LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE

Tuesday, January 9, 2018
8:00 a.m.

Information Items

Recent/Pending Contract Awards: -No new contract awards.

Update on priority projects: -See attached report.

General Business

1. Fifth Street Phase III Construction — Scott Parkins

2. Downtown Utility & Streetscape Project- Phase 2 Block Sections — Jim Talian

Pc: Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: February 13, 2018

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

January 9, 2018

Projects of Interest	Phase	Phase Completion	Notes
Timberlake / Logan's Lane Intersection	Construction	October 2018	Construction Underway
Wards Ferry Road Improvements @ Heritage	Construction	October 2018	Construction Underway
Greenview Drive Phase 2	Complete	July 2017	Complete and in service
College Lake Dam	Preliminary	January 2018	Renewing Operations Permit
One Way Pairs @ 501/221	Preliminary	June 2019	NEPA Document Underway
Main Street Bridge	Construction	November 2018	Construction Underway
Odd Fellows Road - Sections A and B1	Construction	August 2018	Construction Progressing Base course of Asphalt Down
Odd Fellows Road - Section B2	Design	January 2018	Scheduled for January Advertisement - Pushed Back by VDOT
Downtown Watermain Replacement & Streetscape	Construction	September 2017	Complete Except for Virginian Work
Liberty Mountain Drive - Phase 3	Design	March 2018	Reviewing Plans for Spring Advertisement
Community Market Parking Deck	Construction	July 2017	Complete
McConnville Road Culvert Replacement	Construction	December 2017	Complete

LYNCHBURG CITY COUNCIL
Physical Development Committee Agenda Item Summary

MEETING DATE: **January 9, 2018 Physical Development Committee** AGENDA ITEM #:

CONSENT: REGULAR: WORK SESSION: CLOSED SESSION:
ACTION: INFORMATION: X (Confidential)

ITEM TITLE: Fifth Street Phase III Construction

KEY ELEMENTS:
_X_Economic Development ___Excellent Government __X_Natural and Built Environment ___Safe Community __X_Vibrant Community

RECOMMENDATION:
Proceed with rebidding Fifth Street Phase III with options to fully close Fifth Street and/or eliminate one block of streetscape construction.

SUMMARY:
From 2009-2015, the City engaged in construction of two projects on Fifth Street.
Phase I included the Federal Street Roundabout and was constructed with full closure of Fifth Street.
Phase II included infrastructure and streetscape improvements from Harrison Street to Main Street and was constructed with maintenance of one way south bound traffic on Fifth. Both phases included installation of water mains, sanitary and stormwater infrastructure, roadway rebuild, and sidewalk, crosswalk, and streetscape furnishings.

Phase III is proposed for 3 blocks between Jackson and Taylor Streets and will complete the water line improvements to the College Hill Water Treatment Plant. These projects are implementing the findings from the Fifth Street Master Plan adopted by City Council in 2006 and significant private investment has been occurring in the area following completion of the first two phases.

Phase III was advertised for bidding in November 2017. Only one contractor (Counts & Dobyns) submitted a bid which was almost $2 million over the engineer's estimate. City staff met with Counts & Dobyns and heard that maintaining one lane of traffic was a large reason for the high cost, due a less productive work environment. If full road closure was considered, Counts & Dobyns was willing to reduce the bid price but near enough to bring the project back into budget.

In order to understand the options available to resolve the funding dilemma, staff is proposing to rebid the project with alternative cost saving options. These options are a) allow the contractor to fully close Fifth Street; b) eliminate one block (Monroe to Taylor Streets) of streetscape from the project; or c) both. Once those bids are obtained, PDC will again be consulted.

A public outreach program is in progress to keep businesses aware of these developments as they are occurring.

PRIOR ACTION(S):
July 11, 2017 – PDC Committee recommendation to proceed with public meetings for input on street closure options.
September 26, 2017 – PDC Committee recommendation to bid and construct with one lane (southbound) open.

FISCAL IMPACT:
Financing will include local funds, VDOT funds, and if a spend-down requirement by May 1, 2018 can be met, CDBG block grant funds.

CONTACT(S):
Scott Parkins, Project Manager (Water Resources)
Tom Martin, City Planner (Community Development)
Lee Newland, City Engineer (Public Works)

ATTACHMENT(S):

REVIEWED BY: CWH

LYNCHBURG CITY COUNCIL
Physical Development Committee Agenda Item Summary

MEETING DATE: **January 9, 2018 Physical Development Committee** AGENDA ITEM #:

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

ITEM TITLE: Downtown Utility & Streetscape Project – Phase 2 Block Selections

KEY ELEMENTS:
_X_ Economic Development ___ Excellent Government _X_ Natural and Built Environment _X_ Safe Community _X_ Vibrant Community

RECOMMENDATION: Update of phase 2 of the Downtown Utility & Streetscape Project covering:
Commerce Street between 5th and 9th;
7th Street between Main and Commerce; and
8th Street between Main and Commerce

SUMMARY: Phase 1 of the Downtown Utility & Streetscape Project is now complete. The Departments of Water Resources, Public Works, and Community Development in coordination with the Downtown Master Plan consultant have selected the above referenced blocks as phase 2 of the project. All properties within the proposed block segments and all properties within one city block of the proposed block segments have been contacted individually. While many business owners are of course concerned, all understand the ultimate necessity for the project, and the vast majority is in agreement that these blocks will be addressed next. There is one business which will have particularly difficult mitigation challenges. We are already discussing how we can help with that. All business owners are very pleased that they have already been contacted, approximately one and a half years before construction is scheduled to begin.

Design of Downtown phase 2 is scheduled to begin immediately on approval of the location. Construction of phase 2 is scheduled to begin immediately upon completion of the Fifth Street construction in the spring or summer of 2019.

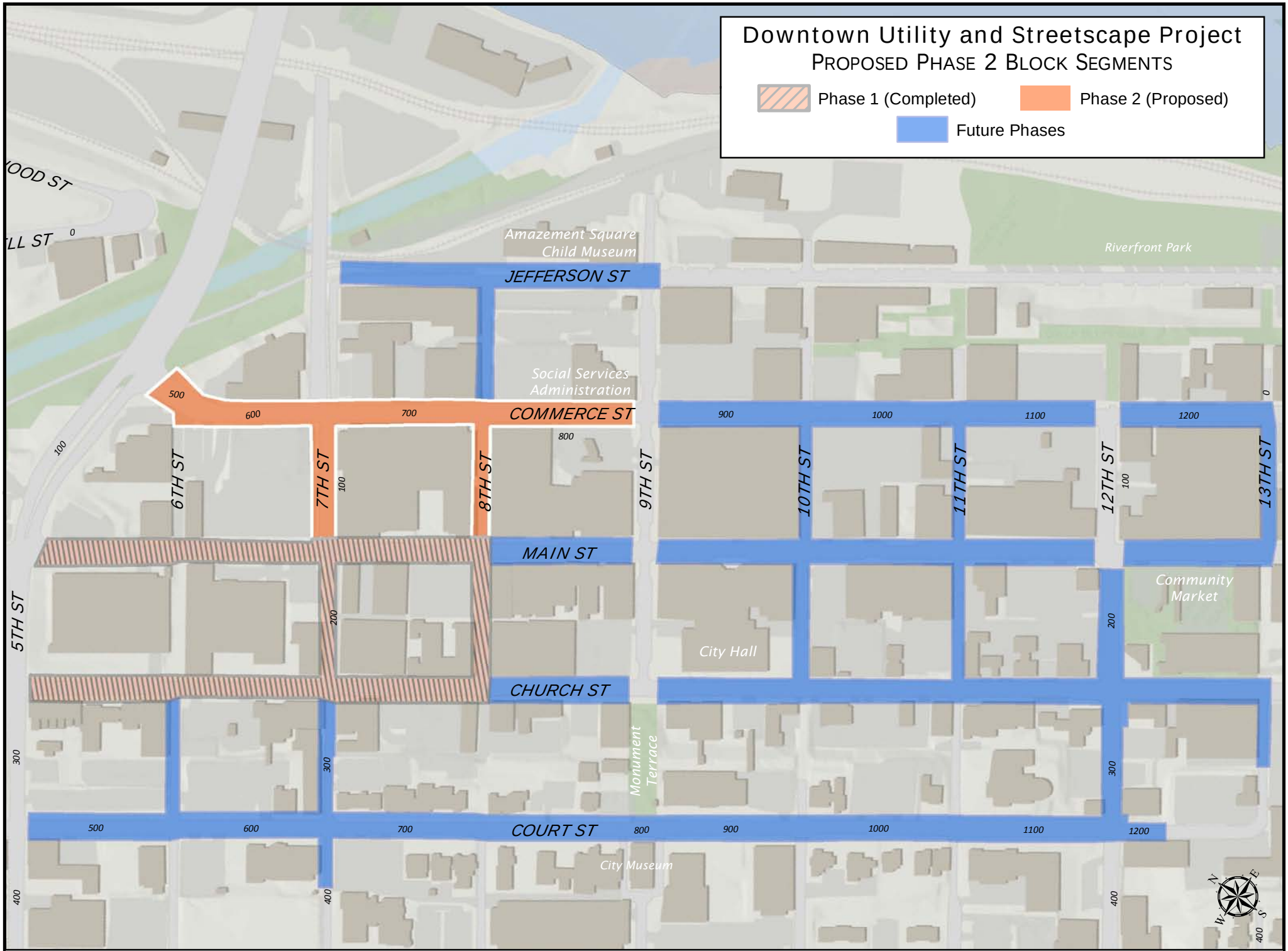
PRIOR ACTION(S): This is the first update relative to phase 2 of this project.

FISCAL IMPACT: Estimates for phase 2 based on phase 1 history: $2.5M water fund; $1.0M sewer fund; $0.4M storm fund; $3.0M general fund

CONTACT(S): James Talian, Chief Engineer, Department of Water Resources, 455-3953
Scott Parkins, Utilities Engineer, Department of Water Resources, 455-4252

ATTACHMENT(S): Map of phase 1, proposed phase 2, and other future blocks of the Downtown Utility and Streetscape Project

REVIEWED BY: CWH



DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE. City of Lynchburg - GIS Division: 12/20/2017

Downtown Utility Streetscape
Phase II Outreach

Business Name	Met With	Date Contacted	Primary Concerns
Academy Center of the Arts	Geoff Kershner, Dorie Smiley, Tabitha Abbott	13-Oct-17	Parking lot access for summertime camp drop-off
Pacific Life	John Thomas	13-Oct-17	Pedestrain access to building, vehicle access to parking lots, data center services 23 countries so cooling towers need constant water and power
US Pipe (Griffin Pipe)	Bob McMillan, Paul Brestel	16-Oct-17	24 hour operations, truck access via 7th and Commerce only, 60 trucks/day, water shut down catastrophic, would melt the shell, schedule during maintenance only
Human/Social Sevices Admin.	Tamara Rosser, Ruth Talian, Gary Truxell	18-Oct-17	Customers use GLTC bus stop on Commerce, pedestrain access for customers, vehicle access to parking lot
Buzzards Roost	Shannon Parsons, Jon Sosafski	23-Oct-17	Access to customer loading on Commerce
Jimmy's on the James	Bob Rygielski, Jessica Wade	24-Oct-17	Access to parking lot, pedestrian access
Tresca on 8th	Robin Mays, Kim Lankford	25-Oct-17	Construction is unappealing to brides, delivery trucks load/unload at the front door, pedestrian access, dust, noise, etc.

Downtown Utility Streetscape
Phase II Outreach

Virginia Steel	Tina Dalton, Mike	15-Nov-17	Truck access, 20 per day, trucks back in on Commerce from 9th St., staff accesses from 7 1/2 St (one-way, one lane)
Cliffs Edge Lofts	Sharon Lester, Blair Godsey	21-Nov-17	Access to parking garage on 7th, residential access on Commerce, on-street parking on 7th and Commerce.
Parlor Barber Shop/Lofts	Tara West	18-Dec-17	Access to mid-town parking garage, pedesteian access
Riverview Art Space/Lofts	Kim Sorensen	19-Dec-17	No concerns, notify when decision final
Amazement Square	Amanda Fortner	1/3/2018*	Meeting scheduled for January
Bank of the James	Brandon Farmer	26-Dec-17	Access to parking lot off of Commerce for entirety of project
Wells Fargo	Gary Case, Spencer Case	29-Dec-17	Access to parking lots off both 8th and Commerce Streets
Bowen's Jewelry	Biff Bowen	28-Dec-17	Appreciates the notice
Baby B's	Pam Baldwin	29-Dec-17	Appreciates the notice
Wills Camp Lofts	Jon Robertson	21-Dec-17	Appreciates the notice, will follow-up after the new year
Al Ryan	Nayef	29-Dec-17	Left message; will go by again
William Alexander Tobbaco	Greg Harold	21-Dec-17	Appreciates the notice, does not have concerns at this time, confirm after location finalizes

Downtown Utility Streetscape
Phase II Outreach

Vaperdemics	Keion Mabane	21-Dec-17	Appreciates the notice, does not have concerns at this time
Bliss	Lindsay Gatlin	21-Dec-17	Appreciates the notice, will pass-on to owner, does not forsee concerns

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2018** AGENDA ITEM #: **1**

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

ITEM TITLE: Short-term Rentals (also known as Airbnb) Overview

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

RECOMMENDATION: Hear a presentation on the City's authority to manage short-term rentals (Airbnb) and determine any further action.

SUMMARY: Staff will provide an overview to Council on local government authority to regulate short-term rentals.

PRIOR ACTION(S): N/A

FISCAL IMPACT: To be determined.

CONTACT(S): Kent White, Director of Community Development – 455-3900; Charles Hartgrove, Deputy City Manager – 3990; Walter Erwin, City Attorney – 455-3980; Mitch Nuckles, Commissioner of the Revenue – 455-3870; Anna Bentson, Deputy Director of Economic Development and Tourism – 455-4490; Kevin Henry, Zoning Administrator – 455-3900

ATTACHMENT: Presentation Slides

REVIEWED BY: bms

008K

Short Term Rentals (aka Airbnb)

City Manager's Office
Commissioner of the Revenue
City Attorney's Office
Department of Community Development
Office of Economic Development & Tourism

January 9, 2018

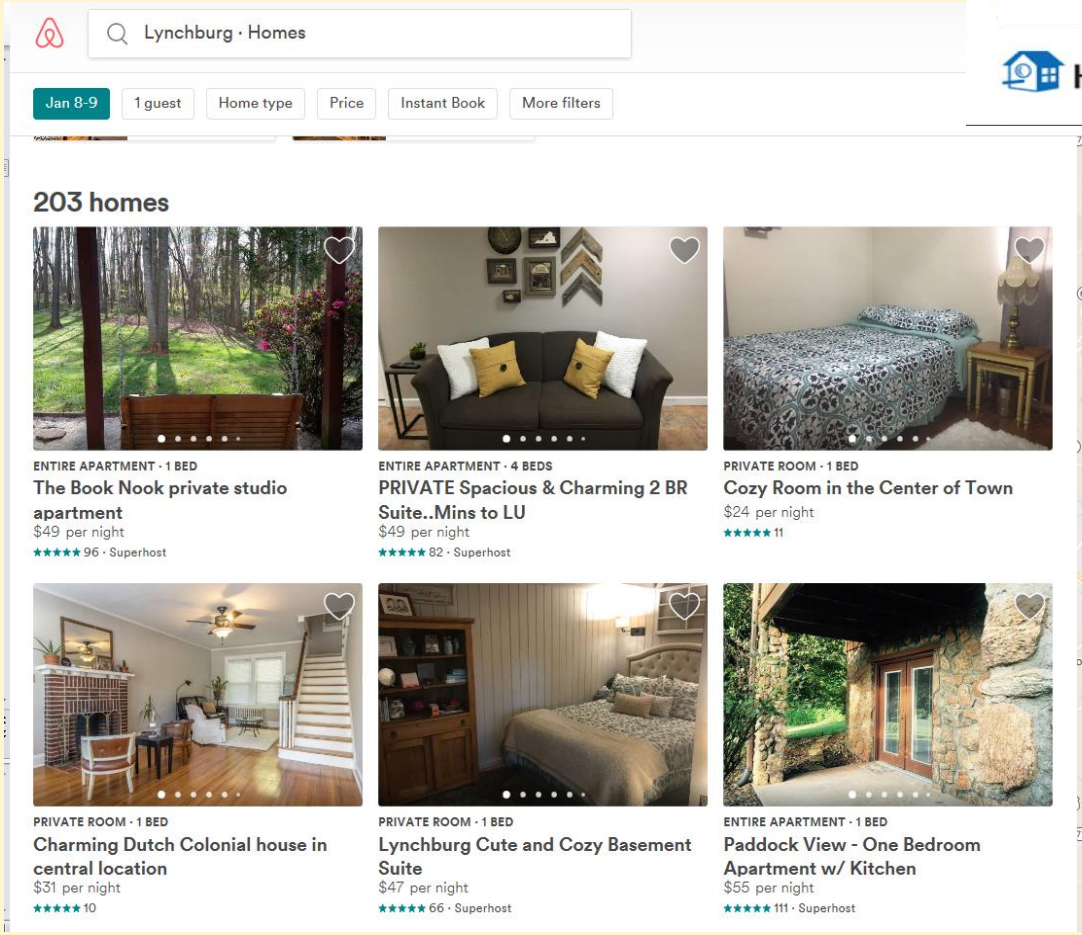
Changing Economic Models

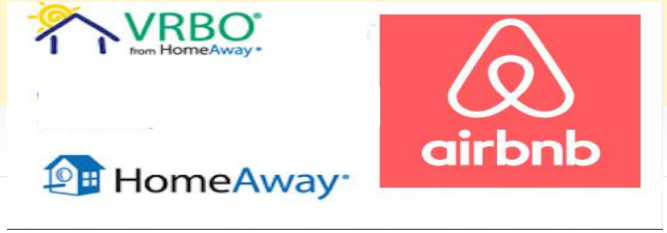
Short-Term Rentals - Defined

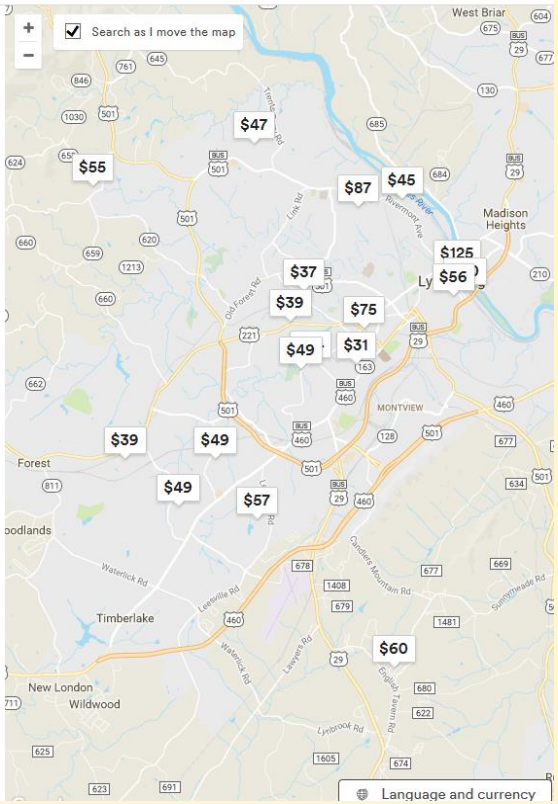
"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Code of Virginia Chapter 9, Article V, *§ 15.2-983. A.*

Short-Term Rentals - Growth







Short-Term Rentals – Fairness

- Short-term rentals that operate as a business (i.e. bed and breakfasts; hotels):
  - are required to obtain a business license
  - remit the City's lodging tax
  - typically receive a building permit for improvements
  - are permitted by the Virginia Department of Health (lodging; food; or both) and subject to inspection

Short-Term Rentals – State Code

- Local government may regulate the short-term rental of property through general land use and zoning authority.
- May establish a short-term rental registry.
- May charge a reasonable fee related to the actual cost of establishing/maintaining a registry.
- May include $500 per violation civil penalty for an operator who is required to register that is not registered
- Operator may be prohibited from offering rental upon multiple violations of state and local ordinances on more than 3 occasions.

Short-Term Rentals – Localities

Locality	Registration/Fees	Requirements	Inspections
Bedford County	Yes; $50 fee + lodging tax	no exterior changes; 2 adults per bedroom; vehicles in driveways or parking areas	complaint based
Blacksburg	Yes; lodging tax only	smoke/CO detectors; egress; no RVs or trailers; post contact; limit of 6 guests	host agrees to allow interior inspections for complaints
Charlottesville	Yes; $100 fee + lodging tax	24/7 contact no more than 30 miles away; no food; owner occupied for 180 day	host agrees to allow annual inspection to verify compliance
Orange (Town)	Yes; lodging tax only	registration only; will track progress to update ordinances	complaint based
Virginia Beach	Yes; lodging tax only	registration only; Planning Commission to develop land use controls as needed	complaint based

Short-Term Rentals – Current Policy

- Short-term rentals are permitted in business zoned districts "by right."
- **Occupancy standards apply for short-term rental uses in all residentially zoned districts.**
  - no more than 3 unrelated people per dwelling unit
  - when two or more related people reside in a dwelling unit, only one additional unrelated person is permitted
- Provided the occupancy standards are met, owner-occupied housing may be used as short-term rentals, provided the owner is present during the guests' stay.
- Owners that wish to operate short-term rentals when they are not present must have a conditional use permit issued by Council.

Short-Term Rentals – Current Policy

- Community Development staff investigates **"unpermitted"** short-term rentals on a complaint basis.
- During the 2017 calendar year the City received 6 complaints, all but one of which came in late Spring.
- Zoning occupancy cases are often difficult to prove. (owner-occupied duplexes; related vs. unrelated; length of stay).
- If sufficient evidence exists that a short-term rental is operating illegally, staff pursues resolution through the zoning process including, if necessary, the court system.

Short-Term Rentals – Enforcement

Contact host

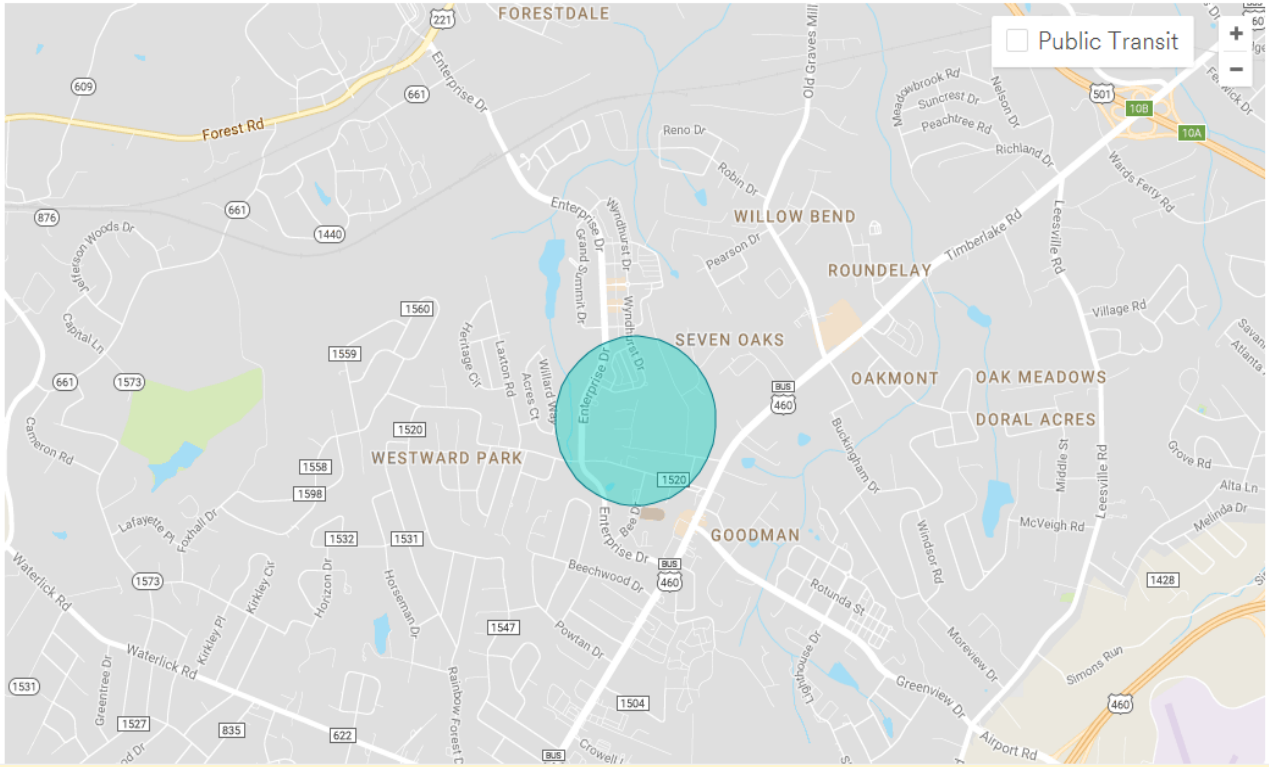
Response rate: 100%
Response time: **within an hour**

This home is on people's minds.
It's been viewed 94 times in the past week.

Report this listing

The neighborhood

Caleb & Rachel's home is located in Lynchburg, Virginia, United States.



Short-Term Rentals – Staff Resources

- Dependent upon whether Council wants staff to manage short-term rentals as a tax issue, land use issue or both.
- How proactive local governments are at collection, monitoring and enforcement impacts staffing needs. Variables include:
  - Tax billing and collection only
  - Registration, fee collection and follow up
  - Annual Inspection vs Complaint-Based
  - Degree of Enforcement
- Additional level of service vs proposed budget reductions

Short-Term Rentals – Revenue Impact

Based on the City's current 6.5% lodging tax, a conservative estimate of 200 short-term rental operators each renting for 60 days per year at a $50 average rate per night would generate about $65,000 in lodging tax revenue.

Short-Term Rentals – Uncertainty

- VML, VACO, and other organizations speculate the General Assembly may revisit the short-term rental issue during their 2018 legislative session.
- If the City adopts an ordinance regulating short-term rentals, amendments may be required depending on General Assembly action.

Staff Recommendation

Due to potential legislative changes, request an update on local authority to manage short-term rentals following the 2018 General Assembly session.

Based on those findings:

- Consider directing staff and Planning Commission to revise the Zoning Ordinance to clarify under what circumstances short-term rentals are permitted.
- Consider whether or not a short-term rental registration program is appropriate for Lynchburg.

Alternatives

Alternative 1: Direct staff to prepare amendments to City Code to require the registration and remittance of lodging tax for short-term rentals.

Alternative 2: Direct staff and Planning Commission to prepare Zoning amendments for short-term rentals.

Alternative 3: Direct staff to prepare amendments to City Code to require the registration, remittance of lodging tax and zoning requirements for short-term rentals.

Questions?

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2018** AGENDA ITEM #: **2**

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

ITEM TITLE: 2017 National Citizens' Survey – Leadership Team Next Steps

KEY ELEMENTS:
X Economic Development **X** Excellent Government **X** Natural and Built Environment **X** Safe Community **X** Vibrant Community

RECOMMENDATION: Staff will update City Council on the next steps of the Leadership Team's work regarding the 2017 National Citizens' Survey results.

SUMMARY: Staff will make a presentation to Council regarding the Leadership Team's continuing efforts to utilize the data from the 2017 National Citizens' Survey. Staff will highlight examples of next steps and how this information will be linked to the City-wide work plan and drive performance measurement in focused areas of operations.

PRIOR ACTION(S): Dr. Tom Miller, President of the National Research Council, presented the results of the 2017 National Citizen Survey to City Council on November 14, 2017.

FISCAL IMPACT: N/A

CONTACT(S): Charles Hartgrove, Deputy City Manager – 3990
Joann Martin, Director of Communications and Marketing – 3800

ATTACHMENT: Presentation Slides

REVIEWED BY: bms

007K

2017
Citizens' Survey
Next Steps

January 9, 2018

Next Steps Workshop

- Leadership Team (LT) participated in a ½ day workshop with Tim Miller, President of the National Research Council.
- The focus of the workshop was:
  - Setting the context for the discussion
  - Review the Survey data
  - Identify Strategies
  - Begin Action Planning

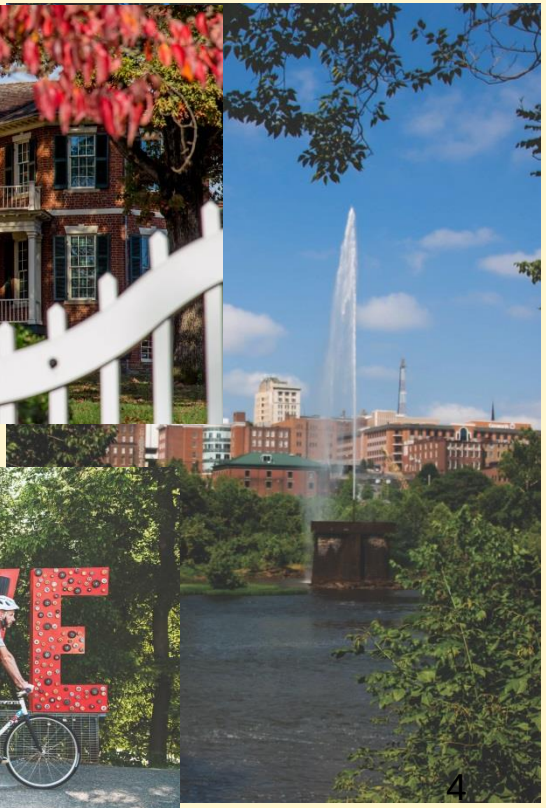
Setting the Context

- Leadership Team was asked what words best describe the City of Lynchburg.

Setting the Context

- Next, the LT was asked what was unique about the City of Lynchburg compared to other regional communities:

- Colleges/Universities
- History
- River
- Giving Community
- Green Space/Trails
- Isolated



Data Review

- Lastly, the Leadership Team was asked what survey results were expected and which ones surprised them based on their experience in managing each of their department's operations since the last survey in 2015.

Data Review

EXPECTED

- Safety
- Transportation
- Poverty
- Parks and Recreation
- Recycling
- Special events
- Parking

SURPRISED

- Economic Development
- Customer Service
- Bicycle Mobility
- Traffic Signal
- Snow Removal
- Fire Prevention
- Infrastructure
- Customer Service
- Schools

2017 Benchmarked Service Ratings Compared to 2015 Benchmarked Service Ratings

Quality of Services Rated Higher in 2017 Compared to 2015

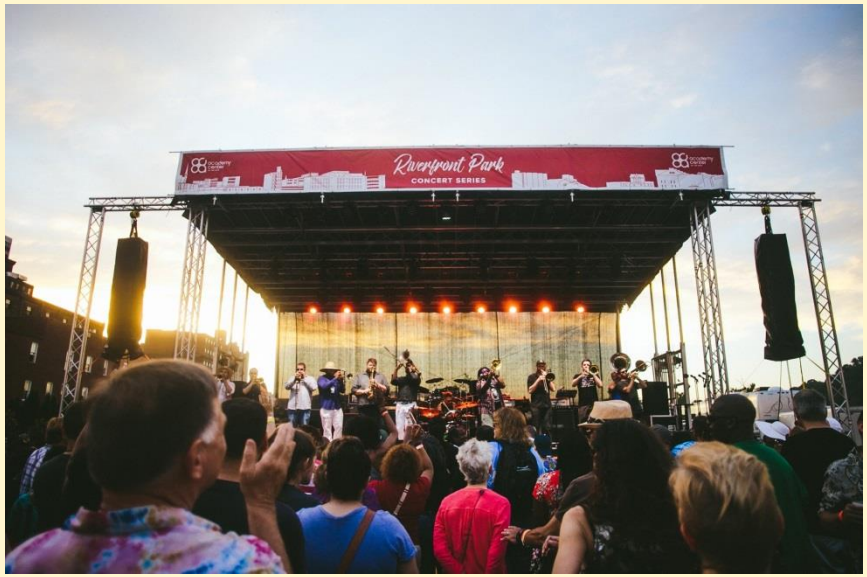
- City Parks
- Economic Development
- Land Use, Planning, Zoning
- Natural Area Preservation
- Overall Direction
- Public Libraries
- Public Information
- Recreation Centers
- Recreation Programs
- Special Events
- Street Repair
- Welcoming Citizen Involvement

Community Characteristics Rated Higher in 2017 Compared to 2015

- Paths and walking trails
- New development
- Public places
- Vibrant downtown/commercial area
- Recreational Opportunities
- Cultural/arts/music activities
- Social events and activities
- Openness and acceptance
- Opportunities to participate in community matters
- Opportunities to Volunteer

Resident Participation Rated Higher in 2017 Compared to 2015

- Sense of community
- Used Public Transportation instead of driving
- Carpooled instead of driving alone
- Visited a City park
- Attended a City-sponsored event
- Volunteered
- Voted in local elections



Quality of Services Rated Lower in 2017 than 2015

- Bus or transit services
- Fire
- Fire prevention
- Recycling
- Traffic signal timing

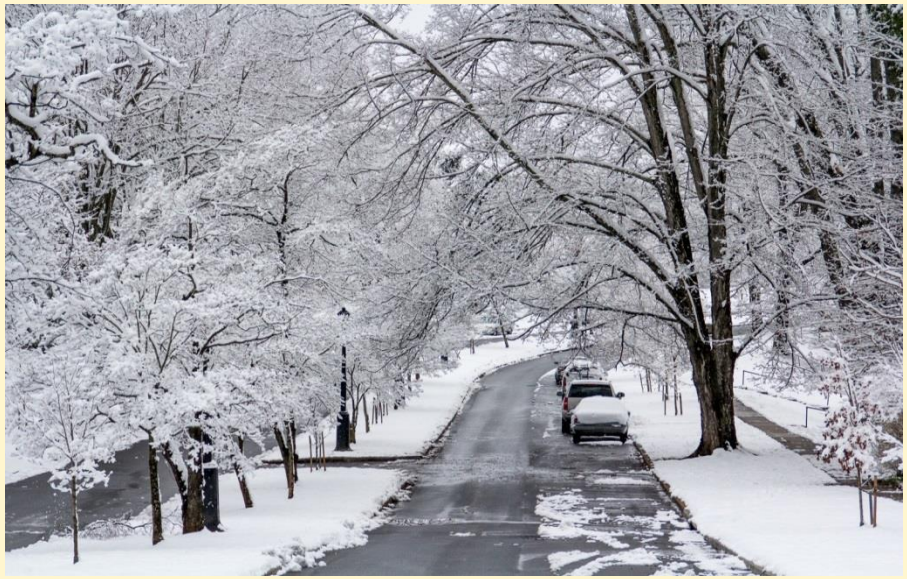
Community Characteristics Rated Lower in 2017 than 2015

- Travel by public transportation
- Public parking
- Shopping opportunities
- Mental Health Care
- Child care/preschool

Quality of Services Rated Below the Benchmarks* for 2017

- Snow Removal
- Recycling
- Yard Waste Pick-up

NOTE: *All other service ratings were similar to the benchmarks. Benchmarks are comparisons to other communities that participate in the National Citizen Survey.*



Narrowing of Focus Areas

- Following discussion, and due to our constrained time frame, the Leadership Team narrowed the focus to the following two areas:
  1. *Community Building*
  2. *Customer Service*

Community Building

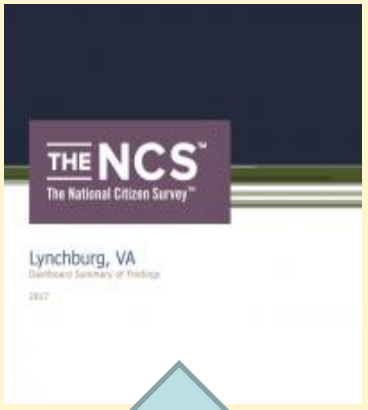
- Connect neighborhood teams across neighborhood boundaries
- Bridge competing data points
  - Affordable/Poverty
  - Conservative/Hip
- Strategize ways to improve two-way communications
- Identify the City's partners and work with them to address issues (i.e. poverty, etc.)

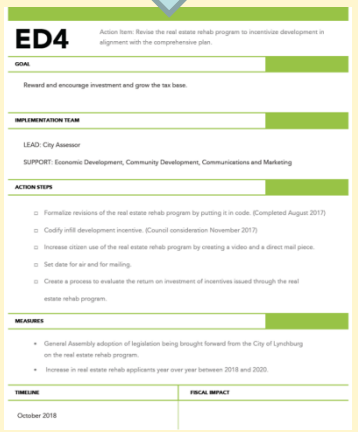
Customer Service

- Define meaning and expectations depending on service
- Develop City-wide customer service standards
- Establish focus groups to better understand citizen expectations
- Streamline processes for service delivery (LEAN Teams, Special Events & Trash/Recycling Teams)
- Utilize technology to improve customer experience and service delivery (Digital Cities Award & New City App)

Action Plans

- Every department asked to review survey data
- Determine areas for improvement/enhancement
- Establish Action Plans to address those areas and connect them to the City's Work Plan and Annual Budget.





Examples Moving Forward

- As part of the Leadership Team's next steps in the process, we will highlight some preliminary plans from a couple of City departments.

Parks & Recreation

- Lynchburg Parks & Recreation proactively researched and strategized how to address concerns identified in the 2015 Survey over the last two years.

Parks & Recreation

- Related community characteristics that improved from the "Trends Over Time" 2015 Survey to the 2017 Survey included:

Community Characteristic	2015	2017
1. Paths/walking trails	63%	70%
2. Public spaces	52%	63%
3. Recreation opportunities	58%	70%
4. Cultural/arts/music activities	48%	60%
5. Social events/activities	55%	61%
6. City parks	68%	80%

Parks & Recreation

- After reviewing the 2017 Survey results, Parks & Recreation correlated “Community Livability” metrics by reviewing responses and data from each City Ward and finalizing an action plan to address the needs identified by our residents.

Parks & Recreation

- Conceptual ideas to address these issues include:

1. *Increasing access to venders at the Community Market by introducing evening hours and partner with GLTC and other organizations to increase neighborhood access to fresh produce*
2. *Offer minorities and younger cohorts more accessible recreation, fitness, and wellness opportunities.*

Lynchburg Police Department

- Residents rated LPD with a high score for their overall operations. They also responded that they felt safe in their neighborhood and in downtown. The scores below show the comparison of 2015 and 2017 survey results:

Survey Topic	2015	2017
Police Overall	75%	77%
Safe in Neighborhood	89%	93%
Feel Safe Downtown/Commercial Area	82%	82%

*Percentage ratings included excellent, very good, and somewhat safe responses

Lynchburg Police Department

- The nature of many LPD contacts with the public are not particularly positive in nature. This includes the fact that almost 7,000 interactions with citizens each year result in arrests and approximately 10,000 interactions each year result in traffic summons.
- How should LPD tell the rest of the story of what they do in the community to balance this?

Lynchburg Police Department

- LPD reviewed both Geographic and Demographic Subgroup data to better understand how to connect with our residents
- This data will help the Community Action Team (CAT) officers concentrate educational efforts and public awareness initiatives strategically over the next two years.

Lynchburg Police Department

- LPD is seeking ways to better tell the department's story and all of the related successes and community engagements.
- The goal is to share facts efficiently and effectively utilizing the social media, actively engaging news organizations, and working closely with residents and businesses.

Lynchburg Police Department

- Conceptual ideas to address these issues include:

1. *Identify resources for a full-time Public Information Officer. Current staff person has multiple responsibilities beyond this duty.*
2. *Identify funding to allow for 1 CAT officer for each of the 10 police beats. Currently have funding for 4 CAT officers and 1 Sergeant.*

Questions?

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2018** AGENDA ITEM #: **3**

CONSENT: ACTION: **X** | REGULAR: INFORMATION: **X** | WORK SESSION: **X** | CLOSED SESSION: (Confidential)

ITEM TITLE: Design Review Board

KEY ELEMENTS:
___Economic Development ___Excellent Government _**X**_Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Dissolve the Design Review Board by not appointing members.

SUMMARY: Prior to the adoption of the new *Zoning Ordinance* on February 23, 2016, the Design Review Board (DRB) reviewed submittals for Planned Unit Developments (PUDs), Cluster Commercial Developments (CCDs), Traditional Neighborhood Developments (TNDs), and building modifications within the Downtown area. Reviews by the DRB were advisory only. The DRB members consisted of the Planning Commission Chair, Historic Preservation Commission Chair, and two (2) other design professionals appointed by City Council.

Upon rewrite of the *Zoning Ordinance*, all references to the DRB were removed. This was done in an effort to streamline the development review process by incorporating development standards. Since the DRB is no longer referenced in the *Zoning Ordinance,* there is no longer a need to appoint or reappoint members as the board was effectively dissolved on February 23, 2016.

PRIOR ACTION(S):
February 23, 2016: City Council adopted a rewrite of the *Zoning Ordinance* removing all references to the Design Review Board.

FISCAL IMPACT: N/A

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

ATTACHMENT(S): N/A

REVIEWED BY: bms

001K

AGENDA ITEM # 6

100

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of November, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present:	Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Absent:	Dolan	1

// Mayor Foster presented a Certificate of Recognition to Information Technology for winning the 2017 Digital Cities Winners Leverage Technology to Enhance Inclusion, Solve Social Challenge.

// Mayor Foster presented a Certificate of Recognition from Virginia Municipal League (VML) entitled the Green Government Challenge to Kent White, Director of Community Development, Tim Mitchell, Director of Water Resources and Gaynelle Hart, Director of Public Works. It is a friendly competition sponsored by the VML which recognizes the innovative steps local governments take to reduce energy usage and promote sustainability. The City of Lynchburg has been a certified "Green Government" since 2014.

// Mayor Foster recognized the Lynchburg Police Department (LPD) for receiving its 9th consecutive accreditation award from the International Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). This award is the "Gold Standard" in public safety, and demonstrates LPD's commitment to professionalism. The Lynchburg Police Department has maintained this accredited status for the last 28 years.

// Gary Christie, Executive Director of Region 2000 Local Government Council provided an Annual Report on the activities of the Local Government Council/Workforce Development Board for 2017. Mr. Christie stated the Mission of the Local Government Council is to be a dynamic public forum for matters of regional significance; to create regional solutions by coordinating regional plans and building coalitions, and, to provide excellence in regional services to our localities and to the Commonwealth.

// City Manager Bonnie Svrcek provided input for the 2018 Legislative Agenda. Ms. Svrcek stated it is time to review and update City Council's Legislative Agenda in preparation for the 2018 session of the Virginia General Assembly. Ms. Svrcek mentioned the sections for suggested changes:

- Comprehensive Poverty Reduction – continue to support the Comprehensive Poverty Reduction
- Smart Scale has been deleted because this is an off year and there is no Smart Scale funding in FY 2018
- Water Quality and Environment – has some additions and subtractions to this section
- Communications Sales and Use Tax – has new language stating the Virginia Communications Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the

- state sales tax rate of 5.3 percent and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services
- Law Enforcement Data Collection and Retention – do not remove the phrase passive data should be purged as soon as possible. Clarification what "as soon as possible" means.

After the discussion and suggested revisions on the proposed 2018 Legislative Agenda the following motion was made. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-17-100, as amended, adopting the 2018 Legislative Agenda:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// City Assessor Jeff Bandy provided information on the In-Fill Development Incentives for select areas of the City. When Staff revisited the Rehabilitation program they noticed it did not allow for In-Fill Development for incentives on vacant parcels. Mr. Bandy provided background information:

- The Code of Virginia allows for an exemption of real estate taxes for infill development (new construction).
- The program provides another tool to revitalize the City's oldest neighborhoods by:
  - allowing owners to build equity in a new home
  - enticing businesses to serve the neighborhoods
  - providing potential employment opportunities
  - reducing blight associated with vacant blocks

- Partial exemption for structures in redevelopment or conservation areas of rehabilitation districts
  - Provides for the exemption from taxation of (i) new structures located in a redevelopment or conservation area or rehabilitation district.
  - or (ii) other improvements to real estate located in a redevelopment or conservation area or rehabilitation district.

The partial exemption shall be either

- (i) an amount equal to the increase in assessed value or a percentage of such increase resulting from the construction of the new structure or other improvement to the real estate as determined by the Commissioner of the Revenue or other local assessing officer.
- or (ii) an amount up to 50 percent of the cost of such construction or improvement, as determined by ordinance.

Creation of Arts and Cultural districts

- The City may provide incentives for the support and creation of arts and cultural districts.
- The tax incentives for each district allows up to 10 years for the rebate of real estate property taxes.
- The districts noted (Redevelopment, Rehabilitation, Conservation, Arts & Cultural) are the only areas that allow in-fill development with Real Estate Tax Exemption periods per State Code.

Mr. Bandy went on to say the recommended requirements are to follow the same periods and methods for phase-out of exemption as established for changes to Rehabilitation Code effective January 1, 2018 and allow 50% of cost of construction as exemption amount for the period of exemption (designated by use). After the discussion, Council by consensus directed Staff to prepare code amendments to provide tax incentives for in-fill development and look into widening the scope of tracts that would apply.
// During roll call Council Member Wilder mentioned concerns in the Garland Hill area near Madison and Fifth Streets near the bus stop where people (homeless population) are just sitting there not catching the bus and on Wednesday there is a food truck and the parking seems to be an issue and making sure safety is addressed. Council Member Wilder mentioned he enjoyed attending the National League of Cities Conference. There were great workshops on addressing racial issues in our communities and on "My Brother's Keeper." He also mentioned the passing of Eddie Claiborne, a great member of our community, on November 25, 2017.

// Vice Mayor Tweedy mentioned she also enjoyed the National League of Cities Conference and spoke on the workshops that she attended on racial equity. The main theme was economic equity in our communities, marketing by expanding jobs and small businesses in our communities.

// Mayor Foster mentioned she had attended the Christmas market downtown and all the small businesses that were there. She mentioned the First Friday (December 1, 2017) book reading at the branch library entitled "The Mitten" and asked everyone to come out and join her. City Manager Bonnie Svrcek stated she had breaking news on the branch library that it would be closed until Monday, December 4, 2017 and the First Friday event with the Mayor would be held in lobby of City Hall instead of the branch library.

// On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning the case of Ruth Anne L. Phillips v. City of Lynchburg, because discussion in an open meeting would adversely affect the negotiating or litigating posture of the City and for discussion and consideration of the City Manager's, City Attorney's and Clerk of Council's performance evaluations pursuant to Sections 2.2-3711(A.)(1) and (7) of the Code of Virginia, 1950 as amended:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Notes: 0

Absent: Dolan 1

// 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 Council Member Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6
Noes: 0
Absent: Dolan 1

// City Council recessed the meeting at 5:30 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 6

Absent: Dolan 1

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

// Copies of the minutes of the October 10, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Notes:	0
Absent: Dolan	1

// Copies of the minutes of the November 7, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Notes:	0
Absent: Dolan	1

// Hear from group representative John E. Falcone regarding Elizabeth's Early Learning Center regarding the Poverty to Process Initiative.

// City Manager Bonnie Svrcek gave a summary of the request from Elizabeth's Early Learning Center (EELC) for Real Estate Tax exemption. Ms. Svrcek stated that EELC is asking the City to be an external service provider or make a charitable donation to cover the same amount as their real property taxes. The options are to enter into a contract with the City as an external service provider and they request that Council approve an annual payment equivalent to the amount of real estate taxes which EELC pays. EELC currently pays $11,065.59 annually in real estate taxes, and anticipates that the amount will increase to approximately $15,000 in the near future because of a planned expansion. While it is not an explicit tax exemption, the request is for the City to pay the taxes which could be perceived as a tax exemption. Ms. Svrcek stated that Staff recommendation is not to enter into an external service provider contract, not make a charitable donation or exempt them for taxes.

City Attorney Walter Erwin stated that Mr. Falcone the attorney representing EELC summary was correct; in early 2016 EELC contacted the City Assessor's office and asked if EELC is classified as an institution of learning. The City researched this issue and responded that we did not think that EELC was an institution of learning; however they offer great programs and educational benefits. An organization does not qualify as an institution of learning until the children they serve are of school age.

The City advised EELC that it believes they do not qualify as an institution of learning so EELC is pursuing this additional option.

Council Member Perrow stated he appreciates the importance and value of early learning. As an external service provider those are typically entities performing a function that the City could not do efficiently on its own. He asked, what benefit would there be to the City? Ms. Jane Gerdy, Executive Director of EELC responded that the benefits to the City are multiple and varies which include the following:

- EELC wants to support the City of Lynchburg and the Poverty to Progress Initiative
- EELC a non-profit organization that provide $200,000 per year in tuition assistance/scholarships to families in need, including children at-risk due to economic disadvantage or disability.
- EELC provide a nationally accredited education program for children, for families that also need childcare, helping to decrease the number of children starting kindergarten with no Pre-K experience.
- Unlike other non-profit preschools, EELC provides educational programs and paying real estate taxes because EELC is not located in a church or on a college campus.
- EELC is raising funds to expand their facility in order to provide care for more children. This helps with workfoce development and also educates children so that they have skills needed for success in kindergarten. EELC also provide scholarships for children on a sliding scale which is based on family income and need.
- Expanding the facility will increase real estate taxes, possibly reducing the scholarship funds that will be available to children.

Council Member Perrow asked since you are at your capacity and if the City should decide to make a contribution, how would that benefits more children? The expansion would serve 36 additional children.

Council Member Helgeson stated he appreciates what they do and as he sees this, EELC provides a great service but not a difference in the service. This not only affects businesses, property owners and our non-profits that are doing a good job trying to take care of children. We should try to keep our real estate taxes low all through the year. It is incumbent upon us to watch our finances year end and year out. I do appreciate the creativity of asking for the tax relief, realizing that this will not be happening and trying a different way. The proper time to ask for this funding would be during the budget process. I would agree with the City Manager's recommendation not to go with a tax abetment or with a contract.

Council Member Wilder asked several questions, do EELC receive any funds from Social Services? The response was yes, we are eligible to receive subsidy funding for childcare from Social Services. This does not cover the cost for tuition, our scholarships cover the difference. Funds only cover 4 year olds and the younger children do not receive any funding. Do you receive any funds from our school system? The school system pays half tuition for 4 year olds but no funds for younger children.

Vice Mayor Tweedy asked, what would be the potential cost for your expansion. Ms. Gerdy stated EELC is supposing a $750,000 expansion for the facility. She further stated this is the fourth time EELC has expanded since it was built 20 years ago. The taxes have gone from $4K a year to $15K a year. Vice Mayor Tweedy also asked has there been any discussion from the EELC Board in providing this type of early education in our neighborhoods. Ms. Gerdy replied there is differently a need but it would be very costly with an additional facility and teachers.

Council Member Nelson asked with regard to the scholarships, are the scholarships allocated as a whole or partial scholarship? The scholarships are based on needs; we have a sliding fee scale that is applied based on the parents' income. Council Member Nelson also asked why this program and property should not qualify as an educational institution of learning. Why the City would not recognize an external service provider status for EELC, what is the key factor? -It is remarkable in my opinion that EELC as a non-profit private group has stepped up and provided the quality of service they do to families and children. If you evaluate what they do for the City in my opinion they very much provide the services like any other external service providers. They serve our citizens by providing quality childcare.

Mayor Foster made remarks that this is a well-educated facility that provided excellent childcare services for children. After the discussion, Council Member Nelson made a motion, seconded by Mayor Foster that the City Manager will negotiate a contract with Elizabeth's Early Learning Center (EELC) for EELC to be an external service provider compliant with representations contained in the documents EELC presented to the City. The City will pay EELC the amount of the annual real estate tax assessment placed on EELC's real property in the fiscal year immediately preceding the start date of each contract term once EELC has completed the proposed expansion of its physical facilities to provide additional space for 36 children. All City funding will be applied toward scholarships benefiting indigent children. Council by the following recorded vote adopted the motion that the City Manager would negotiate a contract with Elizabeth's Early Learning Center:

Ayes: Nelson, Tweedy, Wilder, Foster	4
Notes: Helgeson, Perrow	2
Absent: Dolan	1

// In the matter of Fire, City Council Report #10 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-101, as presented, to amend the FY 2018 Stormwater Capital Fund budget and appropriate $70,494 with resources from Stormwater Local Assistance Fund (SLAF) matching grant to reimburse costs for Fire Station No. 8 Water Quality Improvement Project:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Police, City Council Report #11 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before the FC which recommended approval. This motion does not require a second. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-102, as presented, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate $36,182.98 with resources of $18,091.49 from the Bulletproof Vest Partnership 2017 Grant Program and $18,091.49 transferred from the FY 2018 General Fund Police Department ($13,703.99) and Sheriff's Office ($4,387.50) budgets to purchase 43 replacement bulletproof vests for law enforcement officers.

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Fire, City Council Report #12 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-103, as presented, to amend and reenact Section 5-6 of the City Code relating to the rates that are charged by the Fire Department for Ambulance Services within the City:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// The meeting was adjourned at 8:55 P.M.

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of December, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:	0

// Director of Financial Services Donna Witt introduced Mr. Chris Banton, a representative with Brown Edwards, LLC, who provided the audit presentation. Mr. Banton presented an overview of the FY 2017 Comprehensive Annual Financial Report (CAFR) and related reports for fiscal year ending June 30, 2017. Mr. Banton further stated that the City of Lynchburg received the highest possible marks on its annual audit for fiscal year 2017. From the auditors the City received a clean and unmodified audit, which means the City has no significant deficiencies related to Financial Statements and no instance of noncompliance material. He went on to say that the City also was completely in compliance with regulations from the Federal Government for how funds are spent, which is unusual because most localities have at least a few small infractions. In reporting the Lynchburg City Schools section of the audit for year ending June 30, 2017, the audit did not detect any matters that warranted issuance of an internal control or management letter. The Schools also had a clean audit. After the presentation, Council made a suggestion that for future reports from the Auditors they would appreciate receiving the report early so they will have time to review the report.

// City Assessor Jeff Bandy provided the revised 2018 Legislative Agenda to include Infill Development that Council had requested at the November 28, 2017 meeting. The direction from Council was to prepare code amendments to provide tax incentives for infill development of residential, commercial, multi-family (5 + units), or industrial buildings in the City's Rehabilitation and Conservation Districts, Redevelopment Areas, and Arts & Cultural Districts. Mr. Bandy stated that this tool would provide incentives for infill development to encourage additional housing, business services, employment opportunities and revitalization in older areas of the City. Council also directed staff to explore ways to expand the applicability of the program to other neighborhoods within the City. Mr. Bandy went on to say, currently the only areas eligible for infill development with real estate tax exemption periods in this code section are redevelopment, rehabilitation and conservation areas. Council may also provide the exemption in the City's Arts & Cultural District in accordance with a separate state code section. Since the purpose of redevelopment areas, conservation areas, and rehabilitation districts is to designate areas of operation for the Housing Authority, expanding the boundaries of these areas would mean that the Housing Authority would be expected to provide services in those areas. Allowing local governments to determine the areas where real estate tax incentives for infill development apply would provide a tool to promote neighborhood revitalization and economic development without expanding the workload of the

Housing Authority. He further stated that Staff proposes to amend the City's 2018 Legislative Agenda to encourage enabling legislation to let the local governing body determine where real estate tax incentives for infill development apply. Council Member Perrow made a motion seconded by Council Member Wilder to amend the 2018 Legislative Agenda to include Infill Development. Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

// City Manager Bonnie Svrcek stated Council had requested staff to obtain information on City Council Salaries/Benefits for FY 2019. The request for additional information regarding Council compensation was made at Council's retreat in early November particularly as compensation relates to non-salary related or fringe benefits. Ms. Svrcek went on to say Section 15.2-1414.6 of the Code of Virginia states that no increase in the salary of a member of council shall take effect until July 1 after the next regularly scheduled general election of council members. The Code further states that every proposed increase in the salary of members of council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly consolidated city when the proposed increase shall be adopted at least two months prior to the date of its municipal election. Ms. Svrcek further stated that according to the Code of Virginia cities within the 75,000 to 174,999 population bracket shall be allowed to set salaries for mayors, which include presidents of council and council members not to exceed $25,000 for the Mayor and $23,000 for Council. The "Study on City Council Salaries and Fringe Benefits" offers comparative information from other cities in the Commonwealth. It is not clear whether non-salary related or fringe benefits fall within Section 15.2-1414.6 of the Code of Virginia. In consultation with the City Attorney and in the spirit of transparency, staff recommends that Council consider any compensation be considered within the Code of Virginia language noted above. If Council were to add fringe benefits to their compensation, the following rates would apply: Group Life Insurance – 1.31% of salary; Medical Insurance (employee only) - $5,520; Dental Insurance (employee only) - $336; Vision (employee only) - $48; Virginia Retirement System – 18.76% City contribution. Council salaries are set forth in the City Code and a change to the salaries would require a Code amendment. To incorporate members of City Council with benefits a resolution would have to be adopted. Ms. Svrcek stated with a municipal election on May 1, 2018 Council would need to take action on a proposed increase prior to January 1, 2018. Ms. Svrcek offered some background information. On December 11, 2007 City Council voted to increase the salary of the Mayor from $10,000 to $12,000 per year and increase the salary of Council members from $8,000 to $10,000 per year.

Council Member Helgeson began the discussion with the reasons for this request to raise the salaries for Council members. He stated because of the time commitment required of Council members

to serve on a variety of boards and commissions and appear at public events, he was in support of raising the salaries for Council members because City Council's salaries are the lowest of any City with more than 75,000 residents in the State.

Council Member Dolan stated she would have a hard time supporting Council members receiving a raise since the City Manager has asked each department to do a two percent cut in their budget. I know that no one does it for the money but do it for civil responsibilities.

Vice Mayor Tweedy stated she agrees with Council Member Helgeson there should be some type of compensation. If you are looking for a diverse group of people who are willing and able to do this, which is a lot of hard work. People don't have the flexibility because they have to work and everyone does not have that flexibility. We do it for the love of it and our community. Several Council members spoke against raising salaries since the City Manager had recently asked City departments to cut their budgets by two percent because of revenue coming in lower than expected.

Council Member Helgeson put forward a motion to have a statutory amount to increase Council's annual salaries; $20,000 for the mayor and $18,000 for Council members. This motion died for lack of a second.

Mayor Foster stated she would not have supported that motion. I agree we do need a diverse Council but we also need a diverse workforce. She also mentioned budget constraints especially since the preliminary budget proposal does not have a recommendation for a cost-of-living increase for City employees. She further stated she might consider health benefits for Council members.

Council Member Wilder agreed a higher salary would be needed to attract diverse Council members, but he felt Council Member Helgeson's proposed figures were too high. He did state that Lynchburg is the lowest in the State. He made a substitute motion to raise the Mayor's salary to $18,000 and $15,000 for Council members. The motion to raise Council members' salaries failed by the following recorded vote:

Ayes: Helgeson, Wilder	2
Noes: Dolan, Nelson, Perrow, Tweedy, Foster	5

Council also discussed the possibility of making some health insurance benefits available to Council members. Council Member Helgeson and Mayor Foster were in support of some type of health insurance benefits.

Council Member Perrow stated he opposed health insurance for Council members because it would mean Council members who opted into the health insurance would be compensated at a higher rate than other members. He also stated this might set a precedent of having Council members compensated at different levels. Other Council members were not in favor of health benefits and had a problem with how this would work. Council Member Helgeson made a motion and seconded by Mayor Foster to support some type of health insurance benefits for Council. This suggestion regarding health insurance benefits was also voted down by the following vote:

Ayes: Helgeson, Foster	2
Noes: Dolan, Nelson, Perrow, Tweedy, Wilder	5

At the end of both discussions there was no Ordinance adopted to change the City Code for salaries for Council members and there was no Resolution adopted for Council members to participate in the City's health insurance plan.

// During roll call Vice Mayor Tweedy mentioned how she thoroughly enjoyed the Christmas Parade that was held on December 3, 2017.

// On motion of Council Member Dolan, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for: (i) the discussion and consideration of the acquisition by the City of a lot currently owned by Amazement Square, Inc. and located at 11 9th Street for the operation of a public skatepark because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; for discussion and consideration of the City Manager's and Clerk of Council's performance evaluations; and, to consider appointments to various boards and commissions, specifically the Community Development Advisory Committee, the Planning Commission, Horizon Behavioral Health, the Sister City Liaison, the Lynchburg Regional Airport Commission, the Museum Advisory Board, the Historic Preservation Commission, the Transit Company Board of Directors, the Economic Development Authority, the Design Review Board, and the Lynchburg Business Development Center, pursuant to Section 2.2-3711(A.) (1) and (3) of the Code of Virginia:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, 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 Council Member Wilder, and Council by the following recorded vote adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Kimberly Dyke-Harsley, Joan Foster, Randy Nelson, and Dennis Newton to serve on the Community Development Advisory Committee for terms to expire December 31, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed John Hughes, III and Susan Murray to serve on the Community Development Advisory Committee for terms to expire December 31, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Nancy Marion to serve on the Planning Commission for a term to expire December 31, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed Treney Tweedy to serve on the Horizon Behavioral Health for a term to expire December 31, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote re-appointed C. Lynch Christian, III to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Heidi F. James to serve on the Museum Advisory Board to fulfill an unexpired term ending June 30, 2019:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

On nomination of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote appointed Antonio Davis, Sr. to serve on the Transit Company Board for a term to expire October 30, 2020:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7
Noes: 0

// City Council recessed the meeting at 5:50 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6
Absent: Helgeson 1

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

// In the matter of Fire, Resolution #R-17-101, to amend the FY 2018 Stormwater Capital Fund budget and appropriate $70,494 with resources from Stormwater Local Assistance Fund (SLAF) matching grant to reimburse costs for Fire Station No. 8 Water Quality Improvement Project laid over from the November 28, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// In the matter of Police, Resolution #R-17-102 to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate $36,182.98 with resources of $18,091.49 from the Bulletproof Vest Partnership 2017 Grant Program and $18,091.49 transferred from the FY 2018 General Fund Police Department ($13,703.99) and Sheriff's Office ($4,387.50) budgets to purchase 43 replacement bulletproof vests for law enforcement officers, laid over from the November 28, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// Copies of the minutes of the November 14, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Helgeson	1

// Council Member Helgeson arrived at the meeting.

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of James River Day School (Lynchburg Day School, Inc.) for a Conditional Use Permit (CUP) in an R-1, Low Density Residential District at 5039 Boonsboro Road to allow the expansion and improvements to athletic fields.

// Council Member Perrow stated the following disclosure statement. “I am a member of the Board of Trustees at the Lynchburg Day School, Inc. In that capacity I am not compensated nor do I have a public interest; however my children do attend that school. Therefore, with my fellow Council members’ consent, I will abstain from participating in the discussion of or voting on the petition for James River Day School”. City Planner Tom Martin provided an overview of the request and stated the Planning Commission recommended approval. Mr. Scott Beasley with Hurt and Proffitt, representing the petitioner, asked Council to approve the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Dolan, Council by the following recorded vote adopted Resolution #R-17-104, as amended, granting the petition of James River Day School (Lynchburg Day School, Inc.) for a Conditional Use Permit in an R-1, Low Density Residential District at 5039 Boonsboro Road to allow the expansion and improvements to athletic fields:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster	6
Noes:	0
Abstain: Perrow	1

// In the matter of City Council, Mark Reed spoke before Council regarding a request for the need for Foster Parents in Lynchburg and surrounding communities.

// In the matter of Economic Development, City Council Report #10 was considered. Council Member Dolan stated the following disclosure statement. “In addition to serving on City Council, I also serve as a Trustee for Lynchburg College. While I do not receive a financial benefit from my service as a Trustee and I do not have a personal interest in the outcome of Lynchburg College’s bond issue, I wish to avoid any appearance of bias or impropriety. Therefore, with my fellow Council member’s consent, I will abstain from participating in the discussion of or voting on the Lynchburg College petition”.

Council Member Nelson stated the following disclosure statement. “I have represented Lynchburg College in the past on many real estate transactions that was off the campus and was compensated for those services. My professional ethics prohibit me, as an attorney, to use my elected position to promote the interest of a client unless doing so is clearly in the public’s interest. I am able to participate in discussion fairly, objectively, and in the public interest. I do not have a legal conflict of interest that would require me to abstain from discussion and voting on this item.” On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-17-105, as presented, authorizing the issuance of bonds for Lynchburg College through the Economic Development Authority of the City of Lynchburg, Virginia:

117

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Abstain: Dolan	1

// The meeting was adjourned at 7:55 P.M.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2018** AGENDA ITEM #: **8**

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

ITEM TITLE: Community Development Block Grant (CDBG) and HOME Programs – Public Hearing and Adoption of a Resolution Regarding Housing and Non-Housing Goals for the Fiscal Year 2019 (Program Year 2018) Annual Action Plan

KEY ELEMENTS:
___Economic Development ___Excellent Government _X_ Natural and Built Environment ___Safe Community **_X_** Vibrant Community

RECOMMENDATION: Conduct a public hearing to receive public comments regarding the goals for the development of the Fiscal Year 2019 (Program Year 2018) 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 July 2015 and covers the period from July 1, 2015 through June 30, 2020. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program 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 15-day public comment period to receive citizen input regarding these goals was initiated on December 22, 2017 through a legal notice published in The News and Advance.

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 2018-2019 are attached to this report.

PRIOR ACTION(S): January 10, 2017: City Council review and approval of the 2015-2020 Consolidated Plan Goals for the 2017-2018 Annual Action Plan
January 12, 2016: City Council review and approval of the 2015-2020 Consolidated Plan Goals for the 2016-2017 Annual Action Plan
February 24, 2015: City Council Adoption of 2015-2020 Consolidated Plan Goals

FISCAL IMPACT: None

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

ATTACHMENT(S): Resolution; Proposed Consolidated Plan Goals for the Fiscal Year 2019 (Program Year 2018) Annual Action Plan

REVIEWED BY: bms

RESOLUTION

BE IT RESOLVED that City Council approves the Community Development Block Grant (CDBG) and HOME Program goals for Fiscal Year 2019 (Program Year 2018) Annual Action Plan.

Adopted:

Certified: _____
Clerk of Council

004K

FISCAL YEAR 2019 (PROGRAM YEAR 2018) ANNUAL ACTION PLAN CONSOLIATED PLAN GOALS

The goals listed below are intended to provide broad guidance in the allocation of Community Development Block Grant (CDBG) and HOME Program funds granted to the City by the United States Department of Housing and Urban Development (HUD) for the five years that began on July 1, 2015 and ends on June 30, 2020. HUD requires CDBG and HOME Program entitlement communities to review these goals on an annual basis.

The primary objective of the CDBG and HOME 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

- Increase the number of owner-occupied units.
- 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.
- Support initiatives to increase permanent affordable rental and housing ownership opportunities.
- Promote programs that assist eligible individuals in retaining their homes.

Non-Housing Goals

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support economic development initiatives that improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

Prepared by the Community Development Advisory Committee, February 3, 2015
Adopted by City Council, February 24, 2015
Adopted by City Council, January 12, 2016
Adopted by City Council, January 10, 2017

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2018** AGENDA ITEM #: **9**

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

ITEM TITLE: Conditional Use Permit: Royal Oak Farm LLC, 4220 Murray Place

KEY ELEMENTS:
X Economic Development ___Excellent Government **X** Natural and Built Environment **X** Safe Community ___Vibrant Community

RECOMMENDATION: Approval of the conditional use permit (CUP) petition to allow the construction of a recycling facility at 4220 Murray Place.

SUMMARY: Royal Oak Farm, LLC, is petitioning for a CUP at 4220 Murray Place to allow the construction of an industrial food liquid unloading and dewatering facility in an I-3, Heavy Industrial District. Dewatering operations would occur within an enclosed building, with solids being transported to a composting facility in Evington, Virginia. Effluent waste would be routed to the sanitary sewer.

The petition is consistent with the *Zoning Ordinance* which permits various types of recycling facilities upon approval of a CUP in I-3, Heavy Industrial Districts. The petition is consistent with the *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* which recommends an Employment 2 use for the area.

PRIOR ACTION(S):
December 13, 2017: The Planning Division recommended approval of the CUP petition.

December 13, 2017: The Planning Commission recommended approval (7-0) of the CUP petition.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):
- Resolution
- Planning Commission Minutes – December 13, 2017
- Planning Commission Packet – December 13, 2017
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Narrative
  - Property photograph
  - Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ROYAL OAK FARM, LLC IN AN I-3, HEAVY INDUSTRIAL DISTRICT AT 4220 MURRAY PLACE TO ALLOW THE CONSTRUCTION AND OPERATION OF AN INDUSTRIAL FOOD LIQUID UNLOADING AND DEWATERING FACILITY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the conditional use permit petition of Royal Oak Farm, LLC in an I-3, Heavy Industrial District at 4220 Murray Place to allow the construction and operation of an industrial food liquid unloading and dewatering facility is hereby approved subject to the following condition:

1. The property will be developed in substantial compliance with the concept plan entitled “Conditional Use Permit Plan for Royal Oak Farm”, received December 1, 2017.

Adopted:

Certified: _____
Clerk of Council

003K

MINUTES OF THE DECEMBER 13, 2017 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Royal Oak Farm LLC, for a conditional use permit in an I-3, Heavy Industrial District, to allow the construction and operation of a recycling facility at 4220 Murray Place.

Mr. Tom Martin summarized the Planning Commission report for the commission. He said this is a unique and exciting project in that it is a recycling facility that processes industrial food liquids. The process takes out the water. The leftover solids are turned into compost on a farm in Evington. Facilities for the collection of nonhazardous waste or recyclable materials are permitted within I-3, Heavy Industrial Districts by conditional use permit. All the operations will be within the enclosed building, which is approximately 40,600 square feet. Any effluent left over would be discharged under a separate permit into the City's sanitary sewer system. The property is recommended for Employment 2 uses, so heavy industrial type uses such as recycling facilities are recommended for these areas. The planning staff has worked very closely with the petitioner and does recommend approval of the conditional use permit with the condition that it be developed in substantial compliance with the concept plan.

Mr. Ken Nowakowski of Hurt & Proffitt and Mr. Craig Coker of Royal Oak Farm were present to represent the petition. Mr. Nowakowski said this is an exciting project. It will be the first recycling facility like this in the country. Part of the project is the turnaround that is proposed at the end of the street, which will be advantageous to the other industries that are on the road. The sanitary sewer system will have to be extended from Fishing Creek to the site to allow them to discharge the waste water coming out of the facility.

This will be exciting for everyone, for Royal Oak Farm to be able to produce the compost, as well as servicing the companies that require their waste to be removed. Mr. Coker commented that the facility will offer a depackaging machine for depackaging industrial canned goods or packaged goods. There will be no glass depackaged because that tends to break when it is depackaged. There is a need for several regional industries in the Central Virginia area to have their canned goods and pouches depackaged. Those liquids would then be dewatered, along with liquids that will be brought in by tanker truck trailer, using widely mechanical dewatering techniques. The leftover solids will go back to their farm for composting. They have the largest composting facility in Virginia and it has been there since 1999. The liquids will be discharged to the wastewater treatment plant under an industrial discharge permit. The facility will look the same as the warehouse on the north side of the property from a visual standpoint.

Chair Perault asked if there was anyone else that wished to speak in favor of the petition. No one came forward. He asked if there was anyone that wished to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Lowe noted that there is a railroad siding located near the site. He asked if trains would be used in this process as well. Mr. Coker said not at the present time but that might evolve in the future. Most of these liquids are transported in tanker trucks. Commissioner Lowe asked what happens to the actual packaging materials. Mr. Coker said if it is aluminum, it is recycled. Pouches are not recyclable and will have to be disposed of at the landfill.

Commissioner Rogers noted there is an elevated berm that goes up to the retaining wall and asked if that is in case of a spill. Mr. Nowakowski commented that is an existing berm that they are trying to retain as much as possible to provide a visual barrier of the facility from the road. As you enter into the facility, that one long rectangle is a weigh station, then the trucks drive around the back and then come to the front to offload their material. Mr. Coker said they plan on having "popup" ramps at every door entrance. In the event of spillage, the operator can hit a button to keep any liquids from getting out of the building.

Commissioner Marion asked for an example of what type of liquid they will be dewatering. Mr. Coker said an example would be a plant that makes organic milk. They have to treat their wastewater before they can discharge it. Their treatment process involves getting some of the milk solids out of the wastewater before it goes to the treatment plant. Those milk solids would come to this facility and they would take more water out and take the leftover solids to their farm. Other examples of items are drinks such as Ensure.

Chair Perault asked if there is any smell associated with the process. Mr. Coker said no because these kinds of products are very freshly made. Just in case there is any smell, their plan is to have the entire building operating under negative air. You will feel the pressure as you try to open a door. All that building air will be routed to treatment biofilters.

Chair Perault asked what happens to the compost. Mr. Coker said it is sold. They make three different kinds of compost and six different engineered soils. Their facility has been operating for a long time and is a very large and successful business.

Commissioner Bowden asked how the two different operations will be managed. There is the dewatering process and the depackaging process. Commissioner Bowden wondered if they will be in a position to accept a lot of depackaging or will that part grow separately. Mr. Coker said the depackaging will be limited by the economics of transport. He does not foresee companies outside of Virginia taking advantage of their facility. Mr. Coker said there is a facility in the area that makes a nutritional drink for older adults and they have specifically inquired about depackaging. Mr. Coker did point out they cannot take any items that have entered the distribution process because that turns them into a solid waste transfer station. Before products enter the distribution process, they are considered industrial waste. Commissioner Marion asked if this facility will take in any meats. Mr. Coker explained those would be taken in at the farm where they take in food waste from several institutions, yard waste and leaves.

Chair Perault asked if this facility will create jobs. Mr. Coker said it will create six to eight jobs by the end of year three. Most of the process is automated.

Chair Perault noted that the added turnaround will be nice. It is good timing with the Odd Fellows Road extension out to U.S. Route 460. That should certainly alleviate any issues with the expressway and traffic.

Commissioner Light thinks this is cutting edge technology and a great service. Chair Perault thought it is also not a rezoning request or allowing some big change. It is a conditional use permit to allow a particular use. He is excited about it.

Commissioner Rogers made the following motion, which was seconded by Commissioner Lowe:

"That the Planning Commission recommends to City Council approval of the petition of Royal Oak Farms for a Conditional Use Permit to operate an industrial food liquid unloading and processing facility at 4220 Murray Place subject to the following condition:

1. **The property will be developed in substantial compliance with the concept plan entitled "Conditional Use Permit Plan for 4220 Murray Place for Royal Oak Farm" received December 1, 2017."**

The motion passed by the following vote:

YES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: December 13, 2017
Re: **Conditional Use Permit (CUP) – Royal Oak Farm LLC, 4220 Murray Place**

I. PETITIONER

Royal Oak Farm LLC, Kenneth B. Newman, 1223 Royal Oak Farm Drive, Evington, Virginia 24550
Representative: Mr. Ken Nowakowski, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property consists of one (1) tract totaling approximately twelve and seven tenths (12.7) acres located at 4220 Murray Place.
Property Owner: Murray Place Partners, P. O. Box 4169, Lynchburg, Virginia 24502

III. PURPOSE

The purpose of the petition is to allow the construction of an industrial food liquid unloading and dewatering facility.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030 Future Land Use Map* (*FLUM*) recommends an Employment 2 use for the property.
- Facilities for the collection of non-hazardous waste or recyclable materials are permitted by conditional use permit in the I-3, Heavy Industrial District.
- All dewatering operations will be conducted within an enclosed building, with solids being transported to a composting facility located in Evington, Virginia and effluent waste being routed to the sanitary sewer.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends an Employment 2 use for the area. These areas are intended to include light and heavy manufacturing, research and development, flex space and large scale office uses. (**p. 76**)

2. **Zoning.** The subject property was annexed into the City in 1958. The existing I-3, Heavy Industrial District was established in 1978.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances would be required to develop the property as proposed.

4. **Surrounding Area.** There have been few items requiring City Council approval in the immediate area:

- On October 13, 1998, City Council rezoned the property located at 3417 Odd Fellows Road from I-3, Heavy Industrial District to B-3, Community Business District to allow the construction of a bank.
- On September 22, 2015, City Council approved the CUP request of Liberty University to allow the use of an existing hotel as student housing at 3125 Albert Lankford Drive.

5. **Site Description.** The subject property consists of one (1) tract comprising approximately twelve and seven tenths (12.7) acres. The property is bordered to the north and west by industrial uses and to the east and south by railroad property. The property is mostly wooded and contains a railroad siding.

6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of an industrial food liquid unloading and dewatering facility.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed use.

   The City's Engineering Division commented that a cul-de-sac will be required at the end of Murray Place. The concept for a cul-de-sac has been indicated on the submitted concept plan.

   The property is located at the "dead end" of Murray Place as accessed from Odd Fellows Road. The property is not served by the Greater Lynchburg Transit Company.

8. **Stormwater Management.** A stormwater management/erosion and sediment control plan will be required prior to final site plan approval.

9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern related to the submitted concept plan.

10. **Impact.** The construction of the facility should have little impact on the area, as all operations will be contained within the proposed building. The industrial food liquids will be brought to the facility by tanker-trailers owned and operated by the petitioner or pre-approved third-party haulers. After dewatering, solids will be loaded and routed to a composting facility in Evington, Virginia while effluent waste will be discharged into the City of Lynchburg Sanitary Sewer under a discharge permit.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on November 21, 2017. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Royal Oak Farms for a Conditional Use Permit to operate an industrial food liquid unloading and processing facility at 4220 Murray Place subject to the following condition:

1. **The property will be developed in substantial compliance with the concept plan entitled "Conditional Use Permit Plan for 4220 Murray Place for Royal Oak Farm" received December 1, 2017.**

This matter is respectfully offered for your consideration.

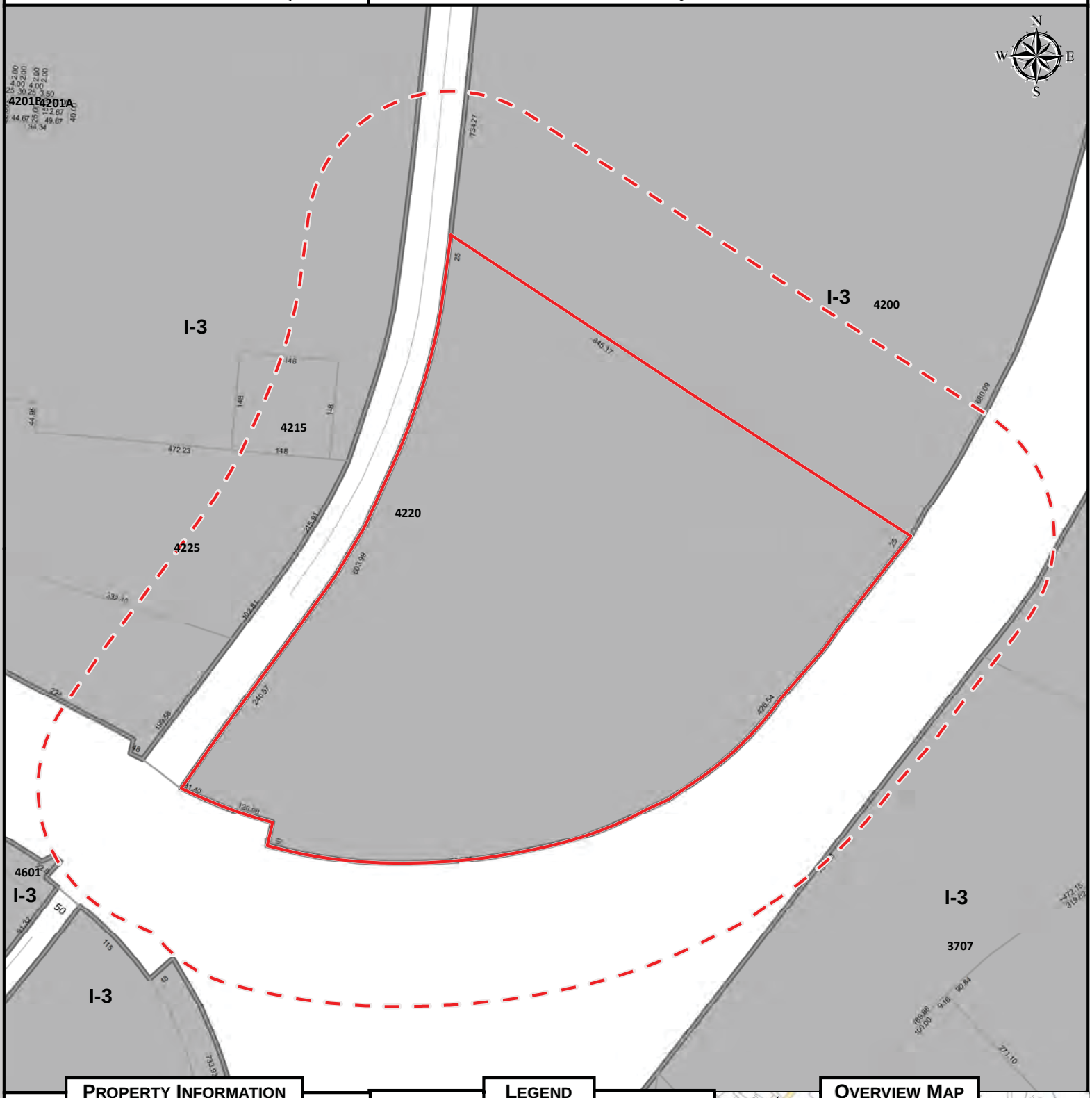
William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. David Coleman, Property Owner
Mr. Edward Meriwether, Property Owner
Mr. Kenneth Newman, Petitioner
Mr. Ken Nowakowski, Representative

VII. ATTACHMENTS

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

Zoning Map	RECYCLING FACILITY
Conditional Use Permit Request	Murray Place Partners



Property Information

Parcel ID	Address
11403001	4220 MURRAY PL

Legend

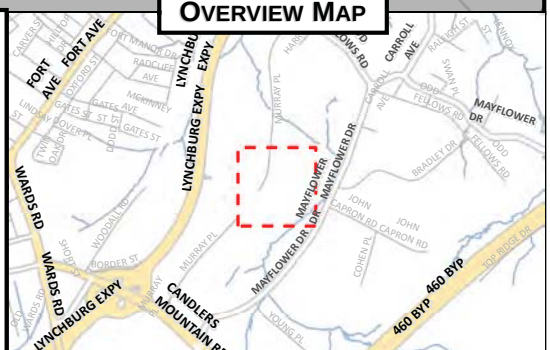
Subject Property

215' Buffer

B-1	I-1	R-4
B-2	I-2	R-5
B-3	I-3	R-C
B-4	R-1	IN-1
B-5	R-2	IN-2
B-6	R-3	

Map Scale: 1 " to 4,000 '**Date Printed:** 11/14/2017

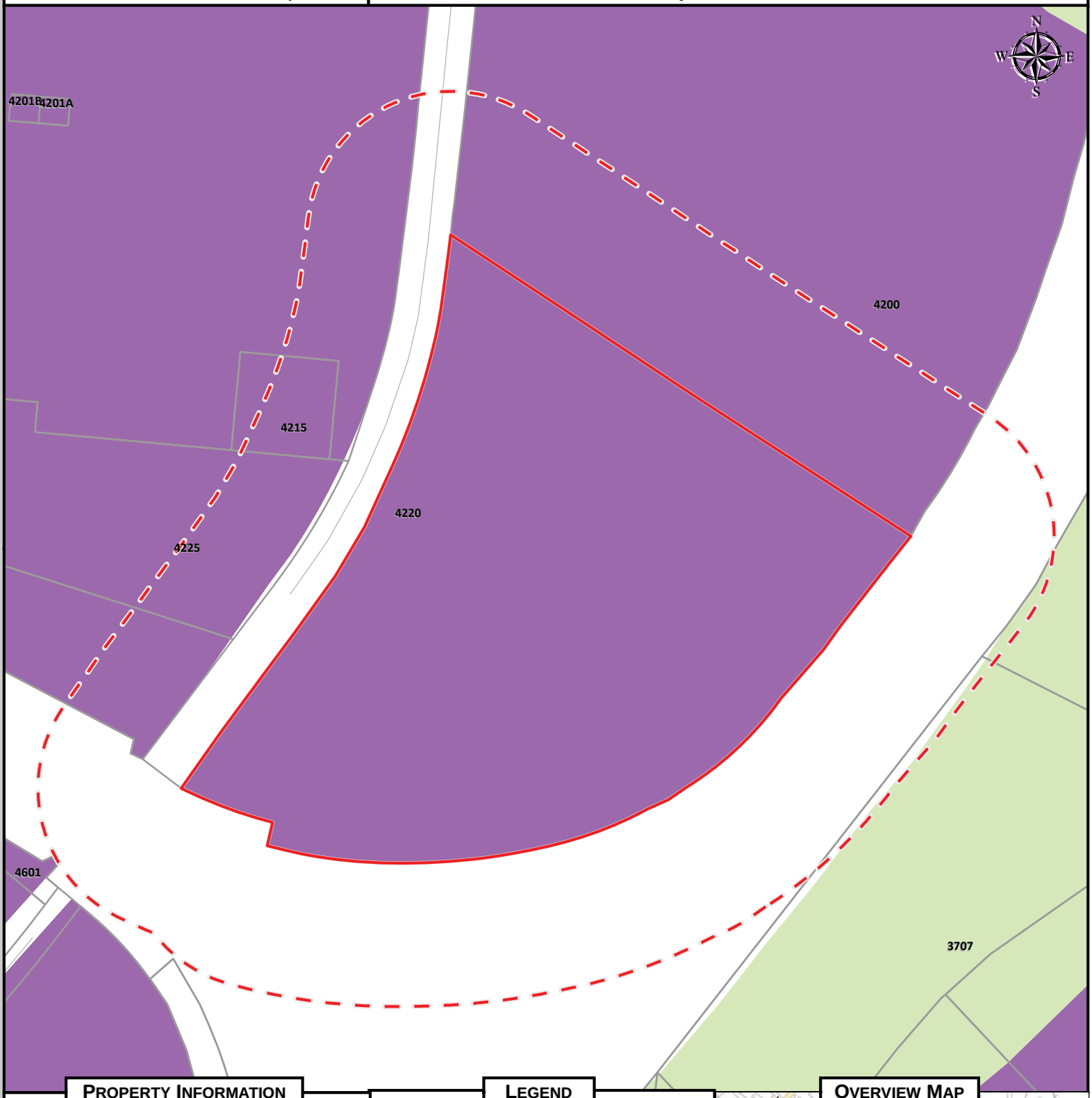
Overview Map



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

Parcel ID	Address	Owner
05201007	4215 MURRAY PL	APPALACHIAN ELECTRIC POWER
11402001	3707 MAYFLOWER DR	HALL, BRIAN M & PAT J
11402003	3501 MAYFLOWER DR	INTERNATIONAL PAPER CO
05201006	4225 MURRAY PL	JADON LLC
05201001	4201 MURRAY PL	MEREDITH-BURDA INC
11403001	4220 MURRAY PL	MURRAY PLACE PARTNERS
11402007	3534 CANDLERS MOUNTAIN RD	NORFOLK & SOUTHERN RAILWAY
05201005	4251 MURRAY PL	NORFOLK & WESTERN RAILWAY
11703010	4601 MURRAY PL	NORFOLK & WESTERN RAILWAY
11403002	4200 MURRAY PL	TOMAHAWK REAL ESTATE LLC

FLUM Map	RECYCLING FACILITY
Conditional Use Permit Request	Murray Place Partners



PROPERTY INFORMATION

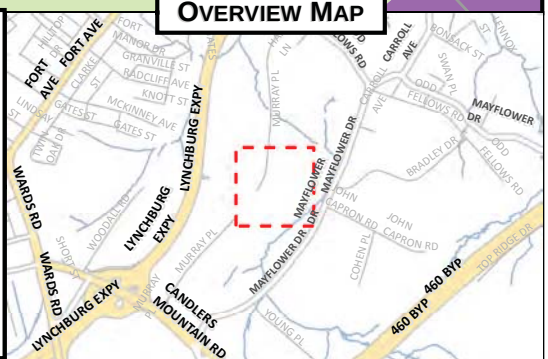
PARCEL ID	ADDRESS
11403001	4220 MURRAY PL

LEGEND

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

MAP SCALE: 1 " to 4,000 '**DATE PRINTED:** 11/14/2017

OVERVIEW MAP



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

Watershed Map	RECYCLING FACILITY
Conditional Use Permit Request	Murray Place Partners

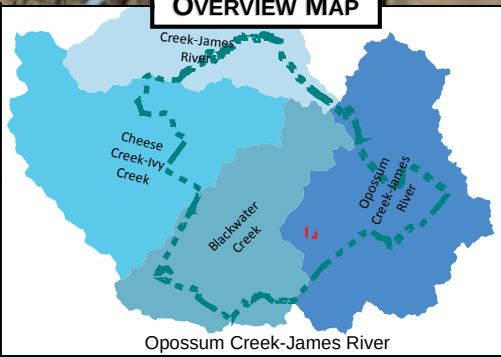
Property Information

Parcel ID	Address
11403001	4220 MURRAY PL

Legend

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

Overview Map

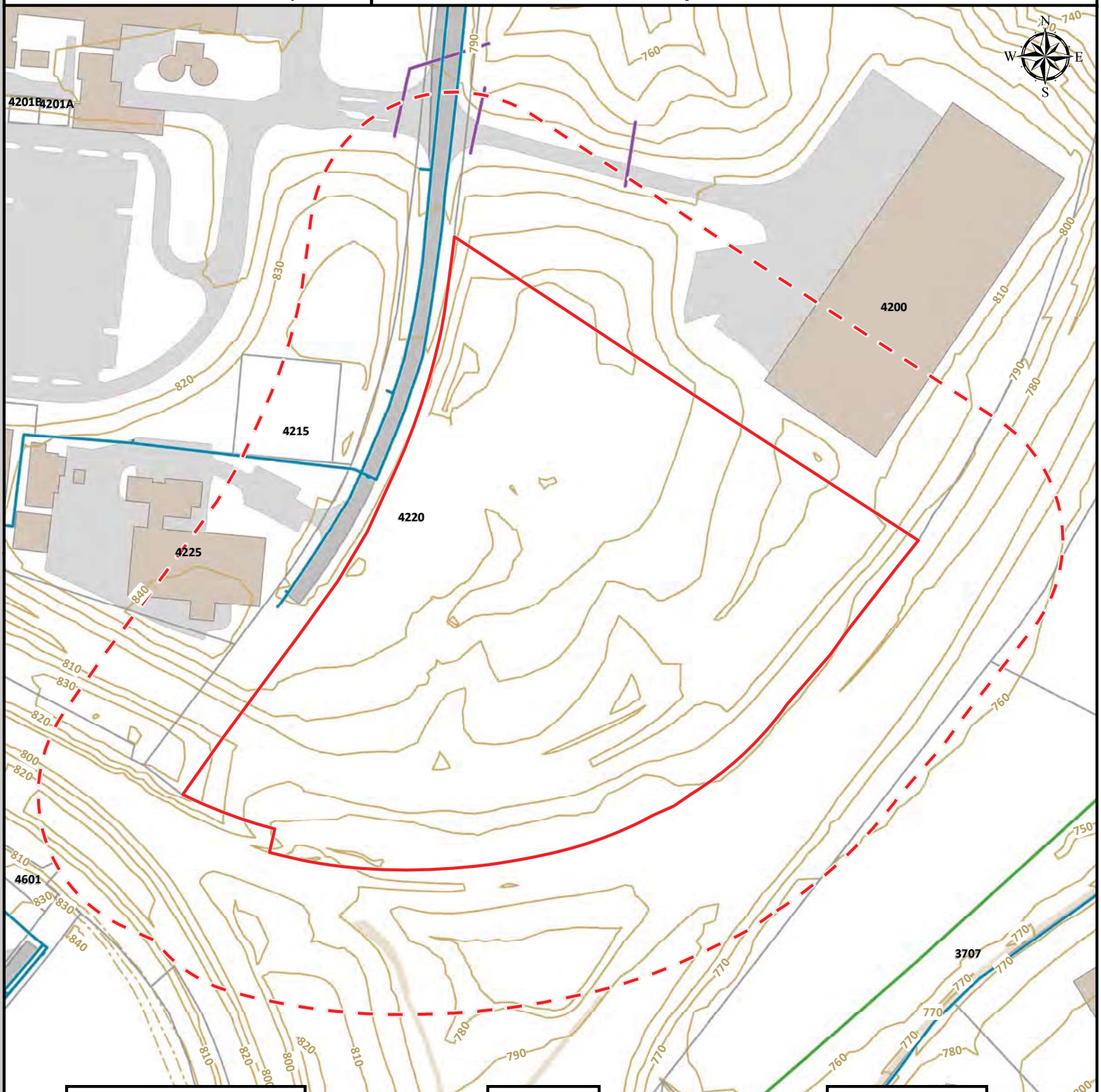


Opossum Creek-James River

Map Scale: 1 " to 33,333 **Date Printed:** 11/14/2017

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

Planimetric and Topographic Map	RECYCLING FACILITY
Conditional Use Permit Request	Murray Place Partners



Property Information

Parcel ID	Address
11403001	4220 MURRAY PL

Legend

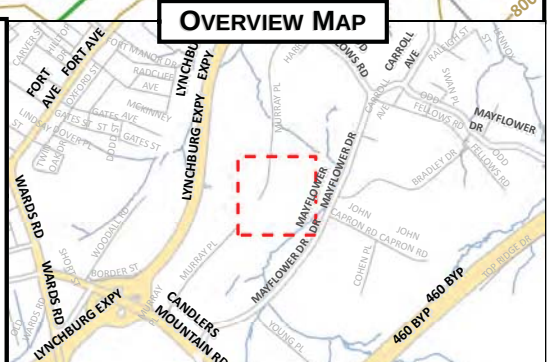
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

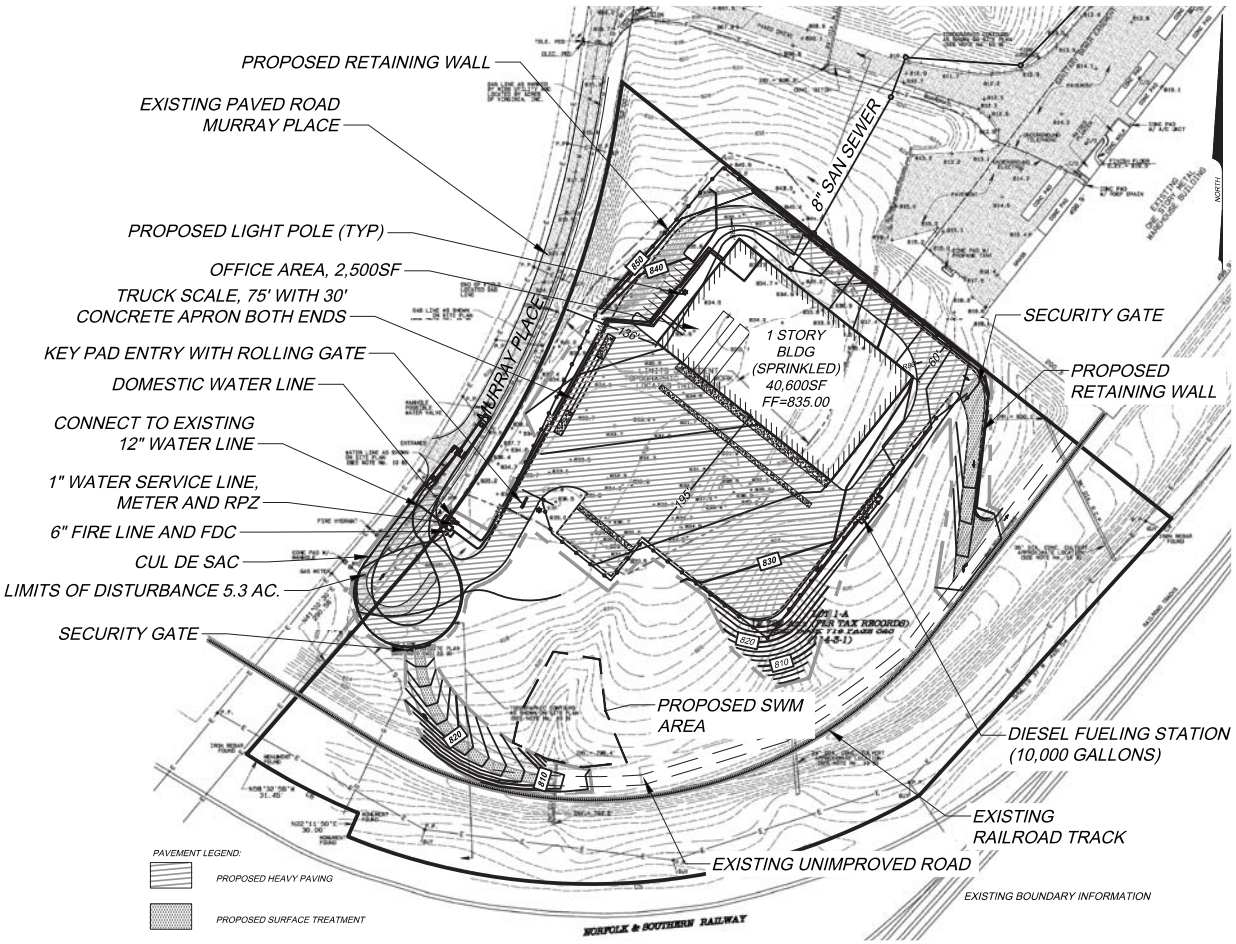
		10'	10' Obs
Topography	Contour		

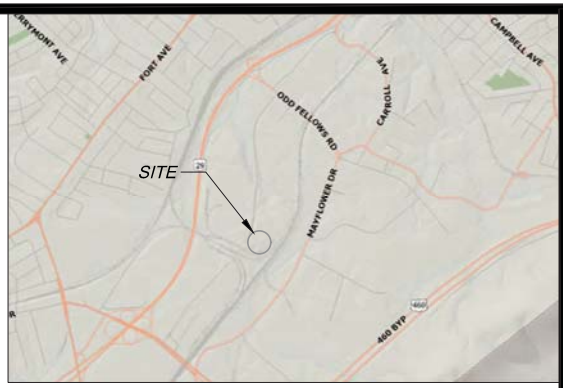
Map Scale: 1 " to 4,000 '**Date Printed:** 11/14/2017

Overview Map



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





VICINITY MAP
NTS

NOTES:

PARCEL ID#11403001

12.72 ACRES

SITE ADDRESS: 4220 MURRAY PLACE

SITE OWNER: MURRAY PLACE PARTNERS

ADDRESS: PO BOX 4169, LYNCHBURG, VA 24502

1. SITE PROPOSED USE: 40,600 SF (2,500 OFFICE, 38,100SF MANUFACTURING) WASTE COLLECTION, SEPARATION & SORTING OF RECYCLABLE MATERIALS FROM NON-HAZARDOUS WASTE SOURCES.
2. SITE ZONING: I-3, HEAVY INDUSTRIAL. NO SETBACKS REQUIRED.
3. ADJACENT PARCELS ARE ZONED I-3.
4. APPROXIMATE DISTURBED AREA: 5.3 AC.
5. MAXIMUM HEIGHT OF STRUCTURE - 35'.
6. REQUIRED PARKING: OFFICE = 1 PER 20,000SF OR MIN. 2, MANUFACTURING = 1 PER 15,000SF OR MIN. 2. REQ'D = 5
   PROPOSED = 9 SPACES
7. PROPOSED INCREASE IN IMPERVIOUS AREAS 3.5 ACRES.
8. PROPOSED WATER SERVICE CONNECTIONS SHALL NOT BE USED FOR DEMOLITION, CONSTRUCTION, OR LANDSCAPING PURPOSES UNTIL THE APPROPRIATE BACKFLOW PROTECTION HAS BEEN INSTALLED, TESTED AND APPROVED.
9. WATER AND SEWER CAPACITY AND AVAILABILITY HAVE BEEN CONFIRMED BY THE CITY AND EXTENSIONS OF UTILITIES REQUIRED.
10. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930028D DATED JUNE 3, 2008.
11. BASE INFORMATION IS FROM A SURVEY BY ACRES OF VIRGINIA, INC. DATED JUNE 1, 2007 FOR TOMAHAWK WAREHOUSING SERVICES, LLC.
12. PUBLIC SIDEWALK NOT SHOWN DUE TO STEEP GRADE ISSUES.
13. A VSMP WILL BE REQUIRED.
14. EXISTING EARTHEN BERM ON MURRAY PLACE WILL ACT AS VISUAL SCREEN FOR NEW CHAIN LINK FENCE.
15. IF ANY BACKFLOW PREVENTION ASSEMBLIES ARE FOUND DURING DEMOLITION OR WHILE OTHER WORK IS BEING PERFORMED FOR THIS PROJECT, THEY SHALL NOT BE REMOVED, RELOCATED, OR REPLACED WITHOUT ADVANCE AUTHORIZATION FROM THE DEPT. OF WATER RESOURCES
16. IF DURING DEMOLITION OR CONSTRUCTION, ANY DISCREPANCIES ARE NOTED WITH REGARD TO ANY PUBLIC WATER SERVICE CONNECTION, THE DEPT. OF WATER RESOURCES SHALL BE NOTIFIED. THIS INCLUDES, BUT IS NOT LIMITED TO; CONNECTIONS WHICH NEED TO BE ADDED, ABANDONED, CHANGED, OR RELOCATED.
17. STORMWATER STORMWATER MANAGEMENT QUALITY AND QUANTITY ALONG WITH DOWNSTREAM RECEIVING CHANNEL ADEQUACY WILL BE PROVIDED DURING FINAL SITE PLAN REVIEW.
18. LIGHTING PLAN WILL BE PROVIDED DURING FINAL SITE PLAN REVIEW.

LEGEND:
ELEV. = ELEVATION
C/O = CLEANOUT
WV = WATER VALVE
CONC. = CONCRETE
E = ELECTRIC LINE
T = TELEPHONE
G = GAS LINE
P.P. = POWER POLE
R.C.P. = REINFORCED CONCRETE PIPE
+ = SPOT ELEVATION LOCATED THIS DATE
DIA. = DIAMETER
INV. = INVERT

LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	31°40' 35"	1090.53	603.99	596.35	N25°12' 15" E
C2	5°58' 08"	3248.71	338.44	338.29	N05°09' 56" E
C3	24°52' 57"	1587.28	690.09	674.30	S09°09' 00" W
C4	0°54' 09"	1587.28	25.05	25.05	S41°56' 30" W
C5	50°31' 28"	779.02	714.15	689.40	S65°50' 31" W
C6	9°15' 15"	749.02	120.98	120.85	N61°15' 33" W

150 75 0 150 300
GRAPHIC SCALE IN FEET
1" = 150'

1	11/29/17	TRC COMMENTS

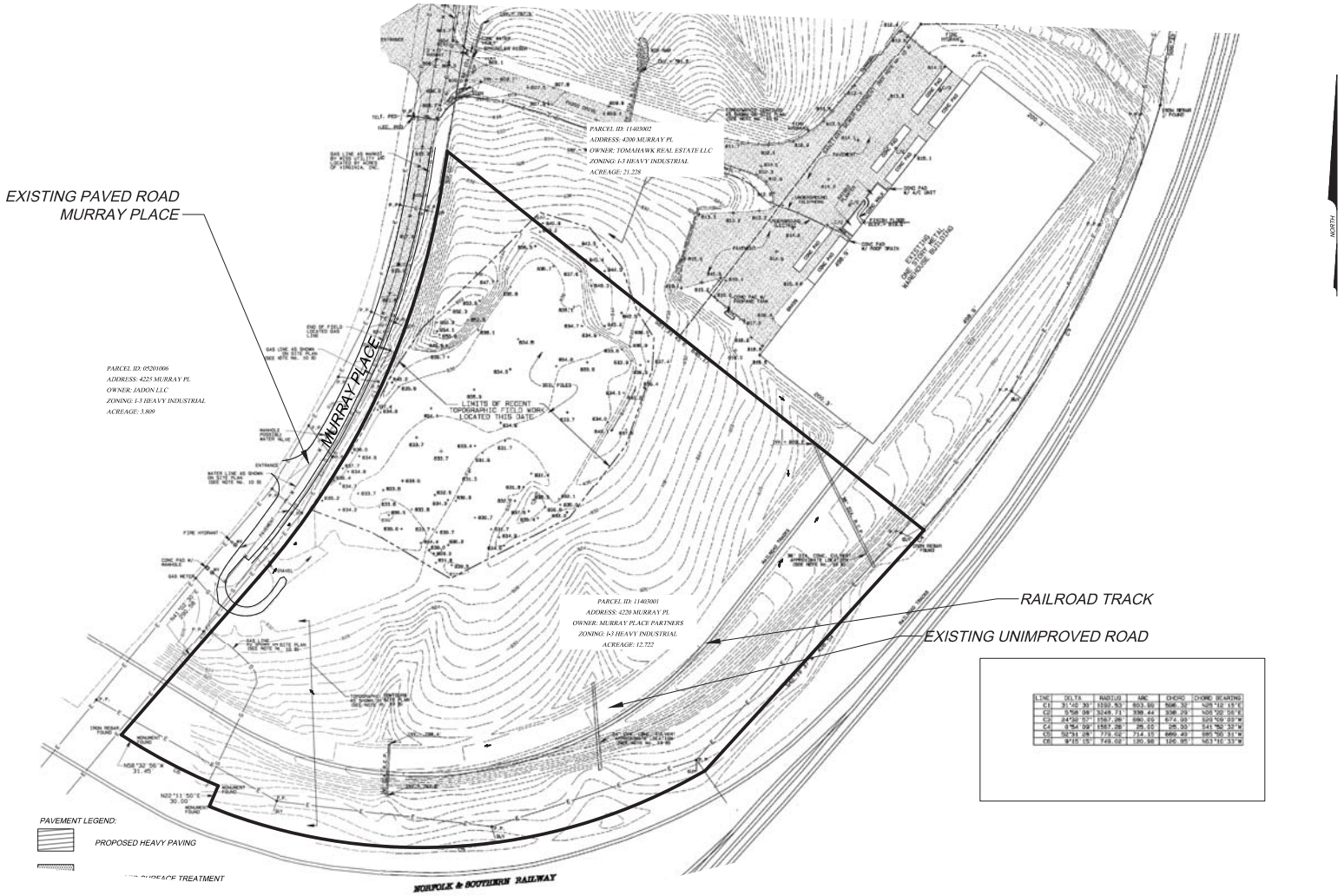
HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

CONDITIONAL USE PLAN - 4220 MURRAY PLACE
FOR
ROYAL OAK FARM
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20171314
LAT.	
LONG.	
DATE:	11/27/17
DRAWN BY:	ELC
CHECKED BY:	BLC

SHEET NO.
1 OF 2

Dec. 01, 2017 – 12:37pm \\DATA01\Projects\2017\20171314\CAD\CUP PLAN 3.dwg



LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	31°42' 39"	1000.93	553.89	546.97	N29°52' 11"E
C2	5°58' 08"	3249.71	338.44	338.29	N20°20' 58"E
C3	24°50' 57"	1567.26	680.03	674.93	S29°09' 03"W
C4	3°54' 09"	1567.26	25.00	25.00	S14°56' 33"W
C5	52°31' 25"	779.02	714.15	689.49	S0°50' 31"W
C6	9°15' 15"	749.02	120.98	120.85	N3°16' 31"W

150 75 0 150 300

GRAPHIC SCALE IN FEET

1" = 150'

NOTES:

1. BASE INFORMATION IS FROM A SURVEY BY ACRES OF VIRGINIA, INC. DATED JUNE 1, 2007 FOR TOMAHAWK WAREHOUSING SERVICES, LLC.

THE ENGINEER AND/OR SURVEYOR TAKES NO RESPONSIBILITY FOR THE LOCATION OR ACCURACY OF THE UTILITIES AS SHOWN HEREON OR ANY UTILITIES WITHIN THE PROJECT THAT MAY NOT BE SHOWN HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE UTILITY COMPANIES TO SEE IF ANY UTILITIES EXIST WITHIN THE AREA OF THE PROJECT BEFORE ANY CONSTRUCTION BEGINS. ANY COST INCURRED BY DAMAGING ANY UTILITY WITHIN THE PROJECT SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

48 WORKING HOURS PRIOR TO STARTING THE WORK, THE CONTRACTOR SHALL CALL MISS UTILITY AT PHONE NUMBER 811 AND ADVISE THE NATURE AND LOCATION OF THE WORK.

1	11/29/17	TRC COMMENTS

HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

EXISTING CONDITIONS 4220 MURRAY PLACE
FOR
ROYAL OAK FARM
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20171314
LAT.	
LONG.	
DATE:	11/27/17
DRAWN BY:	ELC
CHECKED BY:	BLC

SHEET NO.
2 OF 2

Dec 01, 2017 – 12:51pm \\DATA01\Projects\2017\20171314\CAD\CUP PLAN 3.dwg

Royal Oak Farm LLC

Liquids Recycling Center (proposed)
4220 Murray Place
Lynchburg, VA

Description of Operation

Royal Oak Farm, LLC (ROF) owns and operates a composting facility in Bedford County and has been in operation since 1999. The composting facility takes in compostable residuals from various Virginia food processing industries and academic institutions. The facility also takes in liquids from food processing plants for processing at the Farm, but this is an inefficient and expensive materials handling activity. Several other Virginia industries have inquired about ROF taking in liquids from their plants.

The proposed facility on Murray Place will be an industrial food liquids unloading and dewatering facility, coupled with an industrial packaged goods recycling facility. Liquids will be brought in to the facility by ROF tanker-trailers or by pre-approved third-party haulers. These liquids include process rejects, dissolved air treatment "float", out-of-date products and other similar materials. No sanitary wastewaters will be collected by ROF for treatment at the facility. No incoming liquids, of any sort, will be delivered by any other trucking company. These liquids will be unloaded inside the building, treated to improve dewaterability, dewatered using mechanical separation techniques such as centrifugation, and the dewatered solids loaded onto ROF trucks inside the building for transport back to the Farm. Effluent from the dewatering machines will be routed to the Lynchburg wastewater treatment plant under a discharge permit from the City.

Depackaging will be provided for industrial liquid goods that cannot enter the food distribution chain (i.e. out-of-spec, out-of-date, and, possibly, recalled) and need to be recycled/disposed. No wastes from any institutional, commercial or residential sources will be accepted at the facility. Depackaging will be done with mechanical separators, and the package contents routed through the dewatering system described above. No glass packaging will be accepted. Packaging will be collected and baled if recyclable, and collected into an appropriate solid waste container if not recyclable. Baled recyclables will be loaded onto ROF trucks inside the building and hauled to an appropriate secondary recycler. Non-recyclables will be hauled by ROF trucks to the Region 2000 landfill in Rustburg.

All truck unloading, processing, and truck reloading activities will take place inside the ROF Liquids Recycling Center building. The entire building will be operated under a slightly negative air pressure and building air will be routed to biofiltration units for treatment prior to atmospheric discharge.

© 2017 Pict

4220 Murray Place
Conditional Use Permit - Public Hearing
December 13, 2017

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
KEN NOWAKOWSKI	2524 LAKEHOUSE RD	546-1220			
CRAIG COKER	1223 Royal Oak Farm Dr.	540 8745768			

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2018** AGENDA ITEM #: **10**

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

ITEM TITLE: Rezoning: 310 and 312 Border Street – B-3C, Community Business District (Conditional) to B-3, Community Business District.

KEY ELEMENTS:
__X__ Economic Development ___ Excellent Government __X__ Natural and Built Environment __X__ Safe Community ___ Vibrant Community

RECOMMENDATION: Approval of the rezoning from B-3C, Community Business District (Conditional) to B-3, Community Business District to allow the construction of a hotel at 310 and 312 Border Street.

SUMMARY: Sandpiper Hospitality V LLC, is petitioning to rezone two (2) tracts of approximately one and nine hundred fifty-eight thousandths (1.958) acres located at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District. The rezoning would remove existing proffers and facilitate the construction of a one hundred twenty-two (122)-room hotel.

The petition is consistent with the *Zoning Ordinance* which permits a hotel use in a B-3, Community Business District and the *Comprehensive Plan 2013 -2030's Future Land Use Map* (FLUM), which recommends an Employment 2 use for the area.

PRIOR ACTION(S):
December 13, 2017: The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (7-0) of the rezoning petition.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):
- Ordinance
- Planning Commission Minutes – December 13, 2017
- Planning Commission Packet – December 13, 2017
  - Planning Commission Report
  - Zoning Map with Adjoining Owners
  - Future Land Use Map
  - Watershed Map
  - Planimetric and Topographic Map
  - Concept Plan
  - Narrative
  - Property photograph
  - Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 310 & 312 BORDER STREET FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-3, COMMUNITY BUSINESS DISTRICT.

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

Section 35.2-54.__. Change of a certain area located at 310 & 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District.

The area embraced within the following boundaries:

LEGAL DESCRIPTION

PARCEL ONE: 310 BORDER STREET TM# 11604001

BEGINNING AT A POINT ALONG THE NORTHERN RIGHT-OF-WAY OF BORDER STREET, THENCE LEAVING SAID RIGHT-OF-WAY NORTH 24 DEGREES 00 MINUTES 59 SECONDS EAST 96.36 FEET TO A REBAR FOUND; THENCE NORTH 42 DEGREES 08 MINUTES 01 SECONDS WEST 108.26 FEET TO A REBAR FOUND; THENCE NORTH 41 DEGREES 03 MINUTES 01 SECONDS WEST 238.64 FEET TO A ¾" PIPE FOUND; THENCE NORTH 56 DEGREES 00 MINUTES 39 SECONDS EAST 99.62 FEET TO A POINT; THENCE SOUTH 41 DEGREES 24 MINUTES 11 SECONDS EAST 397.73 FEET TO A POINT IN THE AFOREMENTIONED RIGHT-OF-WAY OF BORDER STREET; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO COURSES; SOUTH 33 DEGREES 38 MINUTES 49 SECONDS WEST 0.87 FEET TO A POINT; ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 44 DEGREES 32 MINUTES 06 SECONDS, A RADIUS OF 247.00 FEET, A LENGTH OF 191.99 FEET, A CHORD OF 187.19 FEET AND A CHORD BEARING OF SOUTH 55 DEGREES 54 MINUTES 52 SECONDS WEST TO THE POINT OF BEGINNING AND CONTAINING 1.014 ACRES

PARCEL TWO: 312 BORDER STREET TM #16604016

BEGINNING AT A POINT ALONG THE NORTHERN RIGHT-OF-WAY OF BORDER STREET, THENCE LEAVING SAID RIGHT-OF-WAY NORTH 41 DEGREES 24 MINUTES 11 SECONDS WEST 397.73 FEET TO A POINT; THENCE NORTH 56 DEGREES 00 MINUTES 39 SECONDS EAST 109.50 FEET TO A ¾" PIPE FOUND; THENCE SOUTH 41 DEGREES 24 MINUTES 11 SECONDS EAST 371.00 FEET TO A REBAR FOUND; THENCE SOUTH 32 DEGREES 35 MINUTES 49 SECONDS WEST 14.20 FEET TO A POINT; THENCE NORTH 56 DEGREES 21 MINUTES 11 SECONDS WEST 16.10 FEET TO A POINT; THENCE SOUTH 33 DEGREES 38 MINUTES 49 SECONDS WEST 93.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.944 ACRES.

..is hereby changed from B-3C, Community Business District (Conditional) to B-3, Community Business District.

And the City Planner shall forthwith cause the “Official Zoning Map of Lynchburg, Virginia,” referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

002K

MINUTES OF THE DECEMBER 13, 2017 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Sandpiper Hospitality V LLC, to rezone approximately one and nine hundred fifty-eight thousandths (1.958) acres located at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District to allow the construction of a hotel and associated parking.

Ms. Rachel Frischeisen summarized the Planning Commission report for the commission. Sandpiper Hospitality V LLC is petitioning to rezone 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District. The subject property is approximately two acres and is recommended for Employment 2 use on the City's *Future Land Use Map*. Employment 2 uses include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. The B-3C, Community Business District (Conditional) is intended to provide for office, retail and service uses meeting the needs of the community as a whole. However, the proffered concept plan (from a previous rezoning) precludes the construction of a hotel. Therefore, the rezoning petition is not to change zoning districts, but to remove the proffered concept plan from the last rezoning. The planning division recommends approval of this petition.

Mr. Ned Sinnott of Sandpiper Hospitality and Mr. Patrick Proffitt of Hurt & Proffitt were present to represent the petition. Mr. Sinnott commented that Sandpiper is extremely excited about the opportunity to build a hotel. They are excited about where it is located in Lynchburg. They are excited about the process and have found it to be refreshingly fast. Mr. Tom Martin and his staff have been extremely easy and great to work with. Mr. Sinnott can answer any of their operational questions and Mr. Proffitt can answer any of their technical questions about the project.

Chair Perault asked if there was anyone else that wished to speak in favor of the petition. No one came forward. He asked if there was anyone that wished to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Marion said she has no objection to the project. She is curious about the type of hotel they are planning to build. Mr. Sinnott said they are envisioning it being a Woodspring Suites, which is an extended stay model. They do offer nightly stays but their target market is a guest that stays a week to three months. Commissioner Marion thought they might be able to accommodate Liberty University online students that have to come for a week. Mr. Sinnott said it very well could accommodate them.

Chair Perault asked if this rezoning has to be done because the original proffers were done by a different owner. Ms. Frischeisen explained that the previous concept plan established the Billy Joe's Ice Cream Shop. It was then rezoned again with proffers for the Regional Business Alliance, which moved downtown instead. The proffered concept plan with that rezoning prevents the construction of a hotel, since the hotel concept plan has a different layout. Chair Perault asked for clarification that proffers do not go away with a change in ownership. Ms. Frischeisen said the proffers stay with the property until Planning Commission and City Council act again.

Commissioner Light commented that this is a very visible piece of property and people have been asking about it. Commissioner Light had questioned if it was a good place for the Regional Business Alliance and thought it was a good thing when they decided to move downtown. He was excited to see the petition and thinks it sounds like a good business plan. He thinks it will be productive because we certainly need more hotel rooms.

Chair Perault noted that this area can get crowded especially if there is an event going on but the parking has been addressed. Commissioner Lowe feels it is a good use of the property. The empty

building sitting there is an eyesore and has been for a number of years. Commissioner Lowe thinks the hotel will serve the community well.

Commissioner Light made the following motion, which was seconded by Commissioner Lowe:

"That the Planning Commission recommends to City Council approval of the petition of Sandpiper Hospitality V LLC to rezone approximately two (2) acres located at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District to allow the construction of a hotel and associated parking.

The motion passed by the following vote:

YES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: December 13, 2017
Re: **Rezoning: 310 and 312 Border Street – B-3C, Community Business District (Conditional) to B-3, Community Business District**

I. PETITIONER

Sandpiper Hospitality V LLC, 211 West Franklin Street, Richmond, Virginia 23220
Representative: Mr. Patrick Proffitt, P.E., Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property includes two (2) tracts totaling approximately one and nine hundred fifty-eight thousandths (1.958) acres located at 310 and 312 Border Street.
Property Owner: 2505 Wards Road Associates LLC, 307 Brook Park Place, Forest, Virginia 24551

III. PURPOSE

The purpose of the petition is to rezone the property to remove the existing proffers, which would allow the construction of a hotel and associated parking.

IV. SUMMARY

- The B-3C, Community Business District (Conditional) is intended to provide for office, retail and service uses meeting the needs of the community as a whole. However, the proffered concept plan (from a previous rezoning) precludes the construction of a hotel.
- The *Comprehensive Plan 2013-2030's Future Land Use Map* (*FLUM*) recommends an Employment 2 use for the area. These areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area.
- Hotels are permitted by right within the B-3, Community Business District. The hotel would include one-hundred twenty-two (122) guest rooms and associated parking.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* from the *Comprehensive Plan 2013-2030* recommends an Employment 2 use for the area. Employment 2 areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. ***(p. 76)***
2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) was established in 2008.

3. **Proffers.** No proffers have been submitted.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

   - On September 24, 1986, City Council approved the rezoning request of Thomas L. Phillips at 3700 Candlers Mountain Road from I-3, Heavy Industrial District and I-2, Light Industrial District to B-5C, General Business District (Conditional), B-3C Community Business District (Conditional), and R-4C Medium-High Density, Multi-Family Residential District to allow for a retail shopping center and townhomes.

   - On September 8, 1987, City Council approved the rezoning request of MLB Corporation at 4643 Murray Place from I-3, Heavy Industrial District to B-5C, General Business District (Conditional) to allow for a bowling alley and future ancillary commercial uses.

   - On November 14, 1989, City Council approved the rezoning request of NW Development, Inc. at 3600 Candlers Mountain Road from I-2, Light Industrial District, to B-3C, Community Business District (Conditional) to allow for retail uses.

   - On July 11, 1989, City Council approved the rezoning request of NW Development, Inc. at 3600 and 3700 Candlers Mountain Road from I-2, Light Industrial District, B-5C, General Business District (Conditional), B-3C, Community Business District (Conditional), and R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to B-3C, Community Business District (Conditional) to allow for a retail shopping center.

   - On October 9, 1990, City Council approved the rezoning request of NW Development, Inc. at 3620 and 3622 Candlers Mountain Road from I-2, Light Industrial District and I-3, Heavy Industrial District to B-5C, General Business District (Conditional) to allow the expansion of retail services.

   - On June 13, 1995, City Council approved the conditional use permit (CUP) petition of Appalachian Power Company to a one hundred sixty (160) foot tall radio microwave tower at 4001 Mayflower Drive.

   - On June 13, 1995 City Council approved the rezoning request of Central Virginia Federal Credit Union at 4640 and 4644 Murray Place, from I-3, Heavy Industrial District to B-5C, General Business District (Conditional) to allow for office uses.

   - On January 15, 2002, City Council approved the rezoning request of Carl and Ellen Sanders at 310 and 312 Border Street from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow for the property to be used for an ice cream parlor.

   - On April 8, 2008, City Council approved the rezoning request of the Lynchburg Chamber of Commerce at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend proffers and allow for the renovation of the building for the Chamber of Commerce.

   - On April 9, 2013, City Council approved the rezoning and conditional use permit requests of GDG Lynchburg Hotel, LLC at 5212 Woodall Road and 2900 Candlers Mountain Road from I-2, Light Industrial District, to B-3C, Community Business District (Conditional) to

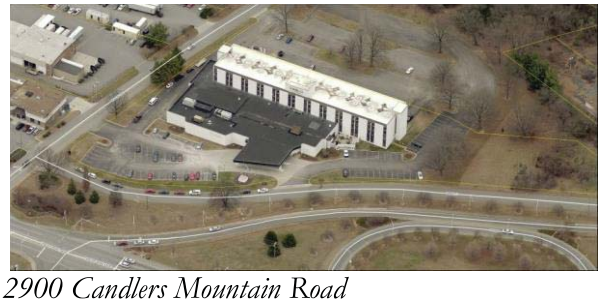
amend the *FLUM* and allow the existing hotel to become a "conforming" use and facilitate the construction of a one hundred fifty-six (156) unit apartment complex with associated pool, clubhouse and parking.

6. **Site Description.** The property proposed for rezoning includes two (2) tracts of approximately two (2) acres located at 310 and 312 Border Street.

The property contains a nine thousand and six-hundred (9,600) square foot wood frame building constructed in 1983. The building is proposed to be demolished.

310/312 Border Street (Subject Property)

The property is bordered to the north and west by a commercial (hotel) use and to the east by an industrial use.



2900 Candlers Mountain Road

5114 Woodall Road

The property is bordered to the south by the Lynchburg Expressway.

7. **Proposed Use of Property.** If the petition is approved, the existing retail building will be demolished and the property will be developed as a four (4)-story hotel, including one-hundred twenty-two (122) guest rooms and associated parking.

8. **Traffic, Parking and Public Transit.**

   A transportation analysis was not required by the City's Transportation Engineer.

   The one-hundred and twenty two (122) units with associated employee parking would require a total of one-hundred and twenty-four (124) off-street parking spaces. The submitted concept plan indicates that a total of one-hundred and twenty-nine (129) parking spaces are to be provided.

   The closest Greater Lynchburg Transit Company (GLTC) transit stop is located on Wards Road approximately one-half (0.5) mile from the proposed hotel. The stop is served by the routes 4A and 4B.

9. **Stormwater Management.** An erosion and sediment control plan and stormwater management plan will be required prior to final site plan approval. The submitted concept plan indicates that stormwater management will be addressed by the use of underground detention and offsite nutrient credits.

10. **Emergency Services:** The City's Police Department had no comments of concern regarding the proposed rezoning. The City's Fire Marshal noted the need to address requirements of the 2012 Virginia Statewide Fire Prevention Code during final site plan preparation.

11. **Impact.** The property is currently zoned B-3C, Community Business District (Conditional) and recommended for Employment 2 uses on the *FLUM*. The proposed hotel is consistent with future land use and would be permitted by right in the proposed B-3, Community Business District. The property is located near River Ridge Mall, Liberty University, the Wards Road Commercial Corridor and an employment area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the rezoning on November 21, 2017. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Sandpiper Hospitality V LLC to rezone approximately two (2) acres located at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3, Community Business District to allow the construction of a hotel and associated parking.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

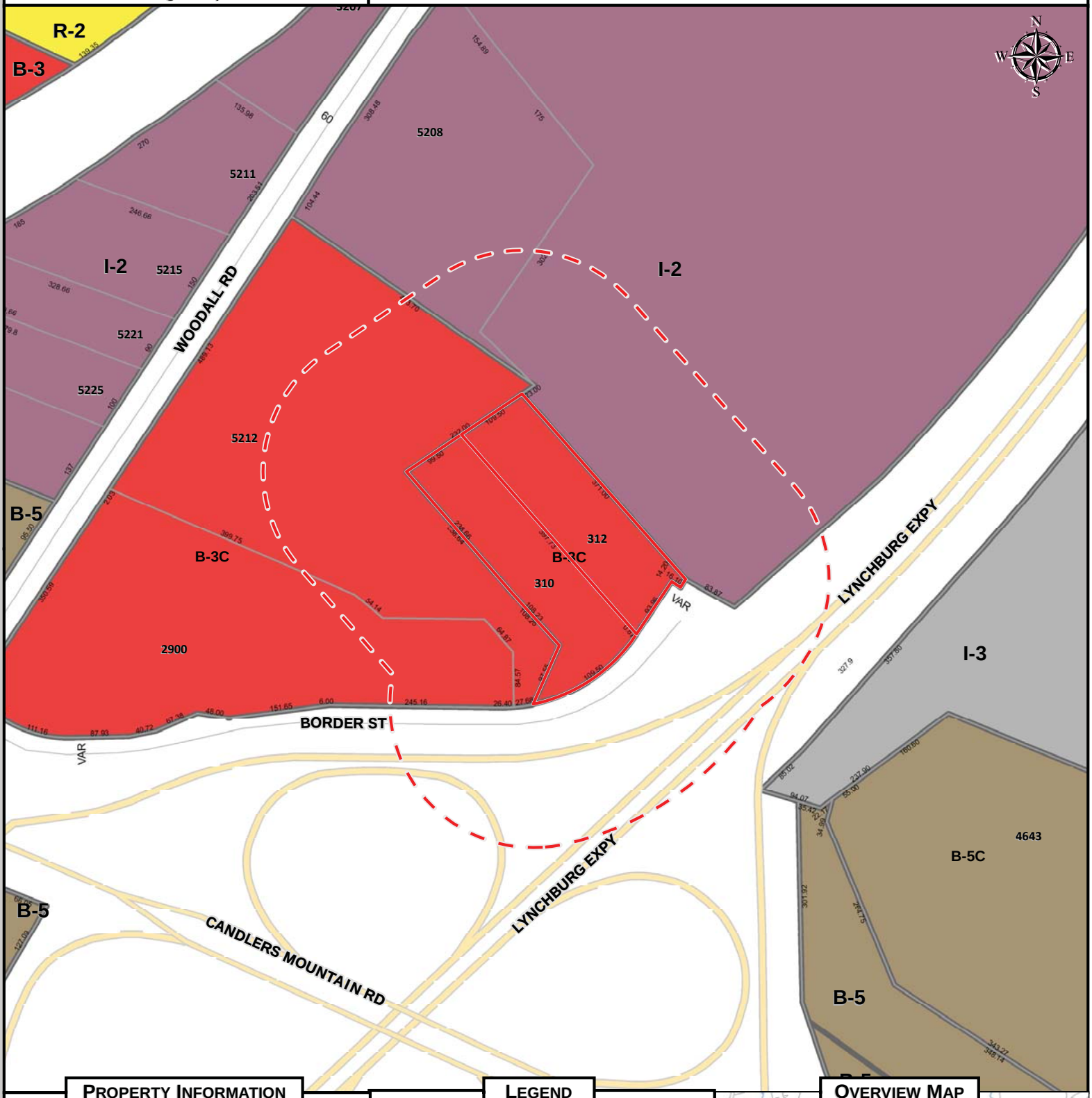
pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney

Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Patrick Proffitt, P.E., Representative
Sandpiper Hospitality V LLC, Petitioner
2505 Wards Road Associates LLC, Property Owner

VII. ATTACHMENTS

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

Zoning Map	WOODSPRING SUITES
Zoning Request	2505 Wards Road Associates, LLC



Property Information

Parcel ID	Address
11604001	310 BORDER ST
11604016	312 BORDER ST

Legend

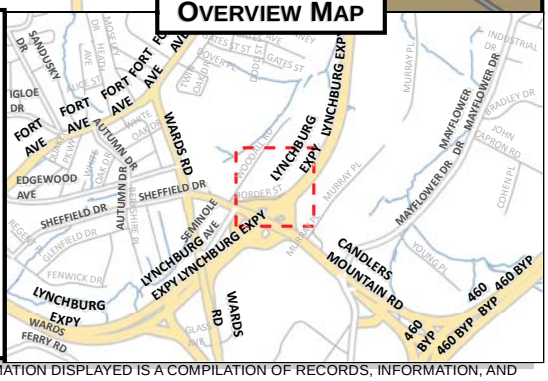
Subject Property

215' Buffer

B-1	I-1	R-4
B-2	I-2	R-5
B-3	I-3	R-C
B-4	R-1	IN-1
B-5	R-2	IN-2
B-6	R-3	

Map Scale: 1 " to 4,000 '**Date Printed:** 11/14/2017

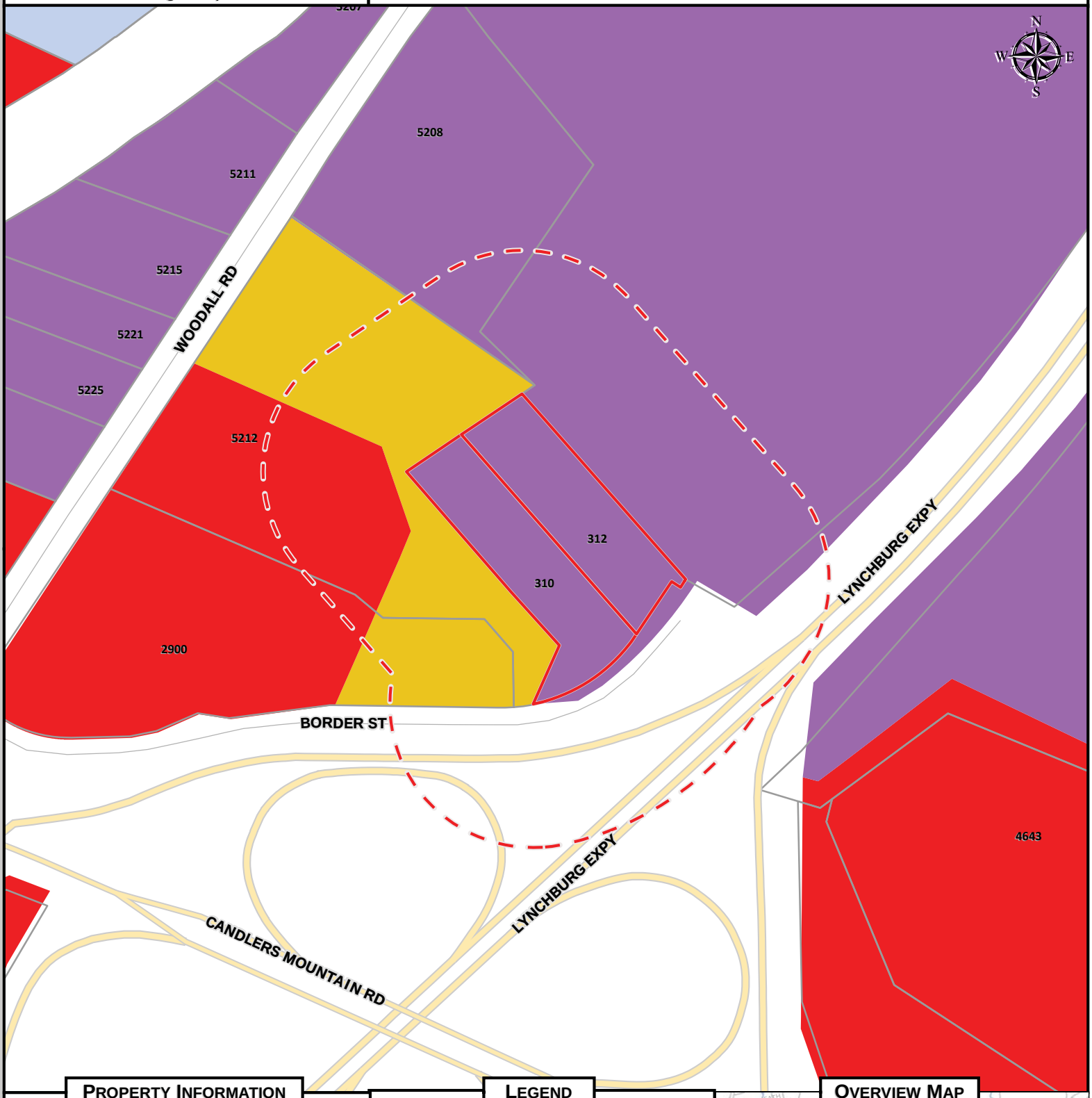
Overview Map



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

Parcel ID	Address	Owner
11604016	312 BORDER ST	2505 WARDS ROAD ASSOCIATES LLC
11604001	310 BORDER ST	2505 WARDS ROAD ASSOCIATES LLC
11604003	5212 WOODALL RD	GDG LYNCHBURG APARTMENTS LLC
11604002	2900 CANDLERS MOUNTAIN RD	GDG LYNCHBURG HOTEL LLC
11604023	5208 WOODALL RD	LT ACQUISITION COMPANY INC
11605001	5114 WOODALL RD	LT ACQUISITION COMPANY INC

FLUM Map	WOODSPRING SUITES
Zoning Request	2505 Wards Road Associates, LLC



Property Information

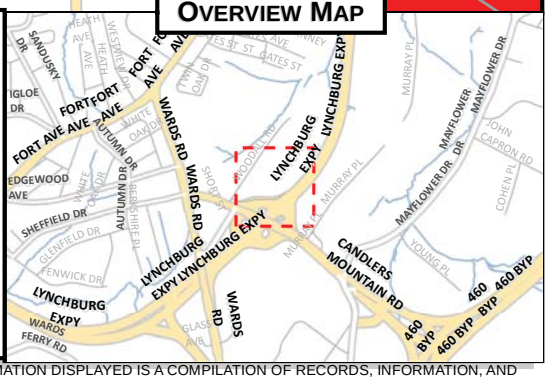
Parcel ID	Address
11604001	310 BORDER ST
11604016	312 BORDER ST

Legend

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

Map Scale: 1 " to 4,000 '**Date Printed:** 11/14/2017

Overview Map



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

Watershed Map	WOODSPRING SUITES
Zoning Request	2505 Wards Road Associates, LLC

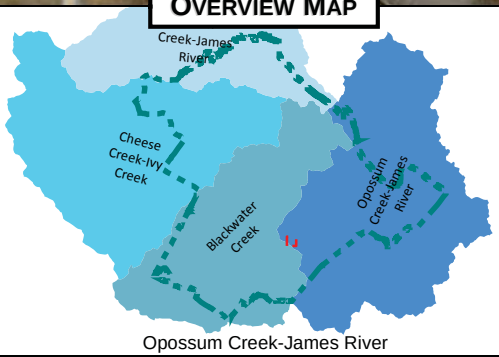
Property Information

Parcel ID	Address
11604001	310 BORDER ST
11604016	312 BORDER ST

Legend

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

Overview Map



Opossum Creek-James River

Map Scale: 1 " to 33,333 **Date Printed:** 11/14/2017

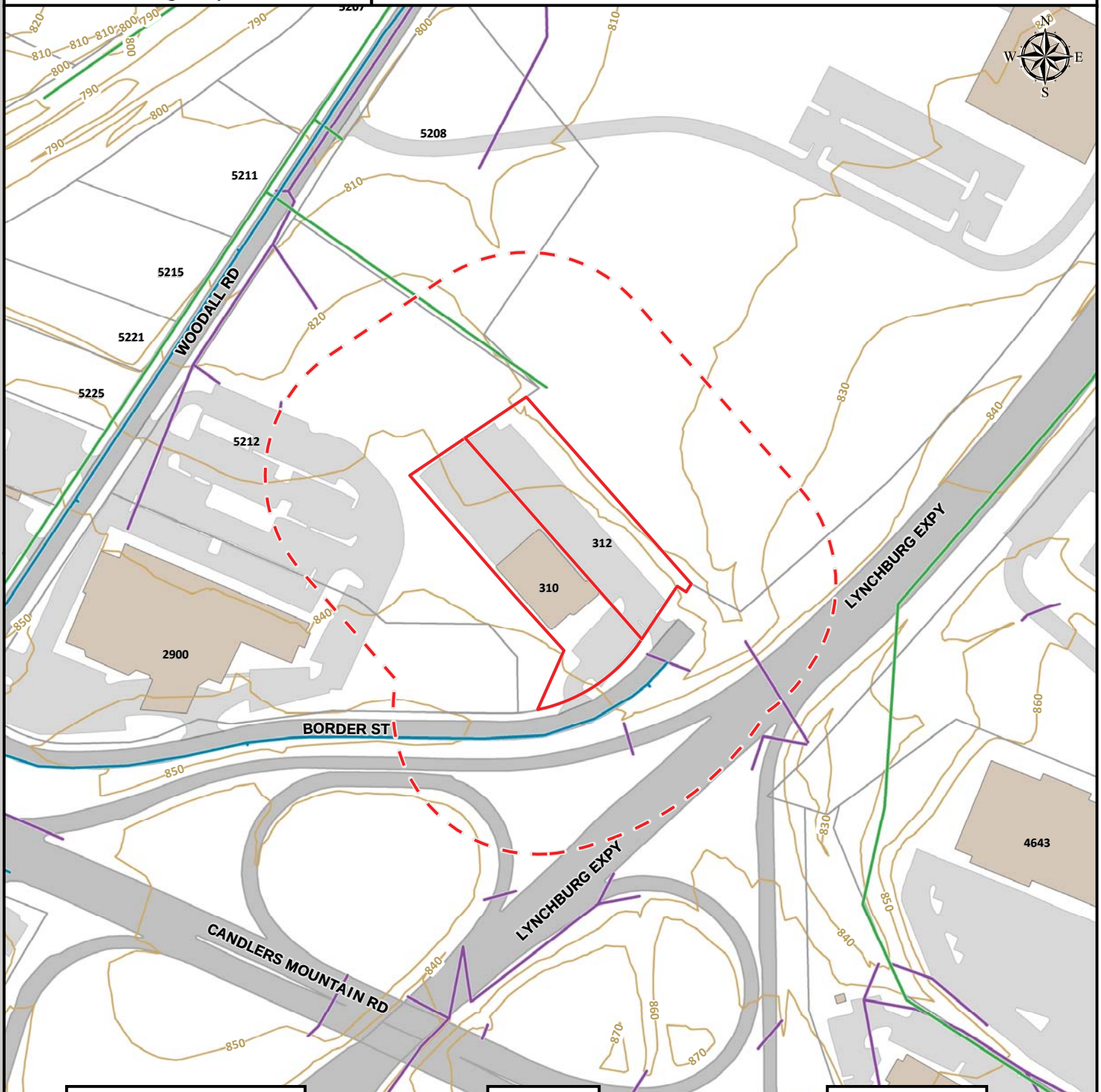
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Planimetric and Topographic Map

Zoning Request

WOODSPRING SUITES

2505 Wards Road Associates, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604001	310 BORDER ST
11604016	312 BORDER ST

LEGEND

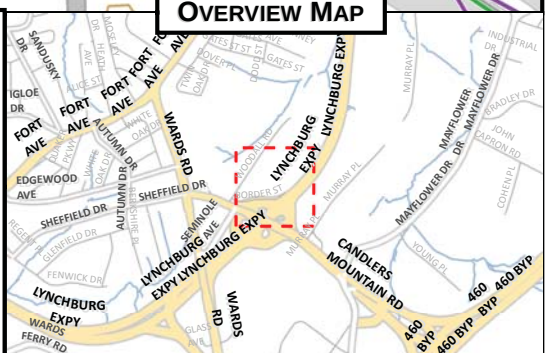
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

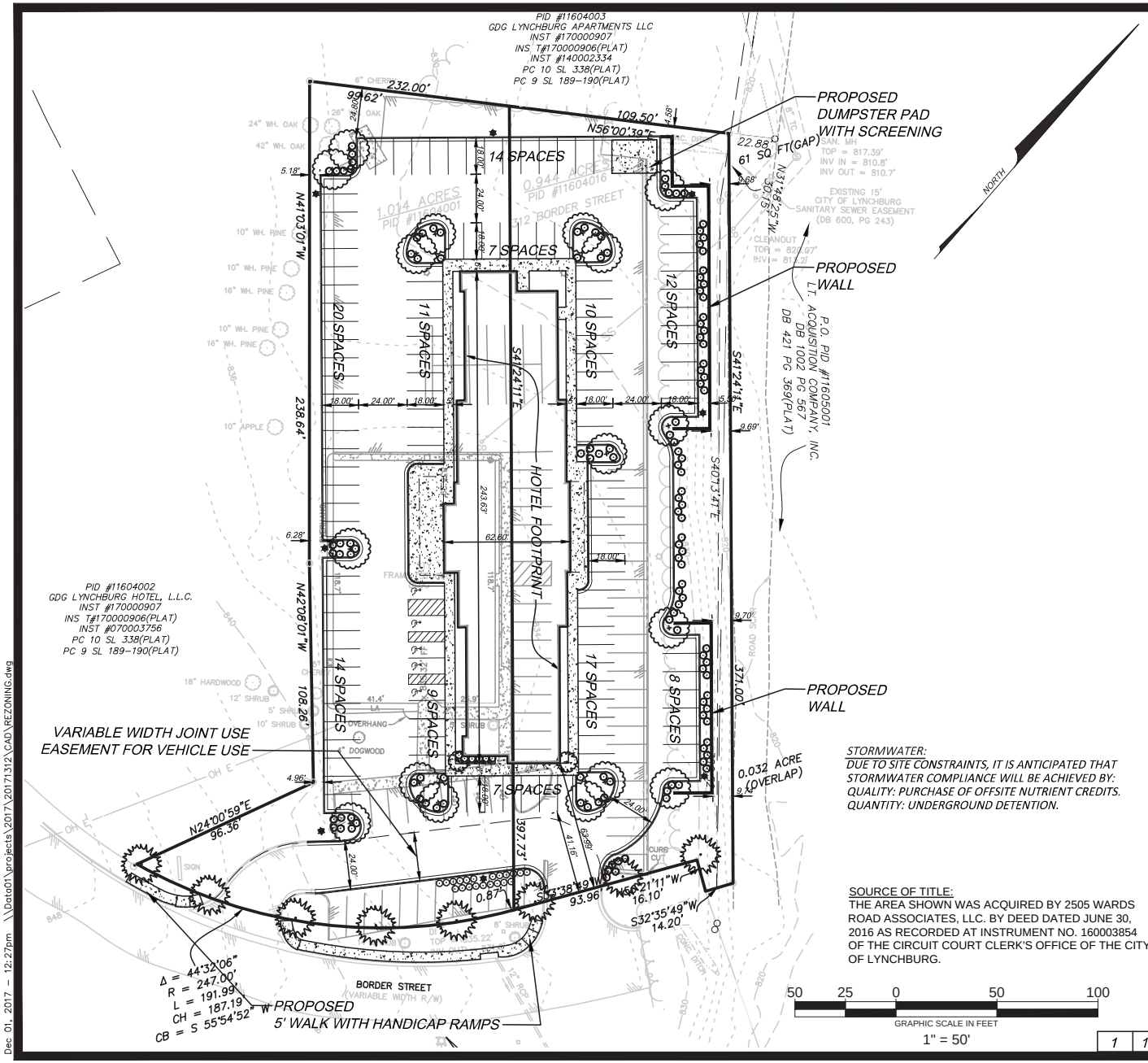
		10'	10' Obs
Topography	Contour		

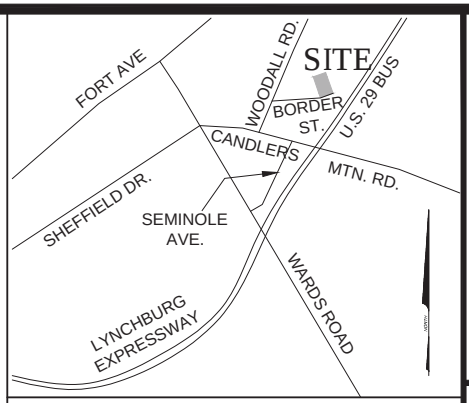
MAP SCALE: 1 " to 4,000 '**DATE PRINTED:** 11/14/2017

OVERVIEW MAP



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





VICINITY MAP N.T.S.

NOTES:

1) PARCEL ID: 11604001, 11604016
2) OWNER: 2505 WARDS ROAD ASSOCIATES LLC
   ADDRESS: 307 BROOK PARK PL., FOREST, VA 24551
3) PROPOSED USE: HOTEL
4) EXISTING ZONING: B-3C
   PROPOSED ZONING: B-3
   EXISTING LAND USE: COMMERCIAL
   PROPOSED LAND USE: COMMERCIAL
   AREA OF DISTURBANCE 1.80 AC
   A VSMP PERMIT WILL BE REQUIRED.
5) MEAN BUILDING HEIGHT= 41'-8 7/8"
6) REQUIRED PARKING: 1 SPACE PER GUEST ROOM
   122 ROOMS/1=122 SPACES
   PLUS 1 SPACE PER 3 EMPLOYEES ON DUTY AT ONE TIME.
   5 EMPLOYEES ON DUTY/3= 2 SPACES
   REQUIRED PARKING: 124 SPACES REQUIRED
   PROPOSED PARKING:129 SPACES
   INCLUDES 5 HANDICAP ACCESSIBLE SPACES
7) STREET TREES REQUIRED:
   1 SHADE TREE/40LF STREET FRONTAGE:
   287LF/40LF =8 SHADE TREES
8) FOUNDATION PLANTINGS REQUIRED:
   1 ORNAMENTAL TREE/50LF OF BUILDING
   55.80LF/50LF=2 ORNAMENTAL TREES
   1 MEDIUM AND 1 SMALL SHRUB/10LF OF BUILDING
   55.80LF/10LF=6 MEDIUM AND 6 SMALL SHRUBS
9) PARKING AREA LANDSCAPING REQUIRED:
   1 SHADE TREE/8 PARKING SPACES:
   129 SPACES/8= 17 SHADE TREES
   1 MEDIUM SHRUB/1 PARKING SPACE:
   129 SPACES=129 MEDIUM SHRUBS
10) PARKING AREA SCREENING REQUIRED:
    1 LARGE SHRUB/3LF FRONTAGE
    63LF/3=21 LARGE SHRUBS
11) THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR 100 YEAR FLOOD AS DETERMINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL MAP #5100930106D DATED, JUNE 3, 2008.
12) PRE-CONSTRUCTION IMPERVIOUS AREA=1.38AC
    PROPOSED IMPERVIOUS AREA=1.46AC
    NET IMPERVIOUS=0.08AC

STORMWATER:
DUE TO SITE CONSTRAINTS, IT IS ANTICIPATED THAT STORMWATER COMPLIANCE WILL BE ACHIEVED BY:
QUALITY: PURCHASE OF OFFSITE NUTRIENT CREDITS.
QUANTITY: UNDERGROUND DETENTION.

SOURCE OF TITLE:
THE AREA SHOWN WAS ACQUIRED BY 2505 WARDS ROAD ASSOCIATES, LLC. BY DEED DATED JUNE 30, 2016 AS RECORDED AT INSTRUMENT NO. 160003854 OF THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG.

50 25 0 50 100
GRAPHIC SCALE IN FEET
1" = 50'

1	12/01/2017	PER CITY COMMENTS

HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

REZONING PLAN
FOR
WOODSPRING SUITES
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20171312
LAT.	37°22'13"N
LONG.	79°10'37"W
DATE:	10/06/2017
DRAWN BY:	NRO
CHECKED BY:	PCP

SHEET NO.
1 OF 1

Dec. 01, 2017 - 12:27pm \\Data01\projects\2017\20171312\CAD\REZONING.dwg

HURT & PROFFITT INCORPORATED

REZONING NARRATIVE

Proposed Hotel
310 & 312 Border Street
TM# 11604001 & 116040161
Lynchburg, Virginia
Hurt & Proffitt Project # 20171312

PROJECT DESCRIPTION

This petition consists of a request to rezone two parcels as described above having 1.957 acres and currently owned by 2505 Wards Road Associates LLC, 307 Brook Park Place Forest Virginia 24551 from its current B-3C to B-3 (Community Business). The purpose is to allow the construction of a 122 room hotel with parking. Sandpiper Hospitality V LLC, 211West Franklin Street, Richmond VA 23220 is the Petitioner and Contract Purchaser. Purchase Sales Agreement is attached.

Any future proposed development on the property will be designed per the B-3 District Development Standards, Section 35.2-46.4 and other applicable sections of the zoning ordinance.

Per the Lynchburg 2030 Comprehensive Plan these parcels are located in the Employment 2 zone which deems “Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area.”

2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
800-242-4906 TOLL FREE
434-847-7796 MAIN
434-847-0047 FAX
www.HandP.com

BORDER ST
LYNCHBURG EXPY
EXIT 3A

310 and 312 Border Street
Rezoning - Public Hearing
December 13, 2017

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVC	IN OPPOSITION	NEUTRAL
NED SINNOTT	Sandpiper	804-344-8110	✓		
PATRICK PRUETT	H & P		✓		

AGENDA ITEM # 11

NAME: GEORGE KOLAR
ADDRESS: 1160 FAIR OAKS LN.
LYNCHBURG, VA 24503

SUBJECT: TANGIBLE PERSONAL PROPERTY TAX

MAYOR FOSTER, VICE MAYOR TWEEDY, MEMBERS of COUNCIL

I AM HERE TO ASK COUNCIL FOR YOUR APPROVAL IN PASSING THE ELIMINATION OF THE TANGIBLE PERSONL PROPERTY TAX ON THE PRIMARY VEHICLE of VETERANS THAT ARE CLASSIFIED 100% SERVICE RELATED DISABLED AS CLASSIFIED BY THE DEPT. of VETERANS. SVCS.

I HAVE TALKED WITH THE COMMISSIONER OF THE REVENUES MR. NUCKLES. AND HE HAS GIVEN ME A COPY OF THE CODE FOR OTHER CLASSIFICATIONS OF TANGIBLE PERSONAL PROPERTY FOR TAXATION — 58.1-3506 PARAGRAPHS 19 AND 46 B.

PASSING THIS RESOLUTION WILL BE A HELP TO THOSE VETERANS THAT QUALIFY

THANK YOU.
George Kolar

006K

Get acquainted with our new Virginia State Law Portal! Law Help Center ×

Code of Virginia
Title 58.1. Taxation
Chapter 35. Tangible Personal Property, Machinery and Tools and Merchants' Capital

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;

b. Boats or watercraft weighing less than five tons, not used solely for business purposes;

2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;

3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;

4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;

5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;

6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;

7. Tangible personal property used in a research and development business;

8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;

9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;

10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;

11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;

12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;

13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;

14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;

15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;

16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate

of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703; and

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than $250. A county, city, or town may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 46, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If an item of personal property is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications.

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

Code 1950, §§ 58-829.2:1, 58-829.3, 58-829.5 to 58-829.9, 58-831.01; 1960, c. 418; 1970, c. 655; 1976, c. 567; 1978, c. 155; 1979, cc. 351, 576; 1980, c. 412; 1981, cc. 236, 445; 1982, c. 633; 1984, c. 675; 1985, c. 220; 1986, c. 195; 1988, c. 822; 1989, cc. 80, 694; 1990, cc. 677, 693; 1991, cc. 247, 330, 478; 1992, cc. 642, 680; 1993, c. 100; 1994, cc. 171, 221, 266, 631; 1995, c. 142; 1996, cc. 537, 603, 605; 1997, cc. 244, 250, 433, 457; 1999, cc. 289, 358; 2000, cc. 409, 413, 441, 442, 604; 2001, cc. 41, 447; 2002, cc. 6, 63, 148, 337; 2003, cc. 657, 670; 2004, cc. 4, 556, 591; 2004, Sp. Sess. I, c. 1; 2005, cc. 271, 325, 357; 2006, cc. 200, 231, 400; 2007, cc. 88, 322, 609; 2008, cc. 26, 94, 143; 2009, cc. 40, 44; 2010, cc. 264, 849; 2012, cc. 97, 288; 2013, cc. 39, 271, 287, 393, 652; 2014, cc. 50, 409; 2015, cc. 487, 502, 503, 593, 615; 2016, c. 483.

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

6/9/2017

Virginia Law Library
The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats.

Helpful Resources
Virginia Code Commission
Virginia Register of Regulations
U.S. Constitution

For Developers
The Virginia Law website data is available via a web service.

Follow us on Twitter

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 9, 2017** AGENDA ITEM #: **12**

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

ITEM TITLE: Business License Code Amendments

KEY ELEMENTS:
___Economic Development _**X**__Excellent Government ___Natural and Built Environment ___Safe Community _**_**_Vibrant Community

RECOMMENDATION: Council adoption of Business License Code Amendments to Section 36-126.6 and Section 36-126.39.

SUMMARY: Amend Section 36-126.6 to adhere to City Council directive pertaining to the minimum Business License of $30. City Council eliminated the Business License requirement for businesses with gross receipts of less than $10,001. This amendment will eliminate the credit on the next year Business License for any business with gross receipts less than $10,001.

Amend Section 36-126.39 to allow local ABC Licenses to be issued on a calendar year basis. Currently, the local ABC License is issued on a Fiscal Year basis. System changes now allow for the assessment on a Calendar Year basis just as the Business License tax is assessed.

PRIOR ACTION(S): None

FISCAL IMPACT: One time revenue of $28,000 in additional local ABC license revenue will be realized in FY 2018.

CONTACT(S): Mitchell W Nuckles, Commissioner of the Revenue 455-3871

ATTACHMENT(S): Ordinance: Section 36-126.6 (Revised) and Section 36-126.39 (Revised)

REVIEWED BY: bms

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT SECTIONS 36-126.6 AND 36-129.39 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO THE FILING REQUIREMENTS FOR BUSINESS LICENSES.

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

1. That Sections 36-126.6 and 36-129.39 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 36-126.6. - License requirements; filing procedures; due dates; limitations and extensions.

(a) *License requirements.*

(1) Every person shall apply for a license for each business or profession when engaging in a business in the city if (i) such person maintains a definite place of business in the city; (ii) such person does not maintain a definite office anywhere, but does maintain an abode in the city, which abode, for the purposes of this article, shall be deemed a definite place of business; (iii) there is no definite place of business in this city but the person operates amusement machines or is engaged in business as an itinerant merchant, peddler, carnival, circus as specified in Virginia Code Sections 58.1-3717, 3718, or 3728, respectively, or successor sections; or is engaged in business as a contractor subject to Virginia Code Section 58.1-3715, or successor section, or public service corporation subject to Virginia Code Section 58.1-3731, or successor section.

(2) A separate license shall be required for each definite place of business and for each business. A person engaged in two or more businesses or professions carried on at the same place of business may elect to obtain one license for all such businesses and professions if all of the following criteria are satisfied: (i) each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the city; (ii) all of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

(3) Any person doing business at more than one place of business shall be required to take out a separate license for each such place of business. Each such place of business shall constitute a separate and distinct place of business requiring the payment of a license tax as provided for under this article.

(b) *Filing procedures.*

(1) No license shall be issued by the commissioner of the revenue for the conduct of any business upon any vacant lot or in any building in the city, unless and until the applicant for the license shall present a certificate of occupancy furnished by the building inspector of the city to the effect that the proposed use of said premises is not a violation of the provisions of the city zoning ordinance.

(2) No license shall be issued by the commissioner of the revenue for the conduct of any business as a partnership or any business utilizing a fictitious or assumed name, unless and until the applicant for the license shall present a receipt furnished by the clerk of the circuit court certifying registration of such partnership or fictitious or assumed name.

(3) If the business in question is one for which a license can be granted only on the permit of a court or

other officer, such license shall not be valid or effective until such certificate has been obtained and presented to the commissioner of the revenue. This requirement shall include, but is not limited to, the following:

Bondsman
Dealers in precious metals
Pawnbroker
Door-to-door sales/solicitors.

(4) All persons liable for the payment of a license tax under the provisions of this article shall make application therefore to the commissioner of the revenue. The commissioner shall furnish the necessary forms which shall be properly and fully executed by the applicant and shall contain such information as may be required by the commissioner. In cases where the license tax is based upon gross receipts or purchases of the business or occupation to be licensed, the commissioner shall require a sworn statement from the applicant of the amount of such gross receipts or purchases during the preceding year, except in the case of a beginner as hereinafter defined. The commissioner shall assess such applicant, or the person of whom the license is required, with the license tax required by this article.

(5) Every person beginning a business, profession, trade or occupation is subject to a license tax under the provisions of this article and which is based in whole or in part on gross receipts or purchases, shall estimate the amount of gross receipts he will receive or the amount of purchases he will make between the date of beginning business and the end of the then current license year, and his license tax for the then current year shall be computed upon such estimate. Any person who has not been in business for one full license period when making application for a license shall be considered as a beginner and the amount of his license tax for the then current year shall be computed accordingly. Whenever a license tax is so computed upon the estimated gross receipts or estimated purchases, any erroneous estimate shall be subject to correction, and the commissioner of the revenue shall assess such person for any additional license tax found to be due after the end of that license year, and in the case of an overestimate the taxpayer shall be entitled to a credit upon his license tax payable the following year, unless the credit is attributable to gross receipts less than $10,000.

(c) *Due dates.*

(1) Each person subject to a license tax shall apply for a license prior to beginning business if such person was not subject to licensing in this city on or before January 1 of the license year. If such person had been issued a license for the preceding license year, the application shall be on forms prescribed by the commissioner of the revenue.

(2) Any person beginning a business, employment or profession after January 1, unless otherwise stated, shall first file with the commissioner of the revenue an application for a license covering such business, employment or profession and the license tax shall be paid to the billings and collections division within 30 days of beginning business or May 1, whichever is later. Any person conducting any licensable business, employment or profession on or before the first day of January of any year shall file the license application with the commissioner of the revenue on or before May 1 of such year and the license tax shall be paid to the billings and collections division on or before May 1.

(d) *Limitations and extensions.*

(1) The commissioner of the revenue may, for reasonable cause, grant a 30-day extension in which to file an application for a license.

(2) No such license shall be issued until such applicant has produced satisfactory evidence that all delinquent business license, business personal property, meals, amusement, and transient occupancy taxes owed to the city have been paid.

(3) A license issued under this article shall not be valid or effective until the tax required by this chapter has been paid to the billings and collections division.

(4) Notwithstanding Virginia Code Section 58.1-3903, or successor section, the commissioner of the revenue shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six preceding license years.

(5) The period for collecting any local license tax shall not expire prior to the period specified in Virginia Code Section 58.1-3940, or successor section, two years after the date of assessment if the period for assessment has been extended pursuant to this section, two years after the final determination of an appeal for which collection has been stayed pursuant to the appeal and ruling process described in this article, or two years after the final decision in a court application pursuant to Virginia Code Section 58.1-3984, or successor section, or similar law for which collection has been stayed, whichever is later.

(e) Any person conducting a licensable business, employment or profession who does not comply with the provisions of this section shall be guilty of a class 2 misdemeanor as set forth in section 36-126.9 of this article.

Sec. 36-126.39. - Alcoholic beverages.

(a) Every person who shall be engaged in the business of selling mixed alcoholic beverages in a restaurant shall, in addition to any other license required by this chapter, obtain a license to sell mixed alcoholic beverages and shall pay therefore the license tax hereinafter provided.

(1) For persons operating restaurants, including restaurants located on premises and operated by hotels or motels.

a. For each restaurant with a seating capacity at tables for 50 to 100 persons, per annum — $200.00.

b. For each restaurant with a seating capacity at tables for more than 100 but not more than 150 persons, per annum — $350.00.

c. For each restaurant with a seating capacity at tables for more than 150 persons, per annum — $500.00.

(2) For a private, non-profit club operating a restaurant located on the premises of such club, per annum — $350.00.

(b) Every person who shall engage in the business of manufacturing, bottling, wholesaling or retailing alcoholic beverages shall obtain a license therefore and shall pay therefore the license tax hereinafter provided.

(1) For each distiller's license, per annum; provided, however, that no license shall be required of any distiller manufacturing not more than 5,000 gallons of alcohol or spirits or both during any license year — $1,000.00.

(2) For each winery license if to manufacture not in excess of 5,000 gallons of wine during the license year, per annum — $110.00.

(3) If to manufacture more than 5,000 gallons of wine during the license year, per annum — $550.00.

(4) For each brewery license, per annum — $550.00.

(5) For each bottler's license, per annum — $500.00.

(6) For each wholesale beer license, per annum — $250.00.

(7) For each wholesale wine distributor's license, per annum — $50.00.

(8) For each wholesale druggist's license, per annum — $10.00.

(9) For each retail on-premises wine license for a hotel, restaurant or club, per annum — $35.00.

(10) For each retail off-premises wine license, per annum — $35.00.

(11) For each retail beer license, per annum — $105.00.

(c) No license shall be issued under this section to any person unless such person shall hold or secure simultaneously therewith the proper state license required by the Alcoholic Beverage Control Act, which state license shall be exhibited to the commissioner of the revenue, and all dining rooms, restaurants, lunchrooms and clubrooms, wherein the beverages herein defined are sold for consumption on the premises, shall at all times be open to inspection by the state police and the police authorities of the city. Provided, further, that any storeroom or other building from which deliveries are made either at wholesale or retail by bottlers, wholesalers or retailers shall at all times be open to the inspection of the state police and the police authorities of the city. Any violation of the terms of this provision shall be sufficient grounds for the revocation of the license issued in accordance with this section.

(d) All licenses provided herein may be prorated, but no license shall be prorated for less than three months. All such licenses shall be issued on the basis of the license year and any license taken out after the beginning of a quarter shall be paid for on the basis of a full quarter.

(e) All licenses granted or issued pursuant to the provisions of this section shall expire the ~~30th~~ **31st** day of ~~June~~ December next following the date from which they were granted or issued.

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

Adopted:

Certified: _____
Clerk of Council

005K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **01/09/2018** AGENDA ITEM #: **13**

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

ITEM TITLE: In-Fill Development Incentives for Select Areas of the City

KEY ELEMENTS:
_X_ Economic Development __Excellent Government _X_ Natural and Built Environment ___ Safe Community _X_ Vibrant Community

RECOMMENDATION: Adopt Code amendments to provide tax incentives for in-fill development of residential, commercial, multi-family (5 + units), or industrial buildings in the City's Rehabilitation and Conservation Districts, Redevelopment Areas, Arts & Cultural Districts. Code changes to take effect upon adoption.

SUMMARY: The Code of Virginia § 58.1-3219.4 and § 15.2-1129.1 allows real estate tax exemptions up to 50% of new construction costs for in-fill development in the oldest areas of the City. This tool would provide incentives for in-fill development to encourage additional housing, business services, employment opportunities and revitalization in older areas of the City. Staff proposes using a format identical to the recently adopted Rehabilitation Code for the time periods of exemption and also include the (3) year phase-out provision.

This provides another tool to revitalize neighborhoods by helping owners to build equity in a new home and change the course of neighborhoods in a positive direction. The program may also entice businesses to relocate to these select areas, enhancing the quality of life of the residents through better services and potential employment opportunities within the neighborhood.

PRIOR ACTION(S): Staff presented a proposal to incentivize in-fill development at City Council's Work Session on 11/28/2017.

FISCAL IMPACT: There will be no significant additional costs to administer the program within the City Assessor's Office since the program is very similar to the Rehabilitation Exemption program. There will be some new net tax revenue realized in the years after the exemption periods expire.

CONTACT(S): Jeff Bandy, City Assessor (455-3830); Kent White, Community Development Director (455-3900); Marjette Upshur, Economic Development Director (455-4490); Charles Hartgrove, Deputy City Manager (455-3990).

ATTACHMENT(S):

- Ordinance
- Presentation including State Code sections and map indicating applicable districts

REVIEWED BY: bms

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED SECTION 36-177.2, THE NEW SECTION PROVIDES FOR A PARTIAL REAL ESTATE TAX EXEMPTION FOR NEW STRUCTURES IN REDEVELOPMENT AREAS, CONSERVATION AREAS, REHABILITATION DISTRICTS, AND ARTS AND CULTURAL DISTRICTS.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 36-177.2 as follows:

Sec. 36-177.2 Partial exemption for structures in redevelopment or conservation areas or rehabilitation districts or arts and cultural districts.

(a) It is hereby declared to be the purpose of this section to authorize a partial exemption from real property taxes for new structures that are constructed within the City's designated redevelopment or conservation areas, or rehabilitation districts, or arts and cultural districts.

(b) For definitions of the terms used in this section, see Section 36-177, paragraphs (a) 1-7, (b) 1-3, (c), (d), (e) 1- 15 (f) of the City Code.

(c) The partial exemption from real property taxes provided by this section shall be for new structures located in a redevelopment or conservation area, or rehabilitation district, or arts and cultural district; as delineated on the City's Map for In-Fill areas.

(d) The partial exemption from real property taxes provided by this section shall be for an amount of 50 percent of the cost of such construction, as determined by the City Assessor. The exemption will commence upon July 1st of the year following completion of the new construction and shall run with the real estate for a period of 10 years for residential improvements, 8 years for multi-family improvements, and 10 years for commercial or industrial improvements.

(e)The 50 percent exemption for new improvements (residential, multi-family, commercial and industrial) shall be reduced by 25 percent per year over the last 3 years of the exemption period.

(f) The City Assessor will provide written notification to the property owner of the amount of the assessment of the property that will be exempt from real property taxation and the period of such exemption. The exempt amount shall not be reduced by the City Assessor during the period of the exemption, unless the City Assessor by written notice advised the property owner at the initial time of approval of the exemption that the exempt amount may be decreased during the period of such exemption. In no event, however, shall such partial exemption result in totally exempting the value of the structure.

(g) Nothing in this section shall be construed so as to permit the City Assessor to list upon the land book any reduced value due to the exemption provided by this section.

(h) There is hereby assessed a fee of $125 for residential properties, and $250 for commercial, industrial,

and/or apartment properties of 5 units or more, for processing an application requesting the exemption provided by this section. No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the City Assessor has verified that the new structures have been completed.

(i) Where the construction of a new structure is achieved through demolition and replacement of an existing structure, the exemption provided in section shall not apply when any structure that is demolished is a registered Virginia landmark or is determined by the Virginia Department of Historic Resources to contribute to the significance of a registered historic district.

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

Adopted:

Certified: _____
Clerk of Council

009K

Incentive Plan for In-Fill Development

Jeff Bandy, City Assessor's Office

City Council Meeting

01/09/2018

Background Info

- The Code of Virginia allows for an exemption of real estate taxes for infill development (new construction).
- The program provides another tool to revitalize the City's oldest neighborhoods by:
  - allowing owners to build equity in a new home
  - enticing businesses to serve the neighborhoods
  - providing potential employment opportunities
  - reducing blight associated with vacant blocks

Enabling Legislation

Code of Virginia - § 58.1-3219.4. Partial exemption for structures in redevelopment or conservation areas or rehabilitation districts

- Provides for the exemption from taxation of (i) new structures located in a redevelopment or conservation area or rehabilitation district
- or (ii) other improvements to real estate located in a redevelopment or conservation area or rehabilitation district.

Enabling Legislation

Code of Virginia - § 58.1-3219.4. Partial exemption for structures in redevelopment or conservation areas or rehabilitation districts

The partial exemption shall be either

- (i) an amount equal to the increase in assessed value or a percentage of such increase resulting from the construction of the new structure or other improvement to the real estate as determined by the commissioner of the revenue or other local assessing officer
- or (ii) an amount up to 50 percent of the cost of such construction or improvement, as determined by ordinance.

Legal Definitions- Code of Virginia

- Conservation Area- a portion of a locality that is deteriorating and is therefore eligible for conservation efforts.
- Rehabilitation Districts- a portion of a locality that is adjacent to a conservation area and which is likely to deteriorate to a condition similar to adjacent Conservation Area if it is not rehabilitated.
- Redevelopment Area- a portion of locality is a blighted area which has reached a condition that impairs economic values and tax revenues, causes an increase in the spread of disease and crime, and constitutes a menace to the health, safety, morals and welfare of the community.

Enabling Legislation

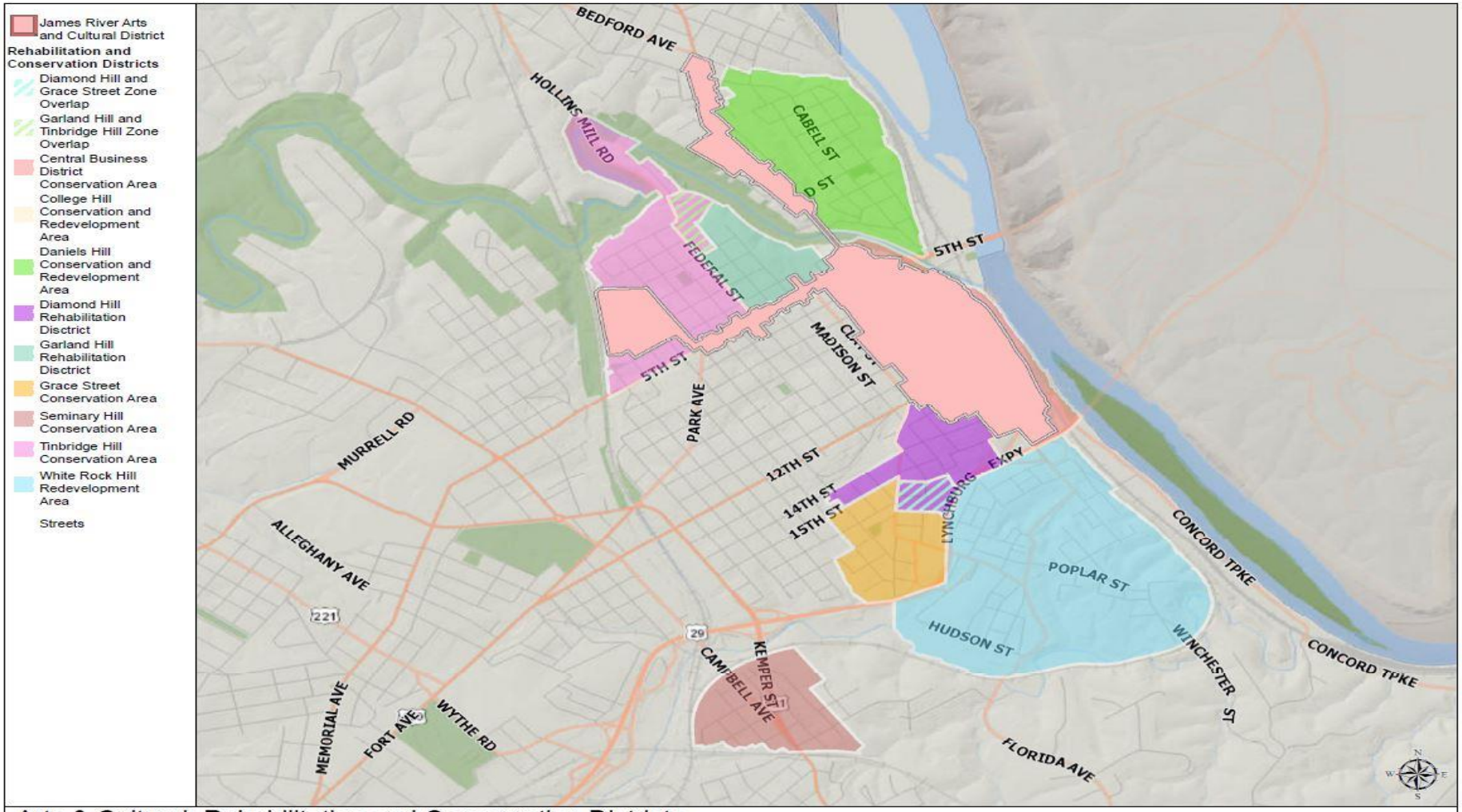
Code of Virginia - § 15.2-1129.1 Creation of Arts and Cultural Districts

- The City may provide incentives for the support and creation of arts and cultural districts.
- The tax incentives for each district allows up to 10 years for the rebate of real estate property taxes.
- The districts noted (Redevelopment, Rehabilitation, Conservation, Arts & Cultural) are the only areas that allow in-fill develop with exemption periods per State Code.

Recommended Requirements

- Follow the same periods (designated by use) and methods for phase-out of exemption as established for changes to Rehabilitation Code effective January 1st, 2018.
- Allow 50% of cost of construction as exemption amount for the period of exemption (designated by use.)
- Make the effective date for these changes immediate.
- Communicate these changes using similar channels employed to convey Real Estate Rehabilitation Code changes.

Map of Eligible In-Fill Areas



Arts & Cultural, Rehabilitation and Conservation Districts

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

0 2,000 4,000 ft
1 inch = 2,000 feet 1:24,000

PRINTED ON November 16, 2017

In- Fill Development Proposal

- Questions?