

A G E N D A
City Council Meeting of June 9, 2020

4:00 P.M. – Work Session

- #1. Review and discussion of the draft Analysis of Impediments to Fair Housing Choice (AI)
- #2. Receive an update on the status of brush and bulk collection during the COVID-19 pandemic
- #3. Update to the revenue collections received in several key City revenue sources
- #4. Roll Call

7:30 P.M.
City Council Agenda Items

COUNCILMEMBER PERROW GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

CITY COUNCIL 455-3995 MAYOR 455-3995 CITY MANAGER 455-3990

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

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

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

C O N S E N T A G E N D A

- #5. Consideration of approving the minutes of the May 26, 2020 meeting

- #6.* Consideration of adopting Resolution #R-20-033 approving the submission of Substantial Amendment #2 to the Fiscal Year (FY) 2020 (Program Year [PY] 2019) Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program to the U. S. Department of Housing and Urban Development (HUD); and amend the FY 2020 Community Development Block Grant budget with resources of \$420,487 from the Community Development Block Grant *Coronavirus Aid, Relief and Economic Security Act (CARES ACT)* (CDBG-CV) Program Funds
- #7.* Consideration of adopting Resolution #R-20-034 to amend the FY 2020 General Fund Ambulance Service Fees budget and appropriate \$116,677 with resources from the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES) Stimulus Act Provider Relief Fund to offset loss of revenue related to COVID-19 transports.
- #8.* Consideration of adopting Resolution #R-20-035 amending the FY 2020 Stormwater Operating Fund budget and appropriate up to \$59,755 with resources from the North American Association for Environmental Educators (NAAEE) – National Oceanic and Atmospheric Administration (NOAA) 21st Century Community Learning Center Watershed STEM Education Partnership Grant.

PUBLIC HEARINGS

- #9. Petition of RNR of Virginia (Jonathan Rose) for a Conditional Use Permit in a B-3, Community Business District to operate a tire store in an existing building at 3139 Old Forest Road.
(File: Community Development) #R-20-037
- #10. Petition of Centra Health (Joe Archambeault) for a Conditional Use Permit in an R-C, Conservation District and R-4, High Density Residential District to allow fill within the 100 Year Floodplain to facilitate improvements to the Summit Lake Spillway at 1400 & 1700 Enterprise Drive.
(File: Community Development) #R-20-038
- #11. Consideration of adopting a resolution to authorize the City to contract a debt and issue General Obligation Public Improvement Bonds of the City (the “Bonds”) in the principal amount not to exceed \$42,000,000 to finance the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement, equipping, rehabilitation and repair of various public improvement projects of and for the City (including related design and architectural and engineering services and underwriting compensation and other costs of issuance of such Bonds), including, but not limited to acquisition of fleet vehicles, transportation projects, airport improvement projects, water system improvement projects, school improvement projects, sewer system improvement projects, construction, renovation and improvements to various City buildings, parks and recreation projects, economic development projects, and stormwater improvement projects (collectively, the “Projects”). The Resolution will also authorize the City to issue its general obligation public improvement bond anticipation notes of the City, if any, in an amount not to exceed \$42,000,000 in order to provide short-term financing for the Projects in anticipation of the issuance of the Bonds and to reduce the annual debt service requirements of the City
(File: Budget) #R-20-039
#R-20-040
- #12. Consideration of adopting a resolution to authorize the City to contract a debt and issue sewer revenue bonds of the City in the principal amount not to exceed \$1,500,000 to finance the costs of reconstruction of a permitted Combined Sewer Overflow (CSO) regulator structure within the City’s combined sewer system, a revenue producing undertaking of the City, such capital improvements constituting wastewater treatment facilities within the meaning of Title 62.1 224 of the Code of Virginia, 1950.
(File: Budget) #R-20-041
- #12a. Continuation of Public hearing to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2020, in School Districts I, II, and III

PUBLIC COMMENT

#13. Hear from a citizen (Hermina Hendricks)

GENERAL BUSINESS

#14. First Reading on the Adoption of the FY 2021 Budget Resolutions.

- A: Consideration of introducing a Resolution adopting the FY 2021 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating \$194,398,344 for this budget. #R-20-042
- B: Consideration of introducing a Resolution adopting the FY 2021 Mandated and Contractual External Service Providers Budget and appropriating \$8,192,056 for this budget. #R-20-043
- C: Consideration of introducing a Resolution adopting the FY 2021 Discretionary External Service Providers Budget and appropriating \$29,401 for this budget. #R-20-044
- D: Consideration of introducing a Resolution adopting FY 2021 Operating Fund Budgets for other funds and appropriating the sums of each fund. #R-20-045
- E: Consideration of adopting a Resolution amending the FY 2021 – 2025 Capital Improvement Program Budget. #R-20-046
- F: Consideration of introducing a Resolution adopting the FY 2021 Capital Budget and appropriating \$15,169,570 for the City Capital Projects Fund, \$3,053,086 for the Schools Capital Projects Fund, \$1,400,000 for the Airport Capital Projects Fund, \$3,560,000 for the Water Capital Projects Fund, \$8,030,000 for the Sewer Capital Projects Fund, and \$880,000 for the Stormwater Capital Projects Fund. #R-20-047
- G: Consideration of introducing a Resolution appropriating \$50,000 of the FY 2021 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2020 through June 30, 2021. #R-20-048
- H: Consideration of adopting a Resolution in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, to set the personal property tax relief rate for the fiscal year beginning July 1, 2020 through June 30, 2021 at 41.98%. #R-20-049
- I: Consideration of adopting an ordinance to amend and reenact Sections 34-12.1 of the Code of the City of Lynchburg, 1981, as amended, the amended sections relating to sewer rates #O-20-013

#15. Discuss City Code Section 27-29, Relating to the Declaration of Curfews in Times of Emergency (File: City Council) #O-20-014

#16. Consideration of approving an ordinance confirming the City Manager's Declaration of and Institution of a Curfew in the City of Lynchburg. (File: Budget) #O-20-015

#17. Consideration of selecting the date for the City Council Organizational Meeting (File: City Council)

- #18. a. Consideration of a closed meeting to consider prospective candidates for the position of City Manager pursuant to Section 2.2-3711(A.) (1) of the Code of Virginia and
- b. Consideration of a closed meeting to discuss appointments to the following boards, commissions or committees: City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King/Lynchburg Community Council, Local Emergency Planning Committee, Metropolitan Planning Organization, Museum Advisory Board, Virginia First Cities Policy Committee and Youth Services Citizens Board

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Review and Discussion of the draft Analysis of Impediments to Fair Housing Choice (AI)

KEY ELEMENTS:

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

RECOMMENDATION: Review and discussion of the draft Analysis of Impediments to Fair Housing Choice (AI)

SUMMARY: As a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnerships Program funds, the City must certify to the U. S. Department of Housing and Urban Development (HUD) that its housing programs are implemented in a non-discriminatory manner. The AI includes an analysis of public and private sector policies, programs and statutes which impact the development, financing, regulation and siting of housing in the City. The City has identified within the AI: (a) impediments to fair housing choice; and (b) recommended strategies that would eliminate the impediments to housing choice.

The previous AI was prepared in January 2014. It is required by HUD that the City perform an AI typically once every five (5) years in conjunction with the Five-Year Consolidated Plan. A draft AI has been prepared for the City by the professional consulting team at Mullin & Lonergan Associates (M&L). M&L followed a comprehensive approach to complete the AI utilizing many different data sources, City documents, and specifically conducted interviews and focus group sessions with agencies and organizations that provide housing and housing related services to members of the protected classes.

On December 17 and 18, 2019 M&L conducted several Stakeholder Workshops at The Miller Center with key community stakeholders to hear their thoughts and observations on fair housing in our community. These public meetings encompassed workshops on affordable housing, workforce development, housing for individuals and families in crisis, asset building in low-to-moderate income neighborhoods, and healthy housing and healthy neighborhoods as they related to not only the development of the AI but also the 2020-2024 Five-Year Consolidated Plan for the CDBG and HOME Program.

At the work session on June 9th, M&L staff will provide a presentation summarizing the AI. A required public hearing will be held at the regular City Council meeting on June 23rd to provide the public one final opportunity to comment on the AI. At the conclusion of the public hearing, City Council will be asked to adopt a resolution endorsing the AI and approving the submittal of the final document, with any recommended changes from the public and/or City Council, to HUD.

PRIOR ACTION(S): December 17 and 18, 2019 – Stakeholder Public Meetings

FISCAL IMPACT: None

CONTACT(S): Melva Walker, Grants Manager, 455-3916
Bonnie Svrcek, City Manager, 455-3987
Kevin Henry, Zoning Administrator, 455-3915

ATTACHMENT(S): Draft Analysis of Impediments to Fair Housing Choice (AI)
PowerPoint Presentation - Mullin & Lonergan Associates

REVIEWED BY: bms



2020 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

Lynchburg, Virginia
Draft for Public Display
May 2020

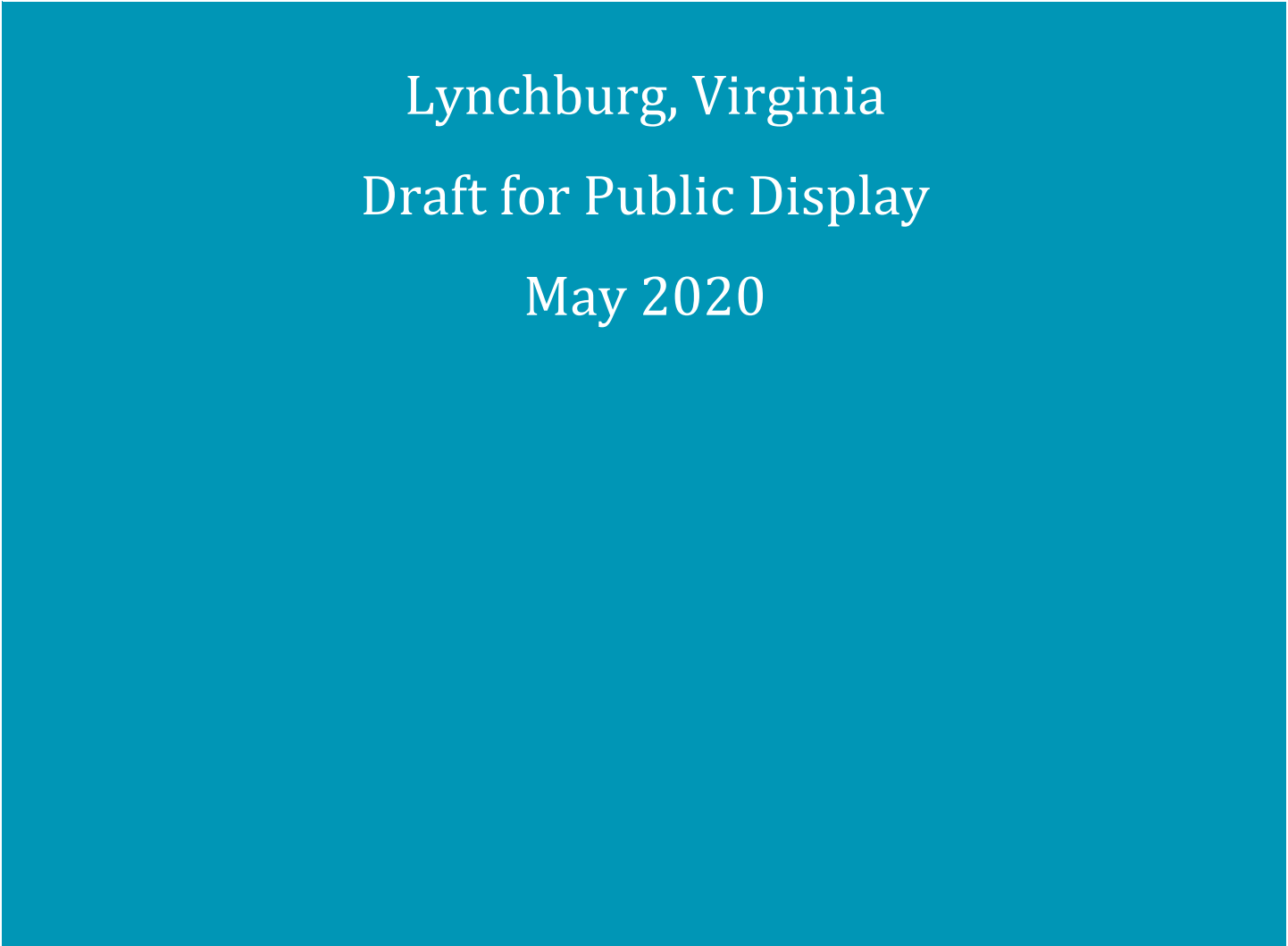


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Executive Summary

The City of Lynchburg has prepared an Analysis of Impediments to Fair Housing Choice to satisfy requirements of the Housing and Community Development Act of 1974, as amended. This act requires that any community receiving Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME) funds affirmatively further fair housing. Additionally, HUD entitlement communities must comply directly with HUD rules and regulations designed to uphold the Housing and Community Development Act of 1974, as amended. The responsibility of compliance with the federal Fair Housing Act extends to nonprofit organizations and other entities, including units of local government, which receive federal funds through the City.

Entitlement communities that receive CDBG and HOME funds are required to:

- Examine and attempt to alleviate housing discrimination within their jurisdiction
- Promote fair housing choice for all persons
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, sex, disability, familial status, or national origin
- Promote housing that is accessible to and usable by persons with disabilities, and
- Comply with the non-discrimination requirements of the Fair Housing Act.

These requirements can be achieved through the preparation of an Analysis of Impediments to Fair Housing Choice (AI). The AI is a review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing, as well as an assessment of conditions, both public and private, affecting fair housing choice.

Entitlement communities have specific fair housing planning responsibilities. These include:

- Conducting an Analysis of Impediments to Fair Housing Choice
- Developing actions to overcome the effects of identified impediments to fair housing, and
- Maintaining records to support the jurisdictions' initiatives to affirmatively further fair housing.

The following observations were noted throughout the AI. These issues are based on the primary research collected and analyzed and the numerous interviews and focus group sessions conducted for this report. They help to establish context for the impediments to fair housing choice.

- *Between 2000 and 2017 Lynchburg grew by 21.4%, adding 13,968 new residents.* This is slightly faster than the State of Virginia, which grew by 18.2% during the same time period. Relative comparisons between Lynchburg and Virginia are provided to potentially highlight features unique to Lynchburg.
- *As a city that hosts several colleges and universities, college-aged students comprise a substantial portion of the city's population.* Approximately 22.2% of the city's total population consists of undergraduate and graduate students and will likely have a strong impact on the City's rental market.
- *However, population growth appears to be decentralized in Lynchburg in areas further away from downtown.* These areas tend to have higher levels of opportunity for residents in terms of jobs, quality schools, and environmental health.
- *Racially and ethnically concentrated areas are concentrated around the downtown area.* These areas have a population that consists of 50% or more minorities.
- *There exists a gap in income and wealth between White and minority households* that is exacerbated by the concentration of minority neighborhoods that have lower levels of opportunity. This gap is especially prominent in between White and Black households.
- *In Lynchburg, 14.2% of the population over the age of 18 years old had at least one disability.* Of individuals with a disability, 33.5% were living in poverty compared to 21.7% without a disability. Additionally, most individuals with a disability do not participate in the labor force (64.9%), reducing their ability to afford housing.
- *Family households comprise 58.3% of all households in Lynchburg in 2017. This is lower than that of the State of Virginia, in which family households consist of 66.9% of all households.* This is likely a result of the high student population in Lynchburg.
- *The majority of Lynchburg's housing stock in 2017 was single-family housing units which comprised 65.6% of all housing units, but only 49.7% of these units were owner-occupied.* Multi-family housing can be a more affordable housing option that provides members of the protected classes access to other parts of the City that are otherwise unaffordable.

- *Lynchburg has a slightly higher vacancy rate than the State with the highest rental vacancy rates is concentrated around the University of Lynchburg and Liberty University.* Vacancy is determined if no one is living in a specific unit at the time of the interview, indicating that the student population may play a contributing factor to this.
- *While home values in Lynchburg decreased by 3.8% after adjusting for inflation, gross rent increased by 11.5% during the same time period.*
- *In Lynchburg, 35.5% of all households are cost-burdened, and renters (49.4%) are more disproportionately cost-burdened than homeowners (19.8%).* Areas with a high proportion of cost-burdened homeowners also tend to have cost-burdened renters as well. These areas are centered around the University of Lynchburg
- *The highest opportunity areas in Lynchburg are concentrated in the western parts of the City and the lowest opportunity areas are found around the HUD-defined R/ECAP and the modified R/ECAPs west of Downtown Lynchburg.*
- *Under HUD's definition of racially/ethnically concentrated areas of poverty, only one census tract meets this definition: Census Tract 7.* HUD defines concentrations of racial and ethnic minorities as a census tract with a non-White population of 50% or more. A concentrated area of poverty is defined as a census tract with 40% or more individuals living at or below the poverty line.
- *There is one less census tract that no longer meets both HUD's R/ECAP definition and the modified R/ECAP definition: Census Tract 19.* The poverty rate in this census tract decreased from 37.5% in 2013 to 28.8% in 2017, indicating that opportunities for residents in this area have improved since the previous AI.
- *Two census tracts meet the definition for modified R/ECAP: Census Tracts 6 and 11.* While these areas do not meet the 40% poverty threshold defined by HUD these census tracts show disproportionate poverty rates compared to Lynchburg as a whole and may require attention for improving opportunity. The modified R/ECAPS are located adjacent to the HUD R/ECAP.

A summary of the impediments to fair housing choice that emerged from the data analysis, public engagement initiatives, and policy review were identified. They are the results of primary and secondary

research that define the underlying conditions, trends, and context for fair housing planning in Lynchburg. The impediments were assigned three priority levels based on the amount and strength of the supporting evidence that initially identified the factor:

- High – factors that limit or deny fair housing choice or access to opportunity, as well as other factors that are urgent or establish a foundation for future actions
- Medium – moderately urgent or building on prior actions
- Low – limited impact on fair housing issue

Figure 1 Contributing Factors Impeding Housing Choice in Lynchburg, VA

Factor	Priority	Responsible Parties	Discussion
Access to community assets and opportunities	High	City	Community assets such as public transit and jobs can improve access to opportunities, especially for lower income households and persons with disabilities. While the City has good coverage regarding public transit in R/ECAPs, these areas have poor access to the City's employment centers and higher performing schools. Expanding the public transit system to higher opportunity areas could increase opportunities for low- and moderate-income residents.
Location and type of affordable housing	High	City, LRHA, Private Sector	Providing more housing choices in more areas across the City could increase the accessibility and affordability of housing in Lynchburg. While households in Lynchburg are almost evenly split between renters and homeowners, most of the housing stock consists of single-family homes at 65.6% of all housing stock. Multifamily housing is typically more affordable than single-family housing in the same area as a result of increased housing supply and efficient land use. However, multifamily housing options are limited in both the highest opportunity areas and lowest opportunity areas. Additionally, areas with a high concentration of multifamily units are in close proximity to the universities, creating high competition for housing. While the City has shown to be investing funds, such as CDBG and HOME, in higher opportunity areas, the lack of public transit access and landlords to accept HCVs are barriers in locating affordable housing options in higher opportunity areas.

Factor	Priority	Responsible Parties	Discussion
Discriminatory behavior toward members of the protected class	Low	Private Sector	Lending discrimination exists within the City of Lynchburg. Because this lending primarily occurs in the private sector, the City has little direct control. However, the City could continue to provide education and outreach to lenders and borrowers regarding fair housing and lending discrimination, in addition to the organizations advocating for fair housing. Black and Hispanic households are more likely to have their mortgage application denied than White households. Black households were also more likely to receive high-cost loans compared to other races/ethnicities. High cost loans have higher interest rates, making housing less affordable and contributes to both segregation and cost burden. Households receiving high cost loans will seek more affordable housing in lower quality housing stock and be more cost-burdened due to high interest rates.

The Fair Housing Action Plan included below contains recommendations based on the identified factors impeding, or restricting, fair housing choice for Lynchburg residents:

Impediment	Action	Measurable Benchmarks	Timeframe
Barriers to housing choices for members of the protected class	The City should specify procedures, training, and monitoring process for implementing the Language Access Plan (LAP) to streamline services and better accommodate persons with limited English proficiency (LEP). This is especially important for when the LEP Spanish-speaking population reaches the safe harbor threshold.	Percent of current and number of new staff members trained in accordance with LAP procedures	2020-2024
Location and type of affordable housing	LRHA should expand Section 8 HCV Program to higher opportunity areas.	Number of landlords recruited to participate in Section 8 program, especially in higher opportunity areas	Ongoing
	The City and other local organizations should address the diverse housing needs for the City's various subpopulation, including students, low- and moderate-income households, persons with disabilities, and elderly persons.	Continue investing in housing in a wide geographic area throughout the City. Number of accessible units created/rehabilitated.	Ongoing
	The City should collaborate with local universities to ensure students are not competing with low- and moderate-income households for housing.	Number on-campus housing units created.	Ongoing

Impediment	Action	Measurable Benchmarks	Timeframe
Location of community assets	The City should collaborate with GLTC to improve access to GLTC routes in higher opportunity areas and employment centers in the City and for individuals working unconventional hours.	Number of transit stops added	Ongoing
	The City and local service providers should centralize public services in locations with good transit access and high concentration of members of protected classes	Increase in number of service users	Ongoing
Discriminatory behavior toward members of the protected class	The City should continue supporting fair housing services, such as housing counseling from Lyn-CAG and legal counseling from VLAS, to reduce rates of eviction, mortgage application denials, high-cost lending, and other discriminatory practices.	Number of program participants	Ongoing

Introduction

Background

Equal and unimpeded access to residential housing is a fundamental civil right that enables members of protected classes, as defined in the federal Fair Housing Act, to pursue personal, educational, employment, or other goals. Because housing choice is so critical to personal development, fair housing is a goal that government, public officials, and private citizens must embrace if social equity is to become a reality.

The federal Fair Housing Act prohibits discrimination in housing based on a person's race, color, religion, gender, disability, familial status, or national origin. In addition, the U.S. Department of Housing and Urban Development (HUD) issued a Final Rule on February 3, 2012 that prohibits entitlement communities, public housing authorities, and other recipients of federal housing resources from discriminating on the basis of actual or perceived sexual orientation, gender identity, or marital status. Persons who are protected from discrimination by fair housing laws are referred to as members of the protected classes.

HUD awards funds from the Community Development Block Grant (CDBG), HOME Investment Partnership, Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG) programs directly to eligible municipalities of a certain size. As a grantee of HUD funding, the City of Lynchburg has specific fair housing planning responsibilities including:

- Conducting an Analysis of Impediments to Fair Housing Choice
- Developing actions to overcome the effects of identified impediments to fair housing, and
- Maintaining records to support initiatives to affirmatively further fair housing

HUD interprets these three certifying elements to include:

- Analyzing housing discrimination in a jurisdiction and working toward its elimination
- Promoting fair housing choice for all people
- Providing racially and ethnically inclusive patterns of housing occupancy
- Promoting housing that is physically accessible to and usable by all people, particularly individuals with disabilities

- Fostering compliance with the nondiscrimination provisions of the Fair Housing Act

Purpose of the Analysis of Impediments

The Housing and Community Development Act of 1974 requires that any community receiving HUD funds affirmatively further fair housing. Communities receiving HUD entitlement funds are required to:

- Examine and attempt to alleviate housing discrimination within their jurisdiction
- Promote fair housing choice for all persons
- Provide opportunities for all persons to reside in any given housing development, regardless of race, color, religion, gender, disability, familial status, or national origin
- Promote housing that is accessible to and usable by persons with disabilities, and
- Comply with the non-discrimination requirements of the Fair Housing Act.

These requirements can be achieved through the preparation of an Analysis of Impediments to Fair Housing Choice (AI). An AI is a review of a jurisdiction's laws, regulations, and administrative policies, procedures, and practices affecting the location, availability, and accessibility of housing. It is also an assessment of conditions, both public and private, affecting fair housing choice.

This AI will:

- Evaluate population, household, income, and housing characteristics by protected classes
- Evaluate public and private sector policies that impact fair housing choice
- Identify blatant or de facto impediments to fair housing choice where any may exist, and
- Recommend specific strategies to overcome the effects of any identified impediments.

An impediment to fair housing choice is defined as any action, omission, or decision that restricts or has the effect of restricting the availability of housing choices of members of the protected classes.

This AI serves as the basis for fair housing planning; provides essential information to policy makers, administrative staff, housing providers, lenders, and fair housing advocates; and assists in building public support for fair housing efforts. The City is expected to review and approve the AI and use it for direction, leadership, and resources for future fair housing planning. The AI will serve as a point-in-time baseline against which future progress in implementing fair housing initiatives will be evaluated and recorded.

The Relationship between Fair Housing and Affordable Housing

To the extent that members of the protected classes tend to have lower incomes, then access to fair housing is related to affordable housing. In many areas across the U.S., a primary impediment to fair housing is a relative absence of affordable housing. Often, the public policies implemented in towns and cities can contribute to the lack of affordable housing in these communities, thereby disproportionately affecting housing choice for members of the protected classes.

The Federal Fair Housing Act

The Federal Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

In the sale and rental of housing, no one may take any of the following actions based on race, color, religion, gender, disability, familial status, or national origin:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions, or privileges for the sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- Persuade owners to sell or rent at a loss ("blockbusting")
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing

Recent Changes to HUD Program Regulations

On March 5, 2012, HUD implemented policies to ensure that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. In response to evidence suggesting that lesbian, gay, bisexual, and transgender individuals and families were being arbitrarily excluded from housing opportunities in the private sector, HUD's aim was to ensure that its

own programs do not allow for discrimination against any eligible person or household, and that HUD's own programs serve as models for equal housing opportunity.

This change to HUD program regulations does not amend the Fair Housing Act to prohibit all discrimination in the private market on the basis of sexual orientation, gender identity, or marital status. However, it prohibits discrimination of those types by any housing provider who receives HUD funding, including public housing agencies, those who are insured by the Federal Housing Administration (including lenders), and those who participate in federal entitlement grant programs through HUD.

Methodology used for the AI

A comprehensive approach was used to complete the Analysis of Impediments to Fair Housing Choice for the City of Lynchburg. The following sources were utilized:

- The most recently available demographic data regarding population, household, housing, income, and employment at the census tract and municipal level
- Public policies affecting the siting and development of housing
- Administrative policies concerning housing and community development
- Financial lending institution data from the Home Mortgage Disclosure Act (HMDA) database
- Agencies that provide housing and housing related services to members of the protected classes
- Fair housing complaints filed with HUD
- Interviews and workshop sessions conducted with agencies and organizations that provide housing and housing related services to members of the protected classes

Public Engagement

An extensive Outreach Plan was carried out jointly for the City's Analysis of Impediments to Fair Housing Choice, the 2020-2024 Consolidated Plan and the 2020 Annual Action Plan. Across all outreach initiatives, the most frequently cited needs include the following:

- Affordable housing
 - Adequate funding at federal and state levels to develop more affordable housing and provide more rental assistance
 - Adequate supply of affordable housing to meet the demand in urban and rural areas
 - Support for affordable housing from local, regional and state officials
 - Affordable housing accessible to people with disabilities
- Fair housing

- Support from local officials for all types of affordable housing, including emergency housing and permanent housing
 - Education for landlords
 - Education for tenants on rights and responsibilities
 - Education for the public
 - Fair housing enforcement
- Community development
 - Affordable transportation, including public transit with frequent service and service for second and third shift workers
 - Workforce development
 - Other supportive services to keep individuals and families housed—substance abuse treatment, case management, childcare

Progress Achieved since 2015 AI

Lynchburg's last Analysis of Impediments was completed in 2015. The 2015 document identified a total of 14 impediments to fair housing choice. Each impediment and associated recommendations from the 2015 AI are listed below, along with a summary of the progress the City has made. Progress on goals was provided by the City and based on the City's annual Consolidated Annual Performance Evaluation Reports (CAPER).

Impediment (City)	Status
<i>The City's subsidized housing units and affordable HOME housing activities are located primarily in older neighborhoods near the Central Business District that are more likely to be impacted areas (i.e. Black concentrated areas of poverty and low-moderate-income areas).</i>	
Action Step 1: The City should seek to strike a balance between revitalizing RCAPs and LMI areas and creating new affordable housing opportunities in other City neighborhoods. Specifically, the City should update its HOME policies and procedures to incentivize the creation of affordable housing opportunities in higher opportunity neighborhoods. COMPLETE & CONTINUING	PY2015: \$350,000 of the \$686,040 (51%) of CDBG funds were allocated to the City's Downtown infrastructure project located in Census Tract 5 in which approximately 65% of the residents are LMI persons. All HOME Program funds (\$305,985) were allocated for affordable housing projects within the targeted Census Tracts and city-wide based on eligibility criteria.
	PY2016: \$413,867 of the \$662,772 (63%) of CDBG funds were allocated to the City's Downtown infrastructure project and rehabilitation of a public housing complex, located in Census Tracts 5 and 7 in which approximately 83% and 69%, respectively, of the residents are LMI persons. All HOME Program funds (\$317,893) were allocated for affordable housing projects within the targeted Census Tracts and city-wide based on eligibility criteria.
	PY2017: \$201,948 of the \$300,951 (68%) of HOME Program funds were allocated to the following projects: Vacant Housing Revitalization and Rehabilitation; First-time Homebuyer, and Homeownership development. All projects have provided or will continue to provide affordable housing opportunities in the targeted Census Tracts and city-wide based on eligibility criteria. Lynchburg Regional Housing Collaborative engaged Enterprise Community Partners to conduct a housing stability and economic security study through a

	Community Impact Grant from VHDA to determine the actual state of housing in Lynchburg. PY2018: \$450,412 of the \$474,412 (95%) of HOME Program funds were allocated to the following projects: Homeowner rehabilitation; First-time Homebuyer, and Homeownership development. All projects have provided or will continue to provide affordable housing opportunities in the targeted Census Tracts and city-wide based on eligibility criteria. There was \$283,548 HOME funds expended for these affordable housing projects. There were four minority-owned business contracts issued for the homeowner rehabilitation projects. Lynchburg Regional Housing Collaborative completed and distributed to the public through the Lynchburg City Council a study "Opportunity Profile: Housing Stability in Lynchburg, VA" through a Community Impact Grant from VHDA. The study stated that there is a need for additional affordable housing units and the relation of these housing needs to LMI persons/households. As a result, City Council is focused on addressing affordable housing and is beginning to discuss with the LRHA what an affordable housing policy would be and resources and options to create and further encourage the development of affordable housing in Lynchburg. The City has also engaged in a variety of initiatives designed to improve the quality of the housing stock while still ensuring attainability and affordability, such as the Real Estate Rehabilitation Program and the Rental Inspection Program. Additionally, the City partnered with a variety of public, private, and non-profit organizations that are dedicated to improving housing opportunities for people who live in Lynchburg.
<i>Members of the protected classes tend to experience higher rates of unemployment and have lower incomes, thereby encountering greater difficulty in securing affordable housing in Lynchburg.</i>	
Action Step 1: Continue to use HOME dollars to fund homebuyer assistance programs.	PY2015: \$75,000 was provided to Greater Lynchburg Habitat for Humanity (GLHFH) to provide homebuyer assistance to eligible persons to write down their mortgage so that the housing units assisted would be

COMPLETED & CONTINUING	affordable. GLHFH provided down payment assistance to five families.
	PY2016: GLHFH provided down payment assistance to four families and Lyn-CAG provided down payment assistance to two families.
	PY2017: \$143,890 was provided to Greater Lynchburg Habitat for Humanity (GLHFH) and Lynchburg Community Action Group (Lyn-CAG). GLHFH provided down payment assistance to three families and Lyn-CAG provided down payment assistance to three families.
	PY2018: \$208,890 provided to Greater Lynchburg Habitat for Humanity (GLHFH) and Lynchburg Community Action Group (Lyn-CAG) to provide homebuyer assistance. GLHFH provided down payment assistance to three persons and Lyn-CAG provided down payment assistance to three persons. Of these six persons, household incomes consisted of: one within 50-60% of the Area Median Income (AMI); three within 30-50% of the AMI; and two within 60-80% of the AMI. The racial breakdown included all Black households.
Action Step 2: Fund homebuyer counseling for lower income households, particularly minority households. COMPLETED & CONTINUING	PY2015: The agencies listed below conducted the following classes: Greater Lynchburg Habitat for Humanity: Orientation Classes (2-hour acclimation class) - August 24 and 27, 2015 (80 persons) May 10, 2016 (8 people) June 21, 2016 (40 persons) For the following seven sessions, there were 10 participants with 7 graduates (8 Blacks, 2 NH Whites) Personal Finance – September 28, 2015 Spanish-Speaking Orientation Class in October 2016 (15 persons) Credit and Credit Reporting – October 5, 2015 Developing a Savings and Spending Plan - October 19, 2015 Virginia Fair Housing and Fringe Banking - October 26, 2015 Insurance and Warranties - November 2, 2015 Loan Closing - November 9, 2015 Life as a Homeowner - November 16, 2015

	Lynchburg Community Action Group (Lyn-CAG) staff conducted 12 homebuyer education classes with 11 participants: 9 Blacks (82%) and 2 Whites (18%). There were an additional 112 participants who attended pre-purchase classes that met monthly over the last year to receive homebuying counseling.
	PY2016: The agencies listed below conducted the following classes: Greater Lynchburg Habitat for Humanity Introduction and Class Creed -September 12, 2016 & April 3, 2017 Personal Finance - September 19, 2016 & April 10, 2017 Credit and Credit Reporting - September 26, 2016 & April 24, 2017 Developing a Savings and Spending Plan - October 3, 2016 & May 8, 2017 Virginia Fair Housing and Fringe banking - October 17, 2016 & May 15, 2017 Insurance and Warranties - October 24, 2016 & May 22, 2017 Loan Closing - November 7, 2016 & May 28, 2017 Life as a Homeowner - November 14, 2016 & June 12, 2017 There were 10 participants in these classes, all Black.
	PY2017: The agencies listed below conducted the following classes: Greater Lynchburg Habitat for Humanity Homebuyers' Club Fall 2017 – November 12, 2017 through December 4, 2017 (12 hours) Homebuyers' Club Spring 2018 – May 17, 2018 through June 25, 2018 (12 hours) There were eight participants, all Black. Lynchburg Community Action Group (Lyn-CAG)'s Housing Counseling Services Department assisted individuals with their housing and rental counseling; foreclosure prevention; first-time homebuyer; and fair housing. There were 203 clients served throughout the program year. These clients included 143 Blacks and 60 Whites. Income levels included: <30% of the Area Median Income (AMI)-134; 30-40% of AMI-35; 50-79%-20; and 80-100% of AMI-14.

	PY2018: Agencies listed below conducted the following classes and the recipients of the HOME Program funds for homebuyer purchases were provided with home buyer counseling: GLHFH conducted one Homebuyer Class with five Black participants. GLHFH conducted two Warranties, Maintenance, and Closing Counseling Classes with two Black participants. GLHFL conducted an Application Orientation Class with 50 participants including 43 Blacks, two Hispanics and five Whites. Lyn-CAG's First Time Home Buyers Club had 15 individuals completed the 12-month program. All graduated, six pre-qualified to purchase homes and three purchased homes in Lynchburg. Two are currently looking at real estate purchase options and one purchased in the surrounding county. The three first-time homebuyers were Black and within the 60-80% of the Area Median Income (AMI). Two of the individuals who have prequalified are White and within less than 50% of the AMI and one individual is Black and within 50-80% of the AMI. In addition, Lyn-CAG's Housing Counseling Services Department assisted individuals with their housing needs; foreclosure prevention; first-time homebuyer; and fair housing. There were 147 clients served throughout the program year. These clients included 89 Black and 57 White and one Asian. The Income levels included: <30% of the Area Median Income (AMI) - 65 persons; 30-40% of AMI - 40 persons; 50-79%-36 persons; and 80-100% of AMI six persons.
<i>The City's supply of decent and affordable housing remains inadequate, and there is a growing mismatch between incomes and housing costs.</i>	
Action Step 1: Continue the City's Rental Inspection Program, which is focused in 11 older LMI neighborhoods to improve and preserve the existing affordable housing stock.	PY2015: During this program year within the Rental Inspection Program there were 423 cases (homeowner, rental and neighborhood services) brought up to Code compliance.
COMPLETED & CONTINUING	PY2016: There were 413 cases (homeowner and neighborhood services) brought up to code. There were 110 one-year and 847 four-year Certificate of

	Compliance (COC) waivers issued for rental housing inspections that were conducted and the properties were in compliance with the <u>Virginia Maintenance Code</u> .
	PY2017: Residential rental properties are located in six rental inspection districts and are inspected periodically to determine if they are being maintained with the City's minimum building code standards. There were 492 existing residential rental inspections completed and 408 rental inspections completed on new apartment units.
	PY2018: Residential rental properties are located in six rental inspection districts (Census Tracts 4, 5, 6, 7, 11, and 19) and are inspected periodically to determine if they are being maintained with the City's minimum building code standards. 1,500 rental inspections completed.
Action Step 2: Continue to use HOME dollars to fund homebuyer assistance programs. COMPLETED & CONTINUING	PY2015: \$75,000 provided to Greater Lynchburg Habitat for Humanity (GLHFH) to provide homebuyer assistance. Lyn-CAG assisted one homebuyer and included the required homebuyer counseling for the purchase of the housing unit. GLHFH provided down payment assistance to five families.
	PY2016: GLHFH provided down payment assistance to four families and Lyn-CAG provided down payment assistance to two families.
	PY2017: \$143,890 was provided to Greater Lynchburg Habitat for Humanity (GLHFH) and Lynchburg Community Action Group (Lyn-CAG) to provide homebuyer assistance. GLHFH provided down payment assistance to three families and Lyn-CAG provided down payment assistance to three families.
	PY2018: \$208,890 was provided to Greater Lynchburg Habitat for Humanity (GLHFH) and Lynchburg Community Action Group (Lyn-CAG) to provide homebuyer assistance. GLHFH provided down payment assistance to three persons and Lyn-CAG provided down payment assistance to three persons. Of these six persons, the household incomes consisted of: one within 50-60% of the Area Median Income (AMI); three

	within 30-50% of the AML; and two within 60-80% of the AML, all Black households.
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<i>Although there was an insufficient number of housing discrimination complaints filed in the City to identify significant trends, it was possible to identify a pattern of discriminatory behavior on the basis of disability and race.</i>	
Action Step 1: Contract with an experienced HUD-certified fair housing organization to perform paired testing for race and disability in rental housing. Utilize the results to file housing discrimination complaints; publicize results to deter future discriminatory behavior.	PY2015-PY2017: As of this date, the City has not begun this process. City staff is aware of the requirements and will pursue contacting an agency to conduct this testing.
	PY2018: City staff requested Lynchburg Community Action Group (Lyn-CAG), a HUD-certified fair housing organization, to provide a cost estimate and timeline for completion of this parity testing.
Action Step 2: Contract with an experienced HUD-certified fair housing organization to provide education and outreach on fair housing laws, rights and responsibilities. COMPLETED & CONTINUING	PY2015: The City provided one percent of its CDBG allocation (\$6,800) in Program Year 2014 to Lynchburg Community Action Group (Lyn-CAG) to provide education and outreach on fair housing laws, rights, and responsibilities. The following fair housing workshops were conducted by Lyn-CAG staff: May 26, 2016 – Conducted two Workshops: Fair Housing – There were 30 in attendance Lyn-CAG staff provided educational materials regarding fair housing rights/laws Hoarding Workshop: There were 20 persons in attendance and materials provided regarding hoarding and the rights of a hoarder.
	PY2016: The following fair housing and housing counseling workshops were conducted by Lyn-CAG staff: April 18, 2017 - Fair Housing Certification and Hoarding Workshop – Lead by Mahalia “Mally” Dryden-Mason, Fair Housing Training Specialist, Virginia Department of Professional and Occupational Regulations – 65 participants May 6, 2017 – Women’s Empowerment – Jubilee Family Development Center (Homeownership and Budgeting Session) January 26, 2017 – Community Resource Fair – Point in Time (PIT) Count for Central Virginia Continuum of Care (CVCoC) – Approximately 50 persons attended the event.
	PY2017: The following fair housing and housing counseling workshops were conducted by Lyn-CAG:

	April 24, 2018 – In recognition of “April is Fair Housing Month” – Lyn-CAG staff scheduled a “Tenants’ Rights and Responsibilities” Workshop at the Lynchburg Public Library. Advertisements were placed on five billboards throughout the City of Lynchburg regarding “Fair Housing Month” and citizens’ rights to Fair Housing.
	PY2018: The following fair housing and housing counseling workshops were conducted by Lyn-CAG: Staff conducted weekly seminars at local rental properties on tenants’ rights and responsibilities. These seminars were conducted at four rental property complexes located in the City. Staff conducted a Landlord Tenant Workshop held at Lyn-CAG in which 15 landlords/tenants attended. In recognition of “April is Fair Housing Month”, Lyn-CAG staff scheduled a “Communicating Fair Housing” Workshop at the Miller Center. Ms. Mahalia Dryden-Mason, Fair Housing Training Specialist, from the Virginia Department of Professional and Occupational Regulation, was the guest speaker. There were 25 individuals in attendance. Lyn-CAG staff partnered with Virginia Legal Aid and conducted a workshop on the new housing related laws being implemented on July 1, 2019. There were 20 people in attendance at this workshop. Lyn-CAG staff had a booth promoting Fair Housing and Rental Counseling at the City’s Day in the Park in June 2019. All five staff members who are housing counselors were recertified in Fair Housing and provide this service to all citizens of Lynchburg. In addition, the City and Lyn-CAG partnered and a Fair Housing Flyer was developed and provided to the City of Lynchburg Utilities Department to be inserted into the April 2019 water utility bills. There were 24,000 Flyers provided and inserted into the water bills.
<i>There is a need for improved fair housing services across Lynchburg.</i>	
Action Step 1: Delegate the City’s Housing Collaborative as the centralized fair housing organization for Lynchburg.	PY2015-2016: As recommended in the AI, the Housing Collaborative is the centralized fair housing organization for the City. This Collaborative consist of: City staff

<i>COMPLETED & CONTINUING</i>	(Grants Manager and Zoning Administrator); Lynchburg Redevelopment and Housing Authority (LRHA); Lynchburg Community Action Group (Lyn-CAG); Greater Lynchburg Habitat for Humanity (GLHFH); Rush Homes; Lynchburg Covenant Fellowship (LCF); and Continuum of Care (CoC) Lead and Co-Leader. During this program year, the Collaborative has met and discussed proposed housing projects related to new construction, redevelopment, and rehabilitation, and the CoC activities for the homeless (permanent supportive housing programs, emergency shelters, and transitional housing). These meetings included conversations to ensure that all affordable housing projects were offered to all persons and that no discriminatory action would be taken against any applicant. See below for the specific planned project to create a “one- stop” shop for all persons seeking housing assistance whether permanent or temporary.
	PY2017-2018: The Collaborative met and discussed proposed housing projects related to new construction, redevelopment, and rehabilitation, and the CVCoC activities for the homeless (permanent supportive housing programs and emergency shelters). These meetings included conversations to ensure that all affordable housing projects were offered to all persons and that no discriminatory action would be taken against any applicant.
Action Step 2: The Housing Collaborative should partner with LRHA to pool fair housing resources, run fair housing training and educational meetings, and improve fair housing compliance citywide. <i>COMPLETED & CONTINUING</i>	PY2015: There was a project to establish a Housing Resource Center at LRHA. The concept of an Affordable Housing Resource Center is a solution that would bring all housing related resources under one roof to provide citizens of Lynchburg a “one stop shop” for accessing resources to address and solve their housing questions and needs. The Lynchburg Housing Collaborative and Central Virginia Continuum of Care would be partners in this endeavor. LRHA is in the process of developing a job description to staff the Housing Resource Center. PY2016: A Fair Housing Seminar was conducted on April 29, 2017 at the Lynchburg Public Library. There were 13 persons who attended along with staff from the City of

	Lynchburg, Lynchburg Community Action Group and Virginia Legal Aid. Mr. Jeremy White an attorney with Virginia Legal Aid provided a PowerPoint presentation regarding fair housing rights and responsibilities. Mr. White concluded with providing resources for information regarding the Virginia laws and regulations for Fair Housing. Ms. Denise Crews from Lynchburg Community Action Group provided a presentation on Tenants Rights and Responsibilities. Ms. Crews provided pamphlets and handouts regarding Fair Housing and tenants' rights and responsibilities. City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lynchburgva.gov/grants-administration
	PY2017: LRHA hired a Housing Navigator staff person for the Housing Resource Center. The Housing Navigator has met with some of the people and organizations concerned about housing in Lynchburg to discuss challenges of housing quality standards. A recent meeting included representatives from Virginia Legal Aid, Lynchburg Community Action Group, Miriam's House, Central Virginia Continuum of Care and the City of Lynchburg's Community Development Department. Lynchburg Community Action Group (Lyn-CAG placed advertisements on five billboards throughout the City of Lynchburg regarding "Fair Housing Month" and citizens' rights to Fair Housing. The Housing Counseling Services Department assisted individuals with housing and rental counseling; foreclosure prevention; first-time homebuyer; and fair housing. There were 206 clients served throughout the program year. City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lynchburgva.gov/grants-administration
	PY2018: AHRC staff continued to provide housing and supportive services referrals to the respective agencies

	that could assist the citizens. The LRHA Housing Navigator assists citizens in navigating the vast sea of affordable housing challenges and opportunities in the City. Information, fair housing education and training programs are offered to provide a number of learning tools to assist citizens to be successful obtaining and maintaining stable housing. These programs include: Renter counseling; Homebuyer Counseling; Landlord/Tenant Law training; Energy-Saving Education; Avoiding Eviction guidance; Home Maintenance tips, etc. The Center works with citizens to understand their need, whether immediate or future, and assist them in determining what program/resource best meets their need. The Center is an "information hub" in which all housing providers can report the status of their existing program information and openings. The Center tracks data related to citizens assisted the needs, the income level and the results. The Center plans to provide a computer resource for access to on-line training opportunities, housing location, and a variety of other resources that would assist citizens in obtaining and retaining stable housing. LRHA, the Housing Collaborative and the CVCoC have established a "Housing First" model program within the City of Lynchburg to provide permanent, affordable housing as quickly as possible to persons facing homelessness or assist them in solving challenges they face in their housing status. Diversion programs can prevent eviction and foreclosure when citizens have a central resource that will guide them through the hardships they are facing. The Housing Navigator provided the public, and local organizations, with information regarding housing, local resources for housing, how to apply for numerous services and programs. The AHRC is a "one-stop" shop for housing resources. The AHRC will debut a new web-based software program that will simplify the affordable housing world. LRHA has partnered with UpTop to bring the Authority up to current technology in searching, applying, managing and reporting on
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	available housing in the Lynchburg area. Staff has assisted approximately 415 persons through visits to the AHRC, telephone calls and email. City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lynchburgva.gov/grants-administration
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Action Step 3: The City should allocate at least 1% of its annual CDBG entitlement grant exclusively to fair housing activities, such as education, outreach, training, and enforcement. <i>COMPLETED & CONTINUING</i>	PY2015: The City provided one percent of its CDBG allocation (\$6,800) in Program Year 2014 to Lynchburg Community Action Group (Lyn-CAG) to provide education and outreach on fair housing laws, rights, and responsibilities. This project continued in Program Year 2015. In Program Year 2016 there has been \$10,000 allocated to Lyn-CAG to provide fair housing events and housing counseling to prospective homebuyers.
	PY2016: The City allocated \$10,000 of CDBG funds to Lynchburg Community Action Group (Lyn-CAG) to provide housing counseling, education and outreach on fair housing laws, rights, and responsibilities. During Program Year 2016 the following fair housing and housing counseling workshops were conducted by Lyn-CAG staff. April 18, 2017 - Fair Housing Certification and Hoarding Workshop – Lead by Mahalia “Mally” Dryden-Mason, Fair Housing Training Specialist, Virginia Department of Professional and Occupational Regulations – 65 participants May 6, 2017 – Women’s Empowerment – Jubilee Family Development Center (Homeownership and Budgeting Session) January 26, 2017 – Community Resource Fair – Point in Time (PIT) Count for Central Virginia Continuum of Care (CVCoC) – Approximately 50 persons attended the event.
	PY2017: Five billboards throughout the City regarding “Fair Housing Month” and citizens’ rights to Fair Housing. The Housing Counseling Services Department assisted individuals with housing and rental counseling; foreclosure prevention; first-time homebuyer; and fair housing. There were 206 clients served throughout the program year.
	PY2018: Lynchburg Community Action Group (Lyn-CAG) continued to provide housing counseling, education and outreach on fair housing laws, rights, and responsibilities. The following fair housing and housing counseling workshops were conducted by Lyn-CAG and City staff:

	Staff conducted weekly seminars at local rental properties on tenants' rights and responsibilities. These seminars were conducted at four rental property complexes located in the City. Staff conducted a Landlord Tenant Workshop held at Lyn-CAG in which 15 landlords/tenants attended this workshop. In recognition of "April is Fair Housing Month" – Lyn-CAG staff scheduled a "Communicating Fair Housing" Workshop at the Miller Center. This session was well attended and Ms. Mahalia Dryden-Mason, Fair Housing Training Specialist, from the Virginia Department of Professional and Occupational Regulation, was the guest speaker. There were 25 individuals in attendance. On April 27, 2019 Mayor Treney Tweedy had "Storytime with the Mayor" at the Lynchburg Public Library. Children of all ages and families attended this event. Lyn-CAG staff partnered with Virginia Legal Aid and conducted a workshop on the new laws being implemented on July 1, 2019. There were 20 people in attendance at this workshop. Lyn-CAG staff had a booth promoting Fair Housing and Rental Counseling at the city's Day in the Park in June 2019. All five staff members who are housing counselors were recertified in Fair Housing and provide this service to all citizens of Lynchburg. In addition, the City and Lyn-CAG partnered and a Fair Housing Flyer was developed and provided to the City of Lynchburg Utilities Department to be inserted into the April 2019 water utility bills. There were 24,000 Flyers provided and inserted into the water bills. The Grants Manager placed two advertisements in <i>The News and Advance</i> during April 2019 noting the designation of "April is Fair Housing Month". The National Fair Housing Alliance developed a social media campaign to assist communities in promoting the 50th Anniversary of the Fair Housing Act, housing discrimination, and general fair housing information. City staff used this campaign information and developed a social media campaign for Lynchburg on
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	fair housing. The postings on the City's website, Facebook, and Twitter occurred on December 3, 5, 12, 17, 19, and 26, 2018.
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Action Step 4: The City should formally designate a current employee as the Fair Housing Officer within the Community Development Department to ensure that the HUD entitlement programs are implemented in a non-discriminatory manner. This designee should serve as staff to the Housing Collaborative to advise the Collaborative on fair housing issues. <i>COMPLETED & CONTINUING</i>	PY2015: The Grants Manager was appointed to serve as the Fair Housing Officer. During Program Year 2015 the Grants Manager did not receive any fair housing complaints. Through the Fair Housing project funded with CDBG funds, workshops were conducted and information was distributed (i.e. posters, brochures, flyers, etc.) to inform the citizens of the opportunities for everyone to have the right to live where they so choose and that no one should be denied “fair housing choice.” The Grants Manager placed two advertisements in <i>The News and Advance</i> during April 2016 noting the designation of “April is Fair Housing Month”. In addition, posters were posted at various agencies and locations throughout the City. Posters were placed at the following locations: Lyn-CAG, Lynchburg Redevelopment and Housing Authority (LRHA) (Public Housing Agency), Rush Homes (Serves persons with disabilities), City Hall. PY2016: The Grants Manager did not receive any fair housing complaints. Through the Fair Housing project funded with CDBG funds, workshops were conducted and information was distributed (i.e. posters, brochures, flyers, etc.) to inform the citizens of the opportunities for everyone to have the right to live where they so choose and that no one should be denied “fair housing choice.” The Grants Manager placed two advertisements in <i>The News and Advance</i> during April 2017 noting the designation of “April is Fair Housing Month”. In addition, posters were posted at various agencies and locations throughout the City. Posters were placed at the following locations: Lyn-CAG, Lynchburg Redevelopment and Housing Authority (LRHA) (Public Housing Agency), Rush Homes (Serves persons with disabilities), City Hall. PY2017: The Grants Manager did not receive any fair housing complaints. Through the Fair Housing project funded with CDBG funds, workshops were conducted and information was distributed (i.e. posters, brochures, flyers, etc.) to inform the citizens of the opportunities for everyone to have the right to live where they so choose and that no one should be denied “fair housing choice.”
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	The Grants Manager placed two advertisements in <i>The News and Advance</i> during April 2018 noting the designation of "April is Fair Housing Month". In addition, posters were posted at various agencies and locations throughout the City. Posters were placed at the following locations: Lyn-CAG, Lynchburg Redevelopment and Housing Authority (LRHA) (Public Housing Agency), Rush Homes (serves persons with disabilities), and City Hall.
	PY2018: The Grants Manager did not receive any fair housing complaints.
Action Step 5: The City should revise its Affirmative Marketing Plan to clarify how developments will be monitored, evaluate tenant data, and require fair housing training where needed. COMPLETED	PY2015: Each subrecipient that receives HOME Program funds and is completing a development or redevelopment project with 5 or more units does have an Affirmative Marketing Plan. City staff is in the process of updating the Affirmative Marketing Plan for the HOME Program to include the referenced items.
	PY2016: City staff has updated its Affirmative Fair Housing Marketing Plan for the HOME Program to include the referenced items.
Action Step 6: The City should revise its Section 3 policy to list specific ways in which policy will be advertised to eligible residents and businesses. COMPLETED & CONTINUING	PY2015: City staff reviewed this Policy for an update.
	PY2016: City staff updated its Section 3 Policy stating the specific requirements for advertisements to eligible residents and businesses.
	PY2018: The Section 3 Report for Program Year 2018 was submitted through the HUD Section 3 - Performance Evaluation and Registry System (SPEARS) data system.
Action Step 7: The Housing Collaborative and the City should promote fair housing education to the general public, especially to renters, in addition to developers and landlords. COMPLETED & CONTINUING	PY2015: City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lyncburgva.gov/grants-administration
	PY2016: During this program year a Fair Housing Seminar was conducted on April 29, 2017 at the Lynchburg Public Library. There were 13 persons who attended along with staff from the City of Lynchburg, Lynchburg Community Action Group and Virginia Legal Aid. Mr. Jeremy White an attorney with Virginia Legal Aid provided a PowerPoint presentation regarding fair

	housing rights and responsibilities. Mr. White concluded with providing resources for information regarding the Virginia laws and regulations for Fair Housing. Ms. Denise Crews from Lynchburg Community Action Group provided a presentation on Tenants Rights and Responsibilities. Ms. Crews provided pamphlets and handouts regarding Fair Housing and tenants' rights and responsibilities. City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lynchburgva.gov/grants-administration
	PY2017: The Grants Manager placed two advertisements in <i>The News and Advance</i> during April 2018 noting the designation of "April is Fair Housing Month". Posters were posted at various agencies and locations throughout the City: Lyn-CAG, Lynchburg Redevelopment and Housing Authority (LRHA) (Public Housing Agency), Rush Homes (serves persons with disabilities), City Hall. Lynchburg Community Action Group (Lyn-CAG placed advertisements on five billboards throughout the City of Lynchburg regarding "Fair Housing Month" and citizens' rights to Fair Housing. The Housing Counseling Services Department assisted individuals with their housing and rental counseling; foreclosure prevention; first-time homebuyer; and fair housing. There were 206 clients served throughout the program year. City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lynchburgva.gov/grants-administration
	PY2018: The Grants Manager placed two advertisements in <i>The News and Advance</i> during April 2019 noting the designation of "April is Fair Housing Month". As a participant of the Housing Collaborative, the Lynchburg Community Action Group (Lyn-CAG) Housing Counseling Services Department assisted individuals with their housing and rental counseling;

	foreclosure prevention; first-time homebuyer; and fair housing. There were 147 persons served during this program year. These clients included 89 Blacks and 57 Whites and one Asian. The Income levels included: <30% of the Area Median Income (AMI) - 65 persons; 30-40% of AMI - 40 persons; 50-79%-36 persons; and 80-100% of AMI six persons. As a participant of the Housing Collaborative and as recipient of the CDBG and HOME entitlement funds, City staff has Fair Housing links on its web page to the HUD Fair Housing Office, Virginia Fair Housing Office, Lyn-CAG Housing Counseling Services, and Virginia Legal Aid Office for housing resources. Go to: www.lynchburgva.gov/grants-administration In addition, the National Fair Housing Alliance developed a social media campaign to assist communities in promoting the 50th Anniversary of the Fair Housing Act, housing discrimination, and general fair housing information. City staff used this campaign information and developed a social media campaign for Lynchburg on fair housing. The postings on the City's website, Facebook, and Twitter occurred on December 3, 5, 12, 17, 19, and 26, 2018.
<i>Members of the protected classes are under-represented on City boards and commissions that address housing issues.</i>	
Action Step 1: Annually, the City should schedule a recruitment period for new board and commission applicants with an emphasis on recruiting members of the protected classes.	PY2015: The City Clerk placed public notices for boards and commission applicants on a regular basis on the City's web page and the Newsletter "City Source". During Program Year 2015 the public notices were placed in August 2015, April 2016, and May 2016.
	PY2016: The City Clerk placed public notices for boards and commission applicants on a regular basis on the City's web page and the Newsletter "City Source". During Program Year 2016 the public notices were placed in August 2016, September 2016, November 2016, and May 2017.
	PY2017: The City Clerk places public notices for boards and commission applicants on a regular basis on the City's web page (Board and Commissions) and the Newsletter "City Source". The public notices were placed in September 2017, May 2018, and June 2018

	PY2018: The City's recruitment process for boards and commissions was conducted on a continuous basis and is advertised through the local newspaper, City website, and local media. The City Clerk placed public notices for boards and commission applicants on a regular basis on the City's web page (Board and Commissions) and in the Newsletter "City Source". The "City Source" is published in the local newspaper <i>The News and Advance</i> each time it is placed on the City's website and distributed to the public. Public notices were placed in August 2018, October 2018, and June 2019. The City Source was published in <i>The News and Advance</i> on August 14, 2018; October 16, 2018; and June 18, 2019. In addition, the City's website provides a link specifically describing the various Board and Commissions that the public may serve as a volunteer. Press releases are also disseminated to recruit Boards and Commissions applicants. The dates of these releases were October 3, 2018; November 12, 2018; and August 1, 2018. These press releases are posted on the City's website (under "News Items") until the deadline for applications ended. Through the Bridges to Progress initiative citizens are provided with information on the Boards and Commissions and encouraged to participate. The Bridges to Progress group engages the public; enhance support for ongoing programs and flushes out definitive community concerns. Citizens of all ages, creeds, ethnicities, and incomes (many of whom may have not been at the same table otherwise) were now a part of a long-term collective effort to reduce poverty in Lynchburg. This event began the process of developing action items focused on eliminating barriers for our low-income citizens. It was also a catalyst for the civic engagement of faith-based organizations, non-profits, individuals, businesses, schools, and others to rally around the cause of community uplift to get involved not only on a community level but with the local government through the various City boards and commissions.
<i>There is an inadequate supply of affordable and accessible housing for persons with disabilities.</i>	

Action Step 1: The Housing Collaborative should incorporate a disability element into its fair housing training. <i>COMPLETED & CONTINUING</i>	PY2015-2016: No accomplishments.
	PY2017: Lynchburg Regional Housing Collaborative engaged Enterprise Community Partners to conduct a housing stability and economic security study through a Community Impact Grant from VHDA to determine the actual state of housing in Lynchburg.
	PY2018: The Collaborative continued its efforts through meetings and discussed proposed housing projects related to new construction, redevelopment, and rehabilitation, and the CVCoC activities for the homeless (permanent supportive housing programs and emergency shelters). These meetings included conversations to ensure that all affordable housing projects were offered to all persons and that no discriminatory action would be taken against any applicant.
Action Step 2: The City should continue using HOME funds to support housing and supportive services for persons with disabilities. <i>COMPLETED & CONTINUING</i>	PY2015: The City allocated \$150,000 of HOME Program funds to Rush Homes for the development of a 28-unit Old Forest Village Apartment project. Rush Homes provides housing and supportive services to persons with disabilities.
	PY2016: The City allocated \$150,000 of HOME Program funds to Rush Homes for the development of a 28-unit Old Forest Village Apartment project. Project development was completed in Program Year 2016 and construction will begin in Program year 2017.
	PY2017: Construction began on Rush Homes, a 28-unit Old Forest Village Apartment project providing housing and supportive services to persons with disabilities. HOME funds in the amount of \$150,000 was provided for the project.
	PY2018: Rush Homes was completed in January 2019 and all housing units are occupied by persons with disabilities.
<i>The City's zoning ordinance could be improved from a fair housing perspective.</i>	
Action Step 1: The City should amend its zoning ordinance to remove restrictions on group living facilities for persons with disabilities.	PY2015: The Lynchburg Zoning Ordinance was adopted in February 2016. The new zoning ordinance promotes higher density development, more flexibility in the development of smaller urban lots and reduced setbacks in higher density residential zoning districts.

COMPLETED	The ordinance also allows for more opportunities for mixed-use development, helping promote transit-oriented development in lower income neighborhoods. Finally, one major principle carried on throughout the ordinance is greater connectivity amongst neighborhoods, especially through the requirement of sidewalks in all high-density residential zoning and commercial districts.
<i>Public transit is limited to the City's most densely developed areas and is unavailable to second and third shift workers, and those working on weekends and holidays.</i>	
Action Step 1: The City should continue collaborating with Greater Lynchburg Transit Company (GLTC) as it updates its Comprehensive Plan to promote the expansion of public transit service in non-impacted, high growth areas of the City.	PY2015-2017: City staff continues to collaborate with Greater Lynchburg Transit Company (GLTC) in the updates related to the Comprehensive Plan. PY2018: GLTC conducted a study which gathered feedback on the needs of riders. Out of this survey, proposed route changes were recommended which took effect in December 2018. These changes worked to extend weekend service to 10:15 pm, create more direct service (reducing travel times), and create more frequent service. The Bridges to Progress initiative which is focused on trying to reduce poverty within Lynchburg has a transportation focus group. This group meets regularly and is exploring alternatives to fill the gaps for transportation needs not met by GLTC. Ride Solutions is a program that promotes alternative transportation and housed at the Central Virginia Planning District Commission. This program provides ride-matching for carpool options and has recently released new software called Agile Mile which will facilitate ride matching options.
Action Step 2: As part of its zoning ordinance update in 2014, the City should identify opportunities around existing areas of public transit for the development of medium-density and higher-density affordable multi-family residential uses. COMPLETED	PY2015: The Lynchburg zoning ordinance was adopted in February 2016. The ordinance also allows for more opportunities for mixed-use development, helping promote transit-oriented development in lower income neighborhoods.

Impediment (LRHA)	Status
<i>Housing Choice Voucher Units are concentrated in RCAPs and LMI areas near the Central Business District.</i>	
Action Step 1: LRHA should continue to actively recruit landlords in lower poverty/high opportunity neighborhoods to participate in the Housing Choice Voucher (HCV) Program.	PY2015: LRHA continued to hold quarterly Landlord meetings to educate and recruit new landlords to participate in the HCV program. LRHA staff is working with the City Inspections Division to obtain a listing of landlords that are not current HCV landlords, so that they can be invited to the Landlord meetings.
COMPLETED & CONTINUING	PY2016: LRHA continued to hold quarterly Landlord meetings to educate and recruit new landlords to participate in the HCV program. LRHA staff continues to partner with the City Inspections Division to obtain a listing of landlords that are not current HCV landlords, so that they can be invited to the Landlord meetings. The Central Virginia Continuum of Care (CVCoC) has prepared and provides to the CVCoC a listing of available landlords to serve the homeless and persons within the CVCoC diversion program.
	PY2017: LRHA continued to hold quarterly Landlord meetings to educate and recruit new landlords to participate in the HCV program. LRHA staff continues to partner with the City Inspections Division to obtain a listing of landlords that are not current HCV landlords, so that they can be invited to the Landlord meetings. The Central Virginia Continuum of Care (CVCoC) has prepared and provides to the CVCoC a listing of available landlords to serve the homeless and persons within the CVCoC diversion program. LRHA hired a Housing Navigator to staff the Housing Resource Center. One of the goals is to contact landlord to develop a robust pool of potential rental housing options. As a part of that process the Housing Navigator will work to address concerns from landlords and potential landlords about renting to people with

	subsidies. This will provide an opportunity to get concrete data on why some providers are reluctant to rent to this population and address actual concern and overcome issues that are more anecdotal than fact. PY2018: LRHA continued to hold quarterly Landlord meetings to educate and recruit new landlords to participate in the HCV program. LRHA staff continues to partner with the City Inspections Division to obtain a listing of landlords that are not current HCV landlords, so that they can be invited to the Landlord meetings. The Central Virginia Continuum of Care (CVCoC) has prepared and provides to the CVCoC a listing of available landlords to serve the homeless and persons within the CVCoC diversion program. In addition, LRHA hired a Housing Navigator to staff the Housing Resource Center. One of the goals is to contact landlords to develop a robust pool of potential rental housing options. As a part of that process the Housing Navigator will work to address concerns from landlords and potential landlords about renting to people with subsidies. This will provide an opportunity to get concrete data on why some providers are reluctant to rent to this population and address actual concern and overcome issues that are more anecdotal than fact.
<i>Due to limited resources and hilly topography throughout Lynchburg, handicapped accessible units are limited within LRHA's public housing inventory.</i>	
Action Step 1: LRHA should continue to use all available resources to retrofit public housing units to meet its minimum requirements, at the least, for handicapped accessible units and in compliance with Section 504/UFAS requirements. COMPLETED & CONTINUING	PY2015: LRHA completed renovations of two housing units to bring them into Section 504/UFAS compliance. The total is now six public housing units that are compliant. LRHA plans to contract for the seventh unit by September 2016. The Dearington Community Room was rehabilitated and is now Section 504/UFAS compliant. The two community rooms within

	LRHA's public housing complexes are now Section 504 compliant.
	PY2016: LRHA completed renovations of one housing unit to bring it into Section 504/UFAS compliance. The total is now seven public housing units that are compliant. LRHA plans to contract for the eighth unit by January 2018.
	PY2017: LRHA completed renovations of one housing unit to bring it into Section 504/UFAS compliance.
	PY2018: LRHA completed renovations of one public housing unit to bring it into Section 504/UFAS compliance. LRHA continues to review and access the public housing units to meet the Section 504 requirements.
<i>LRHA could improve its Admissions and Continued Occupancy Policy from a fair housing perspective.</i>	
Action Step 1: LRHA should amend its Admissions and Continued Occupancy Policy (ACOP) to allow applicants to refuse a unit at least once before they are removed from the waiting list. COMPLETED	LRHA amended the ACOP in October 2013. The policy was updated as follows: The LRHA has adopted a "two-to-three offer plan" for offering units to applicants. Under this plan, the LRHA will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in: <u>Three (3) or more locations:</u> The applicant will be offered a unit in the location with the highest number of vacancies. If the offer is rejected, the applicant will be offered a suitable unit in the location with the second highest number of vacancies. If that unit is rejected, a final offer will be made in the location with the third highest number of vacancies. The offers will be made in sequence and the applicant must refuse an offer before another is made. <u>Two (2) locations:</u> The applicant will be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, a final offer will be made at the other location.

	The offers will be made in sequence and the applicant must refuse the first offer before a second offer is made. <u>One (1) location:</u> The applicant will be offered a suitable unit in that location. If the offer is rejected, the applicant will be offered the next suitable unit that becomes available, whether it is at the same location as the first offer or at another location. The second unit offer will be the final offer, unless there is good cause for refusing the offer. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy. Applicants may refuse to accept a unit offer for "good cause." Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following: The family demonstrates to the LRHA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities. The family demonstrates to the LRHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in
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	accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move. The unit has lead-based paint and the family includes children under the age of six. In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse. LRHA will require documentation of good cause for unit refusals. When an applicant rejects the final unit offer without good cause, the LRHA will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14). The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until the LRHA opens the waiting list.
Impediment (Private Sector)	Status
<i>Mortgage loan denials and high-cost lending disproportionately affect minority applicants in Lynchburg similar to national trends.</i>	
	PY2015: \$75,000 provided to Greater Lynchburg Habitat for Humanity to provide homebuyer

Action Step 1: Fund homebuyer counseling for lower income households, particularly minority households. <i>COMPLETED & CONTINUING</i>	assistance to eligible persons to write down their mortgage so that the housing units assisted would be affordable. During this program year Lyn-CAG assisted one homebuyer and included the required homebuyer counseling for the purchase of the housing unit. Habitat for Humanity provided down payment assistance to five families. During the year prior to purchase the qualified applicant is required to participate in home buyer counseling and financial planning classes for the planned purchase. While HOME Program funds were not directly provided for homebuyer counseling, the agencies listed below conducted the following classes: Greater Lynchburg Habitat for Humanity: Orientation Classes (2-hour acclimation class) - August 24 and 27, 2015 (80 persons) May 10, 2016 (8 people) June 21, 2016 (40 persons) For the following seven sessions, there were 10 participants with 7 graduates (8 Blacks, 2 NH Whites) Personal Finance – September 28, 2015 Spanish-Speaking Orientation Class in October 2016 (15 persons) Credit and Credit Reporting – October 5, 2015 Developing a Savings and Spending Plan - October 19, 2015 Virginia Fair Housing and Fringe Banking - October 26, 2015 Insurance and Warranties - November 2, 2015 Loan Closing - November 9, 2015 Life as a Homeowner - November 16, 2015 Lynchburg Community Action Group (Lyn-CAG) Lyn-CAG staff conducted 12 homebuyer education classes with 11 participants: 9 Blacks (82%), 2 Whites (18%). There were an additional 112 participants who attended pre-purchase
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	classes that met monthly over the last year to receive homebuying counseling. PY2016: the City provided HOME Program funds in the amount of \$75,000 to Greater Lynchburg Habitat for Humanity to provide homebuyer assistance to eligible persons to write down their mortgage so that the housing units assisted would be affordable. During this program year, Habitat for Humanity provided down payment assistance to four families. During the year prior to purchase the qualified applicant is required to participate in home buyer counseling and financial planning classes for the planned purchase. In Program Year 2014 Lyn-CAG received \$60,000 in HOME Program funds for homebuyer assistance. During this program year Lyn-CAG assisted two (2) homebuyers and included the required homebuyer counseling for the purchase of the housing unit. In addition, while HOME Program funds were not directly provided to Habitat for Humanity for home buyer counseling, the agency did conduct the following classes: <u>Greater Lynchburg Habitat for Humanity</u> 1. Introduction and Class Creed - September 12, 2016 & April 3, 2017 2. Personal Finance - September 19, 2016 & April 10, 2017 3. Credit and Credit Reporting - September 26, 2016 & April 24, 2017 4. Developing a Savings and Spending Plan - October 3, 2016 & May 8, 2017 5. Virginia Fair Housing and Fringe banking - October 17, 2016 & May 15, 2017 6. Insurance and Warranties - October 24, 2016 & May 22, 2017 7. Loan Closing - November 7, 2016 & May 28, 2017 8. Life as a Homeowner - November 14, 2016 & June 12, 2017
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	There were 10 participants in these classes. All 10 participants were Black.
	PY2017: The City provided HOME Program funds in the amount of \$96,163 to Greater Lynchburg Habitat for Humanity to provide homebuyer assistance to eligible persons to write down their mortgage so that the housing units assisted would be affordable. Habitat for Humanity provided down payment assistance to three families. During the year prior to purchase the qualified applicant is required to participate in homebuyer counseling and financial planning classes for the planned purchase. In addition, while HOME Program funds were not directly provided to Habitat for Humanity for home buyer counseling, the agency did conduct the following classes: <u>Greater Lynchburg Habitat for Humanity</u> Homebuyers' Club Fall 2017 – November 12, 2017 through December 4, 2017 (12 hours) Homebuyers' Club Spring 2018 – May 17, 2018 through June 25, 2018 (12 hours) There were eight participants in these classes, all Black.
	PY2018: The following classes and the recipients of the HOME Program funds for homebuyer purchases were provided with home buyer counseling. <u>Greater Lynchburg Habitat for Humanity (GLHFH)</u> GLHFH conducted one Homebuyer Class with five Black participants. GLHFH conducted two Warranties, Maintenance, and Closing Counseling Classes with two Black participants. GLHFL conducted an Application Orientation Class and there were 50 participants who attended the class: 43 Blacks, two Hispanics, and five Whites.

	<u>Lynchburg Community Action Group (Lyn-CAG)</u> There were 15 individuals who completed the 12-month program: 15 graduated from the First-time Home Buyers Club and six pre-qualified to purchase a home. Three of the six purchased homes in Lynchburg. Two are currently looking at real estate purchase options and one purchased in the surrounding county. The three first-time homebuyers were Black and within the 60-80% of the Area Median Income (AMI). Two of the individuals who pre-qualified were White and within less than 50% of the AMI and one individual is Black and within 50-80% of the AMI. In addition, Lyn-CAG's Housing Counseling Services Department assisted individuals with their housing and rental counseling; foreclosure prevention; first-time homebuyer; and fair housing. There were 147 clients served throughout the program year. These clients included 89 Blacks and 57 Whites and one Asian. The income levels included: <30% of the Area Median Income (AMI) - 65 persons; 30-40% of AMI - 40 persons; 50-79%-36 persons; and 80-100% of AMI six persons.
<i>The advertising policies of the News and Advance could be improved from a fair housing perspective.</i>	
Action Step 1: The City should inform the editors of the News and Advance that it is responsible for displaying the publisher's policy in all sections of the paper, which list rental and sales housing. COMPLETED & CONTINUING	PY2015: City staff contacted <i>The News and Advance</i> on July 17, 2014 regarding the publication of the publisher's policy for all real estate advertisements. Since that time <i>The News and Advance</i> has been publishing the advertisement below daily. During Program Year 2015 <i>The News and Advance</i> continued to publish this advertisement. In addition, the <i>News and Advance</i> publishes in the <u>Real Estate Home This Week</u> publication, on a weekly basis, the following advertisement regarding Equal Housing Opportunity. PY2016: City staff contacted <i>The News and Advance</i> on August 21, 2017 regarding the publication of the publisher's policy for all real

	estate advertisements. City staff received a response that the public notice would continue to be published.
	PY2018: <i>The News and Advance</i> continued to publish its policy for all real estate advertisements.

Data Analysis

This section of the AI analyzes the demographic and housing characteristics of the City of Lynchburg, focusing on members of the protected classes. The federal Fair Housing Act protects the following characteristics: race, color, religion, sex, national origin, familial status and disability status. Virginia's Fair Housing Law also adds elderliness and disability status as protected classes. Elderliness is defined as an individual who has attained their 55th birthday.

Demographic Profile

Population Trends

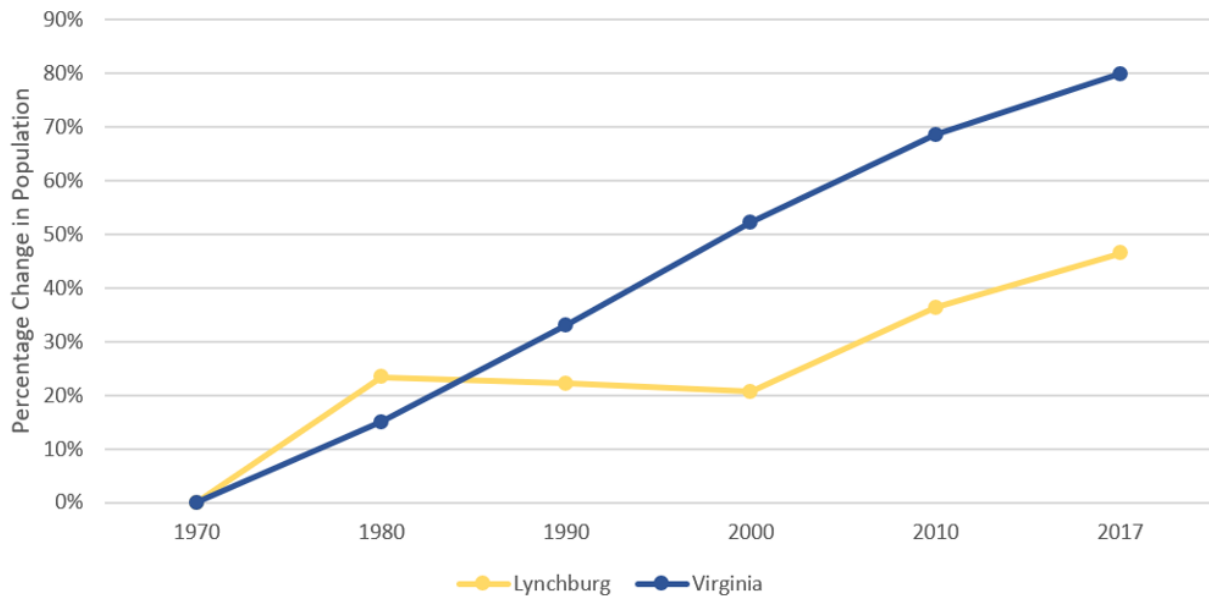
Between 2000 and 2017 Lynchburg grew by 21.4%, adding 13,968 new residents. This is slightly higher than Virginia's population growth rate of 18.2% during the same time period. The Lynchburg metropolitan statistical area (MSA) increased by 13.3% (228,616 to 265,405) between 2000 and 2017, and includes Amherst County, Appomattox County, Bedford County, Campbell County, the Town of Bedford, and the City of Lynchburg.

Figure 2 Change in Population, 2000 – 2017

	2000	2010	2017	% Change 2000-2017
Virginia	7,078,515	7,841,754	8,365,952	18.2%
Lynchburg	65,269	73,726	79,237	21.4%

Source: American Community Survey, 2013 – 2017: B01003

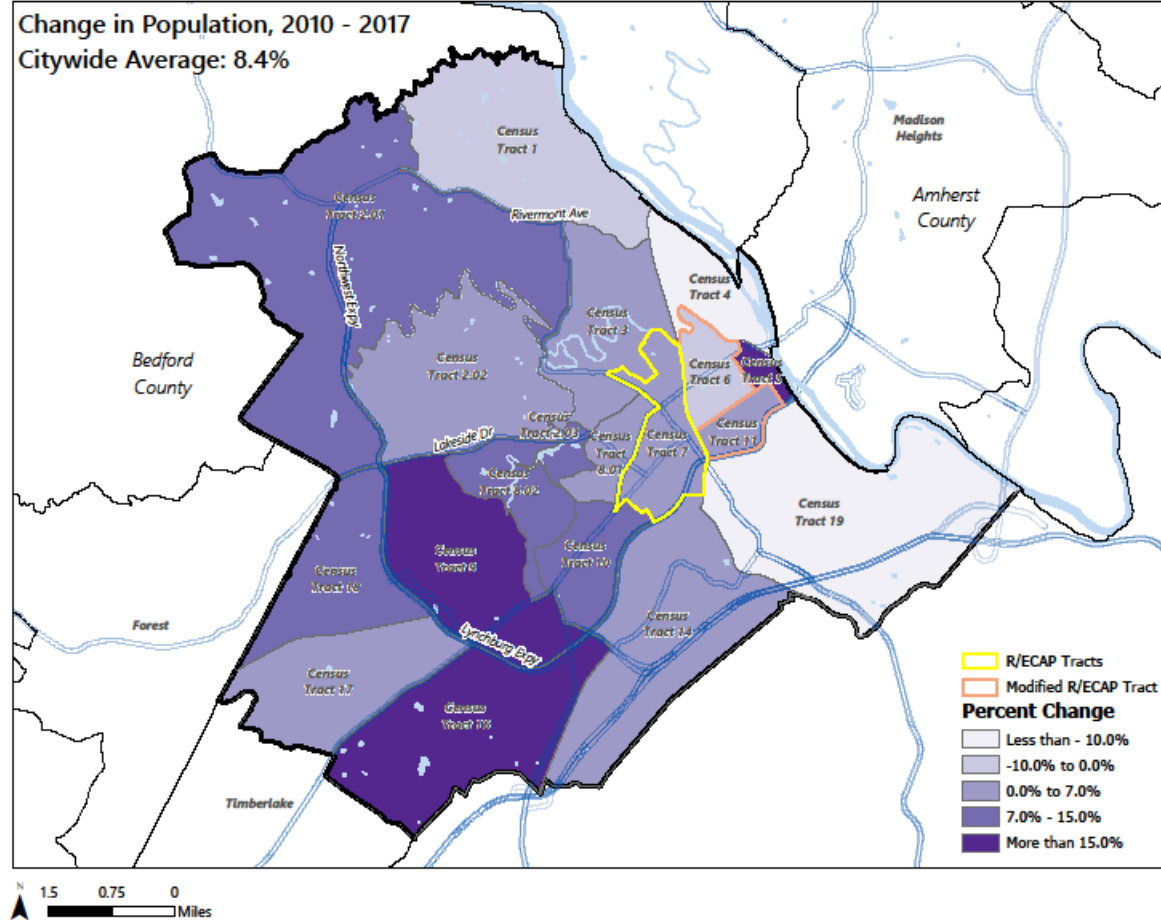
Figure 3 Change in Population since 1970 in Lynchburg and the State of Virginia



Population growth appears to be decentralized in Lynchburg in areas further away from downtown.

Growth was especially high along the Lynchburg Expressway near the cloverleaf interchanges. These areas are in close proximity to commercial areas. Downtown Lynchburg itself also experienced high rates of growth; this is likely due to its already small population relative to the rest of the City.

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Concentrations of Persons Ages 18 – 24

As a city that hosts several colleges and universities, college-aged students comprise a substantial portion of the city's population. According to the 2013-2017 ACS, a total of 17,557 undergraduate and graduate students resided in Lynchburg, comprising approximately 22.2% of the city's total population. This high concentration of students is especially important as it relates to the rental market. There may be increased competition for rental housing between students and low- and moderate-income

¹ HUD defines racially and ethnically concentrated areas of poverty as a census tract with a non-White population of 50% or more and with 40% or more individuals living at or below the poverty line. It is important to look at disparities between groups in relation to disproportionate poverty and access to community assets to assess fair housing needs. However, there were other census tracts that fell just short of the 40% poverty threshold. A modified definition to loosen the threshold to be ten percentage points above the City's poverty rate of 22.3%, added two additional census meeting the requirements for the modified R/ECAP.

households, with the caveat that students are better able to meet rent payments with access to loans and generally stronger support systems which could include financial support from family members.

Figure 3 Lynchburg Age Breakdown

Age Category	Number	Percentage
Under 18	15,330	19.3%
18 - 24	19,952	25.2%
15 - 44	39,613	50.0%
65 years and older	11,016	13.9%
Total	79,237	

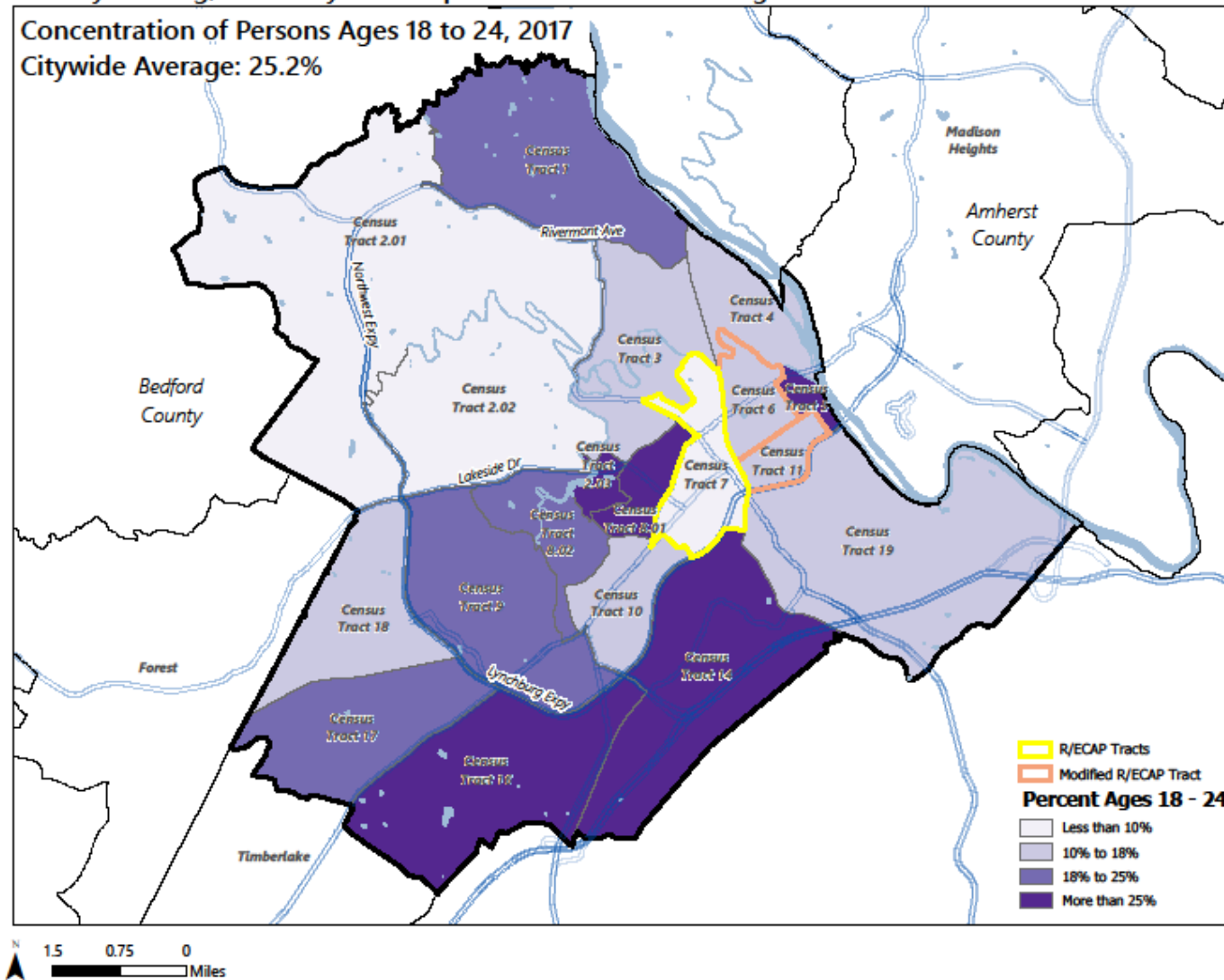
Source: Census Bureau, American Community Survey, 2013 – 2017: S0101

Map 2 Concentration of persons ages 18 to 24 years-old, 2017

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice

Concentration of Persons Ages 18 to 24, 2017

Citywide Average: 25.2%



Source: 2013-2017 American Community Survey

Race and Ethnicity

As defined by HUD, a racially and ethnically concentrated area is defined by a census tract where the non-White population is at least 50% of the population. Minorities include Black, Asian, and Hispanic populations, representing 28.5%, 2.8%, and 3.7% of the population, respectively. In Lynchburg, three census tracts meet this criterion, as illustrated in the map below. These census tracts are concentrated near downtown Lynchburg and includes the following neighborhoods:

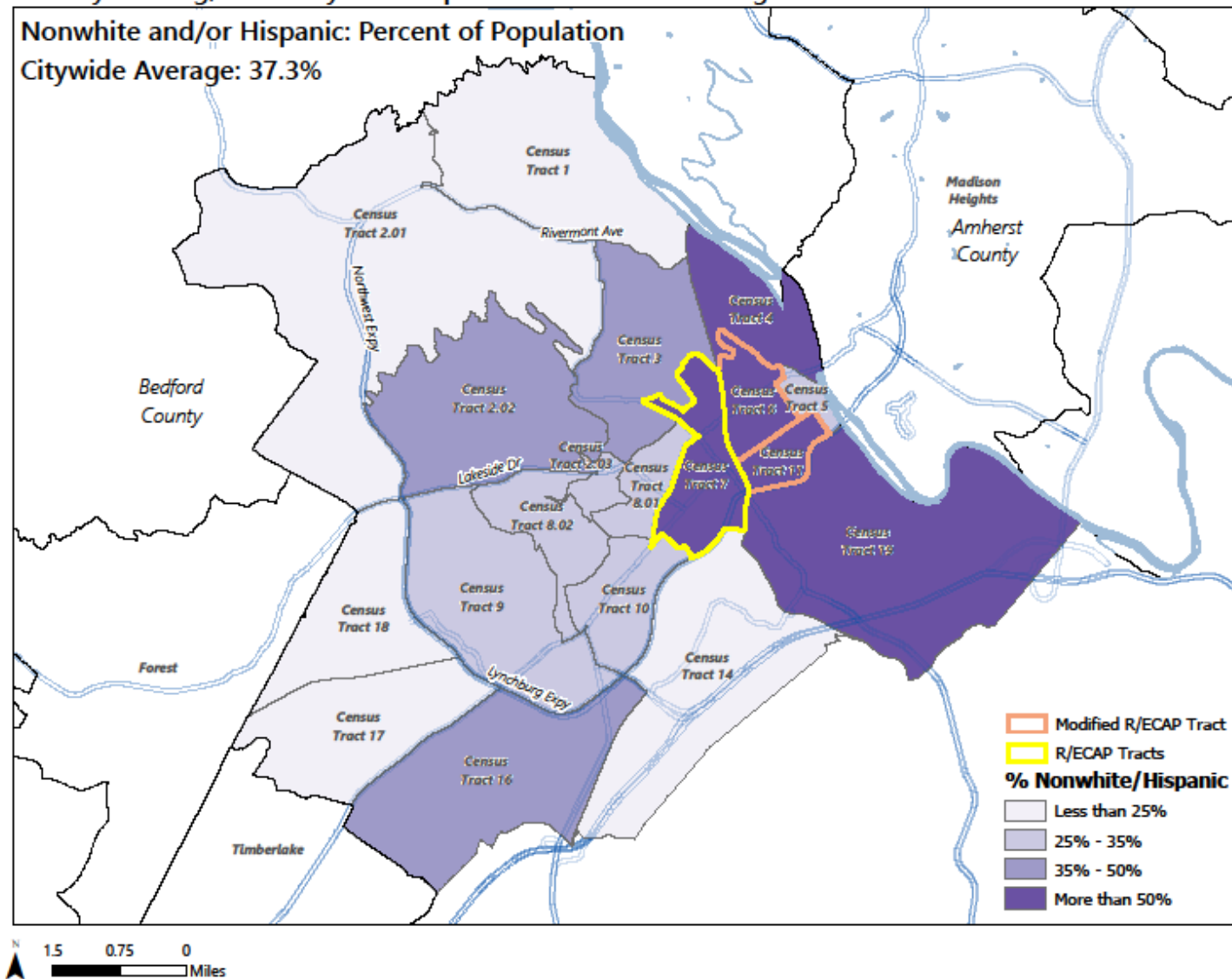
- Tate Springs
- Dearington
- Miller Park
- Garland Hill
- College Hill
- Diamond Hill
- Fairview Heights
- Winston Ridge
- Tyreanna

Map 3 Nonwhite and/or Hispanic Population

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice

Nonwhite and/or Hispanic: Percent of Population

Citywide Average: 37.3%



Source: 2013-2017 American Community Survey

Figure 4 Racial and Ethnic Composition, 2010 - 2017

Lynchburg, VA	2010		2017		Percentage Change Since 2010
Race/Ethnicity	Total	Percent	Total	Percent	
White	48,674	64.4%	51,573	65.1%	6.0%
Non-White	26,894	35.6%	27,664	34.9%	2.9%
Black	22,140	29.3%	22,555	28.5%	1.9%
American Indian	107	0.1%	175	0.2%	63.6%
Asian/Pacific Islander	1,905	2.5%	2,224	2.8%	16.7%
Some Other Race	950	1.3%	658	0.8%	-30.7%
Two or More Races	1,662	2.2%	2,052	2.6%	23.5%
Hispanic*	2,300	3.0%	2,901	3.7%	26.1%
Total	75,568		79,237		4.9%

Virginia	2010		2017		Percentage Change Since 2010
Race/Ethnicity:	Total	Percent	Total	Percent	
White	5,486,852	68.6%	5,720,209	68.4%	4.3%
Non-White	2,514,172	31.4%	2,645,743	31.6%	5.2%
Black	1,551,399	19.4%	1,605,447	19.2%	3.5%
American Indian	24,941	0.3%	22,499	0.3%	-9.8%
Asian/Pacific Islander	445,870	5.6%	525,588	6.3%	17.9%
Some Other Race	254,278	3.2%	200,265	2.4%	-21.2%
Two or More Races	233,400	2.9%	291,944	3.5%	25.1%
Hispanic*	631,825	7.9%	749,458	9.0%	18.6%
Total	8,001,024		8,365,952		4.6%

*Hispanic ethnicity is counted independently of race

Source: 2010 Census QT-P3; 2013 - 2017 ACS (B02001 & B02005 & B03003)

Racial Segregation Patterns

Residential segregation is a measure of the degree of separation of racial or ethnic groups living in a neighborhood or community. Latent factors, such as attitudes, or overt factors, such as real estate practices, can limit the range of housing opportunities for minorities. A lack of racial or ethnic integration in a community creates other problems, such as reinforcing prejudicial attitudes and behaviors, narrowing opportunities for interaction, and reducing the degree to which community life is considered harmonious. Areas of extreme minority isolation often experience poverty and social problems at rates that are disproportionately high. Racial segregation has been linked to diminished employment prospects, poor educational attainment, increased infant and adult mortality rates and increased homicide rates.

The distribution of racial or ethnic groups across a geographic area can be analyzed using an index of dissimilarity. This method allows for comparisons between subpopulations, indicating how much one group is spatially separated from another within a community. The index of dissimilarity is rated on a scale from 0 to 100, in which a score of 0 corresponds to perfect integration and a score of 100 represents total segregation.² The index is typically interpreted as the percentage of the minority population (in this instance, the Black population) that would have to move in order for a community or neighborhood to achieve full integration.

Segregation in Lynchburg across most minority groups is moderate but the magnitude of segregation is increasing among Hispanic and Asian populations. Values ranging between 40 and 50 are considered moderate levels of segregation. American Indian and Other populations show high levels of segregation, but this is likely a result of their relatively small population size. Since 2010, segregation has increased, especially among the Hispanic population. Similar to trends between 2000 and 2010, the high magnitude of increasing segregation is a result of relatively high population growth of Asian and

² The index of dissimilarity is a commonly used demographic tool for measuring inequality. For a given geographic area, the index is equal to $1/2 \sum ABS [(b/B)-(a/A)]$, where b is the subgroup population of a census tract, B is the total subgroup population in a city, a is the majority population of a census tract, and A is the total majority population in the city. ABS refers to the absolute value of the calculation that follows.

Hispanic populations. On the same note, segregation among the Black population only marginally increased by 1.2 points; population growth of the Black population also marginally increased by 1.9%

Figure 5 Dissimilarity Index, Lynchburg 2017

	Dissimilarity Index	Subpopulation Total	Share of Total Population
Black / White	47.9	22,449	28.3%
American Indian** / White	69.3	175	0.2%
Asian / White	42.8	2,202	2.8%
Other** / White	85.9	122	0.2%
Two or More Races / White	40.8	1,735	2.2%
Hispanic * / Non-Hispanic	43.8	2,901	3.7%
Total		79,237	

*Hispanic ethnicity is counted independently of race

** The DI score for American Indian /Alaska Native and Other is not statistically reliable due to small sample size

Source: Census Bureau, American Community Survey: 2013 - 2017 B03002

Figure 6 Dissimilarity Index, Lynchburg 2010

	Dissimilarity Index	Subpopulation Total	Share of Total Population
Black / White	46.5	21,984	27.7%
American Indian** / White	34.7	200	0.3%
Asian / White	35.9	1,879	2.4%
Other** / White	36.1	184	0.2%
Two or More Races / White	30.7	1,447	1.8%
Hispanic * / Non-Hispanic	17.8	2,300	2.9%
Total		75,568	

*Hispanic ethnicity is counted independently of race

** The DI score for American Indian /Alaska Native and Other is not statistically reliable due to small sample size

Source: Census Bureau, Decennial Census Count: 2010, SF1 P5

Figure 7 Change in Dissimilarity Index, 2010-2017

Race / Ethnicity	2010		2017		Dissimilarity Index Percentage Change
	Population	Dissimilarity Index	Population	Dissimilarity Index	
Black	21,984	46.5	22,449	47.9	+ 3.0%
Asian / Pacific Islander	1,879	35.9	2,202	42.8	+ 19.2%
Hispanic/Non-Hispanic	2,300	17.8	2,901	43.8	+ 146.0%

Race/Ethnicity and Income

Household income is one of the most significant determining factors impacting where one lives. It is one of the factors considered in determining eligibility for a home mortgage or rental lease. Median Household Income (MHI) in Lynchburg in 2018 was \$43,374. The city's median income is significantly lower than Virginia's median household income of \$71,564. The discrepancy is partially attributed to the relatively high proportion of college-students who reside within Lynchburg, making up 25.5% of the city's population.

There exists a gap in income and wealth between White and minority households that is exacerbated by the concentration of minorities in particular neighborhoods that often have far less opportunity for minority children to access the tools associated with social mobility. Understanding where these concentrations exist is the first step to alleviating the disparity. Compared to the State, Lynchburg has a slightly larger minority population, with its Black population almost ten percentage points higher than that of the State.

Minority households had lower household incomes than White households, especially Black households.

Black and White households had the largest income gap, with median household incomes of \$27,366 and \$52,421, respectively. Along the same lines, the Black and Asian households also showed greater levels of poverty than White households. Hispanic households, however, showed relatively low poverty rates when compared to the City. When looking at household incomes across income brackets, Black and Asian households were more concentrated in the bottom two income brackets while White and Hispanic households had more even distribution.

Figure 8 Median Income and Rates of Poverty by Race and Ethnicity, Lynchburg 2017

	Median Household Income	Poverty Rate
Virginia	\$ 68,766	11.2%
Lynchburg	\$ 41,971	22.3%
White	\$ 52,421	17.3%
Black/African American	\$ 27,366	31.9%

Asian	\$ 39,187	37.3%
Hispanic/Latino	\$ 42,024	18.2%

Source: 2013 – 2017 ACS (B1703; B19013)

Racial and Ethnic Minority Concentration Areas of Poverty

Under HUD's definition of racially/ethnically concentrated areas of poverty, only one census tract meets this definition: Census Tract 7. HUD defines concentrations of racial and ethnic minorities as a census tract with a non-White population of 50% or more. A concentrated area of poverty is defined as a census tract with 40% or more individuals living at or below the poverty line. It is important to look at disparities between groups in relation to disproportionate poverty and access to community assets to assess fair housing needs.

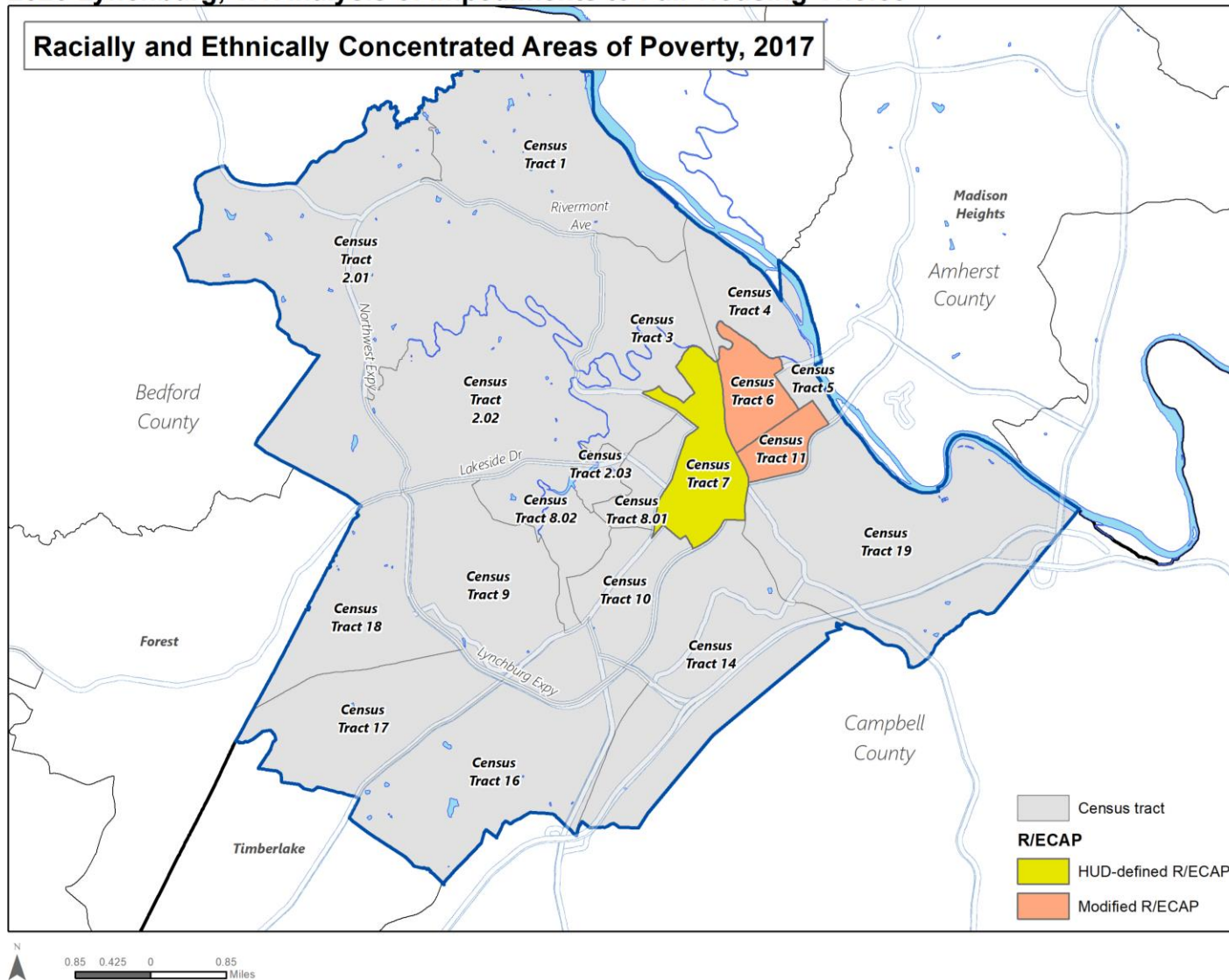
However, there were other census tracts that fell just short of the 40% poverty threshold. By modifying the threshold to be ten percentage points above the City's poverty rate of 22.3%, two additional census tracts meet the definition for the modified R/ECAP: Census Tracts 6 and 11. The HUD R/ECAP and the modified R/ECAPS are located west of Downtown Lynchburg and include the following neighborhoods:

- Tate Springs
- Dearington
- Miller Park
- Garland Hill
- College Hill
- Diamond Hill

Compared to the previous AI, there is one less census tract that no longer meets both HUD's R/ECAP definition and the modified R/ECAP definition: Census Tract 19. The poverty rate in this census tract decreased from 37.5% in 2013 to 28.8% in 2017.

Map 4 R/ECAPs

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Source: 2013-2017 American Community Survey

In the previous map, Census Tract 7 is identified as a racially concentrated area of poverty and Census Tracts 6 and 11 are identified as modified racially concentrated areas of poverty based on recent Census data. These areas of Lynchburg are the same areas identified in a historical map created in 1937 by the federal Home Owners' Loan Corporation in designating the quality level of neighborhoods where local lending institutions were directed to approve or deny mortgages to homebuyers. Highest quality neighborhoods, which were predominantly or exclusively White neighborhoods, were categorized as "A – First Grade" as shown on the following map. The area encompassed by Census Tract 7 today is found in the center of the HOLC map (still colored yellow coincidentally) and was designed as "C – Third Grade" indicating neighborhoods that were declining; the lowest grade of D indicated "hazardous areas" and encompasses parts of Census Tracts 6 and 11 as well. These designations were used by lenders, appraisers and insurance agents to determine the terms of mortgage and insurance products to be made available to residents. Buying a home in a D – Fourth Grade neighborhood would mean higher interest rates, for example, along with a higher downpayment, up to 50% in many cases. These terms effectively shut out minority families from becoming homeowners and acquiring wealth. It also sealed the fate of many lower income minority neighborhoods through disinvestment and neglect. As stated in a 2019 Bridges to Progress report, Redlining in Lynchburg, "The real estate redlining of the 1930s offers a lens through which we might make a connection between the racism of the past and the poverty of the present."

CITY OF
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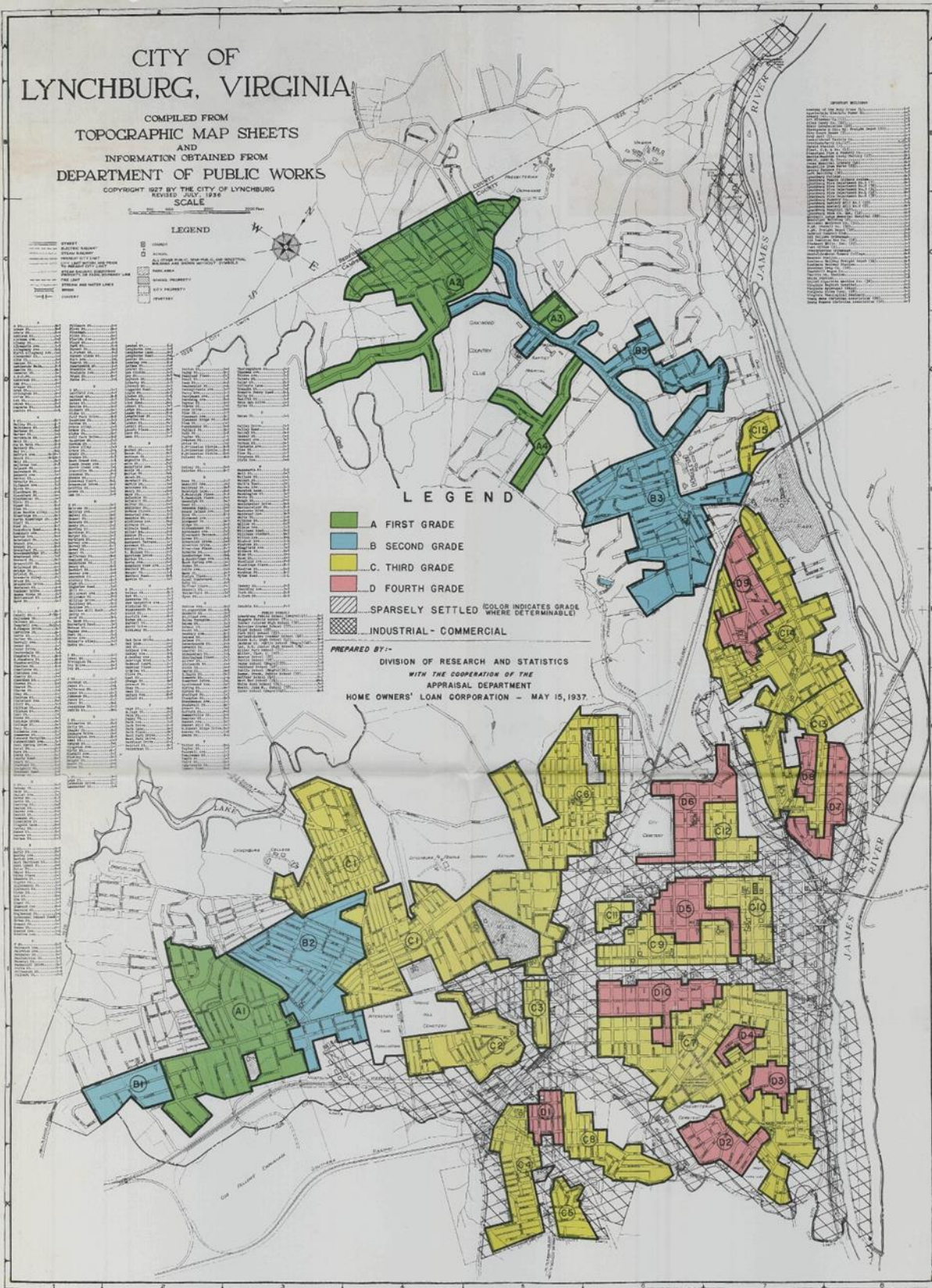
COMPILED FROM
TOPOGRAPHIC MAP SHEETS
AND
INFORMATION OBTAINED FROM
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REVISED JULY 1934
SCALE

LEGEND

LEGEND

-  A FIRST GRADE
 B SECOND GRADE
 C. THIRD GRADE
 D FOURTH GRADE
 SPARSELY SETTLED (COLOR INDICATES GRADE WHERE DETERMINABLE)
 INDUSTRIAL - COMMERCIAL

PREPARED BY:-
DIVISION OF RESEARCH AND STATISTICS
WITH THE COOPERATION OF THE
APPRAISAL DEPARTMENT
HOME OWNERS' LOAN CORPORATION - MAY 15, 1937.



Educational Attainment and Income

Persons with a high school diploma earn, on average, \$23,907 per year compared to persons with a Bachelor's degree earning \$38,121, on average. In Lynchburg there exists a strong correlation between lower educational levels and lower income/increased poverty. Persons with lower education tend to experience higher levels of unemployment and lower wages.

Figure 9 Educational Attainment and Income (Age 25 or Older), Lynchburg 2017

Educational Attainment	Median Income	Percentage	Poverty Rate
Less than High School Graduate	\$ 24,107	12.0%	33.9%
High School Graduate	\$ 23,907	24.8%	16.6%
Some College or Associate's Degree	\$ 27,849	29.6%	13.9%
Bachelor's Degree	\$ 38,121	20.1%	6.9%*
Graduate or Professional Degree	\$ 47,931	13.5%	
Population (Age 25 or Older with earnings)	\$ 30,587	100%	-

* ACS provides poverty rate for bachelor and graduate/professional degree holders together
source: Census Bureau, American Community Survey, 2013 - 2017: S1501

Disability and Income

The Census Bureau reports disability status for non-institutionalized disabled persons age 5 and over. As defined by the Census Bureau, a disability is a long-lasting physical, mental, or emotional condition that can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

The Fair Housing Act prohibits discrimination based on physical, mental, or emotional handicap, provided "reasonable accommodation" can be made. Reasonable accommodation may include changes to address the needs of disabled persons, including adaptive structural (e.g., constructing an entrance ramp) or administrative changes (e.g., permitting the use of a service animal).

In Lynchburg, 14.2% of the population over the age of 18 years old had at least one disability. Of individuals with a disability, 33.5% were living in poverty compared to 21.7% without a disability. Additionally, most individuals with a disability do not participate in the labor force (64.9%), reducing their ability to afford housing. Finally, the elderly are more likely to have a disability than the general population, especially as it relates to hearing, ambulatory, self-care, and independent living difficulties. While this outcome is expected, age is a protected class under the Virginia Human Rights Act and may play a role when furthering fair housing in Lynchburg as it relates to reasonable accommodation and aging-in-place.

Figure 10 Disability Type in Population Over Age 18, Lynchburg 2017

Population Type	Total	Percent
Individuals Over Age 18 Years Old	62,541	-
With a Disability	8,874	14.2%
Hearing Difficulty	1,903	3.0%
Vision Difficulty	1,976	3.2%
Cognitive Difficulty	3,433	5.5%
Ambulatory Difficulty	2,525	7.9%
Self-Care Difficulty	887	2.9%
Independent Living Difficulty	2,364	6.6%

Source: Census Bureau, American Community Survey, 2013 – 2017: S1810

Figure 11 Elderly Population (Age 65 or Older) Disability Type, Lynchburg 2017

Population Type	Total	Percent
Elderly (Age 65 or Older)	10,317	-
With a Disability	3,525	34.2%
Hearing Difficulty	1,336	12.9%
Vision Difficulty	712	6.9%
Cognitive Difficulty	928	9.0%
Ambulatory Difficulty	2,427	23.5%
Self-Care Difficulty	939	9.1%
Independent Living Difficulty	1,747	16.9%

Source: Census Bureau, American Community Survey, 2013 – 2017: S1810

Figure 12 Employment Status for Individuals by Disability Status, Lynchburg 2017

Employment Status	With a disability		Without a disability	
	Subtotal	Percent	Subtotal	Percent
Employed	1,819	28.7%	32,569	70.0%
Unemployed	404	6.4%	2,210	4.7%
Not in Labor Force	4,118	64.9%	11,767	25.3%
Total	6,341		46,546	

Source: Census Bureau, American Community Survey, 2013 - 2017: B18120

Figure 13 Median Income and Poverty Rates by Disability Status, Lynchburg 2017

Population	Median Annual Income	Poverty Rate
Total Population	\$ 18,282	23.0%
with a disability	\$ 12,279	33.5%
without a disability	\$ 18,677	21.7%

Source: ACS 2013-2017 B23024

Family Status and Income

The Census Bureau divides households into family and non-family households. Family households are married couples with or without children, single-parent families, and other families comprised of related persons. Non-family households are either single persons living alone, or two or more non-related persons living together.

Title VIII of the Civil Rights Act of 1968 protects against sex discrimination in housing. Protection for families with children was added in the 1988 amendments to Title VIII. Except in limited circumstances involving elderly housing and owner-occupied buildings of one to four units, it is unlawful to refuse to rent or sell to families with children.

Family households comprise of 58.3% of all households in Lynchburg in 2017. This is lower than that of the State of Virginia, in which family households consist of 66.9% of all households. This is likely a result of the high student population in Lynchburg. The household type composition in Lynchburg has remained stable.

In 2017, 37.5% of female-headed households with children were living in poverty compared to 16.3% among all family households. Female-headed households with children often experience difficulty in obtaining housing as a result of lower incomes and higher expenses.

Figure 14 Household Type and Presence of Children, Lynchburg 2010 – 2017

Household Type	2010		2017	
	Total	Percent	Total	Percent
Family Households	16,368	57.5%	16,422	58.3%
Married Couples	10,598	37.2%	10,392	36.9%
with children	3,862	13.6%	3,860	13.7%
without children	6,736	23.7%	6,532	23.2%
Female-headed Household	4,637	16.3%	4,759	16.9%
with children	2,626	9.2%	2,831	10.1%
without children	2,011	7.1%	1,928	6.8%
Male-headed Households	1,133	4.0%	1,271	4.5%
with children	485	1.7%	589	2.1%
without children	648	2.3%	682	2.4%
Nonfamily Households*	12,108	42.5%	11,728	41.7%
Total Households	28,476	-	28,150	-

*Nonfamily households include individuals living alone and unrelated persons, including students

Source: Census 2010 SF1-P19; 2013 - 2017 American Community Survey B11003, B11001

Ancestry and Income

In Lynchburg, 7.1% of the population is foreign-born. It is illegal to refuse the right to housing based on place of birth or ancestry. Additionally, children living in homes where at least one parent is foreign-born were more likely to be living in poverty. While important to consider when furthering fair housing, Lynchburg does not have a large number of families with children with at least one foreign-born parent. Data from the American Community Survey was not available as a result.

Persons with limited English proficiency (LEP) are defined as persons who have a limited ability to read, write, speak or understand English. HUD uses the prevalence of persons with LEP to identify the potential for impediments to fair housing choice due to their inability to comprehend English. Persons with LEP may encounter obstacles to fair housing by virtue of language and cultural barriers within their new environment. To assist these individuals, it is important that a community recognizes their presence and the potential for discrimination, whether intentional or inadvertent, and establishes policies to eliminate barriers. It is also incumbent upon HUD entitlement communities to determine the need for language assistance and comply with Title VI of the Civil Rights Act of 1964.

HUD has adopted a “safe harbor” threshold for the translation of written materials to make public services accessible to persons with limited English proficiency (LEP), as outlined in Title VI of the Civil Rights Act of 1964. The safe harbor threshold is defined as having 1,000 or more LEP individuals of a certain language or more than 5% of the population being LEP. Failure to provide written translations under these services under these circumstances may place the City at-risk of noncompliance.

Figure 15 Most Common Languages Spoken Among Individuals with LEP, Lynchburg 2015

	Language	Total Speakers	Total Limited-English Proficiency Speakers	Percent of Total Population with LEP (Age 5+)
1	Spanish or Spanish Creole	1,832	687	0.93%
2	Korean	351	206	0.28%
3	Chinese	286	165	0.22%
4	Gujarati	308	113	0.15%
5	Vietnamese	192	71	0.10%
6	Other Asian Languages	263	46	0.06%
7	Italian	154	31	0.04%
8	German	152	27	0.04%
9	Tagalog	85	24	0.03%
10	French (incl. Patois & Cajun)	228	21	0.03%
11	African Languages	512	17	0.02%
12	Thai	33	18	0.02%
13	Urdu	13	13	0.02%
14	Japanese	51	15	0.02%
15	Portuguese or Portuguese Creole	59	10	0.01%
	Total Population	73,529		

Source: Census Bureau, American Community Survey, 2010 – 2015: B16001

Protected Class Status and Unemployment

At 7.4%, Lynchburg's unemployment rate was higher than that of the State in 2017. Female members of the labor force showed similar unemployment rates compared to their male counterparts, 5.0% unemployment versus 5.1%, respectively. However, the Black population is more likely to be unemployed than Whites; Blacks had an unemployment rate of 9.0% while Whites had a rate of 5.1%. Asians and Hispanics had similar or lower rates at 4.2% and 5.4%, respectively. Higher unemployment rates and lower incomes among minorities will make it more difficult for these populations to obtain housing, especially outside of traditionally low-income neighborhoods where minorities already live.

Figure 16 Civilian Labor Force (CLF), 2017

	Lynchburg, VA		Virginia	
	Total	%	Total	%
Total CLF	65,731		6,708,391	
Employed	60,867	92.6%	6,339,429	94.5%
Unemployed	4,864	7.4%	368,962	5.5%
Male CLF	22,249		2,519,027	
Employed	20,914	94.0%	2,390,557	94.9%
Unemployed	1,335	6.0%	128,470	5.1%
Female CLF	24,436		2,559,750	
Employed	22,725	93.0%	2,431,763	95.0%
Unemployed	1,711	7.0%	127,988	5.0%
White CLF	43,124		4,342,655	
Employed	40,795	94.6%	4,147,236	95.5%
Unemployed	2,329	5.4%	195,419	4.5%
Black CLF	17,259		1,269,048	
Employed	15,222	88.2%	1,154,834	91.0%
Unemployed	2,037	11.8%	114,214	9.0%
Asian CLF	1,748		420,320	
Employed	1,626	93.0%	402,667	95.8%
Unemployed	122	7.0%	17,653	4.2%
Hispanic CLF	2,217		529,633	
Employed	2,062	93.0%	501,033	94.6%
Unemployed	155	7.0%	28,600	5.4%

Source: American Community Survey, 2013 – 2017

Housing Market

Housing Inventory

According to 2013-2017 ACS data, Lynchburg's housing inventory consisted of 32,309 dwelling units in 2017. The housing stock grew by only 317 housing units, representing a 1.0% increase since 2010. However, it should be noted that 543 new multi-family units were created between 2014 and 2017 according to records from the City of Lynchburg's Community Development Department. Discrepancies between the 2017 ACS and local data are likely due to the Census Bureau estimating housing units through sampling, resulting in a degree of uncertainty in the data compared to actual counts.

Figure 17 Total Housing Units, Lynchburg 2010 – 2017

Location	Total Housing Units (2010)	Total Housing Units (2017)	Percentage Change
Lynchburg	31,992	32,309	1.0%

Source: Census Bureau, Decennial Census, 2010: H1; American Community Survey, 2013 - 2017: B25001

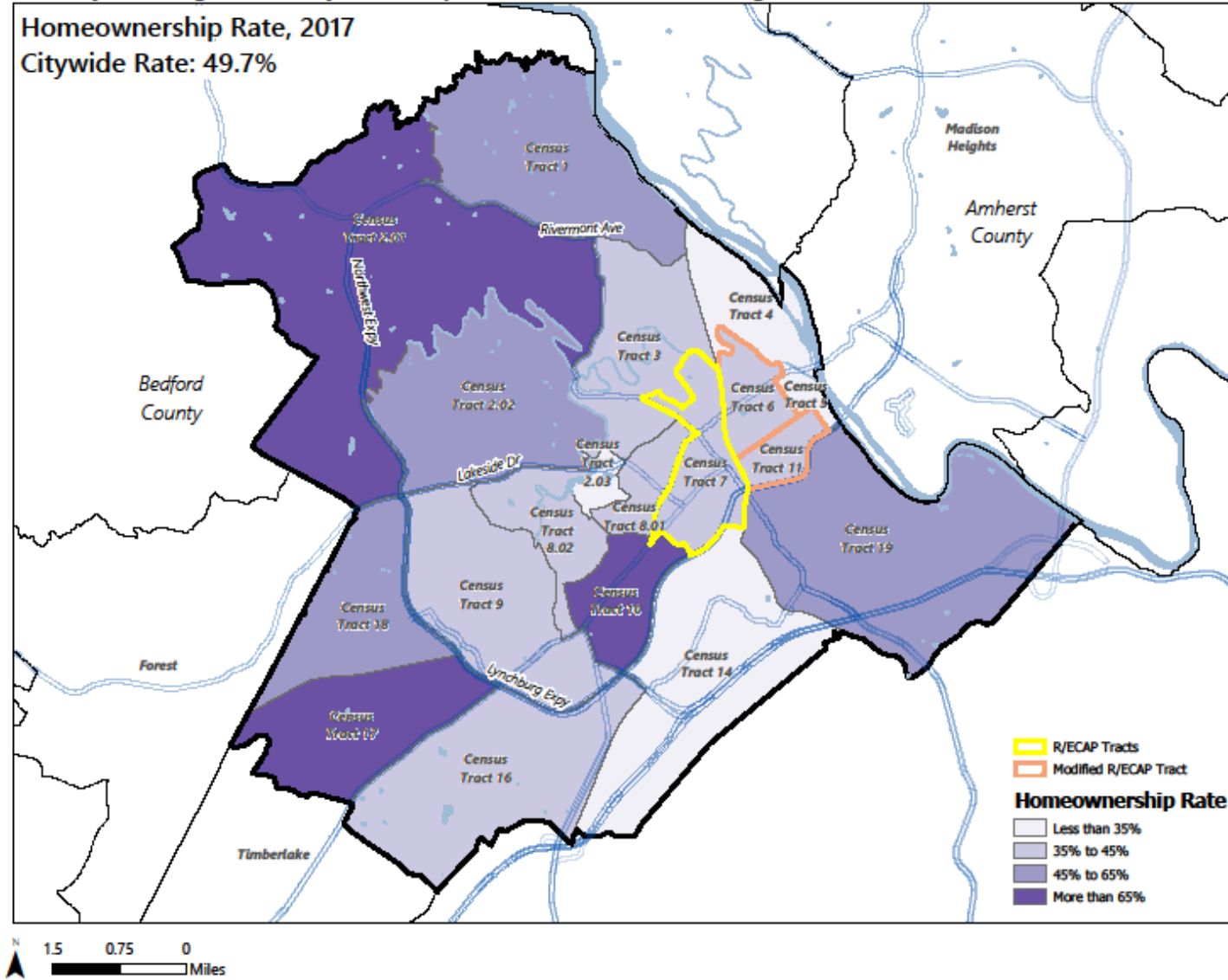
Types of Housing Units

The majority of Lynchburg's housing stock in 2017 was single-family housing units which comprised 65.6% of all housing units. Conversely, multi-family units comprised 33.81% of the total housing stock in Lynchburg. Multi-family housing can be a more affordable housing option that provides members of the protected classes access to other parts of the City that are otherwise unaffordable.

The City's 28,513 occupied units were 49.7% owner-occupied and 50.3% renter-occupied. Single-family housing made up almost all owner-occupied housing units, at 96.6%. Multifamily housing composed 64.6% of all renter-occupied units and 35.0% single-family housing. Building more multi-family affordable housing outside of these areas will provide greater housing choice for residents in need of opportunities, such as better schools, jobs, or safe neighborhoods that lie outside of the traditional affordable housing locations. Areas with the highest percentages of multifamily rental units are concentrated around Liberty University and the University of Lynchburg. The City's largest employer,

Centra Health, is also in an area with a high concentration of multifamily units. Areas further away from these institutions have higher concentrations of single family housing.

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Source: 2013-2017 American Community Survey

Map 6 Percentage of housing units as multifamily rental units, 2017

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Percent Multi-Family Rental Units, 2017
Citywide Average: 32.5%

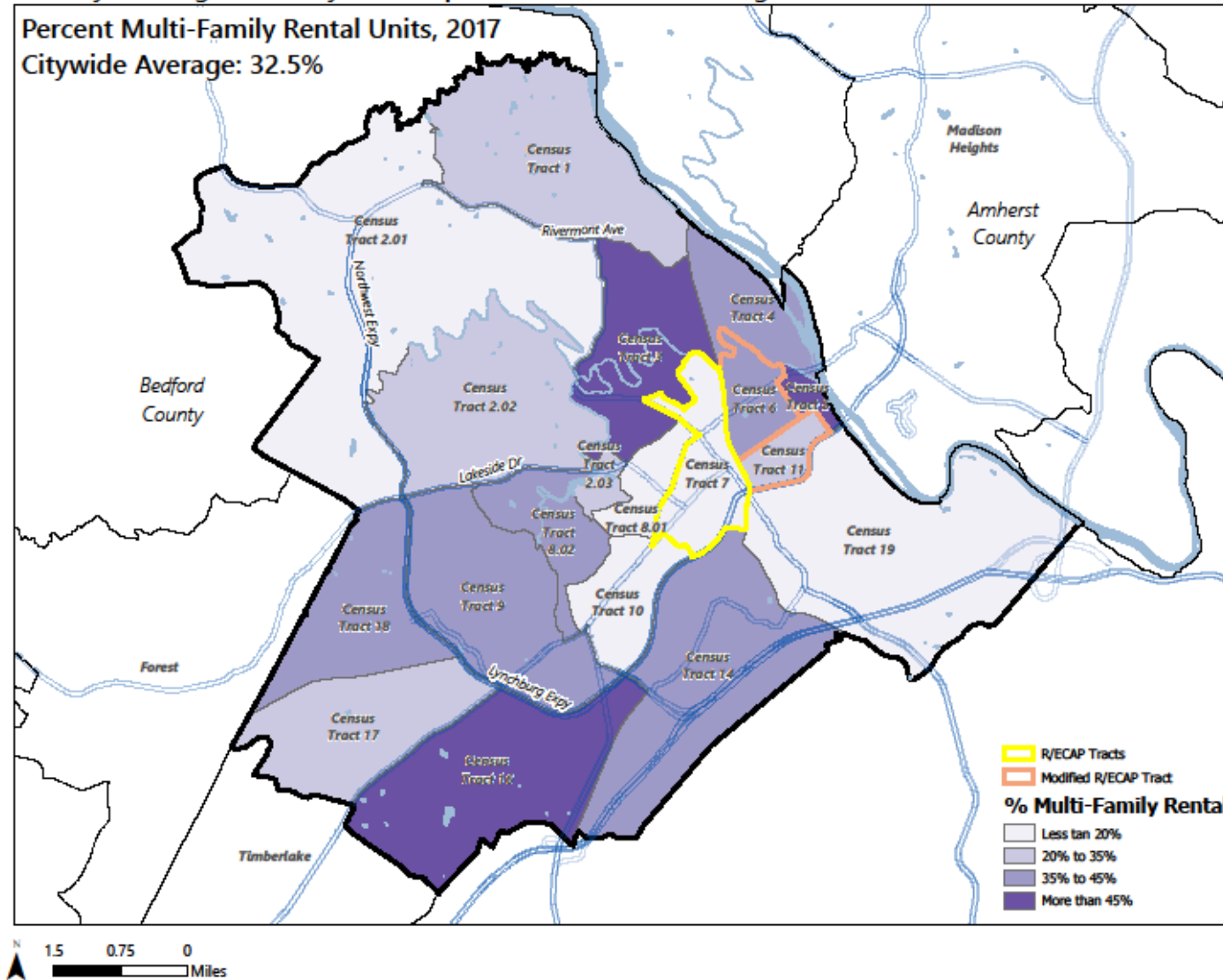


Figure 18 Trends in Housing units in Structures, Lynchburg 2017

Type of Housing	Total	Percent of Total Housing
Single Family Housing	18,457	65.6%
Multi-Family Housing	9,528	33.8%
2 - 4 Units	2,981	10.6%
5 - 9 Units	2,079	7.4%
10 - 19 Units	2,078	7.4%
20 or More Units	2,390	8.5%
Mobile Homes	165	0.6%
Total Housing Units	28,150	

Source: Census Bureau, American Community Survey, 2013 - 2017, B25032

Figure 19 Housing Units by Structures and Housing Type, Lynchburg 2017

Type of Housing	Total	Percent of Total Housing
Owner-Occupied Housing	13,978	49.7%
Single-Family Units	13,501	48.0%
Multi-Family Units	376	1.3%
Renter-Occupied Housing	14,172	50.3%
Single-Family Units	4,956	17.6%
Multi-Family Units	9,152	32.5%
total housing units	28,150	

Source: Census Bureau, American Community Survey, 2013 - 2017, B25032

Vacancy Status

Lynchburg has a slightly higher vacancy rate than the State at 12.9% compared to 10.4%. Rental vacancy rates in Lynchburg (5.4%) are higher than homeowner vacancy rates (3.1%) Relative to the State, rental vacancies in Lynchburg are lower (5.8% for all of Virginia) while homeowner vacancies are higher (1.6% for all of Virginia). Vacancy rates data come from the American Community Survey, which defines vacancy rate as the ratio of vacant available units to total units. The lower rental vacancy rate is expected due to Lynchburg's large student population. Given that Lynchburg has a relatively even split between owners and renters, the relatively high homeowner vacancy rates may indicate a need for more multifamily housing units, or the quality of homes for-sale are lacking.

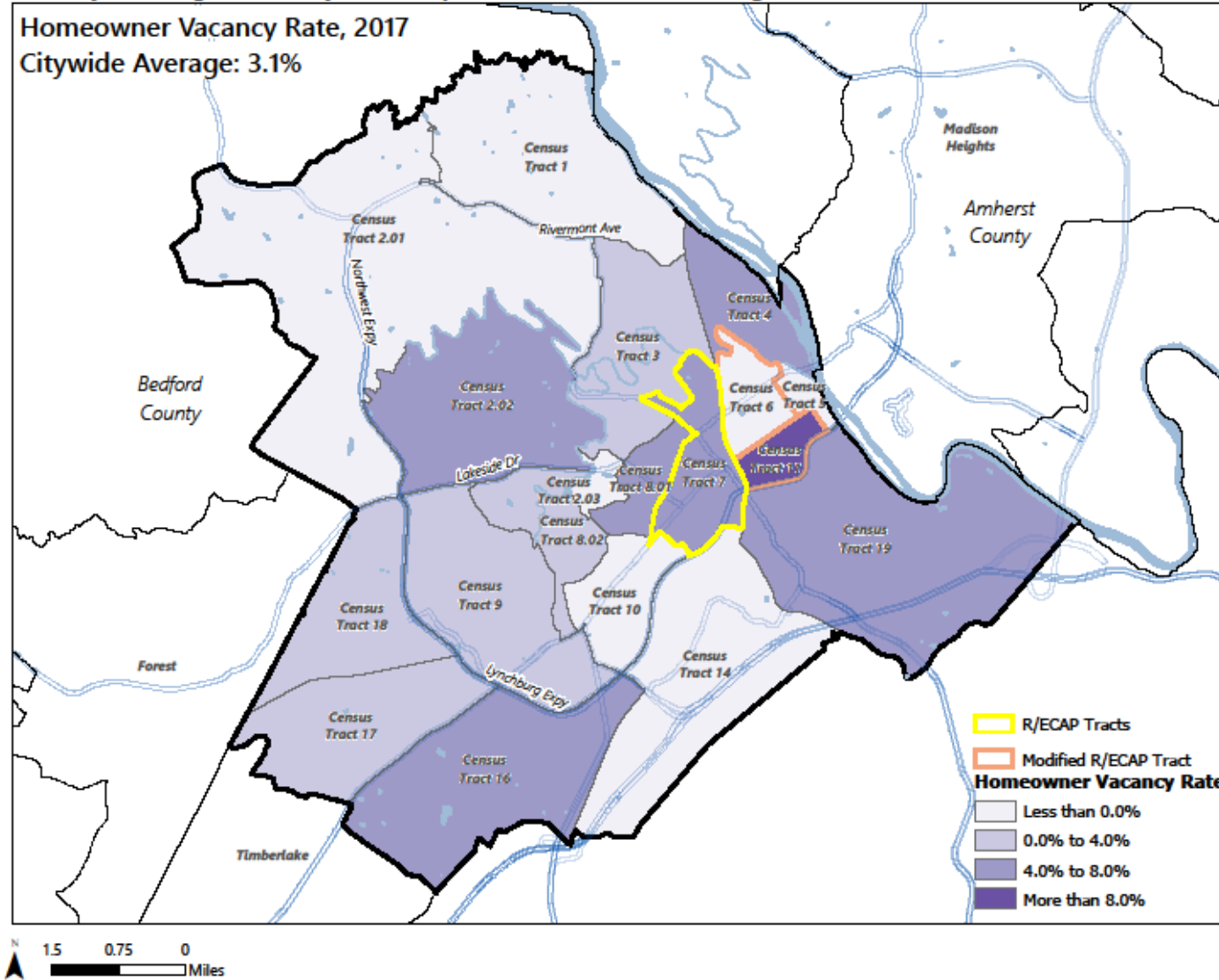
The highest rental vacancy rates are concentrated around the University of Lynchburg and Liberty University. While dormitories are excluded from the Census' housing unit count, vacancy is determined if no one is living in a specific unit at the time of the interview. This includes vacant units that are currently for rent or those have been rented but the new renters have not yet moved in. As a result, student populations may inflate vacancy rates when taking into consideration off-campus housing.

Figure 20 Change in Vacancy Status, Lynchburg 2010 – 2017

Vacancy Status	2017	% Vacant
Total Vacant Housing Units	4,159	12.9%
Vacant for Rent	846	2.6%
Vacant Rented Units	606	1.9%
Vacant for Sale	456	1.4%
Vacant Sold (not occupied)	58	0.1%
Vacant (seasonal, recreational or occasional use)	568	1.8%
Vacant (other)	1,625	5.0%
Total Housing Units	32,309	1.0%

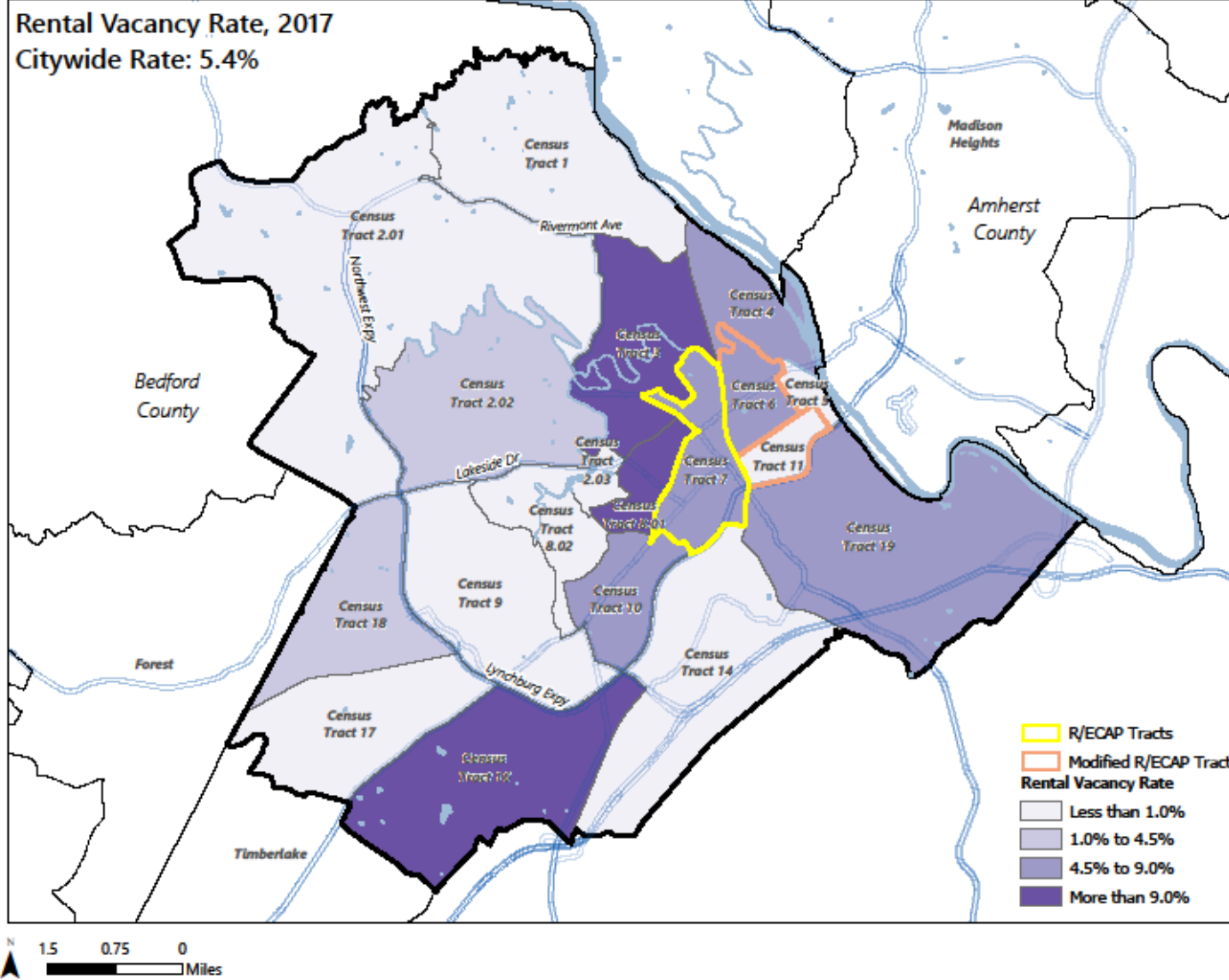
Source: Census Bureau, Decennial Census, 2010: QT-H1; American Community Survey, 2013 -2017: B25004

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: 2013-2017 ACS

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: 2013-2017 ACS

Protected Class Status and Homeownership

The value in homeownership lies in the accumulation of wealth as the owner's share of equity increases with the property's value. Paying a monthly mortgage instead of rent is an investment in an asset that is likely to appreciate.

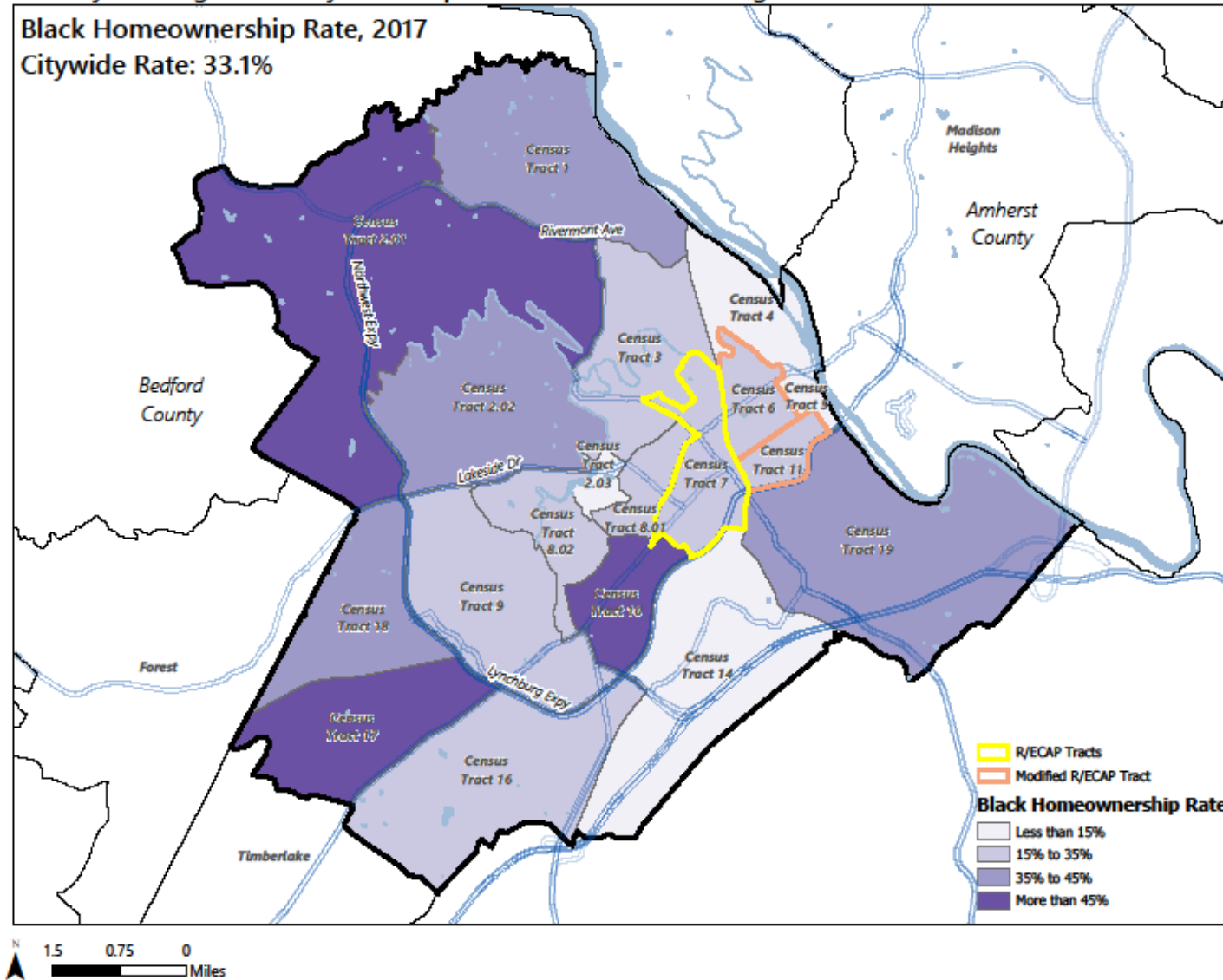
Minority households tended to have lower rates of homeownership. Historically, minorities tend to have lower homeownership rates than Whites due in large part to housing discrimination and redlining. As previously noted, Lynchburg's median incomes for minority households are lower than those of White households. This is one among several factors that contributed to the lower rates of homeownership among minority households across Lynchburg. In 2017, White households had a homeownership rate of 58.6%. This was significantly higher than minority homeownership rates. Black households had the second highest homeownership rate at 33.1%, followed by Asians at 27.8%, and Hispanics at 20.5%. Black homeownership was highest in the Fort Hill neighborhood and the western outskirts of Lynchburg.

Figure 21 Housing Tenure by Race and Ethnicity, Lynchburg 2017

Race Ethnicity	Total Households	Homeowners	Homeownership Rate
White	18,698	10,959	58.6%
Black / African American	8,299	2,750	33.1%
Asian	561	156	27.8%
Hispanic / Latino	561	115	20.5%

Source: Census Bureau, American Community Survey, 2013 - 2017, B25003, B25003A, B25003B, B25003D, B25003I

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: 2013.-2017 American Community Survey

The Tendency of Protected Classes to Live in Larger Households

Larger households may be at risk for housing discrimination on the basis of race and the presence of children (familial status). A larger household, whether or not children are present, can raise fair housing concerns. If there are policies or programs that restrict the number of persons that can live together in a single housing unit, and members of the protected classes need more bedrooms to accommodate their larger household, there is a fair housing concern because the restriction on the size of the unit will have a negative impact on members of the protected classes.

Minority households were more likely than White households to live in households with four or more people. In 2011, 25.5% of White households had four or more persons. By comparison, Black, Asian, and Hispanic households had higher rates of larger households.

Figure 22 Large-Family Households (4 persons or more) by Race / Ethnicity, Lynchburg 2010

Race / Ethnicity	Total	Percent
White	2,666	25.5%
Black	1,766	34.4%
Asian	155	44.7%
Hispanic	160	44.7%
All Households	4,760	29.1%

Source: Census Bureau, Census 2010, SF-1 P28, P28A, P28B, P28D, P28H

In order to house larger families, a sufficient supply of larger dwelling units consisting of three or more bedrooms is necessary. Since minority households are more likely to have larger families and be renters, there needs to be a sufficient supply of larger rental units to meet the needs of their families. While 56.0% of housing units in Lynchburg have at least three bedrooms, rental units only made up 29.7% of these larger bedroom units. This could potentially constrain the housing choice for lower income families that cannot afford to purchase a home.

Figure 23 Housing Units by Number of Bedrooms and Tenure, Lynchburg 2017

Number of bedrooms	Renter-Occupied		Owner-Occupied	
	Total	Percent	Total	Percent
0 - 1 bedrooms	2,641	18.6%	133	1.0%
2 bedrooms	6,843	48.3%	2,766	19.8%
3 bedrooms	3,822	27.0%	6,186	44.3%
4 bedrooms or more	866	6.1%	4,893	35.0%
Total	14,172	100%	13,978	100%

Source: Census Bureau, American Community Survey 2013 - 2017: B25042

Cost of Housing

While home values decreased by 3.8% after adjusting for inflation, gross rent increased by 11.5% during the same time period after adjusting for inflation.

The inflation adjusted median income slightly increase in Lynchburg by 1.1% between 2010 and 2017. Increasing housing costs are not a direct form of housing discrimination. However, a lack of affordable housing does constrain housing choice. Residents may be limited to a smaller selection of neighborhoods or communities because of a lack of affordable housing in those areas. Lower income residents will have severely limited housing options if rent continues to outpace income growth at this rate. Conversely, decreasing home values may allow for low-income households to transition to homeownership.

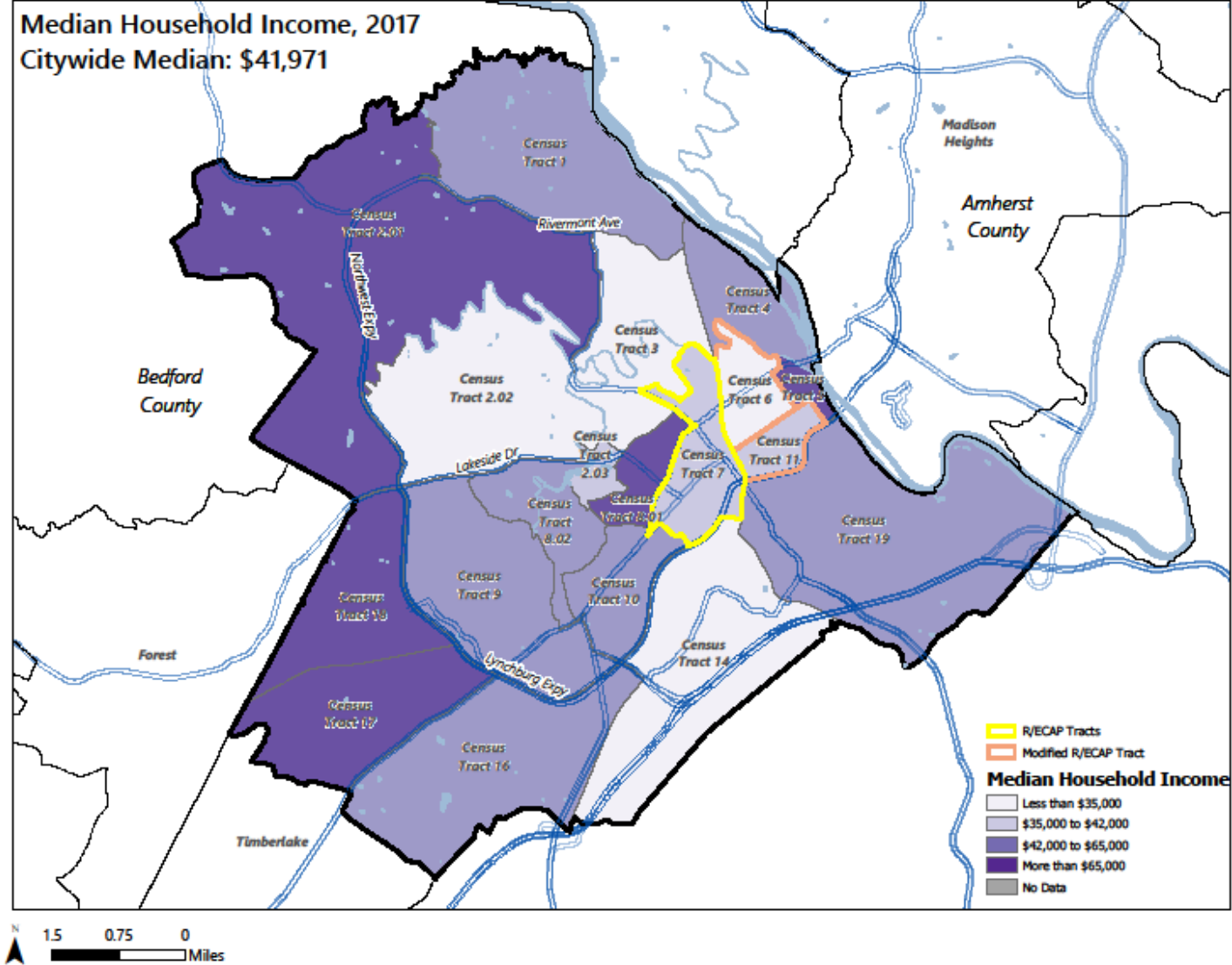
Figure 24 Trends in Median Home Value, Rent, and Household Income, Lynchburg 2010-2017

	2010 (adj. to 2017 dollars)	2017	Percent Change
Median Home Value	\$159,888	\$153,800	-3.8%
Median Gross Rent	\$749	\$835	11.5%
Median Household Income	\$41,531	\$41,971	1.1%

Source: Census Bureau, American Community Survey, 2006 – 2010: B19013; B25064; B25077
American Community Survey, 2013 - 2017: B19013; B25064; B25077

Map 10 Median Household Income, 2017

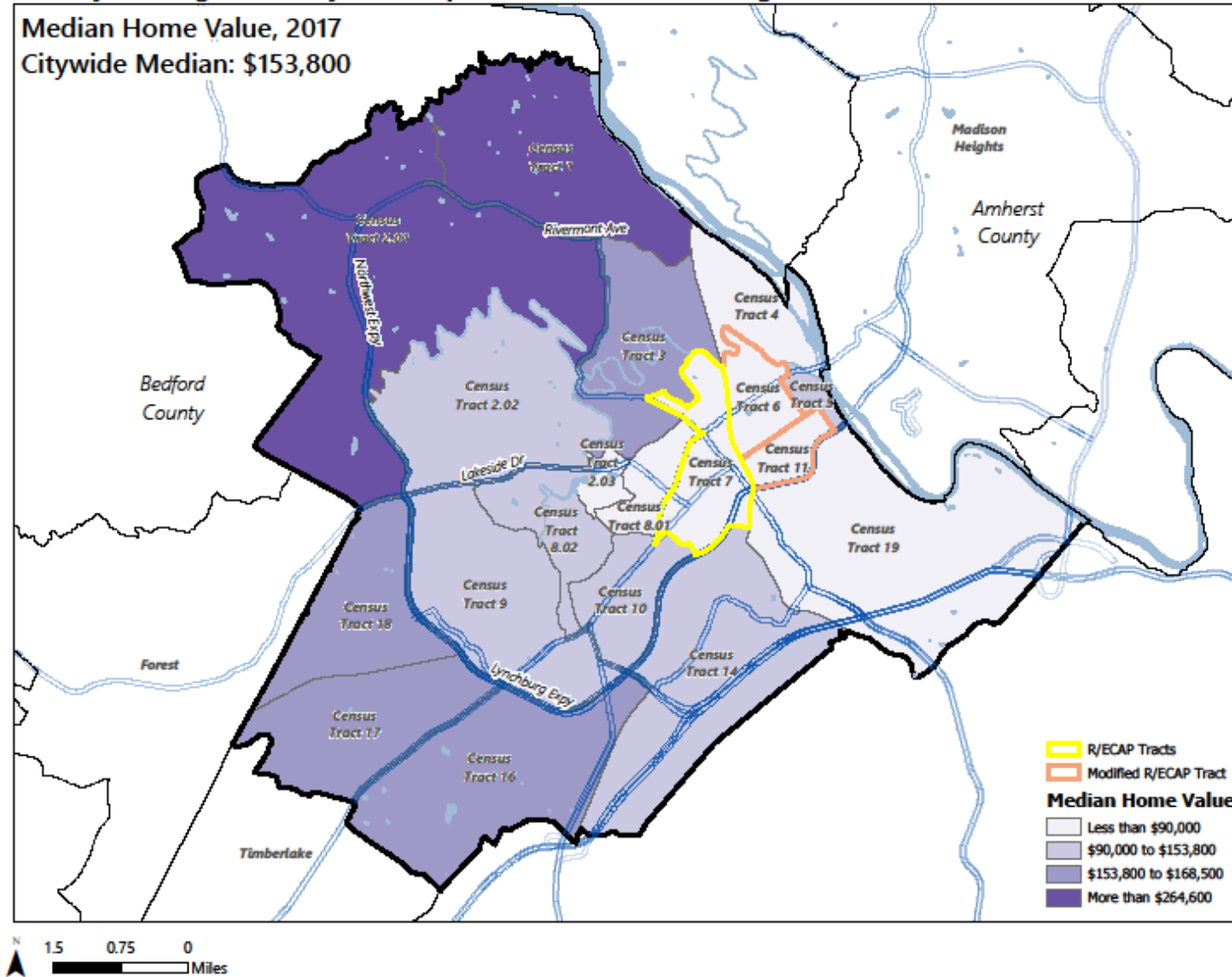
2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: 2013-2017 American Community Survey

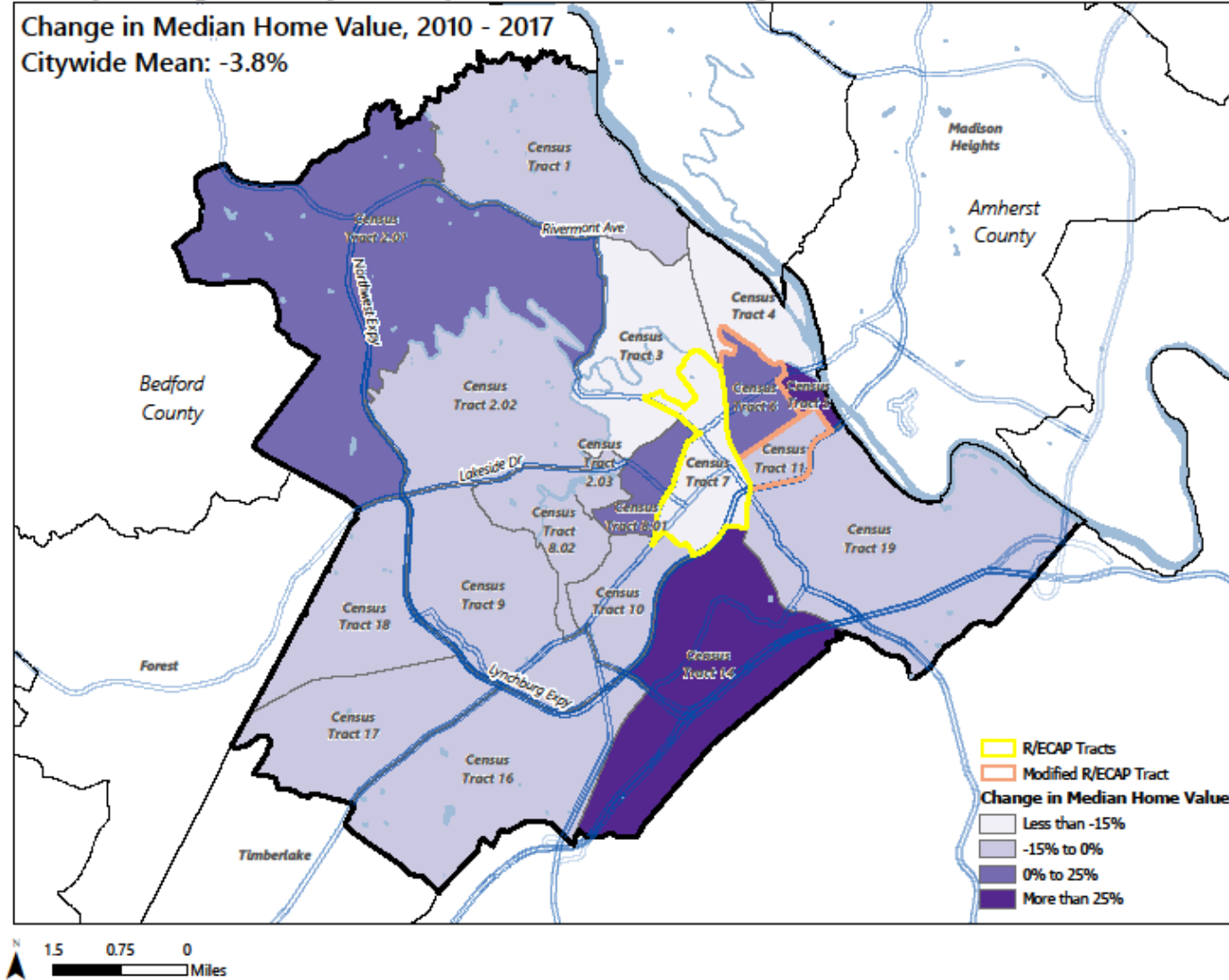
Map 11 Median Home Value, 2017

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



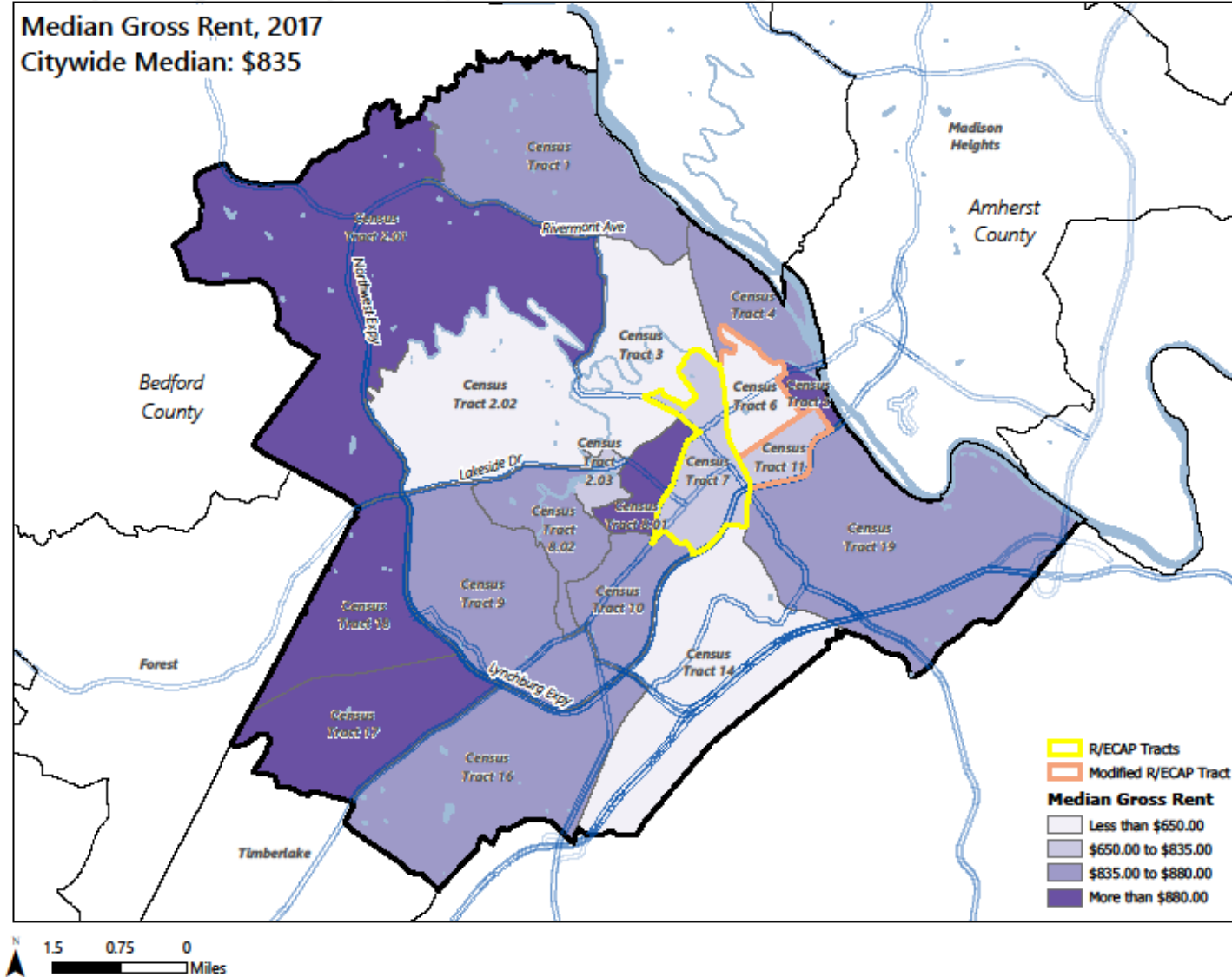
Source: 2013-2017 American Community Survey

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: 2013-2017 American Community Survey

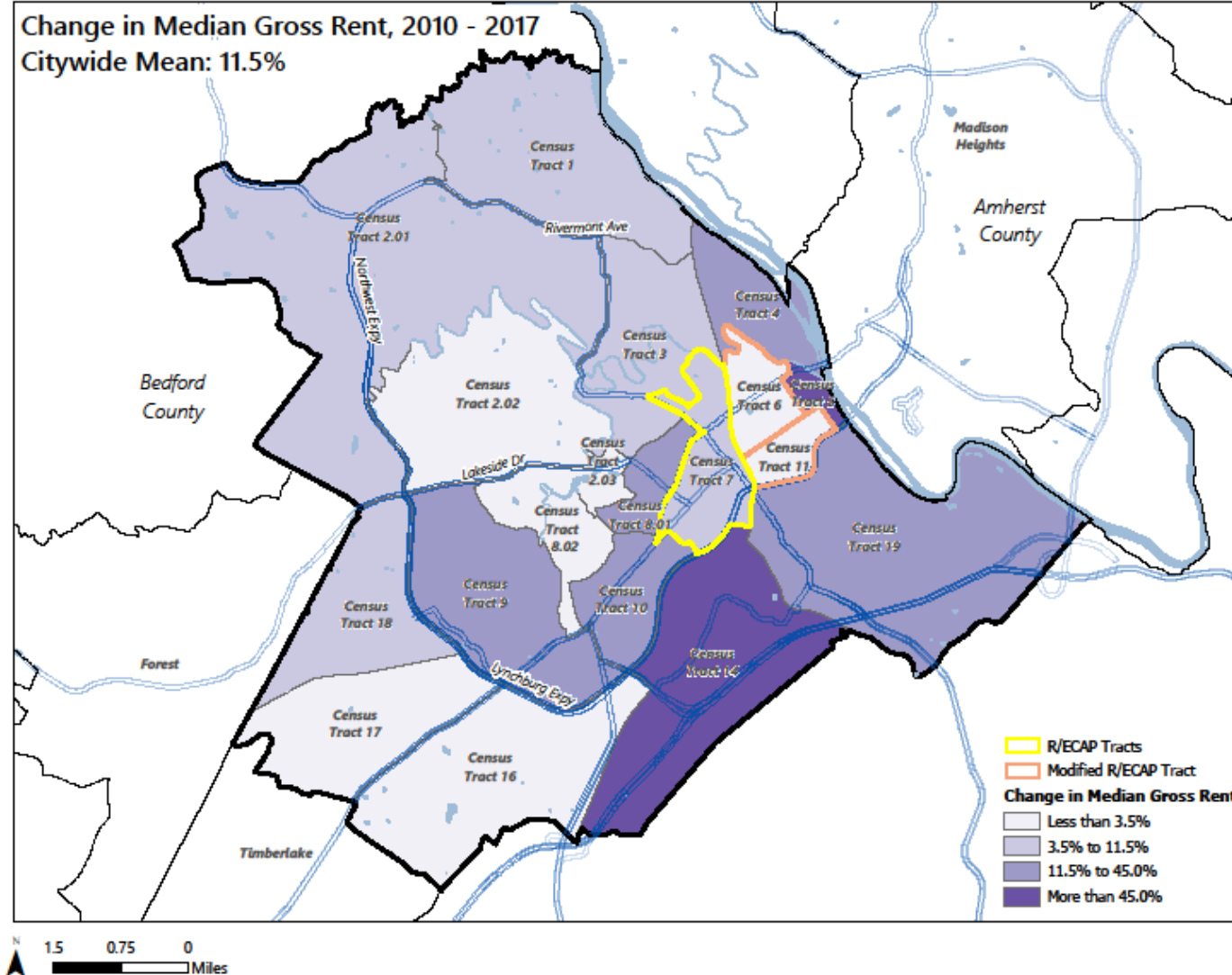
2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: American Community Survey, 2013-2017

Map 14 Change in Median Gross Rent, 2010-2017

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: American Community Survey, 2013-2017

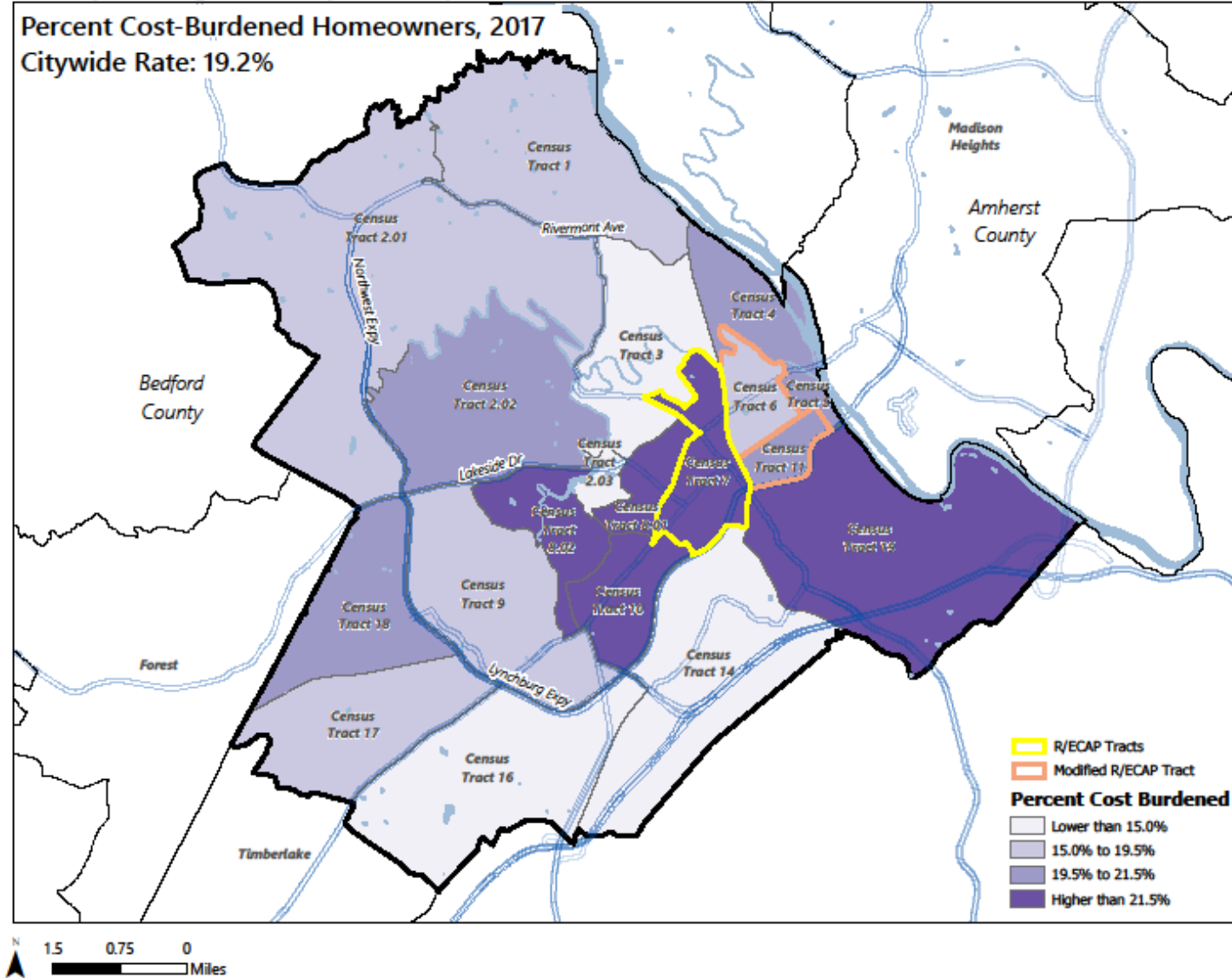
Cost-Burden

In Lynchburg, 35.5% of all households are cost-burdened, and renters (49.4%) are more disproportionately cost-burdened than homeowners (19.8%). Cost burdened households are defined by HUD as households spending more than 30% of their annual income on housing costs. Severely cost burdened households spend more than 50% of their income. Independent from median income, cost burden serves as an indicator of a homeowner's ability to afford property maintenance and improvements. Additionally, according to 2011-2015 CHAS data, elderly households are nearly disproportionately cost-burdened (44.9%).

Areas with a high proportion of cost-burdened homeowners also tend to have cost-burdened renters as well. These areas are centered around the University of Lynchburg, which itself is located in a census tract that is not cost-burdened. The HUD-defined R/ECAP is also part of these highly cost-burdened areas. However, the modified R/ECAPs do not have nearly have as high of rates of cost-burden.

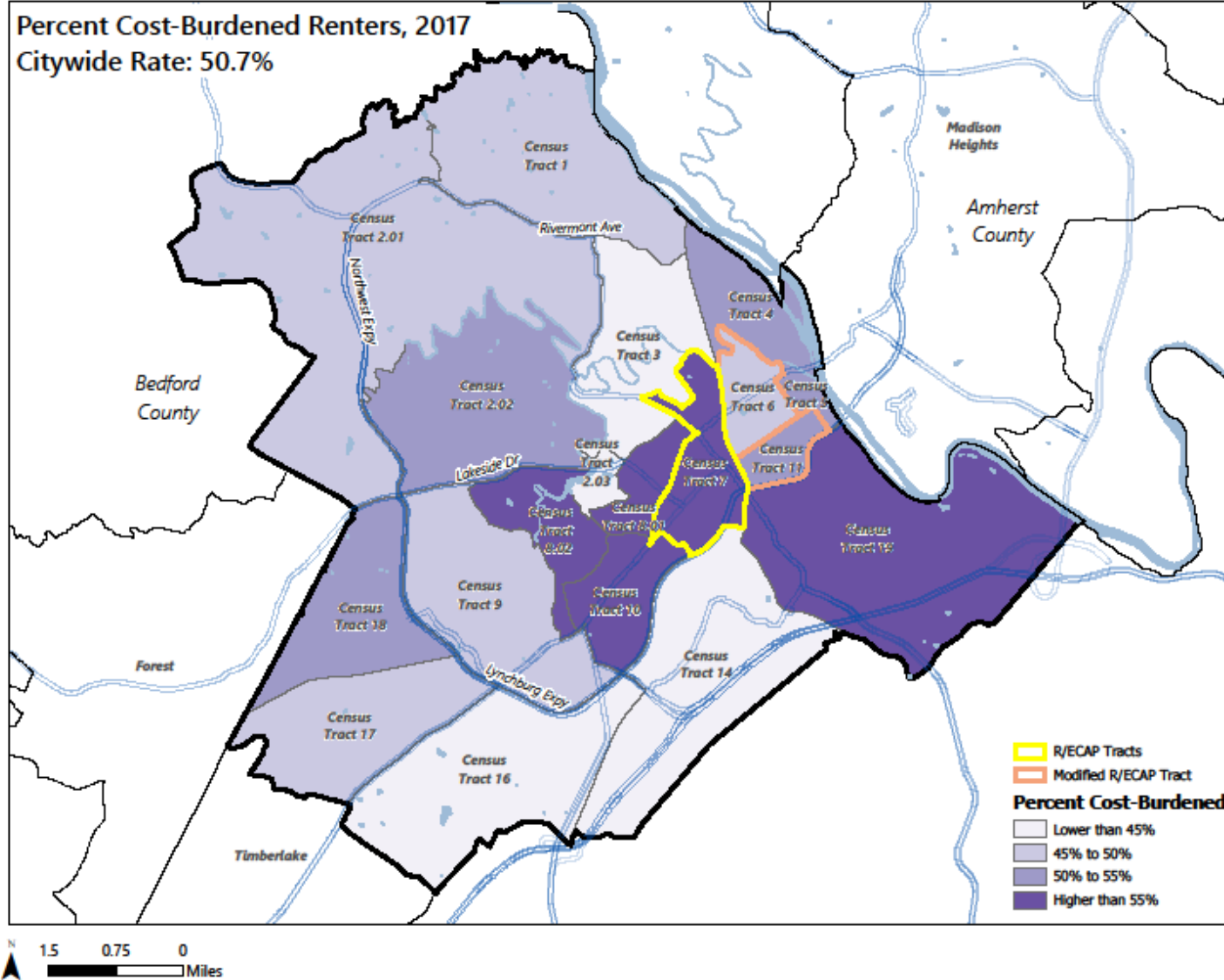
According to the 2019 Bridges to Progress report, Redlining in Lynchburg, housing insecurity is associated with evictions, a higher cost of living, hypermobility (move from one home to another frequently), mental health problems, physical health problems, crime, poor educational outcomes, increased chances of employment layoffs and detachment from the labor force.

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice



Source: 2013-2017 American Community Survey

2020 Lynchburg, VA. Analysis of Impediments to Fair Housing Choice

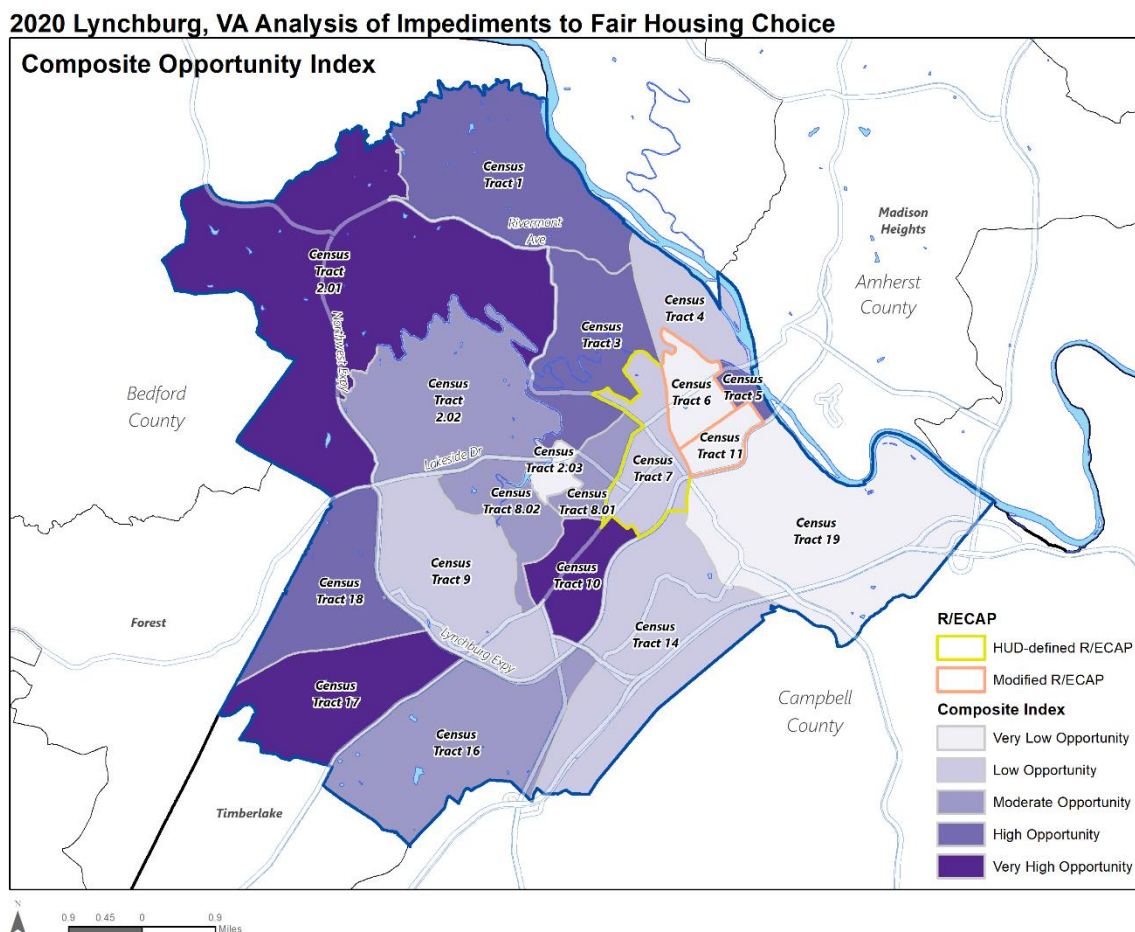


Source: 2013-2017 American Community Survey

Communities of Opportunity

An Opportunity Index was developed to classify and visualize areas of opportunity for Lynchburg residents. The Opportunity Index identifies areas in which new developments may be more financially feasible in the long-term due to proximity to factors that allow residents to have successful access to employment, quality education, and a healthy environment. The data is linearly normalized to values between 0 and 1, after which census tracts are classified into quintiles ranging from Very Low Opportunity to Very High Opportunity. The Composite Opportunity Index averages six indices that measure different areas of opportunity: prosperity, labor market engagement, job access, transit access, community health, and school proficiency. Overall, the highest opportunity areas are found in the western portions of Lynchburg away from Downtown and the Fort Hill neighborhood south of the University of Lynchburg. Further detail into each component index is included below.

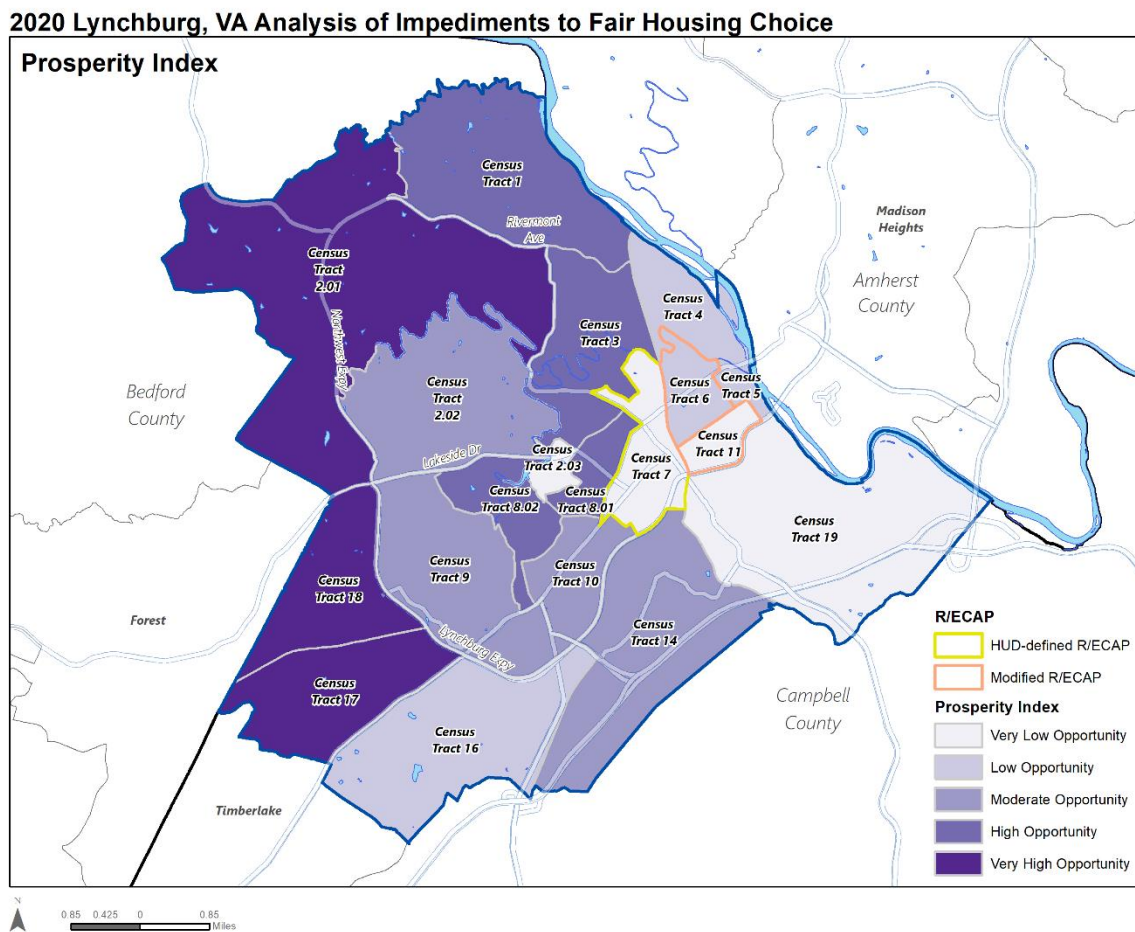
Map 17 Composite Opportunity Index



Prosperity Index

This index is a combination of poverty rate and the percentage of households with children receiving public assistance. Public assistance includes Supplemental Security Income (SSI), cash public assistance income, or Food Stamps/SNAP. Poverty has lasting effects that can impact a wide range of factors, including public education primarily funded by the local community, job opportunities, and the ability to afford quality housing. Prosperity scores were highest on the western side of Lynchburg while lowest near Downtown.

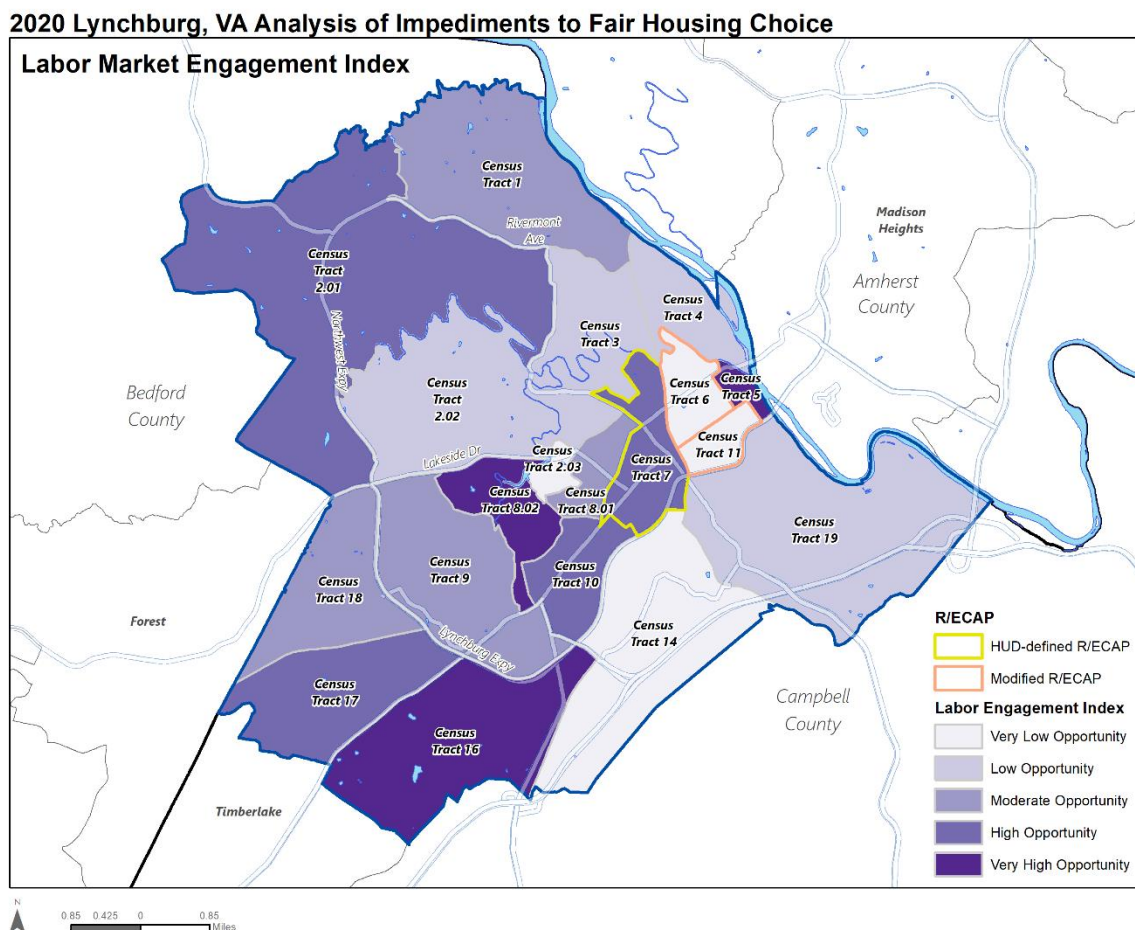
Map 18 Prosperity Index



Labor Market Engagement Index

The Labor Force Engagement Index is a measure of the relative intensity of labor market engagement and human capital. As defined by HUD, the index is a combination of unemployment rates, labor force participation rates, and percent of the population with at least a bachelor's degree within a census tract. Employment opportunities are necessary for individuals to afford stable housing. Labor force participation represents the amount of labor resources available for the production for goods and services. The percent of the population with at least a bachelor's degree is used to estimate the availability of skilled labor. The three variables were averaged to produce the Labor Market Engagement Index. Areas outside of Liberty University and the University of Lynchburg along with Downtown Lynchburg had the highest scores. Lowest scores are in the modified R/ECAPs and the site of the universities themselves, likely a result of high student populations.

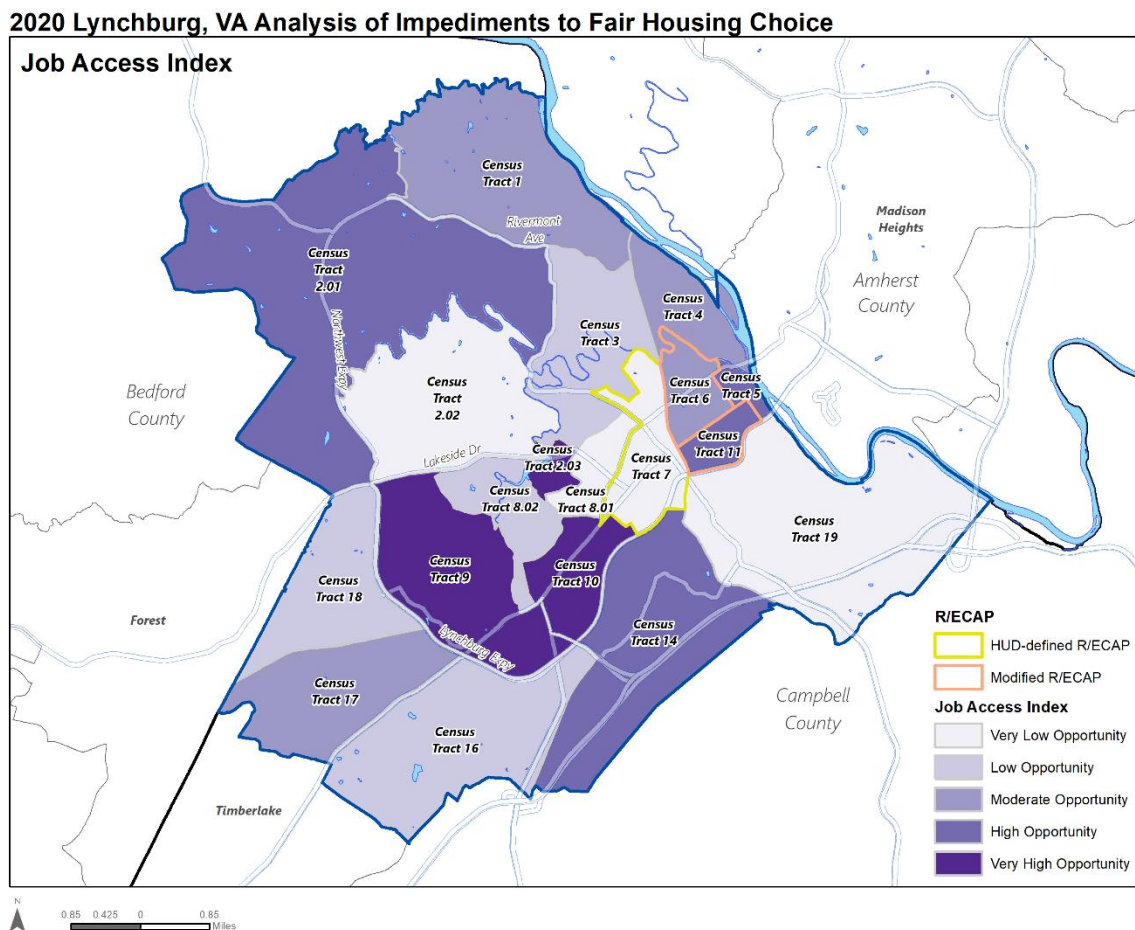
Map 19 Labor Market Engagement Index



Job Access Index

Job Access was calculated based on the “as the crow flies” distance or straight-line distance from the center of a census tract from population and job centers. Areas with many jobs were positively weighted and areas with a high labor supply were inversely weighted due to increased competition. The highest scores were found near the universities and along the Lynchburg Expressway. Areas with low job access had low densities or met the definition of an R/ECAP.

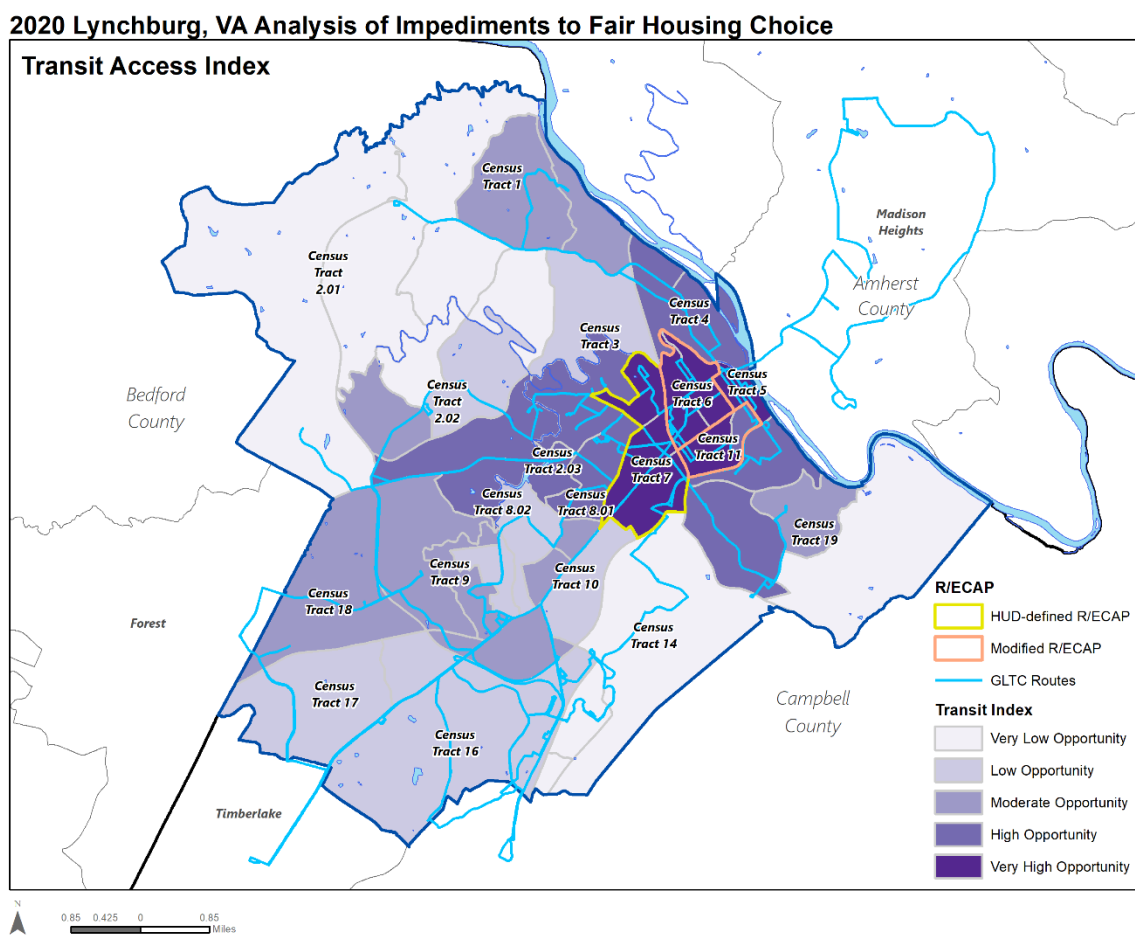
Map 20 Job Access Index



Transit Access Index

Transit Access represents the ease with which people can access public transportation. The Federal Highway Administration (FHWA) under the US Department of Transportation, most people are willing to walk for five to ten minutes to a transit stop. FHWA uses these walking times as a proxy for distance, estimating accessible transit stops being $\frac{1}{4}$ to $\frac{1}{2}$ mile away from a pedestrian's starting point, typically their place of residence. To calculate accessibility, $\frac{1}{4}$ mile and $\frac{1}{2}$ buffers were placed around each transit stop to find the percentage of a census tract that is within walking distance to a transit stop. This percentage was averaged to produce the Transit Access Index. Transit stop data was supplied by the Greater Lynchburg Transit Company. The areas just outside of Downtown Lynchburg had the best transit access score, which includes all R/ECAPs. Areas in the northwest and southeast had the poorest access, with one area being the location of Liberty University.

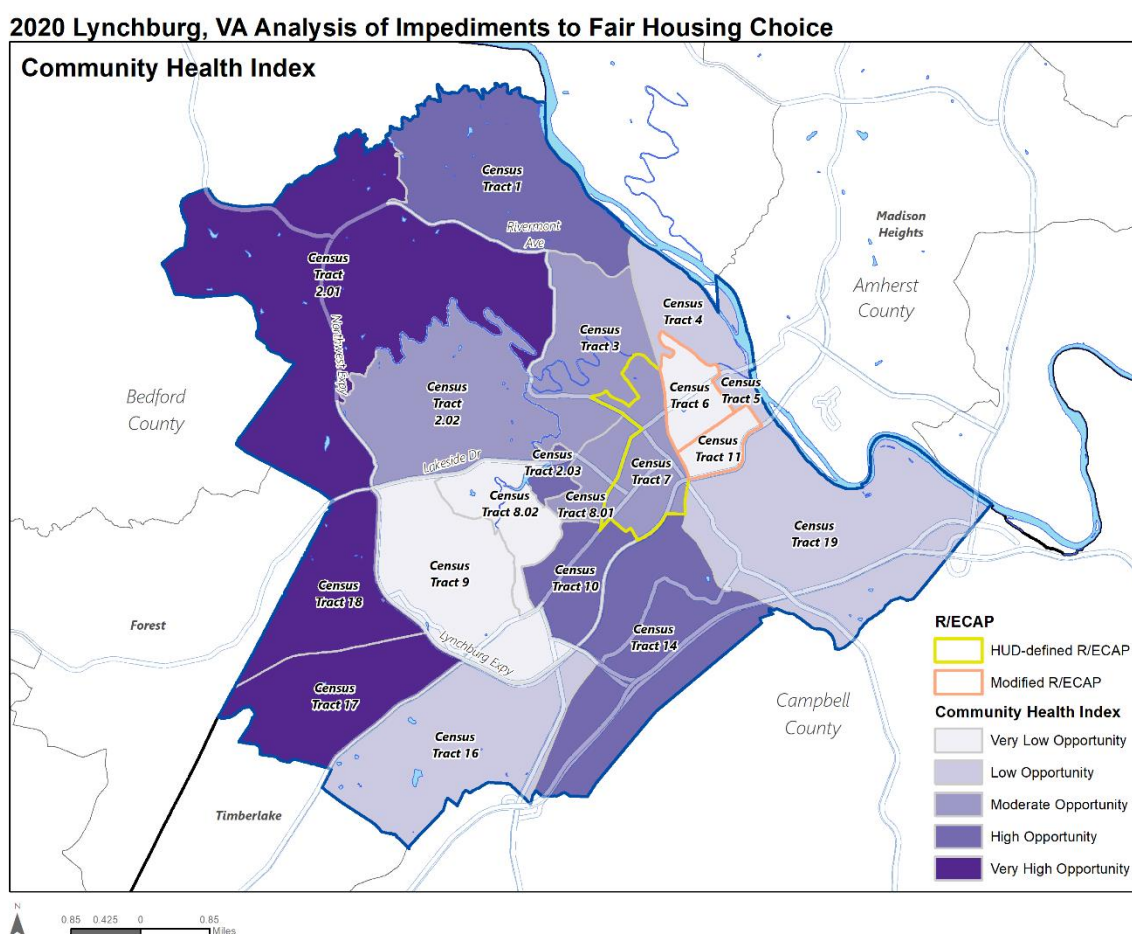
Map 21 Transit Access Index



Community Health Index

The Community Health Index is a function of the percentage of residents in a census tract without health insurance and low food access as ranked by the USDA. Low food access is defined by the USDA as where at least one-third of a census tract's population is more than a half-mile from the nearest grocery store. Health hazards have an adverse effect on children's growth and development and can limit one's ability to work. Low-income and minority individuals are also found to be disproportionately affected by health hazards, perpetuating the lack of opportunity for vulnerable populations. Areas with the lowest community health scores are largely residential and include the modified R/ECAPs.

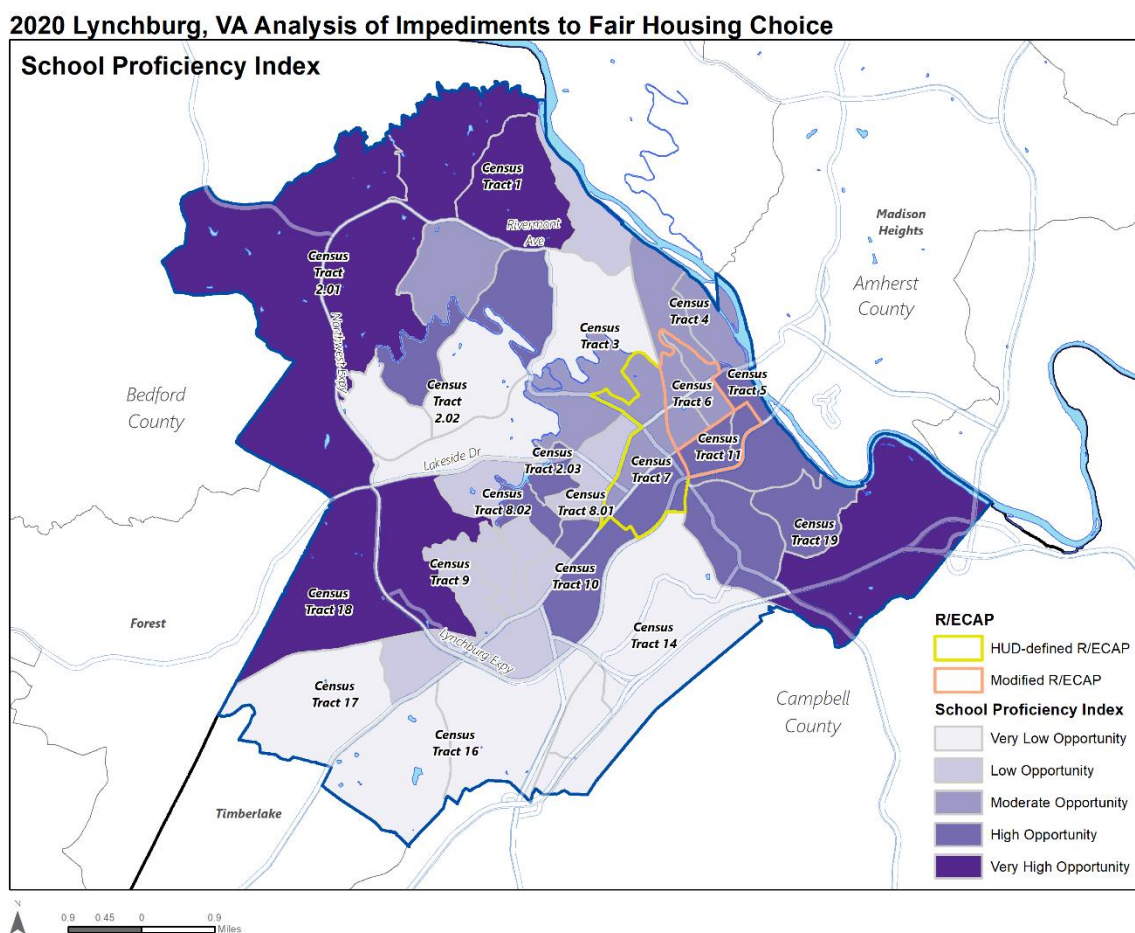
Map 22 Community Health Index



School Proficiency Index

The School Proficiency Index uses school-level data on the performance of 4th grade students on state exams to describe which neighborhoods have high-performing elementary schools nearby and which are near lower performing elementary schools. Values are percentile ranked and range from 0 to 100. The higher the school proficiency index score, the higher the school system proficiency. The school proficiency index is a function of the percent of 4th grade students proficient in reading and math on state test scores for up to three schools within 1.5 miles of the block-group. Scores are assigned to a census tract by taking the average of the block groups. Quality education is critical for the growth and development of children and enhancing their future opportunities. The most proficient schools are found in the western and eastern extremities of Lynchburg. The least proficient schools are found along the southern border of Lynchburg and just north of Lakeside Drive.

Map 23 School Proficiency Index



Public Sector Policy Analysis

The analysis of impediments is a review of impediments to fair housing choice in the public and private sector. Impediments to fair housing choice are any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status or national origin that restrict housing choices or the availability of housing choices, or any actions, omissions or decisions that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status or national origin. Policies, practices or procedures that appear neutral on their face but which operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status or national origin may constitute such impediments. In Virginia, the additional protected class of elderliness (55 and older) is also included along with the seven from the Fair Housing Act.

An important element of the AI includes an examination of public policy in terms of its impact on housing choice. This section evaluates public policies in order to determine opportunities for affirmatively furthering fair housing.

City of Lynchburg 2013-2030 Comprehensive Plan

This section will review local planning initiatives outlined in Lynchburg's 2013-2030 Comprehensive Plan as it relates to affordable housing, desegregation, elimination of poverty, and fair housing policies. Overall, the Comprehensive Plan advocates for expanding housing choices and improving conditions for LMI and special needs residents through renovation, rehabilitation, and multimodal transition, but falls short in terms of de-segregating racially and ethnically concentrated areas of poverty (R/ECAPs).

The Comprehensive Plan was adopted on September 27, 2013 and has a chapter dedicated to neighborhoods and housing. Housing goals identified in the plan include:

- Providing diverse housing choices
- Increasing the number of owner-occupied units
- Rehabilitating substandard housing with an emphasis requiring an investment of funds and/or labor on the part of the owner commensurate with the owner's resources
- Supporting initiatives to increase permanent affordable rental and housing ownership opportunities
- Supporting programs that assist individuals in retaining their homes in challenging economic times

Lynchburg identifies three types of neighborhoods in the City, each with unique housing needs: traditional neighborhoods, suburban neighborhoods, and mixed-use neighborhoods. Traditional neighborhoods provide convenient access to goods and services due to their proximity to downtown and smaller units of naturally affordable housing. The plan identifies a need to provide flexible zoning and policies along with active code enforcement to keep properties maintained and updated while preserving neighborhood character. Mixed-use neighborhoods see similar development patterns and needs as traditional neighborhoods. Suburban neighborhoods are identified as areas predominantly consisting of low-density, single family homes further away from the downtown core. The City emphasizes improving access and infrastructure, such as sidewalks and bikeways and implementing small-scale neighborhood retail and services at key intersections in suburban areas.

Age and affordability of housing are areas of major concern for the City's overall housing stock, especial for lower income residents. Lynchburg homes are generally older than that of the State of Virginia, with a median year built of 1969 for Lynchburg versus 1981 in Virginia, according the 2013-2017 ACS. The primary method of improving housing conditions if the City's aging housing stock will be through renovations and rehabilitation. Funding will be conducted through loans, tax abatements, and/or tax credits. A program to encouraging renovation, reviewing loan programs, and working with builders and financial institutions to develop guides on renovation and rehabilitation are being explored. While housing costs are generally lower compared to the State, the plan makes apparent the disproportionate rates of cost-burden on lower income households. The needs of Lynchburg's lower income households are primarily addressed through the City's Consolidated Plan and CDBG funds.

Figure 25 Housing Costs in the City of Lynchburg and State of Virginia,

	Virginia	Lynchburg
Median Home Value	\$ 255,800	\$ 153,800
Median Gross Rent	\$ 1,166	\$ 835
Median Contract Rent	\$ 981	\$ 665

Source: 2013-2017 American Community Survey

The City also determined its large student population creates housing concerns in terms of competition with LMI households for affordable units and the ability to maintain upkeep of these properties. Collaboration with schools and landlords along with rental housing registration and inspection is planned to expand citywide. LMI households interested in homeownership will be addressed by coordinating with lenders and housing providers to implement programs that reduce barriers to homeownership.

In terms of furthering fair housing policies, the plan emphasizes the role and proximity of public transit and social services for special needs populations. This population includes aging residents, individuals with physical and mental disabilities, and lower income residents. The primary avenue for improving special needs housing through promoting rehabilitation of housing units using a mix of funding possibilities. The City found that having access to goods and services needed on a regular basis (food, parks, schools, etc.) plays a large role in all their residents' quality of life.

Finally, the plan has a dedicated chapter on transportation, outlining initiatives to implement the Better Streets Policy and Multimodal System Design Guidelines. These initiatives serve as guiding principles for planning for all modes of transportation to support the delivery and access of goods and services. The Better Streets Policy prioritizes the needs of pedestrians, bicyclists, transit, street trees, stormwater, utilities, and livability to improve citizens' quality of life. Similarly, Multimodal System Guidelines were created by the Virginia Department of Rail and Public Transportation (DRPT) to accommodate for all modes of transportation and be adapted to local needs. Adoption of these guidelines also improves implementation by creating consistency between local planning efforts and the Virginia Department of Transportation.

There is no clear mention, however, of de-segregating areas of concentrated poverty and/or minorities.

Almost one-third of the city is Black, and R/ECAPs in Lynchburg were defined and identified in the Data Analysis section of the AI. The City should make more apparent the parallels between de-concentration of LMI minorities and the goals and initiatives identified in the plan for improving access and opportunity for residents. More transparent connections to anti-poverty strategies, such as Bridge to Progress, and its links to housing could also be made, such as those included in the Consolidated Plan.

Zoning Risk Assessment

The City of Lynchburg adopted its current zoning ordinance on February 23, 2016 and it was evaluated based on the following criteria on how the ordinance:

- Defines “family” inclusively, without a cap on the number of unrelated persons and with a focus on functioning as a single housekeeping unit
- Defines “group home” for persons with disabilities or similarly named land use compared to single family dwellings
- Allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use/conditional use permit or public hearing
- Regulates the siting of group homes as single family dwelling units without an additional regulatory provision
- Has a “Reasonable Accommodation” provision or allows for persons with disabilities to request reasonable accommodation/modification to regulatory provisions
- Permits multi-family housing of more than 4 units per structure in one or more residential zoning districts by-right
- Does not distinguish between “affordable housing/multi-family housing” (i.e. financed with public funds) and “multi-family housing” (i.e. financed with private funds)
- Does not restrict residential uses such as emergency housing/homeless shelters, transitional housing, or permanent supportive housing facilities exclusively to non-residential zoning districts
- Permits manufactured and modular housing on single lots like single family dwelling units
- Provides residential zoning districts with minimum lot sizes of ¼ acre or less
- Does not include exterior design/aesthetic standards for all single-family dwelling units regardless of size, location, or zoning district

Overall, the zoning ordinance of the City of Lynchburg is at a low risk relative to discriminatory provisions for housing members of protected classes. Although the definition of “family” is limited to no more than

three unrelated persons living together as a household, the number is expanded to four to eight for residents of group homes. Small group homes, defined as fewer than four aged or infirmed individuals or fewer than eight individuals with mental, intellectual or developmental disabilities, are permitted by right in all residential districts. Additionally, no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption can be imposed on group homes. This is consistent with fair housing law. While larger group homes need a conditional use permit in all residential districts, group homes do not typically exceed six people.

The following table summarizes the zoning risk assessment for Lynchburg. A score of 12 places the ordinance at low risk relative to discriminatory provisions for housing members of protected classes. A score of 13-14 places a zoning ordinance at moderate risk, while any higher score indicates a potentially high risk. Lynchburg's score of 12 equates to a low risk factor.



Figure 26 City of Lynchburg, VA Assessment of Fair Housing

Scoring: 1 – low risk for discrimination 2 – high risk for discrimination

Zoning Ordinance Regulatory Provision			Score
1.	Ordinance defines “family” inclusively, without cap on number of unrelated persons, with focus on functioning as a single housekeeping unit <i>Ex: Two or more persons who live in the same dwelling unit and function as a single housekeeping unit</i>	Yes (1)	No (2) 2
2.	Ordinance defines “group home” or similarly named land use as “a single family dwelling unit”	Yes (1)	No (2) 2
3.	Ordinance allows up to 6 unrelated people with disabilities to reside in a group home without requiring a special use / conditional use permit or public hearing	Yes (1)	No (2) 1
4.	Ordinance regulates group homes as single family dwelling units without any additional regulatory provisions	Yes (1)	No (2) 1
5.	Ordinance has a Reasonable Accommodation provision or allows for persons with disabilities to request reasonable accommodation / modification to regulatory provisions	Yes (1)	No (2) 1
6.	Ordinance permits multi-family housing of more than 4 units/structure in one or more residential zoning districts by-right	Yes (1)	No (2) 1
7.	Ordinance does not distinguish between “affordable housing / multi-family housing” (i.e., financed with public funds) and “multi-family housing” (i.e., financed without any public funds)	Yes (1)	No (2) 1
8.	Ordinance does not restrict residential uses such as emergency housing/homeless shelters, transitional housing or permanent supportive housing facilities exclusively to non-residential zoning districts	Yes (1)	No (2) 1
9.	Ordinance permits manufactured and modular housing on single lots like single family dwelling units	Yes (1)	No (2) 1
10.	Ordinance provides residential zoning districts with minimum lot sizes of ¼ acre or less	Yes (1)	No (2) 1
TOTAL SCORE			12

11-12: Ordinance is at LOW risk relative to discriminatory provisions for housing and members of the protected classes.

13-14: Ordinance is at MODERATE risk relative to discriminatory provisions for housing and members of the protected classes.

15 and higher: Ordinance is at HIGH risk relative to discriminatory provisions for housing and members of the protected classes.

Local Building Codes

Accessible design and construction requirements are necessary to make public and common use spaces and facilities accessible to everyone. This gives people with disabilities greater freedom of choice to choose where they live. The Fair Housing Act requires all “covered multifamily dwellings” to be accessible to and usable by people with disabilities. Here, covered multifamily dwellings are defined as buildings containing four or more units, either with all ground floor units or at least one elevator. The following seven accessibility standards are required by the Fair Housing Act for these dwelling units:

1. An accessible building entrance on an accessible route.
2. Accessible common and public use areas
3. Usable doors (usable by a person in a wheelchair)
4. Accessible route into and through the dwelling unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls in bathrooms for later installation of grab bars
7. Usable kitchens and bathrooms

Additionally, it is unlawful to refuse to make reasonable accommodations that allow for a person with a disability equal opportunity and use and enjoy their home.

Building design and construction standards in Lynchburg more than adequately implements accessible measures for people with disabilities by utilizing state building codes. The City incorporates three parts of the Virginia Uniform Statewide Building Code (USBC) for their construction, rehabilitation and maintenance regulations. These regulations were last updated in 2018. Two sections, the Virginia Construction Code and the Virginia Existing Building Code, each dedicate a chapter to accessibility, meeting the accessibility requirements outlined by the Fair Housing Act along with providing additional protections.

The Virginia Construction Code (VCC) deems a structure as being constructed in accordance with universal design features for accessibility, dwellings must comply with Section 1005 of ICC (International Code Council) A117.1 Accessible and Usable Buildings and Facilities. All seven requirements of the Fair

Housing Act's accessibility standards are covered under this code. The Virginia Construction Code also requires that at least one bedroom, one bathroom regardless of size, food preparation areas, and thermostats must be available on the entrance level of a dwelling. All bathrooms must include a shower or bathtub with reinforcement for future installation of grab bars.

For existing structures, the Virginia Existing Building Code abides by 2015 International Existing Building Code (IEBC) standards. Existing buildings or structures that undergo a complete change of occupancy or use must implement all accessibility features mentioned in the Fair Housing Act. Existing buildings observing only a partial change in occupancy are not required to implement these features. Alterations must comply with the requirements of the VCC to the maximum extent technically feasible. Toilet rooms that cannot be feasibly modified to be accessible allows for the construction of new toilet rooms on the same floor and areas as the existing toilet rooms along with appropriate signage. Accessible dwelling units in historic buildings are not required to comply with VCC standards; however, the public spaces of historic buildings must provide accessible arrival points and entrances.

Anti-Displacement Plan and Relocation Plan

Anti-displacement and Relocation Plans serve to advance the interests of lower-income individuals and households at risk of displacement due to neighborhood changes in various sectors, such as housing, businesses, and infrastructure. The replacement plan is compliant with HUD regulation 24 CFR § 42 and 24 CFR § 570 outlining plans and strategies for addressing displacement.

The City requires that all occupied and vacant LMI dwelling units expected to undergo demolition, rehabilitation, and conversion activities assisted with funds provided through CDBG or HOME programs will be replaced within three years. A replacement plan submitted to HUD will include in writing:

- A description of the proposed activity
- A map providing the location and number units described by number of bedrooms that will be demolished or converted and the replacement units that will be provided
- A time schedule for commencement and completion of the demolition or conversion
- The source of funding and a time schedule for provision of replacement units
- The basis for concluding that each replacement unit will remain a LMI dwelling unit for ten years from the date of initial occupancy.

The City will utilize the following displacement strategy to minimize or prevent displacement, keep residents in their present neighborhoods, or otherwise mitigate adverse effects of displacement:

- Plan, organize, and stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation to provide the most convenient, safe, and economically sound rehabilitation effort possible
- Assist in the identification of temporary relocation facilities to house families whose displacement will be of short duration so that they can move back to their neighborhood after completion of rehabilitation or new construction
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent the placing of undue financial burdens on long-established homeowners or tenants of multifamily buildings

- Counsel and advise homeowners and renters to understand the range of assistance that may be available to meet and protect their housing rights and interests.
- In cooperation with neighborhood organizations, continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.
- Provide lower-income housing in the neighborhood through HUD housing programs; purchase units as-is; rehabilitate vacant units; or construct housing units.
- Give priority in assisted housing units in the neighborhood to area residents facing displacement.
- Target Section 8 existing programs and certificates to households being displaced, and recruit area landlords to participate in the program.
- Provide counseling and referral services to assist persons displaced in finding alternate housing in the neighborhood.
- Work with area landlords and real estate brokers to locate vacancies or households facing displacement.
- Use public funds, such as CDBG and/or HOME, to pay moving costs and provide relocation payments, or, to the extent permissible by local or state law, require private developers to provide compensation to persons displaced by development activities.
- Give persons displaced priority in obtaining subsidized housing.
- Provide counseling and referral services to assist persons displaced to locate elsewhere in the community.

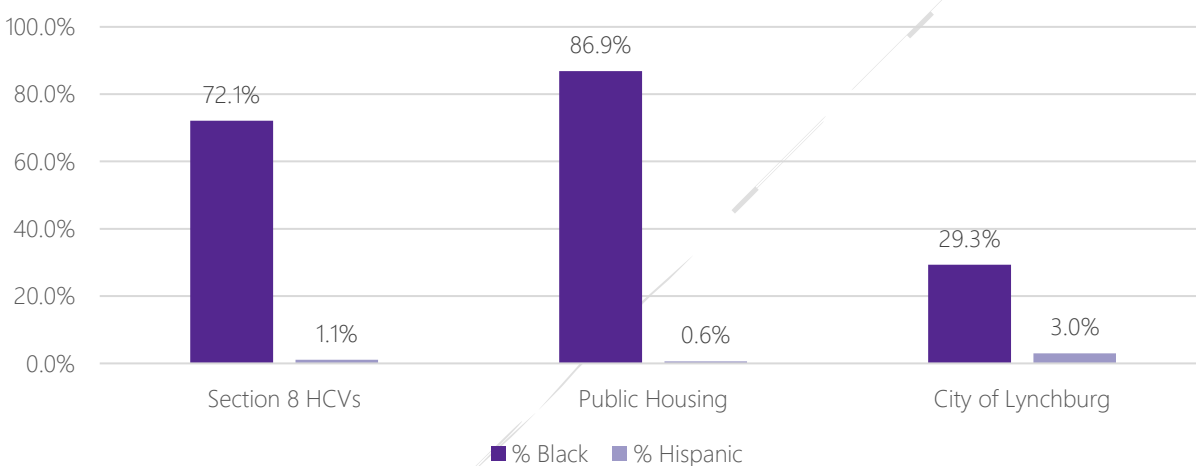
In carrying out this strategy, Lynchburg ensures all displaced residents are provided housing that is decent, safe, and sanitary, adequate in size, functionally equivalent to their previous residence, and in an area not subject to adverse environmental conditions.

LRHA Tenant/ Applicant Demographics

Historically, assisted housing had been highly segregated and concentrated in areas of poverty through ineffective management, redlining, and other discriminatory practices. However, public housing authorities, such as LRHA, are attempting to take appropriate actions to overcome the effects of these impediments.

Members of the protected class are disproportionately represented in public housing, particularly Black households. Conversely, Hispanic households are underrepresented. However, it should be noted that Lynchburg's Hispanic population is small, consisting of only 3% of the total population.

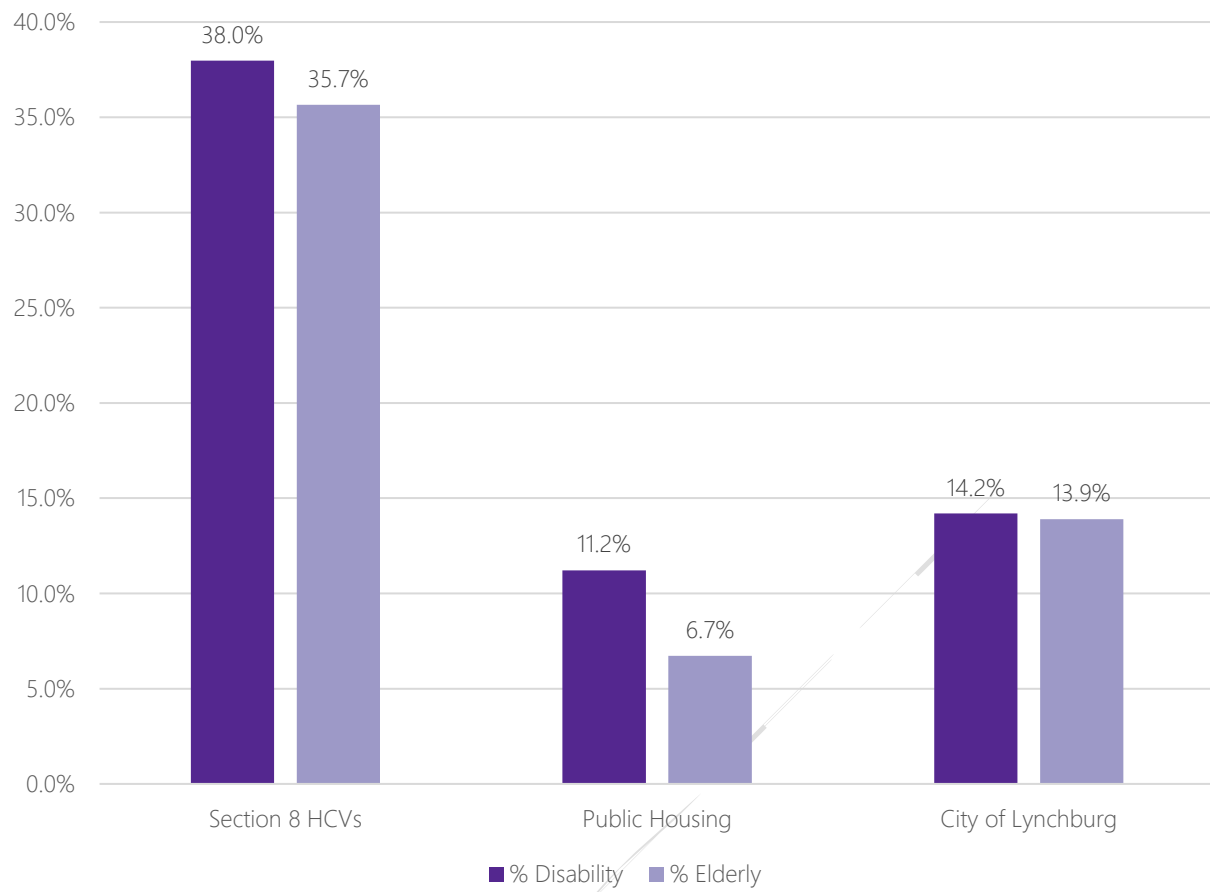
Figure 27 Tenant Demographics – Black and Hispanic Households



Source: Lynchburg Redevelopment and Housing Authority

The elderly and persons with disabilities show relatively high representation in Section 8 housing but underrepresentation in public housing. Persons with disabilities represent 38.0% of Section 8 HCV holders but are only 11.2% of public housing tenants. Similarly, 35.7% of Section 8 HCV holders are elderly compared to 13.9% of all Lynchburg residents and 6.7% of public housing tenants. As defined in LRHA's Admissions and Continued Occupancy Policy (last updated in 2018), local preferences include victims of domestic violence, homeless individuals and their families, veterans, working families, the elderly, and the disabled. Victims of domestic violence, homeless persons, and veterans have a higher level of preference than the elderly and persons with disabilities.

Figure 28 Tenant Demographics – Disability and Elderly Status



Source: Lynchburg Redevelopment and Housing Authority

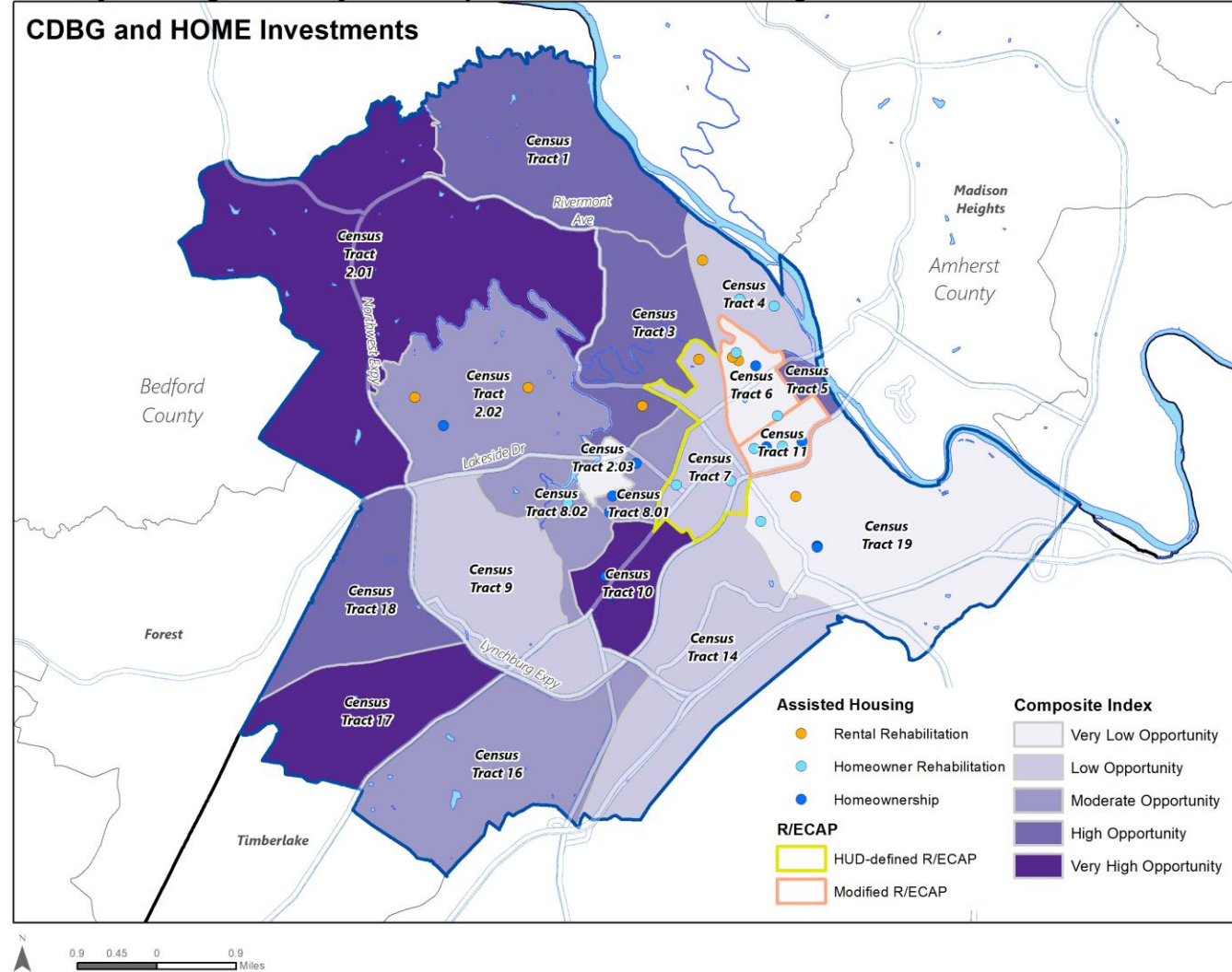
CDBG/HOME Investments

The Community Development Block Grant (CDBG) Program provides annual grants on a formula basis to states, cities, and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons.

Similarly, the HOME Investment Partnerships Program (HOME) provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing opportunities for low-income households.

During PY 2015-2019, 92 housing units received some form of housing assistance using CDBG or HOME funds. Rental rehabilitation was the most common form of investment, consisting of 69 units or 75% of all assisted housing units using CDBG or HOME funds. The remaining investments include eleven homeowner rehabilitations and twelve homeownership assistances. Less than half (45) of all assisted units are in R/ECAPs, indicating an effort to deconcentrate poverty in Lynchburg.

2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice



Source: City of Lynchburg

Assisted Housing Location Patterns

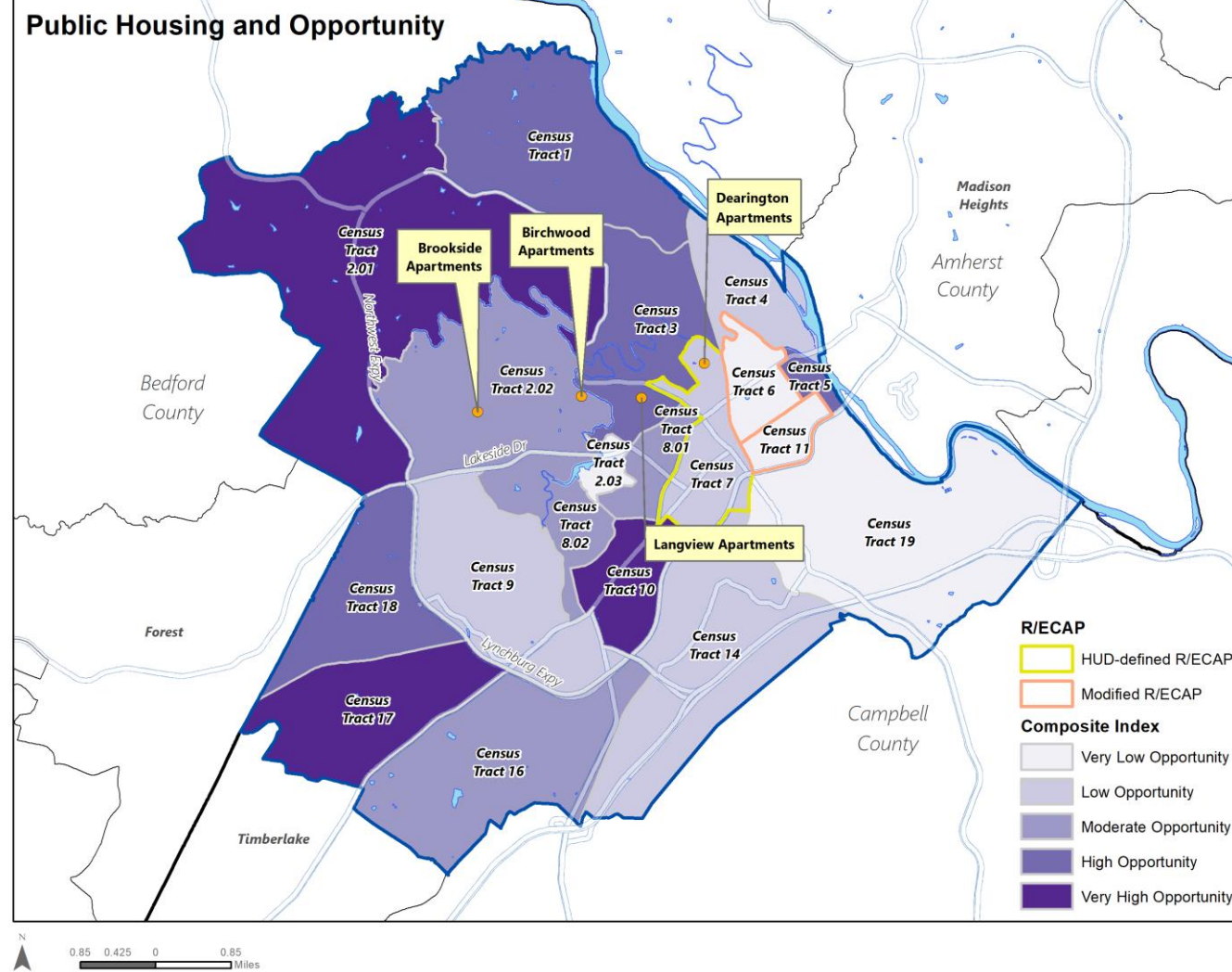
Housing programs serving very-low- and low-income households have historically exacerbated problems of concentrated poverty. However, modern agencies are attempting to administer programs and housing to provide better opportunities for their clients. *While most of Lynchburg's assisted housing is located in lower opportunity areas, these areas have better access to public transit that serve important roles for assisted housing tenants and facilitate the use of vital goods and services.*

The Lynchburg Redevelopment and Housing Authority (LRHA) provides affordable housing through public housing and Section 8 Housing Choice Vouchers (HCVs). As of 2019, LRHA owns and operates 328 units of public housing at four locations within the City. Only one public housing property, the 100-unit Dearington Apartments, is located in an R/ECAP. Other public housing developments are located in census tracts with overall moderate (Brookside and Birchwood Apartments) or high levels (Langview Apartments) of opportunity relative to the rest of the City. These areas can be characterized as having moderate levels of prosperity, moderate health outcomes, and good access to public transit while have poor access to job opportunities and quality schools.

According to PolicyMap, Lynchburg has 1,318 Section 8 HCV holders and showed similar distribution patterns as public housing. Most HCV holders resided in or around the R/ECAPs while no HCV holders could be found in any of the highest opportunity areas in the western and northern parts of the City.

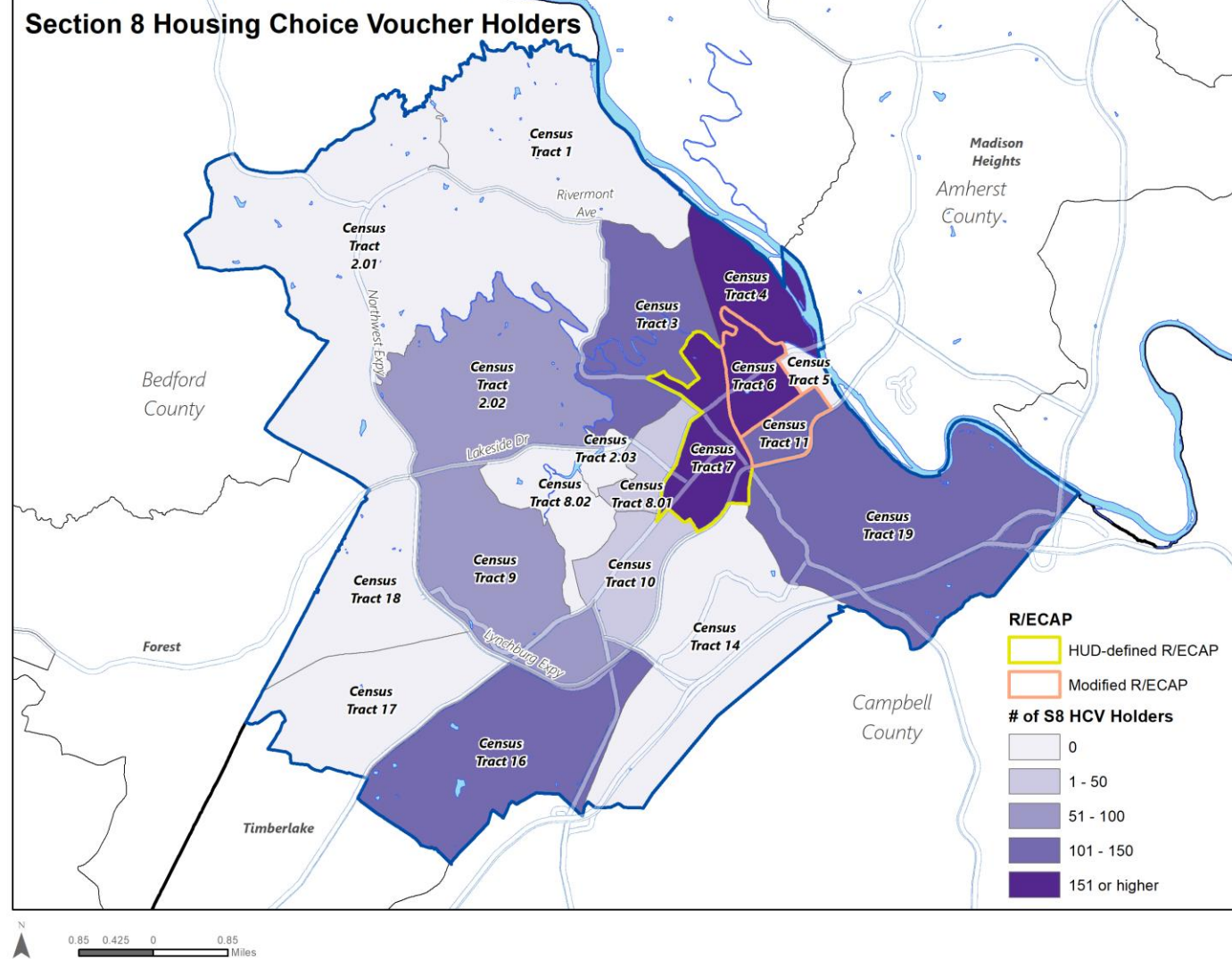
Properties receiving Low Income Housing Tax Credits numbered at 26 properties, with a total of 1,621 housing units. Housing units set aside for low-income Lynchburg residents made up 89.9% of housing units, or 1,458 units. Of these units, 23.9% or 349 low-income units are located in either the HUD-defined R/ECAP or the modified R/ECAPs. Compared to Section 8 housing, LIHTC recipients have a more diverse geographic distribution and can be found in more high opportunity areas such as Census Tract 1, which includes the neighborhoods of Boonsboro, Peakland, and Riverside. However, there are still no LIHTC units located in the highest opportunity areas.

2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice



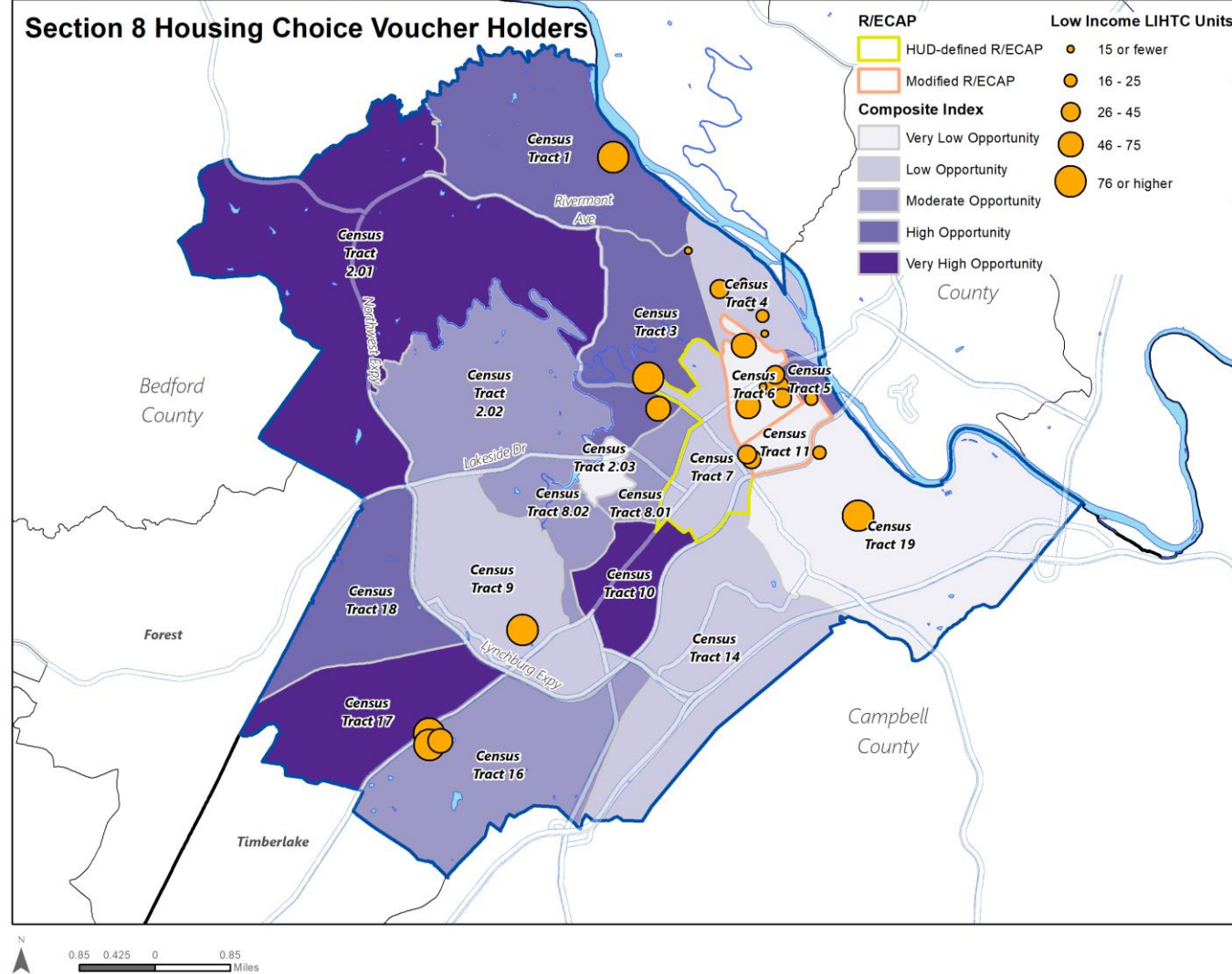
Source: Lynchburg Redevelopment and Housing Authority

2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice



Source: Lynchburg Redevelopment and Housing Authority

2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice



Source: PolicyMap; HUD

Location of Major Employers and Employment Opportunities

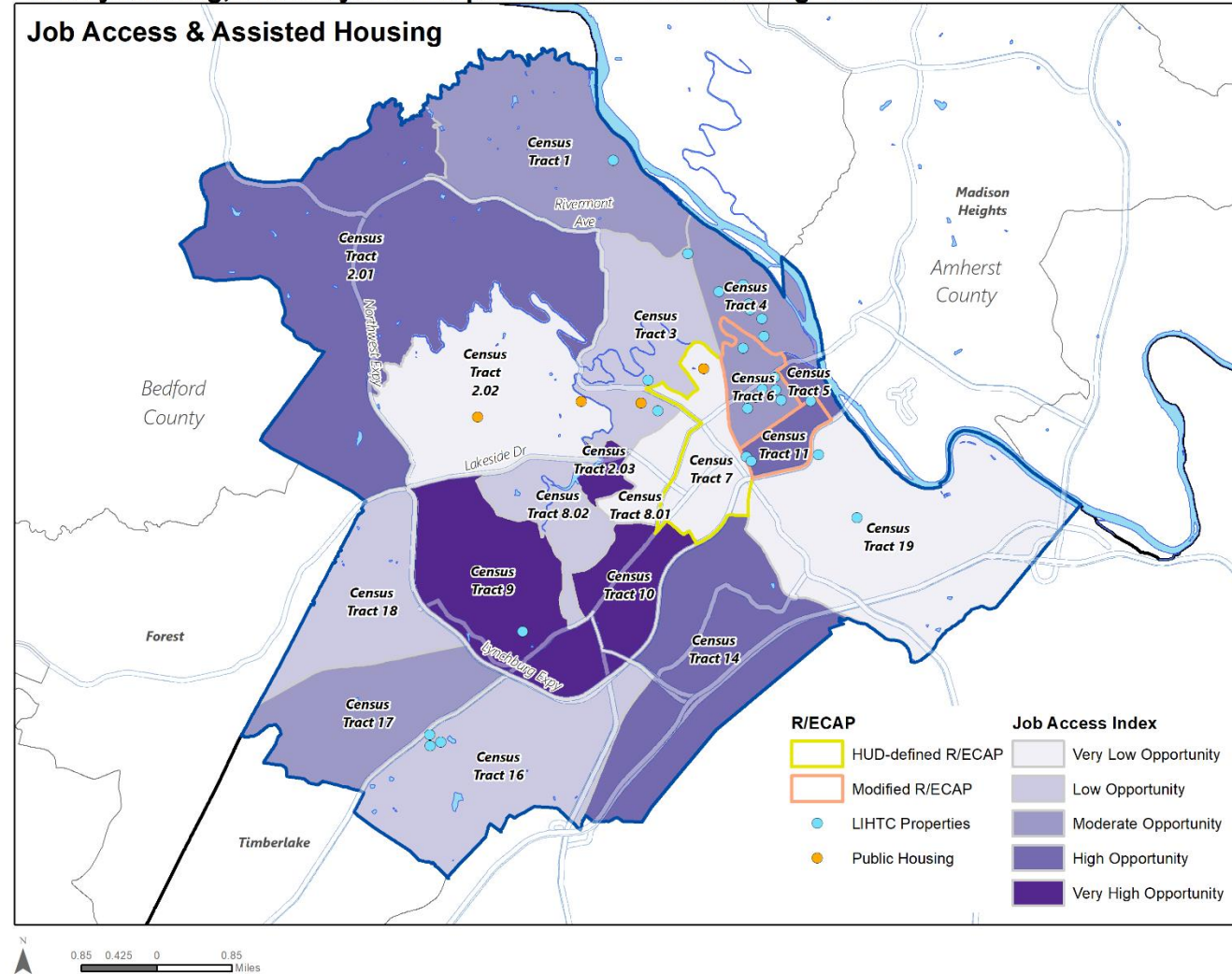
The United States Office of Management and Budget delineates metropolitan statistical areas as a core area containing a substantial population of at least one urbanized area of 50,000 or more inhabitants and having high levels of economic and social integration. As a result, commuting and employment opportunities are best observed at the regional level. The City of Lynchburg serves as the core of the Lynchburg Metropolitan Statistical Area, which also includes the neighboring counties of Amherst, Appomattox, Bedford, and Campbell.

Accessibility to jobs from a given residential neighborhood is a function of a block group's distance to all job locations and labor supply (competition). Block groups close to job opportunities and with less competition tend to receive higher scores. Job opportunities are defined here as the number of jobs within a block group and labor supply the number of workers within in a block group. Distance is measured as the most direct path between the centers of block groups.

Areas with the highest levels of job access are located along the Lynchburg Expressway, especially in areas close to Liberty University and the University of Lynchburg. R/ECAPs have the lowest levels of job access. Additionally, very few assisted housing units are located in these areas, potentially impeding employment opportunities for low- and moderate-income households.

It is important to note that job quality is not measured; this index only captures the quantity of jobs and workers. Job quality is a complex and multifaceted concept that can include a variety of factors weighted differently by individual preferences, including pay and benefits, job security, health and safety, work-life balance, and more. The high concentration of universities in the area may show a demand and need for highly skilled workers not typically found in low- and moderate-income households. Additionally, the areas with high job access have large commercial areas. While these jobs are accessible, they may not provide adequate career progression to lift low- and moderate-income families out of poverty.

2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice



Source: LEHD; Lynchburg Redevelopment and Housing Authority; HUD

Public Transit

Public transit provides additional mobility options for individuals with limited choices due to financial and/or physical barriers or lifestyle choices. Half fares are offered for individuals 65 years of age or older, Medicare Card holders, or persons with disabilities. Persons with disabilities must provide a letter from a physician stating they have a permanent disability.

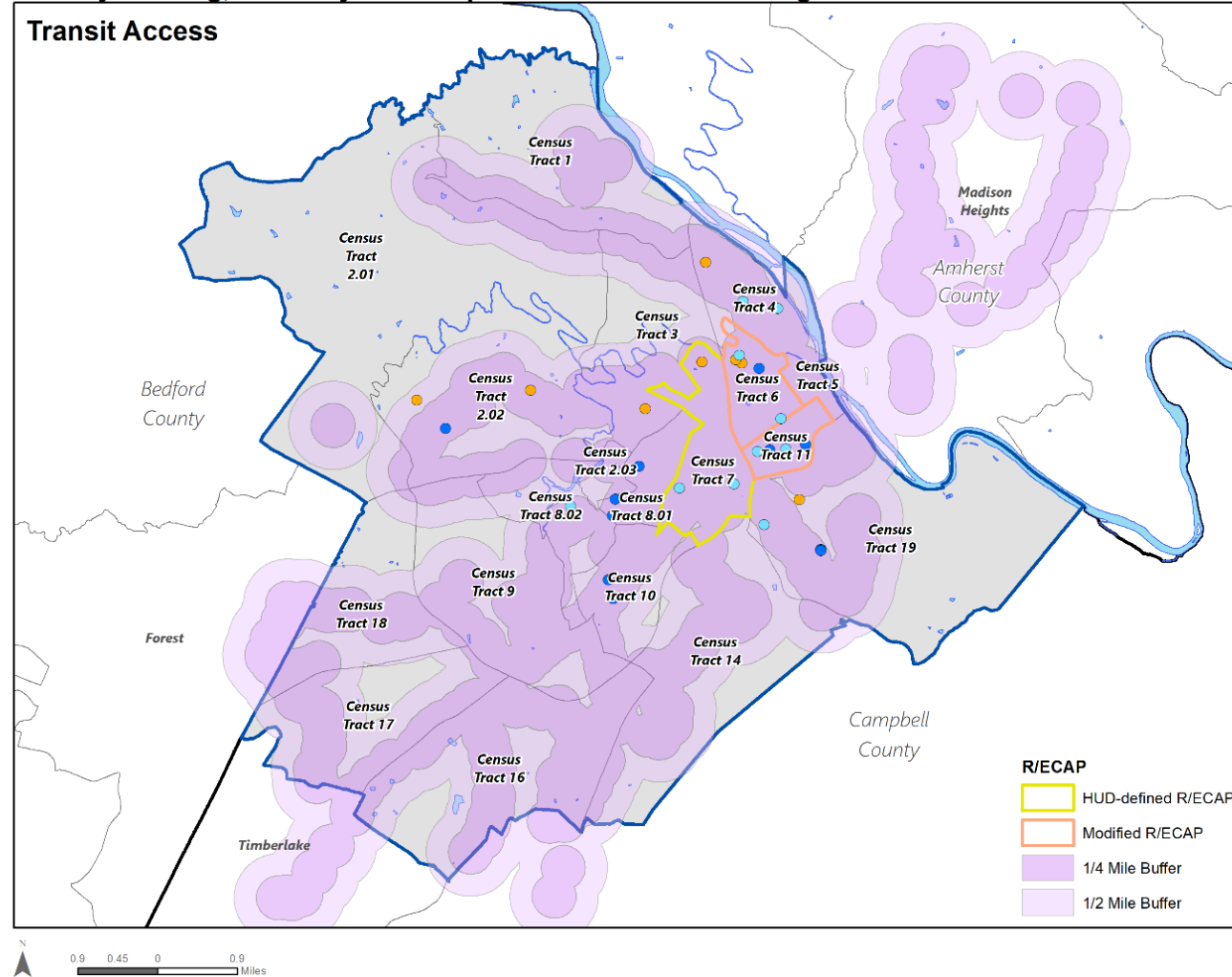
For individuals without a personal vehicle, proximity to transit stops is important to accessing services and amenities. According to the Pedestrian Safety Guide for Transit Agencies by the Federal Highway Administration (FHWA) under the US Department of Transportation, most people are willing to walk for five to ten minutes to a transit stop. FHWA uses these walking times as a proxy for distance, estimating accessible transit stops being $\frac{1}{4}$ to $\frac{1}{2}$ mile away from a pedestrian's starting point, typically their place of residence.

The following map displays two buffers with $\frac{1}{4}$ mile and $\frac{1}{2}$ mile radii to determine transit accessibility. Transit stop data was provided by the Greater Lynchburg Transit Company (GLTC) for fixed bus routes. R/ECAPs are also shown to ensure that areas where poverty and race intersect have adequate access to vital public services such as transit.

All R/ECAPs are located within walkable distance to public transit stops. The areas with the poorest transit access can be found in the northwestern and eastern portions of the City. Additionally, all assisted housing properties are within accessible walking distance to transit stops in Lynchburg. Further consideration should be made based on available pedestrian infrastructure (e.g. sidewalks, crosswalks, curb extensions, etc.) and pedestrian characteristics such as age, physical disabilities, and English proficiency.

Higher opportunity areas within walking distance to public transit stops are located in the southwestern portion of the City, specifically Census Tract 18 along Graves Mill Road. Landlord participation in these areas should be considered to deconcentrate poverty and improve opportunities for voucher holders.

2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice



Source: Greater Lynchburg Transit Company

Language Access Plan

To improve public safety, health, convenience, comfort, and general welfare of all residents, a language access plan is necessary for individuals who are non-English speaking or have limited English proficiency (LEP) to access available services. While Lynchburg does not meet the safe harbor threshold requirement for a Language Access Plan, the City has 896 Spanish-speakers with LEP. The safe harbor threshold is met when a language group with LEP exceeds the lesser of 5% of the population or 1,000 persons.

The City has a brief Language Assistance Plan in place in case an LEP group meets the threshold. The purpose of the plan is to ensure “meaningful access to housing and community development program information and services” for the City’s LEP population. Interpretation and translation services are offered free of charge. Contact information for further clarification on offered services is also provided.

While a language access plan is currently not required for the City, there is room for improvement to provide more specific guidelines when providing language assistance. This includes written guidelines for staff training on policies and procedures for providing language assistance, provision of notices of language assistance services, and the monitoring and updating the language access plan.

Lending Discrimination

In addition to the public sector policies that influence fair housing choice, there are private sector policies that can influence the development, financing, and advertising of real estate. In this section of the AI, mortgage lending practices and high-cost lending are analyzed.

There is evidence of lending discrimination in the private market. Any lender that meets an asset threshold and makes a minimum number of mortgages is required to report mortgage data according to the Home Mortgage Disclosure Act of 1975. The following three tables were generated using mortgage data for 2015–2017 for the City of Lynchburg. Figure 28 indicates that Black and Hispanic applicants faced higher denial rates and lower origination rates (approvals) than White applicants; denial rates for Blacks and Whites were 38.1% and 16.7%, respectively. Hispanic applicants also have a slightly higher denial rate of 26.4% compared to White applicants.

Figure 29 shows that there are differences by race and ethnicity for originations of high cost loans. As of 2014, a high cost loan was defined as a loan with an interest rate more than 6.5 percentage points higher than the average prime rate. The overall rate of high cost loan originations was low in Lynchburg; only 4.3% of originated loans were high cost loans. Black applicants were slightly more likely to have a high cost loan at 7.0%.

Figure 30 compares the rates of high cost loan origination by whether the applicant's income was above or below the HUD area median family income (HAMFI) of the area in which the purchased home is located. Among all high cost loans, 37.0% of recipients had incomes above HAMFI; White and Race Unknown recipients had a higher rate at 40.2% and 83.3%, respectively. However, high cost loans make up only 4.3% of all originated mortgage applications in Lynchburg.

Figure 29 Mortgage application outcomes by race/ethnicity, 2015-2017

	White		Black		Asian		Other		Race Unknown		Hispanic		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Approved	3,095	83.3%	532	61.9%	74	79.6%	20	69.0%	475	73.0%	81	73.6%	4,196	78.5%
Denied	619	16.7%	327	38.1%	19	20.4%	9	31.0%	176	27.0%	29	26.4%	1,150	21.5%
Total	3,714	69.5%	859	16.1%	93	1.7%	29	0.5%	651	12.2%	110	2.1%	5,346	100.0%

Source: HMDA

Figure 30 Rate of high cost loan originations by race/ethnicity, 2015-2017

	White		Black		Asian		Other		Race Unknown		Hispanic		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Not high cost	3095	83.3%	532	61.9%	74	79.6%	20	69.0%	475	73.0%	81	73.6%	4,196	95.7%
High cost	112	3.0%	60	7.0%	4	4.3%	1	3.4%	12	1.8%	3	2.7%	189	4.3%
Total	3,207	73.1%	592	13.5%	78	1.8%	21	0.5%	487	11.1%	84	1.9%	4,385	82.0%

Source: HMDA

Figure 31 High cost loan originations by income level by race, 2015-2017

	White		Black		Asian		Other		Race Unknown		Hispanic		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
High Cost Loans Originated	112	59.3%	60	31.7%	4	2.1%	1	0.5%	12	6.3%	3	1.6%	189	100.0%
Applicant Income Above AMI	45	40.2%	14	23.3%	1	25.0%	0	0.0%	10	83.3%	0	0.0%	70	37.0%
Applicant Income Below AMI	67	59.8%	46	76.7%	3	75.0%	1	100.0%	2	16.7%	3	100.0%	119	63.0%

Source: HMDA

Fair Housing Profile

Fair Housing Laws

The Fair Housing Act defines seven protect classes: race, color, religion, national origin, sex, disability, and familial status. Virginia's Fair Housing Law also adds elderliness as protected classes. Elderliness is defined as an individual who has attained their 55th birthday. As a result, Lynchburg residents have more protections under the State's fair housing law.

The Virginia Fair Housing Office explicitly mentions groups not protected under state or federal fair housing law. Examples given include students, smokers, income status, sexual orientation, and marital status. Should the City of Lynchburg determine a need for additional classes to be protected, a local fair housing ordinance can be passed.

Fair Housing Complaints

Lynchburg residents can receive fair housing services from a variety of agencies such as: the Virginia Fair Housing Office, Virginia Legal Aid Society, and Lynchburg Community Action Group. These groups provide education and outreach, sponsor community events, process fair housing complaints, and in some cases investigate complaints through testing, and /or work to promote a mutual understanding of diversity among residents.

A lack of filed complaints does not necessarily indicate a lack of housing discrimination. Some persons may not file complaints because they are not aware of how to go about filing a complaint or where to go to file a complaint. In a tight rental market, tenants may want to avoid confrontations with prospective landlords. Discriminatory practices can be subtle and may not be detected by someone who does not have the benefit of comparing his treatment with that of another home seeker. Other times, persons may be aware that they are being discriminated against, but they may not be aware that the discrimination is against the law and that there are legal remedies to address the discrimination. Finally, households may be more interested in achieving their priority of finding decent housing and may prefer to avoid going through the process of filing a complaint and following through with it.

Therefore, education, information, and referral regarding fair housing issues remain critical to equip persons with the ability to reduce impediments.

Office of Fair Housing & Equal Opportunity

The Office of Fair Housing & Equal Opportunity (FHEO) at HUD receives complaints from persons regarding alleged violations of the federal Fair Housing Act. Fair housing complaints originating in Lynchburg were requested for this AI but have not been received yet.

Virginia Department of Professional and Occupational Regulation

The Fair Housing Office at the State of Virginia's Department of Professional and Occupational Regulation (DPOR) receives complaints from persons regarding alleged violations of Virginia's Fair Housing Law. DPOR estimates receiving an average of 180 complaints each year for the State of Virginia. Fair housing complaints originating in Lynchburg between the beginning of 2014 to the end of 2019 were requested on January 22, 2020 and received January 30, 2020. During this period, fifteen (15) cases were processed and closed. Please note that many cases have multiple bases for alleged discrimination or split rulings; the sum of all bases will be larger than the number of processed cases.

Figure 32 DPOR Complaints by Basis of Alleged Discrimination, 2014-2019

Basis of Discrimination	Count	Percent
Total	15	100.0%
Sex	4	26.7%
Disability	10	66.7%
<i>Physical</i>	9	60.0%
<i>Mental</i>	1	6.7%
Race	3	20.0%
Age	1	6.7%

Source: Fair Housing Office, Virginia Department of Professional and Occupational Regulation

Of the fifteen cases, most cases were filed based on discrimination against persons with disabilities (66.7%) with nine out of ten of these cases relating to physical disability. Discrimination on the basis of sex was the second most frequent complaint followed by race and then age.

However, only one case resulted in conciliation, which was filed based on race and disability status. The remaining cases were closed due to no jurisdiction, no violation or reasonable cause found, or the case was closed administratively, which includes withdrawn complaints and uncooperative complainants.

Figure 33 DPOR Complaint Investigation Findings, 2014-2019

Findings	Count	Percent
Total	15	100.0%
Closed administrative	5	33.3%
No jurisdiction	4	26.7%
No reasonable cause found	2	13.3%
Complaint withdrawn	1	6.7%
Conciliation	1	6.7%
No violation	1	6.7%
Uncooperative complainant	1	6.7%

Source: Fair Housing Office, Virginia Department of Professional and Occupational Regulation

Summary of Impediments

This section describes the impediments to fair housing choice that emerged from the data analysis, public engagement initiatives, and policy review discussed throughout the AI. They are the results of primary and secondary research that define the underlying conditions, trends, and context for fair housing planning in Lynchburg. The impediments were assigned three priority levels based on the amount and strength of the supporting evidence that initially identified the factor:

- High – factors that limit or deny fair housing choice or access to opportunity, as well as other factors that are urgent or establish a foundation for future actions
- Medium – moderately urgent or building on prior actions
- Low – limited impact on fair housing issue



Figure 34 Contributing Factors Impeding Housing Choice in Lynchburg, VA

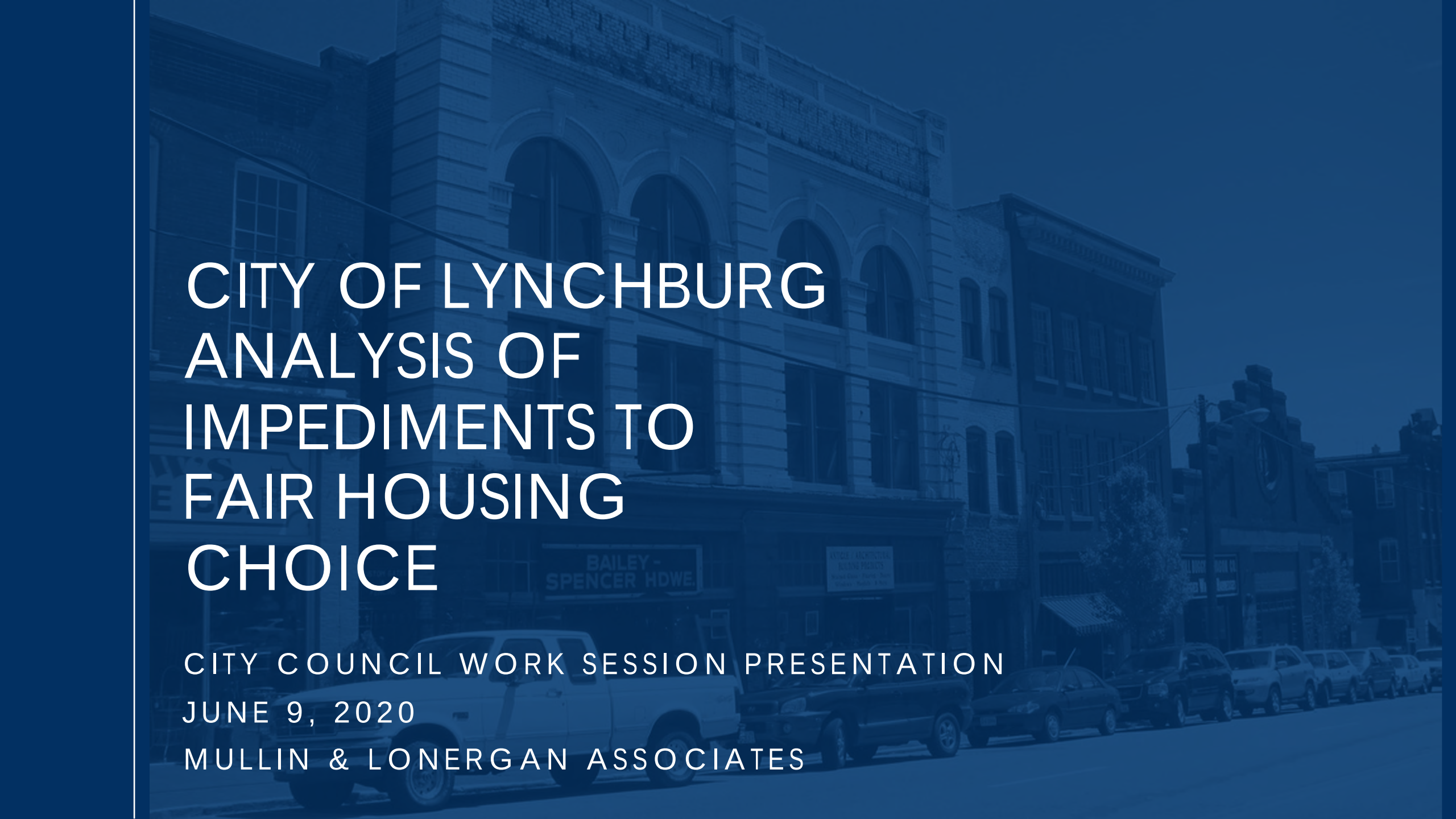
Factor	Priority	Responsible Parties	Discussion
Access to community assets and opportunities	High	City	Community assets such as public transit and jobs can improve access to opportunities, especially for lower income households and persons with disabilities. While the City has good coverage regarding public transit in R/ECAPs, these areas have poor access to the City's employment centers and higher performing schools. Expanding the public transit system to higher opportunity areas could increase opportunities for low- and moderate-income residents.
Location and type of affordable housing	High	City, LRHA, Private Sector	Providing more housing choices in more areas across the City could increase the accessibility and affordability of housing in Lynchburg. While households in Lynchburg are almost evenly split between renters and homeowners, most of the housing stock consists of single-family homes at 65.6% of all housing stock. Multifamily housing is typically more affordable than single-family housing in the same area as a result of increased housing supply and efficient land use. However, multifamily housing options are limited in both the highest opportunity areas and lowest opportunity areas. Additionally, areas with a high concentration of multifamily units are in close proximity to the universities, creating high competition for housing. While the City has shown to be investing funds, such as CDBG and HOME, in higher opportunity areas, the lack of public transit access and landlords to accept HCVs are barriers in locating affordable housing options in higher opportunity areas.
Discriminatory behavior toward members of the protected class	Low	Private Sector	Lending discrimination exists within the City of Lynchburg. Because this lending primarily occurs in the private sector, the City has little direct control. However, the City could continue to provide education and outreach to lenders and borrowers regarding fair housing and lending discrimination, in addition to the organizations advocating for fair housing. Black and Hispanic households are more likely to have their mortgage application denied than White households. Black households were also more likely to receive high-cost loans compared to other races/ethnicities. High cost loans have higher interest rates, making housing less affordable and contributes to both segregation and cost burden. Households receiving high cost loans will seek more affordable housing in lower quality housing stock and be more cost-burdened due to high interest rates.

Fair Housing Action Plan

The following chart includes recommendations based on the identified factors impeding fair housing choice:

Impediment	Action	Measurable Benchmarks	Timeframe
Barriers to housing choices for members of the protected class	The City should specify procedures, training, and monitoring process for implementing the Language Access Plan (LAP) to streamline services and better accommodate persons with limited English proficiency (LEP). This is especially important for when the LEP Spanish-speaking population reaches the safe harbor threshold.	Percent of current and number of new staff members trained in accordance with LAP procedures	2020-2024
Location and type of affordable housing	LRHA should expand Section 8 HCV Program to higher opportunity areas.	Number of landlords recruited to participate in Section 8 program, especially in higher opportunity areas	Ongoing
	The City and other local organizations should address the diverse housing needs for the City's various subpopulation, including students, low- and moderate-income households, persons with disabilities, and elderly persons.	Continue investing in housing in a wide geographic area throughout the City. Number of accessible units created/rehabilitated.	Ongoing
	The City should collaborate with local universities to ensure students are not competing with low- and moderate-income households for housing.	Number on-campus housing units created.	Ongoing

Impediment	Action	Measurable Benchmarks	Timeframe
Location of community assets	The City should collaborate with GLTC to improve access to GLTC routes in higher opportunity areas and employment centers in the City and for individuals working unconventional hours.	Number of transit stops added	Ongoing
	The City and local service providers should centralize public services in locations with good transit access and high concentration of members of protected classes	Increase in number of service users	Ongoing
Discriminatory behavior toward members of the protected class	The City should continue supporting fair housing services, such as housing counseling from Lyn-CAG and legal counseling from VLAS, to reduce rates of eviction, mortgage application denials, high-cost lending, and other discriminatory practices.	Number of program participants	Ongoing



CITY OF LYNCHBURG ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

CITY COUNCIL WORK SESSION PRESENTATION

JUNE 9, 2020

MULLIN & LONERGAN ASSOCIATES

BACKGROUND

Fair Housing is the right to choose housing free from unlawful discrimination

- Federal, state, and local laws protect people from discrimination in housing transactions such as rentals, sales, mortgage lending, and insurance

Protected Class: Group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic

- **Federal:** race, color, religion, national origin, sex, disability, familial status
- **Virginia:** elderliness (55+)

FAIR HOUSING PROTECTED CLASSES



Race



Color



Religion



Disability



Sex



Familial
Status



National
Origin



Age (55+)
in VA

BACKGROUND

An **Analysis of Impediments to Fair Housing Choice** is:

- an analysis of fair housing data
- an assessment of fair housing issues
- identification of impediments to fair housing choice
- development of an action plan to overcome impediments

FAIR HOUSING OBLIGATION

As recipients of Community Development Block Grant (CDBG) and HOME funds, the City is legally obligated to **Affirmatively Further Fair Housing**:

- It must work to stop housing discrimination, and
- It must work to de-segregate and integrate racially concentrated areas of poverty.

Completing the AI is required to meet this obligation.



AI PROCESS



Community Outreach in December

- Met with staff and community stakeholders
- Facilitated two public meetings



Drafted the AI Document

- Reviewed goals in previous AI, assessed progress
- Analyzed demographic, economic, housing market trends
- Reviewed public and private policies impacting housing choice
- Identified barriers to housing choice
- Developed action plan to overcome barriers



Public Comment Period

May 19 through June 23



Public Hearing

To be held on June 23 at 7 pm



Submission to HUD

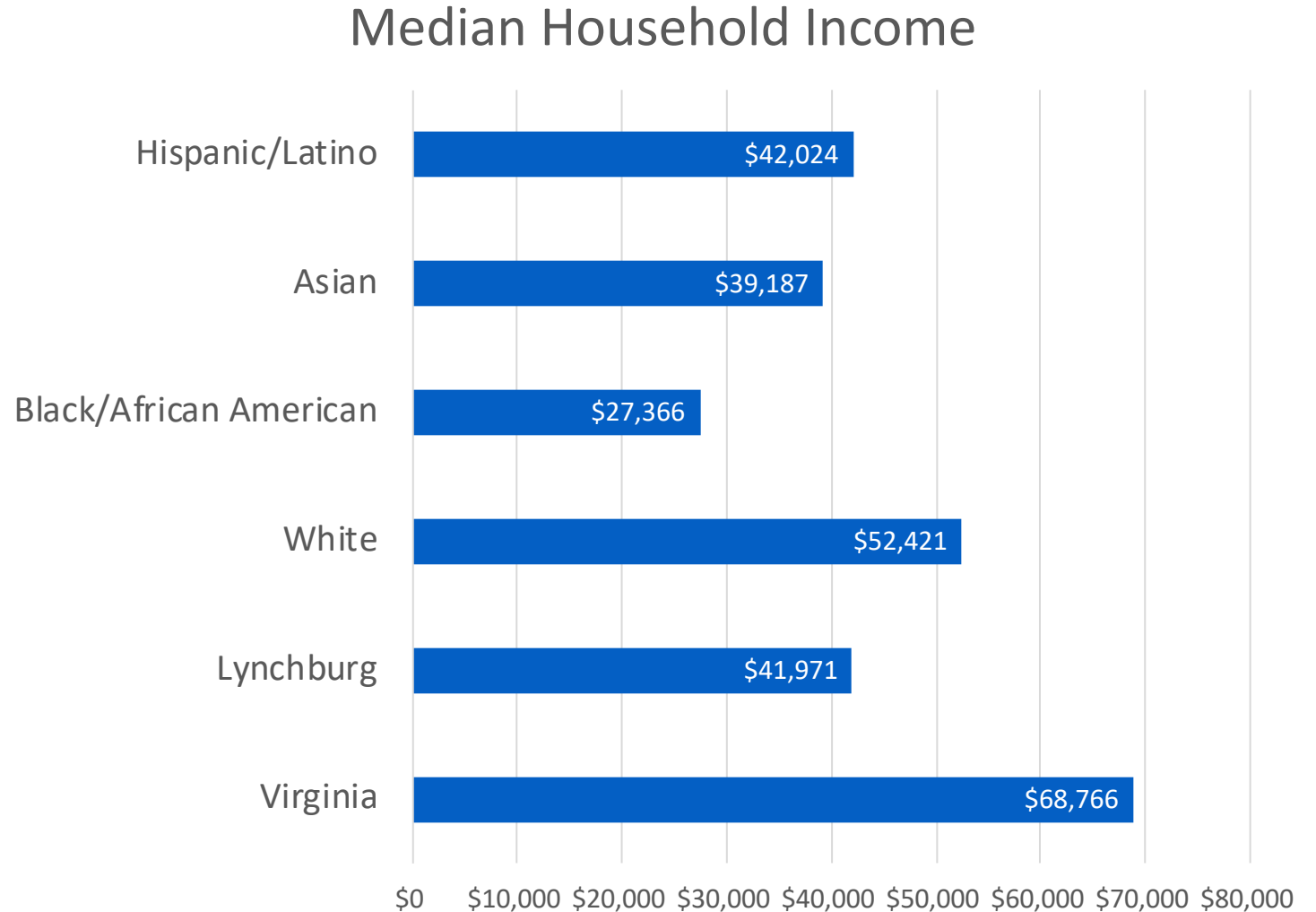
June 30, 2020



SUMMARY OF FINDINGS

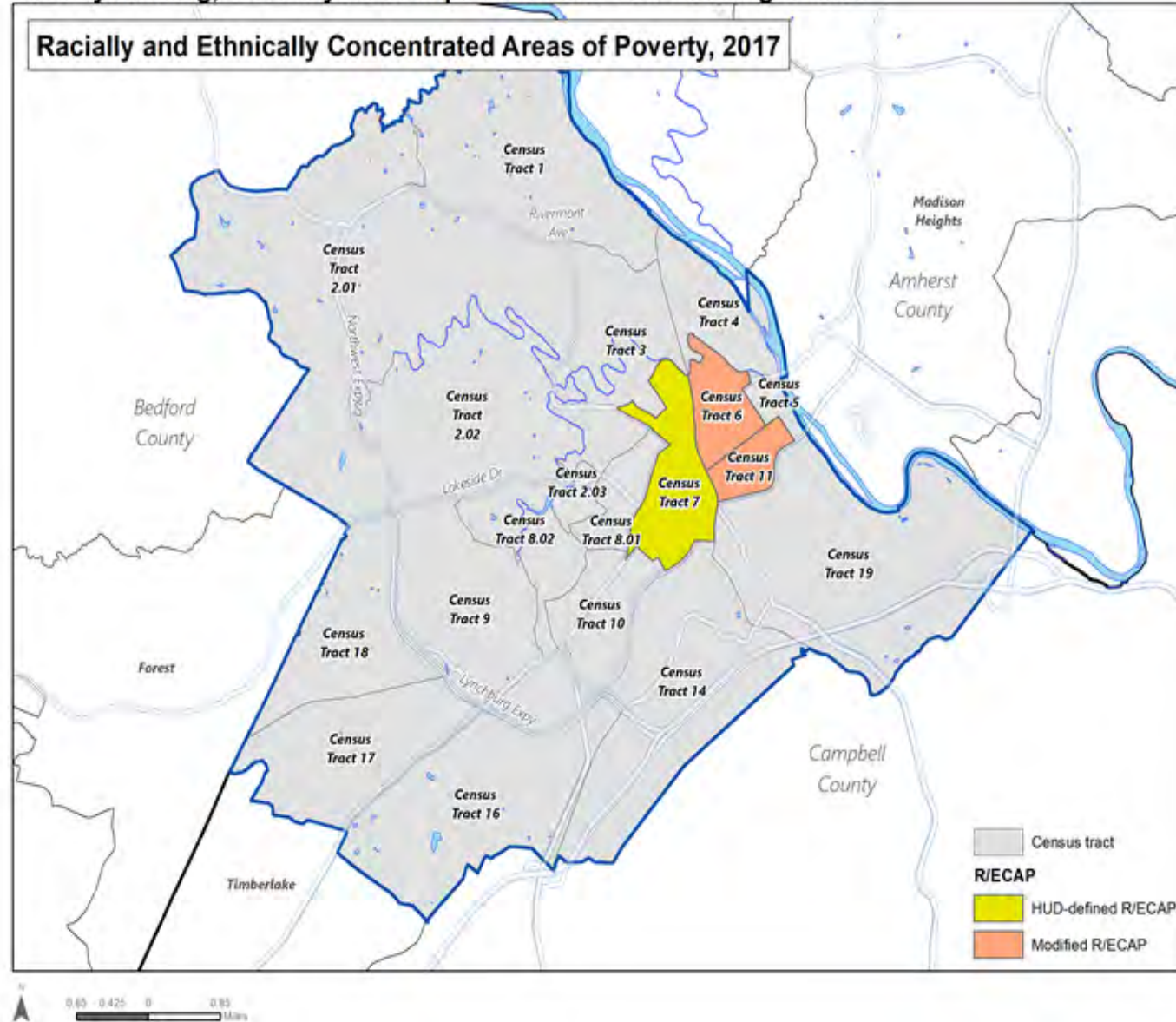
MEDIAN HOUSEHOLD INCOME (MHI)

- MHI for Black/African American households is only 52% of Whites'
- Asian households fared slightly better at 75% of Whites'
- MHI for Hispanic households is 80% of Whites'
- MHIs for White households and Hispanic households exceeded the City's overall MHI



2020 Lynchburg, VA Analysis of Impediments to Fair Housing Choice

Racially and Ethnically Concentrated Areas of Poverty, 2017



R/ECAPS

- Racially or Ethnically Concentrated Areas of Poverty:
 - A census tract with a non-White population of 50% or more, AND
 - A census tract with 40% or more poverty.
 - CT 7
- Two census tracts fell just short of the 40% poverty threshold: census tracts 6 and 11
 - Tate Springs, Dearington, Miller Park, Garland Hill, College Hill, Diamond Hill



FAIR HOUSING ACTION PLAN

IMPEDIMENT #1

Barriers to
housing
choices for
members of
the protected
classes



The City should specify procedures, training, and monitoring process for implementing the Language Access Plan (LAP) to streamline services and better accommodate persons with limited English proficiency (LEP). This is especially important for when the LEP Spanish-speaking population reaches the safe harbor threshold.

IMPEDIMENT #2

Location and type of affordable housing



LRHA should expand Section 8 HCV Program to higher opportunity areas.



The City and other local organizations should address the diverse housing needs for the City's various subpopulation, including students, low- and moderate-income households, persons with disabilities, and elderly persons.



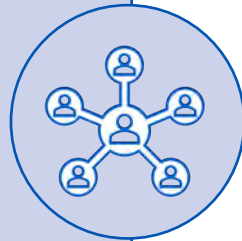
The City should collaborate with local universities to ensure students are not competing with low- and moderate-income

IMPEDIMENT #3

Location of community assets



The City should collaborate with GLTC to improve access to GLTC routes in higher opportunity areas and employment centers in the City and for individuals working unconventional hours.



The City and local service providers should centralize public services in locations with good transit access and high concentration of members of protected classes

IMPEDIMENT #4

Discriminatory
behavior
toward
members of
the protected
class



The City should continue supporting fair housing services, such as housing counseling from Lyn-CAG and legal counseling from VLAS, to reduce rates of eviction, mortgage application denials, high-cost lending, and other discriminatory practices.

NEXT STEPS

- Public Hearing on June 23 at 7 pm
- Council to consider AI along with Consolidated Plan and Annual Action Plan on June 23
- AI will be submitted to HUD no later than June 30
- Implementation of AI occurs through the Annual Action Plan and is reported in the Consolidated Annual Performance & Evaluation Report (CAPER)

COMMENTS TO:

Melva Walker
Grants Manager

Phone: 434.455.3916

Email: melva.walker@lynchburgva.gov

Website: www.lynchburgva.gov

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Brush and Bulk Collection during COVID-19

KEY ELEMENTS:

___Economic Development ___X___Excellent Government ___Natural and Built Environment ___X___Safe Community ___X___Vibrant Community

RECOMMENDATION: Receive an update on the status of brush and bulk collection during the COVID-19 pandemic

SUMMARY: On March, 2020, the Governor of Virginia closed schools and non-essential businesses on March due to the COVID-19 pandemic. As a result of the closures more citizens are staying at home for a variety of reasons: to provide childcare, due to layoffs, or working from home. After the closure, City staff experienced an increase in weekly residential collection overflow and an increase in brush and bulk piles. The increase in residential trash, brush and bulk collection is consistent with the experience of other cities around the Commonwealth. City staff took steps to respond to the increase in weekly refuse and brush & bulk piles, and to plan for the virus resulted in quarantining refuse staff including:

- Cross training Public Works staff in refuse collection duties
- Temporarily reassigning Public Works staff to refuse duties, in particular brush and bulk
- Changing work schedules to provide social distancing resulting in reduced overtime
- Using large dump trucks to assist with collection

Even after engaging in these steps, Public Works staff has not been able to keep up with the volume of brush and bulk being set at the curb. At times brush and bulk collection response time is exceeding 6 weeks. The increased efforts listed above were offset by reduction of overtime, a hiring freeze and other factors related to costs saving measure. Staff recommends some alternative additional resources that may be eligible for the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding (this will be addressed by City Council at its next meeting).

- Purchase 2 additional knuckle boom trucks - \$340,000
- Contract with 3 chipper crews to chip brush - \$90,000
- Contract with small haulers to temporarily increase capacity – (cost depends on the number of haulers)

PRIOR ACTION(S): City Council has engaged in numerous discussions in the last two years related to brush and bulk collection. However, there have been no prior actions specifically related to COVID-19 brush and bulk collection challenges.

FISCAL IMPACT: The fiscal impact of this item depends on the actions taken, but will be offset by CARES funding. Additionally, if the City utilizes CARES funds to purchase knuckle boom trucks, there would be no need for the FY 2021 planned purchase, resulting in savings of \$220,000 from the Fleet Fund.

CONTACT(S): Reid Wodicka, Deputy City Manager – 455-3990
Gaynelle Hart, Director Public Works – 455-4406
Joann Martin, Director of Communications and Public Engagement – 455-3800

ATTACHMENT(S): Powerpoint

REVIEWED BY: raw

065R



Brush & Bulk Collection During COVID 19

City Council Work Session

June 9, 2020



Purpose and Outline

- Purpose: Provide an overview of the COVID-19-related challenges associated with bulk and brush pickup
- Outline:
 - Video discussing collection service challenges
 - Steps taken to remediate increased brush and bulk set outs
 - Further available options
 - Communication efforts regarding current brush and bulk status



Video

- City staff will show a video outlining some of the challenges associated with bulk and brush collection during COVID-19



Steps Taken for Increased Bulk and Brush Set Outs

- Temporary Full-Time Reassignment of Public Works Employees:
 - All Public Works CDL holders have been trained on the operation of trash trucks and knuckle boom trucks
 - Temporarily reassigned a Buildings employee (talented equipment operator) to collect brush and bulk
 - Other Public Works employees work in Refuse Division as needed to cover for illness/vacation



Employees receive training on refuse equipment for temporary reassignments



Steps Taken for Increased Bulk and Brush Set Outs

- Schedule Changes to Reallocate Resources
 - Streets & Grounds Divisions schedule changes to provide social distancing using two shifts using only “straight time” (not overtime):
 - Sunday-Tuesday – 12 hour days; 4 hours on Wednesday
 - Thursday – Saturday – 12 hour days; 4 hours on Wednesday
 - Streets employees re-assigned to bulk and brush collection are also paired with large dump trucks:
 - 12 hours Saturday; 12 hours Sunday



Challenges

- It is clear that there is more bulk and brush being set out, but we are not able to pick up much more.
- Recorded collected tonnage remains steady for a number of reasons:
 - Eliminated all overtime for brush and bulk collection (budget savings)
 - Hiring freeze (budget savings)
 - During pre- COVID- 19 times, brush and bulk collection required overtime (6 days per week, 10 to 14 hours per day) to keep response times reasonable
 - Brush tonnage not currently recorded due to non- functioning scale at Concord Turnpike brush storage site
- Trash has significantly increased in City Parks, which has created an additional burden



Challenges

- Normal operational demands have continued
- Four knuckle boom trucks assigned to refuse with a fifth truck assigned to Buildings and Grounds (B&G) available on weekends
 - Trucks are sometime out of service due to preventative maintenance, repairs and warranty work
 - Conflicts with emergency tree response
- Benefits of additional resources negated by these challenges



Proposed Additional Resources

- Purchase two additional knuckle boom trucks with CARES funding (\$340,000)
- Contract with Asplundh for 2-3 chipper crews to chip brush
 - (\$2,500/per week/crew for 12 weeks= \$90,000)
- Contract with small hauling businesses to provide additional collection capacity until we are caught up (costs depend on the number of people we contract with)



Communication Efforts

- Increased communications to citizens
 - Video
 - Targeted Social Media – Facebook/Next Door/Instagram
 - Website
 - Radio
 - The City Source
 - Citizens First
 - City App



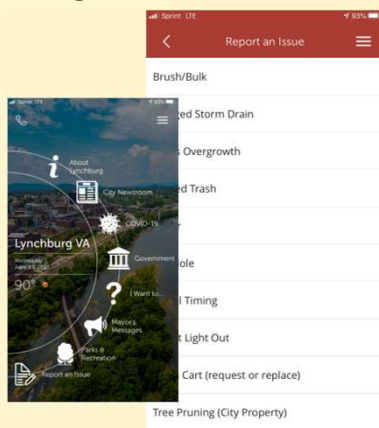
Communication Efforts

BULK AND BRUSH COLLECTION

Important Facts You Need to Know



VIDEO



LYNCHBURG VA APP



BULK AND BRUSH COLLECTION

Important Facts You Need to Know

With the COVID-19 Pandemic and more people being at home doing yard work and cleaning, we haven't been able to keep up with the demand. Bulk and brush crews are working 8-12 hour days, seven days a week to help collect material as it continues to grow.

What can you do to help?

- Separate your bulk and brush piles.
- Do not leave bulk and brush piles near vehicles, mailboxes, fire hydrants or underneath power lines.

Materials that should NOT be in bulk/brush piles:

- Bagged material
- Hazardous Waste (paint, chemicals, solvents)
- Medical Waste
- Construction Debris (Construction debris can be taken to the Region 2000 Landfill located at 361 Livestock Road in Rustburg).
- Brush no larger than three inches in diameter and eight feet in length.
- Bulk items include: furniture, large cartons, appliances, or other large items that can't be placed in a regular trash container.

Residents may bring bulk and brush to the Concord Turnpike Convenience Center Tuesday-Saturday 8:30 a.m. - 4:00 p.m. You must provide proof of City residence and are limited to 500 pounds of bulk/brush waste per month at no cost. *No extended trailers, box trucks or U-Hauls, pickup truck load max.*

SOCIAL MEDIA

PRINTED MATERIALS



CITY SOURCE

10



Questions

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **3**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Revenue Update

KEY ELEMENTS:

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

RECOMMENDATION: Receive an update on the revenue collections received in several key City revenue sources.

SUMMARY: Several key Adopted FY 2020 revenue sources were revised to reflect the anticipated economic impacts due to the COVID-19 pandemic. At the May 26, 2020 City Council meeting, staff informed Council future monthly updates will be provided at the meeting on the second Tuesday of the month to better coincide with timing of City and State due dates. This report includes revenue collections through June 2, 2020.

The revenues in the attached PowerPoint will be updated on Tuesday, June 9th prior to staff's presentation.

PRIOR ACTION(S): Rebalancing the Adopted FY 2020 General Fund Budget Due to Economic Impact of COVID-19, City Council, April 14, 2020.

FISCAL IMPACT: As noted.

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S): COVID-19 FY 2020 Revised Revenue General Fund Operating Budget Monthly Update

REVIEWED BY: bms

066R



COVID-19 FY 2020 Revised Revenue General Fund Operating Budget Monthly Update

City Council
June 9, 2020



COVID-19 FY 2020 Revised Revenue Monthly Update

	Revised FY 2020	Actual Collections FY 2020	Remaining to Collect FY 2020
Net Real Property	\$60,338,212	\$60,319,052	(\$19,160)
<i>Real Property</i>	<i>\$62,125,204</i>		
<i>Allowance for Uncollectible Real Property</i>	<i>(\$1,786,992)</i>		
<i>% Allowance for Uncollectible Real Property</i>	<i>3.0%</i>		
Net Personal Property - local portion	\$18,051,339	\$16,139,661	(\$1,911,678)
<i>Personal Property - local portion</i>	<i>\$18,625,000</i>		
<i>Allowance for Personal Property - local portion</i>	<i>(\$573,661)</i>		
<i>% Allowance for Uncollectible Personal Property - local portion</i>	<i>3.1%</i>		
Net Business License Tax	\$7,988,490	\$8,431,585	\$443,095
<i>Business License Tax</i>	<i>\$8,876,651</i>		
<i>Allowance for Uncollectible Business License</i>	<i>(\$888,161)</i>		
<i>% Allowance for Uncollectible Business License</i>	<i>10.0%</i>		
Motor Vehicle Licenses	\$1,259,385	\$985,106	(\$274,279)

Note: Actual collections revised as of June 2, 2020.



COVID-19 FY 2020 Revised Revenue

Monthly Update *(continued)*

		Revised FY 2020	Actual Collections FY 2020	Remaining to Collect FY 2020
Local Sales and Use Tax		\$15,567,411	\$12,473,745	(\$3,093,666)
	March	1,386,161	1,295,372	(90,789)
	April	966,446	0	(966,446)
	May	1,050,243	0	(1,050,243)
Meals Tax		\$13,253,905	\$11,811,485	(\$1,442,420)
	March	1,140,782	935,569	(205,213)
	April	541,194	802,509	261,315
	May	559,001	156	(558,845)
Lodging Tax		\$2,107,532	\$2,123,077	\$15,545
	March	120,725	170,886	50,161
	April	11,361	60,603	49,242
	May	16,061	0	(16,061)
Amusement Tax		\$626,614	\$617,679	(\$8,935)
	March	40,975	32,690	(8,285)
	April	0	1,332	1,332
	May	0	0	0

Note: Actual collections revised as of June 2, 2020.



Questions, Comments, Observations

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of May, 2020 at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Treney Tweedy,

Sterling A. Wilder, Beau Wright

7

Absent:

0

// In the matter of Budget, Ms. Donna Witt presented Council with an overview of the Coronavirus Aid, Recovery and Economic Recovery (CARES) Act stimulus funds for the City. The City is receiving \$7.18 million in funds and will receive them around the middle of June. It is one-time funding and cannot be used to replace revenue. It must also be spent by December 31, 2020 and the expenses must be directly related to COVID-19. They are trying to prioritize them into three priorities: public health and safety, continuity of operations and small business assistance. They also propose to give \$2 million to Schools for one-time purposes. The Finance department will be scrutinizing all expenses very carefully.

Councilmember Perrow noted this is a crutch, a temporary fix. We have to be diligent about not committing any of these funds for recurring expenses. Councilmember Perrow would imagine that the auditors will look at all of this very carefully. Ms. Witt said Brown & Edwards is already requesting information. Ms. Witt said if they are not spent according to the guidelines, the State can say you have to give them back. Any unspent funds may have to be given back as well.

Councilmember Nelson asked if there will be a rigid protocol to review requests before the funds are expended, and Ms. Witt indicated yes. Ms. Svrcek noted that the school superintendent did a great job of connecting the items on the schools list to the eligibility criteria. Staff will be looking at the list very carefully to make sure that everything is eligible. Ms. Witt said they have been given guidelines but do not have to get the expenses preapproved by the state or federal government. The general guidelines are very specific but she meets with other financial officers every week so they can make sure they get it right. Councilmember Wilder thanked the City staff and the school staff for pulling all of this together for them today in such an expeditious manner.

Councilmember Helgeson agreed that there needs to be a very good, judicious process to review items before the money is spent, so there is no clawback. A clawback makes it even worse for your next year's budget. It would be better not to spend the money than spend it inappropriately and have to pay it back.

Councilmember Perrow asked if this would be a pot of money for consideration outside of their regular budget balancing and Ms. Witt indicated yes. Ms. Witt clarified that the approximately \$2.5 million that the schools received in a separate CARES Act allocation can be used to replace revenue. Ms. Witt also outlined all the amounts that the City has received and how it can be spent and pointed out there is a summary of all amounts received included in the agenda summary.

Councilmember Perrow noted that we need to be very mindful that the money is spent in ways that will improve the City in its totality in the future and not find ourselves relying on this time and time again. It is really up to staff to figure out the best way to invest these dollars in the future of the City and thanked staff for doing so.

// In the matter of Budget, Ms. Witt gave them an overview of the City's March numbers and some of the April numbers. She said she should present at the first meeting of the month instead of the second meeting of the month

because she will have more numbers at that time. She is cautiously optimistic that they read their “crystal ball” well enough that the revenue projections they made are going to come in very close to the estimates. She will report to them again on June 9. Councilmember Perrow noted that she and her staff really dug into the numbers and gave their best guesstimate with not a lot of information and with a lot of speculation. They gave it their best shot and it looks like it was a pretty good one. He thanked Ms. Witt and her staff for a great job.

Councilmember Nelson noted that the due dates for several large money items is still yet to come, so there is the potential for some very good news between now and June 9. There is good news in some of the smaller categories where they have returns at this time. She said that is a fair statement. Councilmember Nelson thinks the credit for that goes to the ingenuity and creativity of the local businesses. They saw the challenge and quickly adapted so they could stay in business and serve the public. He thanked the Downtown Lynchburg Association and Economic Development for making that possible and keeping the spirit of commerce in Lynchburg positive.

// In the matter of Budget, Council continued its discussion of schools and balancing the budget. Ms. Svrcek noted there were a couple of changes since the May 12 meeting. There is now a shortfall of \$38,207 and that issue needs to be resolved. She does not want to suggest this but thinks this shortfall will have to come from the money set aside for the additional firefighters of \$193,936.

Councilmember Helgeson does not think they should do that because some of the items on the list did not have a unanimous vote, but the \$193,936 decision was a unanimous vote and this is really important. Councilmember Wilder noted they have to review the budget in October and January but setting aside this money has shown that they are committed to funding it. He thinks they can make a better assessment in October when numbers are more solid. He made a motion to accept Ms. Svrcek’s recommendation and it was seconded by Mayor Tweedy.

Councilmember Nelson commented that we know this amount of money will not do anything to promote what we want to do for the fire department. He is very hesitant to take any of that money if it sends the signal to our first responders that they get cut from the top first, even though at this point it is purely theoretical. He could support this motion if we revisit the item in June. Councilmember Wright accepted that suggestion as a friendly amendment. Ms. Svrcek clarified for Council that this decision would not preclude them from balancing the budget tonight.

Councilmember Helgeson said he will not be supporting this motion because we should not give our first responders what is left over. It should be a concerted effort to say we care about public safety and it sends a bad message. He thinks they should be sending a message that we will treat them first and not last.

Councilmember Perrow does not understand the point of balancing a budget if we are just going to discuss a significant chunk of it later. If we do not support what the manager has recommended, we are going to have to find a bunch of money. It seems this item will just be revisited again during this budget balancing process. He thinks they should resolve the schools item first and then come back to this item.

Councilmember Wilder does not think it diminishes their support for the firefighters because they have shown that they are committed. The police department made some requests and they did not get them. We allocated a portion and he does not think it is a fair statement to say they are not showing the fire department they support it. Lots of items got cut from this budget such as items Parks & Recreation and the employees’ raises.

Councilmember Wright thinks all of our City colleagues are important. He asked Ms. Witt if she thinks her projection would be that much different in June and she said she did not think so and noted that she has nothing to go on for the fall.

Mayor Tweedy asked if they had been sent any numbers for other expenditures such as eliminating the tellers, leaf collection and the Templeton Center. Ms. Witt noted that the teller windows are closed and they are still getting a lot of calls to make payments in cash. The tellers are front line customer service and they are important to the public. They also process a lot of the mail payments and payments from City departments. They also have to reconcile all the online payments and check them for errors. She listed many other functions they perform. The cost savings would be approximately \$57,784. She noted that Water Resources pays 58 percent of the tellers' salaries.

Eliminating the Templeton Center would save \$106,224, and the majority of that is staff costs. Ms. Tweedy noted they are already lessening the services at two community centers by delaying their reopening. Councilmember Nelson noted the Templeton Center does a multitude of services to the community that have a value to the community much higher than the staff cost. He thinks it is an asset we would be imprudently closing.

Mayor Tweedy recognizes the programs are valuable and a lot of citizens benefit from them, but sometimes we have to spread the pain. She is not recommending it but she wanted to see the numbers.

Ms. Gaynelle Hart discussed the elimination of leaf collection. They are reimbursed by VDOT for some of it and some of it comes from the stormwater fund. Thirty percent of it is from the general fund. If they reduced staff, it would reduce street maintenance, snow removal and all the other services we provide. Mr. Tim Mitchell gave her information that it would potentially increase the cost at the wastewater treatment due to the leaves going into the inlets. It is a savings of \$73,000 and they feel it is insignificant to the service.

Councilmember Perrow thought that it was an interesting point that each visit to the Templeton Center has a cost of \$6.11 per person per visit. He is not passing judgment one way or the other. He just thought it was an interesting data point. Mayor Tweedy wondered what that cost would be per child per visit because that comparison would tell you something. Mayor Tweedy noted that she was not trying to pit demographics against each other, but adults do have options and opportunities to find activities but not children. Councilmember Helgeson noted there are options for children like the Jubilee Center and an after-school program at the James Crossing Apartments, as well as lots of churches. There are lots of programs for children that are not run by the government.

Councilmember Perrow applauded her for bringing those items up and he thinks it warrants discussion and consideration. He brought up managed vacancies and asked the City Manager if it has been a while since they have used anything from managed vacancies for balancing the budget in years. Ms. Witt said they left it alone in case things are worse than what we anticipated and we need to use it. Councilmember Perrow said there should be an aggregate number that you can count on as reoccurring revenue. It has operational value and that is kind of the way it has been and how it works out. He thinks it is a real tool if we need it and we need to understand what the aggregate number is and not an immediate number.

Ms. Svrcek said he raises a good point and it would be very easy to use managed vacancies to balance the budget and not use the firefighter money at all. Councilmember Wilder amended his motion to balance the budget with managed vacancy money in the amount of \$38,207. Councilmember Nelson accepted the friendly amendment

and it was seconded by Mayor Tweedy. Councilmember Perrow said he would be voting against it because he still thinks it is premature to balance the budget at this point without talking about schools. Councilmember Helgeson asked Ms. Svrcek if this is a good policy or not, as it has not been used for several years. Ms. Svrcek said they have not used it for years because they have let it fall to fund balance to pay for those one-time capital needs in the future. We used \$1.5 million in the current fiscal year to help close our \$5 million dollar projected revenue gap. They have not budgeted anything for managed vacancies in FY2021. This is a simple solution in terms of \$38,207 out of a \$194 million budget, but she would caution Council to not use managed vacancies for anything else. The motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Tweedy, Wilder, Wright	6
Noes:	Perrow	1

// Ms. Svrcek directed them to Item #32 on the list (schools funding). The revised operating budget is \$39,828,498. Schools requested \$42 million and then revised its request to \$41 million. Then the City Manager proposed \$40,000,528. She proposed taking an additional \$700,000 to help with the lost revenues from COVID-19, which brings us to where we are today.

Councilmember Wright asked Ms. Witt if she plans to bring back the proposed allocation for the CARES act funds at a later date. She said it will be brought back June 23. He asked if it would include the 28 percent recommended for schools, which is \$2,000,007. She said that is correct. Councilmember Wright wanted to clarify for the viewing audience that is still a \$1.2 million delta between what schools originally requested and what the City Manager is proposing. He noted that we are dealing with an unknown fund balance on both the City side and the schools side. There is a big concern with fourth quarter 2020 sales tax and lottery revenue for schools and first quarter 2021 is really an unknown. We also do not know what the City's deficit is going to be at this point. We know that the City can afford \$39.8 million and we know that schools has received approximately \$2.5 million in CARES money that it can use at its discretion within federal guidelines. We have also heard that the City is willing to part with \$2 million of its CARES money.

He would like to make a proposal but wished to note that everyone is feeling the pain. No one is immune. It is heartbreaking that City staff will not be receiving the wage increase or salary adjustments. It is also heartbreaking for the schools staff that waited a decade to get on a salary step scale. A lot of us do not take it lightly what they have been holding out for and what it means to them. Council does not do anything hastily, but it is a hole that has to be plugged for now and circumstances might change. He offers this up with the idea of the shared sacrifice of schools staff, as well as City staff.

He would propose that Council approve the \$39.8 million and \$2 million in the City's stimulus money. He would further propose that whatever the fund balance is (the latest estimate is \$1.3 million) to be set aside and appropriated at a later date. He would also hope Council will agree by consensus to revisit schools funding in October. It is his understanding that the school superintendent and the school board are amenable to this proposal. He made that in the form of a motion to affirm the City Manager's amount of \$39,828,498 and setting aside the fund balance to be appropriated once we know the final figure. Councilmember Perrow seconded the motion and noted that will be done next fiscal year but the intent is there to revisit this in October or earlier. It seems the logical

approach that Council should take and it supports the diligent work of staff but keeps the door open so the City can make changes as necessary.

Councilmember Nelson thinks it is refreshing and commented it is the identical motion he made two weeks, which was voted down. The rationale was that we did not want to deny schools any more than the \$39.8 million when we might have more and the desire was to postpone it. The net result of his motion and this motion are essentially the same, so he would ask why it was prudent to delay.

Councilmember Wright thought there was an undue rush at the last meeting. There were too many variables and, granted there are still many, but the additional two weeks gave them more time to consult, talk and understand what is in front of them. He is glad they had the two weeks but agrees the net is the same; however, the additional \$2 million in CARES fund are a different twist. In answer to a question from Councilmember Nelson, Councilmember Wright said he is not including the caveat part about raises contained in his memo as part of his motion given that they cannot stipulate how schools spends its money. He thinks it is fair that neither schools staff nor City staff receive a raise until everyone receives a raise.

Councilmember Nelson said he had watched a school board meeting and heard that half of the staff would receive a raise this year and the rest would receive a raise the following year. Dr. Crystal Edwards said that is based on the steps on the salary pay schedules. He heard a discussion that all the teachers were not scheduled to get an increase the way the pay tables were set up. There was no finality on that discussion that half of the teachers were absolutely getting a raise next year. She said the \$41 million request had already removed the step increases, hoping they might be able to revisit it if revenues came in higher than they are projecting. To clarify it for Councilmember Nelson, step increases are not in Option B. She clarified there is no salary increases or step increases.

Councilmember Nelson said there is no question in his mind that the teachers deserve a raise. She said that based on the \$39.8 million from the City, the raises are not there; however, if they receive more revenue than they are projecting, they will revisit the step increases.

Councilmember Helgeson said when a person calls something reckless and almost diabolical one week and then it is fine—he recognizes people have different learning curves and sometimes it takes a little longer to get there. Sometimes you haven't done that and didn't have the experience of the budgets. He is glad they are now coming back full circle. He thinks they need to be empathetic to people that aren't getting any pay and pushing for raises at this time isn't the best thing for us to say. We have to balance between the payers and the services. He hopes the superintendent and the school board will be looking at consolidation with the declining enrollments and looking at how the City is paying for a lot of administrative positions. He knows they are trying and doing their best. He appreciates that. It was his understanding that the state was giving an extra \$2.5 million, which should take a little pressure off our local taxpayers. He thinks that the CARES money can be helpful, but we have to be very careful that we don't take this one-time money and get hooked on it. Sometimes not having that money can be better than having it because you figure out what you can do without and kind of regroup while making sure our children are getting the best learning environment possible. He also said they need to be sure one-time fund balance money isn't just utilized for operations.

Mayor Tweedy said she was somewhat in agreement with Councilmember Nelson's motion at the last meeting. The City Manager had just received the information regarding the stimulus money that morning. She wanted to learn more of what the funds could be used for and is appreciative that the school superintendent came back with more detailed clarification of how it could be used.

Councilmember Wright said there was no urgency last time to push the decision through and it was not going to make a practical difference in the production of this budget. He told Councilmember Helgeson that his remarks did not go unnoticed and he is dismayed. Councilmember Helgeson noted that Councilmember Wright had said that something worthy of debate was deemed reckless. That is not a good way to do things and that was his point. He is sorry Councilmember Wright took it that way and he should not have expunged Councilmember Wright's budget process.

Vice Mayor Dolan was glad to have the extra time and to get the extra information from Dr. Edwards and the City Manager. She thanked the superintendent for her hard work and hopes they can get some decorum and stop insulting each other.

The motion passed by the following vote:

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

Councilmember Nelson made a motion that it is Council's intention to allocate whatever fund balance is generated by the schools to fill whatever gap it has and then address any other priorities. It was seconded by Councilmember Wright. Councilmember Helgeson said he will not be supporting this motion because it is supposed to be one-time money and they should not be put into an operating budget. He does not think that is a good pattern or their normal procedure.

Councilmember Perrow agreed with those statements; however, he sees this as an extraordinary circumstance. It is not a good principle or sound finance, but this is an extraordinary time. It is the intent that it is a "one-off" and not a recurring thing. This motion is a nicety and is not a binding motion, but it certainly does show the intent of Council. He would caution Council to craft the resolution carefully and in conjunction with the auditors because it could be stated that one-time funds had to suddenly be appropriated for operating expenses because of the pandemic. Would that pass the litmus test to use the one-time funds to pay for a couple of roofs? If you get the language correct with the help of the accountants, maybe it could introduce some fungibility into those dollars.

Councilmember Wilder said it is important to give schools some flexibility with the fund balance because we do not know what will happen when the children are able to resume school in the fall. The motion passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Tweedy, Wilder, Wright	6
Noes:	Helgeson	1

Councilmember Nelson mentioned several people who have retired from the school system: Wyllys VanDerwerker, Director, Special Education; Dixie Sears, Supervisor of Curriculum and Instruction in five different areas; Marie Gee, the Director of Personnel and Dr. Ben Copeland, Deputy Superintendent. Councilmember Helgeson recognized Councilmember Nelson's wife, Karen Nelson, the Principal of Perrymont Elementary School,

who is also retiring soon.

// Dr. Reid Wodicka gave Council an update on the City's actions regarding COVID-19. ESF5 will be using funds from CDBG to prepare COVID-19 care kits for citizens. There is also going to be an opportunity to hold a community testing event in partnership with the health department. ESF14 is continuing to develop some best practices for some of the businesses that are reopening. This group will be preparing recommendations for the CARES Act allocation and managing those requests. He mentioned we are seeing new unemployment claims, but we are certainly headed in the right direction. Mayor Tweedy mentioned to the public that staff is looking into the issue of excessive trash on the streets.

// In the matter of Roll Call, Councilmember Nelson had no items. Councilmember Wilder wanted to thank school staff and City staff for working together. He is thankful for their leadership and how they are putting their all into everything they are doing. Councilmember Wright wished to acknowledge the Registrar's office and its team for conducting a safe election and offered congratulations to his colleagues on their reelections. He is looking forward to welcoming Councilmember-Elect Faraldi in July. Councilmember Perrow congratulated his colleagues and Councilmember-Elect Faraldi and wished them his best over the next four years.

Councilmember Helgeson mentioned all the trash that is piling up on the streets. He commended the Public Works staff on working efficiently, even working on Sundays, and picking up a record amount of trash. He would like to see the second scale fixed at the convenience center and possibly a waiver of the 500-pound limit at the convenience center. He also suggested maybe they use a short-term contractor to pick up some of the trash. He was at an event yesterday at Monument Terrace and noticed it could use some pressure washing and other cleanup. He also noted that City Hall needs to be open for public meetings. The doors should not be locked during public meetings.

Vice Mayor Dolan thanked the school leadership. She believes public education is the backbone of our community, if not our democracy. She thanked City staff for getting them through this budget.

Mayor Tweedy congratulated the reelected Councilmembers and Councilmember Elect Faraldi. She asked for a discussion regarding selecting a date for the organizational meeting and it was decided to postpone this discussion until June 9. She also thanked the public for their compliance with the COVID-19 directives to help protect each other and ourselves during the Phase 1 reopening.

// The meeting was recessed at 5:50 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Treney Tweedy,

Sterling A. Wilder, Beau Wright

7

Absent:

0

// Vice Mayor Dolan gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor recognized Trish Roth of Communications & Public Engagement and Krista Boothby of the Office of Economic Development and Tourism for receiving First Place from the National Association of Government Communicators for the Office of Economic Development's Annual Report.

// In the matter of Recognitions, the Mayor recognized the Spring 2020 CO.STARTERS graduates: Amy Corbett; Jennifer Demmin; Keesha Simon; Randy Sass; Seth McGuire; Talia Conner and Taunya Bryant.

// In the matter of Recognitions, the Mayor recognized the week of May 17–23 as Emergency Medical Services Week.

// In the matter of Recognitions, the Mayor recognized the Mayor's Youth Council graduating seniors: Jackson Brestel; Gracie Patterson; Landis Thompson; Annie Townsend and Virginia Townsend.

// The City Attorney, Mr. Walter Erwin introduced Mr. Matthew Freedman, who is joining the City Attorney's office as the Deputy City Attorney.

// Copies of the revised minutes of the March 10, 2020, having been previously furnished Council, and previously approved, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
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Noes:		0
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// Copies of the minutes of the May 5, 2020, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
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Noes:		0
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// Copies of the minutes of the May 12, 2020, having been previously furnished Council, reading was dispensed with, and on motion of Councilmember Perrow, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
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Noes:		0
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// In the matter of Community Development, Council conducted a public hearing to adopt a resolution approving the submission of Substantial Amendment #2 to the Fiscal Year (FY) 2020 (Program Year [PY] 2019) Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program to the U. S. Department of Housing and Urban Development (HUD); and amend the FY 2020 Community Development Block Grant budget with resources of \$420,487 from the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV) Program Funds. Ms. Melva Walker summarized the request for Council.

Ms. Charlotte Lester of Parks and Recreation spoke in favor of the request. Ms. Denise Crews of LYNCAG spoke in favor of the request. Ms. Shawne Farmer of Interfaith Outreach spoke in favor of the request. There were no others present in Council Chamber to speak in favor or in opposition to the petition. The Clerk of Council played a phone call from Sarah Quarantotto of Miriam's House speaking in favor of the request. There was no one else to speak in favor or in opposition of the petition, and the public hearing was closed.

The Community Development Action Group (CDAC) did not have a formal meeting but was given the opportunity to comment. Councilmember Wright noted that there was consensus among the committee members that these are worthy and valuable projects. Most of it is going to go toward utility and rent assistance, which is

desperately needed. He is very pleased to recommend all the projects for approval by Council. Councilmember Wilder said he was glad to hear that the programs are working together, so there is no duplication of efforts. He made that in the form of a motion and it was seconded by Councilmember Perrow.

Councilmember Helgeson thinks a lot of the programs mentioned are great. He thinks the \$39,990 for a communications and awareness campaign of coronavirus could be used for needs such as rent and utility payments. He does not think there is anyone who is not aware of COVID-19. He would like to see the \$39,990 go to the nonprofits that are actually working and not for marketing, especially since people are not working and the nonprofits are seeing fewer donations. He would recommend we amend this and take the \$39,990 and give it to the four groups that are actually doing “boots on the ground” work.

Ms. Joann Martin came forward and said the title might be a little misleading. This is not a campaign to tell people about the coronavirus but rather to make them aware of the resources that are available. They know that oftentimes low to moderate income people do not know what resources are out there and might not have the same access to resources that some of us might have. They will be working with these four agencies and the United Way. Some ideas are water bill inserts, door hangers and billboards in target areas.

Councilmember Wilder thinks it is very important for our community to be aware of things. He thinks COVID-19 has really affected the African American community, but he would like all people to know what resources are available. He gets calls every day from the business community.

Vice Mayor Dolan works with many nonprofits and hears quite often that people do not know what resources are available to them. She thinks this is a fantastic idea.

Councilmember Perrow would like them to partner with other departments to make sure they are getting information out for those departments as well. Ms. Martin said of course they could do that and they work with all the departments, even the court system. They are very open to collaborating because that is how they will be successful.

Councilmember Helgeson noted the marketing campaign will generate calls but then there is no money available because it was spent on the campaign. The CDBG area is a large area and then there will be no resources to assist them. Ms. Martin said this is a public education campaign to also let people know where to get medical or legal help, for example. Mayor Tweedy said this is an unprecedented time where people who thought they would never help now need help and they do not know where to find it. It is more of an awareness campaign. Ms. Martin said it will also connect people who are willing to give money with organizations that need it. Councilmember Helgeson asked Councilmember Wright if he could separate this item from the motion to approve the entirety of the requests. He agreed to do so. Mayor Tweedy and Vice Mayor Dolan disclosed she is on the board of LYNAG but they can both be impartial in their vote. The motion to approve the requests, except for the \$39,990 for the communications campaign, passed by the following vote:

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

The motion to approve the \$39,990 for the COVID-19 communications awareness campaign passed by the following vote:

Ayes:	Dolan, Nelson, Perrow, Tweedy, Wilder, Wright	6
Noes:	Helgeson	1

// In the matter of Schools, a public hearing was held regarding to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2020, in School Board Districts 1, 2 and 3. Mayor Tweedy read into the record the names of the current School Board members whose terms will expire on June 30, 2020: Dr. Robert Brennan, School District 1 (Willing to serve again); Dr. Kimberly Sinha, School District 2 (Willing to serve again); Dr. James Coleman, School District 3 (Willing to serve again). Mayor Tweedy then read into the record the name of volunteers who have applied to-date to serve on the School Board:

<u>District 1</u>	<u>District 2</u>	<u>District 3</u>
Dr. Kathie Carwile	Ms. Consuela M. Mosley	Ms. Cheryl Giggetts
Mr. Brian Farrow	Dr. Tony Ryals	Mr. Andrew Glover
Mrs. Tracey Langseth	Ms. Christina M. Wilson	Dr. Richard Heinlein

The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board: Dr. Robert Brennan (current Board Member in District 1); Dr. Kimberly Sinha (current Board Member in District 2) and Dr. James Coleman (current Board Member in District 3). Dr. Kathie Carwile was not present due to a family emergency and was not able to submit a statement. Mr. Brian A. Farrow was not present and the Clerk of Council read a statement on his behalf. Mrs. Tracey Langseth was not present and the Clerk of Council read a statement on his behalf. Ms. Consuela M. Mosley was not present and the Clerk of Council read a statement on her behalf. Dr. Tony Ryals was not present and the Clerk of Council read a statement on his behalf. Ms. Christina M. Wilson was present and communicated her interest and presented her credentials and qualifications. Ms. Cheryl Giggetts was not present and the Clerk of Council read a statement on her behalf. Mr. Andrew Glover and Dr. Richard Heinlein were present and communicated their interest and presented their credentials and qualifications. There was no one else present who wished to speak to this item.

Councilmember Wright made a motion to close the public hearing and move this discussion to closed session. The motion was seconded by Councilmember Nelson who felt they have a broad slate of candidates and does not see the need to keep it open. Councilmember Perrow said there are good candidates but traditionally they have left it open just because this interaction raises awareness. He would recommend they keep it open for one more meeting. He made that as a substitute motion and it was seconded by Councilmember Helgeson. Councilmember Helgeson did not think it hurts to keep it open since this is the first time it has been discussed. Councilmember Wright noted that the applicants tonight do not need to come back to the next meeting. Vice Mayor Dolan was concerned if that gives them enough time to conduct interviews. Councilmember Perrow said they could begin scheduling interviews while keeping the public hearing open. The motion to accept the substitute motion passed by the following vote:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wright	6
Noes:	Wilder	1

The motion to keep the public hearing open until June 9 passed by the following vote:

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

Noes: 0

// In the matter of Public Comment, Joshua Pratt addressed Council. He owns BRT Transportation and they are the only charter bus service in the City and provide school field trips for LCS. He would like Council to consider a property tax relief due to the circumstances that we are all going through with the pandemic. If we are really in this together, he would ask Council to consider cutting the personal property tax in half of behalf of the small businesses and citizens of Lynchburg.

// In the matter of Budget, Council considered introducing a resolution to amend the FY 2020 General Fund Ambulance Service Fees budget and appropriate \$116,677 with resources from the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES) Stimulus Act Provider Relief Fund to offset loss of revenue related to COVID-19 transports. Councilmember Nelson, the Vice Chair of and on behalf of the Finance Committee, made a motion to approve the resolution. The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Council considered introducing a resolution amending the FY 2020 Stormwater Operating Fund budget and appropriate up to \$59,755 with resources from the North American Association for Environmental Educators (NAAEE) – National Oceanic and Atmospheric Administration (NOAA) 21st Century Community Learning Center Watershed STEM Education Partnership Grant. Councilmember Helgeson, the Chair of and on behalf of the Finance Committee, made a motion to approve the resolution. The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Council considered introducing a resolution amending the FY 2020 Water Fund Operating Budget to increase revenues by \$57,561 with resources from the Liquid Aluminum Sulfate Class Action Settlement. Councilmember Helgeson, the Chair of and on behalf of the Finance Committee, made a motion to approve the resolution. The motion passed by the following vote:

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

Noes: 0

// On motion of Vice Mayor Dolan, seconded by Councilmember Wilder, by the following recorded vote, elected to hold a closed meeting to consider appointments and scheduling for Lynchburg City School Board interviews and for the discussion and consideration of prospective candidates for the position of City Manager pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia.

The motion passed by the following vote:

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

Noes: 0

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

Councilmember 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 Councilmember Perrow, and Council by the following recorded vote adopted the motion:

Ayes:	Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright	7
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Noes:		0
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// The meeting was adjourned at 9:00 p.m.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

For reference for
Items #6-8

MEETING DATE: **May 26, 2020**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding Substantial Amendment #2 for the CDBG program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV) Program Funds

KEY ELEMENTS:

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

RECOMMENDATION: Hold a public hearing and adopt a resolution approving the submission of Substantial Amendment #2 to the Fiscal Year (FY) 2020 (Program Year [PY] 2019) Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program to the U. S. Department of Housing and Urban Development (HUD); and amend the FY 2020 Community Development Block Grant budget with resources of \$420,487 from the Community Development Block Grant *Coronavirus Aid, Relief and Economic Security Act (CARES ACT)* (CDBG-CV) Program Funds.

SUMMARY: The City has received notification from HUD for a special allocation of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. HUD allocated \$2 billion based on the fiscal year 2020 CDBG formula for entitlement cities. Lynchburg's allocation is \$420,487.

For receipt of these funds, in accordance with HUD regulations; the City is required to submit a "Substantial Amendment" to its FY 2020 (PY 2019) CDBG Annual Action Plan. This Amendment is to include projects that will prevent, prepare for, and respond to the Coronavirus (COVID-19).

Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. Attached is a summary of the applications received from local nonprofits and City departments. These projects/activities are eligible according to the HUD guidelines and will benefit the citizens of Lynchburg that have been or will be affected by COVID-19.

In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days as approved by HUD and the Community Development Advisory Committee (CDAC) did not conduct a public meeting regarding the submitted projects. However, the applications were provided to CDAC with the opportunity to comment on the proposed projects. The CDAC comments provided to City staff supported the funding of the proposed projects. The following lists of projects are recommended for funding by City staff:

CDBG-CV PROJECTS PROPOSED FOR FUNDING:

City Administration	\$22,745
Summer Lunch and Play Program (City-Parks and Recreation Department)	\$20,000
Community First-Rent & Utilities Assistance (Miriam's House)	\$75,000
Emergency Housing and Utility Assistance (Lynchburg Community Action Group)	\$170,000
Safe at Home Emergency Assistance (Interfaith Outreach)	\$40,000
COVID-19 Care Kits (City-Department of Emergency Services)	\$52,752
COVID-19 Awareness Communications Campaign (City-Communications and Marketing)	\$39,990
Total CDBG-CV	\$420,487

The public was notified of the public hearing through a public notice advertisement published in *The News and Advance* on May 20 and through various sources of social media. To date no public comments have been received regarding the Substantial Amendment and the proposed projects.

PRIOR ACTION(S): None

FISCAL IMPACT: The FY 2020 Community Development Block Grant fund will be increased by \$420,487

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

ATTACHMENT(S):

Resolution

Attachment A – Summary of CDBG-CV Applications

Attachment B – CDBG-CV Worksheet

REVIEWED BY: raw

RESOLUTION:

#R-20-033

BE IT RESOLVED that the FY 2020 (PY 2019) Community Development Block Grant (CDBG) Annual Action Plan Substantial Amendment #2 incorporating the proposed CDBG-CV projects is hereby approved for submittal to the U. S. Department of Housing and Urban Development (HUD); and

BE IT FURTHER RESOLVED that the FY 2020 Community Development Block Grant budget is amended and \$420,487 is appropriated with resources from the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT) (CDBG-CV).

Introduced:

Adopted:

Certified:

Clerk of Council

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Summary of Fiscal Year (FY) 2020 Community Development Block Grant *Coronavirus Aid, Relief and Economic Security Act (Cares Act)* (CDBG-CV) Program funds from the U. S. Department of Housing and Urban Development (HUD)

Following is a brief summary of each of the applications received for consideration of the CARES Act CDBG-CV Program funding. Entire applications are available and can be reviewed in the Grants Administration Office.

City Administration (Grants Administration) - \$22,745

Funding is requested to fund personnel and operating costs associated with managing and monitoring the CDBG-CV projects.

Summer Lunch & Play Program (City-Department of Parks and Recreation) - \$20,000

The Summer Lunch & Play Program supports families by providing nutritious meals and recreational activities for youth, from the neighborhood center grounds, during the summer recess. The free program is offered in partnership with non-profit organizations and Lynchburg City Schools, the sponsor of the USDA Summer Food Service Program.

Due to the coronavirus, the Summer Lunch & Play Program model has necessarily been modified – with the guidance of federal and state public health authorities – in an effort to keep citizens safe through physical distancing, restrictions on gathering, and enhanced cleaning. Throughout the weeks of summer recess, the Summer Lunch & Play Program at Neighborhood Centers will be continue to follow the Governor of Virginia’s Forward Virginia Blueprint, which identifies progressive response phases: I, II, and III.

In response to the coronavirus the Parks and Recreation Department proposes to administer the Summer Lunch & Play Program in a new way this year. The “Lunch” component began early, on March 30, and will remain carry-out, rather than congregant, through the end of July. The Department proposes to add the “Play” component, as a carry-out component, for six weeks in June/July. This “recreation -to-go” model, keeps kids healthy and active during the lazy days of summer, by providing them with unitized play things, to support at-home recreational activity, until such time as we may safely gather at the centers again.

While the City of Lynchburg General Fund provides for the operations and maintenance of these facilities and adjoining parks, funds available for recreational supplies are limited under normal circumstances, even more so during the coronavirus pandemic. The free Summer Lunch and Play Program address social equity as well as health and wellness for low- to moderate-income families and children during this public health emergency.

Community First-Rent & Utilities Assistance (Miriam’s House) - \$75,000

Miriam’s House is applying for \$75,000 in order to provide short term rental assistance to households who become homeless as a result of COVID-19. These funds will be administered through their organization’s Community First program which already provides rental assistance and supportive services to homeless families with children and youth-headed households. The

project infrastructure including trained staff, a robust landlord network and financial controls are all in place to quickly provide this crucial assistance to households made vulnerable as a result of COVID-19. This specific funding will be segmented from existing Community First funding in order to ONLY provide rental assistance for households who become homeless due to COVID-19. It is anticipated that much like the recession in 2008 that the current economic recession due to COVID-19 will result in an increase in households experiencing homelessness. This new project will allow homeless households who lost their housing due to the economic impact of COVID-19, to get back on their feet by linking them with affordable rental housing and providing supportive services. Current households enrolled in Community First were connected to rental housing in less than 30 days of when their homeless episode began which ensures continuity of employment, health care services, educational services and other stabilizing supports.

Emergency Housing and Utility Program (Lynchburg Community Action Group-Lyn-CAG)-\$170,000

During the Covid-19 Pandemic several individuals have lost employment. Lynchburg Community Action Group, Inc. (Lyn-CAG) proposes to offer three (3) months of services to individuals and families who are behind in rent/mortgage and/or utilities. Individuals will need to show proof they lost their job due to the pandemic and be HUD income eligible. Staff will review the information and if eligible clients can receive up to three (3) months of expenses in the identified area.

Lyn-CAG is the only HUD certified Housing Counseling agency in the region. The services that are offered give clients the tools necessary to become sustainable. Through the rental program, classes are offered in money management and counseling is provided on how to pay debt. This service also addresses the fair housing laws so that clients can become better educated on their rights and responsibilities as a tenant. Clients are taught about saving for such a crisis by having three (3) months of income saved.

Lyn-CAG is one of the organizations in the area who offers emergency utility assistance. They have partnered for over 20 years with American Electric Power's (AEP) Neighbor to Neighbor program to aid clients who are facing a termination notice. When funding was available, Lyn-CAG has provided an Emergency Assistance and Crisis Intervention Program which provided clients with financial assistance through a voucher system for rental assistance, utility assistance (electric, gas, wood and water) as well as a food pantry.

The Foreclosure Prevention Counseling program is one that helps a homeowner in the region stabilize during crisis while creating an action plan to either save their home or transition. This service provides the client with tools necessary to make a sound judgment while working with servicers to ensure that remaining in the home or transitioning out of the home is the best option.

Clients who receive assistance through the CDBG-CV funds will be strongly encouraged to enroll in one of these to programs. This will help to ensure that the client will be better situated in the event another crisis arises.

Safe at Home Emergency Assistance (Interfaith Outreach) - \$40,000

The local unemployment rate in Lynchburg skyrocketed with the mandatory COVID-19 related closing of some businesses, organizations, schools, and childcare. With safety in mind, evictions and utility terminations was halted beginning in mid-March to present with people amassing large bills for both. Many homeowners got extensions on having to pay their mortgages which are now delinquent.

Interfaith Outreach's Safe at Home Emergency Assistance will provide assistance to households with verified financial needs due to COVID-19 in the form of delinquent mortgage assistance payments, delinquent rent assistance payments, and delinquent utility payments made directly to the vendors. Loss of shelter, power, and water would pose an immediate threat to the health and welfare of the Lynchburg community. Households receiving this assistance must have a need as a result of COVID-19 and are low and moderate income persons whose household incomes are at or below 80% of the Area Median Income (AMI) as adjusted for family size and as determined by HUD for Lynchburg.

COVID-19 Care Kits (City-Department of Emergency Services)-\$52,752

The Center for Disease Control and Prevention (CDC) guidelines recommends that everyone should wear a cloth face cover when they have to go out in public. Also, if soap and water are not readily available it is recommended to use hand sanitizer that contains at least 60% alcohol. The Pandemic has proven to be a major setback for many of those already struggling to improve their lives particularly households with young children within the urban core of the City. The youth in the City schools could benefit from a COVID-19 kit that would include masks, hand sanitizers, and educational materials to help reduce the spread of the COVID-19 virus. This project would meet an urgent need that poses a serious and immediate threat to the health or welfare of the community and other financial resources.

This project would provide COVID-19 preparedness kits to at least 2,400 City school students who participate in the Summer Food Service Program. The Summer Food Service Program is available at the neighborhood centers where at least 50% of the children are eligible for free meals from the schools. The kits would include hand sanitizer, masks, and preparedness information in multiple languages.

COVID-19 Awareness Communications Campaign (City-Department of Communications and Marketing)-\$39,990

Accurate, easily obtainable, relevant information is critical even in good times. During a pandemic it can be the difference between life and death. Experts have recommended that people avoid large crowds, stockpile shelf-stable foods in case they end up quarantined, stay home from work and contact a doctor if they are ill. There's a confluence of issues that indicate individuals who are on the lower end of the income scale, or are unemployed and underinsured, but there's a key problem with that advice: A lot of low-income people can't afford to follow it. Low-income jobs - line-cooks, nurse's aides, grocery store clerks - mostly can't be done remotely, and the majority of low-income jobs don't offer paid sick days. It is also difficult for people on the lower to moderate end of the socio-economic spectrum to obtain useful information on how and where to obtain the resources they need including food, financial assistance, healthcare and other vital information. The purpose of this project is to insure easy

ATTACHMENT A

access to important information to all sectors of the City's population but with a focus on those individuals and families in the lower to moderate social-economic spectrum.

In order to reach the intended audience, a variety of public information tools will be employed. The information will address prevention (staying closer to home when possible, wearing masks and possible resources, washing hands) financials resources, food resources, etc. The funds will be used to purchase air time on local television and radio stations, printed materials to insert in water bills, billboard rentals in strategic locations, door hangars and flyers left in neighborhoods with large low to moderate income residents, radio advertising, paid advertisements on the Greater Lynchburg Transit Company buses, printed advertisement pieces placed in neighborhood markets/gas stations, etc.

CDBG CARES ACT CORONAVIRUS (CV) ENTITLEMENT FUNDS		
FISCAL YEAR (FY) 2020		
Total CDBG CV Available	\$ 420,487.00	
		City Council
	Amount	Amount
	Requested	Awarded
NAME	FY 2020	FY 2020
City Administration	\$ 22,745.00	
Summer Lunch & Play Program (City-Parks & Recreation Dept.)	20,000.00	
Community First-Rent & Utilities Assist. (Miriam's House)	75,000.00	
Emergency Housing and Utility Program (Lyn-CAG)	170,000.00	
Safe at Home Emergency Assistance (Interfaith Outreach)	40,000.00	
COVID-19 Care Kits (City-Dept,. Of Emergency Services)	52,752.00	
COVID-19 Awareness Communications Campaign (City-Communications and Marketing)	39,990.00	
Totals	\$ 420,487.00	\$ -
Remaining Amount to Award	\$ -	\$ 420,487.00

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 26, 2020**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Coronavirus Aid, Relief, and Economic Security Act (CARES) Provider Relief Fund Stimulus
Payment: \$116,677 for the Fire Department

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2020 General Fund Ambulance Service Fees budget and appropriate \$116,677 with resources from the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES) Stimulus Act Provider Relief Fund to offset loss of revenue related to COVID-19 transports.

SUMMARY: The U.S. Department of Health and Human Services has awarded the City a stimulus payment through the CARES Act Provider Relief Fund in the amount of \$116,677 to support healthcare-related expenses attributable to COVID-19. The CARES Act prohibits the Fire Department from direct billing patients with COVID-19 symptoms, which results in a loss of revenue. However, these funds are authorized to be used to offset loss of revenue related to COVID-19 transports. This lost revenue does not include payments that have been or will be made by insurance companies or other third party entities where direct billing may be applicable.

This allocation is a stimulus requiring no reimbursement.

PRIOR ACTION(S): May 26, 2020: Finance Committee will review this request

FISCAL IMPACT: None – No local match is required.

CONTACT(S): Fire Chief Greg Wormser, 455-6340
Fire Administrative Manager Annette Pettyjohn, 455-6368

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

RESOLUTION:

#R-20-034

BE IT RESOLVED that the FY 2020 General Fund Ambulance Service Fees budget is amended and \$116,677 is appropriated with resources from the Coronavirus Aid, Relief, and Economic Security Act (CARES) Stimulus Act Provider Relief Fund to be used to offset loss of revenue related to COVID-19 transports.

Introduced:

Adopted:

Certified:

Clerk of Council

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LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 26, 2020**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: North American Association for Environmental Educators (NAAEE) – National Oceanic and Atmospheric Association (NOAA) Watershed STEM Education Partnership Grant

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution amending the FY 2020 Stormwater Operating Fund budget and appropriate up to \$59,755 with resources from the North American Association for Environmental Educators (NAAEE) – National Oceanic and Atmospheric Administration (NOAA) 21st Century Community Learning Center Watershed STEM Education Partnership Grant.

SUMMARY: The Department of Water Resources (DWR) has been awarded the NAAEE and NOAA 21st Century Community Learning Center Watershed STEM Education Partnership Grant totaling \$59,755 to be distributed over two years. This grant was a national, competitive award with an application process which included creating partnerships with 21st Century Community Learning Centers (21st CCLCs) in the Lynchburg City Schools (LCS). Funds from this grant will provide the opportunity for DWR to partner with two 21st CCLCs within LCS to implement service learning and watershed focused enrichment activities. The grant will allow students to safely visit parts of their City they otherwise might not experience, learn about the value of water, and strengthen their personal experiences and positive impact in the watershed and the world. The program is tentatively scheduled to run from Fall 2020 to Spring 2022.

Programming will occur at Linkhorne Elementary School and Heritage Elementary School. Through this partnership pilot program, students will have the opportunity to:

- Tour the City's water treatment plant, visit the James River, and collect data from streams on or near their school's property. Students will use new stream monitoring technology and testing kits, which will be purchased with funds from this grant.
- Partake in service learning by identifying a water related problem in their community and will propose and implement an action plan to address the identified problem.

Additionally, the grant will allow DWR to engage students' parents in water-related topics during parent engagement sessions. Finally, the grant provides funds for professional development opportunities for partnering 21st CCLC's educators to attend the Virginia Association of Environmental Education's Annual Conference and participation in professional development workshops led by Department of Water Resources educators.

PRIOR ACTION(S): May 26, 2020: Finance Committee will review this request

FISCAL IMPACT: There is no financial impact other than staff time and the use of City vehicles and existing equipment.

CONTACT(S): Tim Mitchell, Director of Water Resources, 455-4252

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

RESOLUTION:

#R-20-034

BE IT RESOLVED that the FY 2020 Stormwater Fund Operating budget is amended and \$59,755 is appropriated with resources from the North American Association for Environmental Educators (NAAEE) – National Oceanic and Atmospheric Association (NOAA) 21st Century Community Learning Center Watershed STEM Education Partnership Grant to implement service learning and watershed focused activities in partnership with Lynchburg City Schools.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit – Automotive Tire Store – 3139 Old Forest Road

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the Conditional Use Permit to allow the use of the existing building as an automotive tire store.

SUMMARY: RNR of Virginia (Jonathan Rose) is petitioning for a Conditional Use Permit (CUP) at 3139 Old Forest Road to allow the use of an existing building as an Automotive Tire Store in a B-3, Community Business District. Automotive Tire Stores are a permitted use in the B-3, Community Business District upon approval of a CUP by City Council. One (1) existing vehicular entrance on Confederate Avenue is proposed to be closed and landscaping on the site would be improved.

PRIOR ACTION(S):

May 13, 2020: The Planning Division recommended approval of the Conditional Use Permit.
The Planning Commission recommended approval of the CUP. (7-0)

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

CONTACT(S):

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

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – May 13, 2020
- Planning Commission Packet – May 13, 2020
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Property Photograph
 - o Speaker Sign in Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-037

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO RNR OF VIRGINIA IN THE B-3, COMMUNITY BUSINESS DISTRICT AT 3139 OLD FOREST ROAD TO ALLOW THE USE OF AN EXISTING BUILDING AS AN AUTOMOTIVE TIRE STORE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of RNR of Virginia for a Conditional Use Permit at 3139 Old Forest Road to allow the use of an existing building as an Automotive Tire Store in the B-3, Community Business District is hereby approved subject to the following conditions:

1. The site shall be developed in substantial compliance with the conceptual site plan.
2. Landscaping shall be added to the site so as to be in closer conformance with the City's Landscaping Ordinance.

Adopted:

Certified: _____
Clerk of Council

068R

MINUTES OF THE MAY 13, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of RNR of Virginia (Jonathan Rose) for a Conditional Use Permit in a B-3, Community Business District to operate a tire store in an existing building at 3139 Old Forest Road.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. This property is currently zoned B-3, Community Business District, and was most recently used as a carpet store. Tire stores are permitted in B-3 districts upon approval of a Conditional Use Permit by City Council. This proposed use and the zoning along the corridor are not really in keeping with the proposed neighborhood commercial uses but City Council has recently approved other auto oriented uses in the area. One existing entrance to the property would be closed, which would improve access management to the property as well as help along Old Forest Road. The petitioner will be working with staff to bring the site as close as possible in compliance with the City's landscaping ordinance. Staff recommends approval of the Conditional Use Permit.

Chair Rogers asked who was here to speak on behalf of the petition.

Mr. Will Sigler, of Cardinal Survey & Design, addressed the Commission. This is an adaptive reuse of an existing building so that it doesn't sit there and go to waste. There are no proposed improvements to the building, other than signage and façade. Contact has been made with adjacent neighbors but there has been no response.

Commissioner Bowden asked for clarification on the change being made to the access point.

Mr. Sigler responded that the entrance will be turned into landscaping.

Chair Rogers asked if there was anyone present who wished to speak in favor of the petition.

Mr. Gary Case, of Gary W. Case & Co., Inc., addressed the Commission. Additional landscaping will be added along Old Forest Road and, as stated in the report from staff, there will be no negative impact on the adjoining neighborhood.

Chair Rogers asked if there was anyone present who wished to speak in opposition of the petition, when no one came forward he closed the public hearing.

Commissioner Marion noted that she had no questions or objections. This use fits in as well as the carpet store did with the other businesses along Old Forest Road.

Commissioner Lowe stated that he has no objections to this either. There are auto part stores across the street as well as garages and oil change places so a tire store will fit in. It is also better than having an empty building.

Chair Rogers asked for clarification on what will specifically be sold.

Mr. Jonathan Rose, of RNR of Virginia, addressed the Commission. His company is a franchise that sells passenger tires, light truck tires, wheels, and does light automotive aftermarket work if people want to lift up their truck or achieve that "off-road" look. It is a simple and clean business.

Chair Rogers responded that it doesn't seem like there's a lot of competition for something like that.

Mr. Rose responded that there is plenty of competition but the company is Norfolk-based and has wanted to expand in Lynchburg for a long time.

Chair Rogers stated that this will be a nice use for a property that has been sitting empty. It is a unique building and not every business would be able to utilize it.

Commissioner Johnson shared agreement.

Commissioner Bowden stated that this will take away some traffic issues.

Commissioner Bowden made the following motion, seconded by Commissioner Lowe, and passed by the following vote:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of RNR of Virginia for a Conditional Use Permit at 3139 Old Forest Road to allow the operation of an automotive tire store in a B-3, Community Business District subject to the following conditions:

1. The site will be developed in substantial compliance with the conceptual site plan.

2. Landscaping shall be added to the site so as to be in closer conformance with the City’s Landscaping Ordinance.”

AYES:	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: May 13, 2020
Re: **Conditional Use Permit (CUP) – 3139 Old Forest Road – Automotive Tire Store**

I. PETITIONER

RNR of Virginia (Jonathan Rose), 160-A Wellman Street, Norfolk, Virginia 23502

Representative: Mr. Willard Sigler, Cardinal Civil Resources, 306 Enterprise Drive, Suite C, Forest, Virginia 24551

Property Owner:

Clagar Partners, 155 Deer Haven Drive, Lynchburg, Virginia 24501

II. LOCATION

The subject Property is a tract of approximately one (1) acre located at 3139 Old Forest Road.

III. PURPOSE

The purpose of the petition is to allow the use of an existing building as an automotive tire store.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030* recommends a "Neighborhood Commercial" use for the area.
- Automotive Tire Stores are permitted in the B-3, Community Business District upon approval of a Conditional Use Permit (CUP) by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Neighborhood Commercial use for the area. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers. Neighborhood shopping centers meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average about 50,000 square feet of space. A small grocery store or drug store is often the anchor for a neighborhood shopping center. Office uses should be relatively small-scale with building floor areas not exceeding 20,000 square feet and heights not exceeding four stories. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. *(p.75)*

The proposed use does not fit well within the proposed Neighborhood Commercial land use. However, the property was most recently used as a carpet store and the proposal would reuse an existing building. Another "auto oriented" use was recently approved by Council (Valvoline) at 3033 Old Forest Road. The *Future Land Use Map* in this area should be examined

for revisions, given the existing B-3, Community Business District Zoning in the area and historical development patterns.

2. **Zoning.** The subject property was annexed into the City in 1976 from Campbell County. The existing B-3, Community Business District zoning was established on May 22, 1979 as part of a study of the Old Forest Road area.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 22, 1979, City Council approved the Old Forest Road Study which rezoned several parcels along the Old Forest Road Corridor.
 - On November 10, 1981, City Council approved the petition of Lynchburg Investment Company to rezone the property located at 2820 Linkhorne Drive from R-3 to B-3C to allow the construction of a shopping center.
 - On March 8, 1983, City Council approved the petition of Hammer Gay to amend previously approved proffers for the property located at 2820 Linkhorne Drive.
 - On November 12, 1985, City Council approved the petition of Lynchburg Investment Company to rezone the property located at Linkhorne Drive and Fulton Street from B-3 to B-5C to allow the operation of a television studio with a transmitting tower.
 - On January 14, 1992, City Council approved the conditional use permit petition of Monro Muffler, Inc. to allow the construction of a facility for minor auto repairs at 3201 Old Forest Road.
 - On February 14, 1996, City Council approved the petition of Ivy Lake Properties, Inc. to rezone the property at 3112-3132 Link Road, from R-3 to R-4 to allow the construction of apartments.
 - On April 9, 1996, City Council approved the conditional use permit petition of Robert Brammer to allow the addition of a service bay to an existing service station at 3020 Old Forest Road.
 - On March 9, 2013, City Council approved the petition of BoJo, Inc. to amend the Future Land Use Map to Community Commercial and to rezone from R-2 and R-3 to B-3C to allow the construction of a restaurant at 1001 and 1003 Dandridge Drive and 1000 and 1002 Ardmore Drive.
 - On August 8, 2017, City Council approved the petition of Tacoma, Inc. to amend the Future Land Use Map to Community Commercial and to rezone the property from R-2 and R-3 to B-3C to allow the construction of a restaurant at 1000, 1002 and 1004 Dandridge Drive.
 - On September 25, 2018, City Council approved the petition of Valvoline, LLC for a CUP at 3031 and 3033 Old Forest Road to allow the construction of an oil change facility in a B-3, Community Business District.

5. **Site Description.** The subject property consists of one and forty-eight thousandths (1.048) acres and is located at 3139 Old Forest Road. The property contains a fourteen thousand and eighty-six square foot building constructed in 1968. The property contains loading docks and commercial canopies.
6. **Proposed Use of Property.** If the CUP petition is approved the buildings will be renovated for use as automotive tire sales.
7. **Traffic, Parking and Public Transit.** The City Transportation Engineer did not require a traffic study for the proposed use.

If approved one (1) existing entrance on Confederate Avenue will be closed.

The property is served by Greater Lynchburg Transit Company Route 8 with a bus stop located three hundred feet from the property.
8. **Stormwater Management.** A stormwater management / Erosion Sediment Control plan will not be required as disturbed areas are not anticipated to exceed one thousand (1000) square feet.
9. **Emergency Services:** The City Fire Marshal provided comments related to the 2015 Virginia Statewide Building Code and Design Requirements of the City of Lynchburg. These comments would be addressed prior to and final site plan approvals. The City Police Department had no comments of concern regarding the proposed use.
10. **Impact.** The submitted concept plan proposes the reuse of an existing building as an automotive tire store. The submitted concept plan indicates that one existing entrance would be closed. This should help to improve any traffic impacts associated with the use. While the proposal is not in keeping with the proposed Neighborhood Commercial land use proposed for the area, the property is zoned B-3, Community Business District which allows more intensive uses than would normally be found in a Neighborhood Commercial land use. The proposed automotive tire store should have little to no negative impact on the area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on April 1, 2020. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of RNR of Virginia for a Conditional Use Permit at 3139 Old Forest Road to allow the operation of an automotive tire store in a B-3, Community Business District subject to the following conditions:

1. **The site will be developed in substantial compliance with the conceptual site plan.**
2. **Landscaping shall be added to the site so as to be in closer conformance with the City's Landscaping Ordinance.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP

City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, 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. Jonathan Rose, Petitioner
Mr. Will Sigler, Representative

VII. ATTACHMENTS

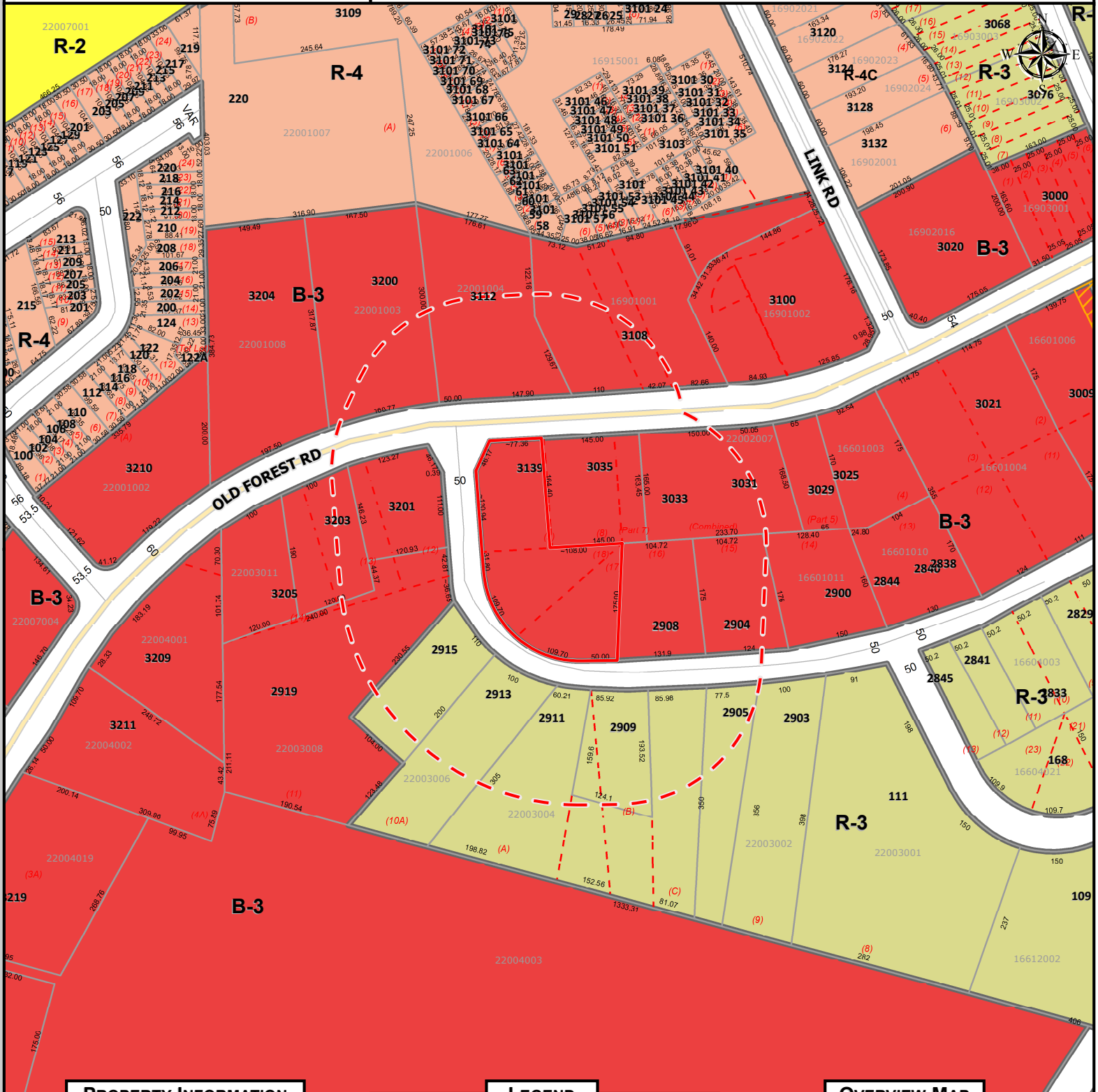
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photographs**

Zoning-TRC Map

3139 OLD FOREST ROAD

TRC

Cardinal Survey & Design



PROPERTY INFORMATION

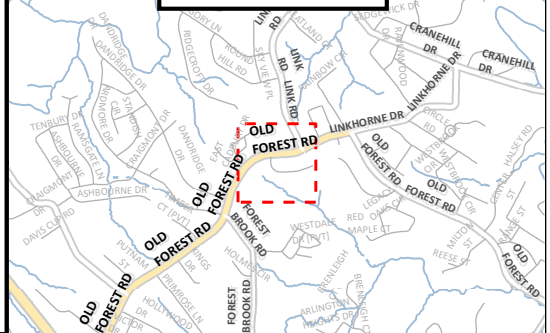
PARCEL ID **ADDRESS**
 22002005 3139 OLD FOREST RD

LEGEND

- Subject Property
- 215' Buffer
- B-1
- B-3
- B-4
- B-5
- R-C
- I-1
- I-2
- I-3
- IN-1
- IN-2
- R-1
- R-2
- R-3
- R-4

MAP SCALE: 1" = 200' DATE PRINTED: 4/1/2020

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.

3139 Old Forest Road – Automotive Tire Shop

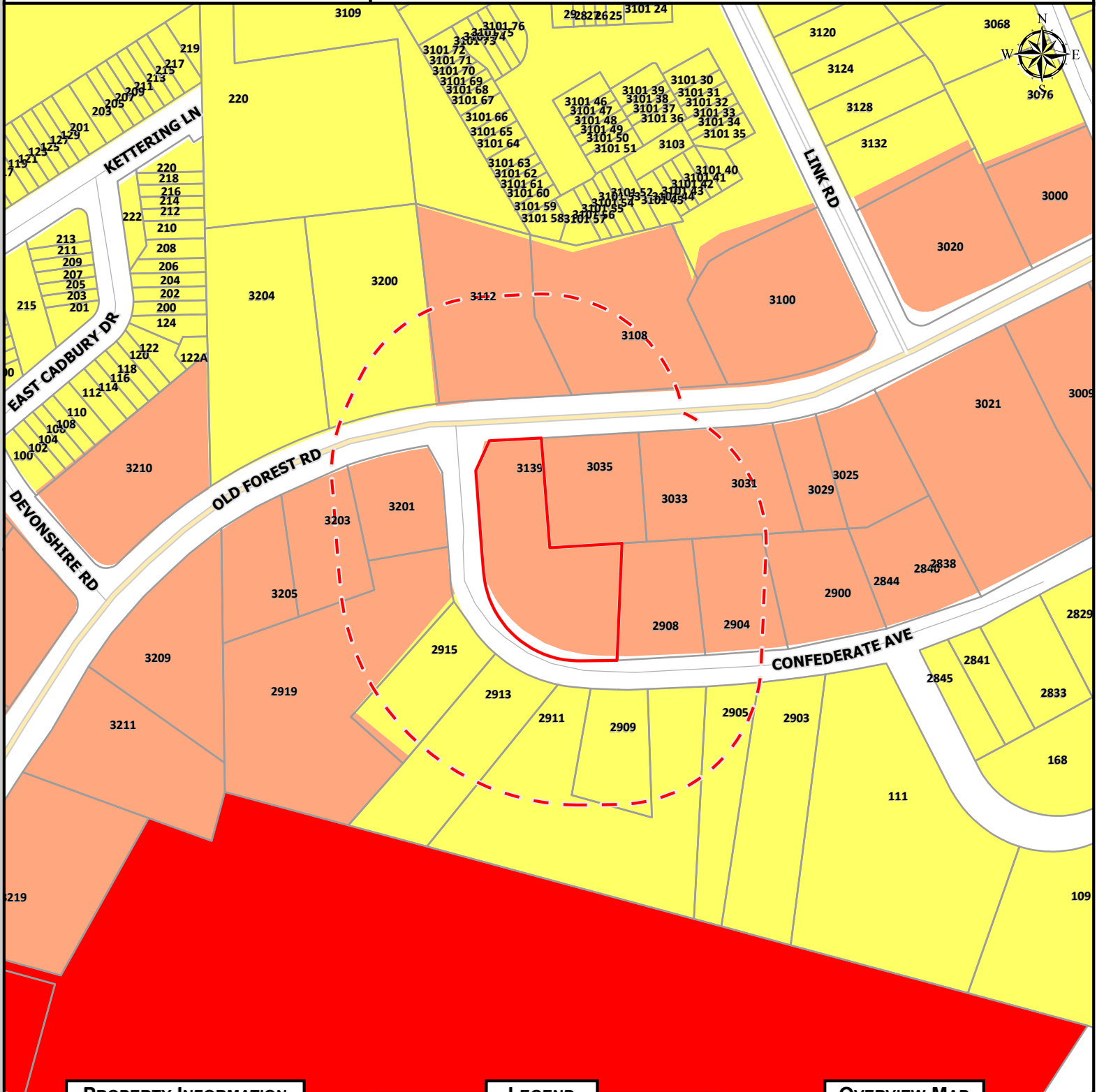
Parcel ID	Address	Owner
16601011	2900 CONFEDERATE AVE	TOMLIN, MARY S
16901001	3108 OLD FOREST RD	FRANCHISE REALTY INTERSTATE CO
22002007	3033 OLD FOREST RD	VALVOLINE LLC
22002005	3139 OLD FOREST RD	CLAGAR PARTNERS
22003010	3203 OLD FOREST RD	ARMADYNE LLC
22001003	3200 OLD FOREST RD	G-SQUARE DEVELOPMENT & MANAGEMENT CO
22003005	2909 CONFEDERATE AVE	LINK, LUCILLE
22003003	2905 CONFEDERATE AVE	DAVIS, JUDITH M
22002006	3035 OLD FOREST RD	DOUBLE E CORP
22002001	2904 CONFEDERATE AVE	MOORE, KENDALL S
22003002	2903 CONFEDERATE AVE	HONIG, PATRICIA M ESTATE
22003004	2911 CONFEDERATE AVE	TOMLIN, MARY S
22003008	2919 CONFEDERATE AVE	MUMPER PROPERTIES & INVESTMENT
22002002	2908 CONFEDERATE AVE	MOORE, KENDALL S
22003007	2915 CONFEDERATE AVE	DNA REALTY LLC
22003009	3201 OLD FOREST RD	MONRO MUFFLER BRAKE INC
22001004	3112 OLD FOREST RD	ALISAN LLC
22003006	2913 CONFEDERATE AVE	GOFF, BOBBY L & IRENE F &

FLUM Map

3139 OLD FOREST ROAD

TRC

Cardinal Survey & Design



PROPERTY INFORMATION

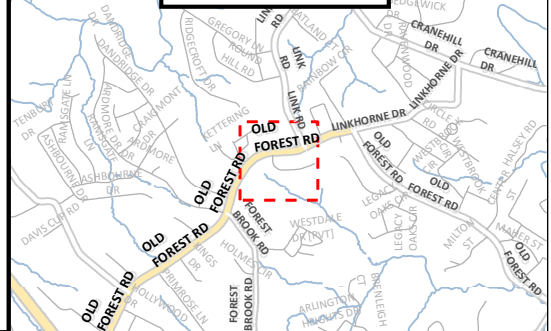
PARCEL ID	ADDRESS
22002005	3139 OLD FOREST RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 4/1/2020

OVERVIEW MAP



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Watershed Map

3139 OLD FOREST ROAD

TRC

Cardinal Survey & Design



PROPERTY INFORMATION

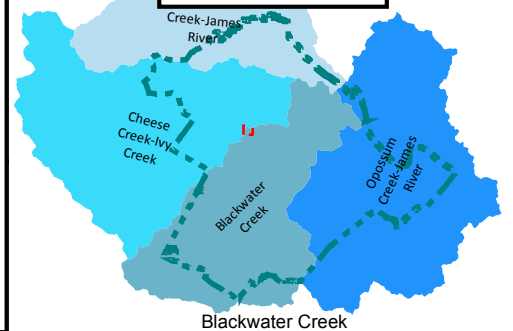
PARCEL ID	ADDRESS
22002005	3139 OLD FOREST RD

LEGEND

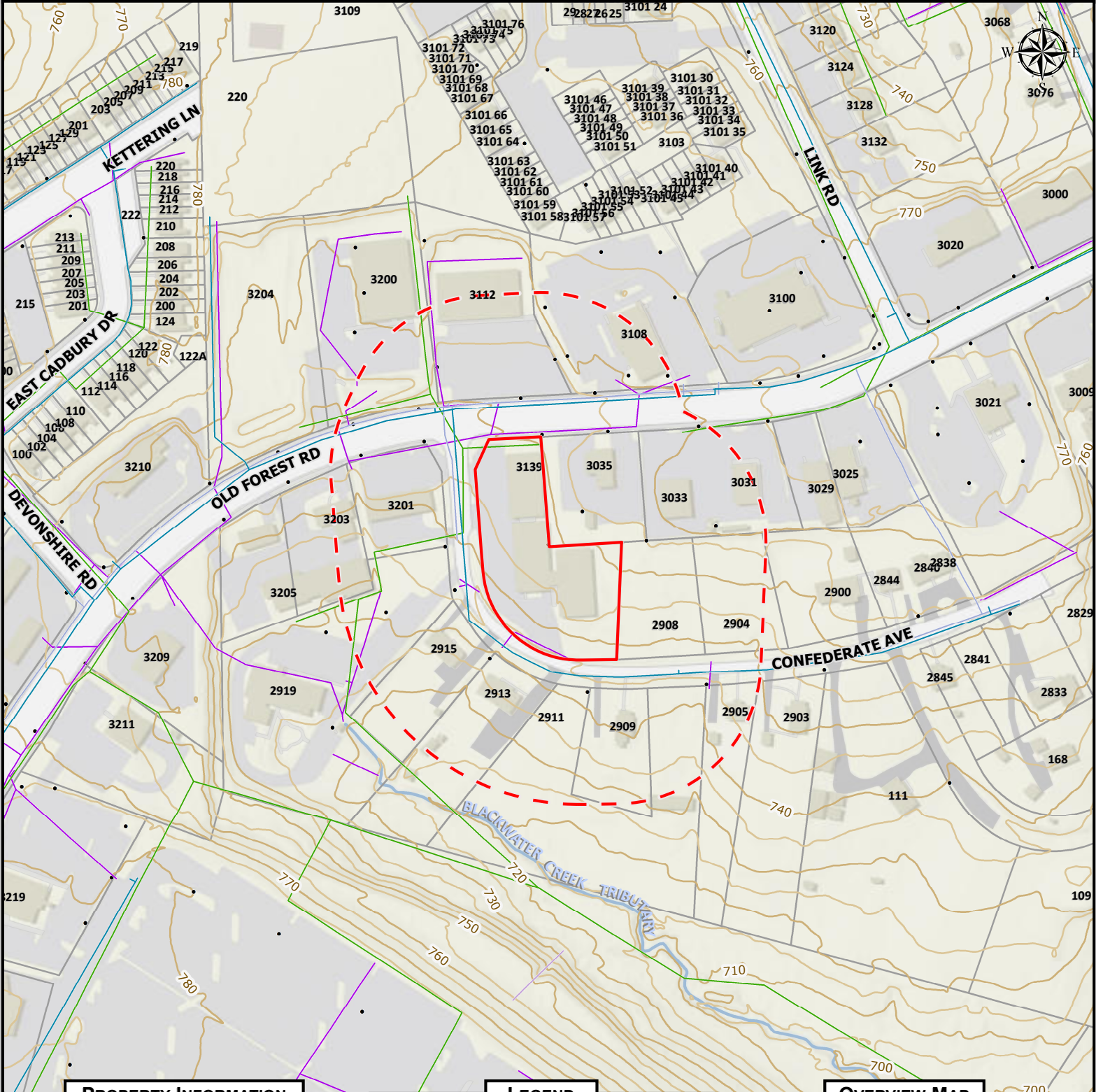
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1" to 200' DATE PRINTED: 4/1/2020

OVERVIEW MAP



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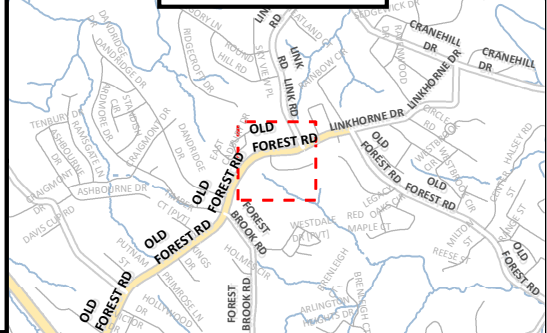
PROPERTY INFORMATION

PARCEL ID	ADDRESS
22002005	3139 OLD FOREST RD

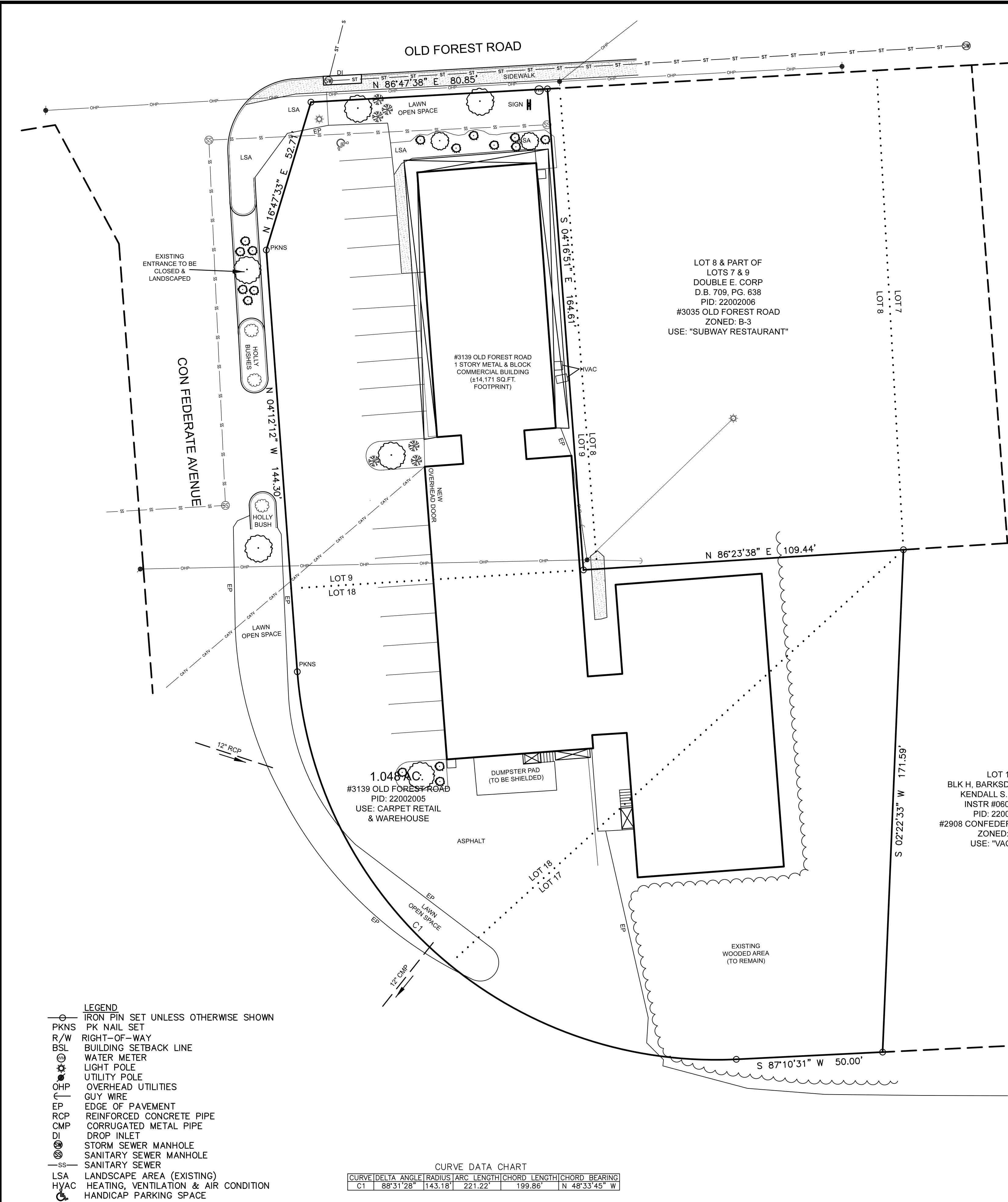
LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Water (dashed blue)	Water (dotted blue)
	Sanitary (solid green)	Sanitary (dashed green)	Sanitary (dotted green)
	Storm (solid purple)	Storm (dashed purple)	Storm (dotted purple)
Structure	Structure (solid brown)	Structure (dashed brown)	Structure (dotted brown)
Roadway	Roadway (solid grey)	Roadway (dashed grey)	Roadway (dotted grey)
Parking	Parking (solid light grey)	Parking (dashed light grey)	Parking (dotted light grey)
Sidewalk	Sidewalk (solid light grey)	Sidewalk (dashed light grey)	Sidewalk (dotted light grey)
Driveway	Driveway (solid light grey)	Driveway (dashed light grey)	Driveway (dotted light grey)
Towers & Trans. Lines	Elec. Trans (solid yellow)	Elec. Trans (dashed yellow)	Elec. Trans (dotted yellow)
	Trans. Tower (solid black)	Trans. Tower (dashed black)	Trans. Tower (dotted black)
	Comm. Tower (solid black)	Comm. Tower (dashed black)	Comm. Tower (dotted black)
	Other (solid black)	Other (dashed black)	Other (dotted black)
	Pole (solid black)	Pole (dashed black)	Pole (dotted black)
	Cemetery (solid black)	Cemetery (dashed black)	Cemetery (dotted black)
	Contours (solid black)	Contours (dashed black)	Contours (dotted black)
	100' (solid black)	100' (dashed black)	100' (dotted black)
	50' (solid black)	50' (dashed black)	50' (dotted black)
	20' (solid black)	20' (dashed black)	20' (dotted black)
	10' (solid black)	10' (dashed black)	10' (dotted black)
	5' (solid black)	5' (dashed black)	5' (dotted black)
	1' (solid black)	1' (dashed black)	1' (dotted black)

OVERVIEW MAP

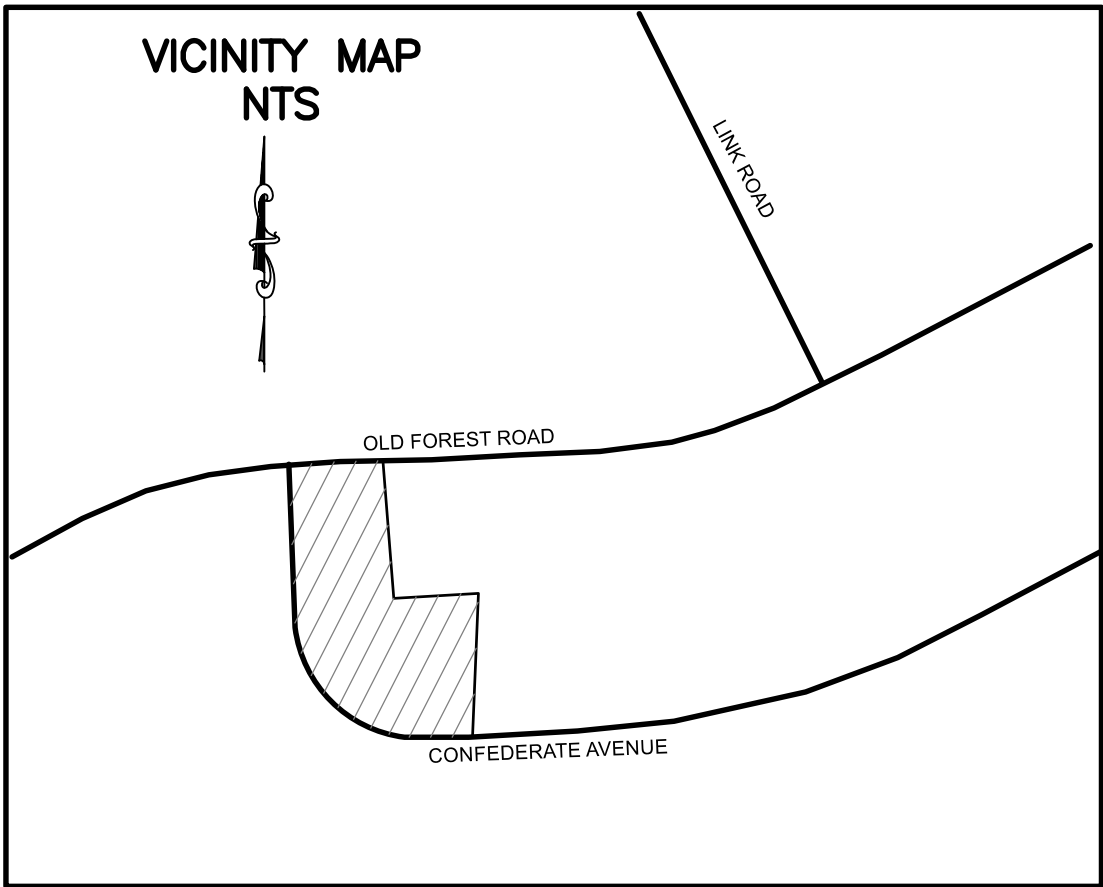


MAP SCALE: 1" to 200' DATE PRINTED: 4/1/2020



NOTES:

- THE EXISTING BUILDING IS AND SHALL CONTINUE TO BE SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
- BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930037D), DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
- ELECTRIC, TELEPHONE & CABLE SERVICE WILL REMAIN UNCHANGED.
- NO DEMOLITION OF ANY STRUCTURES IS PROPOSED FOR THIS SITE.
- ALL NEW EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
- A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
- NEW HANDICAP RAMPS AND SIGNAGE MUST BE INSTALLED PER CODE.
- LANDSCAPING AS SHOWN IS FOR SCHEMATIC PURPOSES ONLY.
- ALL LOADING AREAS, STORAGE YARDS, HVAC EQUIPMENT, WATER VAULTS, RPZ DEVICES OR OTHER OBJECTIONABLE ITEMS SHALL REMAIN, AS CURRENTLY CONSTRUCTED. THE REFUSE AREA SHALL BE SCREENED FROM VIEW OF ANY PUBLIC OR PRIVATE STREET OR RESIDENT. SCREENING SHALL BE ACCOMPLISHED BY ERECTION OF A SOLID FENCE OF SUFFICIENT HEIGHT TO SCREEN THE REFUSE AREA.
- THERE ARE NO WALLS EXISTING OR PROPOSED FOR THIS SITE.
- TRASH PICK-UP WILL BE MANAGED BY ONSITE DUMPSTER WITH PRIVATE PICK-UP.



PROJECT DESCRIPTION

Request Conditional Use Permit in a B-3 Zone to permit the change of use of an existing building and parking lot from a Carpet Retail and Warehouse Facility to an Automotive wheel and tire sales and installation operation, including automotive modification and light repair, plus other items, products and services developed for, by or in the automotive and rent-to-own industries. The project comprises 1.048 Acres. The immediate area is currently developed with multiple Automotive Service businesses, Restaurants, a Bank and vacant property. Below are narratives specifically requested by the City of Lynchburg for CUP application.

WATER/SEWER CAPACITY NARRATIVE:

The property is currently served by existing City of Lynchburg Public water and sanitary sewer. No significant increase in water use is anticipated for this property relating to the change of use.

STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

Currently the 1.048 acre property is fully developed with one commercial building. The majority of existing onsite storm water runoff flows into a roadside ditch and is conveyed by two storm pipes across Confederate Avenue. There will be a deduction in impervious area on the site with the addition of new landscape islands. This new construction will disturb less than 1000 square feet, thus eliminating the need for a Stormwater Management Plan. The net effect of any proposed improvements will lessen the amount of impervious area and no new stormwater measures are proposed.

EROSION AND SEDIMENT CONTROL

Preliminary calculations show that the project will have a disturbed area of less than 1000 square feet. The contractor will employ common sense measures such as silt fence to mitigate any sediment runoff but no Erosion and Sediment Control Plan is proposed for this project.

COMPLIANCE WITH PLANNING DOCUMENTS

The Lynchburg Comprehensive Plan recommends Neighborhood Commercial Development for this site. No changes to the Future Land Use Map (FLUM) are proposed.

TRAFFIC PLANNING

Traffic generated by the projected change of use is not expected to significantly alter the current traffic volume. It is proposed that the existing entrance off of Confederate Avenue located closest to Old Forest Road will be closed and there are no entrances existing or proposed off of Old Forest Road.

OWNER: CLAGAR PARTNERS
155 DEER HAVEN DRIVE
LYNCHBURG, VA 24501

PETITIONER: RNR OF VIRGINIA
C/O JONATHAN ROSE
160-A WELLMAN STREET
NORFOLK, VA 23502

PHONE: 757-455-2800

PROPOSED CONDITIONAL USE DEVELOPMENT STANDARDS

FRONT SETBACK: UNCHANGED (AS-BUILT)
SIDE YARD: 0' (ADJACENT TO B-3)
REAR YARD: 0' (ADJACENT TO B-3)
MAX DENSITY: UNCHANGED
ACTUAL DENSITY: UNCHANGED

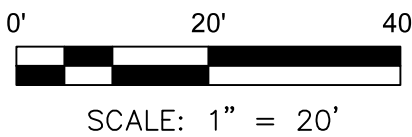
MASS TRANSIT: EXISTING BUS STOP WITHIN 210' OF SITE
PARKING PROVIDED: 19 SPACES OF WHICH ONE (1) IS A HANDICAP SPACE;

THIS SITE PLAN HAS BEEN PREPARED FOR A CONDITIONAL USE PERMIT FOR PIN: 22002005 AT 3139 OLD FOREST ROAD TO ALLOW FOR THE CHANGE OF USE OF THE EXISTING BUILDING FROM A CARPET RETAIL/WAREHOUSE FACILITY TO AN AUTOMOTIVE WHEEL AND TIRE SALES AND INSTALLATION OPERATION, INCLUDING AUTOMOTIVE MODIFICATION AND LIGHT REPAIR, PLUS OTHER ITEMS, PRODUCTS AND SERVICES DEVELOPED FOR, BY OR IN THE AUTOMOTIVE AND RENT-TO-OWN INDUSTRIES.

SUBJECT PROPERTY
PIN: 22002005

SOURCE OF TITLE: DEED BOOK 685, PAGE 150 (CLAGAR PARTNERS)
TOTAL ACREAGE: 1.048 ACRES

CURRENT ZONING: B-3
CURRENT USE: CARPET RETAIL/WAREHOUSE
PROPOSED USE: AUTOMOTIVE WHEEL AND TIRE SALES AND INSTALLATION OPERATION, INCLUDING AUTOMOTIVE MODIFICATION AND LIGHT REPAIR, PLUS OTHER ITEMS, PRODUCTS AND SERVICES DEVELOPED FOR, BY OR IN THE AUTOMOTIVE AND RENT-TO-OWN INDUSTRIES.



306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 23188
(434) 385-7548 – (434) 385-6178 (FAX)

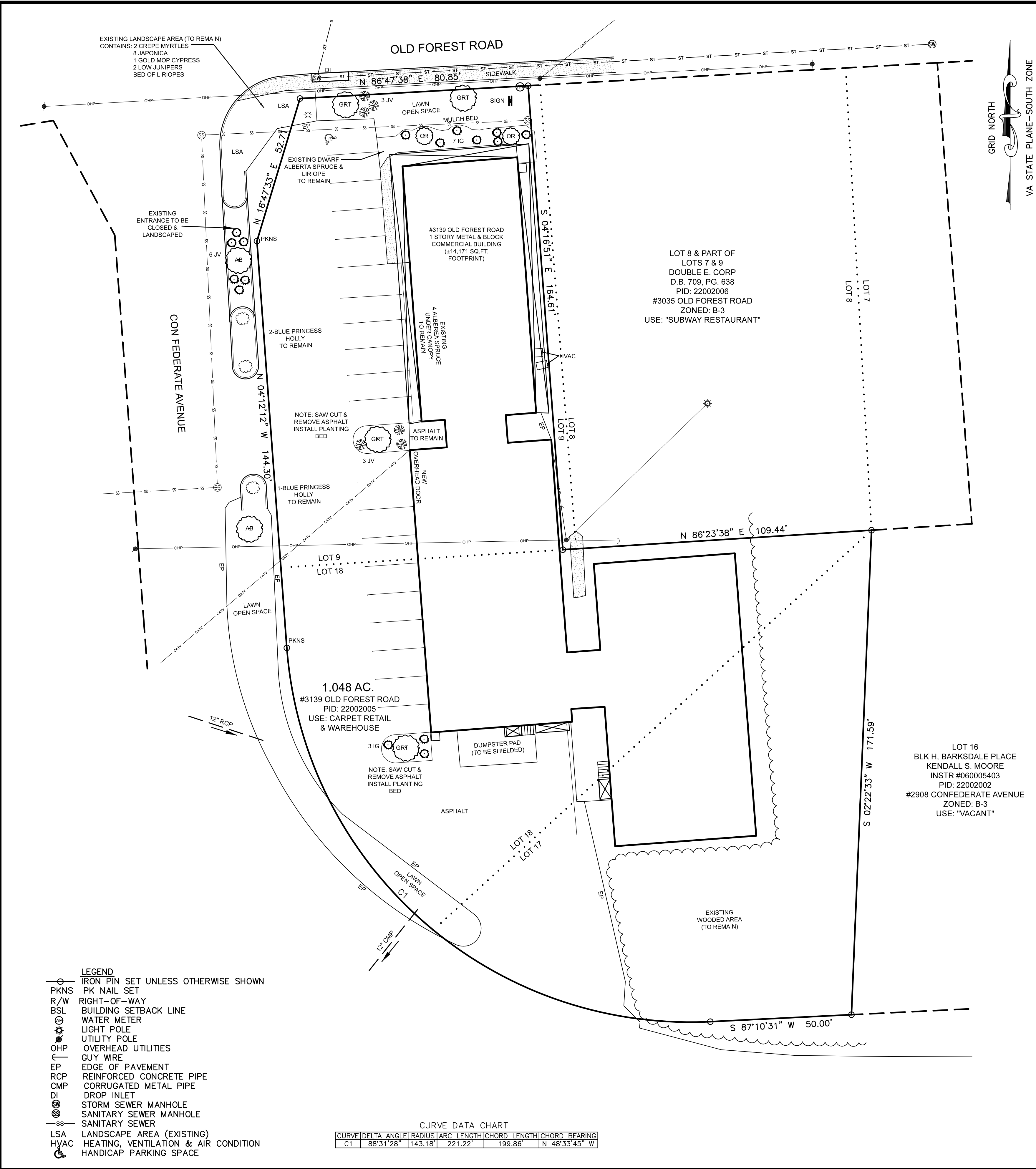


REVISIONS	
REV#1	04-27-20 (TRC COMMENTS)
REV#	
REV#	

CONCEPT PLAN FOR
CONDITIONAL USE PERMIT
#3139 OLD FOREST ROAD

CITY OF LYNCHBURG, VIRGINIA

SHEET #1 OF 2
PROJECT #20-096
REF.
SCALE: 1" = 20'
DATE: 03-10-20



PLANT MATERIALS SCHEDULE (General legend. All planting types may not be utilized)			
KEY	BOTANICAL NAME	COMMON NAME	SIZE
SHRUBS			
IC	Ilex cornuta 'Burfordii nana'	Dwarf Burford holly	3' ht. min.
SB	Spirea bumalda 'Neon Flash'	Neon Flash spirea	2' ht. min.
JV	Juniperus virginiana 'Grey Owl'	Grey Owl juniper	3' ht. min.
IM	Ilex meservae 'Blue Princess'	Blue Princess holly	30-36"
AZ	Azalea 'Delaware Valley'	Delaware Valley azalea	3' ht. min.
IG	Ilex glabra 'Nigra'	Nigra inkberry holly	3' ht. min.
IV	Ilex verticillata	Sparkleberry holly	3' ht. min.
CA	Clethra alnifolia	Summersweet	3' ht. min.
VD	Viburnum dentatum	Arrow wood viburnum	3' ht. min.
MP	Myrica pennsylvanica	Bayberry	3' ht. min.
DC	Deschampsia caespitosa	Tufted hair grass	2.25" pots @ 24" o.c.
TREES			
AR	Acer rubrum 'October Glory'	October Glory red maple	1.5-1.75" caliper
IN	Ilex 'Nellie R. Stevens'	Nellie Stevens holly	6-7'
AS	Acer saccharum 'Legacy'	Legacy sugar maple	1.5-1.75"
QP	Quercus phellos	Willow oak	1.5-1.75" caliper
ZS	Zelkova serrata 'Village Green'	Village Green zelkova	1.5-1.75" caliper
NS	Nyssa sylvatica	Tupelo, Black gum	1-1.5" caliper
TD	Taxodium distichum	Bald cypress	7-8'
PO	Platanus occidentalis	Sycamore	1-1.5" caliper
CR	Lagerstroemia x 'Sioux'	Sioux crepe myrtle	1.5-1.75" caliper/ 6-8'
CL	Cupressocyparis leylandii	Leyland cypress,	5-6'
IS	Syringa reticulata 'Ivory Silk'	Ivory Silk Tree Lilac	1-1.5" caliper
OC	Prunus 'Okame'	Okame Cherry	1-1.5" caliper
GRT	Koeleruteria Paniculata	Goldenrain Tree	1-1.5" caliperer
Plants to be installed per recommendations of supplier. Use amended soils, fertilizer, watering as needed to provide healthy plant growth.			

Landscape Calculations

Parking Area Landscaping

Parking Area Islands	
Shade Trees 19 spaces x 1/8 = 3 trees required	3 trees provided
Medium Shrubs 19spaces x 1/1 = 19 shrubs	9 shrubs provided
Additional plantings are required since each row of parking must be capped with landscape island.	

Street Trees

80' x 1 Ornamental tree per 40' = 2	2 trees provided
Plus 2 along Confederate Avenue (as agreed)	

Foundation plantings

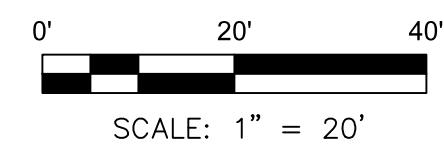
Trees 40 if x 1/50 = 1 Tree	2 trees provided
Large Shrubs 40 if x 1/10 = 4 large shrubs	7 large shrubs provided
4 Existing Foundation Plantings Along Confederate Avenue to remain	

Classifications

Shrub small: A shrub with a minimum height of one (1) foot at time of planting
Shrub medium: A shrub with a minimum height of two (2) feet at the time of planting
Shrub large: A shrub with a minimum height of three (3) feet at the time of planting

ENTRANCE CLOSURE PLAN

- Saw cut the asphalt pavement in a straight line extending from face of curb to face of curb along both Confederate Avenue and inside the existing parking lot.
- Saw cut the existing curbing at each end of the radii on both the North and South ends of the entrance being closed.
- Remove the curbing and asphalt pavement within the entrance.
- Install new curbing in accordance with City of Lynchburg STD 25.04F (VDOT Std. CG-2) as shown extending from the ends of existing saw cuts along both Confederate Avenue and inside the existing parking lots. Provide a uniform grade from curb to curb.
- Backfill the newly created planting area with suitable soil and mulch and plant in accordance with the landscaping guideline shown.



REVISIONS	
REV#1	04-27-20 (TRC COMMENTS)
REV#	
REV#	

CONCEPT PLAN FOR CONDITIONAL USE PERMIT #3139 OLD FOREST ROAD

LANDSCAPE PLAN

SHEET #2 OF 2
PROJECT #20-096
REF.
SCALE: 1" = 20'
DATE: 03-10-20

cardinal
survey & design
Land Surveying • Planning • 3D Imaging

306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 23188
(434) 385-7548 – (434) 385-6178 (FAX)

CUP NARRATIVE
FOR
3139 OLD FOREST ROAD
LYNCHBURG, VIRGINIA 24501

PREPARED FOR:
RNR OF VIRGINIA
160-A WELLMAN STREET
NORFOLK, VIRGINIA 23502

BY

CARDINAL SURVEY & DESIGN, PLC
ENGINEERS-SURVEYORS-PLANNERS

306 ENTERPRISE DRIVE, SUITE C.
FOREST, VIRGINIA 24551
(434) 385-7548

JOB #20-096

MARCH 16, 2020

PROJECT DESCRIPTION

Request Conditional Use Permit in a B-3 Zone to permit the change of use of an existing building and parking lot from a Carpet Retail and Warehouse Facility to an Automotive wheel and tire sales and installation operation, including automotive modification and light repair, plus other items, products and services developed for, by or in the automotive and rent-to-own industries. The project comprises 1.048 Acres. The immediate area is currently developed with multiple Automotive Service businesses, Restaurants, a Bank and vacant property. Below are narratives specifically requested by the City of Lynchburg for CUP application.

WATER/SEWER CAPACITY NARRATIVE:

The property is currently served by existing City of Lynchburg Public water and sanitary sewer. No significant increase in water use is anticipated for this property relating to the change of use.

STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

Currently the 1.048 acre property is fully developed with one commercial building. The majority of existing onsite storm water runoff flows into a roadside ditch and is conveyed by two storm pipes across Confederate Avenue. There will be a deduction in impervious area on the site with the addition of new landscape islands. This new construction will disturb less than 1000 square feet, thus eliminating the need for a Stormwater Management Plan. The net effect of any proposed improvements will lessen the amount of impervious area and no new stormwater measures are proposed.

EROSION AND SEDIMENT CONTROL

Preliminary calculations show that the project will have a disturbed area of less than 1000 square feet. The contractor will employ common sense measures such as silt fence to mitigate any sediment runoff but no Erosion and Sediment Control Plan is proposed for this project.

COMPLIANCE WITH PLANNING DOCUMENTS

The Lynchburg Comprehensive Plan recommends Neighborhood Commercial Development for this site. No changes to the Future Land Use Map (FLUM) are proposed.

TRAFFIC PLANNING

Traffic generated by the projected change of use is not expected to significantly alter the current traffic volume. It is proposed that the existing entrance off of Confederate Avenue located closest to Old Forest Road will be closed and there are no entrances existing or proposed off of Old Forest Road.



Old Forest Automotive Tire Shop
Conditional Use Permit
May 13, 2020

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit – Fill in 100 Year Floodplain – 1400 and 1700 Enterprise Drive

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the Conditional Use Permit to allow fill in the 100 Year Floodplain.

SUMMARY: Centra Health is petitioning for a Conditional Use Permit (CUP) at 1400 & 1700 Enterprise Drive to allow fill in the 100 Year Floodplain. The purpose of the fill is to facilitate improvements to the emergency spillway of the Summit Lake. The improvements are required by the Virginia Department of Conservation and Recreation (DCR) Dam Safety Regulations. A corresponding amount of “cut” volume is proposed to offset the fill volume.

The City's *Comprehensive Plan 2013-2030* recommends “Minimizing fill or development within the 100 Year floodplains and wetlands except as required for water resources management and passive recreational projects. Summit Lake provides a regional stormwater, aesthetic and recreational amenity to the Summit and Wyndhurst neighborhoods.

PRIOR ACTION(S):

May 13, 2020: The Planning Division recommended approval of the Conditional Use Permit.
The Planning Commission recommended approval of the CUP. (5-0 with 2 abstentions, Perault, Rogers)

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 – May 13, 2020
- Planning Commission Packet – May 13, 2020
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Property Photograph
 - o Speaker Sign in Sheet

REVIEWED BY: raw

RESOLUTION:

#R-20-038

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CENTRA HEALTH TO ALLOW FILL WITHIN THE 100 YEAR FLOOD PLAIN AT 1400 & 1700 ENTERPRISE DRIVE TO FACILITATE IMPROVEMENTS TO THE SPILLWAY OF SUMMIT LAKE AS REQUIRED BY THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION DAM SAFETY REGULATIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Centra Health to allow fill within the 100 Year Floodplain at 1400 & 1700 Enterprise Drive to facilitate improvements to the spillway of summit lake as required by the Virginia Department of Conservation and Recreation is hereby approved subject to the following conditions:

1. The site shall be developed in substantial compliance with the conceptual site plan.
2. A corresponding amount of "cut" volume will be completed within the 100 Year Floodplain to offset the proposed fill.

Adopted:

Certified: _____
Clerk of Council

069R

MINUTES OF THE MAY 13, 2020 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Centra Health (Joe Archambeault) for a Conditional Use Permit in an R-C, Conservation District and R-4, High Density Residential District to allow fill within the 100 Year Floodplain to facilitate improvements to the Summit Lake Spillway at 1400 & 1700 Enterprise Drive.

Chair Rogers and Commissioner Perault recused themselves from this item.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. Summit Lake was constructed as part of the Wyndhurst and Summit traditional neighborhood developments. The lake provides a regional stormwater aesthetic and recreational benefit. The fill is requested to make improvements to the spillway in order to comply with the Department of Conservation and Recreation's (DCR) dam safety requirements. The corresponding amount of cut volume is proposed to offset the proposed fill. The proposal is in keeping with the Comprehensive Plan, which states to minimize fill or development within the one hundred (100) year floodplain and wetlands except as required for water resources management and passive recreational projects. Since the Summit Lake provides both of those things, staff believes it is in keeping with the Comprehensive Plan and recommends approval of the Conditional Use Permit.

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

Mr. Mike Wilson, of Hurt & Proffitt, addressed the Commission. This project is to comply with DCR dam safety. It went through a study several years ago, which concluded that it was a high hazard emergency spillway and did not have enough capacity to pass the required probable maximum flood storm. The current spillway is about thirty (30) feet wide on the flat portion where the water would go through. In order to pass the required storm it needs to be widened to about one hundred forty (140) feet. In the process of doing that, to make sure the dam is safe and stays in place and does not erode a concrete emergency spillway is proposed and will go down the dam. The current floodplain is an elevation of seven hundred forty-two (742) in that area, which is about four (4) feet up on the bottom of the dam. Any work to stabilize the dam will be in the floodplain. Discussions about the work were held with City employees Erin Hawkins and Kate Miller since DCR required these improvements but they will be in the floodplain. Offsetting cut volume was discussed so that there would be no net change to the floodplain. To create a net zero (0) change it will be about one thousand one hundred (1,100) yards of fill and one thousand one hundred (1,100) yards of cut. The existing car path that goes around the lake will still be incorporated so that residents are able to continue to use and enjoy the lake.

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

Commissioner Marion asked for more detail concerning the proposed volume of cut offsetting the proposed volume of fill.

Mr. Wilson demonstrated where the current floodplain is and explained that when Tyler Creek floods it puts about four (4) feet of water at the bottom of the dam. Any work that will be done to stabilize the dam will be conducted in the floodplain. In order to keep the water coming down the emergency spillway, walls will have to be put on either side so that it doesn't spread across the whole dam. A constant slope will also help with this. To accomplish that, there's about one thousand one hundred fifty (1,150) cubic yards of fill, which can be concrete material or dirt material put in. An offsetting volume will be cut in areas already in the floodplain, which will lower that particular area and create a net change of zero (0) for the project.

Commissioner Lowe made the following motion, seconded by Commissioner Marion, and passed by the following vote:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Centra Health for a Conditional Use Permit at 1400 & 1700 Enterprise Drive to allow fill within the 100 Year Flood Plain subject to the following conditions:

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. A corresponding amount of “cut” volume will be completed within the 100 Year Flood Plain to offset the proposed fill.”**

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

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 13, 2020
Re: **Conditional Use Permit (CUP) – 1400 & 1700 Enterprise Drive – Fill in 100 Year Floodplain**

I. PETITIONER

Centra Health, 1700 Enterprise Drive, Lynchburg, Virginia 24502

Representative: Mr. Michael D. Wilson, P.E., Hurt & Proffitt, Inc., 2425 Langhorne Road, Lynchburg, Virginia 24501

Property Owner:

Centra Health, 1700 Enterprise Drive, Lynchburg, Virginia 24502

II. LOCATION

The subject properties consist of approximately one hundred six (106) acres located at 1400 & 1700 Enterprise Drive.

III. PURPOSE

The purpose of the petition is to fill within the 100 Year Flood Plain to facilitate improvements to the emergency spillway of the Summit Lake. The improvements are required by the Virginia Department of Conservation Dam Safety Regulations.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends a "Mixed" and Resource Conservation use for the properties.
- The City's *Comprehensive Plan 2013-2030* Goal NS-1.4 states: "Minimizing fill or development within the 100-Year floodplains and wetlands, except as required for water resources management and passive recreational projects."
- The proposed fill is required to facilitate improvements to the emergency spillway of Summit Lake. Improvements are required by the Virginia Department of Conservation Dam Safety Regulations.
- A corresponding amount of "cut" volume is proposed to offset the fill volume.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends a Mixed and Resource Conservation use for the properties.

Mixed Use areas do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The mixed use areas generally consist of large undeveloped or greenfield areas that are intended to be developed for a balanced mix of residential, neighborhood commercial, civic uses, parks and open spaces. The mix of uses in these areas is intended to be determined at the time of development review and approval. (*p.76*)

Resource Conservation Areas encompass lands with special natural characteristics that limit land uses and development to protect the City's environmental health. The mapped Resource Conservation Areas include the steep slopes of Candler's Mountain as well as the City's stream valleys. The stream valleys, as defined in this Comprehensive Plan, include streams and rivers, their 100-year floodplains, connected wetlands and adjacent steep slopes. Steep slopes are defined as slopes of 25% or greater. The actual boundaries of the Resource Conservation Area should be determined on a site-by-site basis using the best available environmental data.

Resource Conservation Areas are planned to remain in vegetated open space with development limited to: 1) trails and other passive recreational facilities that involve minimal removal of vegetation, and 2) public facilities that must be located in stream valleys. These include sewer mains, wastewater treatment plants, water intakes and outfalls, road crossings, and public boat ramps. The goal is to keep Resource Conservation Areas as natural as possible to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers. Many of the stream valley Resource Conservation Areas are recommended to become greenways in the Parks and Recreation element, and thus may have public access trails. Other Resource Conservation Areas, not designated as greenways on the Parks & Recreation Map, are to remain in natural vegetation for purely environmental protection reasons.

On privately owned land within conservation areas, the intent of this Plan is to allow appropriate land uses and infrastructure as long as the environmental value of the areas is conserved or enhanced and public safety is protected through buffers and other best management practices. The zoning ordinance should enable clustering, transfers of development rights and density bonuses to encourage resource protection. (p.77)

2. **Zoning.** The subject property was annexed into the City in 1976 from Campbell County. The existing R-C, Resource Conservation District was established in 1978. The existing R-4C, High Density Residential District (Conditional) zoning was established on May 9, 2000. A Conditional Use Permit (CUP) allowing the construction of the Summit Traditional Neighborhood Development (TND) was also approved on May 9, 2000.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 22, 1979 City Council approved the Timberlake Road Land Use Study, rezoning a number of properties in the area. One of the subject properties, 8129 Timberlake Road was rezoned to B-3, Community Business District along with adjacent properties: 8123 to the City limits.
 - On April 13, 1982, City Council approved the CUP petition of Ronnie D. Vaughan to operate a commercial recreation center at 8131 Timberlake Road.
 - On September 11, 1984, City Council approved the petition of D.W.B. Associates to rezone four (4) acres 8117 Timberlake Road from R-1, Low Density, Single-Family Residential District and B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the property as a mini-storage facility.

- On April 8, 1997, City Council approved the petition of JE Jamerson & Sons, Inc. to rezone approximately four hundred (400) acres from R-1 to R-2(C), R-4(C), B-1(C), B- 3(C), and I-2(C) to allow single family residential, townhouse, apartment, nursing home/assisted living/retirement village complex, various commercial uses and an industrial park in the vicinity of Laxton Road and Enterprise Drive.
- On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition for the construction of a dam and a lake within the 100-year floodplain at Laxton Road and Enterprise Drive.
- On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition to create Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
- On May 9, 2000, City Council approved The Summit and J.E. Jamerson and Son's petition to rezone one hundred forty three (143) acres on both sides of Enterprise Drive between Laxton Road and Norfolk & Southern Railroad to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
- On May 9, 2000, City Council approved LIDA, The Summit and J.E. Jamerson and Son's conditional use permit petition to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
- On September 12, 2000, City Council approved the petition of JE Jamerson & Sons, Inc. to rezone one hundred sixty-seven (167) acres from R-2C, Single Family Residential (Conditional) and R-4C, Multi-family Residential (Conditional) to R-2C, Single Family Residential (Conditional) and R-4C, Multi-family Residential (Conditional) to amend previously approved proffers to allow for the Wyndhurst development.
- On July 8, 2003, City Council approved Jamerson and Company's conditional use permit petition to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for construction of apartments and additional single family uses off Wyndhurst Drive and 1536 Lockwood Drive.
- On July 11, 2006, City Council approved Braxton Park, LLC's conditional use permit petition to allow the construction of a townhouse across the City of Lynchburg/Campbell County boundary line at 1002 Enterprise Drive.
- On November 13, 2007, City Council denied S.W. Neal Development Group's conditional use permit petition to allow the construction of a Planned Unit Development for single family homes and townhouses at 1200 and 1202 Wood Road
- On February 13, 2018, City Council denied the CUP petition of Danny Tyree for a forty-three (43) unit townhouse development at 1002 Wood Road and 8129 Timberlake Road.
- On June 11, 2019, City Council approved the Rezoning and CUP petitions of Troutspring, LLC to rezone approximately six acres from R-1, Low Density Residential District to R-

3C, Medium Density Residential District to allow the construction of a forty (40) unity townhome development at 1306 Laxton Road.

5. **Site Description.** The area proposed for fill is the emergency spillway of the Summit Lake located at 1400 & 1700 Enterprise Drive.
6. **Proposed Use of Property.** If the CUP petition is approved improvements to the emergency spillway will be made to bring the dam into compliance with Virginia Department of Conservation Dam Safety Regulations.
7. **Traffic, Parking and Public Transit.** N/A
8. **Stormwater Management.** A stormwater management plan is not anticipated as disturbed area will not exceed five thousand (5000) square feet. An Erosion & Sediment Control plan will be required if disturbed areas exceed one thousand (1000) square feet.
9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern with the petition as proposed.
10. **Impact.** Summit Lake was constructed as part of the Wyndhurst and Summit Traditional Neighborhood Developments. It provides a regional stormwater, aesthetic and recreation benefits. The proposed fill is required to comply with Virginia Department of Conservation Dam Safety Regulations and will allow the passing of ninety percent (90%) of a probable maximum storm without overtopping. The proposed fill is in keeping with Comprehensive Plan Goal NS-1.4 which states: “Minimizing fill or development within the 100-Year floodplains and wetlands, except as required for water resources management and passive recreational projects.”
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on March 17, 2020. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Centra Health for a Conditional Use Permit at 1400 & 1700 Enterprise Drive to allow fill within the 100 Year Flood Plain subject to the following conditions:

1. **The site will be developed in substantial compliance with the conceptual site plan.**
2. **A corresponding amount of “cut” volume will be completed within the 100 Year Flood Plain to offset the proposed fill.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, 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. Joe Archambeault, Petitioner
Mr. Michael Wilson, Representative

VII. ATTACHMENTS

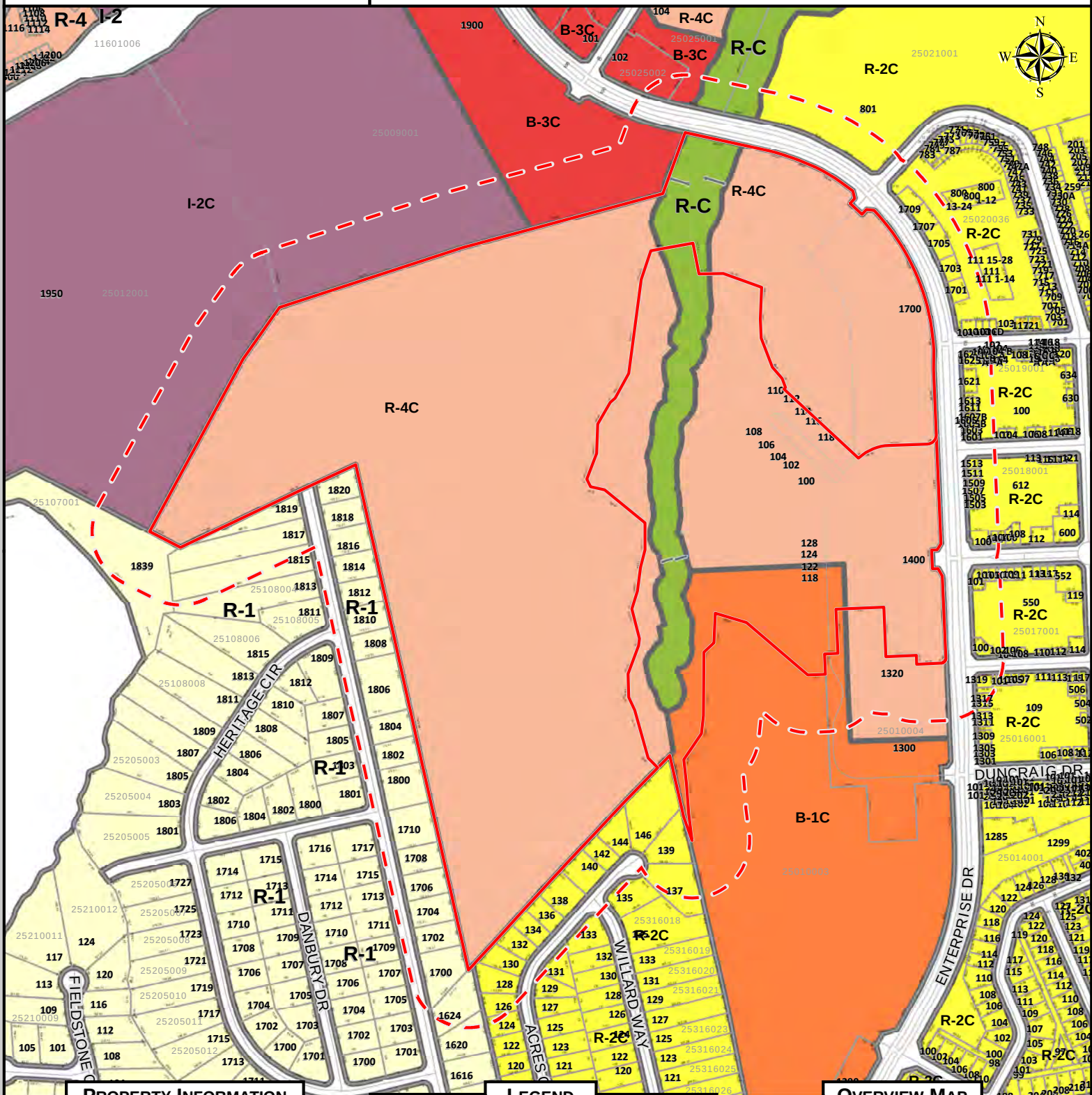
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photographs**

Zoning-TRC Map

1400 & 1700 ENTERPRISE DRIVE

TRC

Centra Health



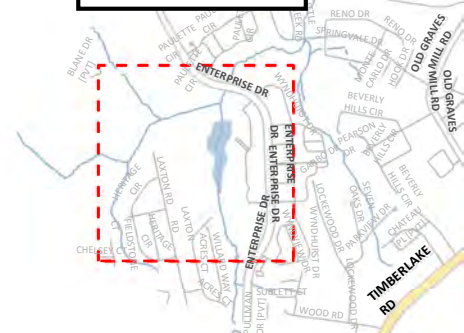
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25010002	1400 ENTERPRISE DR
25010001	1700 ENTERPRISE DR

LEGEND

 	Subject Property
 	215' Buffer
	B-1
	B-3
	B-4
	B-5
	R-C
	I-1
	I-2
	I-3
	IN-1
	IN-2
	R-1
	R-2
	R-3
	R-4

OVERVIEW MAP



MAP SCALE: 1" to 500' DATE PRINTED: 3/3/2020

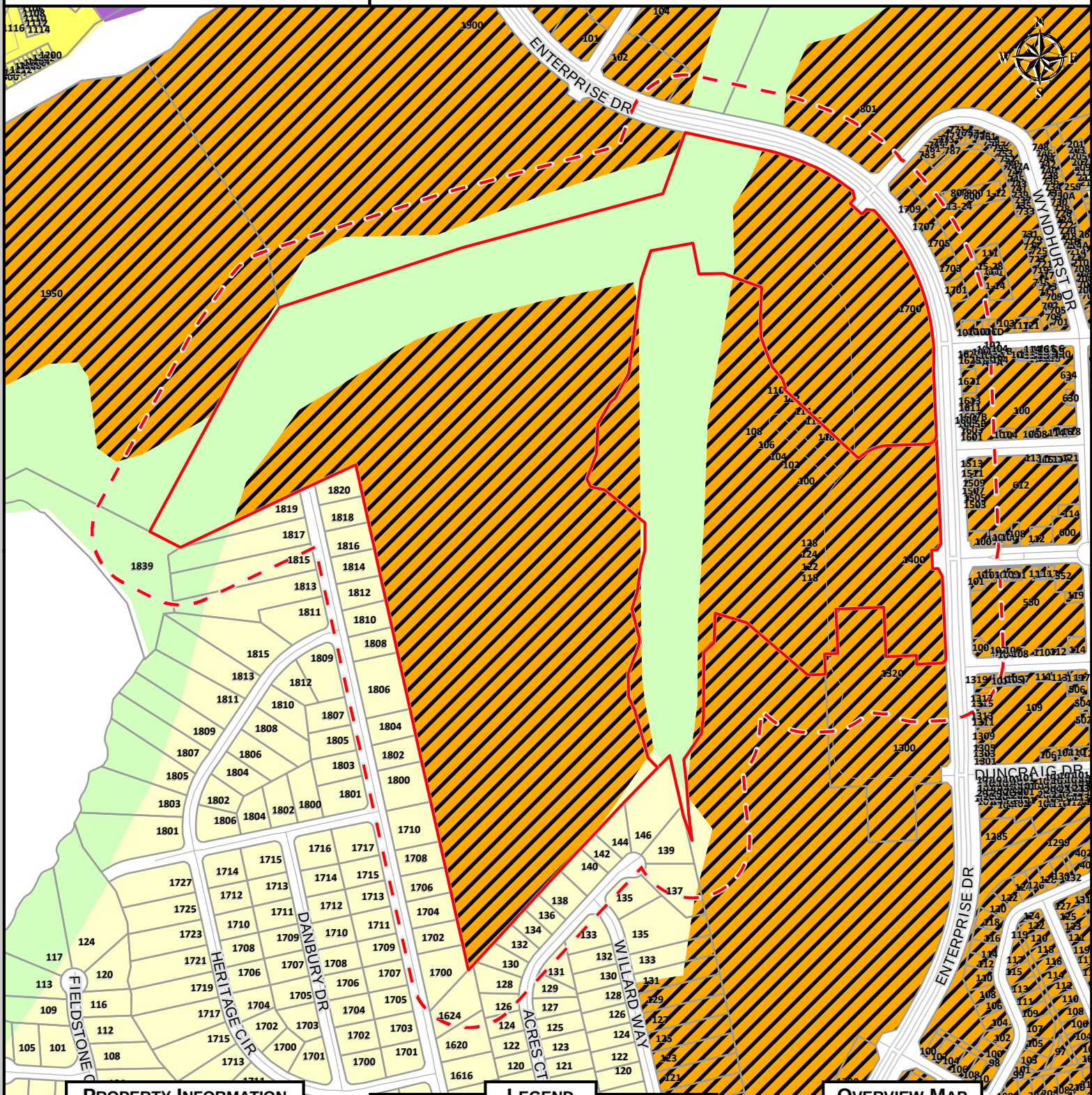
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

1400 & 1700 Enterprise Drive - Summit Dam Improvements

Parcel ID	Address	Owner
25009001	1900 ENTERPRISE DR	CORPORATION FOR JEFFERSONS
25010001	1700 ENTERPRISE DR	CENTRA HEALTH INC
25010002	1400 ENTERPRISE DR	CCRC INC
25010003	1280 ENTERPRISE DR	CENTRA HEALTH INC
25010004	1300 ENTERPRISE DR	CENTRA HEALTH INC
25012001	1950 ENTERPRISE DR	CORPORATION FOR JEFFERSONS
25016001	109 HEXHAM DR	TOWN CENTER ASSOCIATION
25016002	1319 ENTERPRISE DR	1319 ENTERPRISE DRIVE LLC
25016004	101 HEXHAM DR	TIMBERLAKE CONSTRUCTION COMPANY LLC
25016026	1315 ENTERPRISE DR	LICHIELLO PROPERTIES LLC
25016027	1317 ENTERPRISE DR	JDUG LLC
25017001	550 WYNDHURST DR	TOWN CENTER ASSOCIATION
25017002	101 TRADEWYND DR	J & B ONE LLC
25017003	103 TRADEWYND DR	MEDIUM PACE PROPERTIES LLC
25017004	105 TRADEWYND DR	LMI PROPERTIES LLC
25017005	107 TRADEWYND DR	TME LLC
25017020	104 HEXHAM DR	WELLINGTON COMMERCIAL LLC
25017021	102 HEXHAM DR	TORRENCE, KENNETH R & GAIL L
25017022	100 HEXHAM DR	WELLINGTON COMMERCIAL LLC
25018001	612 WYNDHURST DR	TOWN CENTER ASSOCIATION
25018002	100 TRADEWYND DR	SHOCKLEY PROPERTIES LLC
25018003	102 TRADEWYND DR	2 COATES LLC
25018004	104 TRADEWYND DR	SEAHAWK INVESTMENTS LLC
25018018	1513 ENTERPRISE DR	KHANNA, YESH & TERESA L
25018019	1511 ENTERPRISE DR	HOMESTEAD INVESTORS LLC
25018020	1509 ENTERPRISE DR	V C ENTERPRISES LLC
25018021	1507 ENTERPRISE DR	V C ENTERPRISES LLC
25018023	1503 ENTERPRISE DR	J N T PROPERTIES LLC
25019001	100 GOLDENROD PL	TOWN CENTER ASSOCIATION
25019002	1603 ENTERPRISE DR	MCBRIDE, RONALD J &
25019003	1605 ENTERPRISE DR	SANCTUS VINE LLC
25019005	1611 ENTERPRISE DR	1611 ENTERPRISE DRIVE LLC
25019006	1613 ENTERPRISE DR	ADDLEW INVESTMENTS LLC
25019009	1621 ENTERPRISE DR	PATRICK HENRY BOYS AND GIRLS
25019010	1625 ENTERPRISE DR	HILTON, P NATHAN TRS
25019011	1627 ENTERPRISE DR	HILTON, P NATHAN TRS
25019012	100 NORTHWYND CIR	K-FO ENTERPRISES LLC
25019013	102 NORTHWYND CIR	K-FO ENTERPRISES LLC
25019030	1601 ENTERPRISE DR	BONTZ LLC
25019032	100 NORTHWYND CIR A	FOSTER, J KEVIN TRS
25019033	100 NORTHWYND CIR B	FOSTER, J KEVIN TRS
25019035	102 NORTHWYND CIR A	K-FO ENTERPRISES LLC
25019036	102 NORTHWYND CIR B	FOSTER, J KEVIN TRS
25020005	101 A NORTHWYND CIR	WEATHERHOLT, O VICTOR TRS
25020036	103 NORTHWYND CIR	CITY PLACE ASSOCIATION
25020038	1709 ENTERPRISE DR	YOUNG MEN'S CHRISTIAN ASSOCIATION

25020039	1707 ENTERPRISE DR	YOUNG MEN'S CHRISTIAN ASSOCIATION
25020040	1705 ENTERPRISE DR	WYNDHURST COMMERCIAL CENTER LLC
25020041	1703 ENTERPRISE DR	FOF LLC
25020042	1701 ENTERPRISE DR	THOMAS, SIDNEY D III
25020055	101 B NORTHWYND CIR	WEATHERHOLT, O VICTOR TRS
25020056	101 C NORTHWYND CIR	WEATHERHOLT, O VICTOR TRS
25020057	101 D NORTHWYND CIR	WEATHERHOLT, O VICTOR TRS
25021001	801 WYNDHURST DR	YOUNG MEN'S CHRISTIAN ASSOCIATION
25025001	104 PAULETTE CIR	JAMBORITA LLC
25025002	102 PAULETTE CIR	SPIRIT SPE PORTFOLIO CA C-STORES LLC
25107001	1839 LAXTON RD	CORPORATION FOR JEFFERSONS
25108001	1819 LAXTON RD	LAWSON, ROBERT M
25108002	1817 LAXTON RD	HOAGLAND, PETER M & RACHEL K
25108003	1815 LAXTON RD	MCCOY, ROBERT C JR & DIANE E
25108004	1813 LAXTON RD	COUCH, ERIC B
25108011	1806 LAXTON RD	SMITH, MICHAEL A
25108012	1808 LAXTON RD	KETZ, WALTER J JR & PANSY M
25108013	1810 LAXTON RD	TURNIS, NORMA W
25108014	1812 LAXTON RD	IDZIAK, JERYL HOPE
25108015	1814 LAXTON RD	SHORTER, CARLYLE D & SHELENE B
25108016	1816 LAXTON RD	REA, JODI G
25108017	1818 LAXTON RD	RAMSDELL, ARTURO R & TERRI M
25108018	1820 LAXTON RD	TIBBS, GREGORY D & LISA MARIE
25201001	1804 LAXTON RD	KIRSTEIN, SIDNEY
25201002	1802 LAXTON RD	YOCUM, RUSSELL G & DANA A E
25201003	1800 LAXTON RD	POLK, JOHN A & JULIA L
25201004	1710 LAXTON RD	PRINCE, CAROLYN J & THOMAS A TRS
25201005	1708 LAXTON RD	JOHNSON, JOE E & PAMELA C
25201006	1706 LAXTON RD	HARTMAN, LEE F & LORI F
25201007	1704 LAXTON RD	BLUE BEECH LAND LLC
25201008	1702 LAXTON RD	ELDER, SANDRA S & KUNZ, RONALD J
25201009	1700 LAXTON RD	DAVIS, STEVEN F & GAYLE G
25201010	1624 LAXTON RD	CLEMENTS, ANDREW D & JUDITH A
25201011	1620 LAXTON RD	BURNS, WINSTON D & TWILA P
25208013	124 ACRES CT	TRAN, KIARA L
25208014	126 ACRES CT	FERGUSON, GARY E & ALICIA T
25208015	128 ACRES CT	COTHREN, ADAM R & TARA S
25208016	130 ACRES CT	BECKWITH, LOUIS T JR & WEBB, SARAH E
25208017	132 ACRES CT	WILCOXEN, TIMOTHY S
25208018	134 ACRES CT	SCOTT, SHELLEY M
25208019	136 ACRES CT	ROBINSON, THOMAS E &
25208020	138 ACRES CT	LEADBETTER, THEODORE P & KIMIE
25208021	140 ACRES CT	MARKS, WENDY C
25208022	142 ACRES CT	SCOTT, JOHN N & PYONG S
25208023	144 ACRES CT	CAMPBELL, TAMMY J
25208024	146 ACRES CT	WHITAKER, TODD C & LICHIEL C
25208025	139 ACRES CT	HAWKS, CHRISTINE
25208026	137 ACRES CT	KAHLE, PATRICK & BRONNA

25208027	135 ACRES CT	MANOAH, SYVIL A
25208028	133 ACRES CT	WRENN, MELVIN & ANN H
25208029	131 ACRES CT	ALLEY, JOHN M & CAROLINA E
25208030	129 ACRES CT	LINDSEY, DAWN G



PROPERTY INFORMATION

PARCEL ID

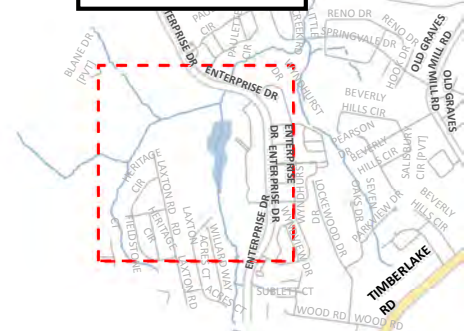
ADDRESS

25010002 1400 ENTERPRISE DR
 25010001 1700 ENTERPRISE DR

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

OVERVIEW MAP



MAP SCALE: 1" to 500' DATE PRINTED: 3/3/2020

Watershed Map

1400 & 1700 ENTERPRISE DRIVE

TRC

Centra Health



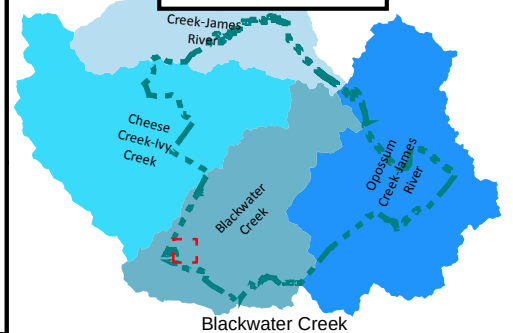
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25010002	1400 ENTERPRISE DR
25010001	1700 ENTERPRISE DR

LEGEND

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

OVERVIEW MAP

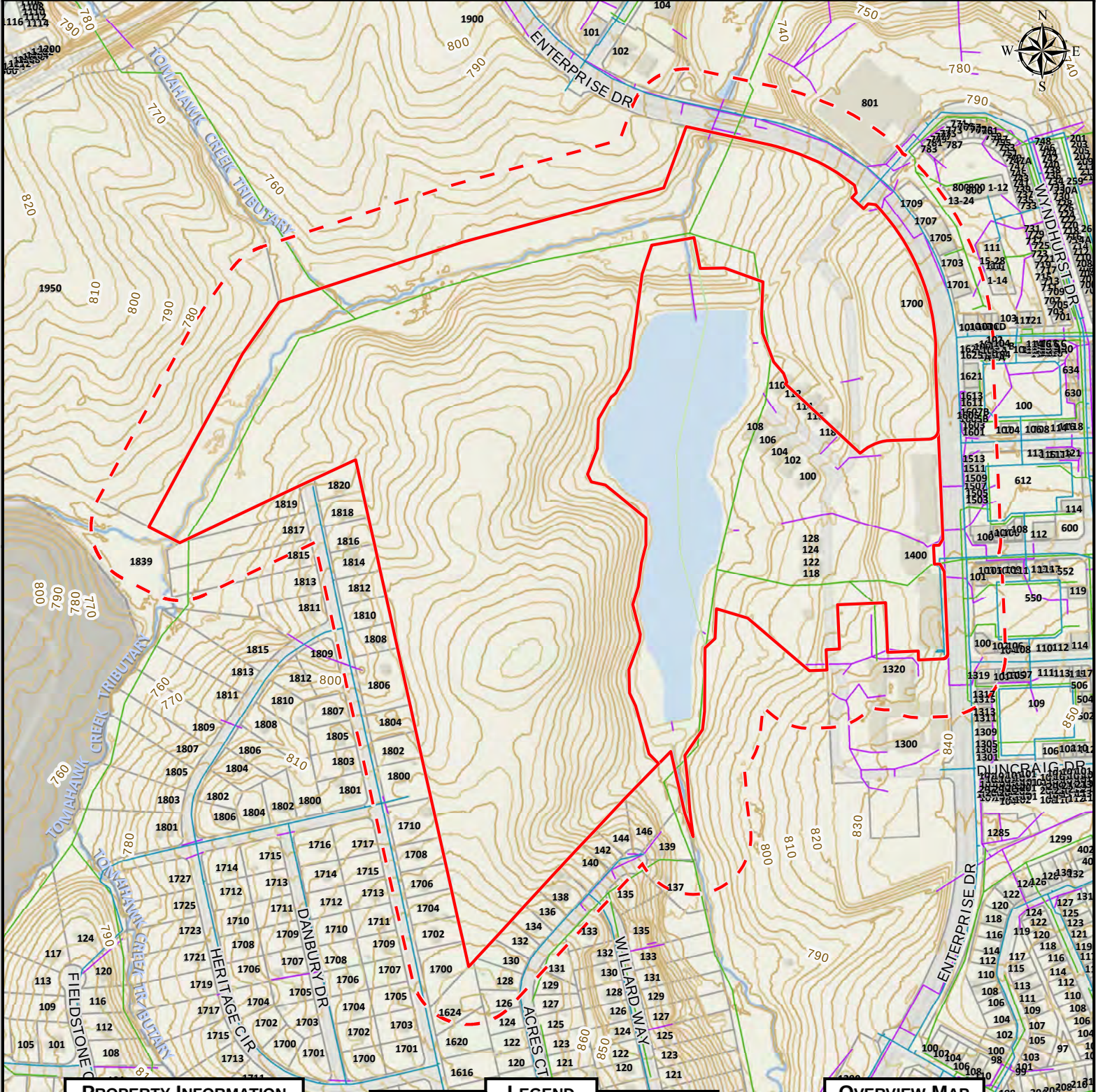


MAP SCALE: 1" to 500' DATE PRINTED: 3/3/2020

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.

TRC

Centra Health



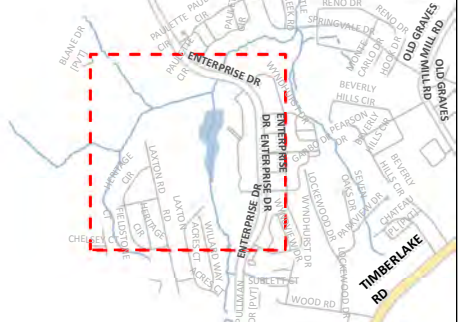
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25010002	1400 ENTERPRISE DR
25010001	1700 ENTERPRISE DR

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (Blue line)	Sanitary (Green line)	Storm (Purple line)
Structure	Roadway (Brown line)	Parking (Grey line)	Sidewalk (Light Grey line)
Planimetrics	Driveway (Dark Grey line)	Contours (Brown line)	
Towers & Trans. Lines	Elec. Trans (Yellow line)	Trans. Tower (Blue square)	Comm. Tower (Red circle)
		Pole Cemetery (Black dot)	

OVERVIEW MAP



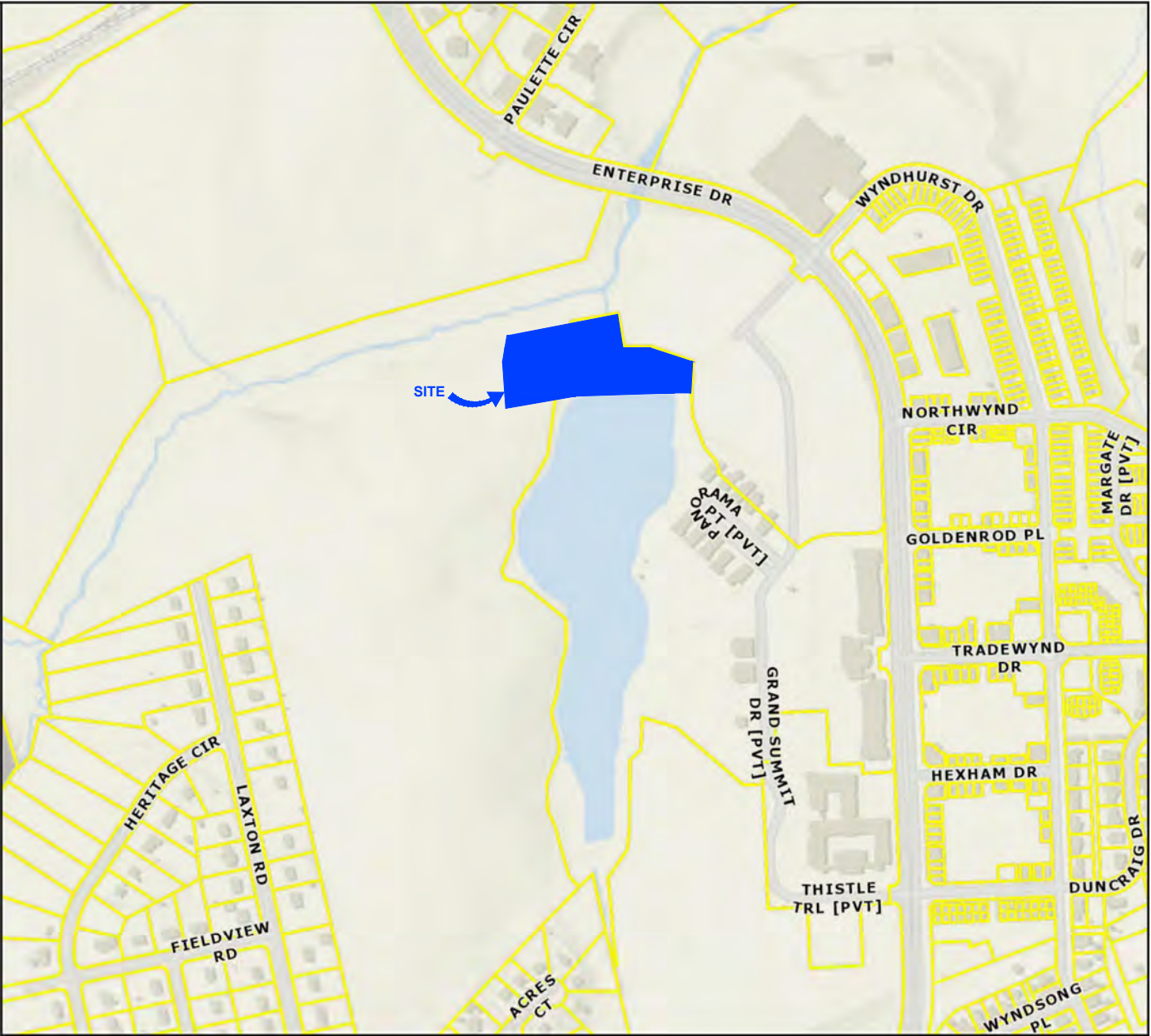
MAP SCALE: 1" to 500' DATE PRINTED: 3/3/2020

Mar 03, 2020 - 8:31am \\data01\projects\2018\20180550\CAD\cup plans\Existing Plans - TOPO.dwg

The City of Lynchburg, VA

Legend

- Street Labels
- Parcels
- Owner Undetermined
- Survey Gap
- Assessed By County



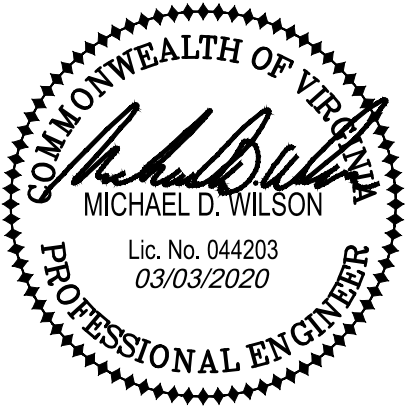
2/25/2020

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



NOTES:

- DEVELOPER: CENTRA HEALTH
JOE ARCHAMBEAULT
- PARCEL ADDRESS: 1700 & 1400 ENTERPRISE DRIVE
LYNCHBURG, VA 24502
- PARCEL ID: 25010001 & 25010002
- PARCEL AREA: 74.953 ACRES & 32.272 ACRES
- EXISTING ZONING: R-4C; R-C; B-1C; B-3C
DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.
- WE EXPECT THAT STORMWATER MANAGEMENT WILL NOT BE REQUIRED FOR THE PROPOSED EMERGENCY SPILLWAY IMPROVEMENT THAT IS NECESSARY TO MEET THE VIRGINIA DEPARTMENT OF CONSERVATION (DCR) DAM SAFETY REGULATIONS. THE PROPOSED IMPROVEMENT WILL ALLOW THE HIGH HAZARD DAM TO PASS THE REQUIRED 90% PROBABLE MAXIMUM STORM WITHOUT OVERTOPPING.
- THE AREA SHOWN HEREON IS LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #510030101D DATED JUNE 3, 2008.
- AS PART OF THE REQUIRED EMERGENCY SPILLWAY IMPROVEMENTS, 742 CY OF FLOODPLAIN FILL IS PROPOSED BELOW THE FEMA ELEVATION OF 742. TO OFF-SET THE FILL VOLUME, A CORRESPONDING CUT VOLUME FROM WITHIN THE FLOODPLAIN IS PROPOSED.



CONCEPT PLAN FOR SUMMIT LAKE SPILLWAY IMPROVEMENTS LYNCHBURG, VIRGINIA

PROJECT NO.	20180550
LAT.	37.359634°
LONG.	-79.244298°
DATE:	03/03/2020
DRAWN BY:	MAD
CHECKED BY:	MDW

SHEET NO.
1 OF 2

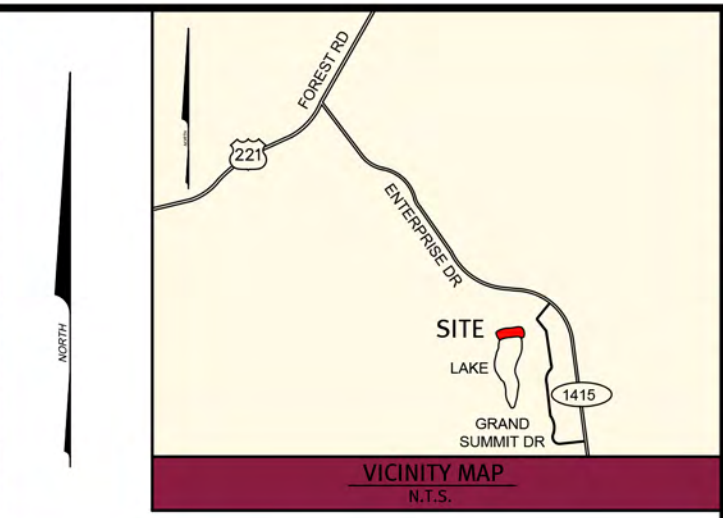
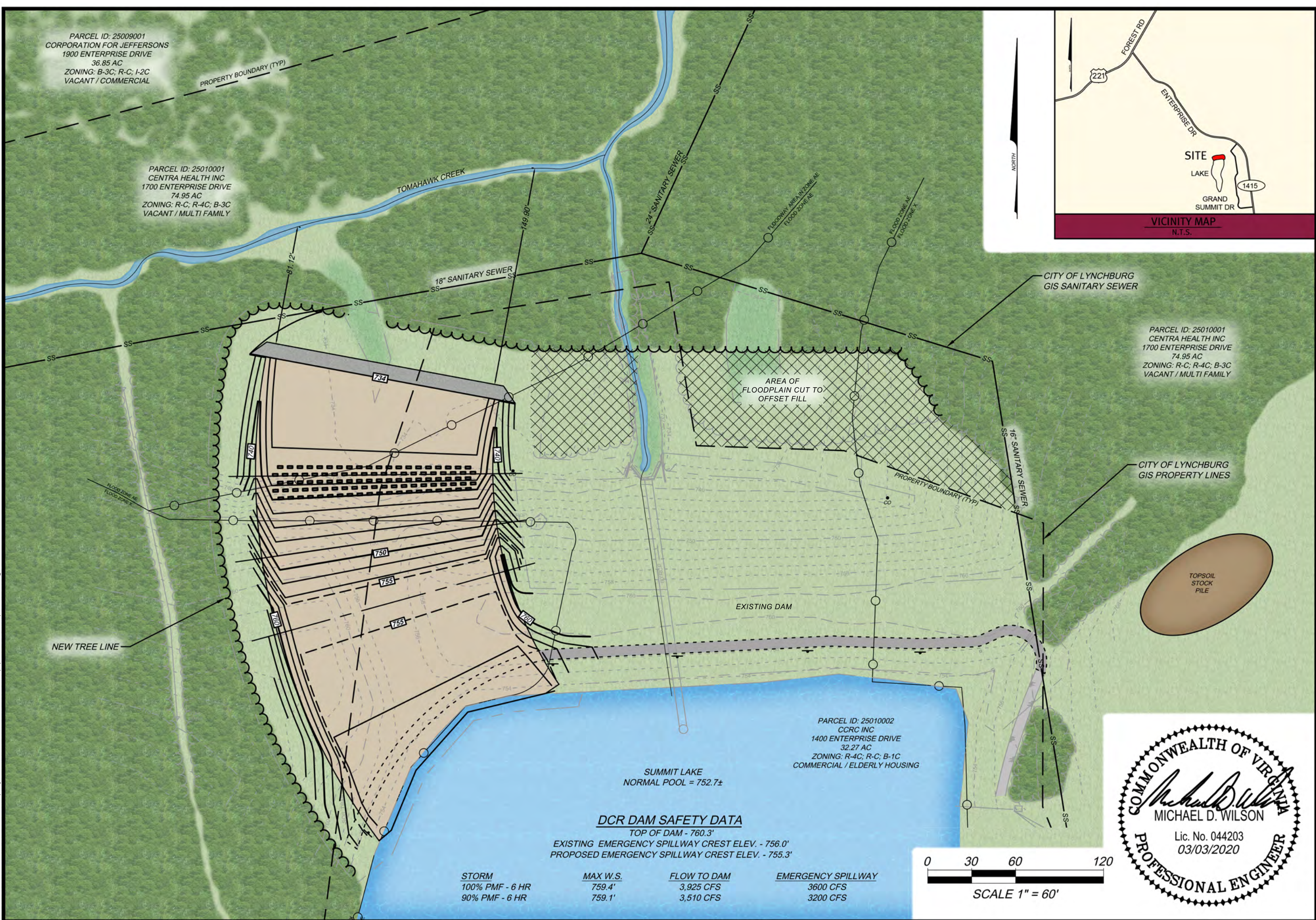
HURT & PROFFITT
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ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEO TECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
434.847.7796 | HANDP.COM

Mar 03, 2020 - 8:31am \\data01\projects\2018\20180550\CAD\cup plans\Concept Plan.dwg



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ff

CONCEPT PLAN

FOR

SUMMIT LAKE SPILLWAY IMPROVEMENTS

LYNCHBURG, VIRGINIA

PROJECT NO.	20180550
LAT.	37.359634°
LONG.	-79.244298°
DATE:	03/03/2020
DRAWN BY:	MAD
CHECKED BY:	MDW

SHEET NO.

2 OF 2

THIS SHEET IS INTENDED TO BE REPRODUCED AT 11"x17". REPRODUCTION OF THIS SHEET AT A DIFFERENT SIZE THAN INTENDED SHALL VOID THE SCALE SHOWN ON THE SHEET.



Summit Dam Improvements Conditional Use Permit May 13, 2020

PLEASE PRINT CLEARLY

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Establish Up To a \$42,000,000 Line of Credit for Interim Capital Financing

KEY ELEMENTS:

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

RECOMMENDATION: City Council is requested to take the following actions to establish interim financing for up to \$42,000,000 via a Tax-Exempt, General Obligation Bond Anticipation Note Draw Down Line of Credit for capital projects.

- (a) Conduct a Public Hearing in accordance with Section 15.2-2606.A of the *Code of Virginia*, 1950, for the issuance of up to \$42,000,000 of Tax Exempt General Obligation Public Improvement Bond Anticipation Notes (BANS)
- (b) Adopt a Resolution authorizing the issuance of up to \$42,000,000 General Obligation Public Improvement Bond Anticipation Notes and authorizing the City Manager, Deputy City Manager or the Chief Financial Officer to execute appropriate documents to establish a \$42,000,000 Line of Credit with JP Morgan Chase Bank, N.A. ("JP Morgan")
- (c) Adopt a resolution amending the FY 2020 General, Water, Sewer, and Stormwater Funds' Adopted Budgets and appropriate \$105,500, \$51,088, \$25,424, and \$17,988 respectively with resources from the Line of Credit Proceeds for a total of \$200,000 for estimated issuance costs.

SUMMARY: During the FY 2018 Proposed Budget discussions, City Council was presented information regarding what came to be known as "on-time" financing. This financing strategy was recommended to provide the flexibility to fund capital projects as the funds are needed. In June 2018, the City established the first iteration of the on-time financing strategy and this is the continuation of that strategy. The recommended Bond Anticipation Note Draw Down Line of Credit will prevent paying interest on unspent bond proceeds and only the drawn proceeds as they are required. No operating costs will be funded with this Bond Anticipation Note. The plan is to permanently finance the Bond Anticipation Note in two or three years, depending on the market, and establish the next Bond Anticipation Note.

On April 29, 2020 the City's financial advisors, Davenport and Company LLC, distributed a Request for Proposals to over 25 local, regional and national lending institutions. Proposals from three institutions were received on May 27, 2020 and evaluated by Davenport and City staff. JP Morgan is recommended based on the following: provides the City with the full \$42 million requested, the lowest variable interest rate, does not have any unused facility fees (i.e. payments on undrawn amounts); the proposal provides the City with complete flexibility on future draws (i.e. certain amount drawn by certain dates); allows for prepayment in whole and in part without penalty; and minimal Bank Counsel fees.

The following is a summary of the proposed cost of issuance:

Issuance Cost Components:	FY 2020 Estimates
Financial Advisor*	\$110,000
Bond Counsel	40,000
Bank Counsel	25,000
Miscellaneous	25,000
Total	\$200,000

*Inclusive of estimated indirect and direct expenses

PRIOR ACTION(S): Adoption of the FY 2020 Capital Improvement Program Budget on May 28, 2019.

FISCAL IMPACT: Line of Credit principal debt retirement will be reflected in the future operating budget's annual debt service payments when permanent bond financing occurs. The utilization of interim financing through the Line of Credit with its related permanent financing will be in accordance with the City's Financial Management Policies.

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S):

- (1) Appropriation Resolution for Issuance Costs
- (2) BAN Resolution for Line of Credit and authorization for City Manager to execute the appropriate documents
- (3) City of Lynchburg VA- Line of Credit 6.9.20 presentation from Davenport & Company LLC.

REVIEWED BY: bms

RESOLUTION:

#R-20-039

BE IT RESOLVED THAT the FY 2020 General, Water, Sewer and Stormwater Funds' Adopted Budgets are amended; and appropriate \$105,500, \$51,088, \$25,424, and \$17,988 respectively with resources from the Line of Credit Proceeds for a total of \$200,000 for estimated issuance costs.

Introduced:

Adopted:

Certified:

Clerk of Council

070R

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED FORTY-TWO MILLION DOLLARS (\$42,000,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF THE ACQUISITION, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, EXTENSION, ENLARGEMENT AND EQUIPPING OF VARIOUS PUBLIC IMPROVEMENT PROJECTS OF AND FOR THE CITY; AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AS FOLLOWS:

SECTION 1. The Council of the City of Lynchburg, Virginia (the "City"), hereby finds and determines as follows:

(a) The Council desires to authorize the issuance and sale of (i) General Obligation Public Improvement Bonds to provide funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City as set forth in Section 8 hereof (hereinafter defined as the "Projects"), and (ii) a like principal amount of General Obligation Public Improvement Bond Anticipation Notes in anticipation of the issuance of such Bonds.

(b) In the judgment of this Council, it is necessary and expedient to authorize the issuance and sale of not to exceed Forty-Two Million Dollars (\$42,000,000) aggregate principal amount of General Obligation Public Improvement Bonds of the City (the "Bonds") and to authorize the issuance and sale of a like principal amount of General Obligation Public Improvement Bond Anticipation Notes of the City (the "Notes") in anticipation of the issuance of such Bonds, in each case for the purpose of providing funds to finance and refinance the costs of the Projects and to pay costs of issuance of such Bonds and such Notes.

SECTION 2. (a) Pursuant to the Public Finance Act of 1991, there are authorized to be issued not to exceed Forty-Two Million Dollars (\$42,000,000) aggregate principal amount of the Bonds of the City for the purpose of providing funds to finance and refinance the costs of the Projects as described in Section 8 hereof and to pay certain costs related to the issuance of such Bonds.

(b) The Bonds shall be issued and sold in their entirety at one time in one or more series, or from time to time in part in series, as shall be determined by the Chief Financial Officer, the City Manager or the Deputy City Manager. The Bonds may be sold at the same time as other general obligation bonds are sold by the City. The Bonds shall be issued in fully registered form and shall be in the denomination of \$5,000 or any integral multiple thereof, except as otherwise provided pursuant to Section 13 hereof. The Bonds of each series shall be

numbered from R-1 upwards in order of issuance and shall have such other series designation as shall be determined by the Chief Financial Officer, the City Manager or the Deputy City Manager; shall mature annually, commencing in such year and on such date in each year and in such amount in each year as shall be determined by the Chief Financial Officer, the City Manager or the Deputy City Manager; and shall bear interest at such rate or rates per annum as shall be determined by the Chief Financial Officer, the City Manager or the Deputy City Manager pursuant to the provisions of Section 9 hereof, such interest being payable on the day which is not more than one (1) year from the date of the Bonds of such series and semiannually thereafter (except as otherwise provided pursuant to Section 13 hereof) and, unless otherwise provided herein or in the proceedings authorizing the issuance of the Bonds of any such series, such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. The Chief Financial Officer, the City Manager or the Deputy City Manager is authorized to determine, in accordance with and subject to the provisions of this Resolution: the date or dates of the Bonds; the interest payment dates thereof; the maturity dates thereof (*provided* that the final maturity of the Bonds of any series shall be not later than forty (40) years from the date of issuance of such Bonds); the amount of principal maturing on each maturity date; the place or places of payment thereof and the paying agent or paying agents therefor; the place or places of registration, exchange or transfer thereof and the registrar therefor; and whether or not the Bonds shall be subject to redemption prior to their stated maturity or maturities and if subject to such redemption, the premiums, if any, payable upon such redemption and the respective periods in which such premiums are payable.

(c) In the event the Bonds of any series shall be dated as of a date other than the first day of a calendar month or the dates on which interest is payable on such series are other than the first days of calendar months, the provisions of Section 3 hereof with regard to the authentication of such Bonds and of Section 11 with regard to the forms of such Bonds shall be modified as the Chief Financial Officer, the City Manager or the Deputy City Manager shall determine to be necessary or appropriate.

(d) (i) If the Bonds of a given series are subject to redemption and if any Bonds of such series (or portions thereof in installments of \$5,000 or any integral multiple thereof) are to be redeemed, notice of such redemption specifying the date, numbers and maturity or maturities of the Bond or Bonds to be redeemed, the date and place or places fixed for their redemption, and if less than the entire principal amount of a Bond called for redemption is to be redeemed, that such Bond must be surrendered in exchange for payment of the principal amount thereof to be redeemed and the issuance of a new Bond or Bonds equalling in principal amount that portion of the principal amount of such Bond not to be redeemed, shall, except as otherwise provided pursuant to Section 13 hereof, be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner of each such Bond at the address of such registered owner as it appears on the books of registry kept by Chief Financial Officer of the City, who is hereby appointed as the initial Registrar and Paying Agent for the Bonds (the "Registrar and Paying Agent" or the "Registrar" or the "Paying Agent"), as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If any Bonds shall have been called for redemption and notice thereof shall have been given as hereinabove set forth, and payment of the principal amount of such Bonds (or of the principal amount thereof to be redeemed) and of the accrued interest payable upon such redemption shall

have been duly made or provided for, interest on such Bonds shall cease to accrue from and after the date so specified for their redemption.

(ii) Any notice of the optional redemption of the Bonds may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption thereof an amount of money sufficient to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of such Bonds, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of any Bonds does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, the corresponding notice of redemption shall be deemed to be revoked.

(iii) So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee, Cede & Co., or to such other nominee of DTC as may be requested by an authorized representative of DTC, and any notice of redemption otherwise required by this resolution to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC. The City shall not be responsible for providing any beneficial owner of the Bonds registered to DTC or its nominee any notice of redemption.

(e) (i) The Bonds of each series shall be issued only in book-entry only form. One Bond representing each maturity of the Bonds of each series will be issued to and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, and each such Bond shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds, except as otherwise provided pursuant to Section 13 hereof. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Except as otherwise provided pursuant to Section 13 hereof, principal and interest payments on the Bonds will be made by the Registrar and Paying Agent for the Bonds to DTC or its nominee, Cede & Co., or to such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying or otherwise dealing with any beneficial owner of the Bonds. So long as the Bonds are in book-entry only form, the Chief Financial Officer will initially serve as Registrar and Paying Agent for the Bonds. The City reserves the right to designate a successor Registrar and Paying Agent for the Bonds and any such successor Registrar and Paying Agent shall be appointed by the City Manager, the Deputy City Manager or the Chief Financial Officer.

SECTION 3. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor of the City and shall have an impression of the corporate seal of the City or a facsimile thereof embossed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City.

(b) The Chief Financial Officer, the City Manager or the Deputy City Manager shall direct the Registrar and Paying Agent for the Bonds of a given series to authenticate such Bonds and no such Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by an authorized signator of the Registrar and Paying Agent. Upon the authentication of any Bonds, the Registrar and Paying Agent shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the issue of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such following interest payment date, the certificate shall be dated as of such following interest payment date, and (iv) in all other instances the certificate shall be dated as of the actual date upon which the Bond is authenticated by the Registrar and Paying Agent.

(c) The execution of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 4. (a) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(b) Principal of the Bonds of a given series shall be payable upon presentation and surrender thereof at the office of the Registrar and Paying Agent.

(c) Except as otherwise provided pursuant to Section 13 hereof, interest on the Bonds shall be payable by check mailed by the Registrar and Paying Agent to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to the provisions of this Section 4; provided, however, that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative

of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(d) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar and Paying Agent shall keep or cause to be kept, at its office, books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation of a Bond or Bonds at the office of the Registrar and Paying Agent, the Registrar and Paying Agent, under such reasonable regulations as the Registrar and Paying Agent may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, such Bond or Bonds on the books of registry as hereinbefore set forth.

(e) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(f) Any Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of such Bonds in other authorized principal sums and of the same series, interest rate and maturity.

(g) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the registered owner in whose name it is registered, in person or by the duly authorized agent of such registered owner, upon surrender of such Bond to the Registrar and Paying Agent for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner or the duly authorized agent of such registered owner, in form satisfactory to the Registrar and Paying Agent.

(h) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owner of such Bond or Bonds, except as otherwise herein provided, and except that the Registrar and Paying Agent shall require the payment by the registered owner of such Bond or Bonds requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered for transfer or exchange pursuant to this Section 4 shall be cancelled.

SECTION 5. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council shall be authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 6. CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed and no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of

such numbers on the Bonds shall be paid by the City; *provided, however*, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchasers of the Bonds.

SECTION 7. To the extent it shall be contemplated at the time of their issuance that the interest on any Bonds issued hereunder shall be excludable from gross income for purposes of federal income taxation, the City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "1986 Code") and the applicable Treasury Regulations promulgated under such Sections 103 and 141-150 so long as any such Bonds are outstanding.

SECTION 8. The proceeds of the sale of the General Obligation Public Improvement Bonds shall be applied to finance and refinance the cost of public improvement projects of and for the City consisting of transportation projects, school improvement projects, sewer improvement projects, water improvement projects, building projects, parks and recreation projects, economic development projects, airport projects and stormwater improvement projects, all as set forth in the City's Capital Improvement Plan, and to finance the acquisition of fleet vehicles (collectively, the "Projects").

SECTION 9. (a) Except as otherwise provided pursuant to Section 13 hereof, the Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than ninety-eight percent (98%) of the principal amount thereof (less any original issue discount) and on such other terms and conditions as are provided in the Official Notice of Sale thereof or in the Purchase Contract or Bond Purchase Agreement relating thereto.

(b) If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the City under a combined Official Notice of Sale. If the Bonds are sold at competitive sale, the Chief Financial Officer, the City Manager or the Deputy City Manager are each hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) an Official Notice of Sale of the Bonds in such form and containing such terms and conditions as the may deem advisable, subject to the provisions hereof.

(c) Upon the determination by the Chief Financial Officer, the City Manager or the Deputy City Manager to sell the Bonds at competitive or negotiated sale, the Chief Financial Officer, the City Manager or the Deputy City Manager are each hereby authorized, without further notice to or action by the Council, to determine the rates of interest the Bonds shall bear; *provided* that:

(i) in no event shall the true interest cost for the Bonds exceed five percent (5%);

(ii) in no event shall the premium payable by the City upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof; *provided, however*, that the Bonds may be issued with a make-whole redemption price which may be determined pursuant to any make-whole calculation designated at the time of sale by the Chief Financial Officer, the City Manager or the Deputy City Manager; and

(d) If the Bonds are sold at negotiated sale, the Chief Financial Officer, the City Manager or the Deputy City Manager is hereby authorized to, without further notice to or action by the Council, to select the underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Purchase Contract or Bond Purchase Agreement relating to the Bonds.

(e) The Chief Financial Officer, the City Manager or the Deputy City Manager are each hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) a Preliminary Official Statement and a final Official Statement relating to the Bonds. Any of the City Manager, the Deputy City Manager or the Chief Financial Officer is hereby further authorized to certify that the Preliminary Official Statement for the Bonds of each series authorized hereunder is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12"). The Mayor, the City Manager, the Deputy City Manager or the Chief Financial Officer are each hereby authorized to execute and deliver the final Official Statement for the Bonds of each series authorized hereunder, and the City Manager, the Deputy City Manager, the Chief Financial Officer and the City Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds of each series certificates in the forms provided for in the Official Statement for the Bonds of such series.

SECTION 10. The City Manager, the Deputy City Manager or the Chief Financial Officer are each hereby authorized to execute and deliver to the purchasers of the Bonds of each series authorized hereunder, as applicable, a Continuing Disclosure Certificate or a Continuing Disclosure Agreement evidencing the City's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds, such Continuing Disclosure Certificate or Continuing Disclosure Agreement to be in such form as shall be approved by the City Manager, the Deputy City Manager or the Chief Financial Officer upon the advice of counsel (including the City Attorney or Bond Counsel to the City), such approval to be conclusively evidenced by the execution of such Continuing Disclosure Certificate or Continuing Disclosure Agreement by the City Manager, the Deputy City Manager or the Chief Financial Officer.

SECTION 11. The Bonds, the certificate of authentication of the Registrar and Paying Agent and the assignment endorsed on the Bonds, shall be in substantially the form set forth in Exhibit A, together with such changes in format as may be appropriate to conform with the provisions hereof, including the provisions of Section 13 hereof, and with customs and practices applicable to comparable securities.

SECTION 12. Pursuant to the Public Finance Act of 1991, there are hereby authorized to be issued and sold, in anticipation of the Bonds authorized for issuance herein, the Notes. Such Notes shall be sold at competitive or negotiated sale, or by direct purchase as set forth in Section 13 hereof, at such price or prices and on such other terms and conditions as shall be determined by the City Manager, the Deputy City Manager or the Chief Financial Officer. The City Manager, the Deputy City Manager or the Chief Financial Officer (i) are hereby authorized to determine the dated date of the Notes of each series, the dates the Notes of each series shall mature (not later than 5 years after the date of issuance of such Notes), the dates on which interest on the Notes shall be payable, the aggregate principal amount of the Notes of each

series and the principal amount of the Notes of each series maturing in each year and (ii) are hereby further authorized to receive bids for the purchase of the Notes of each series if sold at competitive sale or proposals for the purchase of the Notes of each series if sold at negotiated sale and, without further action of the Council, to accept the bid or proposal offering to purchase the Notes of each series at the lowest true interest cost to the City; provided, however, except as otherwise provided pursuant to Section 13 hereof, in no event shall the true interest cost to the City with respect to the Notes of any series exceed five percent (5.00%). The City Manager, the Deputy City Manager or the Chief Financial Officer are each further authorized to fix the rates of interest to be borne by the Notes of each maturity of each series as specified in the bid or proposal accepted by them in accordance with the immediately preceding sentence. The City Manager, the Deputy City Manager or the Chief Financial Officer are each hereby authorized to determine the provisions relating to the redemption of the Notes upon the advice of the City's financial advisor; provided, however, except as otherwise provided pursuant to Section 13 hereof, in no event shall any redemption premium payable by the City exceed two percent (2.00%). If such Notes are offered for competitive sale, an Official Notice of Sale of such Notes shall be prepared, published and distributed in accordance with the requirements of Section 9. If such Notes are publicly offered, there may also be prepared and distributed a Preliminary Official Statement and a final Official Statement relating to such Notes in such form as shall be approved by the City Manager, the Deputy City Manager or the Chief Financial Officer. The issuance and details of such Notes shall be governed by the provisions of Section 15.2-2628 of Title 15.2, Chapter 26, Article 2 of the Code of Virginia, 1950, as amended. The provisions of Sections 5 and 7 shall apply to such Notes to the same extent the same apply to the Bonds except, in the case of the provisions of Section 5, only to the extent such Notes are not paid from the proceeds of the Bonds or from any other available funds. Bonds in anticipation of which such Notes are issued pursuant to this Section 12 may be issued and sold in accordance with the provisions of this Resolution at any time within five (5) years of the date of issuance of the first Notes issued in anticipation of such Bonds.

SECTION 13. (a) In addition to the authorization for a competitive or negotiated sale of the Bonds and the Notes as set forth in Sections 9 and 12 hereof, the Council hereby authorizes the issuance and sale of the Bonds and the Notes to one or more lenders to evidence one or more loans made to the City by one or more lenders in accordance with any proposal made by such lender(s) to the City pursuant to any Request for Proposal issued by the City for any such loan (hereinafter any such Request for Proposal of the City and any proposal from any lender(s) submitted in response thereto shall be collectively referred to as a "Financing Proposal"). There is hereby delegated to the City Manager, the Deputy City Manager or the Chief Financial Officer, without further action by the Council, the authority to issue and deliver the Bonds and the Notes pursuant to this Section 13 at such price(s) and rate(s), and on such other terms and conditions, as shall be provided in any Financing Proposal, which Financing Proposal shall be in such form and containing such terms and conditions as the City Manager, the Deputy City Manager or the Chief Financial Officer deem acceptable, acting with the advice of the City's financial advisor and legal counsel (including the City Attorney and the City's Bond Counsel), subject to the provisions and parameters set forth herein. Any such loan authorized hereby to be evidenced by any Bonds or Notes of the City authorized and issued pursuant to this Resolution may be in the form of a non-revolving drawdown loan in an aggregate principal amount not to exceed \$42,000,000.

(b) Notwithstanding anything in this Resolution to the contrary, Bonds or Notes issued and sold pursuant to a Financing Proposal as provided in this Section 13 may bear interest at such fixed rates or variable rates of interest (which variable rates of interest shall be determined in accordance with any variable rate formula as shall be set forth in any Financing Proposal) as shall be determined by the City Manager, the Deputy City Manager or the Chief Financial Officer, acting with the advice of the City's financial advisor; provided, however, that the true interest cost of any fixed rate(s), or the initial variable rate(s) of interest, shall not exceed 5.000%; and provided further that the fixed rate(s) or variable rate(s) determined for such Bonds or Notes may be further subject to adjustment upon the occurrence of certain events or conditions as may be set forth in any Financing Proposal, including, without limitation, adjustments to the stated interest rate or interest rate formula upon the occurrence of any event of taxability with respect to the Bonds or Notes, any default in payment with respect to the Bonds, and any change in the marginal corporate tax rate of corporations under federal law. Notwithstanding anything in this Resolution to the contrary, any Bonds or Notes issued and sold pursuant to a Financing Proposal as provided in this Section 13 may be prepayable at a prepayment price or redemption price that includes any make-whole amount, yield maintenance fee, penalty fee or break-funding amount calculated in accordance with any formula acceptable to the City Manager, the Deputy City Manager or the Chief Financial Officer, acting with the advice of the City's financial advisor and legal counsel (including the City Attorney and Bond Counsel) as may be set forth in any Financing Proposal or in the Bonds, and in such case, such prepayment price or redemption price may exceed the 2% redemption premium limitation set forth in Sections 9 and 12 above.

(c) Any one of the City Manager, the Deputy City Manager or the Chief Financial Officer is hereby authorized to execute and deliver any Financing Agreement, purchase agreement or any other document, agreement or instrument necessary to provide for the issuance and delivery of the Bonds or the Notes (hereinafter collectively referred to as the "Financing Documents"), which Financing Documents shall be in such form and substance as shall be acceptable to the City Manager, the Deputy City Manager or the Chief Financial Officer, as evidenced by his or her signature thereon, acting with the advice of legal counsel (including the City Attorney and Bond Counsel). Any one of the City Manager, the Deputy City Manager or the Chief Financial Officer is hereby further authorized to determine, or to modify the form of and terms of the Bonds or the Notes with respect to the dated date of the Bonds or the Notes, the authorized denominations of the Bonds or the Notes, the assignment of CUSIP Numbers, if any, to the Bonds or the Notes, and the principal and interest payment dates of the Bonds or the Notes. Notwithstanding anything in this Resolution to the contrary, any of the Bonds or Bond Anticipation Notes may be issued directly to the purchaser thereof, as registered owner or holder thereof.

SECTION 14. The Council hereby authorizes the City to make expenditures for the purpose for which the Bonds and the Notes are to be issued in advance of the issuance and receipt of the proceeds of the Bonds and the Notes and to reimburse such expenditures from the proceeds of the Bonds or the Notes. The adoption of this resolution shall be considered as an "official intent" within the meaning of Treasury Regulation Section 1.150-2 promulgated under the Internal Revenue Code of 1986.

SECTION 15. All actions and proceedings heretofore taken by this Council, the City Manager, the Deputy City Manager, the Chief Financial Officer and the other officers, employees, agents and attorneys of the City in connection with the authorization, issuance and sale of the Bonds and the Notes, including, without limitation, the preparation and distribution of any Request for Proposals relating to the issuance of the Notes, and the review and negotiation of any Financing Proposals, are hereby ratified, confirmed and approved.

SECTION 16. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 17. All ordinances, resolutions and other proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 18. This Resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

EXHIBIT A

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF LYNCHBURG
GENERAL OBLIGATION PUBLIC IMPROVEMENT
BOND, SERIES _____**

REGISTERED

REGISTERED

NO. [R-____]

\$_____

**INTEREST
RATE:**

**MATURITY
DATE:**

DATE OF BOND:

CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The City of Lynchburg, a municipal corporation of the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above), unless this Bond shall have been duly called for previous redemption and payment of the redemption price duly made or provided for, the Principal Sum (specified above) and to pay interest on such Principal Sum until the payment of such Principal Sum in full, at the Interest Rate (specified above) per annum, on _____, ____ and semiannually on each _____ and _____ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date if interest shall have been paid to that date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date. *[To be substituted if the interest payment date is the 15th day of the month: or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which event from such following interest payment date].* Such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. Such interest is payable on each interest payment date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at his address as it appears on such books of registry kept by the Registrar and Paying Agent, as of the close of business on the fifteenth (15th) day (whether or not a business day) of the calendar month next preceding each interest payment date *[To be substituted if the interest payment date is the 15th day of the month: Such interest is payable on each interest payment date by check mailed by the Registrar and Paying*

Agent hereinafter mentioned to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date]; *provided, however,* that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

The principal of this Bond is payable on presentation and surrender hereof at the office of the **Chief Financial Officer of the City**, as Registrar and Paying Agent, in the City of Lynchburg, Virginia. The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of an issue of Bonds aggregating _____ Dollars (\$_____) in principal amount issued for the purpose of providing funds to finance the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City and the acquisition of fleet vehicles for the City under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991) and resolutions and other proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one (or portions of the principal amount thereof in installments of \$5,000 or any integral multiple thereof) maturing on and after _____, _____ are subject to redemption at the option of the City prior to their stated maturities, on or after _____, _____, in whole or in part on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot), upon payment of a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar and Paying Agent as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or of the portion of the principal amount hereof to be redeemed) and of the accrued

interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Any notice of the optional redemption of this Bond may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption hereof an amount of money sufficient to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of this Bond, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of this Bond does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, the corresponding notice of redemption shall be deemed to be revoked.

So long as the Bonds of the series of which this Bond is one are in book-entry only form, any notice of redemption of this Bond shall be given only to Cede & Co., as nominee of The Depository Trust Company ("DTC"), and any notice of redemption otherwise required by the resolution pursuant to which this Bond and the Bonds of the series of which this Bond are issued to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same issue, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, on the books of registry kept by the Registrar and Paying Agent for such purpose at the office of the Registrar and Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar and Paying Agent.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor; a facsimile of the corporate seal of the City to be imprinted hereon, attested by the manual or facsimile signature of the Clerk of Council of the City, and this Bond to be dated the date first above written.

CITY OF LYNCHBURG, VIRGINIA

[SEAL]

Mayor

Attest:

Clerk of Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

By: _____
Chief Financial Officer,
as Registrar and Paying Agent

Date of Authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sell(s), assign(s) and transfer(s) unto _____

(Please print or typewrite name and address, including zip code, of Assignee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER TAX IDENTIFYING NUMBER OF ASSIGNEE

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, agent, to transfer the same on the books of registry in the office of registrar with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange Inc. or a commercial bank or trust company.

(Signature of Registered Owner)
NOTICE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

City of Lynchburg, Virginia

Summary of Bids Received



June 9, 2020



Request for Proposals Solicitation

- On Tuesday, April 29, 2020, Davenport & Company, in our capacity as Financial Advisor, on behalf of the City of Lynchburg, Virginia (the “City”), distributed a Request for Proposals (“RFP”) to over 25 local, regional and national lending institutions for the purpose of obtaining a loan evidenced by the City’s Draw Down Bond Anticipation Note Line of Credit, Series 2020 (the “Series 2020 Line of Credit”).
- The RFP was distributed with two options: 1) Fixed Rate; and, 2) Variable Rate.
- On Wednesday, May 27, 2020 Davenport received proposals from the lending institutions listed below. Detailed summaries of the proposals can be found in the Appendix.

Bidders on Series 2020 Line of Credit

Atlantic Union Public Finance

JPMorgan Chase Bank

Truist Bank



Summary of Proposals Received

Proposal	Max Amount Financed	Term	Interest Rate	Unused Fee	Prepayment	Draw Restrictions
Atlantic Union Public Finance	Up to \$21 Million	3 Years	1.410% (<u>Fixed</u>)	None	In whole or in part at any time with no penalty	Initial Draw of at least \$452,000 is required
			1.310% (<u>Fixed</u>)	0.125% Paid Quarterly		
			79% of 1 Month LIBOR + 1.03% (<u>Variable</u> – Currently 1.17%)	None		
			79% of 1 Month LIBOR + 0.93% (<u>Variable</u> – Currently 1.07%)	0.125% Paid Quarterly		
JPMorgan Chase Bank	Up to \$42 Million	2 Years	1.017% (<u>Fixed</u>)	None	Permitted subject to breakage costs	City must follow pre-set draw schedule
			80% of 1 Month LIBOR + 0.74% (<u>Variable</u> – Currently 0.88%)		Prepayable on any LIBOR reset date at no penalty	No pre-set draw schedule required
		3 Years	80% of 1 Month LIBOR + 0.96% (<u>Variable</u> – Currently 1.09%)			
Truist Bank	Up to \$42 Million	2 Years	1.820% (<u>Fixed</u>)	N/A	In whole or in part at any time	City required to fully draw Line of Credit at closing
		3 Years	1.960% (<u>Fixed</u>)			
		2 Years	1 Month LIBOR + 1.23% (<u>Variable</u> – Currently 1.72%)	0.002% of the average unused principal amount		No minimum on the initial draw amount
		3 Years	1 Month LIBOR + 1.33% (<u>Variable</u> – Currently 1.80%)			

Summary of Top Proposal



JPMorgan Chase Bank

Series 2020 Line of Credit

Amount: Up to \$42 million

Final Maturity: June 15, 2023 (3 years)

Rate: 80% of 1-Month Libor + 0.96%
(Current Rate 1.096%)

Prepayment: In whole or in part on a rate
reset date without premium or
penalty

Minimum Draw: \$100,000

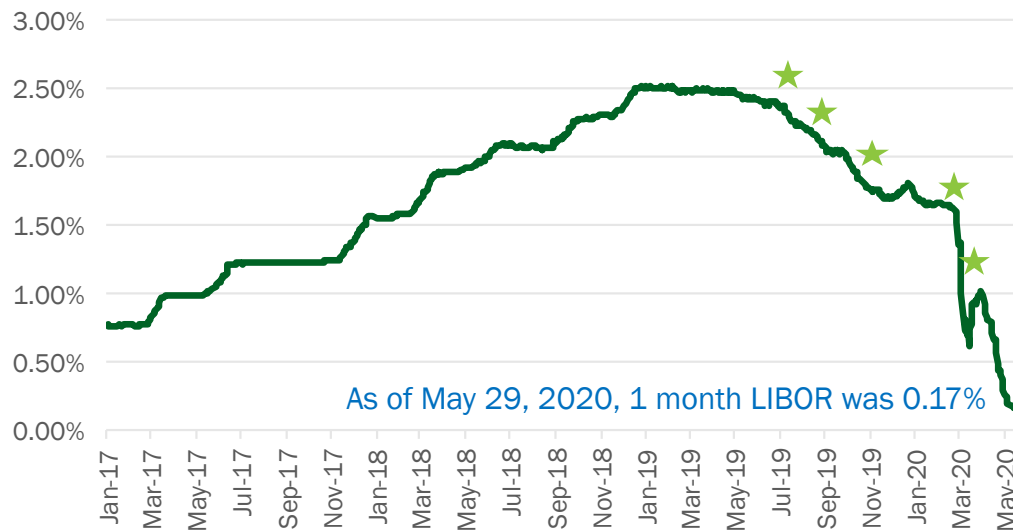
Bank Closing Costs: \$25,000 for Legal Counsel

Close by: June 30, 2020



Change in LIBOR vs. Federal Reserve Movements

1 Month LIBOR (January 2017 - Present)



Changes in LIBOR over the last 36 months have historically tracked adjustments in the Federal Funds Rate. In light green Davenport has starred positions on the curve where the Federal Reserve cut the Federal Funds Rate over the last 12 months.

Federal Reserve guidance as of its April meeting is that the Committee expects to maintain rates near zero until it is confident that the economy has weathered recent events and is on track to achieve its maximum employment and price stability goals.

Federal Reserve Rate Changes Since 2008

Date	Increase	Decrease	Level (%)
12/17/2015	25	0	0.25 - 0.50
12/15/2016	25	0	0.50 - 0.75
3/16/2017	25	0	0.75 - 1.00
6/15/2017	25	0	1.00 - 1.25
12/14/2017	25	0	1.25 - 1.50
3/22/2018	25	0	1.50 - 1.75
6/14/2018	25	0	1.75 - 2.00
9/27/2018	25	0	2.00 - 2.25
12/30/2018	25	0	2.25 - 2.50
8/1/2019	0	25	2.00 - 2.25
9/19/2019	0	25	1.75 - 2.00
10/31/2019	0	25	1.50 - 1.75
3/3/2020	0	50	1.00 - 1.25
3/16/2020	0	100	0.00 - 0.25

Recommendation & Rationale



- Davenport recommends the City accept the proposal from JPMorgan Chase Bank to finance the City's Series 2020 Line of Credit. This recommendation is based upon the following:
 - JPMorgan Chase Bank's proposal provides financing for the full \$42 Million amount;
 - The proposal from JPMorgan Chase Bank was the lowest interest rate that did not have any unused facility fees (i.e. payments on undrawn amounts);
 - Outside of the requirement that the City draw in minimum denominations of \$100,000 the proposal provides the City flexibility on future draws; and
 - Allows for prepayment flexibility in whole and in part without penalty.

Next Steps



Date		Action
April 29, 2020	✓	Davenport Distributed Request for Bids to Local, Regional and National Banking Institutions
Balance of May	✓	Davenport communicates with potential lenders
May 27, 2020	✓	Davenport Received Responses to the City's Request for Proposals
June 9, 2020		<u>City Council Meeting</u> : Public Hearing; RFP results presented to City Council and City Council considers Bond Ordinance and Financing Documents
Balance of June		Bond Counsel Finalizes Closing Documents
Prior to June 30, 2020		Close on 2020 Bond



Appendix – Detailed Summary of Proposals Received

City of Lynchburg, Virginia

Detailed Summary of Proposals Received



City of Lynchburg, Virginia Series 2020 Line of Credit				
	Atlantic Union - Option 1	Atlantic Union - Option 2	Atlantic Union - Option 3	Atlantic Union - Option 4
	Atlantic Union Public Finance	Atlantic Union Public Finance	Atlantic Union Public Finance	Atlantic Union Public Finance
Facility Maximum Size	Up To \$21,000,000			
Maturity	6/15/2023 (3 Years)			
Rate/Formula	1.410%	1.310%	79% of 1-Month LIBOR + 1.03%	79% of 1-Month LIBOR + 0.93%
Fixed/Variable Rate?	Fixed		Variable	
Current Variable Rate	N/A		1.17%	1.07%
Unused Fee	None	0.125% paid quarterly	None	0.125% paid quarterly
Prepayment	In whole or in part at any time			
Prepayment Penalty	None			
Notes	Initial draw of no less than \$452,000 is required. Additional draws may be made at any time with 3 business days' notice subject to a minimum of \$500,000			

Detailed Summary of Proposals Received (Continued)



City of Lynchburg, Virginia Series 2020 Line of Credit			
	JPMorgan Chase Bank - Option 1A	JPMorgan Chase Bank - Option 2A	JPMorgan Chase Bank - Option 2B
	J.P.Morgan	J.P.Morgan	J.P.Morgan
Facility Maximum Size	Up To \$42,000,000		
Maturity	6/15/2022 (2 Years)		6/15/2023 (3 Years)
Rate/Formula	1.017%	80% of 1-Month LIBOR + 0.74%	80% of 1-Month LIBOR + 0.96%
Fixed/Variable Rate?	Fixed	Variable	
Current Variable Rate	N/A	0.88%	1.10%
Unused Fee	None		
Prepayment	Permitted	Prepayable on any monthly LIBOR reset date	
Prepayment Penalty	Subject to bank breakage costs	None	
Notes	City must follow pre-set draw schedule & deviations will be subject to breakage costs. "All or None" bid. Indicative rate - final rate will be locked upon execution of a rate lock letter.	City not restricted to a pre-set draw schedule. Draws permitted 4-5 times per month & in \$100,000 denominations. "All or None" bid.	

Detailed Summary of Proposals Received (Continued)



City of Lynchburg, Virginia Series 2020 Line of Credit				
	Truist Bank - Option 1A	Truist Bank - Option 1B	Truist Bank - Option 2A	Truist Bank - Option 2B
	TRUIST 	TRUIST 	TRUIST 	TRUIST 
Facility Maximum Size	Up To \$42,000,000			
Maturity	6/15/2022 (2 Years)	6/15/2023 (3 Years)	6/15/2022 (2 Years)	6/15/2023 (3 Years)
Rate/Formula	1.820%	1.960%	1-Month LIBOR + 1.23%	1-Month LIBOR + 1.33%
Fixed/Variable Rate?	Fixed		Variable	
Current Variable Rate	N/A		1.72%	1.80%
Unused Fee	N/A - The City would be required to fully draw the entire balance of the Line of Credit at closing into an escrow account. Interest would be paid on the whole amount from closing.		0.002% of the average unused principal amount of the Loan quarterly, in arrears	
Prepayment	In whole or in part at any time			
Prepayment Penalty	Not specified			
Notes	No minimum on the initial draw amount.			

Contact Information

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Version 01/13/2014 AH/DJG/CR/DR

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Clean Water Facilities Revolving Loan for Combined Sewer Overflow Number 56 Project

KEY ELEMENTS:

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

RECOMMENDATION: Conduct the required public hearing pursuant to Section 15.2-2606 A of the Code of Virginia for the issuance not to exceed \$1,500,000 of Sewer Revenue Utility Bonds for the Combined Sewer Overflow Number 56 Project. Additionally, adopt a resolution authorizing the issuance not to exceed \$1,500,000 of Sewer Revenue Bonds and authorizing the City Manager, Deputy City Manager, or Chief Financial Officer to execute appropriate documents.

SUMMARY: Funding from the Sewer Revenue Utility Bonds will be utilized to construct a new Combined Sewer Overflow (CSO) regulator vault (CSO 56) in the vicinity of Washington and Jefferson Streets. This vault is used to regulate the flow of storm and sewer water in the City's CSO system. Due to the complexity of the system hydraulics and extreme volume of flow during intense storm events, the existing structure is inadequate to handle the volume of combined wastewater and stormwater without overflowing through the top of the structure. This poses both health and flooding hazards. Additionally, the existing structure does not meet the requirements of the City's CSO Long Term Control Plan and associated Consent Special Order.

The design of the new structure is a result of a detailed analysis and the construction of a complex physical model by the University of Iowa, Hydrosience & Engineering Laboratory. The new structure will be only the second known structure of similar design in the world and has been approved by Department of Environmental Quality (DEQ). Bids for construction are scheduled June 27, 2020 with construction beginning in July, 2020. These loan funds combined with remaining resources available from previous appropriations shall be used to fund the construction of this project.

PRIOR ACTION(S): Adoption of the FY 2019 Capital Improvements Program Budget, which included an appropriation of Sewer Revenue Bonds in the amount of \$1,500,000.

FISCAL IMPACT: Issuance of up to \$1,500,000 Sewer Utility Revenue Bonds secured by pledge of revenues from Sewer Fund as collateral for the loan.

CONTACT(S): Timothy Mitchell, Director of Water Resources, 455-4252
Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S):
Resolution

REVIEWED BY: raw

071R

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) PRINCIPAL AMOUNT OF SEWER REVENUE BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CAPITAL IMPROVEMENTS TO THE SEWER SYSTEM OF THE CITY, A REVENUE-PRODUCING UNDERTAKING OF THE CITY, SUCH CAPITAL IMPROVEMENTS CONSTITUTING WASTEWATER TREATMENT FACILITIES WITHIN THE MEANING OF TITLE 62.1, CHAPTER 22, SECTION 62.1-224, OF THE CODE OF VIRGINIA, 1950, AS AMENDED; FIXING THE FORMS, DENOMINATIONS AND CERTAIN OTHER DETAILS OF SUCH BONDS; PROVIDING FOR THE ISSUANCE OF SUCH BONDS TO THE VIRGINIA RESOURCES AUTHORITY (“VRA”), AS ADMINISTRATOR OF THE VIRGINIA WATER FACILITIES REVOLVING FUND, TO EVIDENCE THE BORROWINGS TO BE MADE BY SUCH CITY FROM VRA PURSUANT TO ONE OR MORE FINANCING AGREEMENTS BY AND BETWEEN VRA AND THE CITY; APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS OF SUCH FINANCING AGREEMENTS AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY THEREOF; AND APPOINTING THE CHIEF FINANCIAL OFFICER AS REGISTRAR AND PAYING AGENT FOR SUCH BONDS

WHEREAS, in the judgment of the Council (the “Council”) of the City of Lynchburg, Virginia (the “City”), it is desirable to authorize the issuance of not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) principal amount of revenue bonds of the City in the form of Sewer Revenue Bonds to provide funds to pay the cost of capital improvements to the sewer system of the City, consisting of the reconstruction of a permitted Combined Sewer Overflow regulator structure within the City’s sewer system, such system being a revenue-producing undertaking of the City, such capital improvements constituting wastewater treatment facilities within the meaning of Title 62.1, Chapter 22, Section 62.1-224, of the Code of Virginia, 1950;

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

SECTION 1. Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, as amended, the same being the Public Finance Act of 1991, as amended, for the purpose of providing funds to pay the cost of capital improvements to the sewer system of the City as described herein, a revenue-producing undertaking of the City, such capital improvements constituting wastewater treatment facilities within the meaning of Title 62.1, Chapter 22, Section 62.1-224, of the Code of Virginia, 1950, as amended, there are authorized to be issued not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) principal amount of revenue

bonds of the City to be designated “City of Lynchburg, Virginia, Sewer Revenue Bonds” (the “Bonds”). The Bonds may be issued in one or more series and shall bear the series designation “Series 2020” and/or such other series designation as shall be determined by the City Manager, the Deputy City Manager or the Chief Financial Officer.

SECTION 2. The Bonds of each series shall be issued to the Virginia Resources Authority (“VRA”), as administrator of the Virginia Water Facilities Revolving Fund (the “Fund”), pursuant to the terms, conditions and provisions of, and to evidence the borrowing to be made by the City from VRA under, a Commitment Letter for the Bonds of each series (a “Commitment Letter” or, collectively, the “Commitment Letters”), from VRA to the City, and a Financing Agreement for the Bonds of each series, as the same may be amended and supplemented from time to time (a “Financing Agreement” or, collectively, the “Financing Agreements”), by and between VRA, as administrator of the Fund, and the City, as the Borrower thereunder. Any of the City Manager, the Deputy City Manager or the Chief Financial Officer is hereby authorized and directed to execute and deliver to VRA a Commitment Letter and a Financing Agreement for the Bonds of each series in such forms as the City Manager, the Deputy City Manager or the Chief Financial Officer executing the same shall approve upon the advice of counsel (including the City Attorney and Bond Counsel to the City), such approval to be conclusively evidenced by the execution and delivery thereof by the City Manager, the Deputy City Manager or the Chief Financial Officer. In accordance with the terms, conditions and provisions of the Commitment Letters and the Financing Agreements, as the same may be amended from time to time, the Bonds of each series shall have a term of not exceeding the term provided for in the Financing Agreement relating to the Bonds of such series as executed, shall bear interest at the rate of zero per centum (0%) per annum and shall mature on such dates (not later than 21 years after satisfaction of all requirements in the Financing Agreement for the completion of the project financed with the proceeds of the Bonds) and in such principal amounts as shall be specified in the definitive forms of the Financing Agreements and the forms of the Bonds attached to the definitive forms of the Financing Agreements as Exhibit A thereto.

SECTION 3. The revenues of the sewer system of the City are irrevocably pledged to the punctual payment of the principal of the Bonds as the same become due and payable, and the Bonds shall be secured solely by and payable solely from such revenues. The Bonds shall be secured on a parity basis with the City’s “Existing Parity Bonds” set forth in Appendix F to the definitive forms of the Financing Agreements and any additional Parity Bonds issued in accordance with the Financing Agreements.

The City Council hereby covenants with and for the benefit of the registered owners of the Bonds that so long as any Bond shall remain outstanding the rates, rents, fees or other charges for the services and facilities furnished by, or for the use of, or in connection with the revenue-producing undertaking of the City consisting of the sewer system of the City shall be fixed and maintained at the level that will produce sufficient revenue in each year to satisfy the rate covenants set forth in the Financing Agreements, to pay the cost of operation and administration of such sewer system, the cost of insurance against loss by injury to persons or property and the principal of the Bonds when due and payable and to provide reserves for such purposes.

SECTION 4. The Bonds of each series (including any allonge or amendment thereto) shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor or the Vice Mayor of the City and shall have the corporate seal of the City impressed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council or any Deputy Clerk of Council of the City, and such Bonds shall be authenticated with the manual or facsimile signature of the Chief Financial Officer of the City.

The Bonds of each series shall be in substantially the form set forth as Exhibit A to the definitive form of the Financing Agreement relating to such series.

The Chief Financial Officer is hereby appointed as the Registrar and Paying Agent for the Bonds.

SECTION 5. Any one of the City Manager, the Deputy City Manager, the Chief Financial Officer, the City Attorney or any other appropriate officers and employees of the City shall take all actions and execute and deliver such documents and certificates in connection with the execution and delivery of the Bonds and the Financing Agreements as shall be necessary to carry out the provisions thereof and of this Resolution, including, but not limited to, a tax compliance agreement.

SECTION 6. All resolutions in conflict herewith are, to the extent of such conflict, repealed. This Resolution shall constitute the "Local Resolution" as such term is defined in Section 1.1 of the Financing Agreement.

SECTION 7. The Clerk of Council or any Deputy Clerk of Council is hereby directed to file a copy of this Resolution, certified by such Clerk of Council or any Deputy Clerk of Council to be a true and correct copy hereof, with the Circuit Court of the City.

SECTION 8. The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

SECTION 9. This Resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **12a**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing – School Board Appointments

KEY ELEMENTS:

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

RECOMMENDATION: Continuation of the public hearing to receive citizen input regarding appointments (or reappointments) to vacancies that will exist June 30, 2020, in School Board districts I, II and III.

SUMMARY: The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. Following the public hearing, City Council may either conclude the public hearing or continue to the next meeting to allow more time for citizen input. The City Code requires that these appointments be made during the month of June; therefore, no action may be taken on this matter except at the June 9 or June 23 meetings.

Attached is a list indicating which current members are eligible for reappointment and who is willing to continue to serve. The names of the volunteers whose applications have been received and who have expressed a desire to continue through the process are also included.

There have been no additional applications received by the Clerk of Council since the meeting of May 26, 2020.

PRIOR ACTION(S): May 15, 2020: Advertisement of the Public Hearing in *The News and Advance*
May 26, 2020: Council conducted a public hearing and continued it to June 9, 2020

FISCAL IMPACT: None

CONTACT(S): Robin Craig, Clerk of Council – 455-3995

ATTACHMENT(S):
School Board Appointment List

REVIEWED BY: raw

060R

School Board Appointment List
May 26, 2020

Current School Board Members to be Reappointed:

School District 1, Dr. Robert Brennan (Willing to serve again)
School District 2, Dr. Kimberly Sinha (Willing to serve again)
School District 3, Dr. James Coleman (Willing to serve again)

Current Volunteers:

School District 1:

Dr. Kathie Carwile
Mr. Brian Farrow
Mrs. Tracey Langseth

School District 2:

Ms. Nakesha Moore
Ms. Consuela M. Mosley
Dr. Tony Ryals
Ms. Christina Wilson

School District 3:

Ms. Cheryl Giggetts
Mr. Andrew Glover
Dr. Richard Heinlein

From:
To: [Craig, Robin](#)
Subject: RE: The Lynchburg Chapter of The Links, Inc. letter to City Council
Date: Wednesday, June 3, 2020 9:39:45 AM

CAUTION: External Sender

Hello Robin,

The Lynchburg Chapter of The Links, Inc. would like to be placed on the City Council agenda for Tuesday, June 9, 2020 at 7:30 P.M. We have a letter that our organization would like to read to City Council. President of the chapter is Rosie Spann-Johnson. She will be reading the letter to City Council. Please confirm when you receive this message and also, let me know of any particulars involving protocol that we need to be aware of.

Thank You

Hermina Hendricks

067R

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **14**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: 1) Adopt and Appropriate the FY 2021 Operating Budget; 2) Adopt the FY 2021-2025 Capital Improvement Program; 3) Adopt and Appropriate the FY 2021 Capital Budget; 4) Adopt and Appropriate \$50,000 of the FY 2021 Reserve for Contingencies for use by the City Manager; and 5) Adopt a Resolution to set the Personal Property Tax Relief Rate.

KEY ELEMENTS:

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

RECOMMENDATION: Adopt and appropriate the FY 2021 Operating Budget; adopt the FY 2021-2025 Capital Improvement Program; adopt and appropriate the FY 2021 Capital Budget; adopt and appropriate \$50,000 of the FY 2021 Reserve for Contingencies for use by the City Manager; and adopt a resolution to set the Personal Property Tax Relief Rate.

SUMMARY: Following the March 31, 2020 Public Hearing, COVID-19 economic impact adjustments, and further discussion and deliberation on the FY 2021 Budget, Council balanced the Proposed FY 2021 General Fund Budget as follows:

General Fund

	FY 2021 Proposed Budget	Adjustments	FY 2021 Adopted Budget
Revenues and Use of Fund Balance			
Revenues	\$194,122,593	(\$6,494,725)	\$187,627,868
Use of (Additions to) Committed/Assigned Fund Balance Reserves	1,996,807	0	1,996,807
Reserve: Task Force on the Future of PreK-12 Education and Beyond	0	700,000	700,000
Reserve: Greater Lynchburg Transit Company (GLTC)	319,957	(319,957)	0
Use of Fund Balance	4,073,669	0	4,073,669
Total Revenues and Use of Fund Balance	\$200,513,026	(\$6,114,682)	\$194,398,344
Expenditures, Reserves, and Transfers			
Operations	\$131,194,538	(\$3,646,315)	\$127,548,223
Debt Service	18,082,977	0	18,082,977
Schools Operations	40,528,498	(700,000)	39,828,498
Greater Lynchburg Transit Company (GLTC) - City Operating	1,642,346	(1,142,346)	500,000
Greater Lynchburg Transit Company (GLTC) - Return of Fund Balance	319,957	(319,957)	0
Transfers to Other Funds	1,130,522	0	1,130,522
Addition to Reserve: General Fund Reserve for Contingencies	1,200,000	0	1,200,000
Addition to Reserve: Law Library	6,800	0	6,800
Addition to Reserve: Task Force on the Future of PreK-12 Education and Beyond	500,000	(500,000)	0
Addition to Reserve: Firefighters	0	193,936	193,936
Capital Improvements	5,907,388	0	5,907,388
Total Expenditures, Reserves, and Transfers	\$200,513,026	(\$6,114,682)	\$194,398,344

Based on City Council's Work Session discussions and decisions regarding the FY 2021 budget, as well as staff adjustments, the following changes have been made to the Proposed FY 2021 Budget:

BALANCING THE FY 2021 GENERAL FUND BUDGET

Revenues and Use of Fund Balance
\$194,122,593 Proposed Revenues (from the FY 2021 Proposed Operating Budget)
6,390,433 Use of Fund Balance, Committed/Assigned Fund Balance, and Other
\$200,513,026 Total Proposed Revenues and Use of Fund Balance

Increase/(Decrease) Adjustments: Revenue Summary (primarily related to COVID-19)

Non-dedicated Revenue Adjustments
(\$1,569,286) Increased Allowance for Uncollectible Real Property
(700,000) Reduced Delinquent Real Property
(975,000) Reduced Personal Property
45,749 Reduced Allowance for Uncollectible Personal Property
(140,000) Reduced Delinquent Personal Property
(745,421) Reduced Local Sales and Use Tax
(874,547) Reduced Business License Tax
17,491 Reduced Allowance for Uncollectible Business License Tax
(50,000) Reduced Bank Stock Tax
(104,810) Reduced Amusement Tax
(324,364) Reduced Lodging Tax
(567,401) Reduced Meals Tax
(1,500) Reduced Permits, Fees, and Regulatory Licenses
(62,500) Reduced Fines and Forfeitures
(238,797) Reduced Charges for Services
Dedicated Revenue Adjustments (based on department projections and trends)
(88,318) Reduced Charges for Services
(45,237) Reduced Parking Revenue
(17,000) Reduced Swimming Pool Fees
(22,197) Reduced Miscellaneous Revenue
(31,587) Reduced Intergovernmental: Federal Direct/Categorical Aid - Social Services Administration for delaying the start of three (3) new full-time positions until January 1, 2021 - Social Services (Federal revenue loss)
(\$6,494,725) **Total Adjustments: Non-dedicated and Dedicated Revenues**

Reserves
\$700,000 Use of Task Force on the Future of PreK-12 Education and Beyond
(319,957) Addition to the Greater Lynchburg Transit Company (GLTC) Reserve
\$380,043 Total Adjustments: Reserves

(6,114,682) **Total Adjustments: Revenue Summary (primarily related to COVID-19)**

\$194,398,344 Revenues and Use of Fund Balance

Expenditures, Reserves, and Transfers
\$200,513,026 Proposed Expenditures, Reserves, and Transfers (from the FY 2021 Proposed Operating Budget)

Increase/(Decrease) Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)
(\$2,015,952) Eliminated 3% General Wage Increase
(946,481) Delayed Phase II of the Korn-Ferry Market Adjustments
(1,142,346) One-time GLTC - City Operating savings due to additional federal funds available through the CARES Act
(319,957) One-time GLTC - Return of Fund Balance savings due to additional federal funds available through the CARES Act
(30,142) Eliminate Council salary increases
(125,000) Eliminate funding for implementing Safety and Security Task Force recommendations
(50,000) Eliminate Health Insurance Consultant for Employees
(75,000) Economic Development eliminate funding for 2040 Master Plan
(60,000) Public Works mini sweeper
(2,760) Reduced hours for part-time Volunteer Coordinator position - Library
(34,986) Eliminate new part-time accreditation position - Police
(39,773) Eliminate new hourly accreditation position - Fire
(12,383) Delay start of new part-time positions for a neighborhood center until October 1, 2020 - Parks and Recreation
(92,902) Delay start of three (3) new full-time positions until January 1, 2021 - Social Services local savings (\$61,315) and federal savings (\$31,587)
(500,000) Eliminate addition to Task Force on the Future of PreK-12 Education and Beyond Reserve
(700,000) Reduced School Operating - Local funding
(95,000) Reduced fuel costs for projected General Fund savings
(45,793) Reduced Swimming Pool expenditures (July - August 2020) closure due to COVID-19
67,000 Increase in banking services fees; earnings allowance continues to decrease, less and less to offset fees
193,936 Addition of Firefighters reserve
(12,435) Reduced the Public Works - Refuse Brush/Bulk Enforcement full-time position to begin 10/01/2020
(6,000) Eliminated the Parks and Recreation - increase in Miller Pool staff pay (May 2021) to help attract and retain staff
(4,600) Eliminated the Parks and Recreation - annual maintenance contract for RecPro software for program registration
Funded in FY 2020 with Manager's Discretionary funding
(1,000) Eliminated Parks and Recreation - increased chemical costs (May 2021) for Miller Park Pool
(3,900) Eliminated Parks and Recreation - rentals of portable toilets in the park and trail system
Funded in FY 2020 with Manager's Discretionary funding
(7,000) Eliminated Community Development - estimated costs of hiring a monitoring service to implement the Short Term Rental Registration program
(14,001) Eliminated Virginia Municipal League (VML) Conference and Miscellaneous Travel (National League of Cities)
(38,207) Use of Managed Vacancy Savings

(6,114,682) **Total Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)**

\$194,398,344 Expenditures

\$0 Balance of Revised Revenues, Use of Fund Balance, and Expenditures

Also, State code requires the Personal Property Tax Relief Rate be set at the time the budget is adopted.

Adopting all Resolutions except Resolution C, Discretionary External Service Providers, require a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Adopting Resolution C requires a two – thirds majority vote (i.e. five of seven) among the members elected to City Council, said vote to be taken by ayes and noes.

Adopting Ordinance I requires a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2021 is projected to be \$22,101,557 or 11.8% of revenues. Council's target for undesignated fund balance is a minimum of 10% of General Fund revenues with a goal of 15% as the City strives to grow incrementally each year subject to revenues available.

PRIOR ACTION(S): March 10, 17, 24; April 7, 14, 28; May 5, 12, and 26, 2020 – City Council Work Sessions
March 31, 2020 – Public Hearing on the Proposed FY 2021 Budgets for General, Schools, Water, Sewer, Stormwater, Airport, Fleet, and Other Funds, and the FY 2021 - 2025 Capital Improvement Program
March 31, 2020 – Public Hearing on the Proposed Sewer Rate Increase

FISCAL IMPACT: See attached budget resolutions and ordinance

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968
Bonnie Svrcek, City Manager, 455-3990

ATTACHMENT(S): Resolutions to:
Adopt and Appropriately the FY 2021 Operating Budget (A-D)
Adopt the FY 2021-2025 Capital Improvement Program (E)
Adopt and Appropriately the FY 2021 Capital Budget (F)
Adopt and Appropriately \$50,000 of the FY 2020 Reserve for Contingencies for use by the City Manager (G)
Adopt a Resolution to set the Personal Property Tax Relief Rate (H)
Adopt an Ordinance to set the Sewer Rates (I)

REVIEWED BY: bms

- A. BE IT RESOLVED that by majority vote the FY 2021 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) including the revenues and expenditures proposed by the City Manager and revised by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2020 and ending June 30, 2021 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
<u>Non-Dedicated Revenues</u>			
General Property Taxes	\$81,482,704	General Government	\$13,360,843
Other Local Taxes	53,146,430	Judicial Administration	5,365,328
Permits, Fees, and Regulatory Licenses	817,500	Public Safety	38,778,472
Fines and Forfeitures	190,000	Public Works	20,389,613
Use of Money and Property	1,035,819	Health and Welfare	22,244,372
Charges for Services	3,208,545	Parks, Recreation and Cultural	5,650,115
Miscellaneous	239,100	Community Development	5,627,276
Revenue from the Commonwealth	6,270,984	Non-Departmental	7,910,747
<u>Dedicated Revenues</u>		Transfer to Other Funds	1,130,522
Revenue from Use of Money & Property		General Fund - Debt Service	8,842,966
Charges for Services	4,855,004	Schools - Debt Service	9,240,011
Recreation Revenue	435,300	Reserves	1,400,736
Parking	515,000	Transfer to Capital - City	4,634,302
Miscellaneous	3,063,183	Transfer to Capital - Schools	1,273,086
Revenue from the Commonwealth		Subtotal	\$145,848,389
Categorical Aid - State Shared Expenditures	3,183,222		
Categorical Aid	20,543,117	Component Units	
Revenue from the Federal Government	8,641,960	Lynchburg City Schools - Local Operating	39,828,498
Use of Committed/Assigned Fund Balance and Other	2,696,807	Greater Lynchburg Transit Company - Local Operating	500,000
Use of (Additions to) Unassigned Fund Balance	4,073,669	External Service Providers ¹	8,221,457
Total	<u>\$194,398,344</u>	Total	<u>\$194,398,344</u>

¹To be considered separately

Introduced: June 9, 2020

Adopted: June 23, 2020

Certified: _____

Clerk of Council

- B. BE IT RESOLVED that by majority vote the FY 2021 Mandated and Contractual External Service Providers Budget of \$8,192,056 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2020 and ending June 30, 2021 and said funds be appropriated:

<u>MANDATED</u>	
Blue Ridge Regional Jail Authority	\$5,543,931
Central Virginia Planning District Commission (CVPDC)	46,770
Horizon Behavioral Health	574,512
Lynchburg Health Department	747,685
TOTAL MANDATED	<u>\$6,912,898</u>

CONTRACTUAL

Central Virginia Regional Radio Board (CVRRB).....	\$684,741
Elizabeth's Early Learning Center	15,854
Lynchburg Humane Society	405,440
Southern Memorial Association (Old City Cemetery)	132,438
Virginia Cooperative Extension Service	40,685
TOTAL CONTRACTUAL	<u>\$1,279,158</u>

Introduced: June 9, 2020

Adopted: June 23, 2020

Certified:

Clerk of Council

#R-20-044

- C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2021 Discretionary External Service Providers Budget of \$29,401 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2020 and ending June 30, 2021 and said funds be appropriated:

DISCRETIONARY

Amazement Square - Signal and Rail Car	\$267
Central Virginia Alliance for Community Living	15,000
Central Virginia Community College Board (CVCC)	1,967
Virginia Legal Aid Society	12,167
TOTAL DISCRETIONARY	<u>\$29,401</u>

Introduced: June 9, 2020

Adopted: June 23, 2020

Certified:

Clerk of Council

- D. BE IT RESOLVED that by majority vote the FY 2021 budgets of the funds mentioned herein be adopted for the purposes herein mentioned and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

FLEET SERVICES FUND INCOME

Revenues	\$8,100,043
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$8,100,043</u>

AIRPORT FUND INCOME

Revenue from Cost Centers	\$2,949,333
Interest and Other	36,000
Use of (Additions to) Unassigned Fund Balance	(162,349)
Total	<u>\$2,822,984</u>

WATER FUND INCOME

Charges for Service	\$13,276,755
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,122,368
Interest and Other	166,600
Use of (Additions to) Unassigned Fund Balance	2,702,433
Total	<u>\$18,268,156</u>

SEWER FUND INCOME

Charges for Services	\$19,532,756
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,667,500
Interest and Other	211,867
Use of (Additions to) Unassigned Fund Balance	800,161
Total	<u>\$24,212,284</u>

STORMWATER FUND INCOME

Charges for Services	\$3,155,200
State Categorical Aid	275,000
Interest and Other	28,900
Use of (Additions to) Unassigned Fund Balance	545,333
Total	<u>\$4,004,433</u>

CITY/FEDERAL/STATE AID FUND INCOME

Revenue from the Federal Government	\$2,075,464
Revenue from the Commonwealth	1,018,811
Other	678,520
In-Kind	59,248
Transfer from General Fund	147,978
Total	<u>\$3,980,021</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$7,607,302
Debt Service	492,741
Total	<u>\$8,100,043</u>

AIRPORT FUND EXPENDITURES

Operations	\$2,719,505
Debt Service	103,479
Total	<u>\$2,822,984</u>

WATER FUND EXPENDITURES

Operations	\$11,241,468
Debt Service	3,526,688
Transfer to Water Capital Fund	3,500,000
Total	<u>\$18,268,156</u>

SEWER FUND EXPENDITURES

Operations	\$13,655,827
Debt Service	8,556,457
Transfer to Sewer Capital Fund	2,000,000
Total	<u>\$24,212,284</u>

STORMWATER FUND EXPENDITURES

Operations	\$3,346,005
Debt Service	158,428
Transfer to Stormwater Capital Fund	500,000
Total	<u>\$4,004,433</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$3,980,021
Total	<u>\$3,980,021</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Federal Entitlement	\$714,865
Program Income	0
Total	<u>\$714,865</u>

CHILDREN'S SERVICES ACT FUND INCOME

Miscellaneous	\$48,600
Transfer from General Fund	1,843,647
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	3,910,234
Total	<u>\$5,999,022</u>

HOME INVESTMENT TRUST FUND INCOME

Federal Entitlement	\$424,288
Total	<u>\$424,288</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) INCOME

Pledges/Donations	\$0
Use of (Additions to) Unassigned Fund Balance	75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND INCOME

Charges for Services	\$1,105,125
Intergovernmental	1,965,936
Total	<u>\$3,071,061</u>

RISK MANAGEMENT FUND INCOME

Charges for Services	\$1,048,562
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$1,048,562</u>

SPECIAL WELFARE FUND INCOME

Donations and Restitutions	\$123,300
Interest	1,200
Revenue from the Commonwealth	5,000
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$129,500</u>

TECHNOLOGY FUND INCOME

Use of Money and Property	\$30,000
Transfer from General Fund	489,803
Use of (Additions to) Unassigned Fund Balance	717,781
Total	<u>\$1,237,584</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$714,865
Total	<u>\$714,865</u>

CHILDREN'S SERVICES ACT FUND EXPENDITURES

Operations	\$5,999,022
Total	<u>\$5,999,022</u>

HOME INVESTMENT TRUST FUND EXPENDITURES

Operations	\$424,288
Total	<u>\$424,288</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES

Operations	\$75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$3,060,254
Debt Service	10,807
Total	<u>\$3,071,061</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$313,622
Insurance and Claims	734,940
Total	<u>\$1,048,562</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$129,500
Total	<u>\$129,500</u>

TECHNOLOGY FUND EXPENDITURES

Operations	\$1,130,784
Capital Outlay	106,800
Total	<u>\$1,237,584</u>

Introduced: June 9, 2020

Adopted: June 23, 2020

Certified: _____
Clerk of Council

#R-20-046

E. BE IT RESOLVED that by majority vote the FY 2021 - 2025 Capital Improvement Program is hereby adopted.

Adopted: June 9, 2020

Certified: _____
Clerk of Council

#R-20-047

F. BE IT RESOLVED that by majority vote the FY 2021 Capital Budget proposed by the City Manager is hereby adopted and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2020 and ending June 30, 2021 in the total amount of \$15,169,570 for the City Capital Projects Fund, \$3,053,086 for the Schools Capital Projects Fund, \$1,400,000 for the Airport Capital Projects Fund, \$3,560,000 for the Water Capital Projects Fund, \$8,030,000 for the Sewer Capital Projects Fund, and \$880,000 for the Stormwater Capital Projects Fund.

Introduced: June 9, 2020

Adopted: June 23, 2020

Certified: _____
Clerk of Council

#R-20-048

G. BE IT RESOLVED that by majority vote \$50,000 of the FY 2021 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2020 through June 30, 2021.

Introduced: June 9, 2020

Adopted: June 23, 2020

Certified: _____
Clerk of Council

#R-20-049

H. BE IT RESOLVED that by majority vote in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, the personal property tax relief rate for the fiscal year beginning July 1, 2020 through June 30, 2021 shall be set at 41.98%.

Adopted: June 9, 2020

Certified: _____
Clerk of Council

I. AN ORDINANCE TO AMEND AND REENACT SECTIONS 34-12.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTIONS RELATING TO SEWER RATES

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

1. That sections 34-12.1 of the Code of the City of Lynchburg, 1981 are hereby amended and reenacted as follows:

Sec. 34-12.1. - Schedule of sewer rates.

- (a) The monthly sewer rates for all consumers within the city shall be ~~\$6.02~~ six dollars and fourteen cents (\$6.14) per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.
- (b) The monthly sewer rate for customer accounts deemed "sewer only" (customers within the city without a water service connection) shall be ~~\$48.51~~ forty-nine dollars and thirty-five cents (\$49.35). This rate is derived as follows: (monthly volume charge of ~~\$6.02~~ six dollars and fourteen cents (\$6.14) per h.c.f. by 7 h.c.f. + a monthly service charge of \$6.37).
- (c) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of 25,000 gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

- (1) For BOD concentrations in excess of 300 milligrams per liter (MG/l), ~~\$24.46~~ twenty- six dollars and thirty cents (\$26.30) per 100 pounds.
- (2) For suspended solids concentrations in excess of 400 milligrams per liter (MG/l), ~~\$27.66~~ twenty-eight dollars and fifty cents (\$28.50) per 100 pounds.
- (3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in section 34-13 will be assessed at the following rates: \$204.90 up to a limit of 2,500 gallons of capacity and \$34.74 for each 500 gallons of capacity over 2,500 gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.
- (d) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings.

2. That this ordinance shall become effective July 1, 2020.

Adopted: June 9, 2020

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **15**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Discussion Relating to City Code Section 27-29, Relating to the Declaration of Curfews in Times of Emergency

KEY ELEMENTS:

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

RECOMMENDATION: Discuss City Code Section 27-29, Relating to the Declaration of Curfews in Times of Of Emergency

SUMMARY: On Monday, June 1, 2020 City Council adopted an Ordinance relating to the Declaration of Curfews in Times of Emergency. This Ordinance was amended and adopted on Wednesday, June 3, 2020. Council asked that the amended Ordinance come back to Council for additional consideration on June 9, 2020. The amended Ordinance is attached.

PRIOR ACTIONS: As stated in the Summary above.

FISCAL IMPACT: An undetermined amount of revenue was lost due to the impact of the curfew imposed due to public safety concerns due to protests

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990
Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Ordinance

REVIEWED BY: bms

ORDINANCE

#O-20-014

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 27-29, RELATING TO THE DECLARATION OF CURFEWS IN TIMES OF EMERGENCY.

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 27-29 as follows:

Sec.27-29. Curfews after declarations of emergency.

(a) Pursuant to the police powers granted to the city by Virginia Code section 15.2-1102, and in the interest of promoting public safety, the city manager or the city manager's designee is hereby authorized to impose a curfew, between the hours of 9 p.m. and 6 a.m., after the declaration of an emergency, in accordance with the provisions of this section.

(b) As used in this section:

(1) "Curfew" means an order issued by the city manager prohibiting persons from being present on any street, road, alley, avenue, park or other public place in the city or any portion thereof designated by the city manager during specified times of the day or night; (2) "City manager" means the city manager or the city manager's designee;

(3) "Natural disaster" means any hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life; and

(4) "Manmade disaster" means any condition following an attack by an enemy or foreign nation upon the City of Lynchburg that results in substantial damage of property or injury to persons in the United States, and may be by use of bombs, missiles, shell fire, nuclear, radiological, chemical or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic; instances of unlawful activity or violence that could result in injuries to persons or damages to property; any industrial, nuclear or transportation accident, explosion, conflagration, power failure, or other condition such as sabotage, oil spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship or loss of life.

(c) The city manager may declare a curfew if the city manager deems such action necessary for the preservation of life or property, the implementation of emergency mitigation, preparedness, response actions or recovery actions anticipated or resulting from the dangers caused by a natural or manmade disaster or the resulting effects thereof, pursuant to the following procedure:

(1) The authority conferred upon the city manager by this section shall arise only after either the state or the city declares an emergency in accordance with the provisions of Virginia

Code section 44-146.19 or 44-146.21 for a geographical area located within the city;

(2) The curfew shall be announced in such manner as is reasonably calculated to provide notice to the public of the imposition of the curfew. Termination of curfew shall be in like manner;

(3) The declaration of a curfew, circumstances justifying its imposition, time and areas of the city in which the curfew is in effect, and the means and time of the public announcement of the curfew shall be recorded in a written document signed by the city manager and maintained in the records of the city;

(4) No curfew shall be imposed except in areas and at times that can be justified as necessary for the public safety.

(5) The action of the city manager in imposing a curfew during a natural or manmade disaster shall be ratified by the city council at its next regularly scheduled meeting.

(d) After the declaration and public announcement of a curfew, it shall be unlawful for:

(1) Any person, after having been warned by a law-enforcement officer, to remain on any street, road, alley, avenue, park or other public place in the city, or in any vehicle operating or parked thereon, in any portion of the city designated by the city manager; and

(2) The owner or proprietor of any retail, wholesale or eating and drinking establishment, entertainment venue or similar establishment, or other person in control of such establishment, to allow any person to remain on the premises without the express written permission of the city manager; provided, however, that this prohibition shall not apply to lodging establishments serving registered guests.

(e) The following persons shall be exempt from the provisions of this section while on duty or traveling to and from work:

- (1) Persons traveling to and from home, work, or places of worship;
- (2) Hospital personnel;
- (3) Members of the press;
- (4) State and City of Lynchburg employees and volunteers;
- (5) Military personnel including but not limited to national guard troops;
- (6) Employees of public utility companies;
- (5) Private emergency medical transport workers;
- (6) Other emergency workers as authorized by the city manager;
- (7) Persons seeking emergency services; and,
- (8) Homeless persons.

(f) Nothing in this section shall be construed to prohibit or restrict travel to a hospital in the event of a medical emergency, nor shall such travel be considered in violation of this section.

(g) A violation of this section shall be punishable as a Class 1 misdemeanor.

2. This ordinance shall be effective upon its adoption and its adoption shall be retroactive and shall relate back to June 1, 2020, when City Council first adopted the Curfew Ordinance and unless sooner repealed by City Council, shall remain in effect until midnight on June 9, 2020, at which time the ordinance will automatically expire.

Adopted: _____

June 3, 2020

Certified: _____

Ralph Craig
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM #: **16**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: An Ordinance Confirming the City Manager's Declaration of and Institution of a Curfew In the City of Lynchburg

KEY ELEMENTS:

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

RECOMMENDATION: Approve an Ordinance confirming the City Manager's Declaration of and Institution of a Curfew in the City of Lynchburg.

SUMMARY: The City Manager declared and instituted a curfew in the City due to the protests and civil unrest occurring within the City as a result of the death of George Floyd in Minnesota. This ordinance confirms the City Manager's declaration of and institution of a curfew in the City as noted on Attachments A and B.

PRIOR ACTIONS: As stated in the Summary above.

FISCAL IMPACT: There is no fiscal impact associated with the confirmation of the noted Declaration.
There is undetermined fiscal impact associated with revenue lost due to the imposition of the curfew.

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990
Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S):
Ordinance

Attachment A: Declaration regarding the Curfew instituted on June 2, 2020

Attachment B: Declaration regarding the Curfew instituted on June 3, 2020

REVIEWED BY: bms

074R

#O-20-015

**AN ORDINANCE CONFIRMING THE CITY MANAGER'S DECLARATION OF AND
INSTITUTION OF A CURFEW IN THE CITY OF LYNCHBURG**

WHEREAS, Section 27-29 of the Lynchburg City Code provides that in the interest of promoting public safety, the City Manager is authorized to impose a curfew after the declaration of a local emergency; and,

WHEREAS, as a result of the demonstrations, protests, and civil unrest occurring within the City of Lynchburg as a result of the death of George Floyd in Minnesota, by virtue of the authority vested in her by Section 44-146.21 of the Code of Virginia, the City Manager, as the City's Director of Emergency Management, issued a Declaration of Local Emergency declaring that a local state of emergency existed throughout the City, which Declaration of a Local Emergency was approved by the Lynchburg City Council on June 1, 2020 and reapproved by City Council on June 3, 2020; and,

WHEREAS, as a result of continuing instances of unlawful activity resulting in injuries to citizens and first responders, property damage, and the escalation of violence throughout the City, the City Manager determined that further action was necessary to preserve life and property and to alleviate the conditions caused by the ongoing civil unrest, and by virtue of the authority vested in her by Section 27-29 of the Lynchburg City Code on June 2, 2020, and on June 3, 2020, the City Manager issued Declarations of and Institution of a Curfew in the City of Lynchburg; and,

WHEREAS, Section 27-29 of the Lynchburg City Code provides that the declaration of the City Manager in imposing a curfew during a local emergency shall be ratified by City Council at its next regularly scheduled meeting; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA that pursuant to Section 27-29 of the Lynchburg City Code the City Council hereby confirms the Declarations of and Institution of a Curfew that was declared by the City Manager on June 2, 2020, and on June 3, 2020, copies of which are attached hereto as Attachment "A" and Attachment "B" and are hereby incorporated herein by reference, and does confirm all actions taken by the City Manager and City officials, employees and agents pursuant to the Declarations of and Institution of a Curfew by the City Manager.

Adopted: _____

Certified: _____

Clerk of Council

ATTACHMENT A

DECLARATION OF AND INSTITUTION OF A CURFEW IN THE CITY OF LYNCHBURG

WHEREAS, as the City Manager and as the Director of Emergency Management for the City of Lynchburg, on June 1, 2020, I determined that the demonstrations, protests, and civil unrest occurring within the City of Lynchburg as a result of the death of George Floyd in Minnesota had the potential to seriously impact the City and its citizens, by: (i) the damage and injury to persons and property, (ii) the additional demands placed upon City public safety services including police, fire and EMS services, (iii) the disruption of the services provided to citizens, and (iv) the disruption of travel and transportation within and around the City, and that such the civil unrest had the potential to cause damage, loss, hardship or suffering to the citizens of Lynchburg so I declared that a local state of emergency existed throughout the City. Which declaration of a local state of emergency was approved by the Lynchburg City Council on June 1, 2020.

During the past 48 hours there have been instances of unlawful activity resulting in injuries to citizens and first responders, property damage, and the escalation of violence throughout the City. The City has a compelling interest in maintaining peace and order to preserve life and property and further action is necessary to preserve life and property and to alleviate the conditions caused by this situation.

Therefore, pursuant to the authority vested in me as the City Manager and Director of Emergency Management Services by Section 44-146.21 of the Code of Virginia, the Declaration of a Local Emergency that was approved by the Lynchburg City Council, and Section 27-29 of the Lynchburg City Code, I declare that effective today, June 2, 2020, the City of Lynchburg shall be under a curfew between the hours of 8 p.m. and 6 a.m. This curfew shall remain in place until lifted by a future declaration of the City Manager. While the curfew is in place no person shall be present on any street, road, alley, avenue, park, or other public place in the City of Lynchburg with the following exceptions:

- Persons traveling to and from home, work, or places of worship and persons performing the duties of their job;
- Hospital personnel;
- Members of the press;
- State and City of Lynchburg employees and volunteers;
- Military personnel including by not limited to national guard troops;
- Employees of public utility companies;
- Private emergency medical transport workers;

- Other emergency workers as authorized by the City Manager;
- Persons seeking emergency services; and,
- Homeless persons

Nothing in this declaration shall be construed to prohibit or restrict travel to a hospital in the event of a medical emergency, nor shall such travel be considered in violation of this Declaration.

A violation of this Declaration shall be punishable as a Class 1 misdemeanor pursuant to Section 27-29 of the Lynchburg City Code and the Declaration shall be enforced in accordance with the provisions of Section 27-29.

Dated: _____

June 2, 2020

Bonnie Svrcek

Bonnie Svrcek, City Manager &
Director of Emergency Management

DECLARATION OF AND INSTITUTION OF A CURFEW IN THE CITY OF LYNCHBURG

WHEREAS, as the City Manager and as the Director of Emergency Management for the City of Lynchburg, on June 1, 2020, I determined that the demonstrations, protests, and civil unrest occurring within the City of Lynchburg as a result of the death of George Floyd in Minnesota had the potential to seriously impact the City and its citizens, by: (i) the damage and injury to persons and property, (ii) the additional demands placed upon City public safety services including police, fire and EMS services, (iii) the disruption of the services provided to citizens, and (iv) the disruption of travel and transportation within and around the City, and that such the civil unrest had the potential to cause damage, loss, hardship or suffering to the citizens of Lynchburg so I declared that a local state of emergency existed throughout the City. Which declaration of a local state of emergency was approved by the Lynchburg City Council on June 1, 2020 and reaffirmed by the City Council on June 3, 2020.

During the past several days there have been instances of unlawful activity resulting in injuries to citizens and first responders, property damage, and the escalation of violence throughout the City. The City has a compelling interest in maintaining peace and order to preserve life and property and further action is necessary to preserve life and property and to alleviate the conditions caused by this situation.

Therefore, pursuant to the authority vested in me as the City Manager and Director of Emergency Management Services by Section 44-146.21 of the Code of Virginia, the Declaration of a Local Emergency that was approved by the Lynchburg City Council, and Section 27-29 of the Lynchburg City Code, I declare that effective today, June 3, 2020, the City of Lynchburg shall be under a curfew between the hours of 9 p.m. and 6 a.m. This curfew shall remain in place until lifted by a future declaration of the City Manager. While the curfew is in place no person shall be present on any street, road, alley, avenue, park, or other public place in the City of Lynchburg with the following exceptions:

- Persons traveling to and from home, work, or places of worship and persons performing the duties of their job;
- Hospital personnel;
- Members of the press;
- State and City of Lynchburg employees and volunteers;
- Military personnel including by not limited to national guard troops;
- Employees of public utility companies;
- Private emergency medical transport workers;

- Other emergency workers as authorized by the City Manager;
- Persons seeking emergency services; and,
- Homeless persons

Nothing in this declaration shall be construed to prohibit or restrict travel to a hospital in the event of a medical emergency, nor shall such travel be considered in violation of this Declaration.

A violation of this Declaration shall be punishable as a Class 1 misdemeanor pursuant to Section 27-29 of the Lynchburg City Code and the Declaration shall be enforced in accordance with the provisions of Section 27-29

Dated: June 3, 2020

Bonnie Svrcek
Bonnie Svrcek, City Manager &
Director of Emergency Management

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 9, 2020**

AGENDA ITEM NO.: **17**

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Council Organizational Meeting**

KEY ELEMENTS:

___Economic Development XExcellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Select the date for the City Council Organizational Meeting

SUMMARY: Every two years, in July after the May election, City Council holds its organizational meeting. During that meeting Council traditionally elects its leadership (President and Vice President), adopts its Rules of Procedure and sets its meeting times.

The Code of Virginia, in Section 15.2-1416 (copy attached), sets forth the requirement that the governing body set its meeting times at its first meeting in July. Since the days, times and places of City Council's regular meetings are contained in Council's Rules of Procedure, the Rules of Procedure need to be adopted at the organizational meeting. The Code does not require that the governing body elect its leadership at that time.

Council may elect to hold the organizational meeting at its regularly scheduled meeting on July 14. As appointments must be made to the two standing City Council committees (Physical Development Committee and Finance Committee), this is not an ideal option.

Council could choose any business day and time, except for Friday, July 3 (observance of July 4). Recommendations for Council to choose would be Wednesday, July 1; Thursday, July 2; Monday, July 6; Tuesday, July 7; Wednesday, July 8 or Thursday, July 9. As the agenda for the Physical Development Committee and Council's meetings of July 14 go out on July 9, it would be best to have this organizational meeting take place on or before July 9.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, City Attorney, 455-3973
Bonnie Svrcek, City Manager, 455-3990

ATTACHMENT(S):

Excerpt from the Code of Virginia, Section 15.2-1416; Rules of Procedure; Acts of Assembly re FOIA and COIA.

REVIEWED BY: rec

075R

Excerpt from the Code of Virginia:

Section 15.2-1416. Regular meetings.

The governing body shall assemble at a public place as the governing body may prescribe, in regular session in January for counties and in July for cities and towns. Future meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.

The days, times and places of regular meetings to be held during the ensuing months shall be established at the first meeting which meeting may be referred to as the annual or organizational meeting; however, if the governing body subsequently prescribes any public place other than the initial public meeting place, or any day or time other than that initially established, as a meeting day, place or time, the governing body shall pass a resolution as to such future meeting day, place or time. The governing body shall cause a copy of such resolution to be posted on the door of the courthouse or the initial public meeting place and inserted in a newspaper having general circulation in the county or municipality at least seven days prior to the first such meeting at such other day, place or time. Should the day established by the governing body as the regular meeting day fall on any legal holiday, the meeting shall be held on the next following regular business day, without action of any kind by the governing body.

At its annual meeting the governing body may fix the day or days to which a regular meeting shall be continued if the chairman or mayor, or vice-chairman or vice-mayor if the chairman or mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Regular meetings, without further public notice, may be adjourned from day to day or from time to time or from place to place, not beyond the time fixed for the next regular meeting, until the business before the governing body is completed.

Notwithstanding the provisions of this section, any city or town that holds an organizational meeting in compliance with its charter or code shall be deemed to be in compliance with this section.