



Communications & Public Engagement
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May 27, 2021

Contact:
Patricia Martin
Community Development Department
(434) 455-3885

FOR IMMEDIATE RELEASE: PHYSICAL DEVELOPMENT COMMITTEE
MEETING CANCELLED

Lynchburg City Council's Physical Development Committee meeting scheduled for Tuesday, June 8 at 8:00 a.m. has been cancelled. The next meeting will take place Tuesday, July 13 at 8:00 a.m. in the Council Chamber, City Hall, 900 Church Street.

#

June 8, 2021

Physical Development Committee Meeting – CANCELED

A G E N D A

City Council Meeting of June 8, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

4:00 P.M. WORK SESSION

- #1. Receive an update on the revenue collections received in several key City revenue sources.
- #2. Consideration of a closed meeting for the discussion of plans to protect the City from cybersecurity threats or vulnerabilities, because discussion in an open meeting would jeopardize such safety and security plans pursuant to Section 2.2-3711(A.) (19.) of the Code of Virginia.
- #3. Roll Call

7:30 P.M.

City Council Agenda Items

VICE MAYOR WRIGHT WILL GIVE THE INVOCATION

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into four sections.

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

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

Procedure:

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

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

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

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

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

CITY COUNCIL 455-3995

MAYOR 455-3995

CITY MANAGER 455-3990

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

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

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

June 8, 2021

RECOGNITIONS

- Honoring Mr. Royston Jester for his 36 years of volunteer service to the City of Lynchburg.
- Pollinator Week Proclamation (June 21 – 27, 2021)

CONSENT AGENDA

- #4. Consideration of adopting Resolution #R-21-048 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System.
- #5. Consideration of adopting a Resolution #R-21-050 approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic

PUBLIC HEARING

- #6. Continue a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III.
- #7. Consideration of adopting an ordinance approving the rezoning petition to allow the use of an existing building as a medical office.
#O-21-___
- #8. Consideration of adopting a resolution approving a Conditional Use Permit allowing the construction of a swimming pool for residents and guests of nearby properties under the ownership of Victoria's Inventory, LLC.
#R-21-___
- #9. Consideration of adopting an ordinance approving the right-of-way vacation of a portion of Blackford Street.
#O-21-___

PUBLIC COMMENTS

- #10. Hear from a group representative regarding a concern. (Jamie Maxwell)

GENERAL BUSINESS

- #11. Consideration of adopting a resolution authorizing the issuance of up to \$23,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Westminster-Canterbury of Lynchburg, Inc.
#R-21-___
- #12. Consideration of introducing a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$29,889 to purchase twelve Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department.
#R-21-___
- *#13. Second Reading on the adoption of the FY 2022 Budget:

A: Consideration of adopting Resolution #R-21-040 approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769.

June 8, 2021

B: Consideration of adopting Resolution #R-21-041 approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338.

C(i): Consideration of adopting Resolution #R-21-042a approving the FY 2022 Discretionary External Service Providers Budget of \$17,324.

C(ii): Consideration of adopting Resolution #R-21-042b approving the FY 2022 Discretionary External Service Provider Virginia Legal Aid Society Budget of \$13,160.

D: Consideration of adopting Resolution #R-21-043 approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund.

F: Consideration of adopting Resolution #R-21-045 approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund.

G: Consideration of adopting Resolution #R-21-046 approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022.

- #14. Consideration of a closed meeting to consider appointments to the Lynchburg School Board and for the discussion and consideration of prospective candidates for the position of City Attorney pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2021 Monthly Revenue Update

KEY ELEMENTS:

☐ Economic Development ☒ 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 2021 revenue sources were reduced to reflect the anticipated economic impacts due to the COVID-19 pandemic; revenue collections are updated through May 31, 2021.

PRIOR ACTION(S): Rebalancing the Proposed FY 2021 General Fund Budget Due to Economic Impact of COVID-19, City Council, April 28, 2020.

FISCAL IMPACT: As noted.

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

ATTACHMENT(S): FY 2021 Monthly Revenue Update

REVIEWED BY: raw

078A



FY 2021 Adopted General Fund Monthly Revenue Update

City Council
June 8, 2021



COVID-19 FY 2021 Adopted Revenue Monthly Update

Local Sales and Use Tax

	Adopted FY 2021	Actual Collections FY 2021	Variance to Adopted Budget FY 2021
Local Sales and Use Tax	\$15,454,579	\$15,409,509	(\$45,070)
July	1,119,330	1,503,837	384,507
August	1,025,719	1,396,989	371,270
September	1,252,153	1,531,422	279,269
October	1,251,875	1,498,945	247,070
November	1,361,561	1,516,545	154,984
December	1,585,420	1,908,243	322,823
January	1,160,079	1,321,858	161,779
February	1,196,836	1,283,097	86,261
March	1,432,681	1,808,603	375,922
(Sales and Use Tax for April due by June 15th) April *Not Final*	1,331,840	1,639,970	308,130
(Sales and Use Tax for May due by July 15th) May	1,447,319	0	(1,447,319)
(Sales and Use Tax for June due by August 15th) June	1,289,766	0	(1,289,766)

Note: Actual collections revised as of May 31, 2021.



COVID-19 FY 2021 Adopted Revenue Monthly Update *(continued)*

Meals Tax

	Adopted FY 2021	Actual Collections FY 2021	Variance to Adopted Budget FY 2021
Meals Tax	\$14,932,599	\$12,197,545	(\$2,735,054)
July	970,231	1,090,332	120,101
August	1,081,853	1,186,360	104,507
September	1,161,186	1,203,439	42,253
October	1,357,034	1,283,797	(73,237)
November	1,230,200	1,109,005	(121,195)
December	1,286,319	1,124,410	(161,909)
January	1,181,440	1,044,041	(137,399)
February	1,237,691	1,242,188	4,497
March	1,425,976	1,527,017	101,041
April	1,352,984	1,386,956	33,972
(Meals Tax for May due by June 20th) May	1,397,503	0	(1,397,503)
(Meals Tax for June due by July 20th) June	1,250,182	0	(1,250,182)

Note: Actual collections revised as of May 31, 2021.



COVID-19 FY 2021 Adopted Revenue Monthly Update *(continued)*

Lodging Tax

	Adopted FY 2021	Actual Collections FY 2021	Variance to Adopted Budget FY 2021
Lodging Tax	\$2,725,636	\$1,847,388	(\$878,248)
July	147,156	155,637	8,481
August	177,753	213,511	35,758
September	208,246	257,411	49,165
October	314,431	226,390	(88,041)
November	218,220	160,421	(57,799)
December	156,330	112,888	(43,442)
January	211,325	108,941	(102,384)
February	208,445	199,008	(9,437)
March	279,608	190,764	(88,844)
April	233,875	222,417	(11,458)
(Lodging Tax for May due by June 20th) May	300,480	0	(300,480)
(Lodging Tax for June due by July 20th) June	269,767	0	(269,767)

Note: Actual collections revised as of May 31, 2021.



COVID-19 FY 2021 Adopted Revenue Monthly Update *(continued)*

Amusement Tax

	Adopted FY 2021	Actual Collections FY 2021	Variance to Adopted Budget FY 2021
Amusement Tax	\$795,190	\$223,491	(\$571,699)
July	34,581	13,970	(20,611)
August	28,321	19,248	(9,073)
September	28,994	19,538	(9,456)
October	73,504	18,752	(54,752)
November	80,858	17,830	(63,028)
December	81,843	15,570	(66,273)
January	88,585	19,575	(69,010)
February	62,931	27,526	(35,405)
March	86,769	32,509	(54,260)
April	92,490	38,973	(53,517)
(Amusement Tax for May due by June 20th) May	63,944	0	(63,944)
(Amusement Tax for June due by July 20th) June	72,370	0	(72,370)

Note: Actual collections revised as of May 31, 2021.



Questions, Comments, Observations

RESOLUTION:

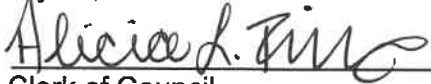
#R-21-048

BE IT RESOLVED that the FY 2021 City/Federal/State Aid Fund budget is amended and \$100,000 is appropriated with resources of \$50,000 from the Virginia Department of Criminal Justice Services (DCJS) 2021 Body-Worn Camera Grant, and \$50,000 from the Lynchburg Police Department FY 2021 General Fund Budget.

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


Clerk of Council

RESOLUTION:

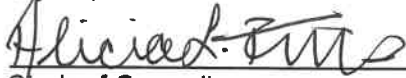
#R-21-050

BE IT RESOLVED that the FY 2021 Airport Fund budget is amended and \$1,261,006 is appropriated with resources from the Department of Transportation Federal Aviation Administration Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) grant to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic.

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Public Hearing – School Board Appointments (continuation)**

KEY ELEMENTS:

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

RECOMMENDATION: Continuation of a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III.

SUMMARY: Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the school board.

After the public hearing(s), Council will conduct a closed meeting(s) to consider all candidates and review the applications filed with the Clerk of Council to determine those individuals to interview. City Council shall also select a date/time to conduct interviews with the selected candidates in the closed meeting(s).

PRIOR ACTION(S): May 11, 2021: Notice of the public hearing was duly advertised in *The News and Advance*.
May 25, 2021: Council conducted its first public hearing on the matter and chose to continue the hearing at its June 8, 2021 meeting.

FISCAL IMPACT: N/A

CONTACT(S): Alicia L. Finney, Clerk of Council, (434) 455-3990

ATTACHMENT(S): School Board Appointment List

REVIEWED BY: raw

082A

LYNCHBURG CITY SCHOOL BOARD

APPOINTMENT LIST | June 8, 2021

Updated: 06/7/2021

School District 1

Ms. Belle Evans, current School Board Member – willing to serve again
Ms. Sarah Smith
Mr. Taylor Robertson
Mr. Clifton Reed
Mr. James Hoover
Ms. Rebecca Nelson
Mr. Randall Trost

School District 2

Dr. Sharon Carter, current School Board Member – willing to serve again
Mr. Saudi Young
Mr. Terrence Jarrett
Mr. Gregory Berry

School District 3

Dr. Atul Gupta, current School Board Member – willing to serve again
Mr. Garrett Wedemire
Mr. Joshua Pratt
Ms. Elise Beraru
Mr. Kevin Davis

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – Virginia Sport & Spine – 2011 Enterprise Drive

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the rezoning from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a medical office.

SUMMARY: Lowes Group, LLC is petitioning to rezone approximately one and three tenths (1.3) acres located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a medical office.

PRIOR ACTION(S):

April 28, 2021: The Planning Division recommended approval of the rezoning petition.

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

FISCAL IMPACT: n/a

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Interim Deputy City Manager/Community Development Director – 455-3900

ATTACHMENT(S):

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

REVIEWED BY: klw

079A

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2011 ENTERPRISE DRIVE FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.2-54. __. Change of a certain area located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

Beginning at the iron pin in the dividing line between the City of Lynchburg and Bedford County, which iron pin is in the northerly line of Enterprise Drive, and with said dividing line between the City of Lynchburg and Bedford County, N. 32° 15' 50" E. 268.85 feet to an iron pin; thence leaving the dividing line between the City of Lynchburg and Bedford County, S. 57° 44' 10" E. 169.00 feet to an IPS; S. 16° 19' 31' E. 90.09 feet to an IPS; thence on a curve designated C4 on said plat, a curve length of 52.50 feet to an IPS; S. 34° 00' 15" W. 43.78 feet to an IPS; thence on a curve designated C5 on said plat, a curve length of 67.72 feet to an IPS; thence on a curve designated C6 on said plat, a curve length of 74.86 feet to an IPS in the northerly line of Enterprise Drive; thence northerly line of Enterprise Drive on a curve designated C3 on said plat, a curve length of 169.05 feet to the IPF which is the point of beginning.

...is hereby changed from I-2, Light Industrial District to B-3C, Community Business District subject to the conditions herein below which were voluntarily proffered in writing by the petitioner, Lowes Group, LLC to wit:

1. We will update the landscaping in the front of our building to meet the City Code by including a three (3) foot hedge in front of the parking lot.

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

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE April 28, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Lowes Group, LLC (Nicole Lowes) to rezone 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a medical office.

Mr. Tom Martin, City Planner provided the following summary to the Commission. This petition would reuse an existing building for Virginia Sports and Spine, which is currently located in Bedford County. This property is currently zoned Light Industrial and is recommended for Employment 2 use on the Future Land Use Map (FLUM). Employment 2 areas are intended for things like light and heavy manufacturing, large scale offices, and flex space but can also include uses such as restaurants, hotels, and business service uses that would serve an employment area. City Council recently approved a similar downzoning, from an Industrial District to a Community Business District, for a property located at the intersection of Dillard and Enterprise Drive. This property was annexed in 1978. It was most recently used as a flooring company but is now vacant. A traffic analysis was not required by the City Engineer and Economic Development had no concerns regarding the rezoning. There are no exterior improvements proposed for the site other than the proffered landscaping. The Planning Division recommends approval.

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

Ms. Nicole Lowes, of Lowes Group, LLC, addressed the Commission. She bought the building, which was previously a flooring company, with the intention of converting it to a medical facility for chiropractic treatment and physical therapy. After she bought it, she realized it was zoned I-2, Light Industrial, and needed to be rezoned. The building will be reused and some chiropractic offices will be incorporated but she is not proposing to do anything to the exterior other than landscaping.

Chair Rogers asked if there was anyone present or online who wished to speak in favor of the petition. When no one stepped forward, he asked if there was anyone present or online who wished to speak in opposition of the petition. When no one stepped forward again, Chair Rogers closed the public hearing.

Commissioner Lowe asked if the zoning would revert back to I-2, Light Industrial if the property is presently downzoned to B-3C, Community Business (Conditional) and then Virginia Sport and Spine were to leave.

Mr. Martin responded that the property would need to be rezoned again to go back to I-2, Light Industrial.

Commissioner Lowe asked for clarification that it would be possible to rezone the property back to I-2, Light Industrial in the future.

Mr. Martin responded that the property could be rezoned again through the same process.

Chair Rogers stated that the parking is most likely adequate for this use.

Ms. Lowe responded that there is plenty of parking.

Commissioner Perault stated that he is not familiar with the Employment 2 designation on the Future Land Use Map (FLUM). He asked if it is a common use throughout the City.

Mr. Martin responded that the Employment 2 designation is usually found in the industrial areas around the City. Zoning and Future Land Use Map (FLUM) categories don't always mesh but in this case Employment 2 does describe service type uses like a medical office.

Commissioner Perault stated that he thinks the petition is great. He has always been a fan of reusing vacant buildings and appreciates that an industry will be moving in from the county, which will increase the taxes coming to Lynchburg. He strongly supports this petition and believes the use fits the location.

Commissioner Johnson shared agreement and stated that this petition makes sense. She has no objections.

Commissioner Lowe stated that he has no objections either. It is better than having an empty building and this will be a good use.

Chair Rogers shared agreement. He stated that there are other uses, like the YMCA, close by that will feed this type of business.

Commissioner Marion asked if there will be indoor AstroTurf.

Ms. Lowe responded that they will have indoor AstroTurf for rehabilitation purposes.

Commissioner Marion asked if the turf will be in an open space or if there will be machines all over it.

Ms. Lowe responded that the turf will be in an open space in the middle of the building. The offices will be along the outside of the building surrounding the open space.

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

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Lowes Group, LLC to rezone the property located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) subject to the voluntarily submitted proffer:

- 1. We will update the landscaping in the front of our building to meet the City Code by including a 3ft hedge in front of the parking lot."**

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: April 28, 2021
Re: **Rezoning: I-2, Light Industrial District to B-3C, Community Business District (Conditional) – 2011 Enterprise Drive**

I. PETITIONER

Lowes Group, LLC, 1044 Presidential Circle, Forest, VA 24551

Representative: Nicole Lowes, Lowes Group, LLC, 1044 Presidential Circle, Forest, VA 24551

Property Owner: Lowes Group, LLC, 1044 Presidential Circle, Forest, VA 24551

II. LOCATION

The parcel is a tract of approximately one and three tenths (1.3) acres located at 2011 Enterprise Drive.

III. PURPOSE

The purpose of the rezoning is to allow the use of an existing building as a medical office.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* currently recommends an Employment 2 use for the property.
- If approved the existing building would be renovated for the offices of Virginia Sports & Spine Institute which is a sports medicine and chiropractic business.

The Planning Division recommends approval of the Rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends and Employment 2 use for the property.

Employment 2 use areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. (*p.76*)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing I-2, Light Industrial District zoning was established in 1978.

On August 13, 2019, City Council rezoned the adjacent property at 1001 & 1009 Dillard Road and 2009 Enterprise Drive to B-3C, Community Business District (Conditional) to allow the construction of a mixed-use development.

3. **Proffers.** The petitioner has voluntarily submitted the following proffers:

1. We will update the landscaping in the front of our building to meet the City Code by including a 3ft hedge in front of the parking lot.

4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On August 10, 1982, Council approved the petition of Annjo Land Corporation to rezone approximately fourteen (14) acres from R-C, Conservation District to R-C, Conservation District (Conditional) and I-2, Light Industrial District (Conditional) to allow the development of an industrial park in the area of existing Dillard Drive.
 - On July 14, 1998, Council approved the CUP petition of J.E. Jamerson & Sons to allow the construction of a traditional neighborhood development at Laxton Road & Enterprise Drive.
 - On May 9, 2000, Council approved the CUP petition of The Summit & J.E. Jamerson & Sons to allow the construction of a traditional neighborhood development at Enterprise Drive.
 - On July 8, 2003, Council approved the CUP petition of Jamerson & Company to allow the construction of apartments and single-family uses off Wyndhurst Drive & 1536 Lockewood Drive.
 - On July 8, 2008, Council approved the CUP petition of Phillip Jamerson to allow a consolidated sign plan at 1301, 1601, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive.
 - On October 9, 2012, Council approved the CUP petition of Jamerson YMCA to allow a modified sign at 801 Wyndhurst Drive.
 - On May 9, 2017, Council approved the CUP petition of Jefferson's Poplar Forest to allow Fill in the Flood Plain to facilitate the construction of a new access road at 1900, 1950 and 1970 Enterprise Drive and 1901 Laxton Road.
 - On August 13, 2019, City Council approved the petition of 434 Center, LLC to amend the Future Land Use Map (FLUM) from Employment 2 to Mixed Use and to rezone 1001, 1009 Dillard Drive and 2009 Enterprise Drive from I-2, Light Industrial District and I-2C, Light Industrial District (Conditional) to B-3C, Community Business District (Conditional) to allow the construction of a mixed use development containing a gymnasium, fitness center, office space, restaurants and one hundred sixteen (116) apartment units.
6. **Site Description.** The property contains approximately one and three tenths (1.3) acres located at 2011 Enterprise Drive. The property contains a seven thousand one hundred fifty (7150) square foot building constructed in 1992. The building was most recently used as the Piedmont Flooring Company.
7. **Proposed Use of Property.** If the rezoning is approved the building would be renovated as the offices of the Virginia Sports & Spine Institute. The exterior of the property would not change with the exception of additional landscaping.
8. **Traffic, Parking and Public Transit.** The site currently has adequate spaces to meet Ordinance requirements for a medical office.

The City Engineer did not require a traffic study for the reuse of the existing building.

The property is served by Greater Lynchburg Transit Company Routes 6/7X. A bus stop is located at 2001 Enterprise Drive which is approximately four hundred (400) feet from the subject property.

9. **Stormwater Management.** A stormwater management / erosion & sediment control plan is not required as there will be no additional impervious areas constructed.
10. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.
11. **Impact.** The proposed medical office will reuse an existing vacant building. The facility would employ ten – fifteen (10-15) people and would operate Monday – Saturday from 8:00 am until 5:30 p.m. with the potential to operate until 8:00 p.m.

The City's Economic Development Director had no concerns with the downzoning of the property from Industrial as it will relocate an existing business into the City from the County.

The proposed medical office should have little to no impact on the area and complement the variety of uses along Enterprise Drive.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on March 30, 2021. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Lowes Group, LLC to rezone the property located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) subject to the voluntarily submitted proffer:

1. **We will update the landscaping in the front of our building to meet the City Code by including a 3ft hedge in front of the parking lot.**

This matter is respectfully offered for your consideration.

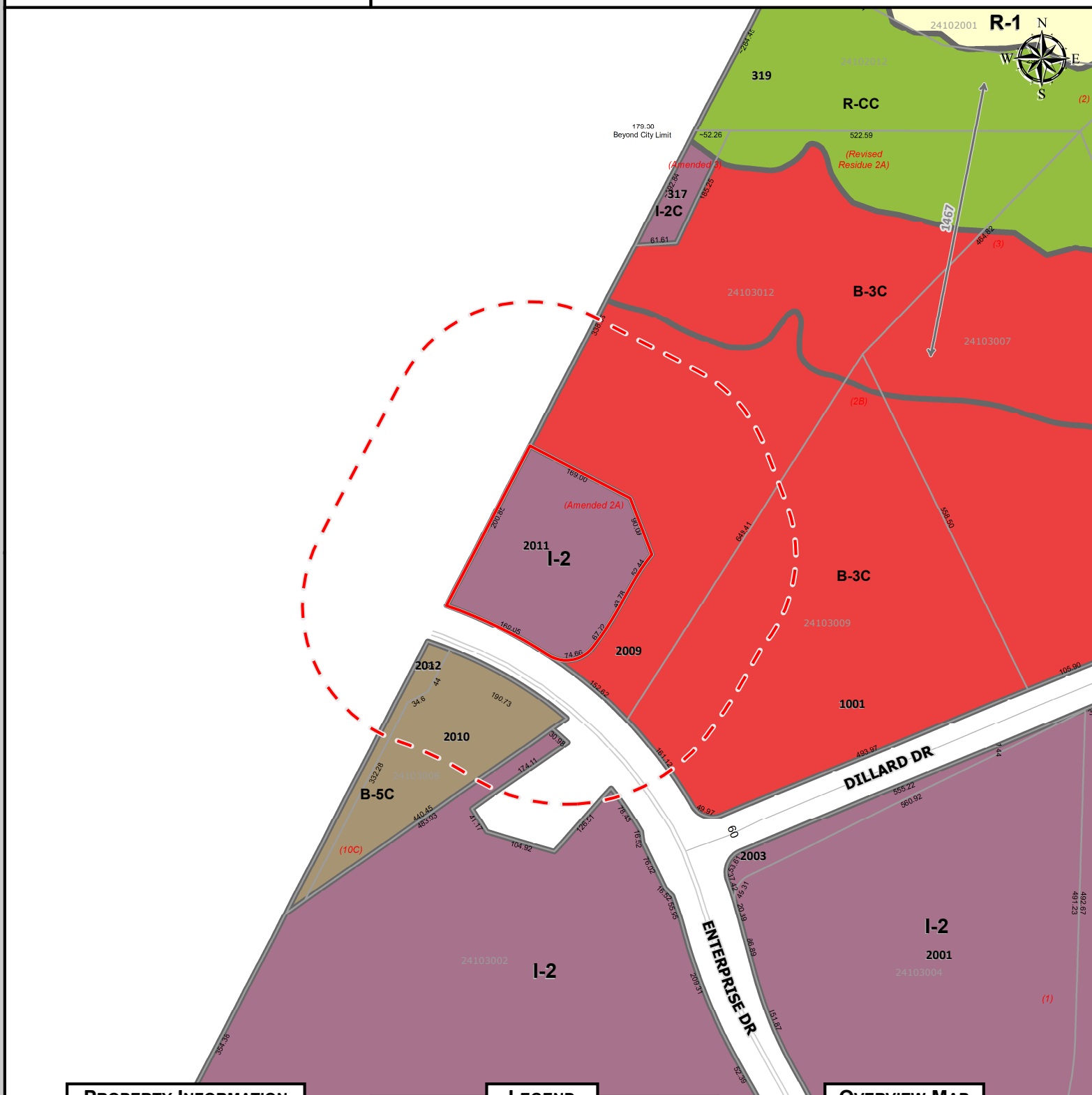


William T. Martin, AICP
City Planner

pc: Dr. Reid Wodicka, Interim City Manager
Mr. Kent L. White, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Ms. Nicole Lows, Petitioner

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**



PROPERTY INFORMATION

PARCEL ID

ADDRESS

24103010 2011 ENTERPRISE DR

LEGEND

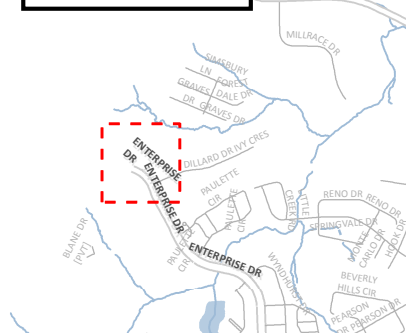
Subject Property

215' Buffer

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

MAP SCALE: 1" to 200' DATE PRINTED: 3/17/2021

OVERVIEW MAP



2011 Enterprise Drive

Parcel ID	Address	Owner
24103002	2000 ENTERPRISE DR	AZDEL INC
24103008	2010 ENTERPRISE DR	SYCAMORE CREEK PROPERTIES LLC
24103009	1001 DILLARD DR	434 CENTER LLC
24103010	2011 ENTERPRISE DR	LOWES GROUP LLC
24103011	2012 ENTERPRISE DR	ANNJO LAND CORP
24103012	2009 ENTERPRISE DR	434 CENTER LLC
11802601	305 ENTERPRISE DRIVE	PLS LLC
11803300	311 BROOK PARK PLACE	KERSHAW DOUGLAS B III & SANDRA R
11803400	307 BROOK PARK PLACE	CASE GARY W
11802600	309 ENTERPRISE DRIVE	ANNJO LAND CORP C/O DAVID COLEMAN
90511164	302 ENTERPRISE DR	CHERISH LLC
11803600	306 ENTERPRISE DRIVE	ENTERPRISE 306 LLC
		COUNTY ADMINISTRATOR FOR BEDFORD COUNTY
		VDOT LYNCHBURG DISTRICT OFFICE



PROPERTY INFORMATION

PARCEL ID

ADDRESS

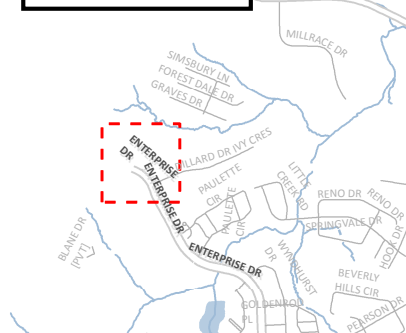
24103010 2011 ENTERPRISE DR

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: 3/17/2021

OVERVIEW MAP





PROPERTY INFORMATION

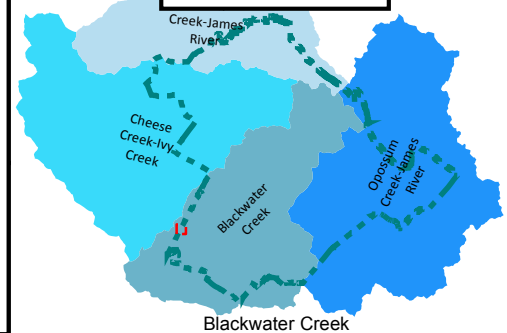
PARCEL ID	ADDRESS
24103010	2011 ENTERPRISE DR

LEGEND

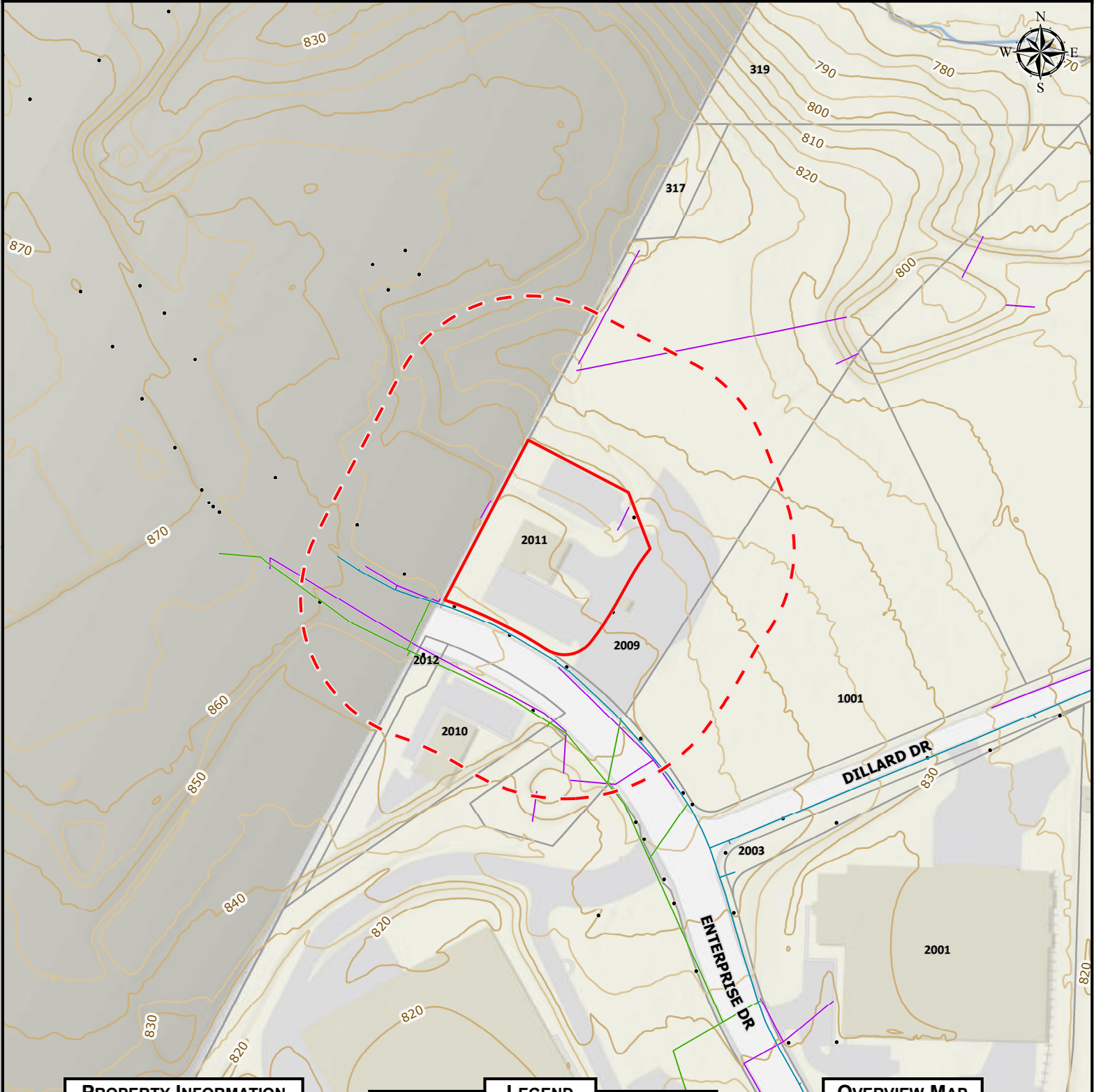
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1" to 200' DATE PRINTED: 3/17/2021

OVERVIEW MAP



TRC



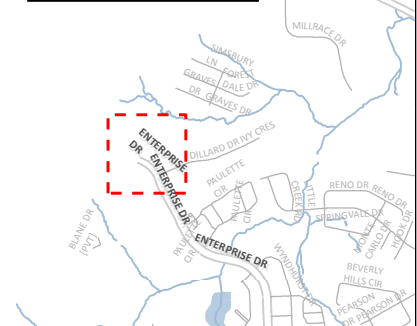
PROPERTY INFORMATION

PARCEL ID **ADDRESS**
 24103010 2011 ENTERPRISE DR

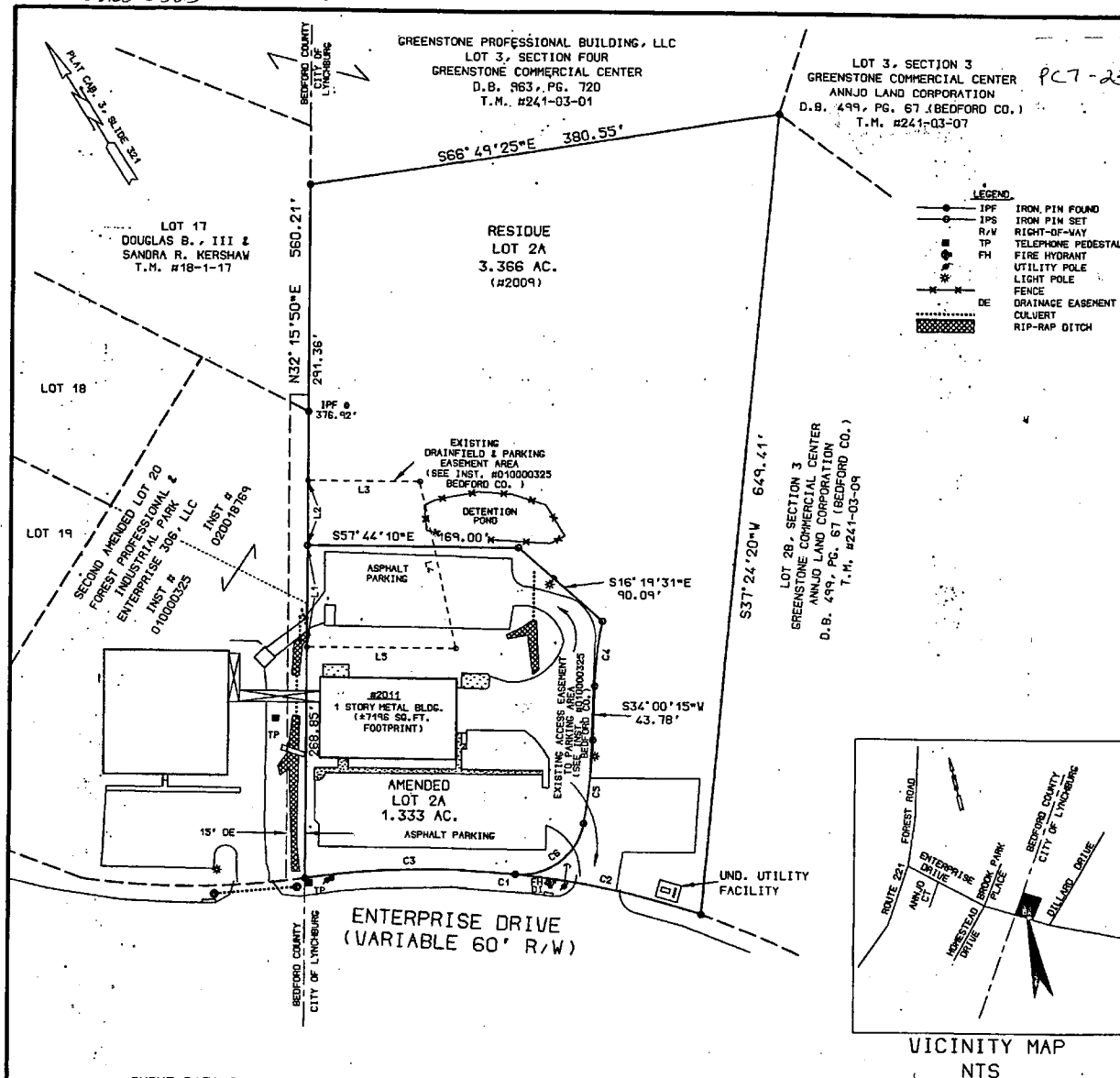
LEGEND

	Active	Proposed	Abandoned
Utilities	Water		
	Sanitary		
	Storm		
Planimetrics	Structure		
	Roadway		
	Parking		
	Sidewalk		
	Driveway		
Towers & Trans. Lines	Elec. Trans		
	Trans. Tower		
	Comm. Tower		
	Other		
	Contours		
	100'		
	50'		
	20'		
	10'		
	5'		
	1'		
	Pole		
	Cemetery		

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/17/2021



SOURCE OF TITLE: THE RESUBDIVISION OF LOT 2A AS SHOWN HEREON IS ENTIRELY WITHIN THE BOUNDARIES OF LAND THAT HAS BEEN CONVEYED UNTO COLEMAN FAMILY, L.L.C. BY DEED RECORDED AS INSTRUMENT NO. 020011255 IN THE CIRCUIT COURT CLERK'S OFFICE OF THE CITY OF LYNCHBURG, VIRGINIA.

THE RESUBDIVISION OF LOT 2A APPEARING ON THIS PLAT IS WITH THE
FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED
OWNER. THE OWNER CERTIFIES THAT IT IS THE FEE SIMPLE OWNER OF
SAID LAND.
WITNESS THE FOLLOWING SIGNATURES THIS 15th DAY OF June,
2002.

COLEMAN FAMILY, L.L.C.

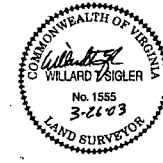
BY Mary, ITS Mgt. Partner
I, Christi E. Mantis, A NOTARY PUBLIC
IN THE CITY/COUNTY OF York/Hawke
STATE OF VIRGINIA, DO HEREBY CERTIFY THAT THE OWNERS WHOSE
NAMES AS SUCH ARE SIGNED TO THE WRITING ABOVE, BEARING DATE ON
THE 13th DAY OF June, 2003,
HAVE ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY/COUNTY AND STATE
AFFORSAID, GIVEN UNDER MY HAND THIS 13th DAY OF June,
2003.
MY COMMISSION EXPIRES October 31, 2006

Christa E. Mante
NOTARY PUBLIC

APPROVED CITY ENGINEER 6/18/03
APPROVED CITY PLANNER 7/2/03

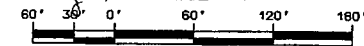
NOTES:

1. AMENDED LOT 2A IS CURRENTLY SERVED BY PUBLIC WATER AND PRIVATE ON-SITE DRAINFIELD. PUBLIC WATER AND SANITARY SEWER ARE AVAILABLE TO SERVE BOTH OF THESE LOTS.
2. WITH GRAPHIC SCALING ONLY, THESE LOTS DO NOT FALL WITHIN A DESIGNATED FLOOD HAZARD ZONE ACCORDING TO THE F.E.M.A.-BROOKLYN INSURANCE RATE MAP FOR THE CITY OF LYNDENBURG, DATED NOVEMBER 16, 1983. NO FLOOD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. TOTAL ACREAGE RESUBDIVIDED = 4.694 ACRES.
4. THIS SURVEY WAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INCLUDE ANY ENCUMBRANCES.
5. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
6. RESTRICTIONS, IF ANY, ARE TO BE RECORDED IN A SEPARATE DOCUMENT.
7. AMENDED LOT 2A SHALL HAVE THE RIGHT TO UTILIZE THE DETENTION POND SHOWN AT THE REAR OF SAID LOT. COLEMAN FAMILY, LLC, IN ITS SOLE DISCRETION, RESERVES THE RIGHT TO PROVIDE ALTERNATE MEANS FOR STORMWATER MANAGEMENT FOR AMENDED LOT 2A AND TO ABANDON SAID DETENTION POND AND UTILIZE THE AREA AS IT SEES FIT UPON PREPARATION AND SUBMITTAL OF A STORMWATER MANAGEMENT PLAN APPROVED BY THE CITY OF LYNDENBURG FOR RESIDUE LOT 2A AND ANY OTHER ADJOINING PROPERTIES.



APPROVAL VOID IF NOT RECORDED

BY January 2, 2004



BAR SCALE-1"= 60'

CURVE DATA CHART

<u>CURVE</u>	<u>DELTA</u>	<u>RADIUS</u>	<u>LENGTH</u>	<u>CHORD</u>	<u>CHD BEARING</u>
C1	027° 06' 12"	680.00'	321.67'	318.68'	N42° 58' 10"W
C2	012° 51' 33"	680.00'	132.62'	132.30'	N45° 50' 14"W
C3	014° 14' 34"	680.00'	169.05'	168.62'	N49° 23' 56"W
C4	009° 15' 20"	325.00'	52.50'	52.44'	S38° 37' 55"W
C5	008° 10' 05"	475.00'	67.72'	67.68'	S38° 05' 18"W
C6	085° 33' 02"	50.00'	74.86'	67.91'	S84° 56' 52"W

LINE CHART

LINE	BEARING	DISTANCE
L1	N32° 15' 50"E	82.50'
L2	N32° 15' 50"E	52.50'
L3	S57° 44' 10"E	90.00'
L4	S19° 44' 06"W	138.29'
L5	N57° 44' 10"W	120.00'

VICINITY MAP
NTS

BERKLEY-HOWELL & ASSOC., P.C.
ENGINEERS - SURVEYORS - PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

SCALE: 1" = 60'

DATE:	MARCH 26, 2003
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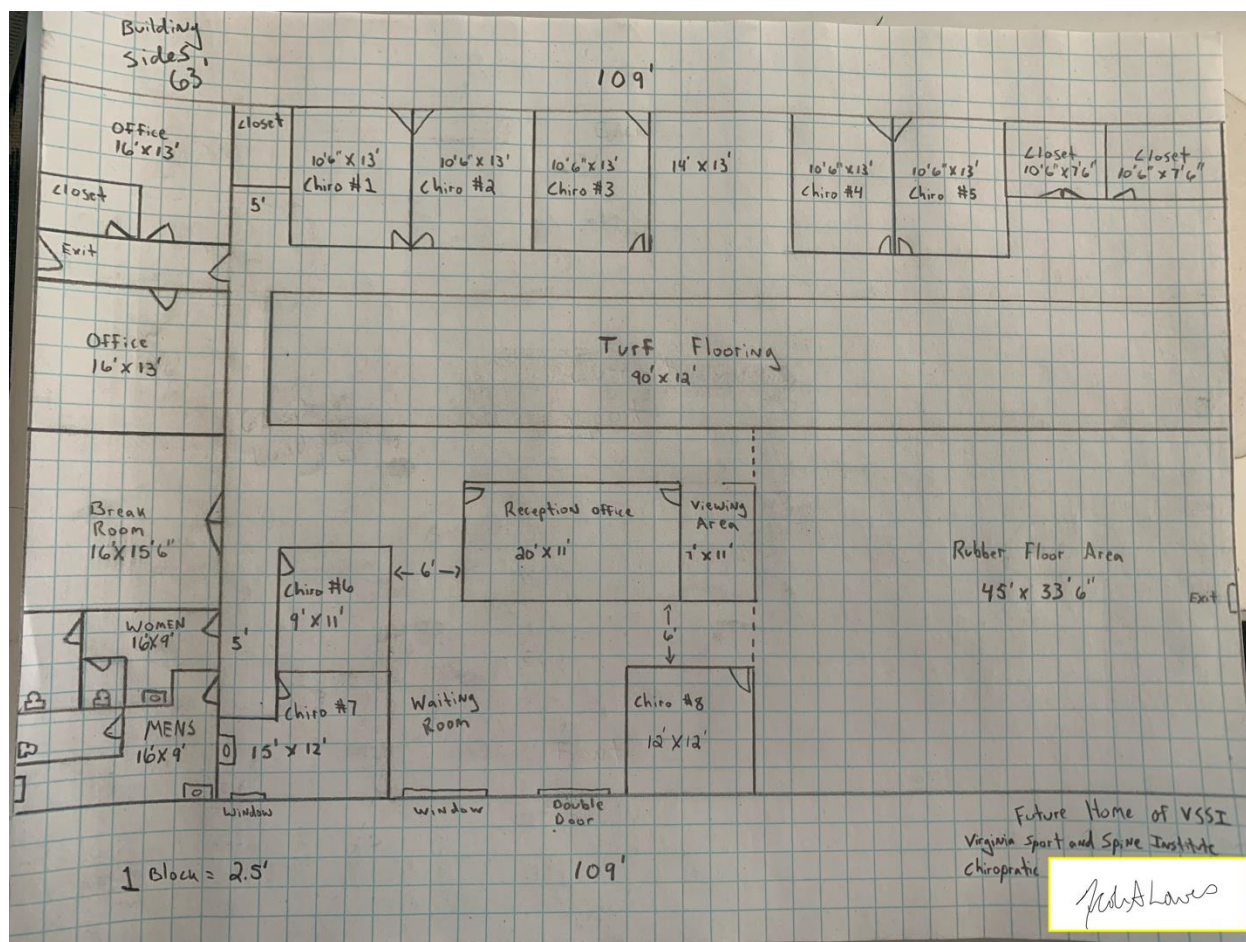
RESUBDIVISION OF
LOT 2A, SECTION 3,
GREENSTONE COMMERCIAL CENTER
CITY OF LYNCHBURG, VIRGINIA

COMM. NO. 020216
"000395 SUBD2"

F.B. REF.

Proposed Plan

We are submitting this application for permission to rezone our property at 2011 Enterprise Dr., Forest, VA 24551 from an I-2 to B-3C. When we purchased the building, it was being used as a flooring company, but we would like to use it as a sports medicine and chiropractic office. The exterior of the building and site will not change from the existing plan; however, we'd like to transition the inside of the building from a flooring company to a medical office.



Legal Definition of the Property: Greenstone Commercial Center, SEC 3, AMD LOT2A

Neighborhood: 7802: Enterprise Drive Commercial

Property Class: 402: Commercial

Proposed # of Employees and Hours of Operation:

of Employees: Approximately 10-15

*Number of people in the building at any given time could vary between 20-35

Hours of Operation:

Monday – Saturday 8a – 5:30p (Current)

Monday – Saturday 8a-8p (Potential)

Sunday – closed

Proffers:

We would like to proffer that we will update the landscaping in the front of our building to meet the city code by including 3ft hedge in front of the parking lot.

Virginia Sport & Spine Institute**1. Company mission statement**

Virginia Sport & Spine Institute is an integrated movement-based facility. We provide focused, quality care from an elite team of experts who are committed to achieving results. We're here to break down barriers, instill hope, and direct you towards a new path of health, wellness, and performance. Our team combines experience and education with a network of the brightest minds in rehab, training, and performance.

2. Company philosophy and vision

- Collaboration between all facility members
- Encouraging and fun environment to train and rehab in
- Innovative in our training and rehab protocols
- Offer mentorship and training for up-and-coming professionals in the chiropractic, performance, and other related fields.
- Act as a resource providing education and tools for local coaches, trainers, parents on best practices for athlete development.
- The vision is to create a proven performance model that becomes the choice for all local athletes and can then be mirrored in other markets.

3. Company goals

Short term goals: Continue to provide chiropractic care for the established patient base while increasing space to add Physical Therapy and additional Chiropractic Physicians to serve the increased demand and reduce wait times for our current patient base.

Long term goals: Continue to develop name and brand recognition within the local community as a movement-based facility and leading experts locally for sports injury evaluation/treatment and performance.

4. Industry

We are building on 15 years of previous Chiropractic care to begin a Chiropractic facility that also integrates Physical Therapy, rehabilitation, and sport performance in a seamless transition between the different aspects of our facility. We currently have a full patient base and a reputation as a trusted specialist in the treatment of the athletic populations (professional sports, high school, college, CrossFit, and other gyms) locally. We have seen a shift towards more patient-specific care, which includes individualized rehabilitation and corrective exercise prescription as a part of every treatment plan.



ENTERPRISE DR

02/01/2017

© All Pictometry

**VA Sport & Spine Rezoning
2011 Enterprise Drive
April 28, 2021**

PLEASE PRINT CLEARLY

[illegible]

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2011 ENTERPRISE DRIVE FROM I-2, LIGHT INDUSTRIAL DISTRICT TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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

Section 35.2-54. Change of a certain area located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

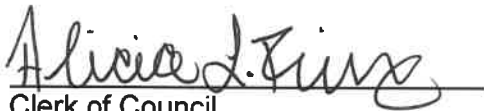
Beginning at the iron pin in the dividing line between the City of Lynchburg and Bedford County, which iron pin is in the northerly line of Enterprise Drive, and with said dividing line between the City of Lynchburg and Bedford County, N. 32° 15' 50" E. 268.85 feet to an iron pin; thence leaving the dividing line between the City of Lynchburg and Bedford County, S. 57° 44' 10" E. 169.00 feet to an IPS; S. 16° 19' 31" E. 90.09 feet to an IPS; thence on a curve designated C4 on said plat, a curve length of 52.50 feet to an IPS; S. 34° 00' 15" W. 43.78 feet to an IPS; thence on a curve designated C5 on said plat, a curve length of 67.72 feet to an IPS; thence on a curve designated C6 on said plat, a curve length of 74.86 feet to an IPS in the northerly line of Enterprise Drive; thence northerly line of Enterprise Drive on a curve designated C3 on said plat, a curve length of 169.05 feet to the IPF which is the point of beginning.

...is hereby changed from I-2, Light Industrial District to B-3C, Community Business District subject to the conditions herein below which were voluntarily proffered in writing by the petitioner, Lowes Group, LLC to wit:

1. We will update the landscaping in the front of our building to meet the City Code by including a three (3) foot hedge in front of the parking lot.

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

Adopted: June 8, 2021

Certified: 
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit (CUP) – Victoria’s Inventory, LLC – 200 Bridge Street

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the CUP to allow the construction of a swimming pool, accessory to the nearby residential uses.

SUMMARY: Victoria’s Inventory, LLC is petitioning for a CUP to allow the construction of a swimming pool at 200 Bridge Street for the residents and guests of nearby properties under the ownership of Victoria’s Inventory, LLC.

The petition is consistent with the City’s *Zoning Ordinance*, which allows residential uses in the B-1, Limited Business District, upon approval of a CUP from City Council. The pool is considered accessory to the residential use, therefore also requiring a CUP.

The pool would limited to use by residents and guests of nearby properties under the ownership of Victoria’s Inventory, LLC. The pool would not be open for use by the general public.

PRIOR ACTION(S):

May 12, 2021: The Planning Division recommended approval of the CUP petition.
The Planning Commission recommended approval of the CUP petition.

FISCAL IMPACT: n/a

CONTACT(S): Rachel Frischeisen, Planner II – 455-3900
Kent White, Interim Deputy City Manager/Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – May 12, 2021
- Planning Commission Packet – May 12, 2021
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: klw

080A

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VICTORIA'S INVENTORY, LLC AT 200 BRIDGE STREET TO ALLOW THE CONSTRUCTION OF A SWIMMING POOL IN A B-1, LIMITED BUSINESS DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Victoria's Inventory, LLC to allow the construction of a swimming pool is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan as prepared by Accupoint Surveying & Design.
2. The pool shall not be open to the general public.
3. The pool shall only be used by residents and guests of properties under the ownership of "Victoria's Inventory LLC" (or "Victorias Inventory LLC") located along Bridge Street, Blackford Street, and 301-401 Rivermont Avenue.

Adopted:

Certified: _____
Clerk of Council

MINUTES OF THE MAY 12, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Victoria's Inventory, LLC for a Conditional Use Permit in a B-1, Limited Business District to allow a pool associated with the existing nearby apartments to be constructed at 200 Bridge Street.

Ms. Rachel Frischeisen, Planner II provided the following summary to the Commission. The City's Future Land Use Map (FLUM) recommends a Traditional Residential use for the area. These areas are generally characterized as the City's older neighborhoods, usually built before World War II and before the City's first Zoning Ordinance was established. The property is zoned B-1, Limited Business District, which allows residential uses by Conditional Use Permit (CUP) only. The pool is considered an accessory use to a residential use, which means that the item requires a CUP as well. The proposed pool should have minimal impact on the surrounding area. The parcel has never been improved according to aerial photos dating back to the 1940s, and approval of the CUP would allow the construction of an amenity for the nearby rental residents. Initially, staff was hesitant about the petition due to concerns about the pool being potentially used by a larger population and becoming a destination, which would result in an influx of traffic. The roads are narrow and parking could not support such a use. Because of this, a condition was added that limits the use of the pool to only residents and guests of Victoria's Inventory, LLC properties located on the two adjoining streets and certain properties along Rivermont Avenue. The City's technical review committee (TRC) reviewed the petition and had no major comments of concern. The Planning Division recommends approval of the CUP with the conditions outlined in the report.

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

Ms. Amy Seipp, of Accupoint Surveying & Design, LLC, addressed the Commission. She is here to represent Mr. Tony West who has done a lot of work in the area. This petition is for a pool as an accessory use to the Victoria's Inventory, LLC apartment buildings, including the Bridge Street properties and the former auto repair building. There is a large parking lot available for use that has at least twenty-four (24) spaces in addition to the recently created parking area for the Virginian Lofts. Generally, though, residents will be walking there and will park in their already designated resident spaces. Similarly, visitors will be able to park in the already designated visitor spaces. There will be security cameras, locking gates, and tenant-only access through something like a key fob or security pad. A restroom will be provided near the pool so that residents don't have to return to their apartments and to cut down on back and forth foot traffic. There will be a large open slatted deck because the property drops off significantly in the back, with a wooded view. It will be well done and will be an added bonus for the residents.

Chair Rogers asked if there was anyone present or online who wished to speak in favor of the petition. When no one stepped forward, he asked if there was anyone present or online who wished to speak in opposition of the petition. When no one stepped forward again, Chair Rogers closed the public hearing.

Commissioner Lowe stated that he is excited to see something like this go in. The pool is the right length for doing laps. He then asked where the pumps, filters, and chemicals will be located.

Ms. Seipp responded that the deck will be substantially elevated and there will be a secured storage area underneath for the pumps, filters, and chemicals. It will be accessible only to maintenance personnel.

Chair Rogers stated that he visited the site on Monday and noted the twenty (20) foot gradient. This will probably be similar to the pool at Oakwood where part of the pool is well above ground. He asked if the pool will have a cinderblock foundation.

Ms. Seipp responded that this pool will be similar to the pool at Oakwood. It will be structurally sound and the pool company is aware of the elevation changes. Where it starts to slope down, there will be a deep end of the pool and slatted decking will be used. In the level areas will be a patio.

Chair Rogers stated that he likes the work Mr. West has done in the area.

Ms. Seipp stated that this is still the Downtown area and pools are not typically found there. It will be an amenity to folks who choose to live and stay in this area.

Commissioner Perault asked for a clarification that the pool would be open to residents and guests.

Ms. Frischeisen responded that is correct.

Commissioner Perault stated that he is familiar with another situation where a pool had to eventually limit access to two (2) guests per resident at a time because of overuse.

Ms. Seipp responded that Mr. West has a great pulse on what is happening in his buildings and will be able to respond as needed.

Commissioner Perault added that this is a good location for the pool since the grade makes it difficult to do anything else. It will be a good use.

Commissioner Johnson shared agreement and asked what will happen to the existing concrete patio area since it has a massive crack.

Ms. Seipp responded that the crack will be fixed.

Commissioner Perault added that it looks like that area is being worked on now.

Commissioner Lowe asked where the water will drain.

Ms. Seipp responded that the details are being worked out with the pool manufacturer. Portions of the patio that are concrete will drain into the pool drain and will not runoff. Water from the slatted areas will go to grass. The pool itself will have a pump system to recirculate, like a normal pool. Any excess though will not be discharged to the storm system but will go to the sanitary sewer system.

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

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Victoria's Inventory, LLC allow a pool to be constructed at 200 Bridge Street, subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan as prepared by Accupoint Surveying & Design.**
- 2. The pool shall not be open to the general public.**
- 3. The pool shall only be used by residents and guests of properties under the ownership of "Victoria's Inventory LLC" (or "Victorias Inventory LLC") located along Bridge Street, Blackford Street, and 301-401 Rivermont Avenue."**

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 12, 2021
Re: **Conditional Use Permit (CUP) – 200 Bridge Street**

I. PETITIONER

Victoria's Inventory, LLC, 2600 Memorial Avenue, Suite LL1, Lynchburg, Virginia 24501

Representative: Amy K. Seipp, PE, Accupoint Surveying & Design, 6200 Fort Avenue, Lynchburg, Virginia 24502

Property Owner: Victoria's Inventory, LLC, 2600 Memorial Avenue, Suite LL1, Lynchburg, Virginia 24501

II. LOCATION

The subject property is a tract of approximately seven hundred seven thousandths (.707) acre located at 202 Bridge Street.

III. PURPOSE

The purpose of the CUP is to allow the construction of a swimming pool for the residents of nearby properties under the ownership of Victoria's Inventory, LLC.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends a "Traditional Residential" for the area.
- The property is zoned B-1, Limited Business District, which allows residential uses by CUP. The pool is considered accessory to the residential use.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Comprehensive Plan 2013-2030 recommends a "Traditional Residential" use for the area. "This land use category... has been applied to the City's older neighborhoods, generally built before World War II and before the City was zoned. The City's historic districts are located in the traditional residential area. Consequently, for many of the houses here, lot sizes, setbacks, and/or building heights do not conform to the standards of the City's residential zoning districts. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment, and community building efforts. Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards, and building heights. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not recommended unless supported by a recommendation in a Neighborhood Conservation Area Plan." (p. 75)

2. **Zoning.** The property was annexed into the City in 1870. The existing B-1, Limited Business District zoning was established with the adoption of the 2016 zoning ordinance, when the B-2, Local Neighborhood Business District was combined with the B-1, Limited Business District.
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 April 12, 1994, Council adopted the Riverfront/Downtown Revitalization Program – Proposed Land Use Plan which established B-6, Riverfront Business District (Current B-4, Urban Commercial District) zoning in the Downtown.
 - May 14, 1996, Council approved the CUP petition of Christ College, Inc. to allow college and faculty offices at 404-434 Rivermont Avenue.
 - On April 8, 1997, Council approved the CUP petition of Stepping Stones Academy to allow the operation of a Day Care Center for forty-nine (49) children at 434 Rivermont Avenue.
 - On December 11, 2007, Council adopted the Fifth Street Corridor Overlay District which established B-6, Riverfront Business District (Current B-4, Urban Commercial District) zoning along Fifth Street.
 - On February July 9, 2013, Council approved the petition of Cabell Street Land Trust to rezone 41, 57 and 59 Cabell Street from B-5, General Business District to B-6, Riverfront Business District (Current B-4, Urban Commercial District) to allow the construction of a fifty (50) space parking area and forty-seven (47) apartment units.
 - On December 9, 2014, Council approved the petition of Buffalo Land Company LLC, to rezone 434 Rivermont Avenue from R-4, High Density Residential to B-6C, Riverfront Business District (Conditional) (Current B-4, Urban Commercial District) to allow the use of the property for educational, office and event space.
 - On February 12, 2019, Council approved the petition of Victoria's Inventory, LLC to rezone 301 Rivermont Avenue from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow thirty (30) apartment units in an existing building.
 - On August 11, 2020, Council denied the rezoning petition of Across the Bridge, LLC to rezone 421 Rivermont Avenue, 610 Rodes Street, and 412 Blackford Street from R-4, High Density Residential District to B-4, Urban Commercial District to allow the use of an existing building as fifteen (15) dwelling units and the construction of a parking area.
5. **Site Description.** The property at 200 Bridge Street is currently vacant.

The property is bound to the north and east by Rivermont Avenue, to the west by apartments also owned by Victoria's Inventory, LLC, and to the south by vacant land and unopened right-of-way.

6. **Proposed Use of Property.** If the CUP petition is approved, the site would be developed into a swimming pool for the residents of nearby properties under the ownership of Victoria's Inventory, LLC.
7. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the proposed use.

Since the pool is for use by residents of nearby Victoria's Inventory, LLC properties, on-site parking is not required. Parking is available in the lots at 311 Blackford Street and 301 Rivermont Avenue, which are connected by sidewalk.

8. **Stormwater Management.** The submitted concept plan indicates that that stormwater quantity will be addressed by the existing stormwater management pond. Stormwater quality will be addressed through the purchase of offsite nutrient credits.
9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the CUP.
10. **Impact.** The proposed pool should have little impact on the surrounding area. The parcel has never been improved according to aerial photography dating back to the 1940s, and the CUP would allow the construction of an amenity for the nearby rental residents.

Initially, staff was concerned about the pool being used by a larger population, particularly with the notion of the pool becoming a destination that might result in an influx of automobile traffic into the neighborhood. Because of this, a condition was added that limits the use of the pool to only residents of Victoria's Inventory, LLC properties located on the two adjoining streets and certain properties along Rivermont Avenue.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on April 27, 2021. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Victoria's Inventory, LLC allow a pool to be constructed at 200 Bridge Street, subject to the following conditions:

1. **The property shall be developed in substantial compliance with the concept plan as prepared by Accupoint Surveying & Design.**
2. **The pool shall not be open to the general public.**
3. **The pool shall only be used by residents and guests of properties under the ownership of "Victoria's Inventory LLC" (or "Victorias Inventory LLC") located along Bridge Street, Blackford Street, and 301-401 Rivermont Avenue.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Dr. Reid Wodicka, Interim City Manager
Mr. Kent L. White, Interim Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal

Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Ms. Amy K. Seipp, PE, Representative

VII. ATTACHMENTS

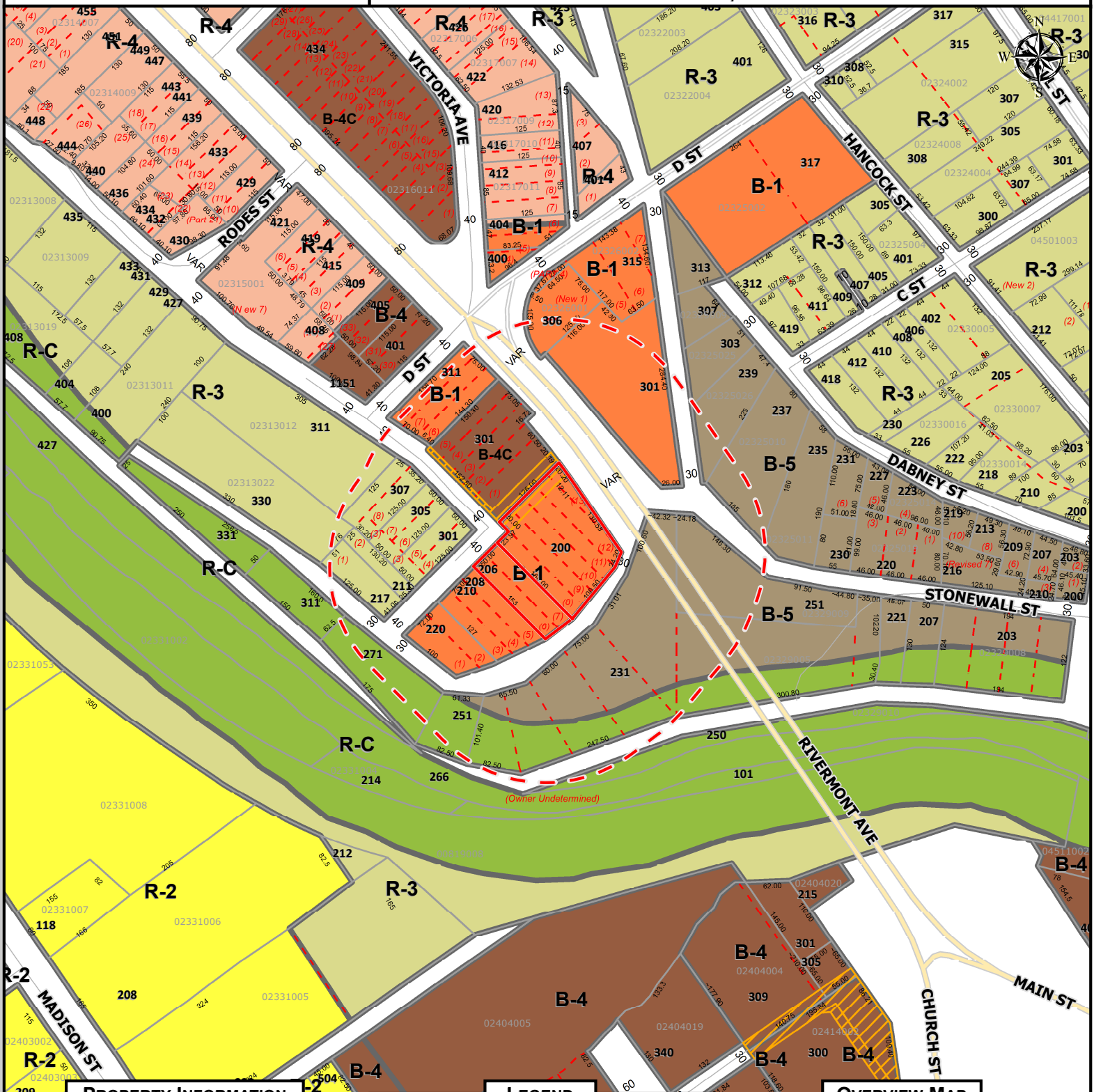
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photographs**

Zoning-TRC Map

200 & 206 BRIDGE STREET

TRC

Accupoint



PROPERTY INFORMATION

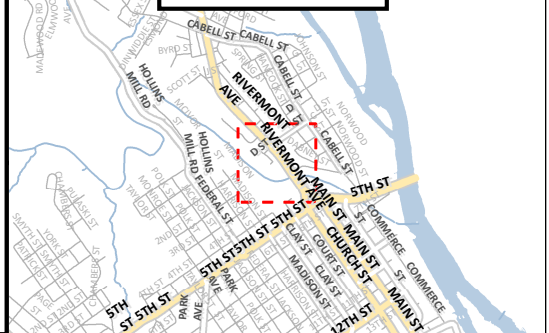
PARCEL ID	ADDRESS
02328008	200 BRIDGE ST
02328006	206 BRIDGE ST

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: 3/17/2021

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.

200 & 206 Bridge Street

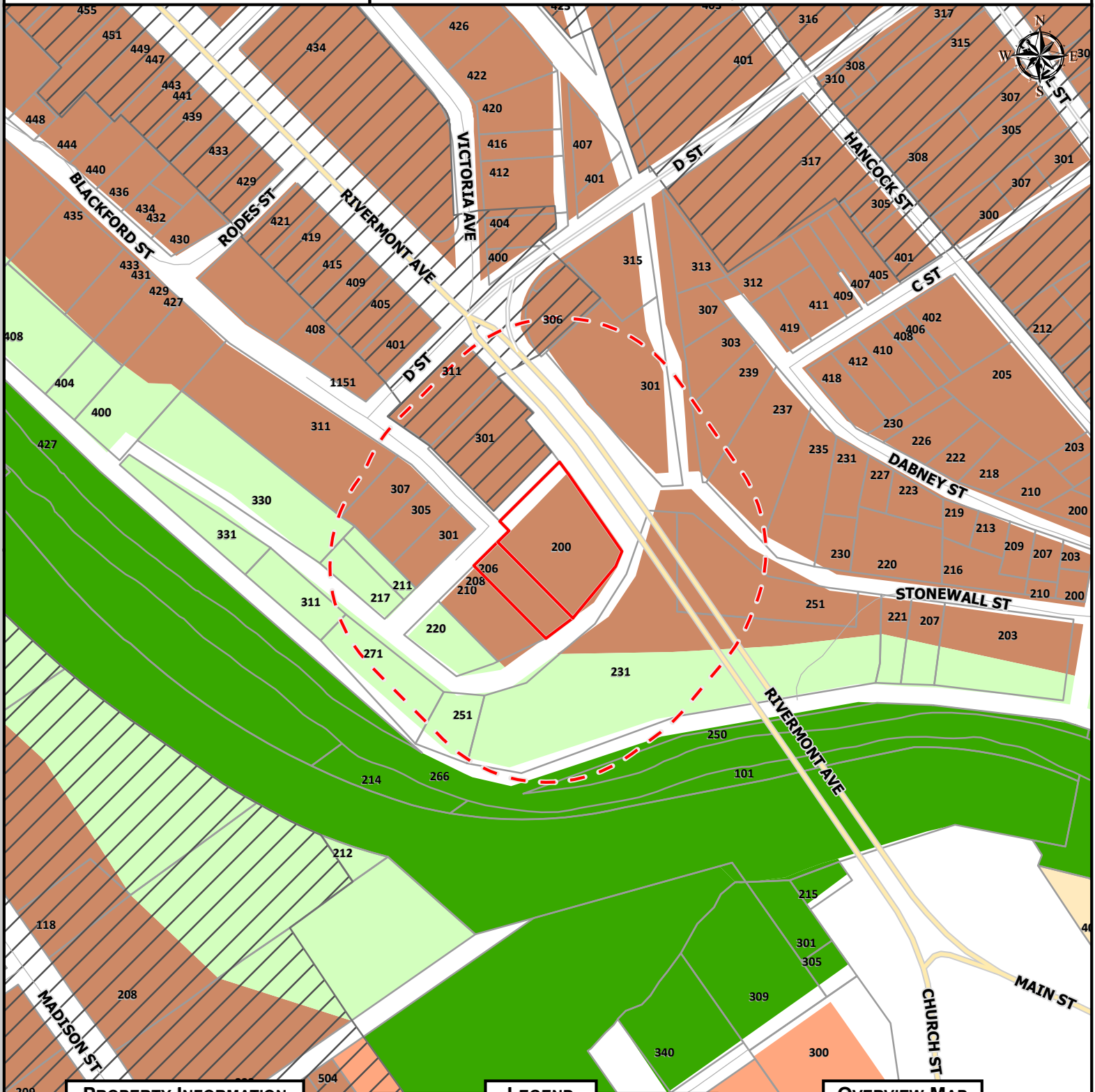
Parcel ID	Address	Owner
02313012	311 BLACKFORD ST	VICTORIAS INVENTORY LLC
02313013	307 BLACKFORD ST	NEW, APRIL DAWN
02313014	305 BLACKFORD ST	COLES, CYNTHIA D
02313015	301 BLACKFORD ST	VICTORIAS INVENTORY LLC
02313016	211 BRIDGE ST	LYNN, TYRONE V
02313017	217 BRIDGE ST	CITY OF LYNCHBURG
02313022	330 RYAN ST	CITY OF LYNCHBURG
02325010	237 DABNEY ST	RUSSELL, SARAH L & C L
02325011	235 DABNEY ST	SMITH, GLADYS M & R L
02325025	303 DABNEY ST	LOFTON, LATANYA D
02325026	239 DABNEY ST	LOFTON, LATANYA D
02326001	306 RIVERMONT AVE	CALFEE, DARYL W & JOHANNA P
02326003	301 SPRING ST	CITY OF LYNCHBURG
02327001	311 RIVERMONT AVE	VICTORIAS INVENTORY LLC
02327002	301 RIVERMONT AVE	VICTORIA'S INVENTORY LLC
02328001	220 BRIDGE ST	CITY OF LYNCHBURG
02328003	208 BRIDGE ST	VICTORIAS INVENTORY LLC
02328006	206 BRIDGE ST	VICTORIAS INVENTORY LLC
02328008	200 BRIDGE ST	VICTORIA'S INVENTORY LLC
02329002	311 RYAN ST	CITY OF LYNCHBURG
02329003	271 RYAN ST	CITY OF LYNCHBURG
02329004	251 RYAN ST	CITY OF LYNCHBURG
02329005	231 RYAN ST	LYNCHBURG GAS
02329009	251 STONEWALL ST	LYNCHBURG GAS
02329010	250 BLACKWATER ST	LYNCHBURG GAS

FLUM Map

200 & 206 BRIDGE STREET

TRC

Accupoint



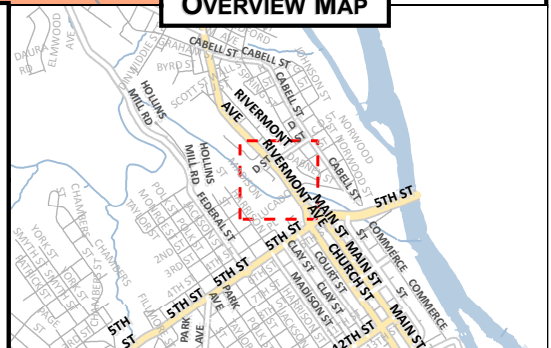
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02328008	200 BRIDGE ST
02328006	206 BRIDGE ST

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/17/2021

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Watershed Map

200 & 206 BRIDGE STREET

TRC

Accupoint



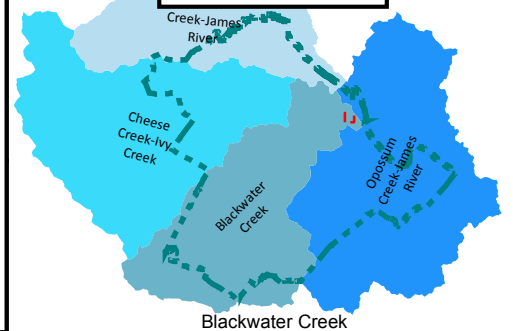
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02328008	200 BRIDGE ST
02328006	206 BRIDGE ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/17/2021

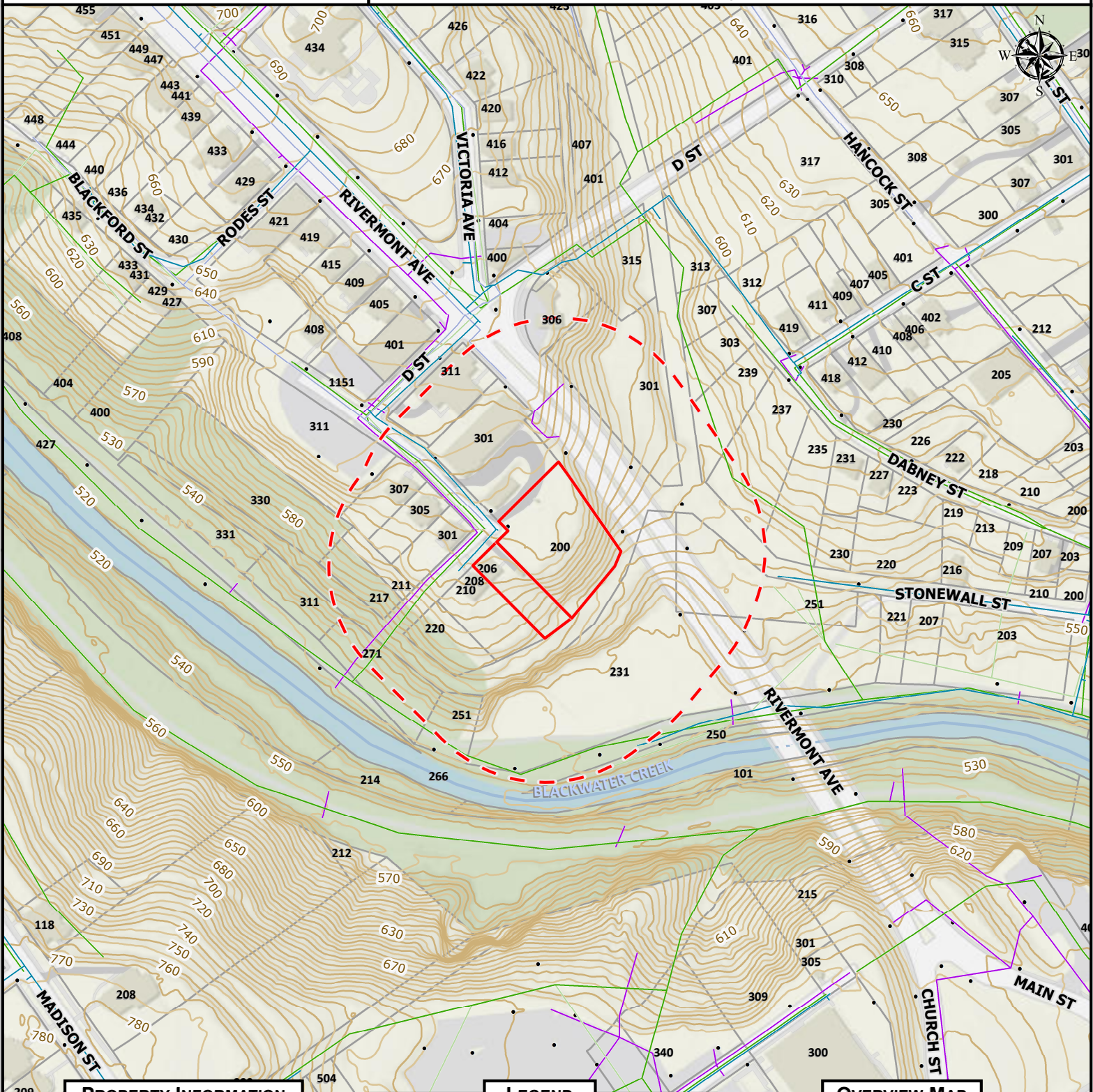
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Planimetric and Topographic-TRC

200 & 206 BRIDGE STREET

TRC

Accupoint



PROPERTY INFORMATION

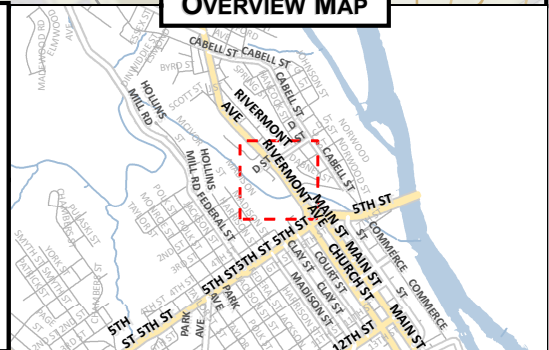
PARCEL ID	ADDRESS
02328008	200 BRIDGE ST
02328006	206 BRIDGE ST

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue line)	Sanitary (dashed blue line)	Storm (dotted blue line)
Structure	Structure (solid brown line)		
Roadway	Roadway (solid grey line)		
Parking	Parking (dashed grey line)		
Sidewalk	Sidewalk (dotted grey line)		
Driveway	Driveway (solid grey line)		
Towers & Trans. Lines	Elec. Trans. (solid yellow line)	Trans. Tower (solid black line)	Comm. Tower (solid black line)
	Other (solid black line)		
			Pole Cemetery (solid black line)

MAP SCALE: 1" to 200' DATE PRINTED: 3/17/2021

OVERVIEW MAP



LEGEND

PROPERTY LINE

FENCE

PROPOSED WATERLINE

PROPOSED SEWER LINE

CONCRETE

OPEN SLATTED WOOD
FRAME DECK

SILT FENCE

TW
BW

TC

PE

TS
BS

TD
GE

LIMITS OF DISTURBANCE

TOP OF WALL
BOTTOM OF WALL

TOP OF CONCRETE

POOL EDGE

TOP OF STEP
BOTTOM OF STEP

TOP OF DECK
GROUND ELEVATION

LIMITS OF DISTURBANCE

TOTAL DISTURBED AREA	0.112 ACRES
NEW IMPERVIOUS AREA	0.025 ACRES
PERVIOUS AREA	0.087 ACRES

UTILITY NOTES:

- EXISTING AND PROPOSED SERVICE CONNECTIONS SHALL NOT BE USED FOR DEMOLITION, GRADING, LANDSCAPING, OR ANY CONSTRUCTION PURPOSE UNTIL APPROPRIATE BACKFLOW DEVICES HAVE BEEN INSTALLED, TESTED AND TEST RESULTS HAVE BEEN APPROVED BY THE CITY OF LYNCHBURG.
- IF ANY BACKFLOW PREVENTION ASSEMBLIES ARE FOUND DURING DEMOLITION OR WHILE OTHER WORK IS BEING PERFORMED FOR THIS PROJECT, THEY SHALL NOT BE REMOVED, RELOCATED, OR REPLACED WITHOUT ADVANCE AUTHORIZATION FROM THE DEPARTMENT OF WATER RESOURCES.
- IF DURING DEMOLITION OR CONSTRUCTION, ANY DISCREPANCIES ARE NOTED WITH REGARD TO ANY PUBLIC WATER SERVICE CONNECTION, THE DEPARTMENT OF WATER RESOURCES SHALL BE NOTIFIED. THIS INCLUDES, BUT IS NOT LIMITED TO, CONNECTIONS WHICH SHALL BE ADDED, ABANDONED, CHANGED, OR RELOCATED.
- LANDSCAPING AND/OR OTHER SITE FEATURES SHALL NOT BE SUCH THAT THEY IMPACT THE REQUIRED ALLOWANCES FOR ANY RP (OR RPDA) FOR BACKFLOW NOW OR IN THE FUTURE.

STORMWATER MANAGEMENT NARRATIVE

THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A POOL FACILITY FOR THE RESIDENTS OF NEARBY VICTORIA'S INVENTORY LLC. PROPERTIES. THE TOTAL DISTURBED AREA FOR THE SITE IMPROVEMENTS IS 0.112 ACRES (4,872 SF). THERE IS AN ESTIMATED INCREASE OF 0.025 ACRES IMPERVIOUS AREA AS A RESULT OF THIS PROJECT. THE SURROUNDING OPEN SLATTED WOOD FRAME DECK IS OPEN TO THE GROUND BELOW, 20' AT THE HIGHEST POINT. THE POOL AND DECK ARE PERVIOUS AREA WITH THE REMAINING IMPERVIOUS AREA DRAINING TO THE POOL PUMP AND THEREFORE NOT CAUSING ANY INCREASE IN OVERALL RUNOFF OR REQUIRING CHANGES TO THE EXISTING STORMWATER DETENTION POND. WATER QUALITY CALCULATIONS SHOW A REQUIRED PHOSPHORUS LOAD REDUCTION OF 0.06 LB/YEAR WHICH WILL BE PURCHASED WITH CREDITS FROM A VIRGINIA NUTRIENT BANK.

POOL CHEMICALS STORAGE

POOL CHEMICALS SHOULD BE STORED IN THEIR ORIGINAL STORE-BOUGHT CONTAINERS, IN A LOCATION NO WARMER THAN 95°. THE CHEMICALS SHOULD ALSO BE STORED OFF THE FLOOR, IN A WELL-VENTILATED AND LOCKED AREA THAT IS FAR AWAY FROM WATER TO PREVENT REACTIONS WITH THE CHEMICALS.

OFFSITE AREAS

NO OFFSITE BORROW AREAS ARE NEEDED FOR THIS PROJECT. THIS IS AN EXCESS MATERIAL SITE. IF MATERIAL HAULED OFF-A PERMITTED SITE NUMBER (#) WILL BE SUPPLIED TO THE INSPECTOR. A SEPARATE PLAN SHALL BE SUBMITTED TO THE CITY OF LYNCHBURG FOR LAND DISTURBANCE FOR THOSE AREAS.

ACCUPOINT

SURVEYING & DESIGN

SURVEYORS

ENGINEERS

SOIL EVALUATORS

6200 FORT AVENUE, LYNCHBURG, VA 24502

PH: 434-610-4334

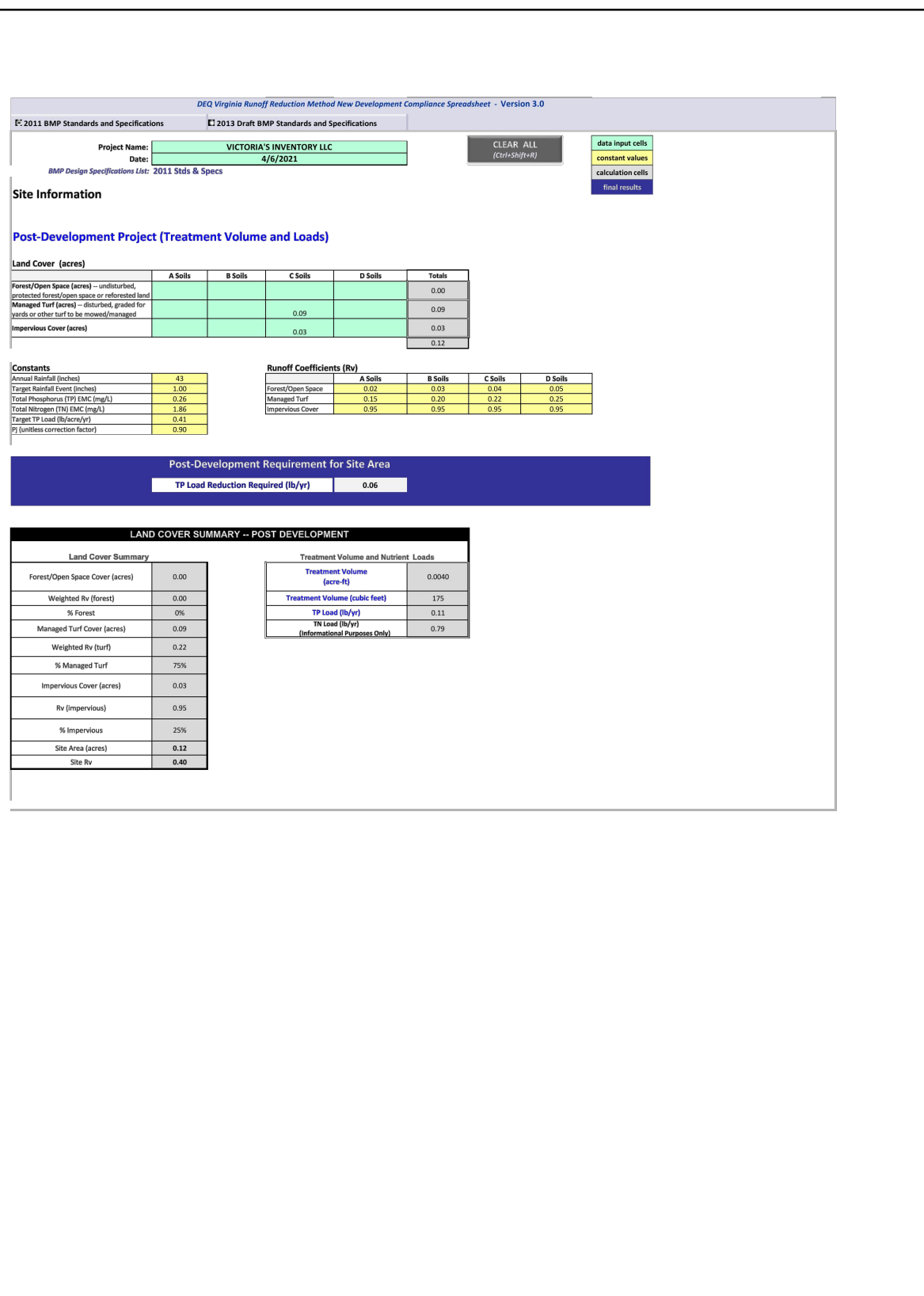
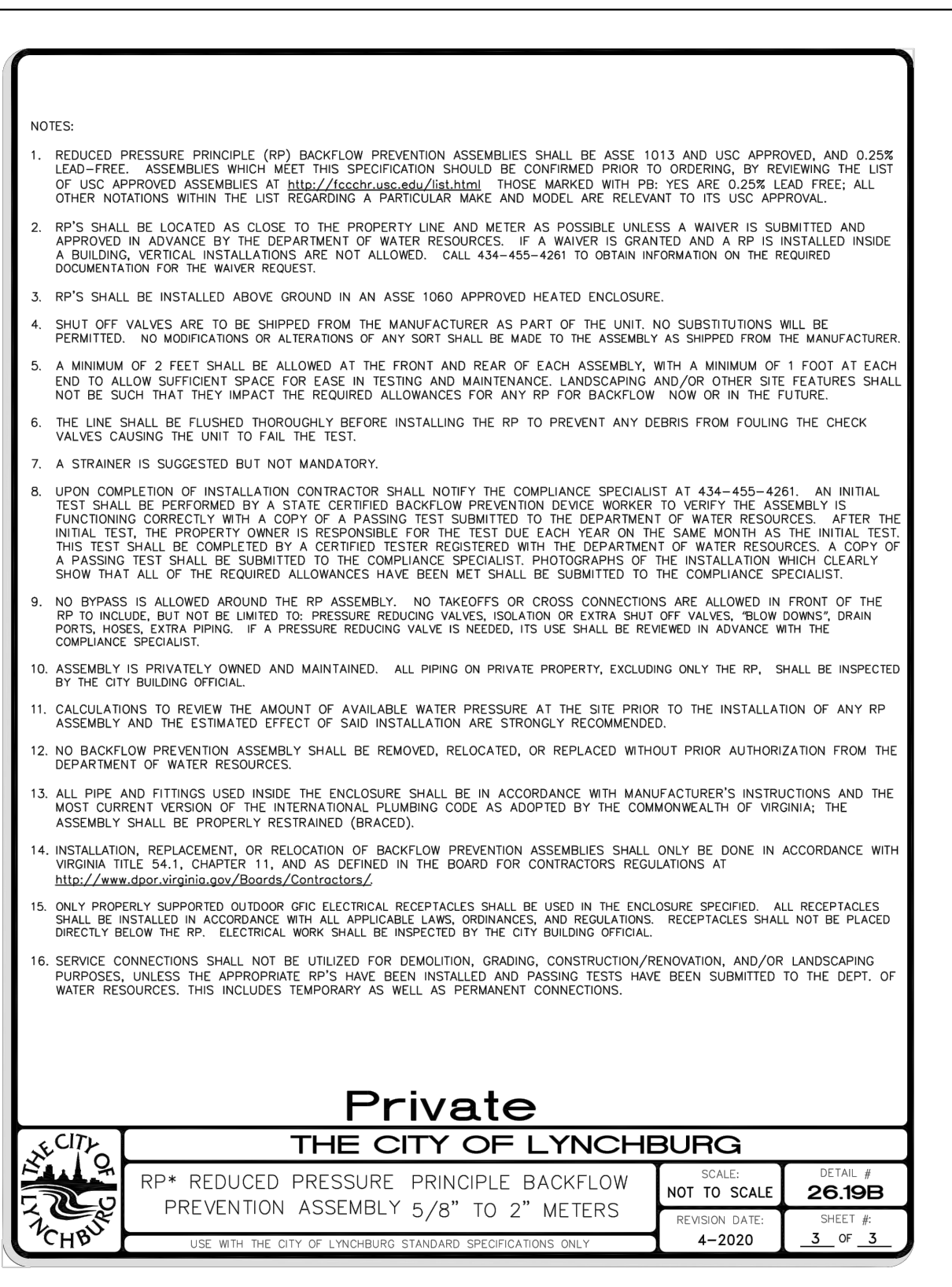
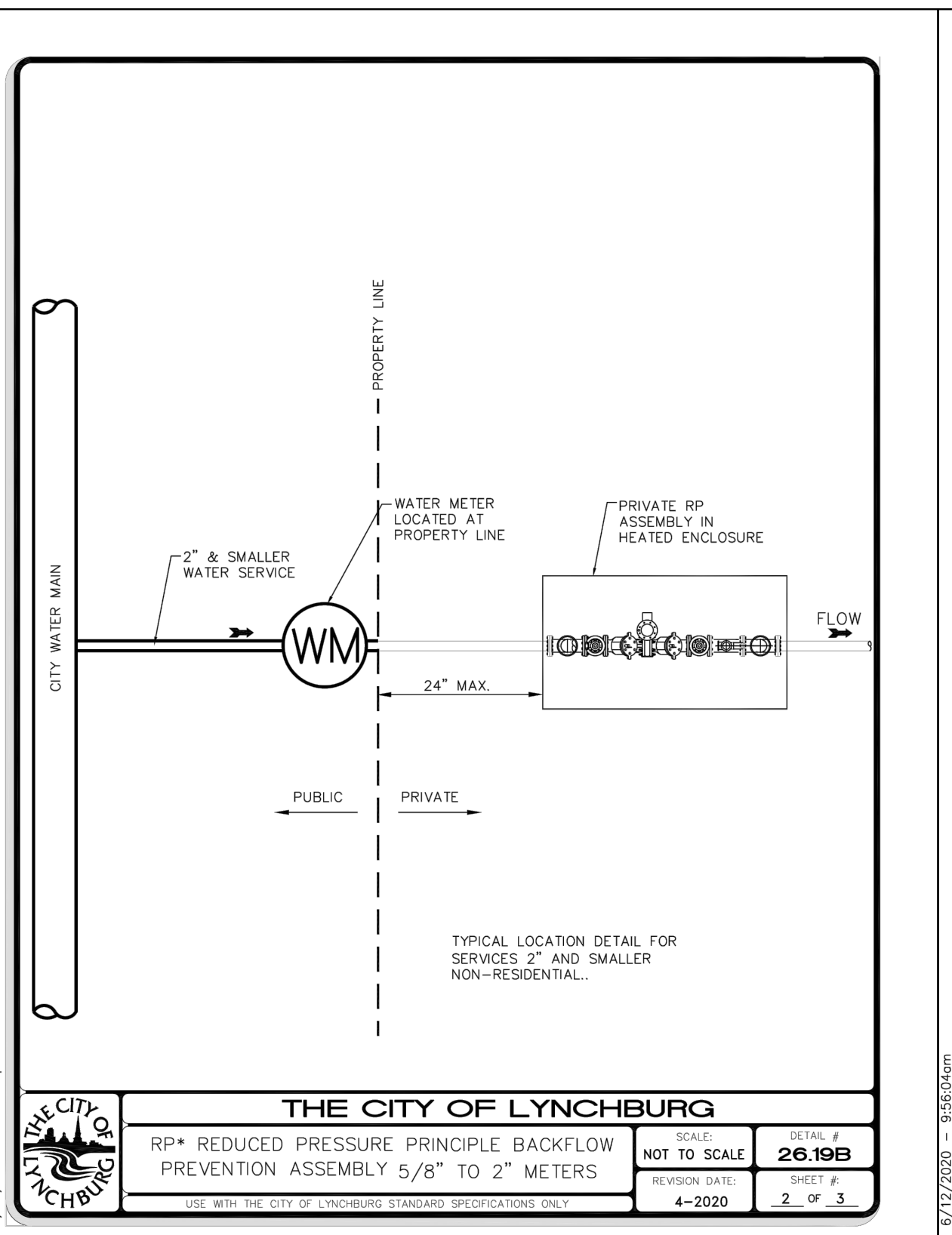
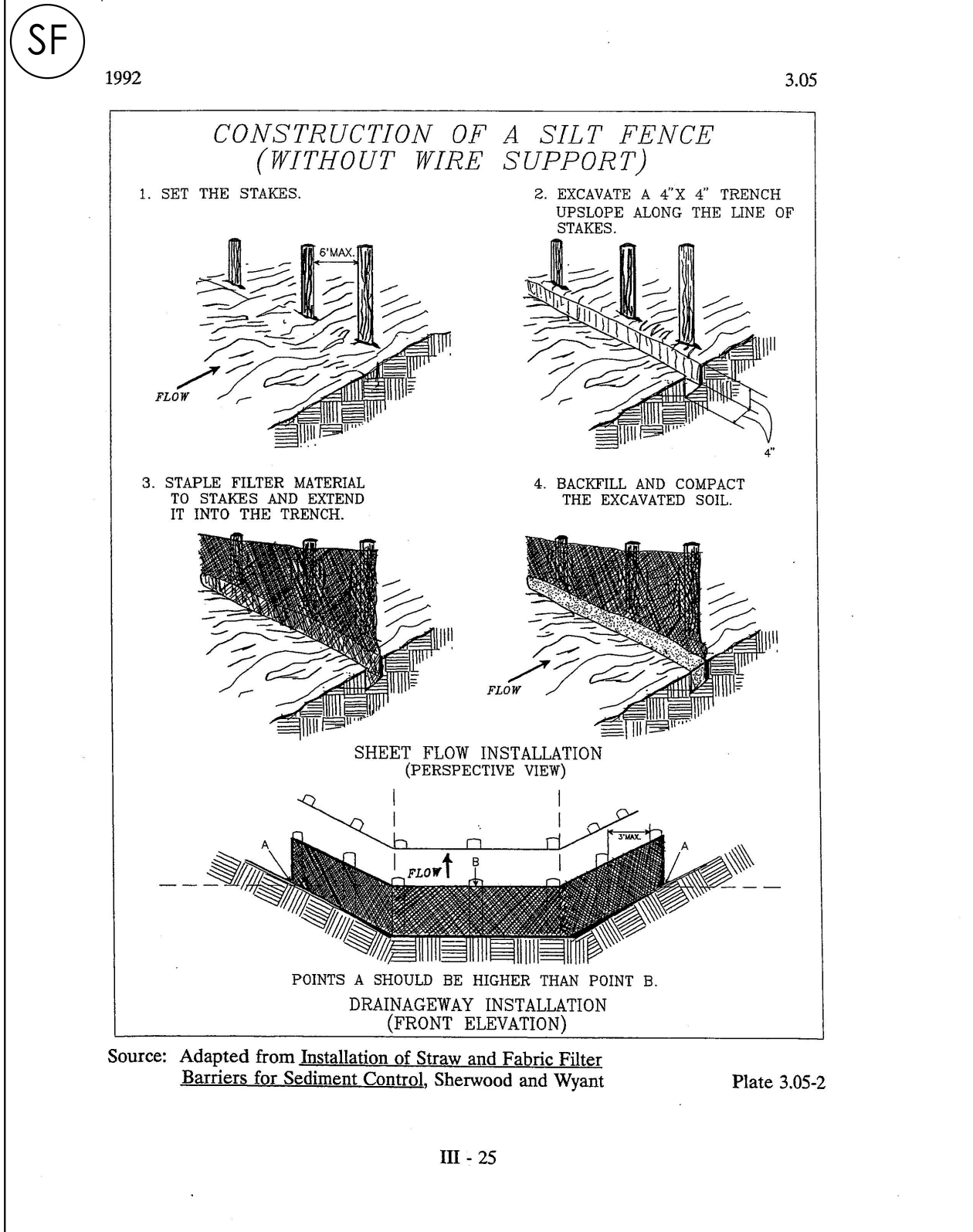
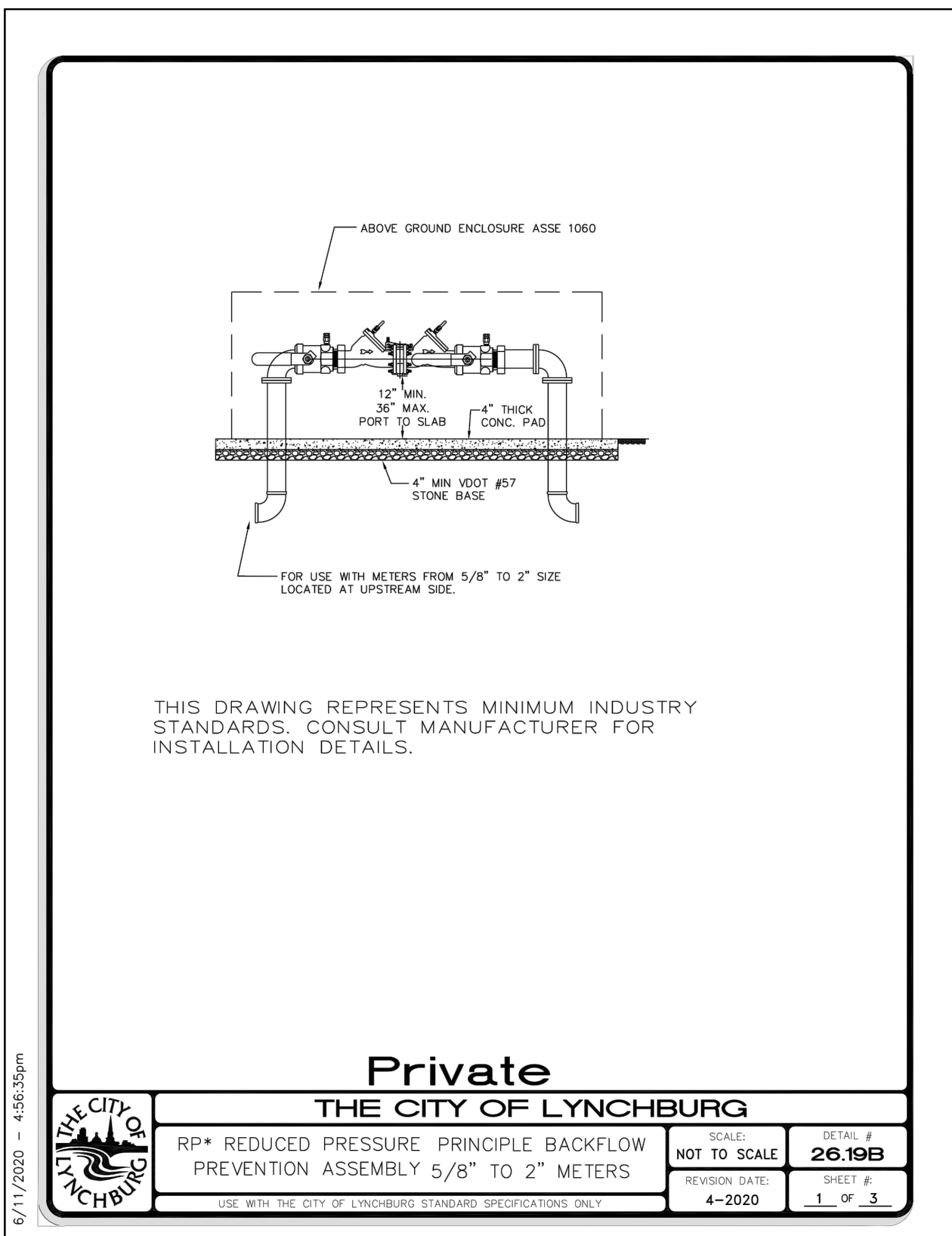
WWW.ACCUPOINTSURVEYING.COM

CONCEPT POOL LAYOUT
FOR
VICTORIA'S INVENTORY LLC
200 & 206 BRIDGE STREET
CITY OF LYNCHBURG , VIRGINIA

REVISION/DATE					
SCALE:	1" = 10'				
ASD JOB #:	2020-426				
FILE #:	2020-426 CONCEPT				
DATE:	APRIL 5, 2021				

C-2
CONCEPT PLAN

SHEET 2 OF 3



ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
6700 FORT AVENUE, LYNCHBURG, VA 24507
PH: 434-610-4834 WWW.ACCUPOINTSURVEYING.COM

CONCEPT POOL LAYOUT
FOR
VICTORIA'S INVENTORY LLC
200 & 206 BRIDGE STREET
CITY OF LYNCHBURG, VIRGINIA

PRELIMINARY

REVISION/DATE				
ASD JOB #:	2020-426			
FILE #:	2020-426 CONCEPT			
DATE:	APRIL 5, 2021			

C-3
DETAILS & VRRM

SHEET 3 OF 3



April 7, 2021

Owner Name: Victoria's Inventory LLC
Owner Address: 2600 Memorial Ave Ste LL1
Lynchburg, VA 24501

Re: Narrative for Condition Use Permit
200 & 206 Bridge Street, Lynchburg, VA 24504

The purpose of requesting a Conditional Use Permit for 200 & 206 Bridge Street is to allow the construction of a recreational pool facility for the residents of the nearby Victoria's Inventory LLC properties. 200 & 206 Bridge Street are zoned B-1, Limited Business District, which do not allow swimming pools by right, nor do they allow multifamily residential (including accessory uses such as pools). The proposed pool is 30' x 60' with a concrete and open slat decking surround. The pool area is secured by a privacy fence and includes an ADA accessible bathroom and a connection to an existing concrete patio.



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



DBE# 723629



01/25/2017

© All Pictometry

Victoria's Inventory Pool CUP
200 & 206 Bridge Street
May 12, 2021

PLEASE PRINT CLEARLY
NAME _____

[illegible]

RESOLUTION:

#R-21-053

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VICTORIA'S INVENTORY, LLC AT 200 BRIDGE STREET TO ALLOW THE CONSTRUCTION OF A SWIMMING POOL IN A B-1, LIMITED BUSINESS DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Victoria's Inventory, LLC to allow the construction of a swimming pool is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan as prepared by Accupoint Surveying & Design.
2. The pool shall only be used by residents and guests of properties under the ownership of "Victoria's Inventory LLC" (or "Victorias Inventory LLC") located along Bridge Street, Blackford Street, and 301-401 Rivermont Avenue.

Adopted: June 8, 2021

Certified: 
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Vacate a portion of Blackford Street

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the right-of-way vacation of a portion of Blackford Street

SUMMARY: Ed Willman, on behalf of Across the Bridge, LLC, is petitioning to vacate an unimproved portion of the Blackford Street right-of-way, located off of D Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred ninety-nine thousandths (0.199) of an acre.

The area to be vacated includes wooded land with a grade. The vacation would not impact vehicle or pedestrian access along Blackford Street.

PRIOR ACTION(S): May 11, 2021: The Physical Development Committee (PDC) recommended approval.

September 15, 2020: The Technical Review Committee (TRC) reviewed the petition.

FISCAL IMPACT: Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$8,668.00.

CONTACT(S): Victoria Glasgow, Planner 1 – 455-3900
Tom Martin, City Planner – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Subdivision Plat
- Revised Street Vacation Plat
- Title Work

REVIEWED BY: klw

081A

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY KNOWN AS BLACKFORD STREET.

WHEREAS, Ed Willman, on behalf of Across the Bridge, LLC, is petitioning to vacate a portion of right-of-way known as Blackford St; and

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

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

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

LEGAL DESCRIPTION PARCEL A

BEGINNING AT THE POINT OF BEGINNING, A ½" REBAR FOUND; THENCE S 57°14'59" E A DISTANCE OF 49.54' TO A POINT; THENCE S 33°34'13" W A DISTANCE OF 20.00' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 55.91' TO A POINT; THENCE N 48°16'03" W A DISTANCE OF 5.06' TO A POINT; THENCE N 41°43'57" E A DISTANCE OF 20.00' TO A POINT; THENCE S 48°16'03" E A DISTANCE OF 8.62' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.027 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL B

BEGINNING AT THE POINT OF BEGINNING, A RAILROAD SPIKE FOUND; THENCE S 56°25'47" E A DISTANCE OF 59.60' TO A SOLID IRON FOUND; THENCE S 33°34'13" W A DISTANCE OF 20.00' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 59.60' TO A POINT; THENCE N 33°34'13" E A DISTANCE OF 20.00' TO A RAILROAD SPIKE FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.027 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL C

BEGINNING AT THE POINT OF BEGINNING, A SOLID IRON FOUND; THENCE S 56°25'47" E A DISTANCE OF 100.94' TO A POINT; THENCE S 45°16'35" W A DISTANCE OF 20.42' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 96.80' TO A POINT; THENCE N 33°34'13" E A DISTANCE OF 20.00' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.045 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL D

BEGINNING AT THE POINT OF BEGINNING, THENCE S 48°16'03" E A DISTANCE OF 5.06' TO A POINT; THENCE S 56° 25'47" E A DISTANCE OF 212.30' TO A POINT; THENCE S 45°16'35" W A DISTANCE OF 20.42' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 209.59' TO A POINT; THENCE N 48°16'03" W A DISTANCE OF 6.48' TO A POINT; THENCE N 41°43'57" E A DISTANCE OF 20.00' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.100 ACRES, MORE OR LESS.

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

BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of

Lynchburg, and the City Manager is hereby authorized to sign any documents that may be needed to complete the vacation of the right-of-way.

Adopted:

Certified: _____
Clerk of Council



The City of Lynchburg, Virginia

RIGHT-OF-WAY VACATION PACKET

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

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

Name: Accupoint Surveying & Design

Street: Fort Ave City: Lynchburg State: Va Zip: 24502

Telephone#: 434-610-4334

E-Mail: ewillman@accupointsurveying.com

E-Signed: _____ (Petitioner) Date: 8/24/20

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

Name: Across the Bridge, LLC

Street: Blackford City: Lynchburg State: VA Zip: 24504

Telephone#: 434-845-3111

Email: westtony131@gmail.com

E-Signed: _____ (Owner) Date: 8/24/20

3. REPRESENTATIVE:

Name: Fred Edward Willman

Firm Name: Accupoint Surveying & Design

Street: Fort Ave City: Lynchburg State: VA Zip: 24502

Telephone#: 434-610-4334

Email: ewillman@accupointsurveying.com

Application Submittal Requirements - Right-of-Way Vacation	
	One (1) original signed right-of-way vacation application, complete with metes and bounds description and any adjoining owner signatures.
	Three (3) copies of a title search or opinion from an attorney or title examiner determining ownership of the right-of-way after it is vacated. A copy of a sample opinion letter is included with the right-of-way vacation application.
	Six (6) copies of a sketch (or plat) showing the right-of-way to be vacated.
	Photos of notification signs (if applicable)
	A check payable to the City of Lynchburg in the amount set forth in the fee schedule adopted by City Council (\$75)
	Electronic copy of all submittals. (Electronic copies may be submitted through eTrakit by contacting Victoria Glasgow @ 434-455-3937, by email at victoria.glasgow@lynchburgva.gov or on a flashdrive. Please name the files in the following format: (YY-MM-DD _File name)

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

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

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

APPLICATION FOR THE VACATION OF A

Portion of Blackford Street

Street/Alley/Right-of-way

LOCATED BETWEEN

D Street and Rhodes Street

The undersigned applicant, Across the Bridge, LLC, pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Blackford Street described as follows:

- Parcels A, B, C, D and E, those portions of Blackford Street between D Street and Rhodes Street - See attached legal descriptions and survey

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on September 8, 2020, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Blackford Street.

The City does not guarantee that the adjoining property owners get title to any portions of a public street or alley that is vacated. When vacating

public right of way the City is only giving up its interest in the public right of way. State law determines who gets title to the vacated right of way. Anyone who wishes to acquire an interest in the vacated right of way should consult with an attorney or title examiner.

Given under my hand this 24th day of August, 2020.



Across the Bridge, LLC (Agent)

2600 Memorial Avenue, Suite LL1
Lynchburg, VA 24501
Address

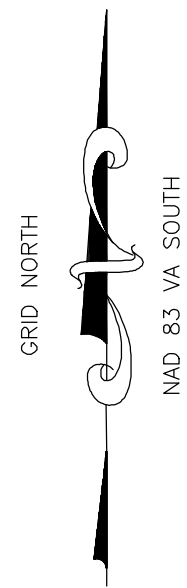
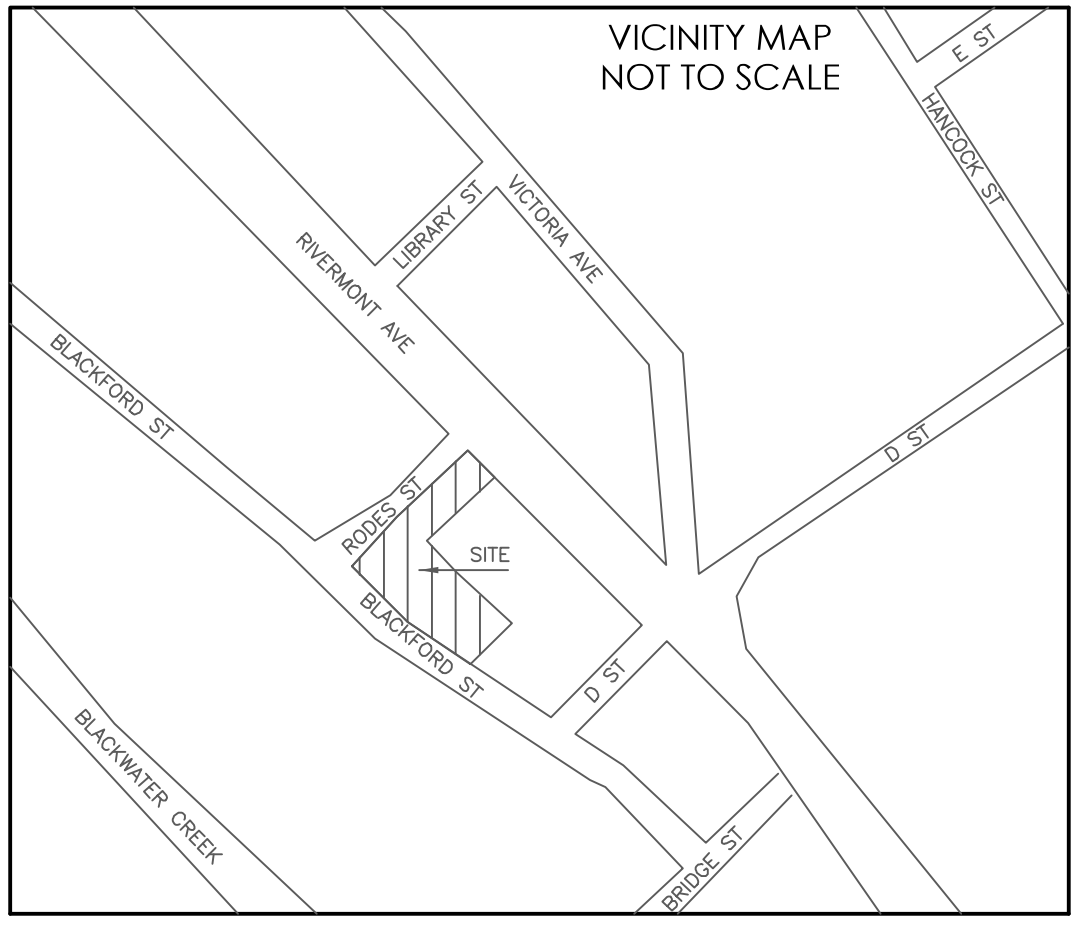
434-401-4962
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT
TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.



Victorias Inventory, LLC (Agent)

1151 D Street
Address



- EXISTING CONCRETE
- EDGE OF GRAVEL
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- LINE TO BE VACATED
- OHT OVERHEAD TELEPHONE LINE
- OHEL OVERHEAD ELECTRIC LINE
- EDGE OF PAVEMENT
- EDGE OF BUILDING
- WATER METER
- GAS MARKER
- UTILITY POLE
- PROPERTY CORNER
- SEWER CLEANOUT
- SANITARY SEWER MANHOLE

AREA TABULATION

0.417 ACRES	PARCEL ID 02315001
+ 0.092 ACRES	PARCEL ID 02315008
0.509 ACRES	RECONFIGURED PARCEL ID 02315001

AREA BY RECENT SURVEY
0.417 ACRES
ACROSS THE BRIDGE, LLC
421 RIVERMONT AVE
PARCEL ID 02315001
PLAT INST 200006102
INSTR 180001390
INSTR 170002317

CENTRAL CITY HOMES, LP
419 RIVERMONT AVE
PARCEL ID 02315002
INSTR # 030014120

CENTRAL CITY HOMES, LP
415 RIVERMONT AVE
PARCEL ID 02315003
INSTR # 030014120

NEW AREA 0.509 ACRES
RIVERMONT, PLAN "A",
BLOCK 3,
NEW LOT 7
PARCEL ID 02315001
421 RIVERMONT AVE

ACROSS THE BRIDGE, LLC
409 RIVERMONT AVE
PARCEL ID 02315004
INSTR # 160008247

ACROSS THE BRIDGE, LLC
405 RIVERMONT AVE
PARCEL ID 02315005
INSTR # 160008247

VICTORIAS INVENTORY LLC
1151 D ST
PARCEL ID 02315007
INSTR # 190005103

LOT 28 & PART
OF LOT 27
0.092Ac.
408 BLACKFORD ST
PARCEL ID 02315008

SOURCE OF TITLE: CURRENT OWNER- ACROSS
THE BRIDGE, LLC

PARCEL ID 02315001 INSTR 180001390 & INSTR
170002317
PARCEL ID 02315008 INSTR 170002334
RECORDED IN THE CLERK'S OFFICE OF THE
CIRCUIT COURT OF THE CITY OF LYNCHBURG,
VIRGINIA.

NOTES:

1. THIS PLAT WAS PREPARED AT THE REQUEST OF ACROSS THE BRIDGE, LLC.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY.
3. BY GRAPHIC SCALING ONLY THIS PROPERTY AS PLATTED FALLS WITHIN THE UNSHADED FLOOD ZONE "X" AND AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP 5100930042D BEARING AN EFFECTIVE DATE OF JUNE 3, 2008.
4. THIS PLAT WAS PREPARED FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF. ADJOINING OWNERS ARE CURRENT OR FORMER OWNERS.
5. THIS PROPERTY IS ZONED R-4 MEDIUM-HIGH DENSITY MULTI-FAMILY RESIDENTIAL
6. RECONFIGURED PARCEL ID 02315001 IS CURRENTLY SERVED BY PUBLIC WATER AND SEWER.

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

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ BY _____
NOTARY PUBLIC
REGISTRATION NO. _____
MY COMMISSION EXPIRES _____

CITY PLANNER: _____
CITY ENGINEER: _____



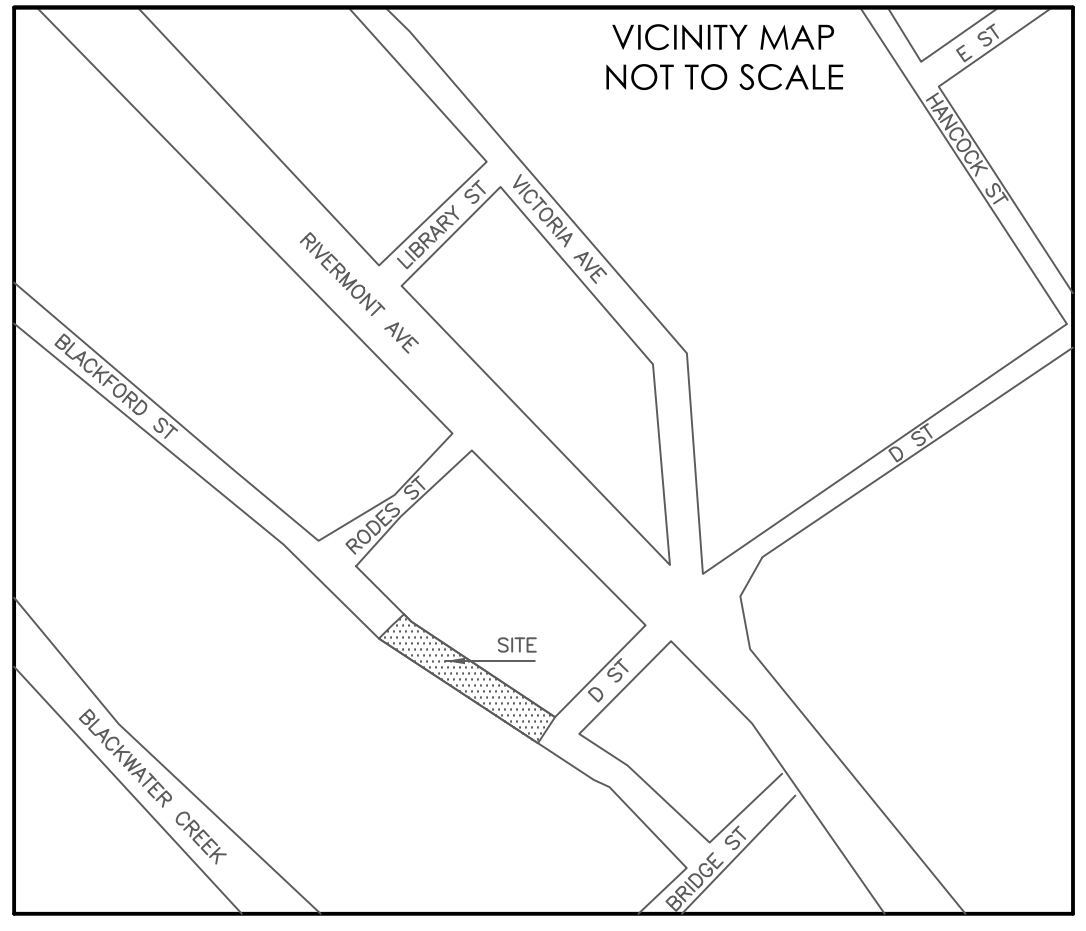
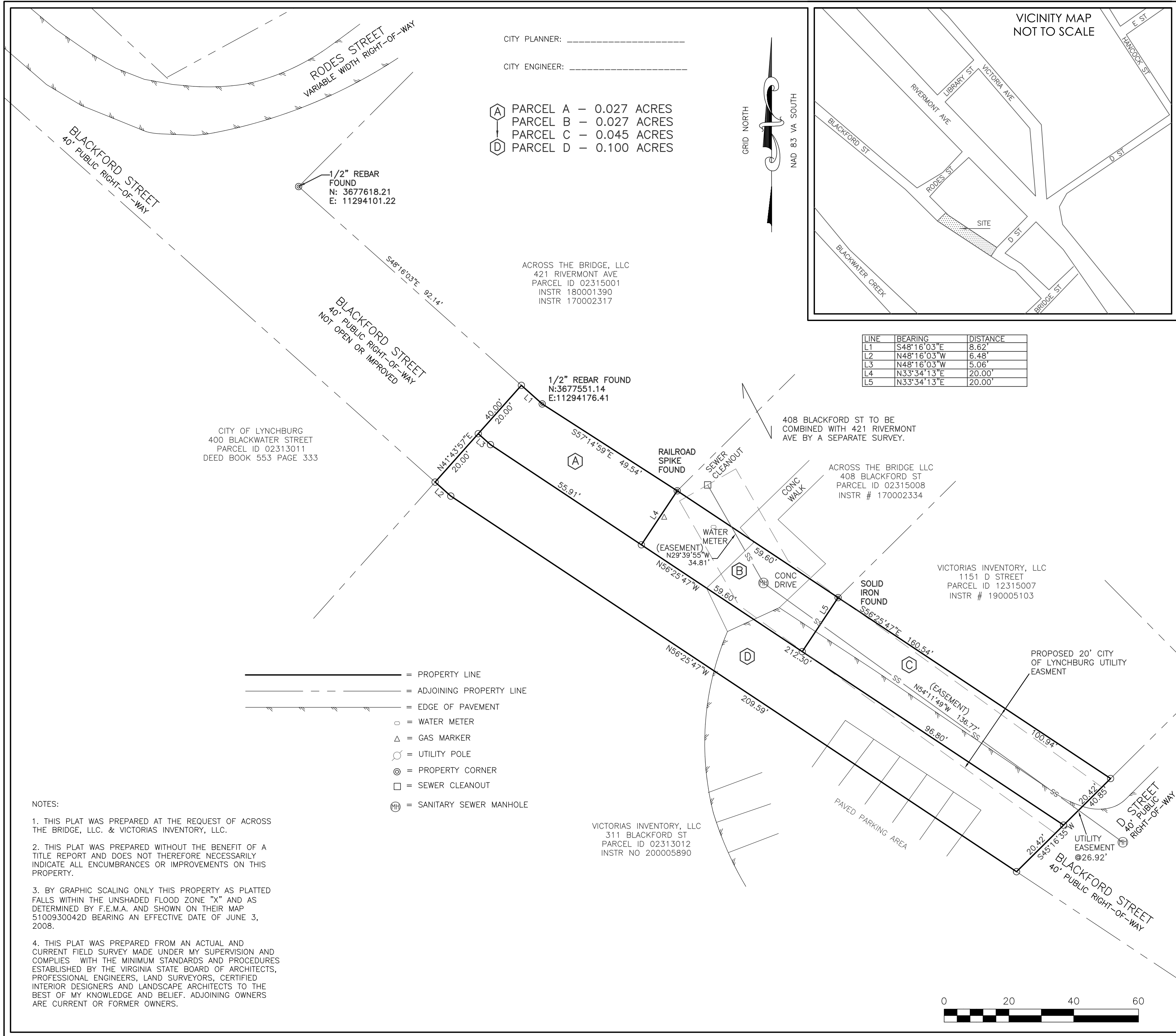
RECONFIGURATION PLAT SHOWING
PARCEL ID 02315001 & 02315008

PROPERTY OF
ACROSS THE BRIDGE, LLC

CITY OF LYNCHBURG, VIRGINIA



SCALE:	1" = 30'
ASD JOB #:	2020-124
FILE #:	2020-124.dwg
DATE:	FEBRUARY 1, 2021
REV:	APRIL 7, 2021
REV:	
SHEET NUMBER: 1 OF 1	



STREET VACATION SURVEY OF PARCELS "A", "B", "C", AND "D",
PORTIONS OF BLACKFORD STREET

CITY OF LYNCHBURG, VIRGINIA

SCALE:	1" = 20'
ASD JOB #:	2020-124
FILE #:	2020-124.dwg
DATE:	MAY 27, 2020
REV:	APRIL 9, 2021
REV:	
SHEET NUMBER: 1 OF 1	



03/30/2021

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

Dear Ms. Glasgow and to whomever it may concern,

Accupoint Surveying & Design undertook investigation of the title to an undeveloped and unimproved portion of Blackford Street Circle lying adjacent to and between properties located at 610 Rodes Street, 412 Blackford street, 311 Bridge Street, 400 Blackwater Street and 427 Blackford Street.

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

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

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

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

Please let me know if there are any questions.

Barbara B. Gladieux
Barbara B. Gladieux

Virginia Certified Title Examiner
Accupoint Surveying & Design, LLC



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



M/WBE
MINORITY WOMEN-OWNED
BUSINESS ENTERPRISE

DBE# 723629

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY KNOWN AS BLACKFORD STREET.

WHEREAS, Ed Willman, on behalf of Across the Bridge, LLC, is petitioning to vacate a portion of right-of-way known as Blackford St; and

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

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

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

LEGAL DESCRIPTION PARCEL A

BEGINNING AT THE POINT OF BEGINNING, A ½" REBAR FOUND; THENCE S 57°14'59" E A DISTANCE OF 49.54' TO A POINT; THENCE S 33°34'13" W A DISTANCE OF 20.00' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 55.91' TO A POINT; THENCE N 48°16'03" W A DISTANCE OF 5.06' TO A POINT; THENCE N 41°43'57" E A DISTANCE OF 20.00' TO A POINT; THENCE S 48°16'03" E A DISTANCE OF 8.62' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.027 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL B

BEGINNING AT THE POINT OF BEGINNING, A RAILROAD SPIKE FOUND; THENCE S 56°25'47" E A DISTANCE OF 59.60' TO A SOLID IRON FOUND; THENCE S 33°34'13" W A DISTANCE OF 20.00' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 59.60' TO A POINT; THENCE N 33°34'13" E A DISTANCE OF 20.00' TO A RAILROAD SPIKE FOUND; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.027 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL C

BEGINNING AT THE POINT OF BEGINNING, A SOLID IRON FOUND; THENCE S 56°25'47" E A DISTANCE OF 100.94' TO A POINT; THENCE S 45°16'35" W A DISTANCE OF 20.42' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 96.80' TO A POINT; THENCE N 33°34'13" E A DISTANCE OF 20.00' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.045 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL D

BEGINNING AT THE POINT OF BEGINNING, THENCE S 48°16'03" E A DISTANCE OF 5.06' TO A POINT; THENCE S 56° 25'47" E A DISTANCE OF 212.30' TO A POINT; THENCE S 45°16'35" W A DISTANCE OF 20.42' TO A POINT; THENCE N 56°25'47" W A DISTANCE OF 209.59' TO A POINT; THENCE N 48°16'03" W A DISTANCE OF 6.48' TO A POINT; THENCE N 41°43'57" E A DISTANCE OF 20.00' TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.100 ACRES, MORE OR LESS.

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

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

Adopted: June 8, 2021

Certified:


Clerk of Council

Finney, Alicia

From: Jamie Maxwell <local1146president@gmail.com>
Sent: Thursday, May 27, 2021 3:32 PM
To: Finney, Alicia
Subject: Speak at 8 June Council Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

I would like to be placed on agenda for the 8 June 730 pm Council Meeting. My topic will be the City Attorney and Council meeting rules. Thank you

--

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

"Rangers Lead the Way"

RESOLUTION:**#R-21-040**

- A. BE IT RESOLVED that by majority vote the FY 2022 General Fund Operating Budget (excluding External Service Providers) 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, 2021 and ending June 30, 2022 and said funds be appropriated:

GENERAL FUND INCOMENon-Dedicated Revenues

General Property Taxes	\$88,621,833
Other Local Taxes	53,969,807
Permits, Fees, and Regulatory Licenses	807,500
Fines and Forfeitures	190,000
Use of Money and Property	292,191
Charges for Services	3,375,800
Miscellaneous	239,100
Revenue from the Commonwealth	6,270,984

Dedicated Revenues

Revenue from Use of Money & Property	
Charges for Services	5,165,520
Recreation Revenue	404,000
Parking	534,811
Miscellaneous	2,878,161
Revenue from the Commonwealth	
Categorical Aid - State Shared Expenditures	3,300,895
Categorical Aid	19,642,840
Revenue from the Federal Government	9,810,832
Use of Committed/Assigned Fund Balance and Other	1,444,799
Use of (Additions to) Unassigned Fund Balance	7,074,696
Total	<u>\$204,023,769</u>

GENERAL FUND EXPENDITURES

General Government	\$13,641,261
Judicial Administration	5,325,030
Public Safety	40,006,183
Public Works	20,902,340
Health and Welfare	22,851,025
Parks, Recreation and Cultural	5,649,451
Community Development	5,718,870
Non-Departmental	12,146,182
Transfer to Other Funds	1,184,439
General Fund - Debt Service	8,637,035
Schools - Debt Service	8,993,562
Reserves	2,132,607
Transfer to Capital - City	7,045,118
Transfer to Capital - Schools	0
Subtotal	<u>\$154,233,103</u>
Component Units	
Lynchburg City Schools - Local Operating	39,828,498
Greater Lynchburg Transit Company - Local Operating	1,642,346
External Service Providers ¹	8,319,822
Total	<u>\$204,023,769</u>

¹To be considered separately

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


Clerk of Council

RESOLUTION:**#R-21-041**

- B. BE IT RESOLVED that by majority vote the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338 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, 2021 and ending June 30, 2022 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority	\$5,543,931
Central Virginia Planning District Commission (CVPDC)	47,258
Horizon Behavioral Health	574,512
Lynchburg Health Department	785,000
TOTAL MANDATED	<u>\$6,950,701</u>

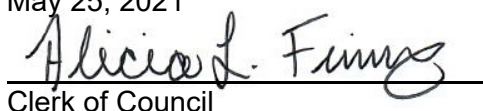
CONTRACTUAL

Central Virginia Regional Radio Board (CVRRB)	\$704,670
Elizabeth's Early Learning Center	17,594
Lynchburg Humane Society	405,440
Southern Memorial Association (Old City Cemetery)	166,858
Virginia Cooperative Extension Service	44,075
TOTAL CONTRACTUAL	<u>\$1,338,637</u>

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


Clerk of Council

RESOLUTION:**#R-21-042a**

- C. (i) BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2022 Discretionary External Service Providers Budget of \$17,324 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, 2021 and ending June 30, 2022 and said funds be appropriated:

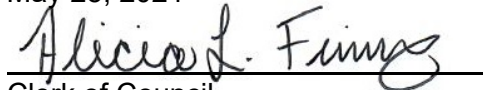
DISCRETIONARY

Amazement Square - Signal and Rail Car	\$369
Central Virginia Alliance for Community Living	15,000
Central Virginia Community College Board (CVCC)	1,955
TOTAL DISCRETIONARY	<u>\$17,324</u>

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


 Clerk of Council

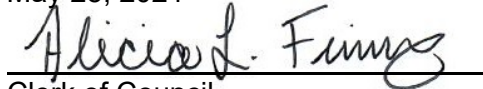
RESOLUTION:**#R-21-042b**

- C. (ii) BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2022 Discretionary External Service Provider Virginia Legal Aid Society Budget of \$13,160 proposed by the City Manager be adopted and said funds be appropriated as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


 Clerk of Council

RESOLUTION:**#R-21-043**

- D. BE IT RESOLVED that by majority vote the FY 2022 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, 2021 and ending June 30, 2022:

FLEET SERVICES FUND INCOME

Revenues	\$8,798,792
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$8,798,792</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$8,306,699
Debt Service	492,093
Total	<u>\$8,798,792</u>

AIRPORT FUND INCOME

Revenue from Cost Centers	\$4,329,083
Interest and Other	55,000
Use of (Additions to) Unassigned Fund Balance	(162,806)
Total	<u>\$4,221,277</u>

AIRPORT FUND EXPENDITURES

Operations	\$4,117,965
Debt Service	103,312
Total	<u>\$4,221,277</u>

WATER FUND INCOME

Charges for Service	\$13,104,086
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,108,956
Interest and Other	43,500
Use of (Additions to) Unassigned Fund Balance	1,280,746
Total	<u>\$16,537,288</u>

WATER FUND EXPENDITURES

Operations	\$11,230,351
Debt Service	3,506,937
Transfer to Water Capital Fund	1,800,000
Total	<u>\$16,537,288</u>

SEWER FUND INCOME

Charges for Services	\$19,454,274
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,996,640
Interest and Other	58,926
Use of (Additions to) Unassigned Fund Balance	1,088,148
Total	<u>\$24,597,988</u>

SEWER FUND EXPENDITURES

Operations	\$13,692,431
Debt Service	8,905,557
Transfer to Sewer Capital Fund	2,000,000
Total	<u>\$24,597,988</u>

STORMWATER FUND INCOME

Charges for Services	\$3,366,400
State Categorical Aid	275,000
Interest and Other	6,000
Use of (Additions to) Unassigned Fund Balance	390,687
Total	<u>\$4,038,087</u>

CITY/FEDERAL/STATE AID FUND INCOME

Revenue from the Federal Government	\$2,397,906
Revenue from the Commonwealth	1,029,811
Other	678,520
In-Kind	71,690
Transfer from General Fund	177,978
Total	<u>\$4,355,905</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Federal Entitlement	\$718,593
Total	<u>\$718,593</u>

CHILDREN'S SERVICES ACT FUND INCOME

Miscellaneous	\$48,700
Transfer from General Fund	2,037,713
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	4,638,176
Total	<u>\$6,921,130</u>

HOME INVESTMENT TRUST FUND INCOME

Federal Entitlement	\$413,856
Recaptured Funds	\$46,083
Total	<u>\$459,939</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	\$1,150,420
Intergovernmental	1,957,686
Total	<u>\$3,108,106</u>

RISK MANAGEMENT FUND INCOME

Charges for Services	\$1,164,838
Use of (Additions to) Unassigned Fund Balance	(471)
Total	<u>\$1,164,367</u>

SPECIAL WELFARE FUND INCOME

Donations and Restitutions	\$128,300
Interest	1,200
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$129,500</u>

TECHNOLOGY FUND INCOME

Use of Money and Property	\$5,000
Transfer from General Fund	503,523
Use of (Additions to) Unassigned Fund Balance	356,723
Total	<u>\$865,246</u>

STORMWATER FUND EXPENDITURES

Operations	\$3,402,432
Debt Service	185,655
Transfer to Stormwater Capital Fund	450,000
Total	<u>\$4,038,087</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$4,355,905
Total	<u>\$4,355,905</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$718,593
Total	<u>\$718,593</u>

CHILDREN'S SERVICES ACT FUND EXPENDITURES

Operations	\$6,921,130
Total	<u>\$6,921,130</u>

HOME INVESTMENT TRUST FUND EXPENDITURES

Operations	\$459,939
Total	<u>\$459,939</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES

Operations	\$75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$3,097,991
Debt Service	10,115
Total	<u>\$3,108,106</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$311,885
Insurance and Claims	852,482
Total	<u>\$1,164,367</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$129,500
Total	<u>\$129,500</u>

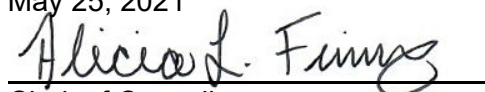
TECHNOLOGY FUND EXPENDITURES

Operations	\$637,246
Capital Outlay	228,000
Total	<u>\$865,246</u>

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified:


 Clerk of Council

RESOLUTION:**#R-21-044**

E. BE IT RESOLVED that by majority vote the FY 2022 - 2026 Capital Improvement Program is hereby adopted.

Adopted: May 25, 2021

Certified: Alicia L. Finney
Clerk of Council

RESOLUTION:**#R-21-045**

F. BE IT RESOLVED that by majority vote the FY 2022 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, 2021 and ending June 30, 2022 in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund.

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified: Alicia L. Finney
Clerk of Council

RESOLUTION:**#R-21-046**

G. BE IT RESOLVED that by majority vote \$50,000 of the FY 2022 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022.

Introduced: May 25, 2021

Adopted: June 8, 2021

Certified: Alicia L. Finney
Clerk of Council

RESOLUTION:**#R-21-047**

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, 2021 through June 30, 2022 shall be set at 41.86%.

Adopted: May 25, 2021

Certified: Alicia L. Finney
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Resolution Authorizing the Issuance of Bonds for Westminster-Canterbury of Lynchburg, Inc.

KEY ELEMENTS:

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

RECOMMENDATION: Adopt the attached resolution authorizing the issuance of up to \$23,000,000 in bonds through the Economic Development Authority (EDA) of the City of Lynchburg for the benefit of Westminster-Canterbury of Lynchburg, Inc.

SUMMARY: Westminster-Canterbury of Lynchburg, Inc. has requested the EDA issue its revenue bonds in an aggregate principal amount not to exceed \$23,000,000. These funds will be used to assist the Borrower in financing improvements to its continuing care retirement community at 501 VES Road, Lynchburg, Virginia 24503, including a renovation of approximately 76,000 square feet of residential space for assisted living residents and independent living apartments and construction of a parking deck for approximately 27 additional spaces along VES Road. The funds will also cover the bond issuance costs and other eligible expenditures.

The attached information provided by Ted Craddock, counsel to the Economic Development Authority of the City of Lynchburg explains the proposed issuance in detail.

The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds on May 20, 2021.

The Economic Development Authority of the City of Lynchburg, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial responsibility or costs.

The issuance of the bonds through the Economic Development Authority of the City of places no obligation on the City.

Westminster Canterbury has been a valued corporate citizen of the City of Lynchburg since 1980. Westminster currently pays \$52,900 a year in payment in lieu of taxes, and employs 402 people at an average salary of \$44,380.00

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A – These bonds place no obligation on the City

CONTACT(S): Marjette Upshur, Director of Economic Development & Tourism 455-4492
Ted Craddock, Economic Development Authority Counsel 846-2731

ATTACHMENT(S):

Council Resolution

Letter from William Lovern, Secretary, Economic Development Authority of the City of Lynchburg

Bond Application

Certificate of Publication of Public Hearing

Inducement EDA Resolution

Fiscal Impact Statement

REVIEWED BY: klw

083A

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LYNCHBURG, VIRGINIA WITH RESPECT TO ECONOMIC
DEVELOPMENT AUTHORITY FINANCING FOR
WESTMINSTER-CANTERBURY OF LYNCHBURG, INC.**

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") has considered the application of Westminster-Canterbury of Lynchburg, Inc. (the "Borrower"), a corporation which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$23,000,000 (the "Bonds") to assist the Borrower in financing certain of the costs of (a) renovating and equipping approximately 35,157 square feet of its Hearthside assisted living facility and approximately 41,592 square feet of its Riverside independent living facility and building a parking deck over existing parking on VES Road to create approximately 27 new spaces, all located at 501 VES Road, Lynchburg, Virginia (the "Project"), and (b) finance costs of issuance and other eligible expenses in connection with the issuance of the Bonds and the Project;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Lynchburg, Virginia (the "City"), the facilities of the Borrower described above are located in the City and the City Council of the City (the "Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in financing the Project and costs of issuance and other eligible expenses.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Bonds or the Borrower.

3. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Lynchburg, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the Bonds. Neither the City of

Lynchburg, Virginia nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Lynchburg, Virginia this 8th day of June, 2021.

Clerk, City Council
City of Lynchburg, Virginia

May 24, 2021

DELIVERED BY HAND

Honorable Mayor and Members of the
Council of the City of Lynchburg
c/o Reid Wodicka, Interim City Manager
900 Church Street
Lynchburg, VA 24504

**Re: Economic Development Authority of the City of Lynchburg, Virginia
proposed financing for Westminster-Canterbury of Lynchburg, Inc.**

Dear Madam Mayor and Members of Council:

Westminster-Canterbury of Lynchburg (the “Borrower”), a nonstock, not-for-profit Virginia corporation, whose principal place of business is 501 VES Road, Lynchburg, Virginia, has requested the Economic Development Authority of the City of Lynchburg, Virginia (the “Authority”) to issue up to \$23,000,000 of its revenue bonds (the “Bonds”), in one or more series, to assist the Borrower in financing (a) improvements to its continuing care retirement community at 501 VES Rd., Lynchburg, Virginia 24503, including a renovation of approximately 76,000 square feet of residential space for assisted living residents and independent living apartments and construction of a parking deck for approximately 27 additional spaces along VES Road, and (b) bond issuance costs and other eligible expenditures (collectively, the “Project”).

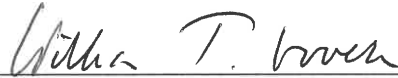
As set forth in the Authority’s Resolution enclosed, the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that the City Council approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia (1950), as amended.

Attached hereto is a copy of the Borrower's application for financing along with (1) a Certificate evidencing the conduct of the meeting and the action taken by the Authority, (2) Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and, (3) proposed form of Council Resolution suggested by counsel to evidence your approval.

It is requested that consideration of the proposed Council Resolution be placed on the Council agenda for the meeting scheduled for Tuesday, June 8, 2021. A representative of the Authority will be present at the meeting.

Honorable Mayor and Members of the
Council of the City of Lynchburg
May 24, 2021
Page 2

Respectfully submitted,



William T. Lovern, Secretary,
Economic Development Authority of
the City of Lynchburg, Virginia

/ahd
Enclosures

cc: Walter C. Erwin, III, Esquire
City Attorney
City of Lynchburg

Marjette G. Upshur, Director
Office of Economic Development & Tourism
City of Lynchburg

W. Tracey Shaw, Esquire
Bond Counsel
Woods Rogers PLC

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF LYNCHBURG, VIRGINIA**

APPLICATION FOR AUTHORITY FINANCING

Section 1
Information Concerning Applicant

1. Legal Name(s) of Applicant(s): Westminster-Canterbury of Lynchburg, Inc. Mailing Address: 501 VES Road, Lynchburg, VA 24503
- Applicant's Tax ID No.: 54-0988608
2. Name of applicant's representative to be contacted for additional information:
- Sean M. Huyett, President & CEO Mailing Address if Different from Applicant's
- Telephone No. 434-386-3505 Telefax No. 434-386-3535
3. Type of business presently conducted by applicant, if any: Continuing care retirement community
4. Present location of applicant's principal place of business, if any: Same as mailing address
5. In what year was business started: 1980
6. If a corporation, give state of incorporation: Virginia
7. If a subsidiary of another corporation, give name, mailing address, and state of incorporation of parent corporation:
- Name: N/A
- Address: _____
- State of incorporation: _____
8. If applicant is a partnership, give:
- (a) Name of state under whose laws it is organized: N/A
- (b) City or County in which its principal office is located: _____

9. If a partnership, state whether general or limited: N/A
10. If a partnership, give names and residence addresses of all present partners and indicate whether general or limited:
N/A
11. If applicant is a joint venture or other business entity (other than a corporation or partnership), describe and give names and residence addresses of all principals:
N/A
12. If applicant proposes to undertake the facility sought to be financed through a subsidiary corporation, a new corporation, or other entity to be formed by applicant, give details:
N/A
13. If applicant intends to lease the facility to some other corporation or entity or if some other entity is to otherwise occupy and use the facility, so state and give the full proper name of such entity, its principal place of business, and if a corporation, the state of incorporation.
N/A
- Lessee's Tax ID No.: _____

Section 2
Information Concerning Facility Sought To Be Financed

1. Type of facility:
- ☐ (a) industrial
 - ☐ (b) facility for commercial enterprise
 - ☐ (c) parking facility
 - ☐ (d) pollution control facility
 - ☐ (e) multi-state, regional or national headquarters or operations center
 - ☒ (f) facility for the residence and care of the aged
 - ☐ (g) facility for private accredited and non-profit institutions of collegiate education
 - ☐ (h) Other - if so, describe: _____
2. Indicate whether facility sought to be financed is a:
- ☐ (a) new facility
 - ☒ (b) existing facility
 - ☐ (c) addition to or modification of existing facility

3. Type of business or activity to be conducted and purpose of facility sought to be financed. Explain proposed use of facility by applicant and/or others and, if a manufacturing plant, the type of products to be manufactured.

Westminster-Canterbury provides housing, health care and related services to the elderly. The financing will renovate existing assisted and independent living areas for residents

4. Specific site location, including street number, if available and approximate acreage or size of site:
501 VES Road, Lynchburg, VA 24503. Approximately 42 Acres.

5. General description of proposed facility (describe type of construction, square footage, amount for each operation such as manufacturing, storage, office, etc.):

Westminster Canterbury will renovate 35,157 square feet of space for assisted living in the Hearthside Building on 3 floors. 2 floors are already housing assisted living residents, one floor is vacant. The Old Drinkard Building(newly renamed Riverside) has 2 of 3 floors vacant. One of the floors is full of assisted living residents. They will move to Hearthside when it is renovated. Approximately 41,592 square feet will be renovated in the Riverside Building and will become independent living apartments. Lastly, we will build a parking deck over existing parking along VES Road to create 27 additional spaces.

6. Name and address of architect, if retained:

SFCS, Inc.

Telephone No. 540-344-6664

305 S Jefferson St, Roanoke, VA 24011

7. Give name of present owners(s) of site: Westminster-Canterbury of Lynchburg, Inc.

8. If an existing facility:

(a) what is its present use continuing care retirement community

(b) number of regular employees presently employed on year-round basis 402

(c) average annual salary per such employee \$ 44,380

9. If applicant is not the present owner of the site, state what, if anything, has been done concerning the location and acquisition of a site by or on behalf of the applicant.

N/A

10. State the present zoning classification of the site under the Zoning Ordinance of the City of Lynchburg:
IN-1

11. Is a zoning change required? _____ YES _____ x _____ NO
If yes, state the zoning classification required: _____

12. Estimated number of regular employees to be employed on year-round basis after acquisition or completion of facility: 405
13. Average annual salary per such employee: \$ 44,100
14. If application is approved by the Authority, when would applicant anticipate issuance of bonds and work on the facility started? Summer 2021

Section 3
Cost of Facility and Financing

1. Estimated total cost of proposed facility: \$ 23,000,000
2. Maximum amount of financing sought through the Authority: \$ 23,000,000
3. Items of cost to be paid from Authority financing (i.e., land, equipment, legal, etc.):
Renovations and Parking Deck.
4. If financing is approved, does applicant expect the Authority bonds to be sold by
x (a) private placement
_____ (b) public offering
5. If by private placement, has applicant received a commitment or other assurance from a bank or others with respect to the sale of the bonds?
x YES _____ NO
Elaborate: Bank of the James has provided a term sheet for the financing
6. If by public offering, name and address of underwriter(s) desired:
- | <u>Name</u> | <u>Mailing Address</u> |
|-------------|------------------------|
| _____ | _____ |
| _____ | _____ |
| | Telephone No. _____ |
7. Name and address of bond counsel desired:
- | <u>Name</u> | <u>Mailing Address</u> |
|-------------------------|-----------------------------------|
| <u>Tracey Shaw</u> | <u>828 Main St STE 19</u> |
| <u>Woods Rogers PLC</u> | <u>Lynchburg, VA 24504</u> |
| _____ | <u>Telephone No. 434 455 9112</u> |

Section 4
Tax Information

1. State the current assessed value for real estate tax purposes comprising the site and existing improvements thereon.

Land	\$ 605,200
Improvements	\$ 69,234,100
TOTAL	\$ 69,839,300

2. Current yearly real property tax on the proposed site: \$ _____
PILOT Payment \$53,800
3. Estimated taxable value of the facility's real property (buildings and improvements) to be constructed: \$ N/A
4. Estimated real property tax per year with respect to the facility when completed (buildings and improvements) using present City of Lynchburg tax rates: \$ N/A
5. Estimated personal property tax per year with respect to the facility when completed, using present City of Lynchburg tax rates: \$ N/A
6. Estimated merchants' capital tax per year with respect to the facility completed, using present tax rates: \$ N/A
7. Estimated business license tax per year with respect to the facility when completed and in use, using, present City of Lynchburg license tax rates: \$ N/A
8. Estimated dollar value per year of goods and services that will be purchased locally by applicant or other users of the facility: \$ 32,200,000

Section 5
Inducement

1. Explain how the requested financing by the Authority will enable or induce applicant to locate in or remain in the City of Lynchburg and the Commonwealth of Virginia?

Westminster-Canterbury will finance capital expenditures at its community that will enhance its long term viability by providing high quality residential and healthcare facilities to the elderly in Lynchburg and the surrounding areas

It is understood and agreed by the Applicant, as evidenced by the execution and filing hereof, that Applicant will (a) upon the filing of this application, pay to the Authority a non-refundable fee as calculated according to the schedule shown on the "INFORMATION AND INSTRUCTIONS FOR APPLICANTS FOR AUTHORITY FINANCING AND FOR BOND COUNSEL" included herewith, which fee consists of the application fee, advance against costs of copying and other incidental costs, and advance against the Authority's Counsel fees and, in addition, (b) pay, when billed, all other costs and expenses of the Authority, including the reasonable fees of its counsel, with respect to this application and any Authority or Lynchburg City Council meetings held in connection therewith.

Applicant also understands and agrees that in the event the Authority approves the application and adopts an inducement resolution and/or enters into an inducement contract with respect thereto and thereafter authorizes the issuance of its bonds or notes to finance a facility on behalf of the Applicant, all costs of the Authority in connection with any such issue, including the reasonable fees of its counsel and bond counsel, will be paid either from the proceeds of the issue or directly by the Applicant or, if such bonds or notes are not issued for any reason, then directly by the Applicant.

The Applicant understands that the approval or disapproval of this application is within the discretion of the Authority and that if approved by the Authority the requested financing will also have to be approved by the City Council of the City of Lynchburg and a proper allocation (bond issuing authority) made to the Authority for the issuance of such bonds or notes under the state limit for the issuance of such bonds or notes as provided in Section 103 of the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder, and as provided by any applicable state legislation, executive order, administrative rules or regulations; that the Authority and/or City Council may require additional financial and other information from the Applicant; that the Authority reserves the right to approve or disapprove bond counsel with respect to each issue; that if this application is approved and Authority bonds or notes are thereafter issued all financing documents shall be in form and substance satisfactory to the Authority, its counsel and bond counsel for the issue and shall include provisions satisfactory to the Authority and its counsel with respect to indemnifying the Authority and payment by Applicant to the Authority of (i) its reasonable costs and expenses, including the reasonable fees of its counsel, bond counsel and other advisers, directly related to the Project or the Bond and (ii) annually, when billed, an annual administrative fee of 1/10th of 1% of the outstanding principal amount of the Bond on each anniversary date of the Closing Date (provided that the amounts so paid shall not equal or exceed an amount that would cause the "yield" on the Note or any other "acquired purpose obligation" to be "materially higher" than the "yield" on the Bond, as such terms are defined under Section 148 of the Code); and that if the Authority adopts an inducement resolution and/or enters into an inducement contract with respect to the issuance of bonds or notes on behalf of Applicant and thereafter before the issuance of its bonds or notes determines (1) that any material information furnished the Authority or the City Council by or on behalf of the Applicant is false or misleading, or (2) if after

the adoption of such resolution the proposed financing is not thereafter approved by the City Council of the City of Lynchburg or a proper allocation of bond issuing authority is not made, or (3) if approved by the Authority and the City Council and a proper allocation of bond issuing authority is made, Applicant has not, within the calendar year or other period of time with respect to which the bond issuing authority is made applicable, made all necessary arrangements required of it with respect to the issuance and sale of the bonds or notes and the undertaking of the facility to be financed thereby, or if for any other reason the bonds or notes have not been issued within any such applicable time period, the Authority, in any such event, reserves and shall have the right in its sole discretion to revoke or rescind such inducement resolution and/or inducement contract which the Authority has entered into with the Applicant, after not less than ten (10) days written notice of the Authority's intention so to do, addressed and mailed to the Applicant at its address given in this Application.

Respectfully submitted this 14 day of April 2021.

Sean M. Huyett, President & CEO



Westminster-Canterbury of Lynchburg, Inc.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia ("Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on May 20, 2021, at 8:30 o'clock a.m. in City Council Chambers, 1st Floor, City Hall, 900 Church Street, Lynchburg, Virginia, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of Westminster-Canterbury of Lynchburg, Inc. and confirmed that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Lynchburg, Virginia, with the second publication appearing not less than seven days nor more than twenty-one days prior to the public hearing date. A copy of the Certificate of Publication with Notice of Public Hearing is attached as **Exhibit A**.

3. The names of the individuals who appeared and addressed the Authority, along with a summary of their statements, is attached as **Exhibit B**.

4. Attached hereto as **Exhibit C** is a true, correct, and complete copy of the Resolution ("Resolution") adopted at the meeting of the Authority by a majority of the Directors present at the meeting. The Resolution constitutes all formal action taken by the Authority at the meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and are in full force and effect.

WITNESS my hand and the seal of the Authority, this 20th day of May, 2021.





Secretary, Economic Development Authority
of the City of Lynchburg, Virginia

A - Copy of Certificate of Publication of Notice of Public Hearing
B - Summary of Statements
C - Authority Resolution

The News & Advance

Advertising Affidavit

101 Wyndale Drive
Lynchburg, Virginia 24501
(434) 385-5400

Account Number

3382053

Date

May 19, 2021

WOODS ROGERS PLC
P.O. BOX 14125
ROANOKE, VA 24038-4125

Date	Category	Description	Ad Size	Total Cost
05/22/2021	Legal Notices	NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE B	2 x 57 L	842.00

NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA

Notice is hereby given that the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") will hold a public hearing on the application for Authority financing made by Westminster-Canterbury of Lynchburg, Inc. ("Borrower"), a not for profit, non-stock, non-member corporation exempt from taxation under Section 501 (c) (3) of the Internal Revenue Code of 1986, as amended, in which Borrower asks the Authority to issue up to \$23,000,000 of its revenue bonds or notes (the "Bonds") pursuant to the Virginia Industrial Development and Revenue Bond Act (the "Act"), to assist Borrower in financing (1) Improvements to its continuing care retirement community at 501 VES Rd., Lynchburg, Virginia 24503, including a renovation of approximately 76,000 square feet of residential space for assisted living residents and independent living apartments and a parking deck for approximately 27 additional spaces along VES Road (collectively the "Project") and (2) amounts, if any, required to fund related working capital, funded interest, reserve funds, costs of issuance, and other eligible expenses in connection with the issuance of the Bonds or the Project.

As required by the Act, the issuance of the Bonds as requested by Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Lynchburg, Virginia. None of the Commonwealth of Virginia or any political subdivision thereof, including the Authority or the City of Lynchburg, Virginia, shall be obligated to pay the Bonds, or the interest thereon, or other costs incidental thereto, except from the revenues and monies pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof will be pledged to the payment of principal of the Bonds or the interest thereon or other costs incidental thereto.

The public hearing, which may be continued or adjourned, will be held at 8:30 A.M. on May 20, 2021, before the Authority or its designated representative, in City Council Chambers, First Floor of City Hall, 900 Church St., Lynchburg, Virginia 24504. Any person interested in the issuance of the Bonds, the Project and related issues may appear at the hearing and present his or her views or may send written comments before such hearing to the Secretary-Treasurer of the Authority, 2nd Floor, 900 Church St., Lynchburg, Virginia 24504. Mask wearing and social distancing will be observed at the public hearing. A link will be provided at www.opportunitylynchburg.com for virtual participation in the public hearing.

Information regarding Borrower's application is on file and open for inspection at the offices of the Authority.

Economic Development Authority
of the City of Lynchburg, Virginia

By William T. Lovem
Secretary-Treasurer

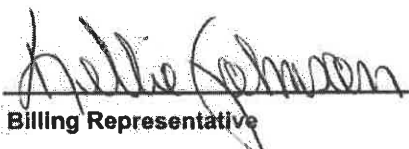
Publisher of the News & Advance

This is to certify that the attached NOTICE OF PUBLIC HEARING was published by the News & Advance in the city of Lynchburg, in the State of Virginia, on the following dates:

05/06, 05/13/2021

The First insertion being given ... 05/06/2021

Newspaper reference: 0001209580


Billing Representative

Sworn to and subscribed before me this May 19, 2021



Notary Public

State of Virginia
County of Hanover
My Commission Expires

Sharon R Carsten
NOTARY PUBLIC
Commonwealth of Virginia
Notary Registration Number 329549
Commission Expires July 31 2021

THIS IS NOT A BILL. PLEASE PAY FROM INVOICE. THANK YOU

EXHIBIT A

EXHIBIT “B” TO CERTIFICATE

SUMMARY OF STATEMENTS

The Chairman asked Mr. Craddock to discuss the purpose of the public hearing. Mr. Craddock advised the Directors that the Authority had received the application of Westminster-Canterbury of Lynchburg, Inc. (the “Borrower”) requesting the Authority to issue its revenue bonds (the “Bonds”), in one or more series, to assist the Borrower in financing improvements to its continuing care retirement community at 501 VES Road in the City of Lynchburg, including a renovation of approximately 76,000 square feet of residential space and independent living apartments and construction of a parking deck for approximately 27 additional spaces along VES Road, and the cost of bond issuance costs and other eligible expenditures (collectively, the “Project”). Mr. Craddock also advised that notice of this public hearing had been published once a week for two successive weeks before this hearing as required by law.

The Chairman declared the public hearing open and asked if there was anyone to speak in favor of the application.

Mr. Tracey Shaw of Woods Rogers, Bond Counsel for the Project, reported that the Bond Purchase and Loan Agreement, the Bonds substantially in forms attached to the Bond Purchase and Loan Agreement, and the Borrower’s Promissory Notes have been prepared and were available at the meeting. Mr. Shaw introduced Mr. Sean Huyett, President of Westminster-Canterbury, who described the Project in detail with a PowerPoint presentation. The planned renovations include renovations to the Hearthside Building for Assisted Living, Floors 3, 4, and 5 will house the assisted living residents, the Wood Dining Room on the 4th floor will undergo major renovation, renovations to the Old Drinkard building (renamed “Riverside”) will create 26 additional independent living apartments, and finally, a parking deck will be built to provide parking for the additional units. Mr. Huyett reported that Westminster-Canterbury had contracted with Jamerson-Lewis Construction, a local general contractor, SFCS, Inc. is providing architectural and interior design work, and Westminster-Canterbury had accepted financing through Bank of the James. Mr. Huyett reported that renovations to Hearthside were planned to be completed in September 2021, renovations to Riverside for new independent living units would be completed by October 2022, and the parking deck completed by May 2022. Mr. Huyett and Mr. Shaw both stated that the size of the issue was not to exceed \$23,000,000. Mr. Craddock confirmed that the notice of the public hearing indicated that the bond issue was not to exceed \$23,000,000. Mr. Craddock advised that the application would have to go before City Council, and that the proposed Resolution of the Authority recommends that City Council approve the Bonds.

The Chairman then asked if anyone wished to speak in opposition to the Project. No one appeared or had communicated any opposition to the Project.

The Chairman declared the public hearing closed.

EXHIBIT B

**RESOLUTION OF THE ECONOMIC DEVELOPMENT
AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA
AUTHORIZING THE ISSUANCE OF UP TO \$23,000,000
REVENUE BONDS FOR THE BENEFIT OF
WESTMINSTER-CANTERBURY OF LYNCHBURG, INC.**

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia, a political subdivision of the Commonwealth of Virginia (the "Authority"), is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to issue its revenue bonds to protect and promote the commerce, safety, health, welfare, convenience or prosperity of citizens of the Commonwealth of Virginia (the "Commonwealth") by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement and financing of facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) which are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and which are exempt from federal income taxation pursuant to Section 501(a) of the Code;

WHEREAS, the Authority has received a request from Westminster-Canterbury of Lynchburg, Inc. (the "Borrower"), a corporation which is described in Section 501(c)(3) of the Code, requesting that the Authority issue its revenue bonds, in one or more series, to assist the Borrower in financing (a) improvements to its continuing care retirement community at 501 VES Rd., Lynchburg, Virginia 24503, including a renovation of approximately 76,000 square feet of residential space for assisted living residents and independent living apartments and construction of a parking deck for approximately 27 additional spaces along VES Road, and (b) bond issuance costs and other eligible expenditures (collectively, the "Project");

WHEREAS, such assistance will induce the Borrower to remain in the Commonwealth and benefit the inhabitants of the City of Lynchburg, Virginia and the Commonwealth, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity;

WHEREAS, preliminary plans for the Project have been described to the Authority and a public hearing has been held as required by Section 147 of the Code and Section 15.2-4906 of the Act;

WHEREAS, the Borrower has represented that the estimated cost of Project and expenses of the issue will require one or more series of revenue bonds of the Authority in the aggregate principal amount not to exceed \$23,000,000 and to be designated Residential Care Facility Mortgage Revenue Bonds (Westminster-Canterbury of Lynchburg, Inc.) Series 2021A and Series 2021B (the "Bonds");

WHEREAS, the financing will be reflected in the following documents (the "Financing Documents") which the Authority proposes to execute to carry out in connection with the undertaking of the Project and the issuance and sale of the Bonds, substantially in the forms

presented to this meeting, with such changes, insertions and deletions as may be approved by the Authority:

- (a) a Bond Purchase and Loan Agreement, among the Authority, the Borrower and Bank of the James (the "Lender") and exhibits thereto (the "Agreement");
- (b) the Bonds, substantially in the forms attached as exhibits to the Agreement, bearing interest and payable as provided therein and in the Agreement; and
- (c) the Borrower's promissory notes (including the Authority's endorsements thereof), substantially in the forms attached as exhibits to the Agreement;

WHEREAS, (a) no member of the Board of Directors of the Authority is an officer or employee of the City of Lynchburg, Virginia, (b) each member has, before entering upon his or her duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended, and (c) at the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board of Directors of the Authority have satisfied the residency requirements of the Act; and

WHEREAS, no member of the Board of Directors of the Authority has any personal interest or business interest in the Borrower or the proposed revenue bonds or has otherwise engaged in conduct prohibited under the State and Local Government Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended, in connection with this resolution or any other official action of the Authority in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA:

1. The Bonds and the Financing Documents are approved in substantially the forms presented to this meeting with the Authority, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof and the captions of the Bonds) as do not adversely affect the interests of the Authority as may be approved by the Chairman or the Vice Chairman of the Authority, whose approval will be evidenced conclusively by the execution and delivery of the Bonds and the Financing Documents; provided, however, that (a) the aggregate principal amount of the Bonds shall not exceed \$23,000,000 and (b) the final maturity date of the Bonds shall be no later than forty (40) years from their date of issuance.

2. The execution, delivery and performance by the Authority of the Financing Documents to which it is a party are hereby authorized. The execution of the Bonds, their delivery against payment therefor, and the amount of such payment to be disbursed in accordance with the terms of the Agreement, are hereby authorized.

3. The Chairman and the Vice Chairman of the Authority, either of whom may act, are hereby each authorized to execute and deliver on behalf of the Authority, the Bonds and the Financing Documents to which the Authority is a party, and the Secretary and any Assistant Secretary of the Authority is hereby authorized to affix the seal of the Authority to the Bonds and, if required, the Financing Documents, and to attest such seal. The signatures of the

Chairman, the Vice Chairman, the Secretary and the Assistant Secretary and the seal of the Authority may be by facsimile. Each officer of the Authority is authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates, and to do and perform such things and acts, as such officer deems necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Bonds, the Financing Documents or such other instruments, documents or certificates, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects hereby approved, ratified and confirmed. The Borrower will agree in the Agreement to indemnify the Authority and pay the Authority's administrative fees. All fees, costs and expenses in connection with the Project, including the Authority's administrative fees and the fees, costs and expenses of Bond Counsel, counsel to the Authority and counsel to the Lender, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason the Bonds are not issued, it is understood that all such costs and expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

4. The Authority hereby recommends that the City Council of the City of Lynchburg approve the Bonds.

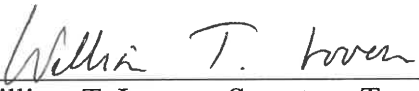
5. No Bonds may be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the City Council of the City of Lynchburg, Virginia, and this resolution is made expressly contingent upon such approval.

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

CERTIFICATE

The undersigned Secretary-Treasurer of the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on May 20, 2021, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 20th day of May, 2021.



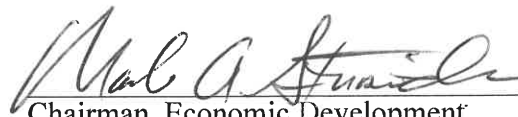
William T. Lovern, Secretary-Treasurer

FISCAL IMPACT STATEMENT FOR PROPOSED BOND FINANCING

Date: May 20, 2021

Name of Applicant: Westminster-Canterbury of Lynchburg, Inc.
Facility: 501 VES Road
Lynchburg, VA 24503

- | | |
|--|---------------------|
| 1. Maximum amount of financing sought | <u>\$23,000,000</u> |
| 2. Estimated taxable value of the facility's real property to be constructed in the municipality | \$ <u>N/A</u> |
| 3. Estimated real property tax per year using present tax rates | \$ <u>N/A</u> |
| 4. Estimated personal property tax per year using present tax rates | \$ <u>N/A</u> |
| 5. Estimated merchants' capital tax per year using present tax rates | <u>N/A</u> |
| 6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | <u>\$3,400,000</u> |
| (b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies | \$800,000 |
| (c) Estimated dollar value of services that will be purchased from Virginia companies within the locality | <u>\$12,000,000</u> |
| (d) Estimated dollar value per year of services that will be purchased from non-Virginia companies | \$600,000 |
| 7. Estimated number of employees on a year round basis | 307 |
| 8. Average annual salary per employee | \$46,800 |


Chairman, Economic Development
Authority of the City of Lynchburg,
Virginia

If one or more of the above questions do not apply to the facility indicate by writing N/A (not applicable) on the appropriate line.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LYNCHBURG, VIRGINIA WITH RESPECT TO ECONOMIC
DEVELOPMENT AUTHORITY FINANCING FOR
WESTMINSTER-CANTERBURY OF LYNCHBURG, INC.**

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") has considered the application of Westminster-Canterbury of Lynchburg, Inc. (the "Borrower"), a corporation which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$23,000,000 (the "Bonds") to assist the Borrower in financing certain of the costs of (a) renovating and equipping approximately 35,157 square feet of its Hearthside assisted living facility and approximately 41,592 square feet of its Riverside independent living facility and building a parking deck over existing parking on VES Road to create approximately 27 new spaces, all located at 501 VES Road, Lynchburg, Virginia (the "Project"), and (b) finance costs of issuance and other eligible expenses in connection with the issuance of the Bonds and the Project;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Lynchburg, Virginia (the "City"), the facilities of the Borrower described above are located in the City and the City Council of the City (the "Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), to permit the Authority to assist in financing the Project and costs of issuance and other eligible expenses.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Bonds or the Borrower.

3. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Lynchburg, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the Bonds. Neither the City of

Lynchburg, Virginia nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Lynchburg, Virginia this 8th day of June, 2021.



Clerk, City Council
City of Lynchburg, Virginia

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) to purchase twelve (12) Dell Latitude 5420 Rugged laptops for medic units.

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$29,889 with resources of \$14,944 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$14,945 from the FY 2021 General Fund Fire Department budget to purchase twelve (12) Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services.

As a result of the statewide contract change to ESO Electronic Health Record (EHR) reporting software, the Fire Department has been awarded RSAF grant funds to replace its current cache of Microsoft Surface Pro reporting tablets with Dell Latitude 5420 Rugged laptops.

The grant requires a local match. The Fire Department applied and was awarded funds under a 50/50 match. With a total cost of \$29,889, the required local match is \$14,945. The match will be funded from the FY 2021 General Fund Fire Department budget.

PRIOR ACTION(S): n/a – due to the expenditure deadlines associated with this grant, it was not possible for Finance Committee to review prior bringing this item to City Council

FISCAL IMPACT: \$14,945 in matching funds will be provided from the Fire Department's FY 2021 budget; no additional appropriation is required. Future funds will be needed for periodic maintenance of the equipment.

CONTACT(S): Fire Chief Greg Wormser, 455-6340
Deputy Chief Robert Lipscomb, 455-6352
Annette Pettyjohn, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution

REVIEWED BY: klw

084A

RESOLUTION:

BE IT RESOLVED that the FY 2021 City/Federal/State Aid Fund budget is amended and \$29,889 is appropriated with resources of \$14,944 from the Virginia Office of Emergency Medical Services Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RSAF) and \$14,945 from the FY 2021 General Fund Fire Department budget to purchase twelve (12) Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 8, 2021**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Second Reading of the FY 2022 Operating Budget and FY 2022-2026 Capital Improvement Program Budget

KEY ELEMENTS:

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

RECOMMENDATION: Adopt and appropriate the FY 2022 Operating Budget; adopt and appropriate the FY 2022 Capital Budget; and adopt and appropriate \$50,000 of the FY 2022 Reserve for Contingencies for use by the City Manager

SUMMARY: Following the March 30, 2021 Public Hearing and further discussion and deliberation on the FY 2022 Budget, Council balanced the Proposed FY 2022 General Fund Budget as follows:

General Fund

	FY 2022 Proposed Budget	Adjustments	FY 2022 Adopted Budget
Revenues and Use of Fund Balance			
Revenues	\$192,031,192	\$3,473,082	\$195,504,274
Use of (Additions to) Committed/Assigned Fund Balance Reserves	1,444,799		1,444,799
Use of Fund Balance	6,634,108	440,588	7,074,696
Total Revenues and Use of Fund Balance	\$200,110,099	\$3,913,670	\$204,023,769
Expenditures, Reserves, and Transfers			
Operations	\$131,076,494	\$3,483,670	\$134,560,164
Debt Service	17,630,597		17,630,597
Schools Operations	39,828,498		39,828,498
Greater Lynchburg Transit Company (GLTC) - City Operating	1,266,454		1,266,454
Greater Lynchburg Transit Company (GLTC) - Return of Fund Balance	375,892		375,892
Transfers to Other Funds	1,154,439	30,000	1,184,439
Addition to Reserve: General Fund Reserve for Contingencies	1,200,000		1,200,000
Addition to Reserve: Law Library	5,000		5,000
Addition to Reserve: Public Safety Building Reserve	73,818		73,818
Addition to Reserve: Concord Turnpike Maintenance Reserve	240,000		240,000
Addition to Reserve: Debt Service Reserve	200,000	200,000	400,000
Addition to Reserve: Community Corrections and Pretrial Services Reserve	13,789		13,789
Addition to Reserve: Fuel Reserve	0	200,000	200,000
Capital Improvements	7,045,118		7,045,118
Total Expenditures, Reserves, and Transfers	\$200,110,099	\$3,913,670	\$204,023,769

Based on City Council's Work Session decisions regarding the FY 2022 budget, as well as staff adjustments, the following changes have been made to the Proposed FY 2022 Budget:

BALANCING THE FY 2022 GENERAL FUND BUDGET

Revenues and Use of Fund Balance

\$192,031,192 *Proposed Revenues (from the FY 2022 Proposed Operating Budget)*
8,078,907 *Use of Fund Balance, Committed/Assigned Fund Balance, and Other*
\$200,110,099 *Total Proposed Revenues and Use of Fund Balance*

Increase/(Decrease) *Adjustments: Revenue Summary*

Non-dedicated Revenue Adjustments

\$43,880	Increase Dedicated State Revenue for 5% for Circuit Court Clerk's Office
10,200	Increase Dedicated State Revenue for 5% for Commissioner of the Revenue
55,955	Increase Dedicated State Revenue for 5% for Commonwealth's Attorney Office
33,211	Increase Dedicated State Revenue for 5% for Sheriff
1,986	Increase Dedicated State Revenue for 5% for Treasurer
43,748	Increase Dedicated State Revenue for Registrar changing salary structure similar to Treasurer based on population
277,160	Increase Dedicated State (\$80,360) and Federal (\$196,800) Revenue for 5% for Human Services
182,243	Increase Dedicated State (\$72,897) and Federal (\$109,346) Revenue for Human Services - for Families First Initiative to fund three (3) new full-time positions (first year funded at 100%, but a local match of 15.5% required thereafter)
723,338	Increase Real Property revised as of 04/06/2021
(67,879)	Reduce Real Property - Rehab Program revised as of 04/06/2021
(18,083)	Reduce Real Property - Allowance for Uncollectible 2.5% revised as of 04/06/2021
500,000	Increase Sales Tax revised as of 04/06/2021
253,645	Increase Lodging Tax revised as of 04/06/2021
900,000	Increase Meals Tax revised as of 04/06/2021
214,799	Increase Amusement Tax revised as of 04/06/2021
318,879	Increase Business License Tax revised as of 04/06/2021
\$3,473,082	Total Adjustments: Non-dedicated and Dedicated Revenues

Use of Fund Balance, Committed/Assigned Fund Balance, and Other

\$440,588 *Use of Fund Balance to balance revenues with expenditures and maintain a fund balance of 11.8%*
\$440,588 *Total Adjustments: Reserves*

3,913,670 *Total Adjustments: Revenue Summary*

\$204,023,769 *Revenues and Use of Fund Balance*

Expenditures, Reserves, and Transfers

\$200,110,099 *Proposed Expenditures, Reserves, and Transfers (from the FY 2022 Proposed Operating Budget)*

Increase/(Decrease) *Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)*

56,024	Increase Non-Departmental Expenditures for State 5% for Circuit Court Clerk's Office
7,532	Increase Non-Departmental Expenditures for State 5% for Commissioner of the Revenue
64,739	Increase Non-Departmental Expenditures for State 5% for Commonwealth's Attorney Office
88,721	Increase Non-Departmental Expenditures for State 5% for Sheriff
5,196	Increase Non-Departmental Expenditures for State 5% for Treasurer
56,513	Increase Non-Departmental Expenditures for State changing Registrar salary structure similar to Treasurer based on population
328,000	Increase Non-Departmental Expenditures for State 5% for Human Services
182,243	Increase Expenditures for Human Services for Families First Initiative to fund three (3) new full-time positions (first year funded at 100% and second and subsequent years require a 15.5% local match)
200,000	Addition to Fuel Reserve for anticipated increase in fuel costs
200,000	Addition to Debt Service Reserve
3,013,605	Increase Non-Departmental Expenditures for 5% general wage increase
(288,903)	Eliminate Strategic Initiative 3 – Continued Implementation of the City-Wide Salary Study, Particularly for the lowest paid employees in the organization
(30,000)	Reduce Other Charges for Special Events Sponsorship in Economic Development
30,000	Increase transfer to City/Federal/State Aid Fund for Special Events Sponsorship for new process of tracking related expenses

3,913,670 *Total Adjustments: Expenditures, Reserves, and Transfers (primarily related to COVID-19)*

\$204,023,769 *Expenditures*

\$0 *Balance of Revised Revenues, Use of Fund Balance, and Expenditures*

Water Fund

The Water Fund has been amended by \$161,122 to reflect changes necessary to fund the 5% general wage increase.

Sewer Fund

The Sewer Fund has been amended by \$53,312 to reflect no increase in the sewer surcharge rate and changes necessary to fund the 5% general wage increase.

Stormwater Fund

The Stormwater Fund has been amended by \$270 to reflect changes necessary to fund the 5% general wage increase.

Children's Services Act (CSA) Fund

The Children's Services Act (CSA) Fund has been amended by \$200,000 to decrease expenditures.

City/Federal/State Aid (CFSA) Fund

The City/Federal/State Aid (CFSA) Fund has been amended by \$364,884 to reflect an increase to include two additional Temporary Assistance for Needy Families (TANF) grants and an increase for moving Special Event Sponsorships due to the new process of tracking related expenses.

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.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2022 is projected to be \$23,122,740 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 9, 23, 30; April 6, 13, 20, 27; and May 11, 2021 – City Council Work Sessions
March 30, 2021 – Public Hearing on the Proposed FY 2022 Budgets for General, Schools, Water, Sewer, Stormwater, Airport, Fleet, and Other Funds, and the FY 2022 - 2026 Capital Improvement Program
May 25, 2021 – First Reading of the FY 2022 Operating Budget and FY 2022 – 2026 Capital Improvement Program

FISCAL IMPACT: See attached budget resolutions

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968
Reid A. Wodicka, PhD, Interim City Manager, 455-3990

ATTACHMENT(S): Resolutions to:
Adopt and appropriate the FY 2022 Operating Budget (A-D)
Adopt the FY 2022-2026 Capital Improvement Program (E)
Adopt and appropriate the FY 2022 Capital Budget (F)
Adopt and appropriate \$50,000 of the FY 2022 Reserve for Contingencies for use by the City Manager (G)
Adopt a Resolution to set the Personal Property Tax Relief Rate (H)

REVIEWED BY: raw

086A

RESOLUTION:

#R-21-____

- A. BE IT RESOLVED that by majority vote the FY 2022 General Fund Operating Budget (excluding External Service Providers) 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, 2021 and ending June 30, 2022 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
<u>Non-Dedicated Revenues</u>			
General Property Taxes	\$88,621,833	General Government	\$13,641,261
Other Local Taxes	53,969,807	Judicial Administration	5,325,030
Permits, Fees, and Regulatory Licenses	807,500	Public Safety	40,006,183
Fines and Forfeitures	190,000	Public Works	20,902,340
Use of Money and Property	292,191	Health and Welfare	22,851,025
Charges for Services	3,375,800	Parks, Recreation and Cultural	5,649,451
Miscellaneous	239,100	Community Development	5,718,870
Revenue from the Commonwealth	6,270,984	Non-Departmental	12,146,182
<u>Dedicated Revenues</u>		Transfer to Other Funds	1,184,439
Revenue from Use of Money & Property		General Fund - Debt Service	8,637,035
Charges for Services	5,165,520	Schools - Debt Service	8,993,562
Recreation Revenue	404,000	Reserves	2,132,607
Parking	534,811	Transfer to Capital - City	7,045,118
Miscellaneous	2,878,161	Transfer to Capital - Schools	0
Revenue from the Commonwealth		Subtotal	\$154,233,103
Categorical Aid - State Shared Expenditures	3,300,895	Component Units	
Categorical Aid	19,642,840	Lynchburg City Schools - Local Operating	39,828,498
Revenue from the Federal Government	9,810,832	Greater Lynchburg Transit Company - Local Operating	1,642,346
Use of Committed/Assigned Fund Balance and Other	1,444,799		
Use of (Additions to) Unassigned Fund Balance	7,074,696	External Service Providers ¹	8,319,822
Total	<u>\$204,023,769</u>	Total	<u>\$204,023,769</u>

¹ To be considered separately

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-____

- B. BE IT RESOLVED that by majority vote the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338 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, 2021 and ending June 30, 2022 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority	\$5,543,931
Central Virginia Planning District Commission (CVPDC)	47,258
Horizon Behavioral Health	574,512
Lynchburg Health Department	785,000
TOTAL MANDATED	<u>\$6,950,701</u>

CONTRACTUAL

Central Virginia Regional Radio Board (CVRRB)	\$704,670
Elizabeth's Early Learning Center	17,594
Lynchburg Humane Society	405,440
Southern Memorial Association (Old City Cemetery)	166,858
Virginia Cooperative Extension Service	44,075
TOTAL CONTRACTUAL	<u>\$1,338,637</u>

Introduced:

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-____

- C. (i) BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2022 Discretionary External Service Providers Budget of \$17,324 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, 2021 and ending June 30, 2022 and said funds be appropriated:

DISCRETIONARY

Amazement Square - Signal and Rail Car	\$369
Central Virginia Alliance for Community Living	15,000
Central Virginia Community College Board (CVCC)	1,955
TOTAL DISCRETIONARY	<u>\$17,324</u>

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-____

- C. (ii) BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2022 Discretionary External Service Provider Virginia Legal Aid Society Budget of \$13,160 proposed by the City Manager be adopted and said funds be appropriated as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2021 and ending June 30, 2022.

Introduced:

Adopted:

Certified:

Clerk of Council**RESOLUTION:**

#R-21-____

- D. BE IT RESOLVED that by majority vote the FY 2022 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, 2021 and ending June 30, 2022:

FLEET SERVICES FUND INCOME

Revenues	\$8,798,792
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$8,798,792</u>

AIRPORT FUND INCOME

Revenue from Cost Centers	\$4,329,083
Interest and Other	55,000
Use of (Additions to) Unassigned Fund Balance	(162,806)
Total	<u>\$4,221,277</u>

WATER FUND INCOME

Charges for Service	\$13,104,086
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,108,956
Interest and Other	43,500
Use of (Additions to) Unassigned Fund Balance	1,280,746
Total	<u>\$16,537,288</u>

SEWER FUND INCOME

Charges for Services	\$19,454,274
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,996,640
Interest and Other	58,926
Use of (Additions to) Unassigned Fund Balance	1,088,148
Total	<u>\$24,597,988</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$8,306,699
Debt Service	492,093
Total	<u>\$8,798,792</u>

AIRPORT FUND EXPENDITURES

Operations	\$4,117,965
Debt Service	103,312
Total	<u>\$4,221,277</u>

WATER FUND EXPENDITURES

Operations	\$11,230,351
Debt Service	3,506,937
Transfer to Water Capital Fund	1,800,000
Total	<u>\$16,537,288</u>

SEWER FUND EXPENDITURES

Operations	\$13,692,431
Debt Service	8,905,557
Transfer to Sewer Capital Fund	2,000,000
Total	<u>\$24,597,988</u>

STORMWATER FUND INCOME

Charges for Services	\$3,366,400
State Categorical Aid	275,000
Interest and Other	6,000
Use of (Additions to) Unassigned Fund Balance	390,687
Total	<u>\$4,038,087</u>

CITY/FEDERAL/STATE AID FUND INCOME

Revenue from the Federal Government	\$2,397,906
Revenue from the Commonwealth	1,029,811
Other	678,520
In-Kind	71,690
Transfer from General Fund	177,978
Total	<u>\$4,355,905</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Federal Entitlement	\$718,593
Total	<u>\$718,593</u>

CHILDREN'S SERVICES ACT FUND INCOME

Miscellaneous	\$48,700
Transfer from General Fund	2,037,713
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	4,638,176
Total	<u>\$6,921,130</u>

HOME INVESTMENT TRUST FUND INCOME

Federal Entitlement	\$413,856
Recaptured Funds	\$46,083
Total	<u>\$459,939</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	\$1,150,420
Intergovernmental	1,957,686
Total	<u>\$3,108,106</u>

RISK MANAGEMENT FUND INCOME

Charges for Services	\$1,164,838
Use of (Additions to) Unassigned Fund Balance	(471)
Total	<u>\$1,164,367</u>

SPECIAL WELFARE FUND INCOME

Donations and Restitutions	\$128,300
Interest	1,200
Use of (Additions to) Unassigned Fund Balance	0
Total	<u>\$129,500</u>

TECHNOLOGY FUND INCOME

Use of Money and Property	\$5,000
Transfer from General Fund	503,523
Use of (Additions to) Unassigned Fund Balance	356,723
Total	<u>\$865,246</u>

STORMWATER FUND EXPENDITURES

Operations	\$3,402,432
Debt Service	185,655
Transfer to Stormwater Capital Fund	450,000
Total	<u>\$4,038,087</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$4,355,905
Total	<u>\$4,355,905</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$718,593
Total	<u>\$718,593</u>

CHILDREN'S SERVICES ACT FUND EXPENDITURES

Operations	\$6,921,130
Total	<u>\$6,921,130</u>

HOME INVESTMENT TRUST FUND EXPENDITURES

Operations	\$459,939
Total	<u>\$459,939</u>

LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES

Operations	\$75,000
Total	<u>\$75,000</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$3,097,991
Debt Service	10,115
Total	<u>\$3,108,106</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$311,885
Insurance and Claims	852,482
Total	<u>\$1,164,367</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$129,500
Total	<u>\$129,500</u>

TECHNOLOGY FUND EXPENDITURES

Operations	\$637,246
Capital Outlay	228,000
Total	<u>\$865,246</u>

Introduced:

Adopted:

Certified:

 Clerk of Council

RESOLUTION:

#R-21-____

E. BE IT RESOLVED that by majority vote the FY 2022 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, 2021 and ending June 30, 2022 in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund.

Introduced:

Adopted:

Certified:

Clerk of Council

RESOLUTION:

#R-21-____

F. BE IT RESOLVED that by majority vote \$50,000 of the FY 2022 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022.

Introduced:

Adopted:

Certified:

Clerk of Council