The layout of the building is generally conducive for its continued use as a Recreation Center, and its historical significance warrants its reuse. The total cost to the City after the tax credits would be approximately $5,735,000.

// Utilities Engineer James Talian gave a brief outline of the Low Pressure Sanitary Sewer System (LPSS) Policy Proposal. Mr. Talian went over the guiding principles for the LPSS. During Council discussion it was stated that the Physical Development Committee discussed the use of LPSS in new residential development. Council Member Gillette stated that in order to approve the policy we need to stipulate that a low pressure system will only be allowed when the 50-year economic analysis projection indicates that there is a cost savings and Council Member Helgeson questioned the discount rate. It was the consensus of Council that this matter be brought back at the next Council meeting for further discussion and approval.

// Communications and Marketing Director JoAnn Martin gave a report regarding the possibility of conducting a 2011 Citizens Survey. Ms. Martin stated that following the November 2010 presentation regarding the outcome of the citizen engagement sessions on the budget, City Council expressed some interest in conducting another Citizen Survey as a more statistically valid way of determining citizen opinion. Ms. Martin further stated since 2004, the City has worked with the ICMA-endorsed National Research Center (NRC) to conduct a citizen survey every two years with the last survey being conducted in 2008. The cost to conduct another Citizen Survey, including demographic and geographic crosstabs as well as the inclusion of one open-ended question is $13,400. Ms. Martin went on to say should Council wish to proceed with a 2011 Citizens Survey, the cost could be funded from existing marketing funds in the Department of Communications and Marketing's budget. During discussion Council agreed that surveys are helpful and should be done but also that the results of the surveys should be followed through to let citizens know that they are listened to and their opinions are valued but also due to the budget constraints and asking all departments to cut their budgets, this would not be a good time to have this survey done and Council by the following recorded vote decided not to conduct the 2011 Citizen Survey:

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

Noes: 0

// There were no items for Roll Call.

// City Council recessed the meeting at 6:47 p.m.

// City Council reconvened the meeting in Council Chamber of City Hall at 7:30 p.m.

The following Members were present:

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

Absent: 0

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the December 14, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 6 outlining the petition of Robert Crocker to rezone 3.21 acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow the use of the existing buildings as a hotel/motel and the use of the property as a restaurant / banquet facility at 2134 Old Forest Road. City Planner Tom Martin gave a brief summary of the request and stated that the Planning Commission conducted a public hearing on December 8, 2010, and recommended approval of the rezoning. Mr. Martin stated that due to an error in advertising the required legal notice the petition submitted to amend the Future Land Use Map (FLUM) cannot be acted upon at this time and should not have been acted upon by the Planning Commission. Mr. Martin further stated that the petition to rezone the property could be acted upon tonight if deemed appropriate by Council. Mr. Robert Crocker, petitioner, gave a brief presentation of the rezoning request. There was one individual who spoke in opposition citing the following reasons: (1) effects of the zoning change in the future, (2) the restaurant needs to be visible, (3) signage, (4) traffic concerns and (5) not appropriate for the area. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion the following concerns were mentioned: (1) the lighting on the sign, (2) zoning changes creates a lot of extra crowding in the neighborhood, (3) long-term use of the property by different owners, and (4) deviating from the usual procedure which is to amend the FLUM first and then act on the zoning petition. Council Member Helgeson made a motion to table this item indefinitely until the FLUM amendment can be advertised and the petitioner can come up with other proffers, seconded by Council Member Nelson, Council by the following recorded vote tabled this item indefinitely:

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

Noes: 0

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #7 regarding the petition of George C. Walker, Jr. to amend the *Future Land Use Map* (FLUM) from a Resource Conservation use to a Neighborhood Commercial use and to rezone 1.29 acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow the use of the existing buildings for light retail uses in addition to those uses permitted in a B-1, Limited Business District and B-2, Local Neighborhood Business District at 2050 Langhorne Road. City Planner Tom Martin gave a brief overview of the request stating that the Planning Commission held a public hearing on December 8, 2010 and recommended approval of the FLUM and rezoning amendments. Mr. Buster Walker, petitioner, gave an outline of the request and asked for Council approval. 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-11-001, as presented, amending the Future Land Use Map from a Resource Conservation use to a Neighborhood Commercial use:

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

On motion of Council Member Gillette, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #O-11-002, as presented, rezoning 1.29 acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow the use of the existing buildings for light retail uses in addition to those uses permitted in a B-1, Limited Business District and B-2, Local Neighborhood Business District at 2050 Langhorne Road:

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

// Mr. Carlos Hutcherson, who had petitioned to speak before Council was not present at the meeting.

// In the matter of City Code/Economic Development - General, City Council Report #9 was considered. Director of Economic Development Marjette Upshur gave a brief summary of the request stating that since the inception of the Technology Zone no company has applied for any of the incentives offered. Council Member Perrow made a motion to adopt the Technology Zone Ordinance, seconded by Council Member Helgeson. During Council discussion, Council Member Cary stated that there was an error in the new language under Section 36-151 “for the fiscal year beginning July 1, 1984, and ending June 30, 2012” Council Member Cary stated that the date should be “from July 1, 2011 and ending July 30, 2012” and offered this date change as a friendly amendment, Council by the following recorded vote adopted Ordinance #0-11-003, as amended, designating the entire City of Lynchburg as a Technology Zone:

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

// In the matter of Public Works – General, City Council Report # 10 was considered. Utilities Engineer Scott Parkins gave a brief summary of the change order request. Council Member Perrow, Physical Development Committee (PDC) Chair stated that this change order request came before PDC which recommended approval. Council Member Perrow made a motion to approve the request which required no second, Council by the following recorded vote approved, as presented, a change order exceeding the current contract value of $196,750 to $255,550 for Change Order #1, for costs relating to adding existing paint removal at Leesville Road Tank:

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

// On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider the Clerk of Council position and for consultation with legal counsel and briefings by staff members concerning the case of Mary Beard Peterson v. Michael Eagle, et als., pursuant to Section 2.2-3711(A.)(1) and (7) of the Code of Virginia, 1950, as amended because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City:

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

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

// Council Member Helgeson 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 Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

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

// In the matter of Appointment, and on nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Valeria P. Chambers, as Clerk of Council:

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

// The meeting was adjourned at 9:00 P.M.

____
Interim Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 7

CONSENT: **X** REGULAR: WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **U0192, Knight Street Small Main Replacement, City Project #09036-W**

RECOMMENDATION: Approve the Contractor's final quantity resolution change order, bringing the total contract value to $552,729.51. This is a net increase of 28.6% over the bid contract value of $429,593.75.

SUMMARY: The Contractor (Classic City Mechanical) was awarded the contract to install 4512 linear feet of new 8" water line on Knight, Taylor, Monroe, Spencer, 17th, 18th, and 19th Streets, removing existing 2" and smaller water lines. The project was bid with a line item bid with the understanding that additional (or less) quantities would be added (or subtracted) from the contract at the base bid unit price.

Due to difficult field conditions, the Contractor was authorized by the Construction Coordinator and Utilities Engineer to make some field changes. One additional block (18th Street between Monroe and Taylor) was added to the project due to the poor condition of the 8-inch pipe seen in the 18th and Taylor intersection. Poor pavement quality and unknown utilities resulted in much larger quantities of pavement repair than originally estimated.

In addition, four additional line items were added for items not specified in the original bid form. These items and the reasonable unit prices were agreed upon by the Contractor and the City's Construction Coordinator.

The Contractor has nearly completed the work and has worked with the City's Construction Coordinator to develop the final quantity tabulation.

PRIOR ACTION(S): January 11, 2011 PDC, recommendation to take before full Council.

FISCAL IMPACT: Funding for the total amount above the contract bid, totaling $123,198.76, was covered partially in the project contingency funds with the excess available in the FY 2011 Water Distribution System Improvements Fund.

CONTACT(S):
- Scott Parkins, Utilities Engineer, 455-4248
- Greg Blair, Construction Coordinator, 455-4141

ATTACHMENT(S): Resolution

REVIEWED BY: bms/lkp

RESOLUTION

It is hereby resolved that the Lynchburg City Council approves a change order for U0192, Knight Street Small Main Replacement, City Project #09036-W, to increase the total contract amount to $552,729.51.

Adopted:

Certified: ______________________________
Clerk of Council

008L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **CITIZEN PARTICIPATION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) and HOME PROGRAM**

RECOMMENDATION: Adoption of a resolution authorizing City Council to serve as the primary mechanism for facilitating citizen participation throughout all stages of the federal government consolidated planning, implementation, and evaluation process for the Community Development Block Grant (CDBG) and HOME Program, until such time as the current Citizen Participation Plan can be amended.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) requires each City entitled to CDBG and HOME Program funds to have a Citizen Participation Plan. The purpose of the Citizen Participation Plan is to provide procedures in accordance with citizen participation requirements of the CDBG and HOME Program by which citizens are provided an adequate opportunity to participate.

In the City's current Citizen Participation Plan the primary mechanism for facilitating citizen participation throughout all stages of the consolidated planning, implementation, and evaluation process for the CDBG and HOME Program, is the Community Development Advisory Committee (CDAC).

Over the course of the last three months, five of the seven CDAC members have resigned from the Committee. Having only two members to hear citizen comments would not provide for an equitable representation to the citizens located within the CDBG-targeted areas for which these programs primarily benefit.

City staff is currently reviewing and preparing a proposed, revised Citizen Participation Plan for City Council approval. This Plan will include recommended revisions for processes that will be used for citizens to participate in the planning, implementation and evaluation process of the CDBG and HOME Program.

In order to be in compliance with the citizen participation requirements, the adoption of the attached resolution will provide an alternative means for citizen participation until such time as a revised Citizen Participation Plan can be approved. HUD staff has advised that Council take such action while the Citizen Participation Plan is under revision.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3987
Melva Walker, Grants Manager, 455-3916

ATTACHMENT(S): None

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that City Council is hereby designated to serve as the primary mechanism for facilitating citizen participation throughout all stages of the federal government consolidated planning, implementation, and evaluation process for the Community Development Block Grant (CDBG) and HOME Program, until such time as the current Citizen Participation Plan can be amended.

Adopted:

Certified: ______________________________

Clerk of Council

010L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Community Development Block Grant (CDBG) and HOME Programs – Public Hearing Regarding Housing and Non-Housing Goals for 2011-2012 Annual Action Plan and Adopt a Resolution Approving the Annual Action Plan Goals for 2011-2012**

RECOMMENDATION: Conduct a public hearing to receive citizen comments regarding the goals for the development of the 2011-2012 Annual Action Plan and adopt a resolution approving the goals.

SUMMARY: The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in October 2010 and covers the period from July 1, 2010 through June 30, 2015. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires CDBG and HOME entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 30-day public comment period to receive citizen input regarding these goals was initiated on December 26, 2010 through a legal notice published in *The News and Advance*. As of January 19, 2011, no written comments have been received.

Specifically at this public hearing, the public is invited to comment on the approved goals regarding the City's housing and non-housing community development needs common to low- and moderate-income households and neighborhoods in Lynchburg. The Consolidated Plan goals for 2011-2015 are attached to this report.

PRIOR ACTION(S): January 26, 2010 – City Council approval of the 2011-2015 Consolidated Plan Goals

FISCAL IMPACT: None

CONTACT(S): Bonnie Svrcek, Deputy City Manager - 455-3987
Melva Walker, Grants Manager – 455-3916

ATTACHMENT(S): 2011-2015 Consolidated Plan Goals as approved by City Council
Resolution

REVIEWED BY: lkp

Adopted 2011-2015 CONSOLIDATED PLAN GOALS

The goals listed below are intended to provide broad guidance in the allocation of Community Development Block Grant (CDBG) funds granted to the City by the United States Department of Housing and Urban Development for the five years beginning July 1, 2010 and ending June 30, 2015. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both public and non-public services.

The primary objective of the CDBG program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

Housing Goals

1. Increase the number of owner-occupied units.

2. Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.

3. Support initiatives to increase permanent affordable rental and housing ownership opportunities.

4. Support programs that assist individuals in retaining their homes in challenging economic times.

Non-Housing Goals

1. Eliminate neighborhood deterioration, blight and blighting influences.

2. Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.

3. Support economic development efforts which will expand job opportunities and retention.

4. Promote activities which support the healthy development of the City's at-risk youth, adults and families.

Prepared by the Community Development Advisory Committee, November 6, 2009

Revised by the Community Development Advisory Committee, January 7, 2010

Revised and adopted by City Council, January 26, 2010

RESOLUTION:

BE IT RESOLVED that City Council approves the Community Development Block Grant (CDBG) 2011-2015 goals for the 2011-2012 Annual Action Plan.

Adopted:

Certified: ______________________________
Clerk of Council

013L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **PUBLIC HEARING AND CONSIDERATION OF REPROGRAMMING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM FUNDS**

RECOMMENDATION: Conduct a public hearing to receive public input regarding the reallocation of the following Community Development Block Grant (CDBG) and HOME Program funds:

1. Approve the request from Lynchburg Redevelopment and Housing Authority (LRHA) to reprogram funds from CDBG Program Year 2007-2008 ($100,000) Spot Blight Program to CDBG Program Year 2010-2011 Spot Blight Program Low Interest Loan for rehabilitation financing for the property at 302 Cabell Street;
2. Approve the request from The Housing Development Corporation of Lynchburg (HDC) to reprogram and redirect funds from the HOME Program Year 2006-2007 ($40,273) to the HOME Program 2006-2007 Lynchburg Covenant Fellowship (LCF) Lynchburg High Apartments rehabilitation project; and
3. Approve the request from The Housing Development Corporation of Lynchburg (HDC) to reprogram and redirect funds from the HOME Program Year 2008-2009 ($40,000) to the HOME Program 2008-2009 Lynchburg Covenant Fellowship (LCF) Shalom Apartments rehabilitation project

SUMMARY:

In Fiscal Year 2007-2008 there remains $100,000 of CDBG funds allocated for the acquisition of properties within the Spot Blight Program at Lynchburg Redevelopment and Housing Authority (LRHA) that have not been expended. LRHA has requested that these funds be reprogrammed for a Housing Rehabilitation Low-Interest Loan to a potential buyer for the property located at 302 Cabell Street.

LRHA staff has indicated that due to the size of this residential structure and condition, the cost of rehabilitation would be significant and it has been difficult to attract a buyer for the property. The Commissioners of LRHA have concluded that offering rehabilitation financing may attract an investor. This financing would be in the form of a low-interest loan with principal and interest payments that would be returned to the City as program income.

In Fiscal Year 2006-2007 there was $40,273 of HOME Program funds allocated to the Housing Development Corporation of Lynchburg (HDC), a nonprofit affiliate of the Lynchburg Redevelopment and Housing Authority (LRHA), for the rehabilitation of the property owned by LRHA at 713 Cabell Street. HDC sold the property and it has been rehabilitated by the new owners; therefore, HDC has requested that these funds be reprogrammed to Lynchburg Covenant Fellowship (LCF) for the rehabilitation of the Lynchburg High Apartments.

In May 2008 City Council approved the reallocation of these HOME Program funds for the rehabilitation of three (3) buildings in the Shalom Apartment complex that is owned and managed by Lynchburg Covenant Fellowship (LCF). Due to staff changes and HOME requirements involving lead based paint, LCF did not move forward with the rehabilitation project.

Since that time LCF has developed an extensive renovation project for Lynchburg High Apartments that will include updating heating systems, energy efficient appliances, cabinets, weatherization measures, and carpet. There are 70 housing units within this complex and 30 of these units are occupied by the elderly and/or disabled. These renovations will help to lower the residents' utility bills and conserve natural resources. This major renovation project ($8.6 million) will include financial resources of $4.8 million in Low-Income Housing

Tax Credits, HOME Program funds, and other state and local funding sources. These renovations will be completed by December 2011. The HOME Program funds will be used in Phase IV of this project which will consist of the renovation of the last twelve units within the total renovation project.

In Fiscal Year 2008-2009 there was $40,000 of HOME Program funds allocated to The Housing and Development Corporation of Lynchburg (HDC), for window replacements at Shalom Apartments owned by Lynchburg Covenant Fellowship (LCF). HDC has requested that these funds be reprogrammed and redirected to LCF for the rehabilitation of the Shalom Apartments.

LCF is in the process of developing a similar rehabilitation renovation project for the Shalom Apartments as it has planned for the Lynchburg High Apartments. The renovations will include updating heating systems, energy efficient appliances, cabinets, weatherization measures, and carpet. Again, these renovations will help to lower the residents' utility bills and conserve natural resources. LCF plans to use the HOME Program funds for architectural and engineering services or construction. This project is planned for late 2012 to be completed by spring of 2013.

In accordance with the Citizen Participation Plan for the CDBG and HOME Program, the reprogramming and redirection of these funds constitutes a "substantial change" in the respective Annual Action Plans and, therefore, a public hearing is required for citizen input.

City staff has reviewed these requests and recommends approval of the reprogramming of the CDBG and HOME funds for the requested projects.

<u>PRIOR ACTION(S):</u> May 13, 2008: Reallocation of 2006-2007 HOME Program funds for rehabilitation of Shalom Apartments

<u>FISCAL IMPACT:</u> The reprogramming of the CDBG and HOME Program funds will assist in the timely expenditure of previous years' funds and the actual accomplishments for the performance measures that are reported to the Department of Housing and Urban Development (HUD).

<u>CONTACT(S):</u> Bonnie Svrcek, Deputy City Manager, 455-3987
Melva Walker, Grants Manager, 455-3916

<u>ATTACHMENT(S):</u> Letter from LRHA dated December 20, 2010
Letter from The HDC dated January 12, 2011
Letter from LCF dated December 21, 2010
Agenda Summary and Resolution: May 13, 2008

<u>REVIEWED BY:</u> lkp

RESOLUTION:

BE IT RESOLVED that CDBG Program Year 2007-2008 funds in the amount of $100,000 for the Spot Blight Program be reallocated to 2010-2011 Spot Blight Low Interest Loan Program; and

BE IT FURTHER RESOLVED that 2006-2007 HOME Program funds in the amount of $40,273 for The Housing and Development Corporation be reallocated and redirected to the 2006-2007 HOME Program Lynchburg Covenant Fellowship Lynchburg High Apartments Renovation Project; 2008-2009 HOME Program funds in the amount of $40,000 for The Housing and Development Corporation be reallocated and redirected to the 2008-2009 Lynchburg Covenant Fellowship Shalom Apartments Rehabilitation Project.

Adopted:

Certified: ______________________________

Clerk of Council

012L

LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

MEMORANDUM

TO: Melva Walker

FROM: Edward H. McCann EHM

SUBJECT: Request to re-program Community Development Block Grant funds

DATE: December 20, 2010

This is to reiterate the request of the Lynchburg Redevelopment and Housing Authority for the re-programming of $ 100,000 of Community Development Block Grant funds (CDBG) from fiscal year 2008 for use as potential rehabilitation financing for the property at 302 Cabell Street.

The structure located at 302 Cabell Street is a large multi-story residential structure of approximately 4,300 square feet which was acquired by the Authority in 2006. According to the City Assessor's records, the structure was built in 1893. Due to its size and condition, the cost of rehabilitation will be significant and it has been difficult to attract a buyer for the property. The Commissioners of the Authority discussed this matter at length at their meeting in May of this year and concluded that offering favorable rehabilitation financing may be a means of attracting an investor. This financing would likely be in the form of a low-interest loan with principal and interest payments returned to the City as program income. The Authority has undertaken similar rehabilitation financing in the past in a variety of downtown neighborhoods with CDBG funds that have been re-paid to the City.

Please let me know if we can provide you with additional information. Thank you.

918 COMMERCE STREET • P.O. BOX 1298 • LYNCHBURG, VA 24505 • (434) 485-7200

The Housing and Development Corporation of Lynchburg

January 12, 2011

Mrs. Melva C. Walker
Grants Administrator
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

Re: Re-programming of HOME funds

Dear Mrs. Walker:

This is to reiterate the request of the directors of The Housing and Development Corporation (HDC) of Lynchburg to re- allocate the HOME funds from Fiscal Year 2006-2007 and Fiscal Year 2008-2009 which had been appropriated by City Council for use by HDC.

The 2006-2007 funds were allocated with the expectation that they would be used for the rehabilitation of a structure owned by the Lynchburg Redevelopment and Housing Authority located at 713 Cabell Street. Use of these funds was not needed since the property was sold to an owner who used private funds to rehabilitate the property. These funds were subsequently re-programmed by City Council to assist Lynchburg Covenant Fellowship (LCF) in the replacement of windows at the Shalom Apartments. Due to staff changes and requirements for lead-based paint abatement, LCF postponed this project.

The 2008-2009 funds were allocated with the expectation that they would be used in the replacement of windows at the Shalom Apartments as well. Some time ago, representatives of LCF, HDC and the City met to discuss the more comprehensive plans LCF had for the renovation of the Shalom Apartments and the Lynchburg High Apartments to be undertaken in conjunction with a low-income housing tax credit program. We discussed LCF using the HOME funds for architectural and engineering fees.

The directors of HDC authorized Authority staff to request that these 2006-2007 and 2008-2009 HOME funds be re-allocated by City Council directly to Lynchburg Covenant Fellowship for its use in the rehabilitation of the Shalom Apartments.

Please let me know if you need additional information.

Very truly yours,

Edward H McCann

Edward H. McCann

Lynchburg Covenant Fellowship, Inc.
412 Madison Street • P.O. Box 6016 • Lynchburg, Virginia 24505-6016 • (434) 847-9059 • FAX (434) 846-3164

December 21, 2010

Ms. Melva Walker
Grants Administrator
City Of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Melva:

This letter is to request the reprogramming of the HOME Funds for years 2006-2007 in the amount of $40,273, to the Lynchburg High Apartments rehabilitation project for construction. Lynchburg Covenant Fellowship was approved for Low Income Housing Tax Credits for Lynchburg High on September 2, 2010.

Our plans are for extensive renovations, including updated heating systems with air conditioning, new energy efficient appliances, new cabinets, weatherization measures and new carpet. This will help lower our resident's utility bills and conserve our natural resources.

Although we have tried our best to keep up with the everyday maintenance needs of our buildings, it has been thirty years since we rehabbed the school into apartments. Our mortgage on this property was paid off in June 2010. We anticipate closing on a temporary construction loan with Virginia Community Capital the latter part of December 2010, and will receive a permanent loan from the Virginia Housing Development Authority (VHDA) for this amount once construction is completed. We anticipate beginning construction the end of December 2010 or beginning of January 2011 and expect to be finished by the end of the 2011 year. Although the tax credit figure may change somewhat since we have not closed on the project, funding for the project is anticipated to be the following:

Low-Income Housing Tax Credits -	$ 4,888,318
Virginia Community Capital Construction Loan - (VHDA will provide permanent loan)	$ 1,070,000
LCF & Associates -	$ 1,200,000
Lynchburg Covenant Fellowship Inc. -	$ 200,000
HOME Grant -	$ 40,273
2009-1602 Exchange Funds from VHDA -	$ 1,200,000
Total	$ 8,598,591

We would also like to request that the HOME funds for years 2008-2009 in the amount of $40,000 be reprogrammed to the Shalom Apartments rehabilitation project for architectural and engineering services or construction. We plan to apply for Low Income Housing Tax Credits for this property in March 2012. The mortgage on this property will be paid for in June 2011. These apartments were built in 1970 and we plan on extensive renovations at this property also. We will be updating the heating system, adding air conditioning, energy efficient appliances, new cabinets and new carpeting. The best estimation for this project is construction to begin late 2012 to be completed by spring of 2013.

We appreciate the help provided from The City of Lynchburg and the Lynchburg Redevelopment Housing Authority by partnering with Lynchburg Covenant Fellowship in making the lives of those underserved within our community better by providing them with safe, decent, and affordable housing.

If I can provide any additional information, please let me know.

Sincerely,

Susie Kitchen

Susie Kitchen
Executive Director

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 13, 2008**		AGENDA ITEM NO.: 8
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION:	INFORMATION:	

ITEM TITLE: **PUBLIC HEARING REGARDING THE REALLOCATION OF 2006-07 HOME PROGRAM FUNDS**

RECOMMENDATION: Conduct a Public Hearing to receive public input regarding the re-allocation of $40,273 in HOME Program funds for the rehabilitation of the Shalom Apartments.

SUMMARY: The City allocated $40,273 of its FY 2006-07 HOME funds to the Housing and Development Corporation of Lynchburg, a nonprofit affiliate of the Lynchburg Redevelopment and Housing Authority (LRHA). These funds were designated for the rehabilitation of the property located at 713 Cabell Street in the Daniel's Hill Historic District which was sold prior to the receipt of the HOME grant funds. The LRHA is requesting that the $40,273 of HOME funds be re-allocated to the rehabilitation of three (3) buildings in the Shalom Apartment complex, which is managed by Lynchburg Covenant Fellowship, Inc. (LCF). The funds will be used to complete the repairs that are underway by LCF as well as address other existing deficiencies.

All HOME funds will be expended in accordance with primary objectives of the program.

PRIOR ACTION(S): The Housing Development Corporation of Lynchburg, on behalf of Shalom Apartments, applied for 2008-09 HOME Program funds in the amount $100,000. The project has been recommended for funding in the amount of $40,000 by the Community Development Advisory Committee. The Lynchburg Redevelopment and Housing Authority (LRHA) requested that the Community Development Department of the City of Lynchburg re-allocate the $40,273 unexpended 2006-07 HOME funds described above to the Shalom Apartment complex rehabilitation project.

FISCAL IMPACT: N/A

CONTACTS:

Charlene Montford/ 455-3902
Gwendolyn Gillespie/ 455-3916

ATTACHMENT(S): N/A

REVIEWED BY: lkp

RESOLUTION: #R-08-048

BE IT RESOLVED that $40,273 of FY 2006-07 HOME Program funds be reallocated to the rehabilitation of three (3) buildings in the Shalom Apartment complex, which is managed by Lynchburg Covenant Fellowship, Inc (LC).

Adopted: May 13, 2008

Certified: Catauna W. Kast
Clerk of Council

062L

c: G. Gillespie
D. Witt
C. Bibb

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Proposed Policy Regarding the Use of Low Pressure Sanitary Sewer Systems in New Developments**

RECOMMENDATION: Adopt a resolution approving the attached policy regarding the use of low pressure sanitary sewer systems.

SUMMARY: Under “Conditions Allowing Low Pressure Sewers”, item # 2 was added and item # 4.b was modified.
Item # 2: LPSS service will be permitted only where the economic analysis indicates that the proposed LPSS is more economical than gravity service.
Item # 4.b: In all cases the economic analysis shall be for 50 years and shall use an annual discount rate equal to the latest US Office of Management and Budget Nominal Discount Rate on Treasury Notes and Bonds.

PRIOR ACTION(S): December 14, 2010, discussion at PDC.
January 11, 2011, discussion at Council Work Session.

FISCAL IMPACT: There is minimal difference between LPSS and gravity operating costs to the City. The capital cost impacts are primarily on the developer, with the long term operating cost affecting the property owner.

CONTACT(S):
James Talian, Utilities Engineer, 455-3953
Greg Poff, Assistant Director of Utilities, 455-4249
Tim Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S): Resolution
Proposed Low Pressure Sanitary Sewer System Policy for New Development
January 25, 2011

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that City Council adopts the policy entitled “Low Pressure Sanitary Sewer Policy for New Development” dated January 25, 2011.

Adopted:

Certified: ______________________________
Clerk of Council

009L

Proposed Policy
Low Pressure Sanitary Sewer Policy for New Development
January 25, 2011

I. Guiding Principles for Sewer Policies

1. To improve the water quality in the City's streams and river.
2. To lessen environmental and neighborhood impacts.
3. To minimize the impacts of new development and new sanitary sewer customers on current rate payers.
4. To make technical and economic decisions based on life cycle cost analyses for all stakeholders.
5. To promote the reasonable development of unused land in the city.
6. To recognize that there are inherent benefits to the common good when the operation of a community system is shared by all.

II. Low Pressure Sanitary Sewer Policies

Permitted Alternative Sewer Systems

1. Gravity sanitary sewer collection systems are preferred by the City of Lynchburg.
2. The only alternative public system accepted by the City of Lynchburg is a low pressure sewer system (LPSS). Septic tanks are permitted as prescribed in the Subdivision Ordinance.

Conditions Allowing Low Pressure Sewers

1. Where a developer wants to use LPSS, the developer must conduct and submit to the Department of Utilities an engineering economic analysis comparing the life cycle costs of the gravity and pressure alternatives and a mixed hybrid system, if appropriate.
2. <u>LPSS service will be permitted only where the economic analysis indicates that the proposed LPSS is more economical than gravity service.</u>
3. The economic analysis shall consider the costs to all stakeholders, including at least the developer, the homeowner, and the city.
4. The economic analysis can be based on either detailed engineering estimates or broad general parameters.
   a. If broad parameters are used, unit cost values specified by the Utilities Department shall be used along with a specific alignment for both the gravity and pressure.
   b. In all cases the economic analysis shall be for 50 years and <u>shall</u> use an annual discount rate <u>equal to the latest US Office of Management and Budget Nominal Discount Rate on Treasury Notes and Bonds</u>.
5. The LPSS must not inhibit the reasonable expansion of the gravity system as determined by the Director of Utilities.
   c. If the presence of an LPSS will impact potential gravity sewer service to either upstream or downstream development, the economic analysis shall include the affected properties.

Requirements of Low Pressure Sewer Systems

1. All pumps shall be individually owned and maintained by the property owner.
2. Each pump shall serve only one property.
3. The City will have no involvement with the maintenance of pumps serving individual properties.
4. Any development proposed to be served by a LPSS shall have recorded covenants or deed restrictions explaining the responsibilities of the property owners and that the City will have no responsibility for the operation or maintenance of components located on private property.

5. Pressure sewer lines from individual properties shall be owned and maintained by the property owner from the pump station to a point of demarcation immediately prior to the line's discharge into either a public gravity line or a public force main. This point of demarcation will be located at the edge of the City easement or the edge of the right-of-way.
6. Public force mains serving more than one property shall be installed by the developer but will be owned and maintained by the City.
7. The preferred location for public force mains shall be in the public right-of-way or, alternately, in a public easement.
8. As with gravity systems, all pressure systems must be designed according to the Manual of Specifications and Standard Details.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 25, 2011** AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Amendment to the City Code, Sections 9-51 and 9-52, Regarding Membership on the Airport Commission**

RECOMMENDATION: Adopt an ordinance to amend the City Code regarding membership on the Airport Commission.

SUMMARY: The proposed amendment provides for the membership of the Campbell County Administrator on the Airport Commission in a similar fashion to the City Manager. The Campbell County Administrator, or his designee, would serve an indefinite term.

The proposed amendment also would allow the Airport Commission to select its Chair and Vice Chair rather than Council. In the past Council has accepted the recommendations of the Airport Commission. This amendment would streamline the process.

Finally, the proposed amendment would make a few technical corrections for consistency with current practices.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Proposed Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 9-51 AND 9-52 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, RELATING TO MEMBERSHIP ON THE AIRPORT COMMISSION

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

1. That Sections 9-51 and 9-52 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by as follows:

Sec. 9-51. Appointment.

The commission shall consist of nine (9) members, all of whom shall be appointed by the Lynchburg City Council and none of whom may be elected representatives of the Commonwealth or any political subdivision thereof. Three (3) commission members shall be appointed to represent the Central Virginia region, including the City of Bedford as well as the counties of Amherst, Bedford, Campbell and Appomattox and shall be either private citizens or business persons who have an aviation background or who represent businesses that rely heavily on the airport. Five (5) commission members shall be residents of the City of Lynchburg who are representatives of aviation interests or major users of the airport or the citizenry in general. The final or ninth (9th) commission member shall <u>be</u> ~~serve at the pleasure of~~ the Lynchburg City Manager ~~as~~ <u>or</u> his designated representative. The City's Airport ~~Manager~~ <u>Director</u> shall attend all commission meetings in order to keep the commission advised of the status of day-to-day operations at the airport as well as future airport planning and service-related issues; however, the Airport ~~Manager~~ <u>Director</u> shall not be empowered to act or vote as a member of the commission. <u>In addition, the Campbell County Administrator, or his designee, may serve on the commission as an ex officio member and may be one of the three (3) commission members appointed to represent the Central Virginia region.</u>

~~The Lynchburg City Council shall appoint a Chair and a Vice-chair from among the commission members.~~

Sec. 9-52. Term of office.

~~Initially, three (3) commission members shall serve for one (1) year, three (3) commission members shall serve for two (2) years and two (2) commission members shall serve for three (3) years. Upon expiration of the terms of each of the original commission members, all a~~<u>A</u>ppointments shall be made for terms of three (3) years. The City Manager~~'s representative~~ <u>and the Campbell County Administrator, or their designees,</u> ~~should~~ <u>shall</u> serve for an indefinite term.

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

Vacancies occurring in the membership of the commission shall be filled for the unexpired term in the same manner in which original appointments are made.

Members of the commission shall serve without compensation.

2. That this ordinance shall become effective on its passage.

Adopted:

Certified: ______________________________
Clerk of Council

017L