

May 11, 2021

Physical Development Committee – 8:00 a.m.

A G E N D A

City Council Meeting of May 11, 2021
Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

4:00 P.M. WORK SESSION

- #1. Continue Council Budget Balancing
- #2. Receive an update on the revenue collections received in several key City revenue sources.
- #3. Roll Call

7:30 P.M. City Council Agenda Items

COUNCILMEMBER WILDER 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**

RECOGNITION

- ❖ Emergency Medical Services Week Proclamation (May 16 – May 22)

CONSENT AGENDA

- *#4. Consideration of adopting Resolution #R-21-028 allowing the distribution of the Chesapeake Stormwater Network Best Urban BMP in the Bay "Small But Mighty" monetary award.
- *#5. Consideration of adopting Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund budget and appropriate \$317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass.

PUBLIC HEARING

- #6. Consideration of adopting a resolution approving the FY 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program.
#R-21-__
- #7. Consideration of adopting an ordinance approving the rezoning petition for portions of 2900 Candler Mountain Road & 5212 Woodall Road (R&P Kirkley LLC).
#O-21-__
- #8(a). Consideration of adopting a resolution amending the Future Land Use Map (FLUM) on portions of 5212 Woodall Road and 2900 Candler Mountain Road.
#R-21-__
- #8(b). Consideration of adopting an ordinance approving the rezoning petition for portions of 5212 Woodall Road and 2900 Candler Mountain Road (GDG Lynchburg Apartments LLC).
#O-21-__

PUBLIC COMMENTS

- #9. Hear from a citizen regarding a concern. (Brandon Barney)
- #10. Hear from a group representative regarding a concern. (Jamie Maxwell)
- #11. Hear from a group representative regarding a concern. (Robert Williams)
- #12. Hear from a group representative regarding a concern. (Marty Misjuns)

GENERAL BUSINESS

- #13. Consideration of introducing a resolution allowing the School Board of the City of Lynchburg to compensate the Chairperson of the School Board with an additional annual salary.
#R-21-__
- #14. Consideration of adopting an ordinance amending several sections of the City Code plus the addition of a section to the City Code which involve motor vehicles.
#O-21-__

LYNCHBURG CITY COUNCIL PHYSICAL DEVELOPMENT COMMITTEE

Tuesday, May 11, 2021

8:00 a.m.

Information Items:

Recent/Pending Contract Awards:

N/A

- Presented by Lee Newland

Priority Projects Update:

Attached

- Presented by Lee Newland

General Business:

1) Blackford ROW Vacation

- Presented by Victoria Glasgow

2) Sewer Code Discussion

- Presented by Jim Talian

**3) Bedford Regional Water Authority
– Ivy Creek Interceptor**

- Presented by Tim Mitchell

Roll Call:

Pc: City Council
Reid Wodicka, Interim City Manager
Kent White, Interim Deputy City Manager/Director of Community Development
John Hughes, Assistant City Manager
Gaynelle Hart, Director of Public Works

Next Meeting: June 8, 2021

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

May 11, 2021

Projects of Interest	Phase	Phase Completion	Sch	Bud	Notes
Main Street Renewal Project	Construction	November 2021			Construction Underway
Lakeside Drive Bridge Over Blackwater - Design-Build	Design / Construction	June 2023			Construction Underway
Link Road Bridge	Construction	September 2021			Construction Underway
One Way Pairs @ 501/221	Design	December 2021			Reviewing 60% Plans - Discussing Scheduling a Public Meeting
Downtown Watermain Replacement & Streetscape 2	Design	May 2021			Commerce Street - Ready to Start in Summer/Fall
Police Department Headquarters	Pre-Design	September 2020			Complete - Currently Reviewing Budget Estimates, Conceptual Designs, Other Design Options & Delivery Methods - Unsolicited PPEA Rec'd, Competing Proposals Due May 13
Fifth Street Phase 4	Design	October 2021			Design Plans Underway

LEGEND

Schedule -

Green ● 0-5% Behind

Yellow ● 5-10% Behind

Red ● > 10% Behind

V V VDOT Managed

Budget -

Green ● 0-10% Over

Yellow ● 10-20% Over

Red ● > 20% Over

V V VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021 – Physical Development Committee**

AGENDA ITEM #:

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): 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

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

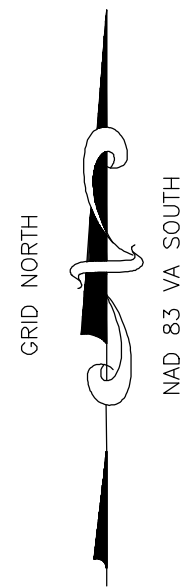
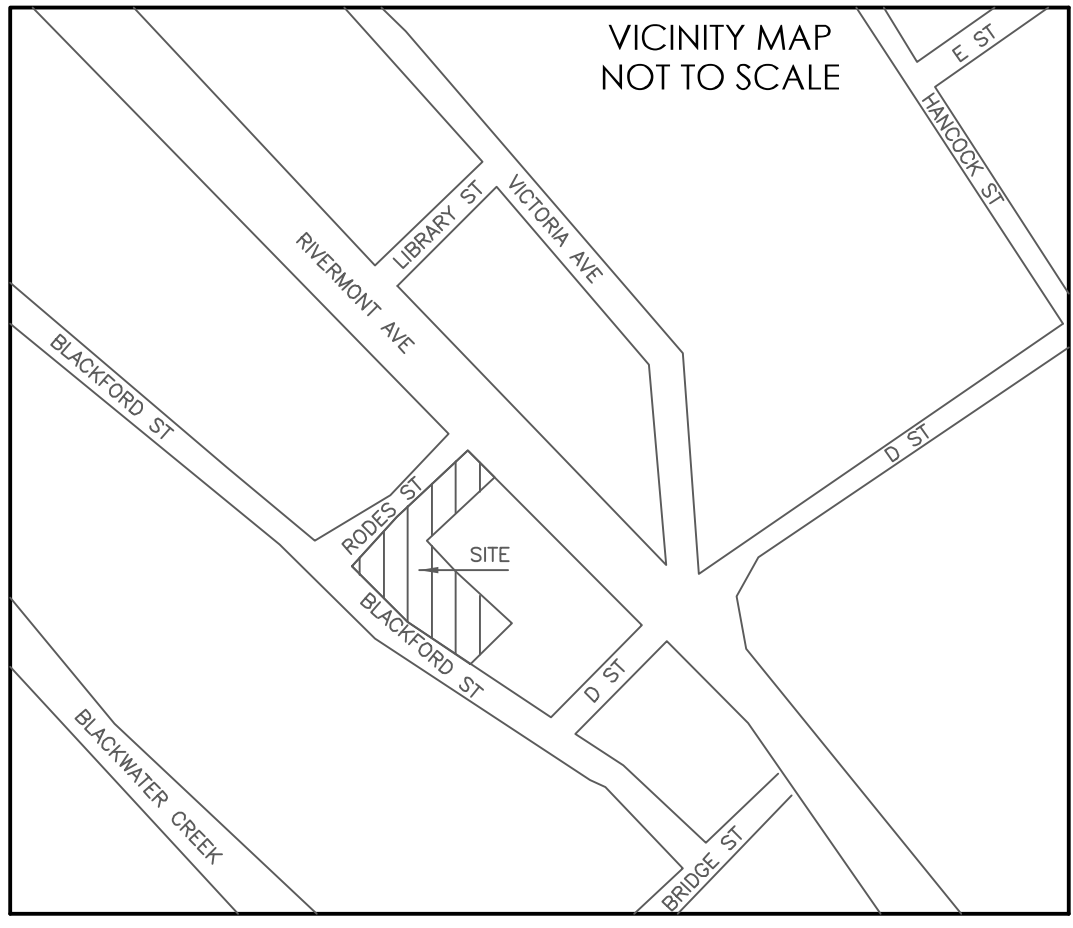
434-401-4962
Telephone Number

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:

- THIS PLAT WAS PREPARED AT THE REQUEST OF ACROSS THE BRIDGE, LLC.
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY.
- 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.
- 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.
- THIS PROPERTY IS ZONED R-4 MEDIUM-HIGH DENSITY MULTI-FAMILY RESIDENTIAL
- 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: _____



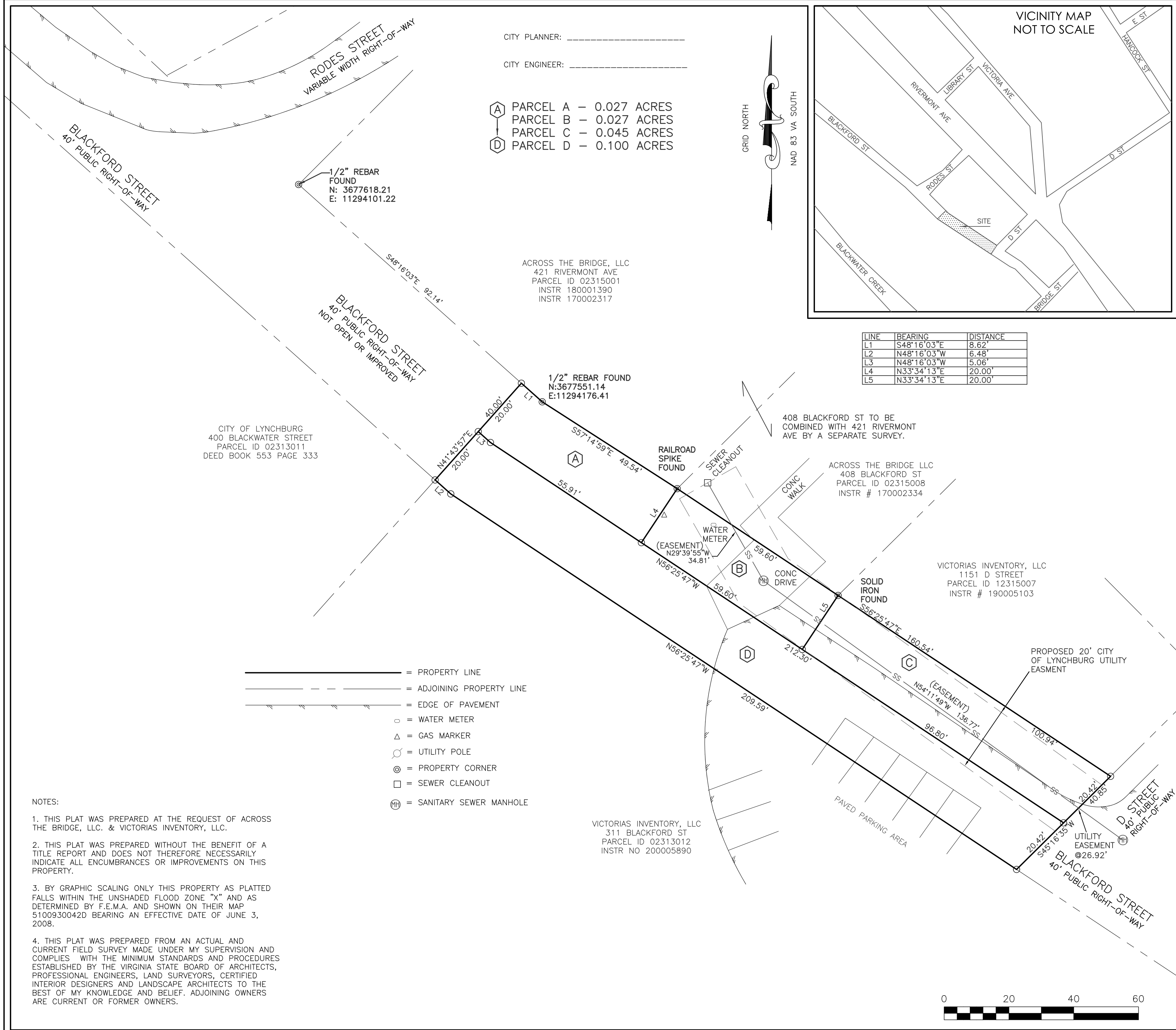
RECONFIGURATION PLAT SHOWING
PARCEL ID 02315001 & 02315008

PROPERTY OF
ACROSS THE BRIDGE, LLC

CITY OF LYNCHBURG, VIRGINIA

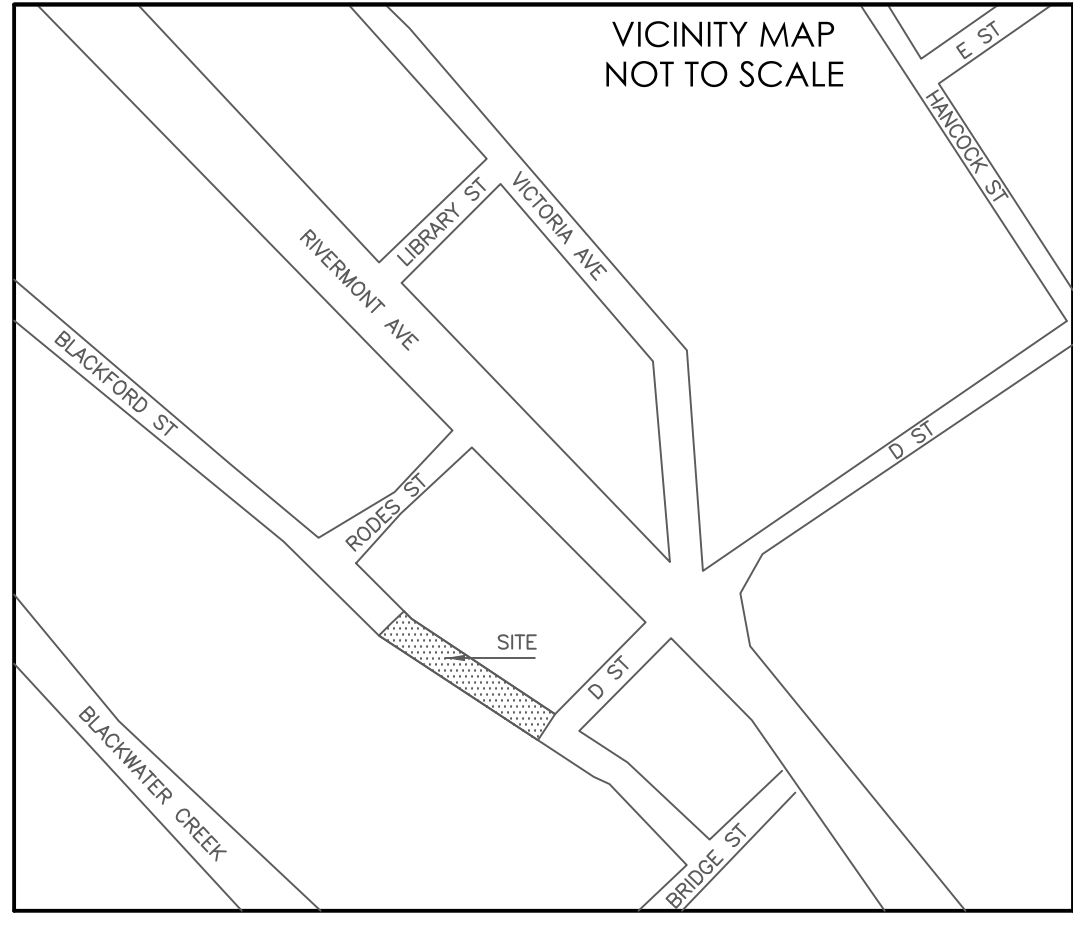
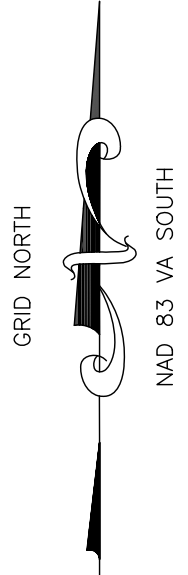


SCALE:	1" = 30'
ASD JOB #:	2020-124
FILE #:	2020-124.dwg
DATE:	FEBRUARY 1, 2021
REV:	APRIL 7, 2021
REV:	
SHEET NUMBER: 1 OF 1	



CITY PLANNER: _____
CITY ENGINEER: _____

- PARCEL A - 0.027 ACRES
- PARCEL B - 0.027 ACRES
- PARCEL C - 0.045 ACRES
- PARCEL D - 0.100 ACRES



LINE	BEARING	DISTANCE
L1	S48°16'03"E	8.62'
L2	N48°16'03"W	6.48'
L3	N48°16'03"W	5.06'
L4	N33°34'13"E	20.00'
L5	N33°34'13"E	20.00'

CITY OF LYNCHBURG
400 BLACKWATER STREET
PARCEL ID 02313011
DEED BOOK 553 PAGE 333

ACROSS THE BRIDGE, LLC
421 RIVERMONT AVE
PARCEL ID 02315001
INSTR 180001390
INSTR 170002317

408 BLACKFORD ST TO BE
COMBINED WITH 421 RIVERMONT
AVE BY A SEPARATE SURVEY.

ACROSS THE BRIDGE LLC
408 BLACKFORD ST
PARCEL ID 02315008
INSTR # 170002334

VICTORIAS INVENTORY, LLC
1151 D STREET
PARCEL ID 12315007
INSTR # 190005103

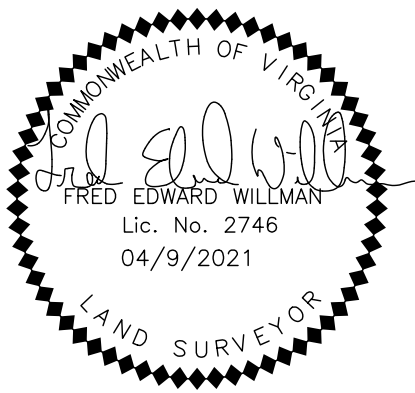
VICTORIAS INVENTORY, LLC
311 BLACKFORD ST
PARCEL ID 02313012
INSTR NO 200005890

- = PROPERTY LINE
- - - = ADJOINING PROPERTY LINE
- ===== = EDGE OF PAVEMENT
- = WATER METER
- △ = GAS MARKER
- = UTILITY POLE
- ⊙ = PROPERTY CORNER
- = SEWER CLEANOUT
- Ⓜ = SANITARY SEWER MANHOLE

- NOTES:
- THIS PLAT WAS PREPARED AT THE REQUEST OF ACROSS THE BRIDGE, LLC. & VICTORIAS INVENTORY, LLC.
 - THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY.
 - 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.
 - 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.



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



ACCUPOINT
SURVEYING & DESIGN
SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS
6200 FORT AVE, LYNCHBURG, VA 24502
PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021 PDC**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Bedford Regional Water Authority Sewer Capacity Purchase Request

KEY ELEMENTS:

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

RECOMMENDATION: Approve the request of the Bedford Regional Water Authority (BRWA) to purchase additional sewer interceptor capacity as needed to achieve a full 0.908 million gallons per day (mgd) average flow, 2.27 mgd peak flow from Division 5 of the Ivy Creek Interceptor to the Lynchburg Regional WWTP.

SUMMARY: The BRWA is in the process of completing plans to construct an extension of the Ivy Creek Interceptor from the existing termination point in the Ivy Creek Innovation Park to the City/County line and on to their Lake Vista Pump Station. Their intention is to decommission the Lake Vista Pump Station which currently pumps flow to the Tomahawk Creek Interceptor and serve the area by a gravity sewer line instead. It is anticipated that the additional flows in the Ivy Creek Interceptor will help reduce or eliminate odor issues that we currently experience in neighborhoods downstream possibly eliminating the need for a chemical feed station. This would save Water Resources and a local industry the cost associated with maintaining and operating the feed station.

BRWA would purchase the capacity in accordance with the terms of the 1974 Regional Sewage Treatment Plant Agreement and would be broken down as shown in Figure 2 – BRWA Additional Capacity Purchase Cost.

PRIOR ACTION(S): None.

FISCAL IMPACT: \$501,908.85 Additional Revenue to the Sewer Fund

CONTACT(S): Tim Mitchell, Director of Water Resources - 455-4252
Greg Poff, Deputy Director of Water Resources - 455-4249

ATTACHMENT(S): Figure 1 – Interceptor Improvements Map
Figure 2 – BRWA Additional Capacity Purchase Cost
Figure 3 – Ivy Creek Interceptor Extension

REVIEWED BY: klw

CCUSA NOTES ON CAPACITIES

CCUSA'S CURRENT TOTAL DESIGN PEAK FLOW = 3.61 MGD BASED ON THE SUM OF CURRENT CAPACITY PURCHASES AT ENTRY POINTS C-1 THROUGH C-5.

CCUSA'S CURRENT TOTAL AVAILABLE CAPACITY FROM ENTRY POINTS C-1 THROUGH C-4 = 1.07 MGD PEAK (0.4275 MGD AVG) BASED ON CAPACITY PURCHASED IN THE JAMES RIVER INTERCEPTOR DIV 2 AND DIV 3.

CCUSA'S CURRENT TOTAL AVAILABLE CAPACITY FROM ENTRY POINT C-5 = 0.84 MGD PEAK (0.34 MGD AVG) BASED ON CAPACITY PURCHASED IN THE FISHING CREEK INTERCEPTOR AND JAMES RIVER INTERCEPTOR DIV 1.

IN 1983, CCUSA PURCHASED 0.530 MGD PEAK (0.4275 MGD AVG) IN THE JAMES RIVER INTERCEPTOR DIVISIONS 1 THROUGH 3, AND 1.0 MGD CAPACITY IN THE RSTP.

IN 2000, CCUSA PURCHASED 0.84 MGD PEAK CAPACITY IN ALL SEGMENTS OF FISHING CREEK INTERCEPTOR WITH A NEW DEFINED ENTRY POINT AT CANDLERS MOUNTAIN ROAD (C-5). CCUSA PURCHASED ADDITIONAL CAPACITY IN THE JAMES RIVER INTERCEPTOR DIV 1 TO ACCOMMODATE THE ADDITIONAL FLOW AND CAPACITY PURCHASED IN THE FISHING CREEK INTERCEPTOR.

IN 2004, CCUSA PURCHASED ADDITIONAL PEAK CAPACITY IN BURTON CREEK INTERCEPTOR TO ELIMINATE THIS RESTRICTIVE SEGMENT. THIS CAPACITY PURCHASE MATCHED THE PEAK AND AVERAGE DESIGN CAPACITY FOR ENTRY POINT C-4.

BCPSA NOTES ON CAPACITIES

BCPSA'S CURRENT TOTAL DESIGN PEAK FLOW = 4.27 MGD BASED ON THE SUM OF CURRENT CAPACITY PURCHASES AT ENTRY POINTS B-1 THROUGH B-5. B-4 AND B-5 ARE PART OF THE TOTAL B-3 PEAK CAPACITY OF 2.27 MGD.

BCPSA'S CURRENT TOTAL AVAILABLE CAPACITY FROM ALL FIVE ENTRY POINTS = 2.5 MGD PEAK (1.0 MGD AVERAGE) BASED ON CAPACITY PURCHASED IN THE JAMES RIVER INTERCEPTOR DIV 1 THROUGH DIV 3 AND THE RSTP.

IN 2004, BCPSA PURCHASED AN ADDITIONAL 0.660 MGD PEAK IN THE JAMES RIVER INTERCEPTOR DIV 1 THROUGH DIV 3 FOR A TOTAL 1.24 MGD PEAK (1.0 MGD AVERAGE). THIS PURCHASE MATCHED THE CAPACITY BCPSA CURRENTLY OWNS IN THE RSTP.

CHEESE CREEK INTERCEPTOR NOTES

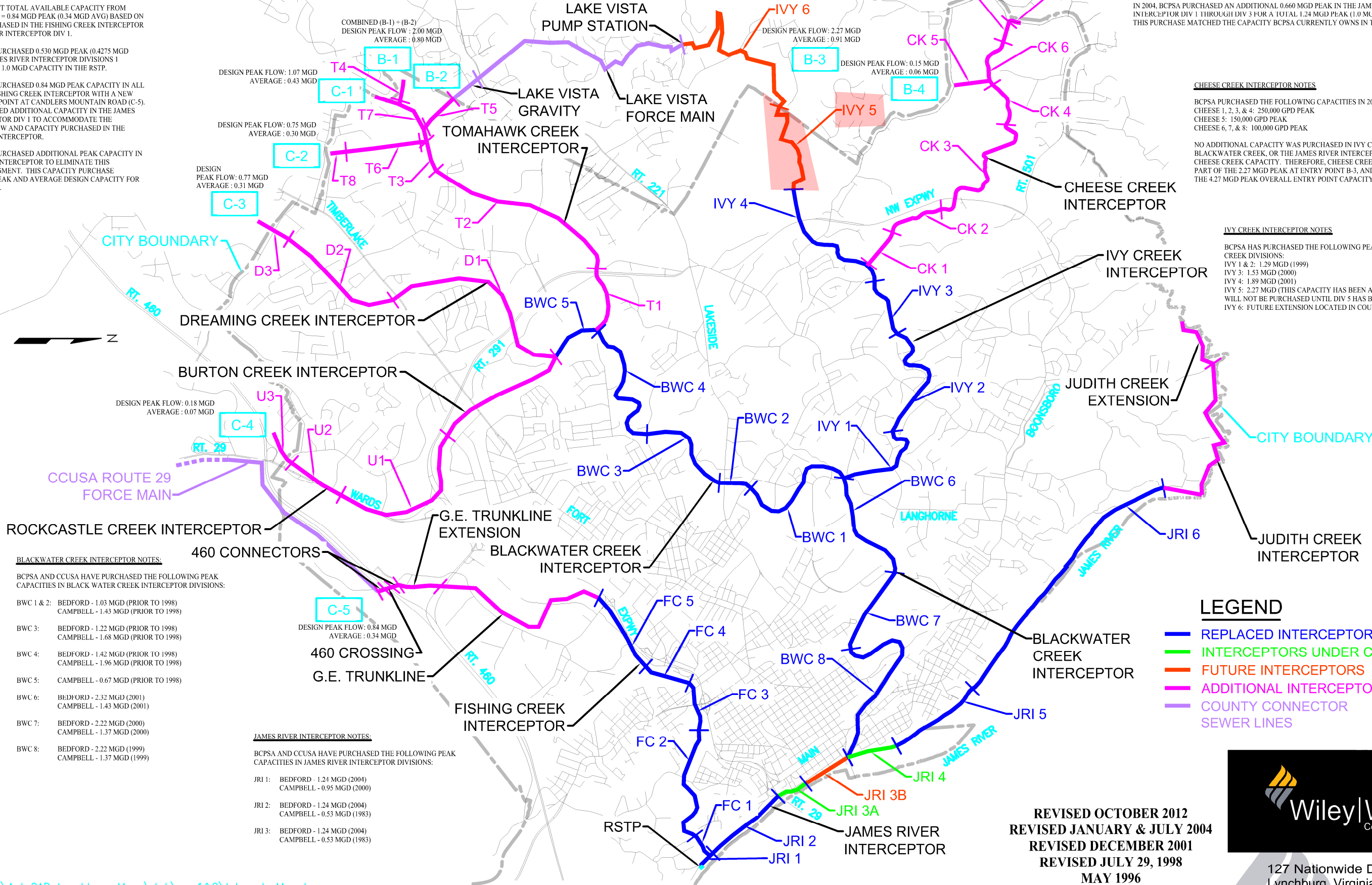
BCPSA PURCHASED THE FOLLOWING CAPACITIES IN 2001:
CHEESE 1, 2, 3, & 4: 250,000 GPD PEAK
CHEESE 5: 150,000 GPD PEAK
CHEESE 6, 7, & 8: 100,000 GPD PEAK

NO ADDITIONAL CAPACITY WAS PURCHASED IN IVY CREEK, BLACKWATER CREEK, OR THE JAMES RIVER INTERCEPTOR FOR CHEESE CREEK CAPACITY. THEREFORE, CHEESE CREEK CAPACITY IS PART OF THE 2.27 MGD PEAK AT ENTRY POINT B-3, AND IS PART OF THE 4.27 MGD PEAK OVERALL ENTRY POINT CAPACITY FOR BCPSA.

IVY CREEK INTERCEPTOR NOTES

BCPSA HAS PURCHASED THE FOLLOWING PEAK CAPACITY IN IVY CREEK DIVISIONS:
IVY 1 & 2: 1.29 MGD (1999)
IVY 3: 1.53 MGD (2000)
IVY 4: 1.89 MGD (2001)
IVY 5: 2.27 MGD (THIS CAPACITY HAS BEEN ALLOCATED, BUT WILL NOT BE PURCHASED UNTIL DIV 5 HAS BEEN CONSTRUCTED)
IVY 6: FUTURE EXTENSION LOCATED IN COUNTY

FIGURE 1
CITY OF LYNCHBURG
INTERCEPTOR IMPROVEMENTS



BLACKWATER CREEK INTERCEPTOR NOTES:

BCPSA AND CCUSA HAVE PURCHASED THE FOLLOWING PEAK CAPACITIES IN BLACK WATER CREEK INTERCEPTOR DIVISIONS:

BWC 1 & 2: BEDFORD - 1.03 MGD (PRIOR TO 1998)
CAMPBELL - 1.43 MGD (PRIOR TO 1998)

BWC 3: BEDFORD - 1.22 MGD (PRIOR TO 1998)
CAMPBELL - 1.68 MGD (PRIOR TO 1998)

BWC 4: BEDFORD - 1.42 MGD (PRIOR TO 1998)
CAMPBELL - 1.96 MGD (PRIOR TO 1998)

BWC 5: CAMPBELL - 0.67 MGD (PRIOR TO 1998)

BWC 6: BEDFORD - 2.32 MGD (2001)
CAMPBELL - 1.43 MGD (2001)

BWC 7: BEDFORD - 2.22 MGD (2000)
CAMPBELL - 1.37 MGD (2000)

BWC 8: BEDFORD - 2.22 MGD (1999)
CAMPBELL - 1.37 MGD (1999)

JAMES RIVER INTERCEPTOR NOTES:

BCPSA AND CCUSA HAVE PURCHASED THE FOLLOWING PEAK CAPACITIES IN JAMES RIVER INTERCEPTOR DIVISIONS:

JRI 1: BEDFORD - 1.24 MGD (2004)
CAMPBELL - 0.95 MGD (2000)

JRI 2: BEDFORD - 1.24 MGD (2004)
CAMPBELL - 0.53 MGD (1983)

JRI 3: BEDFORD - 1.24 MGD (2004)
CAMPBELL - 0.53 MGD (1983)

LEGEND

- REPLACED INTERCEPTORS
- INTERCEPTORS UNDER CONSTRUCTION
- FUTURE INTERCEPTORS
- ADDITIONAL INTERCEPTORS
- COUNTY CONNECTOR SEWER LINES

REVISED OCTOBER 2012
REVISED JANUARY & JULY 2004
REVISED DECEMBER 2001
REVISED JULY 29, 1998
MAY 1996



127 Nationwide Drive
Lynchburg, Virginia 24502-4272

Figure 2 – BRWA Additional Capacity Purchase Cost

James River Div 1 (Notes 1,3)	\$ 144,303.82
James River Div 2A,2B (Notes 1,3)	\$ 53,331.78
James River Div 3A (Notes 1,3)	\$ 161,850.24
James River Div 3B (Notes 1,3)	\$ 17,779.51
Blackwater Creek 8A,8B	\$ 13,592.60
Blackwater Creek 7 (Note 4)	\$ -
Blackwater Creek 6A,6B (Note 4)	\$ -
Blackwater Creek 1,2	\$ -
Blackwater Creek 3	\$ -
Blackwater Creek 4	\$ -
Ivy Creek 1	\$ 48,770.60
Ivy Creek 2	\$ 33,926.02
Ivy Creek 3	\$ 28,354.27
Ivy Creek 4 (Note 6)	\$ -
Ivy Creek 5 (B-3) (Note 7)	\$ -
TOTAL	\$ 501,908.85

Notes:

1. Partially grant funded. The portion paid by grant is not included in the buy-in calculations.
2. Capacity purchased in RSTP does not currently match capacity purchased in upstream interceptors.
3. Capacity purchased in JRI Divisions 1,2,3 does not match capacity purchased in upstream interceptors.
4. Fully grant funded. Cost for capacity in this segment is \$0.
5. Values shown in the above table are based on the following:
CCI Date = Apr 2021
CCI = 11849
Current Year = 2021
6. Peak factor for Ivy Creek 4 is the average of values for Ivy 3 and Ivy 5, from Table 7 of the 1988 Capacity Study Update.
7. Ivy 5 is being design/constructed by BRWA. Capacity cost in this segment is \$0.

Figure 2 – BRWA Additional Capacity Purchase Cost

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7. Ivy 5 is being design/constructed by BRWA. Capacity cost in this segment is \$0.

Figure 3 - Ivy Creek Interceptor Extension



- BRWA Manhole
- BRWA SS Line
- EDA Owned Properties

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021 PDC**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Sewer Code Changes

KEY ELEMENTS:

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

RECOMMENDATION: Discuss options for updating and amending the Sewer Code to be more consistent with current terminology and practices and to provide a more equitable approach to allocation of costs.

SUMMARY: Language in the current sewer code is outdated and confusing. Some examples include: The Department of Utilities was separated from Public Works over a decade ago and then renamed Water Resources. The use of the term 'connection fee' is confusing to citizens because it does not actually result in a "connection". The use of the word 'availability' is confusing because customers don't use the term often and when used by Water Resources it often is used in other contexts. City code should be revised to reflect appropriate terminology.

The method used in the current code for assigning availability fees for commercial, institutional, and industrial customers is not relevant. Currently availability fees are based on square footage of buildings which has no relationship to the quantity of water or sewer usage by a customer. Availability fees should be based on anticipated water usage which is directly associated with water and sewer system capacity. Water Resources recommends adopting a more industry standard approach for the development of these fees.

Current sewer extension policies are difficult for customers to navigate, do not fairly allocate costs, and are not a cost-effective method of extending sewer service to unsewered areas resulting in inconsistent extension decisions.

Other areas of the Sewer Code, such as the Industrial Pretreatment Sections, need to be updated to be more consistent with State law.

PRIOR ACTION(S): None

FISCAL IMPACT: None at this time.

CONTACT(S): James Talian, Water Quality Manger - 455-3953
Tim Mitchell, Director of Water Resources - 455-4252

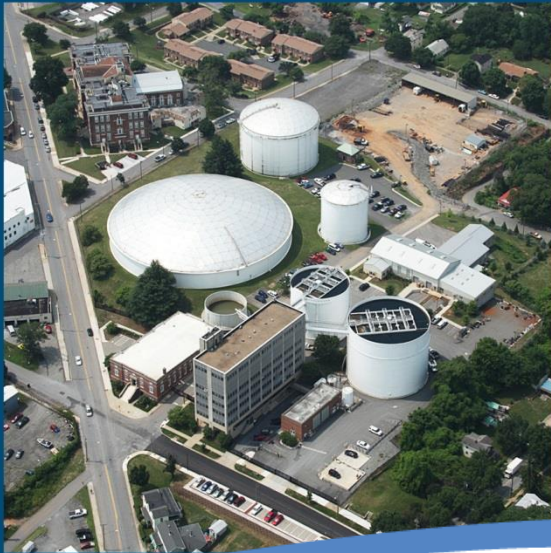
ATTACHMENT(S): Presentation slides

REVIEWED BY: klw



Sanitary Sewer Code Update

PDC - May 11, 2021



Our Job is Clear!

Agenda



- Section 34 of City Code
- Wide variety of changes needed
- No specific changes are proposed today
- Discussion of the types of changes that we would like to consider
- Seeking feedback from Council on strategy
 - Item by item changes
 - Full rewrite

| Types of Changes



- Terminology improvements
- Fee assessment strategy improvements
- Fee amount updates
- Extension strategy improvements
- Document structure improvements

| Terminology Improvements



- Changes based on previous City organizational changes
 - Change 'utilities division'
 - to 'water resources department'
 - Change 'public works department'
 - to 'water resources department'

| Terminology Improvements



- Changes to improve communications with citizens
 - Change 'connection fee'
 - to 'tapping fee'
 - Change 'availability fee'
 - to 'capital recovery fee'

Fee Assessment Strategy



- This is a change to the basis of the availability fee assessment
- Existing code assesses the availability fee to businesses based on square footage of the building
- Square footage of a building has nothing to do with water/sewer usage

Fee Assessment Strategy



- Proposed change is to assess availability fee based on meter size.
- Meter size is directly proportional to water/sewer usage

Availability Fee Amount Update



- The intent of the availability fee is to have new joining customers contribute to the value of the existing system comparably to the amount that existing customer have been contributing to that value for many years.

Availability Fee Amount Update



- Existing customers have been paying for maintenance, operations, upgrades, and improvements for many decades.
- New customers should contribute an equal proportion and not be handed the benefit of investments made by others.
- No increase of costs to existing customers.

Availability Fee Amount Update



- The amount of that joining fee is calculated based on the depreciated value of the existing system divided by the number of equivalent users.
- The resulting value for a typical residence is \$3,532.00
- The current fee is \$1,950.00

Availability Fee Amount Update



• Culpeper	\$10,000	• Lynchburg (calc)	\$3,532
• Hanover	\$6,456	• Henrico	\$3,150
• Chesterfield	\$5,400	• Appomattox	\$3,000
• VA average	\$5,363	• Roanoke	\$3,000
• Charlottesville	\$5,350	• Amherst (town)	\$2,500
• Bedford	\$5,000	• Campbell	\$2,200
• Augusta	\$4,900	• Lynchburg (exist)	\$1,950
• VA median	\$4,000	• Richmond	\$1,250
• Albemarle	\$3,850	• Henry	\$750
• Amherst (county)	\$3,810	• Altavista	\$600

Extension Strategy Improvements



- The existing strategy for extending sanitary sewer service is based on financial enticements to get neighborhoods of potential customers to apply as a group for a pipeline extension.
- This would be great for the City to increase the ratio of new customers to new pipe length.

Extension Strategy Improvements



- Experience has shown that this rarely works.
- Potential customers are interested in extensions when their septic systems are failing. Their neighbor's systems are likely not failing at the same time.

Extension Strategy Improvements



- Currently the code can:
 - authorize longer extensions with fewer customers
 - deny shorter extensions with more potential customers.
- Alternative
 - relationship of the cost of the extension to the number of new connections.

Document Structure Improvements

- The current code is very difficult to follow.
- Section titles often directly conflict with the contents of the section.
- Related information is often scattered throughout the document.
- Potential scenarios are often not addressed.
- Need compliance with state code

Summary



- No specific changes are proposed today
- Discussion of the types of changes that we would like to consider
- Seeking feedback from PDC on strategy
 - Item by item changes
 - Full rewrite

Questions?



Our Job is Clear!

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021**

AGENDA ITEM #: **2**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2021 Monthly Revenue Update

KEY ELEMENTS:

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

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

SUMMARY: Several key Adopted FY 2021 revenue sources were reduced to reflect the anticipated economic impacts due to the COVID-19 pandemic; revenue collections are updated through April 30, 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

058A



FY 2021 Adopted General Fund Monthly Revenue Update

City Council
May 11, 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	\$13,766,052	(\$1,688,527)
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
(Sales and Use Tax for March due by May 15th) March *Not Final*	1,432,681	1,805,116	372,435
(Sales and Use Tax for April due by June 15th) April	1,331,840	0	(1,331,840)
(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 April 30, 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	\$10,810,589	(\$4,122,010)
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
(Meals Tax for April due by May 20th) April	1,352,984	0	(1,352,984)
(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 April 30, 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	\$1,624,971	(\$1,100,665)
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)
(Lodging Tax for April due by May 20th) April	233,875	0	(233,875)
(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 April 30, 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	\$184,518	(\$610,672)
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)
(Amusement Tax for April due by May 20th) April	92,490	0	(92,490)
(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 April 30, 2021.



Questions, Comments, Observations

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of May, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item # 1, Council continued balancing the FY 2021 Budget. Interim City Manager Dr. Reid Wodicka provided remarks to Council. At the April 27, 2021 Council Meeting, Councilmember Chris Faraldi requested more information on all options for possible staff compensation.

Dr. Wodicka reiterated the three options available. Option one is to do nothing, which would leave about \$3.1 million available to be placed in reserve for the future. If the money is not appropriated it can also be placed in the unassigned fund increasing the balance to 13.4%. Option two and City staffs' recommendation is to implement a 5% salary wage increase across the board for City employees. All City employees, with at least one year of service, would receive the 5% increase. This would also preserve 5% revenue for the state social services functions and be consistent with the 5% for City schools. It would move pay closer to prevailing market rates and would not have a significant impact on compression issues either positively or negatively. It has been two years since a general wage increase and some of the challenges in the compensation plan are due to lack of general wage increases during the last decade. Increasing existing employee pay is also important given that starting wages have increased for new employees. There are positive and negative arguments for both sides but this option will do the most good for the most people. Option three is to move forward with implementation of the 2018 City salary study. Compression is an issue that needs to be addressed within the organization but the Korn Ferry study was not designed as a compression analysis. It is simply a market analysis for a variety of positions. Implementation of the study would not widely resolve the compression issues due to the age of the study, changes in personnel, and since employee thresholds do not change after ten years of service. Also, in order to implement the study, staff would need more time for appropriate analysis and to develop a system to do so. It does not include any raise or pay adjustment for hourly or part-time staff since they

were not included in the study. Moving forward with this option would also result in the loss of the 5% match in state revenue for social services and about 40% of employees not receiving any pay increase.

Councilmember Helgeson asked what the budget proposal was that the 5% wage increase replaced and why it was originally proposed. Dr. Wodicka responded the original proposal was to get any employee making less than \$31,000.00 to their threshold. Earlier discussions established addressing pay for the lowest paid employees as a priority and this proposal was a product of that. The transition to the 5% wage increase was a matter of trying to spread the benefit to all City employees. Councilmember Helgeson asked if the original proposal was due to recruitment and retention problems or other issues. Dr. Wodicka noted that it was a benevolent thing to do and there are significant challenges with recruitment and retention. Councilmember Helgeson referenced the spreadsheet and asked for clarification regarding total salary and benefits versus total number of employees. Dr. Wodicka responded that it is salary and benefits so it may not be split evenly. It depends on the individual and where they are in their threshold pay. Councilmember Helgeson stated that it doesn't seem to be a workable strategy. He then asked where the numbers came from. Dr. Wodicka responded that the numbers are from the Korn Ferry study. Councilmember Helgeson noted that the Korn Ferry study has some inadequacies. Dr. Wodicka emphasized that in the Korn Ferry study every employee would not receive the same amount of pay. It depends on where the individual is in the pay scale. Councilmember Helgeson noted that each option has positive and negative aspects. A little of each option should be utilized to create a 2% wage increase for all employees, raise the lowest paid employees to their threshold, and retain the remaining funds in reserve. This would also benefit the taxpayers.

Councilmember Wilder made a motion to approve the 5% General Wage salary increase (Option 2). The motion was seconded by Councilmember Tweedy. Councilmember Wilder supported this option because it is the recommendation of staff, it preserves the 5% from the state for social services, is consistent with the 5% increase for City schools, Constitutional Officers, and surrounding localities, it moves pay closer to the prevailing market rate, and doesn't affect compression positively or negatively. He also directed staff to bring back to Council, over a period of time, some of the compression issues and

a plan addressing how they can be resolved in a certain time period, giving priority to hard to fill and hard to retain positions. Councilmember Tweedy concurred with Councilmember Wilder's comments.

Councilmember Faraldi asked how the City will finance a compression plan in the future if the 5% General Wage Salary increase is implemented. Councilmember Wilder responded that it will be assigned to staff to study City revenue and finances over time and to come up with a long-range strategy, plan, and projections like in the budget process. Councilmember Faraldi noted that it is likely the administration will come up with a tax or fee increase to address compression. He then asked if Council would move forward with such an increase. Councilmember Wilder responded that he is not recommending a tax increase. He is giving time to and asking City staff to review revenues and come up with the best strategy without raising fees or taxes. Councilmember Faraldi submitted that is not a satisfactory response since the future is uncertain. He noted that he recently went on a ride along, during which a firetruck was out of service due to staffing issues. He then asked how a 5% General Wage salary increase would not impact compression. Dr. Wodicka responded that it moves everyone, who is at a similar amount, up a similar amount and fractionally addresses compression. Councilmember Faraldi added that it does not address a discrepancy for those who make more when initially starting than those who have served the City for a number of years. Dr. Wodicka responded that in that case the compression issue would stay the same and reiterated that there are positive and negative aspects to each option.

Councilmember Faraldi made a substitute motion to put the available dollars in a specific reserve to be used to further address compression. Councilmember Helgeson seconded the motion. The 5% General Wage salary increase was not in the original budget but a proposal for raising taxes and a proposal to begin to address the Korn Ferry study was. If all of this money is spent on other things, compression will still exist and will go unaddressed. Now is the time to address it and come up with a better plan.

Vice Mayor Wright stated it is important to plan for the future and that resources will be needed to address compression. A general wage increase is also in order right now. He then asked Dr. Wodicka how long it would take to develop a plan, whether resources will be required, and if Council should be considering setting aside resources now. Dr. Wodicka responded that a plan could be developed by Fall,

within a few months. It is uncertain, at this time, what the plan will look like. To fully address compression, it will take a significant amount of money but some of that could be addressed by general wage increases. Vice Mayor Wright asked Ms. Donna Witt if it is anticipated that the City might realize more revenue within the next fiscal year that might be dedicated to a reserve, over and beyond what is currently projected. Ms. Witt responded that it is possible, March was a great month due to people spending their stimulus money. Without being overly optimistic, more things are opening up and the City is starting to realize revenues back at 2019 rates. The City is not anywhere close in regards to amusement taxes though. Vice Mayor Wright reiterated that it is possible that the City might see revenue beyond what is currently projected. He then asked if a 5-6% end of fund balance at the end of the year is anticipated. Ms. Witt responded that she could not confirm that at this time. Vice Mayor Wright asked if a portion of those funds could be set aside to fund a reserve to address a compression. Ms. Witt and Dr. Wodicka responded that would not be their recommendation since those are one-time funds and compression would be a recurring cost.

Councilmember Wilder stated that he does not support the substitute motion because it is not the staff recommendation, would cause the loss of the state funding for social services, and schools and surrounding localities are doing a 5% salary increase. It would not be fair for City employees to not receive a 5% salary increase when the schools are and those in the county are.

Councilmember Faraldi asked what the amount of money required to receive the state match for social services would be. He does not believe "leaving money on the table" is a good idea. He would like to amend the substitute motion to reduce the amount of money placed in reserve and to allocate the necessary funds to social services to retain the state match. Ms. Witt responded that the City would be responsible for \$328,000.00 in expenditures and offsetting revenue of \$277,160.00 with a net loss of \$50,840.00 if the state funding is received. Councilmember Faraldi reiterated that he would like to amend his earlier motion to whatever is necessary to retain the match. Dr. Wodicka responded that Council would need to grant the social services employees a 5% salary increase to retain the state match. Mayor Dolan asked for a clarification that Councilmember Faraldi wanted to social service employees a 5%

salary increase and nothing to other employees. Councilmember Faraldi responded that the other employees would wait until the City has a more formalized plan to address compression.

Mayor Dolan asked what the morale of employees is like regarding not receiving increases. Ms. Witt responded that she has a morale issue in finance because not everyone had the opportunity to get to their threshold when phase one was implemented because it was limited to 5%. Some long-time employees are not even close to their threshold and new employees are brought in at market rate. Morale is tough right now.

Mayor Dolan asked if the 5% salary increase would bring the employee close to their threshold. Ms. Witt responded it would not. Councilmember Helgeson stated that it sounds like it continues the compression issue since it does not coordinate or adjust for those who are underpaid. Ms. Witt responded that there is no “win-win” option. Councilmember Helgeson stated that a better option should be determined. The money could be put in a reserve for now to grant more time to come up with a plan. Another option would be to grant a 2% salary increase, implement part of the Korn Ferry study, and then place the balance in reserve.

Mayor Dolan noted that compression happens over time and asked why it has not been addressed by previous Councils. Councilmember Helgeson responded that he has been on Council for a long time and has generally been in the minority and often lost the vote. Compression is still an issue to be addressed today and Council should do the best they can to address it now.

Councilmember Faraldi repeated his substitute motion with the amendment.

Vice Mayor Wright noted that he is sympathetic to the idea of setting aside money to address the issue of compression in the future but he can't support giving one department a raise and giving nothing to the others. He will be opposing this motion. Councilmember Helgeson stated that what has been done historically was targeting money where there was the most need, especially in areas where it was hard to recruit and retain employees. Most of the increase for social services would be funded by the state.

Councilmember Faraldi stated that the initial reaction was to not lose the state funded match for social services, which makes sense. Now, the opportunity to find targeted, strategic investments to

address compression in the City is being discussed and it seems that Council is unwilling to grant funds only to one department. If these dollars are going to be spent, they should be spent well and used to address compression. Granting a 5% General Wage salary increase will only prolong the issue of compression and add the future issue of finding additional funds to address it. Again, the issue should be addressed now. Mayor Dolan added that there are really two problems: the problem of underpaid employees and the problem of compression.

Councilmember Tweedy stated that she will not be supporting the motion. There is a finance committee that meets monthly. That committee should be granted the role of working on and addressing the compression issue. Councilmember Helgeson is Chair of the committee. It would be beneficial if the committee worked with City administration in the next six months to a year to address the compression issue. Councilmember Helgeson responded that is a great idea and it would be better if the committee had the money in reserve to work with.

The substitute motion failed.

Vice Mayor Wright stated that he is in support of the 5% General Wage salary increase because it moves the City closer towards keeping up with inflation, which hasn't been done. It is also important to keep up with Constitutional Officers and the City's schools who are getting 5% salary increases, as well as the counties, who are competitors in regard to talent. There is a lot of incentive to grant the increase though he agrees with the concerns regarding compression and pay equity. He tasked City staff with coming back in three months with an initial diagnosis of what the problems are with the pay structure and what the City will need to be competitive and ease compression. This is a problem decades in the making and it will take time to resolve but the City should start with a thoughtful, strategic plan.

Councilmember Helgeson stated that with all the concerns that have been brought up, a more balanced option should be determined. The cost of living would be covered with a 2% general wage salary increase, the extra \$289,000 should be used to resolve the inequity for the lowest paid employees, and the remaining \$1.7 million should be placed in a reserve. This would grant the ability to address employee concerns who may have been missed in the phased approach of implementing the Korn Ferry

study and should be supported by all. It takes pieces of each options and is a good alternative for those who support the 5% General Wage salary increase.

Mayor Dolan stated that a 2% salary increase would hardly keep up with inflation. It is also important to demonstrate to City employees that the City believes in investing in human capital. The City is already behind other surrounding areas in terms of competitive wages and something significant needs to be done in order to retain employees.

Councilmember Faraldi stated that he cannot support a 5% General Wage salary increase because the majority of those dollars will go to the highest paid employees rather than the employees dealing with severe compression problems, the difficult to retain positions, and the “boots on the ground”. It is not what is needed right now. It does not address pay equity, delays the compression issue, and will make it more expensive to address compression in the future.

With no further discussion from Council, the following vote was recorded approving the 5% General Wage salary increase (Option 2):

Ayes: Dolan, Wright, Tweedy, Wilder 4

Noes: Helgeson, Nelson, Faraldi 3

// In the matter of Budget, Agenda Item #2, Chief Financial Officer Ms. Donna Witt provided Council with an update on the revenue collections received in several key City revenue sources. For local sales tax, January and February are typically low months but were above projections this year. March was a great month also because people spent their stimulus money. In 2020 the City collected \$16.5 million so the adopted budget was \$15.4 million. Based on current trends it is possible that the City will collect \$17.8 million this year. The meals tax collected exceeded the projected budget for March by \$100,000.00, did not meet the projection in January, and was right at the projection in February. In 2019 the City collected \$15.1 million. In 2020 the city collected only \$13.7 million due to a lost quarter. The adopted budget projects \$14.9 million, which may be met if things open up even more. In-person May graduations and celebrations should help revenue. For lodging tax, the City collected \$190,000.00 in March. In 2019 the City collected \$2.8 million. In 2020 the City collected \$2.3 million. For 2021 the City projected \$2.7 million

but things have not opened as quickly as originally thought so it is likely that the City will collect \$2.2 million instead. Again, May graduations should help. For amusement tax, the City collected \$32,000.00 in March and should finish the year by collecting about \$290,000.00. This may change depending on openings but it is still unlikely that the City will meet its projected budget. Vehicle assessments have gone up due to supply and demand and are driving personal property taxes up.

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi requested Council reconsider the rules change he previously discussed and recognized the City's law enforcement in honor of National Police Week. He also thanked Dr. Wodicka and his team for taking initiative on the vaccine clinic. Councilmember Wilder also recognized the City's law enforcement and other members of the Community Action Team (CAT). He noted that he is glad to see things in the community opening up and shared appreciation for all City staff and their work throughout the pandemic. Councilmember Tweedy echoed Councilmember Wilder's appreciation for City staff. Councilmember Nelson had no items. Councilmember Helgeson expressed dissatisfaction with the schoolboard and inquired what the process to make the schoolboard elected would be. Vice Mayor Wright recognized law enforcement in honor of National Police Week and shared appreciation for City staff. He also encouraged citizens to get the COVID vaccine if they haven't already. Mayor Dolan made the following announcements:

- This week is National Economic Development Week. It was created by the International Economic Development Council to increase awareness of local programs that create jobs, advance career development opportunities, and improve communities' quality of life. Thanks to all businesses in the City, the Economic Development Authority, the Office of Economic Development & Tourism, and City Council for engaging and investing in economic development programs that add to the growth of the business community.
- This week is also National Hospital Week. Hospitals are a tower of strength in every neighborhood and a driving force to a healthy and positive community. Every day, hospital employees are on the frontlines working tirelessly to save lives and help others. This week highlights the important work of health care workers and gives the opportunity to say thank you.

Centra's theme this year is "Healthcare Heroes" and highlights the more than 7,500 caregivers in our community. Centra will host a "Healthcare Heroes" parade.

- The American Public Works Association (APWA) has designated May 16 through May 22 as National Public Works Week. The objective of the week is to recognize the contributions of the men and women who work in the field of public works as well as to enlighten citizens and businesses about the importance of public works to our City's safety, comfort, and quality of life. Public Works impacts every person who lives or travels in our City through transportation improvement projects, building and grounds maintenance, refuse collection, streets and traffic maintenance, customer service, special event support, and emergency management. This year's theme is Stronger Together.

// The meeting was recessed at 5:13 p.m.

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

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognition, Mayor Dolan proclaimed the week of May 16, 2021 – May 22, 2021 as Emergency Medical Services Week. Fire Chief Greg Wormser was in attendance and gave remarks stating his appreciation for the resiliency and contributions of the City's public service professionals as well as his appreciation for the City's leadership. He noted his departments work on several new initiatives this year and their coordination of the distribution of over forty-five thousand COVID vaccines to the Central Virginia region through the partnership they helped create with emergency services director Melissa Foster and Regional Medical Director Dr. Wendy Wilcoxson. Chief Wormser introduced Dr. Wendy Wilcoxson, Regional Medical Director and Co-Incident Commander of the Central Virginia Vaccination Task Force, who also gave a few remarks. She lauded the Lynchburg Fire Departments' incredible team, general accomplishments, nationally competitive rates, and unique programs not offered

elsewhere. Staff is continually upgrading their education and had to adapt quickly during COVID. The department has also demonstrated great leadership through their vaccination efforts.

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-21-028 allowing the distribution of the Chesapeake Stormwater Network Best Urban BMP in the Bay "Small But Mighty" monetary award. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund budget and appropriate \$317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Community Development, Agenda Item #6, a public hearing was held to receive citizen input on adopting Resolution #R-21-034 approving the FY 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires the City as an Entitlement Community for receipt of the Community Development Block Grant (CDBG) and HOME Program funds to prepare and submit an annual action plan within the five-year consolidated plan. This plan outlines the needs, goals, and objectives for community development including housing and non-housing areas. The Grants Administration staff has prepared the fiscal year 2022 plan and it includes all the required components and the recommended CDBG and HOME projects approved by City Council at the public hearing conducted on March 23. A public notice was published stating that a draft of the proposed fiscal year 2022 action plan was available for public review and

comment. The public comment period began on April 10 and ends at the conclusion of the public hearing tonight. Prior to this meeting City staff did not receive any written comments regarding the plan. Any comments received tonight will be incorporated in the final plan and submitted to HUD this week.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. Councilmember Wilder commended Staff's effort and work with CDBG and HOME program.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-034:

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

Noes: 0

// In the matter of Rezoning – Planning, Agenda Item #7, a public hearing was held to receive citizen input on adopting Ordinance #O-21-035 approving the rezoning petition for portions of 2900 Candler Mountain Road & 5212 Woodall Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. In 2013, City Council approved the petitions for a rezoning, Conditional Use Permit (CUP), and Future Land Use Map (FLUM) amendment on these properties. The properties were rezoned from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing hotel, The Kirkley, into compliance with zoning. A CUP was also issued to allow the development of 5212 Woodall Road into apartments, which did not come to fruition. The owners of the parcels now envision different uses for these properties. There will also be a land swap between the two (2) parcels, which is why both addresses are listed on each rezoning petition. First, R&P Kirkley LLC is petitioning to rezone three and nine tenths (3.9) acres located at 2900 Candler Mountain Road and 5212 Woodall Road to remove previously approved proffers to allow the use of the existing hotel building as an age restricted senior housing facility. The proffers, to be eliminated, specifically stated that the building would not be used for care centers or “convalescent and nursing homes.” The proffers also included requirements for pedestrian improvements in the vicinity that would likely not be used by the senior facility residents. If

approved, the existing hotel building will be used as an age restricted senior housing facility with approximately one hundred (100) patient rooms and one hundred ninety-three (193) parking spaces. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval at the March 24 meeting.

Mr. Justin Fournier, Balzer and Associates, Inc., was in attendance and provided Council with a presentation in support of the petition. This request downgrades the use of the property and will create less impact in terms of transportation. The only changes to the outside of the building will be in regard to aesthetics.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson made the motion to approve the ordinance, seconded by Councilmember Faraldi. Councilmember Helgeson stated that this use will be an improvement because it is fewer apartments, will offer more employment opportunities, and will offer senior housing.

With no further discussion from Council, the following vote was recorded approving Ordinance #O-21-035:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:		0
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// In the matter of Rezoning – Planning, Agenda Item #8, a public hearing was held to receive citizen input on adopting both Resolution #R-21-036 approving the Future Land Use Map (FLUM) amendment and Ordinance #O-21-037 approving the rezoning petition for portions of 5212 Woodall Road and 2900 Candler's Mountain Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. The next two actions are related. GDG Lynchburg Apartments, LLC is petitioning to amend the Future Land Use Map (FLUM) from high density residential to community commercial and to rezone approximately four and nine tenths (4.9) acres located at 5212 Woodall Road and 2900 Candler's Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the development of a mini storage facility. If approved, the proposed facility will

consist of several single-story buildings as well as one three story climate-controlled storage building as well as space for the outdoor storage of RVs and boats. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval of both the FLUM amendment and the rezoning at their March 24 meeting.

Mr. Justin Fournier, Balzer and Associates, Inc., was in attendance and provided Council with a presentation in support of the petition. This request downgrades the use of the property, which was previously approved to be developed as an apartment complex. The impacts of this use will be very low and traffic will be drastically reduced. The owner wanted to emphasize that they are committed to building a quality project with quality materials, especially since it will be visible from 501 and Candler's Mountain Road. Some storage units will be air conditioned and the outdoor storage will have the option of canopies.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council. Councilmember Helgeson asked for clarification regarding the FLUM amendment. Ms. Frischeisen explained that the parcel was designated in 2013 for high density residential use when it was supposed to be developed into an apartment complex. The proposed parcel would now be designated as community commercial use.

Councilmember Helgeson made a motion to approve the resolution, seconded by Vice Mayor Wright.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-036:

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

Noes: 0

Councilmember Helgeson asked for clarification regarding the proposed ordinance. Ms. Frischeisen responded that the parcels are currently zoned B-3C, Community Business District (Conditional) and will be rezoned to B-5C, General Business District (Conditional) because storage units cannot be developed in B-3 areas. He then asked if the senior housing facility will be expanded into this area and if the storage units will be used for the residents. Mr. Fournier responded that there will be no

expansions to the existing Kirkley Hotel building and that the storage units and the senior housing facility will be separate.

Councilmember Tweedy asked if this development is tied to the recently demolished building that was formerly used as a pizza restaurant. Mr. Fournier clarified that is a separate project. Ms. Frischeisen added that a hotel will be developed at that location.

Councilmember Helgeson made a motion to approve the ordinance, seconded by Councilmember Faraldi. Councilmember Helgeson stated that he is glad to see that the Kirkley Hotel will be able to be used in another capacity and that building is going on in general.

With no further discussion from Council, the following vote was recorded approving Ordinance #O-21-037:

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

Noes: 0

// In the matter of Public Comment, Agenda Item #9, Mr. Brandon Barney asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #10, Mr. Jamie Maxwell, representative of Lynchburg Firefighter's Association, spoke to Council on the topic of the City of Lynchburg's department directors. He noted that the Fire Department is suffering from overuse of department resources like staff and engines and recognized the number of people who helped to gain accreditation, like Brian Jones. He condemned the disparity in pay between certain City employees and the communication Dr. Reid Wodicka sent out concerning the lawsuit between the Firefighter's Association and the City. He asked the City to do better and resolve the issues of compression and lack of retention in the Fire Department.

// In the matter of Public Comment, Agenda Item #11, Mr. Robert Williams was not in attendance.

// In the matter of Public Comment, Agenda Item #12, Mr. Marty Misjuns, representative of Lynchburg FIREPAC, asked to be removed from the agenda.

// In the matter of Lynchburg City Schools (LCS), Agenda Item #13, Council considered approving Resolution #R-21-038 allowing the School Board of the City of Lynchburg to compensate the Chairperson of the School Board with an additional annual salary. LCS Superintendent Dr. Crystal Edwards and School Board Vice Chair Dr. Robert Brennan provide Council with a summary of the request. The request is that the schoolboard chair receive an additional compensation of \$2,000.00 a year for their service. Officials will be reelected in July and at that time the chair will have the option to accept or deny the compensation. It is their hope that this option will make joining the schoolboard more attractive to the average citizens of Lynchburg. Being on the schoolboard often requires a lot of time away from individual jobs and personal responsibilities. Many members take vacation time to do the work of the schoolboard. The chair has additional responsibilities and additional hours as well. This request has to come to City Council for approval as stated in Code.

Vice Mayor Wright asked for a clarification that if approved, the additional compensation would not take effect until July when the new board chair is selected. Dr. Edwards agreed and added that the compensation would not be automatically granted and the selected chair could defer.

Councilmember Helgeson noted that the schoolboard is working hard but has not demonstrated much success this past year. He noted that failure rates are up, schools have not been open full time, the board has been unresponsive to citizens, and the chair has not practiced appropriate decorum at meetings. Additional pay is usually granted when someone performs well and that is not the case here. He cannot support extra money going to the chair at this time.

Councilmember Helgeson made a motion to deny the resolution, seconded by Councilmember Faraldi. Councilmember Helgeson reiterated his previous statements and added that the attendance at sporting events has been limited, to the dismay of parents, and that the schoolboard should find ways to increase the allowance of attendees to sporting events, plays, musicals, graduations and other school functions. Councilmember Faraldi stated that numerous full-time City employees will not even receive a \$2,000.00 pay increase as a result of the 5% wage increase so supporting this would not be equitable. Council has already said that they will move forward with a budget that has a compensation plan; the

majority of that will be health insurance and an unelected appointee of Council should not reap those benefits. He did not support the increase in compensation and for similar reasons cannot support this.

Councilmember Wilder made a substitute motion to approve the resolution, seconded by Councilmember Tweedy. Councilmember Wilder stated that he served on the schoolboard and understands the demands of the role. Previously, the schoolboard was nonpaid despite serving sixteen schools and numerous functions. He commended the current members of the schoolboard for working and adapting through the pandemic. It has been a learning process for all involved. He noted that City Hall is still closed so it is unrealistic to expect the schools to be fully open. There has been a lot of pressure and challenges for the schoolboard but they have continued their work. He thanked them for their service and noted the importance of working together as a community and the power of prayer. The schoolboard deserves to earn more than what is being discussed. Councilmember Tweedy stated that she also served on the schoolboard before City Council and recognizes the time and effort members put into their duties. Schoolboard members are available and responsive to citizen requests and communication, as is the administration. She supports compensation for the schoolboard if they choose to take it and noted that it is long overdue. It is appropriate for the amount of time spent and will help generate additional interest in joining and equity on the schoolboard. She reiterated that schoolboard members often use vacation time to attend conferences or fulfill other board duties and are out in the community supporting every school. She lauded their efforts and expressed her appreciation for their work.

Councilmember Nelson asked for clarification that City Council, though it appoints the schoolboard members, does not need to approve compensation as the schoolboard can do that on its own; the only issue tonight is whether the additional stipend is granted to the chairman. That has not been the implication of the last few councilmembers who have spoken. Dr. Reid Wodicka responded that is accurate.

Councilmember Faraldi stated that when he sat in on schoolboard interviews there was a large, diverse group of applicants and this Council appointed the same three members. He does not see the

need to issue additional compensation to recruit new schoolboard members but instead it is incumbent upon Council to appoint different members if they take issue with the current schoolboard.

Councilmember Tweedy reiterated her appreciation for the current schoolboard members and that they are deserving of compensation for their service.

Mayor Dolan stated, for clarity, that City Council does not appoint the schoolboard chair. The schoolboard itself appoints the chair.

Councilmember Nelson reiterated that City Council is not voting to approve or deny compensation for the schoolboard but is voting to grant or deny an additional stipend for the chair. Just as he opposed an increase in City Council salary, he opposes an additional stipend for the schoolboard chair. The City is in the face of budgetary strife, needs to fund additional medic units and enhance EMS service, and cannot provide its citizens with fundamental services. While the schoolboard chair has been an exceptional individual called upon to render exceptional services under unusually difficult circumstances the City's citizens are financially stressed and the budget is strained. This is not a time to magnify fiscal challenges even for a modest amount of compensation. It can be done in the future but should not be done now.

Vice Mayor Wright stated that he will be supporting the substitute motion. It is important to incentivize people to join the schoolboard. He noted that the amount is not equal to the time that the chair puts in. Council members receive a stipend to defray the cost of doing Council work so it would be inconsistent to deny the schoolboard the option to award this while retaining the right to do it for themselves. It is hard work being on the schoolboard and it makes sense to devolve the authority of granting this stipend to them.

Councilmember Faraldi noted that the stark difference is that Council members are elected, run a campaign, and answer to the public. Schoolboard members are not elected but perhaps they should be. Vice Mayor Wright responded that it is Council's responsibility to take the action or not and it will need to be justified to voters.

Councilmember Helgeson asked what needs to happen for the schoolboard to be elected rather than appointed. There are thousands of people who have signed a petition due to the many shortcomings of the existing schoolboard.

Mayor Dolan stated that this discussion is not germane to the matter at hand. Councilmember Helgeson asserted that it is since many of the shortcomings fall on the chair of the schoolboard. He reiterated that it is not the time to grant a bonus and the chair must be held accountable. If the schoolboard were elected, they could vote on this matter on their own but instead it falls to Council. This should be tabled or voted down.

Mayor Dolan stated that she supports this resolution. It is not a vast sum of money and is not being granted to a particular individual but instead to a position. This vote should not be made on a punitive basis. In the past the schoolboard has not been compensated at all.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-038:

Ayes: Dolan, Wright, Tweedy, Wilder 4

Noes: Helgeson, Nelson, Faraldi 3

// In the matter of City Code, Agenda Item #14, Council considered adopting an ordinance both amending several sections and adding a section to the City Code which involves motor vehicles. Deputy City Attorney, Mr. Matthew Freedman provided Council with a brief summary of the request. These amendments and additions are presented to ensure that the City traffic code remains up to date and consistent with amendments made by the General Assembly. He asked Council to table the item until the next meeting for potential further modifications.

Vice Mayor Wright asked for clarification that Mr. Freedman did not want Council to discuss the item. Mr. Freedman responded that was correct and that he would bring the item back with or without further modification to the next meeting.

Councilmember Wilder stated that Council should provide comments now to speed the process. Councilmember Faraldi shared agreement and requested a change in language that stated more generally City Code would be in compliance with State Code. Mr. Freedman responded that the particular State Code section could be incorporated to address the concern.

Councilmember Helgeson asked why the proposed amendments and additions restrict law enforcement from stopping vehicles or pedestrians for these offenses. He also asked who will enforce the code. Mr. Freedman responded that these amendments and additions mirror State Code. The police will still enforce this code. These are considered secondary offenses, which are not cause for stopping vehicles or pedestrians but are incidental to other stops.

Councilmember Helgeson asked for clarification that these amendments and additions came from the General Assembly this year. Mr. Freedman responded that he needs to further examine the sections that relate to noise and may be modifying them to ensure that he is not making them more restrictive than the General Assembly has. Councilmember Helgeson noted that section after section has the same restrictions in terms of preventing law enforcement from making stops. Mr. Freedman responded that is consistent with State Code. Councilmember Helgeson and Mr. Freedman further discussed the implications and examples of secondary offenses.

Councilmember Nelson stated that there are two aspects for the justification of this. These statutes are directed toward trying to eliminate the subjectivity of stopping someone for something that may be somewhat subjective and using that observation as the pure cause that a person comes under the control of an officer. They also relate to civil law. In civil law, one of the foundations for holding a person negligent is if they violate a State or civil law. If someone engages in such activity, then they are contributorily negligent and assume the risk because they did something unlawful.

Councilmember Wilder asked for clarification that the main goal of these amendments and additions is to bring City Code into compliance with State Code. He added that disagreements with State Code should be brought to the attention of the State legislators.

May 11, 2021

CONSENT AGENDA ITEM: E

Mr. Freedman asked Council if they were happy with the general wording of the amendments and additions as presented. Mayor Dolan responded that Council needed more time to look at the wording.

By general consensus from Council, the matter was postponed until the next meeting.

// The meeting was adjourned at 8:52 p.m.

Clerk of Council

RESOLUTION:

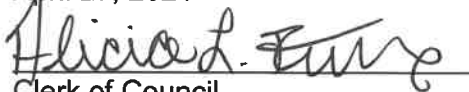
#R-21-028

BE IT RESOLVED that the Chesapeake Stormwater Network will distribute \$3,000 on behalf of Lynchburg Water Resources as follows: \$1,000 to Camp Kum-Ba-Yah, \$1,000 to The James River Association, and \$1,000 to Claytor Nature Center to fund Lynchburg youth to attend environmental education camps in the summer of 2021.

Introduced: April 27, 2021

Adopted: May 11, 2021

Certified:


Clerk of Council

RESOLUTION:

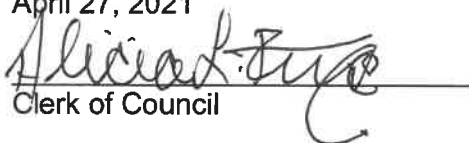
#R-21-032

BE IT RESOLVED that the FY 2021 School Capital Projects Fund is amended and \$317,000 is appropriated with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass.

Introduced: April 27, 2021

Adopted: May 11, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding the Fiscal Year (FY) 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program

KEY ELEMENTS:

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

RECOMMENDATION: Conduct a public hearing to receive comments on the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2022 Annual Action Plan and adopt a resolution approving the FY 2022 Annual Action Plan.

SUMMARY: The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required components; and the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives.

On April 10 a public notice was published in *The News and Advance* stating that a draft of the proposed Program Year 2021 (FY 2022) Annual Action Plan was available for public review for a 30-day public comment period and that City Council would be conducting a public hearing on May 11 to receive public comments regarding the Program Year 2021 (FY 2022) Annual Action Plan. The public comment period began on April 5 and will conclude on May 11. The advertisement for the Annual Action Plan included the projects recommended by City Council at the March 23 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

PRIOR ACTION(S):

February 25, 2021: Community Development Advisory Committee Meeting

March 23, 2021: Public Hearing to receive comments from the recommendations of the Community Development Advisory Committee (CDAC) and City Council's Project Allocations of the Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: None

CONTACT(S): Melva Walker, Grants Manager, 455-3916;
Kent White, Interim Deputy City Manager/Community Development Director, 455-3919

ATTACHMENT(S): Resolution
FY 2022 Draft Annual Action Plan Narrative

REVIEWED BY: klw
059A

RESOLUTION:

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2022 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified: _____
Clerk of Council

DRAFT



ANNUAL ACTION PLAN



Program Year 2021 • Fiscal Year 2022
July 1, 2021 - June 30, 2022

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Lynchburg receives an annual entitlement allocation of funding from the U. S. Department of Housing and Urban Development (HUD) to be used for the benefit of low-income persons or neighborhoods. The funding is based on a formula and a number of community development factors including population, the extent of poverty, housing overcrowding, and slower population growth in relationship to other metropolitan areas.

The City of Lynchburg receives two different entitlement grants from HUD, the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program Grant. The City uses these funds to leverage other public and private funding towards community development and housing projects.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Programs, is required by HUD to submit a consolidated plan every five years. The Consolidated Plan defines a specific course of action to meet the community development and housing needs for the citizens of Lynchburg. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that the City, Lynchburg Redevelopment and Housing Authority (LRHA), and nonprofit organizations can work together to assist in meeting the needs of families and/or individuals. The strategic plan in this document also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps the City and citizens keep track of results and learn what works in the community.

This Consolidated Plan corresponds to the City's five fiscal years, which began July 1, 2020 and ends June 30, 2025. Once a year, City staff writes an Action Plan. The Action Plan outlines projects and the amount of funding that will go towards the goals outlined in the Consolidated Plan. At the conclusion of each fiscal year, City staff writes a final report, called the Consolidated Annual Performance and Evaluation Report (CAPER), to report the progress towards the Consolidated Plan goals and accomplishments by project.

The CDBG and HOME funding allocations have been trending downwards and that trend is expected to continue. However, this Plan takes into account the increasing importance of identifying and prioritizing the most critical needs to be addressed with CDBG and HOME Program funds.

Structure of the Plan

The Consolidated Plan consists of three major sections: a housing and community development needs assessment, a housing market analysis, and a strategic plan which identifies those priority housing and community development needs and strategies that the City plans to address with the available HUD resources over the next five years. This plan was formulated using HUD's eConPlan tool, which dictates the plan's structure and provides a series of pre-populated tables.

Data in the three major sections was drawn primarily from HUD's Comprehensive Housing Affordability Strategy (CHAS) data set, which is a special tabulation of 2007-2011 American Community Survey (ACS) data from the Census Bureau. The CHAS data is a fixed set of data in pre-populated tables. The CHAS data describes housing problems, such as overcrowding or incomplete kitchen and/or plumbing facilities, as well as cost burden, which occurs when a household pays more than 30% of its gross income on housing costs. Extreme cost burden occurs when a household pays more than 50% of its gross income on housing costs.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Strategic Plan within the 2020-2024 Consolidated Plan provides a framework to address the needs of the City for the five years using CDBG and HOME funds. The three overarching objectives guiding the proposed activities are:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Outcomes show how programs and activities benefit a community or the people served. The three outcomes that will illustrate the benefits of each activity funded by the CDBG and HOME programs are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five year plan and the Program Year 2021 Annual Action Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment

- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of CDBG and HOME Program funds granted to the City by HUD for the five years that began on July 1, 2020 and ends on June 30, 2025. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council on January 12, 2021 for the Fiscal Year (FY) 2022 (Program Year 2021) Annual Action Plan.

Housing Goals

- Support initiatives to increase permanent affordable housing in the rental markets. Increase the number of owner-occupied units. Emphasis to be placed on mixed income and inclusive communities.
- Support the preservation of affordable housing in both the rental and sales markets, including the rehabilitation of substandard housing.
- Support the improvements to public facilities and infrastructure.

Non-Housing Goals

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

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In Program Year 2019 (FY20), the City received \$733,512 in CDBG entitlement funds and \$392,864 in HOME Program entitlement funds. Along with these entitlement funds, are previously receipted program income of \$2,100 and reprogrammed funds of \$60,729.80, respectively, in the CDBG Program was allocated to eligible projects. The total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2019 was \$1,189,205.80. This represented a total of \$796,341.80 in CDBG and \$392,864 in HOME Program dollars. The City allocated the majority of its CDBG and HOME Program funds for projects and activities classified as housing, public facilities and infrastructure, and public services.

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2019 (FY 2020). The CAPER noted that the City's performance in Program Year 2019 (FY 2020) met the regulatory expectations in regard to the following:

CDBG Program- In Program Year 2019 approximately 82% (\$544,493) of the CDBG funds were expended on activities that benefited low-to-moderate (LMI) persons within the City. With this amount the City was above the minimum threshold of 70% set in 24 CFR 570.901(a).

There was 5.68% (\$124,290.31) of Lynchburg's CDBG allocation and prior years' funding expended on planning and administration, which was under the maximum of 20% allowed according to 24 CFR 570.206(g).

There was 14.64% (\$119,772.74) of Lynchburg's CDBG allocation and prior years' funding expended for public service activities; therefore, the City was under the maximum of 15% mandated by 24 CFR 570.201(e).

HOME & CDBG Program- Housing

HOME funds were used to achieve the goals of increasing the number of affordable rental units, increase the number of owner occupied units and to rehabilitate substandard housing units.

The City increased the number of owner occupied units by four (4) during PY 2019. Greater Lynchburg's Habitat for Humanity (GLHFH) provided Homebuyer Homeownership for three (3) units through its Down Payment Assistance Project to eligible clients and Lynchburg Community Action Group (Lyn-CAG) through its Community Housing Development Organization (CHDO) project acquired and rehabilitated one (1) housing units for a low-moderate income first-time homebuyer. There was \$139,214.33 of the City's HOME entitlement funds expended on this unit.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2022 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan.
- There was one public meeting conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2022 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

5. Summary of public comments

On January 12, 2021 City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2022 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one present who wished to speak to this item, and the public hearing was closed. City Council approved the goals.

On February 25, 2021 the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the anticipated allocation of \$741,305.47 in CDBG entitlement, and reprogrammable funds and \$468,424.87 in HOME Program entitlement and reprogrammable funds. There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously agreed on the recommended projects for the CDBG and HOME Program that would be submitted to City Council for approval. At the time of the CDAC meeting the City had not received final entitlement allocations from HUD. Therefore, CDAC included in their recommendations increase/decrease adjustments to the recommended projects based on the final allocations from HUD.

On February 25, 2021, the City received final entitlement allocation amounts for the CDBG and HOME Programs. Due to decrease in the funding amounts, staff made adjustments to the CDAC recommended allocations by directive of CDAC and according to HUD guidelines for the public service activity guidelines and project eligibility. The final CDBG entitlement, program income and reprogrammable funds are \$796,341.80 and \$392,864 in HOME Program entitlement funds.

On March 23, 2021 City Council conducted a public hearing to receive public input and adopt the proposed FY 2022 CDBG and HOME Program projects. There were four (4) agency representatives, who had submitted applications for funding who wrote in or left voice messages for City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On May 11, 2021 City Council will conduct a public meeting to accept comments regarding the draft FY 2022 Annual Action Plan. See AP-12 Participation for comments.

6. Summary of comments or views not accepted and the reasons for not accepting them

Any comments received during the public comment period will be reviewed and incorporated.

7. Summary

The public participation in FY 2022 Annual Action Plan carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling and maintaining/retaining their homes; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role		Name	Department/Agency
CDBG Administrator			Community Development/Grants Administration
HOME Administrator			Community Development/Grants Administration

Table 1 – Responsible Agencies

Narrative (optional)

The City of Lynchburg’s Community Development Grants Administration Office is the lead agency for the preparation of the Consolidated Plan.

Consolidated Plan Public Contact Information

City of Lynchburg Department of Community Development
Grants Administration Office
900 Church Street
Lynchburg, VA 24504
Contact: Melva C. Walker, Grants Manager
Phone: 434.455.3916
Email: melva.walker@lynchburgva.gov
Website: www.lynchburgva.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Lynchburg utilized an outreach effort to maximize input from stakeholders. This outreach effort included the Community Development Advisory Committee (CDAC) meeting, public meetings, and published meeting notices and social media avenues (City's website and Grants Administration website).

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

To ensure the participation of and coordination between public and private agencies, the Grants Administration staff sent informational material and written communication to community organizations for preliminary discussions on the Plan and the needs of the citizens of Lynchburg. Some of the agencies contacted included: Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Health Department, Johnson Health Center, Lynchburg Department of Human Services, Miriam's House, The Gateway, Inc., Rush Homes, Central Virginia Continuum of Care, City of Lynchburg Office of Economic Development, Lynchburg Community Action Group, United Way of Central Virginia, Region 2000, and Divisions of Neighborhood Services/Code Enforcement and Inspections within the Department of Community Development.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Lynchburg is a member of the Central Virginia Continuum of Care (CVCoC), which is a regional group of agencies that focuses on issues pertaining to homelessness. Through the participation of the members of the CVCoC the agency can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing. In addition, the City along with the CVCoC has a partnership with Lynchburg Redevelopment and Housing Authority (LRHA) to fund a Homeless Intake Coordinator position to provide a coordinated intake process for homeless persons. This position and the coordinated intake process at LRHA provide a higher level of coordination with the CVCoC to address the needs of homeless persons.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate

outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Lynchburg does not receive Emergency Solutions Grant (ESG) funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY (LRHA)
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Redevelopment and Housing Authority (LRHA), the Public Housing Authority (PHA), was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
2	Agency/Group/Organization	Rush Homes
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Housing needs- persons with disabilities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Rush Homes was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
3	Agency/Group/Organization	GREATER LYNCHBURG HABITAT FOR HUMANITY

	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Low-to-moderate income families
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Lynchburg Habitat for Humanity (GLHFH) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
4	Agency/Group/Organization	LYNCHBURG COMMUNITY ACTION GROUP, INC. (LYN-CAG)
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with HIV/AIDS Services-homeless Services-Education Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Anti-poverty Strategy Lead-based Paint Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lyn-CAG was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing, rehabilitation to owner-occupied housing, and the availability of community and housing services for low-to-moderate income persons.

5	Agency/Group/Organization	LYNCHBURG COVENANT FELLOWSHIP
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Covenant Fellowship (LCF) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing and the availability of housing for low-to-moderate income persons and the elderly.
6	Agency/Group/Organization	BOYS AND GIRLS CLUB OF GREATER LYNCHBURG
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Boys and Girls Club of Greater Lynchburg was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the Lynchburg Police Department improves neighborhood organizations and the relationship with youth in the community.
8	Agency/Group/Organization	LYNCHBURG POLICE DEPARTMENT
	Agency/Group/Organization Type	Other government - Local Collaborate with Boys and Girls Club programs

	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Police Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with the Lynchburg Police Department improves the neighborhood organizations and watches that the officers participate in for prevention of crime and provide safety to the neighborhoods and in its collaboration with the Boys and Girls Club working with youth.
9	Agency/Group/Organization	Lynchburg Parks and Recreation
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Recreational Activities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Parks and Recreation Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan include the consultation with this agency should include: access to recreational activities for youth and adults in the low-moderate income population. Public facility improvements for the Neighborhood Centers.
10	Agency/Group/Organization	FREE CLINIC OF CENTRAL VIRGINIA
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Free Clinic of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.

11	Agency/Group/Organization	Central Virginia Health Department
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Central Virginia Health Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
12	Agency/Group/Organization	Johnson Health Center
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Johnson Health Center was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
13	Agency/Group/Organization	Centra Foundation
	Agency/Group/Organization Type	Services-Health Regional organization Foundation
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Centra Foundation was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.

14	Agency/Group/Organization	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Virginia's Region 2000 Local Government Council was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives of the Annual Action Plan.
15	Agency/Group/Organization	LYNCHBURG ASSOCIATION OF REALTORS
	Agency/Group/Organization Type	Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Association of Realtors was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing the opportunities for low-moderate income persons to purchase affordable housing.
16	Agency/Group/Organization	UNITED WAY OF CENTRAL VIRGINIA, INC.
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The United Way of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives for the Annual Action Plan.

17	Agency/Group/Organization	LYNCHBURG CITY SCHOOLS
	Agency/Group/Organization Type	Services-Children Services-Education Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg City Schools was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include improved educational opportunities and partnerships to explore programs to offer for low-moderate income persons to obtain housing and life skills stability.
18	Agency/Group/Organization	Miriam's House
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Shelter
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Miriam's House was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will expand affordable housing opportunities for homeless women and children and assist in providing improved public services.
19	Agency/Group/Organization	Lynchburg Area Center for Independent Living
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Area Center for Independent Living (LACIL) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
20	Agency/Group/Organization	City of Lynchburg Department of Social Services
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Division of Social Services was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.

Identify any Agency Types not consulted and provide rationale for not consulting

City staff is not aware of any agencies that were not contacted to participate in relation to the housing and community development needs for the City.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Central Virginia CoC	Information from the application provided a framework for the homeless needs section.
Analysis of Impediments to Fair Housing (AI)	City of Lynchburg	The Fair Housing Action Plan implementation recommendations from the AI were reviewed for the Annual Action Plan.
The City of Lynchburg Comprehensive Plan 2013	City of Lynchburg	The Comprehensive Plan was reviewed to match the Annual Action Plan goals.

Table 2 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

On January 12, 2021 City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2020-2024 by City Council on February 11, 2020 regarding the needs common to low and moderate income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the FY 2022 Annual Action Plan at the public hearing.

CDAC conducted a public meeting on February 25, 2021 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on February 10, 2021 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

On February 25, 2021, the City received final entitlement allocation amounts for the CDBG and HOME Programs. Due to a decrease in the funding amounts, staff made adjustments to the CDAC recommended allocations by directive of CDAC and according to HUD guidelines for the public service activity guidelines and project eligibility. The final CDBG entitlement and reprogrammable funds are \$741,305.47 and \$468,424.87 in HOME Program entitlement funds and reprogrammable funds.

CDAC and the public were informed that City Council would hold a public hearing on March 23, 2021 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan. There were four (4) agency representatives who had submitted applications for funding that wrote in or left voice messages to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On May 11, 2021 City Council will conduct a public meeting to accept comments regarding the draft FY 2022 Annual Action Plan. Public comments will be included in the Annual Action Plan to be submittal to HUD.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	January 12, 2021` City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	www.lynchburgva.gov/city-council-meetings
2	Public Hearing	Non-targeted/broad community	March 23, 2021 City Council public hearing. Four agency representatives from Lyn-CAG, CVCoC, Rush Homes, and Habitat who wrote in or left a message asking support of the CDBG and HOME Program requests.	Representatives from Lyn-CAG, Habitat, Rush Homes, and CVCoC wrote in or left messages requesting City Council's support of the CDAC recommendations for their CDBG and HOME Program applications.	There were no public comments that were not considered by City Council.	www.lynchburgva.gov/city-council-meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Non-targeted/broad community	May 11, 2021 City Council public hearing.	Comments will be incorporated	Comments will be incorporated	
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: All Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 12, 2021 City Council public hearing; for the March 23, 2021 City Council public hearing; and Will be published for the May 11, 2021 City Council public hearing.			www.lynchburgva.gov/grants-administration

Table 3 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

See the Priority Table below for the anticipated resources for Fiscal Year 2022 that will be used to address housing and non-housing goals within the 2020-2024 Consolidated Plan.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	718,593	0	22,712.47	741,305.47	2,140,867	CDBG funds will support housing and non-housing community development in the City of Lynchburg.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	413,856	0	54,568.87	468,424.87	1,283,296	HOME Program funds will continue to support housing rehabilitation and development in the City of Lynchburg.

Table 4 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Lynchburg will continue to partner with other public agencies and nonprofit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development. The City plans to meet the HOME Program match requirements by utilizing the volunteer labor and construction material costs accrued from the construction of homes completed by Greater Lynchburg Habitat for Humanity.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Non Applicable

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase permanent affordable housing in the rental market)	2020	2024	Affordable Housing	Citywide	Increase access to and quality of Affordable Housing Affordable Housing for Special Needs Populations Housing Rehabilitation	HOME: \$150,000	Rental Units Constructed: 31 units

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Increase the Number of Owner-Occupied Units	2020	2024	Affordable Housing	Citywide	Increase access to and quality of Affordable Housing Affordable Housing for Special Needs Populations Housing Rehabilitation	HOME: \$285,424	Homeowner Housing Added: 11 units Direct Financial Assistance to Homebuyers: 7 Households Assisted
3	Improve the City's Public Facilities	2020	2024	Non-Housing Community Development	CENSUS TRACTS 4,5,6,7, 11, and 19	Public Facility Improvements	CDBG: \$507,017.47	Public Facility or Infrastructure for Low/Moderate Income Other than Housing Benefit: 1,365 Persons Assisted
4	Promote Public Service Activities	2020	2024	Public Services (non homeless and homeless)	Citywide	Homeless Housing and Services Public Services	CDBG: \$107,788	Public service activities for Low/Moderate Income Housing Benefit: 1000 Households Assisted Homelessness Prevention: 1000 Persons Assisted
5	Provide quality oversight and administration of federal programs	2020	2024	Other - Planning and Administration	Citywide	Planning and Administration	CDBG: \$126,500 HOME: \$33,000	Other: 0 Other

Table 5 – Goals Summary

Goal Descriptions

1	Goal Name	Increase permanent affordable housing (rental market)
	Goal Description	Fund activities that expand the supply and improve the condition of housing affordable to lower income households. Fund activities that leverage other public and private resources such as Low-Income Housing Tax Credit projects. Support incentives to increase permanent affordable multifamily rental housing as well as direct assistance to low-income households. Emphasis to be placed on mixed income and inclusive communities.
2	Goal Name	Increase the Number of Owner-Occupied Units
	Goal Description	Increasing the number of owner-occupied units through programs such as the Greater Lynchburg Habitat for Humanity program to provide down payment assistance, and housing development and the Community Housing Development Organization (CHDO) will stabilize the City's housing stock through new construction, acquisition, and rehabilitation. Emphasis to be placed on mixed income and inclusive communities.
3	Goal Name	Improve Public Facilities
	Goal Description	Fund non-housing community development proposals that eliminate a threat to public health and safety and/or expand affordable housing development to include water/sewer projects, drainage projects, sidewalks, street improvements, neighborhood improvements, and solid waste disposal projects.
4	Goal Name	Promote Public Service Activities and Provide Homeless Services
	Goal Description	Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families. Promote efforts to remove barriers to escape poverty and strengthen low-income households and families. Promote neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place. Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.

5	Goal Name	Provide quality oversight and administration of federal programs
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program, Neighborhood Plan and the Analysis of Impediments to Fair Housing.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City's FY 2022 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

Projects

#	Project Name
1	City Administration
2	Jefferson Park Revitalization Improvements
3	LRHA/CVCoC Centralized Homeless Intake Coordinator
4	LRHA/Affordable Housing Resource Center
5	Florida Terrace-Rush Homes-CHDO Rental Development
6	Habitat for Humanity- Knott Street Development
7	Lyn-CAG Down Payment Assistance

Table 6 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

There are no known obstacles. Locations were selected to increase opportunity in LMI areas.

AP-38 Project Summary

Project Summary Information

1	Project Name	City Administration
	Target Area	Citywide
	Goals Supported	Provide quality oversight/admin fed. programs
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$126,500 HOME: \$33,000

	Description	Funding used for the general oversight, monitoring, administration, and personnel costs associated with the programs.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	N/A- Planning and Administration
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
	Planned Activities	Administration of the CDBG and HOME Program
2	Project Name	Jefferson Park Revitalization Improvements
	Target Area	CENSUS TRACT 7
	Goals Supported	Improve the City's Public Facilities
	Needs Addressed	Public Facilities Improvements
	Funding	CDBG: \$507,017.47
	Description	Funding is to implement the initial wave of improvements in Jefferson Park per the forthcoming Dearington Neighborhood Parks & Recreation Plan. The City's, in-house, efforts to transform the corner of Jefferson Park at Kirby and Chambers Streets into an active and engaging neighborhood asset. Residents at Dearington Apartments and the larger neighborhood, as well as Lynchburg citizens, will benefit from revitalized park facilities and a new community plaza.
	Target Date	6/30/2022

	Estimate the number and type of families that will benefit from the proposed activities	1,365 people (635 housing units)
	Location Description	405 N York Street, Lynchburg, VA
	Planned Activities	Specific improvements include: • One full and one-half new basketball courts to replace the existing, located at the existing amphitheater, to include a community selected mural; • ADA accessible trail from Kirby Street in to the park; • Interim public plaza on the tennis courts, with pavilion and Wi-Fi/charging stations; • Historical signage and public art to recognize neighborhood culture/history; and • Amphitheater improvements (repairs, stairs that access seating rows); • Basketball Court lighting; • Enhance the interim plaza space with additional shade structures or lighting or add outdoor fitness equipment or play tables; • Add a chalk walk or other interactive features that allow for self-expression; and • Additional amphitheater improvements.
3	Project Name	LRHA/CVCoC Centralized Homeless Intake Coordinator
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities for Homeless
	Needs Addressed	Public Services
	Funding	CDBG: \$65,000

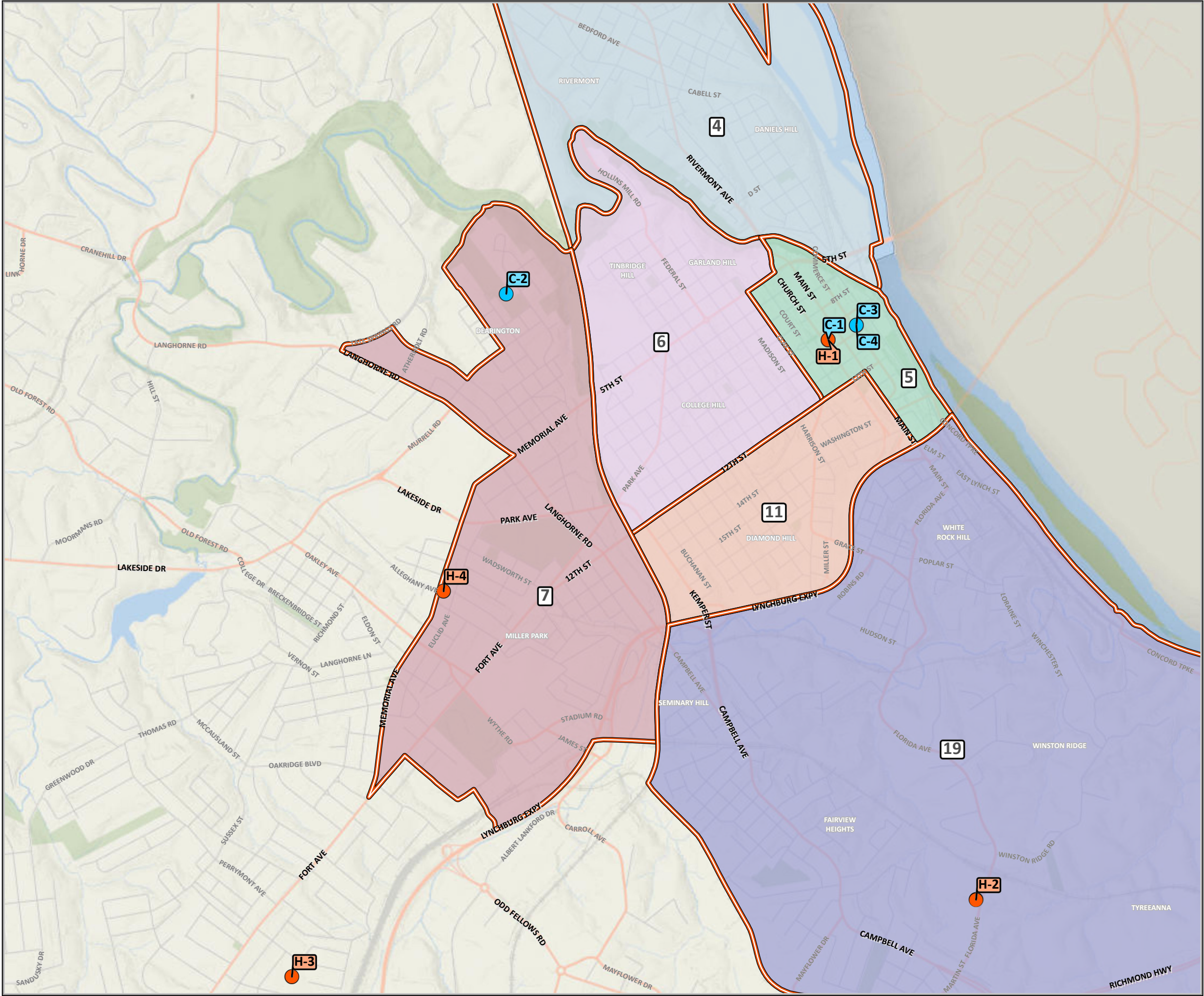
	Description	This project will provide the funding for the Homeless Intake Coordinator. This staff person will assist the Continuum of Care (CVCoc) organization's Homeless Intake and Access (CHIA) system. This centralized system provides services to households who are experiencing a housing crisis. The services include either diversion, domestic violence assistance, or emergency shelter placement. Homeless assistance programs participating in CHIA receive 100% of their referrals through CHIA to ensure that there is a fair and transparent means to access services.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	1,000 people
	Location Description	918 Commerce Street, Lynchburg, VA 24504
	Planned Activities	The CDBG funds will provide for the continuation of a full-time person to conduct the assessment/intake of homeless persons and coordinate the resources of homeless providers/agencies.
4	Project Name	LRHA/Affordable Housing Resource Center -Homeless and Non-Homeless
	Target Area	Citywide
	Goals Supported	Promote Public Services Activities
	Needs Addressed	Public Services
	Funding	CDBG: \$ 42,788

	Description	The project would provide for the continued funding of the Affordable Housing Resource Center (AHRC). The AHRC is staffed with a Housing Navigator to provide a centralized access-point to all affordable housing resources and program available in the City. The CHIA Homeless Intake Coordinator who assists homeless persons is also located in the AHRC. The project is a collaboration of the Lynchburg Housing Collaborative partners, the Central Virginia Continuum of Care (CVCoC), the City of Lynchburg, and Lynchburg Redevelopment and Housing Authority (LRHA).
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	1,000 people
	Location Description	918 Commerce Street, Lynchburg, VA 24504
	Planned Activities	This CDBG Activity will provide the funds for staff, benefits, and operating costs for the AHRC. The Center provides a “Housing Navigator” who assists citizens in navigating affordable housing challenges, as well as opportunities, in the City.
5	Project Name	Florida Terrace- Rush Homes- CHDO Rental Development
	Target Area	Citywide
	Goals Supported	Increase permanent affordable housing (rental market)
	Needs Addressed	Affordable Housing for Special Needs
	Funding	HOME: \$150,000

	Description	This development has been revamped to consist of a 31 apartment unit building for people with disabilities and/or low incomes located at 2117 Florida Avenue. Eight (8) units will be set aside for permanent supportive housing (PSH) for individuals exiting homelessness and at least an additional four (4) units are prioritized for persons with developmental disabilities.
	Target Date	6/30/22
	Estimate the number and type of families that will benefit from the proposed activities	42 people/ 31 housing units
	Location Description	2117 Florida Terrace
	Planned Activities	The planned activity is for the new construction of 31 rental housing units.
6	Project Name	Habitat for Humanity
	Target Area	Citywide
	Goals Supported	Increase the number of owner occupied units
	Needs Addressed	Increase access to/quality of affordable housing
	Funding	HOME: \$208,424.87
	Description	The Knott Street Development project serves to create eleven buildable lots upon which GLHFH can construct modestly appointed homes and sell to individuals who qualify for its homeownership program. GLHFH is struggling to acquire buildable properties in Lynchburg. GLHFH owns four tax parcels on Knott Street but does not have the capital to fund their development into 11 separate lots. HOME funds for the road and infrastructure improvements will enable GLHFH to put its acquired house-specific sponsorship funds toward the construction costs of 11 homes.

	Target Date	6/30/22
	Estimate the number and type of families that will benefit from the proposed activities	11 new homeownership units will be made available by the proposed project.
	Location Description	1500, 1507, 1517, 1521, and 1525 Knott Street, Lynchburg, VA
	Planned Activities	Costs for building the streets, sidewalks, waterline, sewer connections, clearing a number of trees, and other required appurtenances.
7	Project Name	Lyn-CAG Down Payment Assistance
	Target Area	Citywide
	Goals Supported	Increase the number of owner occupied units
	Needs Addressed	Increase access to/quality of affordable housing
	Funding	HOME: \$77,000
	Description	The First Time Homebuyer Down Payment Assistance Program aims to provide seven (7) low-income households (families and individuals) with down payment assistance. This gap funding aims to remove economic barriers to obtaining homeownerships in the City of Lynchburg.
	Target Date	6/30/22

Estimate the number and type of families that will benefit from the proposed activities	7 households (individuals and families) will obtain homeownership
Location Description	2600 Memorial Avenue, Suite 201, Lynchburg, VA 24502
Planned Activities	By providing this program and financial assistance, Lyn-CAG is furthering access to home ownership.



2022 PROJECT LOCATIONS

Map #	Name	Program
C-1	Administration- City of Lynchburg	CDBG
C-2	Jefferson Park Revitalization Improvements	CDBG
C-3	LRHA/CoC Coordinated Homless Intake and Access Coordinator	CDBG
C-4	LRHA Affordable Housing Resource Center	CDBG
H-1	Administration- City of Lynchburg	HOME
H-2	Rush Lifetime Homes - Florida Terrace Rental Housing (CHDO)	HOME
H-3	Greater Lynchburg Habitat for Humanity - Knott Street Development	HOME
H-5	Lyn-CAG Downpayment Assistance	HOME

LRHA: Lynchburg Redevelopment and Housing Authority
Lyn-CAG: Lynchburg Community Action Group

LEGEND

Project Locations

● CDBG ● HOME

Target Census Tracts

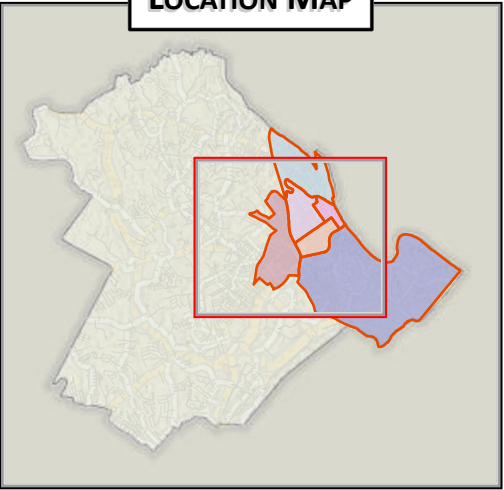
4 6 11
 5 7 19

Target Tracts Combined Area

Reference

Neighborhood Labels

LOCATION MAP



City of Lynchburg GIS Division - 4/6/2021

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TARGETED CENSUS TRACTS

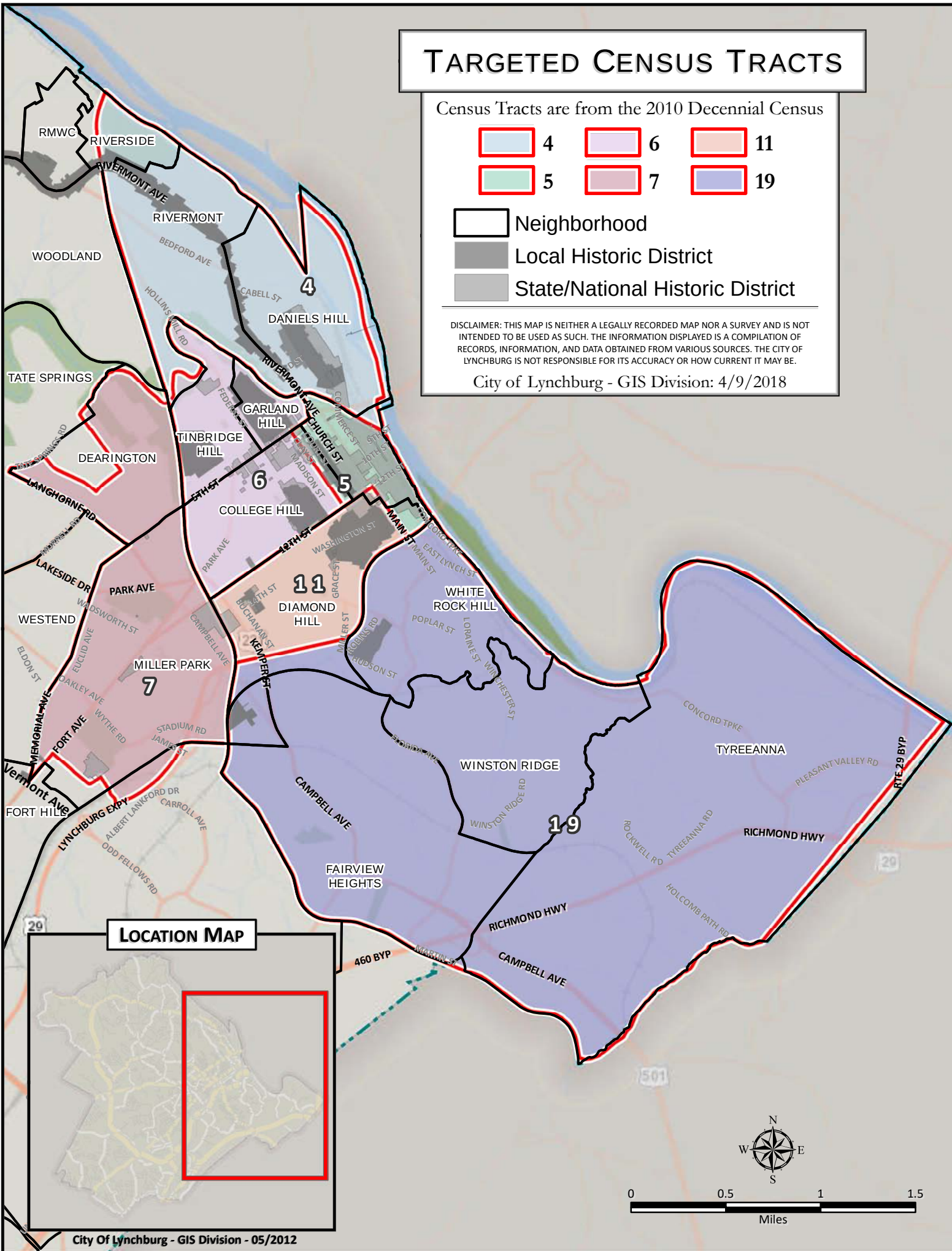
Census Tracts are from the 2010 Decennial Census

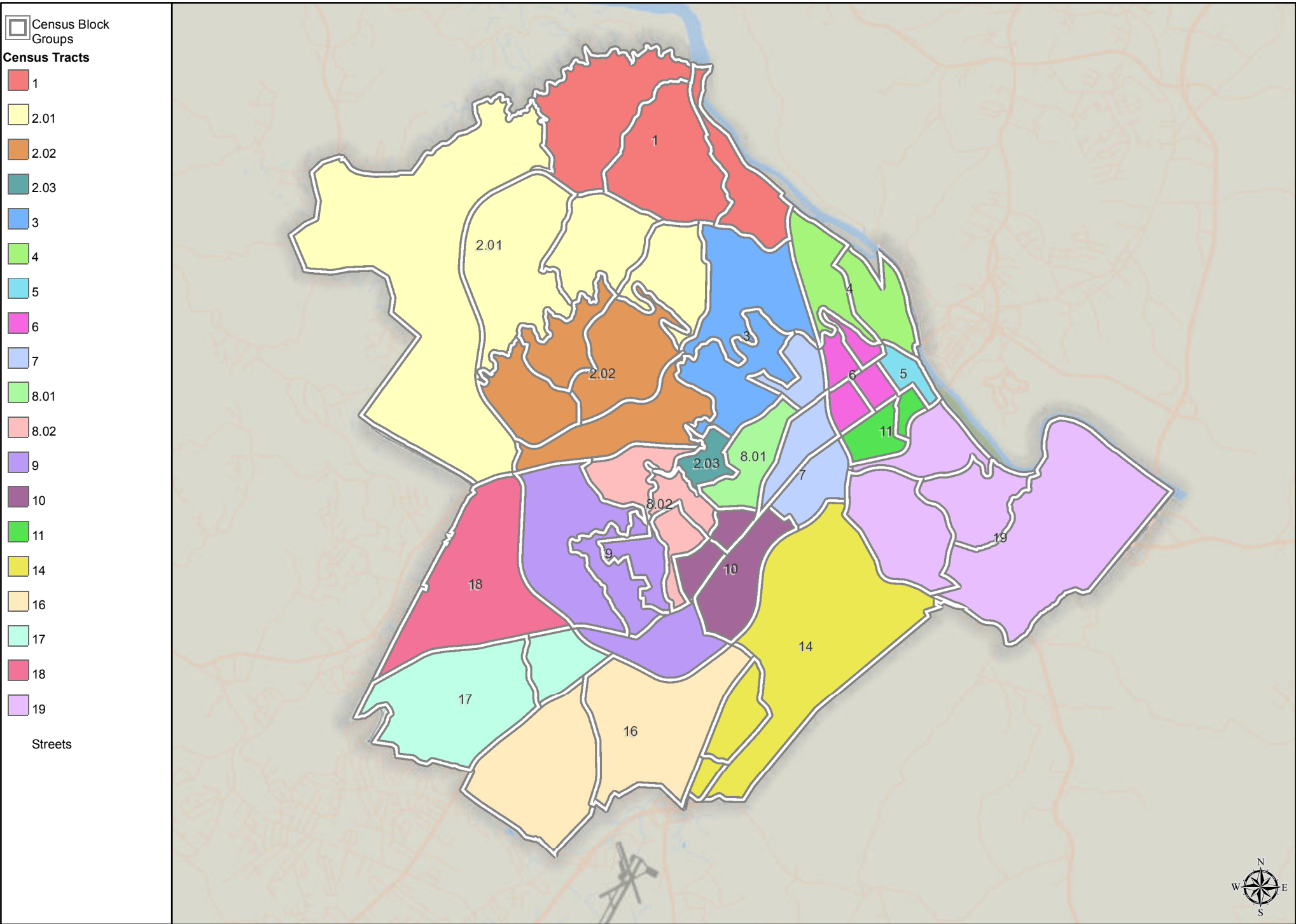


 Neighborhood
 Local Historic District
 State/National Historic District

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City of Lynchburg - GIS Division: 4/9/2018





Census Tracts



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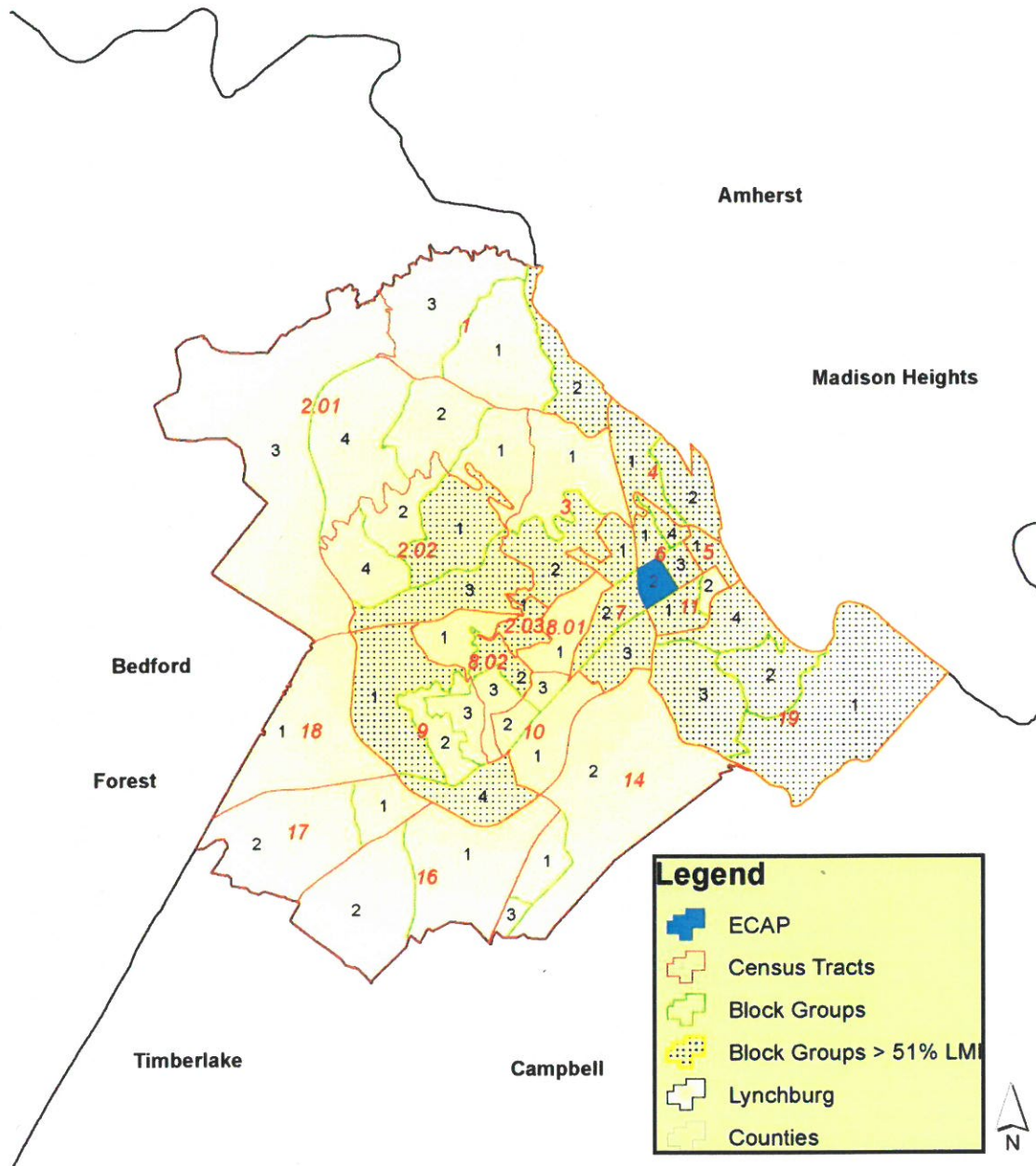
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PRINTED ON
May 23, 2019

Ethnically Concentrated Areas of Poverty (ECAP), 2013

Lynchburg, Virginia Consolidated Plan

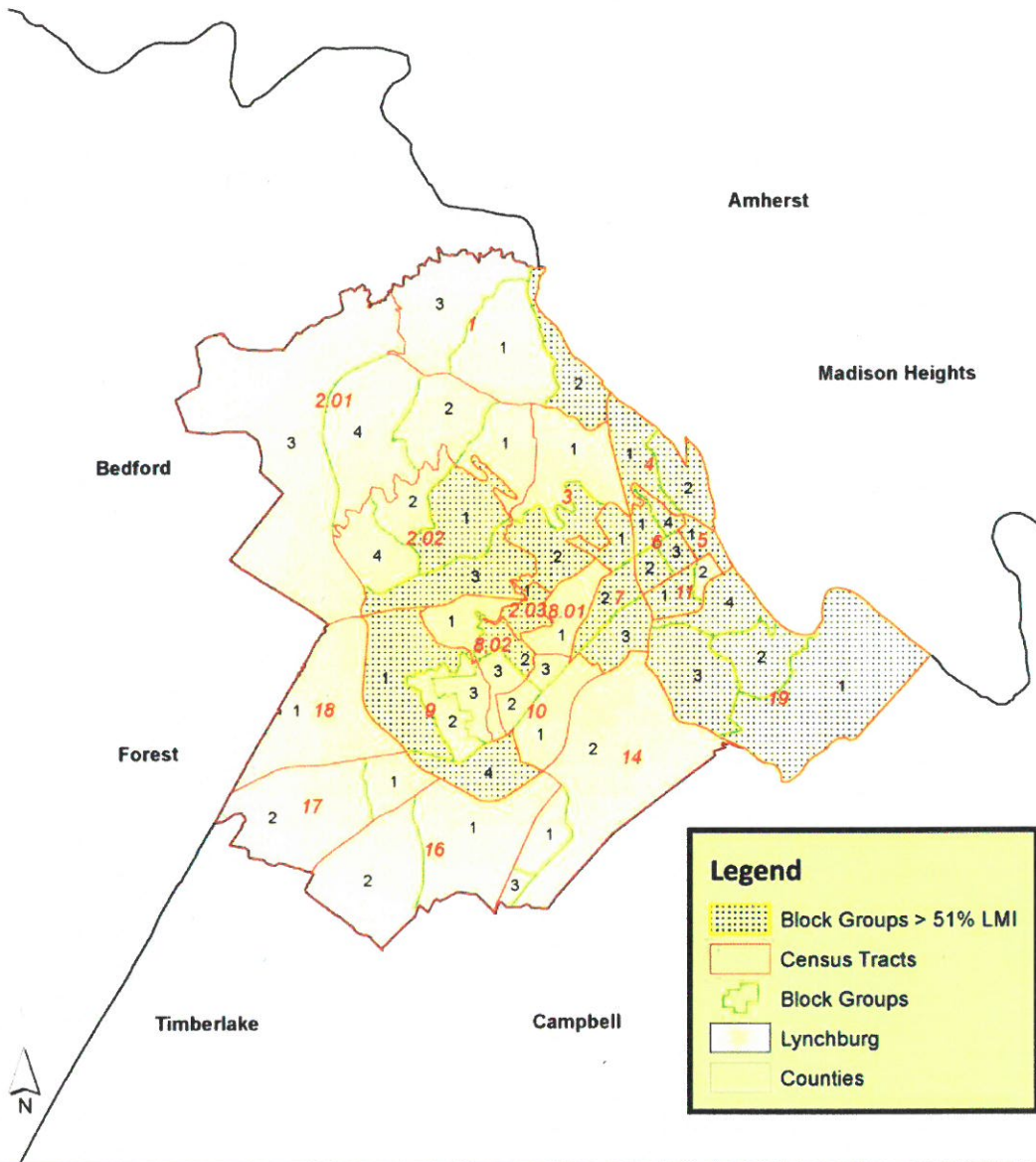
Source: 2013 ACS Data, B03002, 2014 HUD Low and Moderate Summary Data



Low and Moderate Income Areas

Lynchburg, Virginia Consolidated Plan

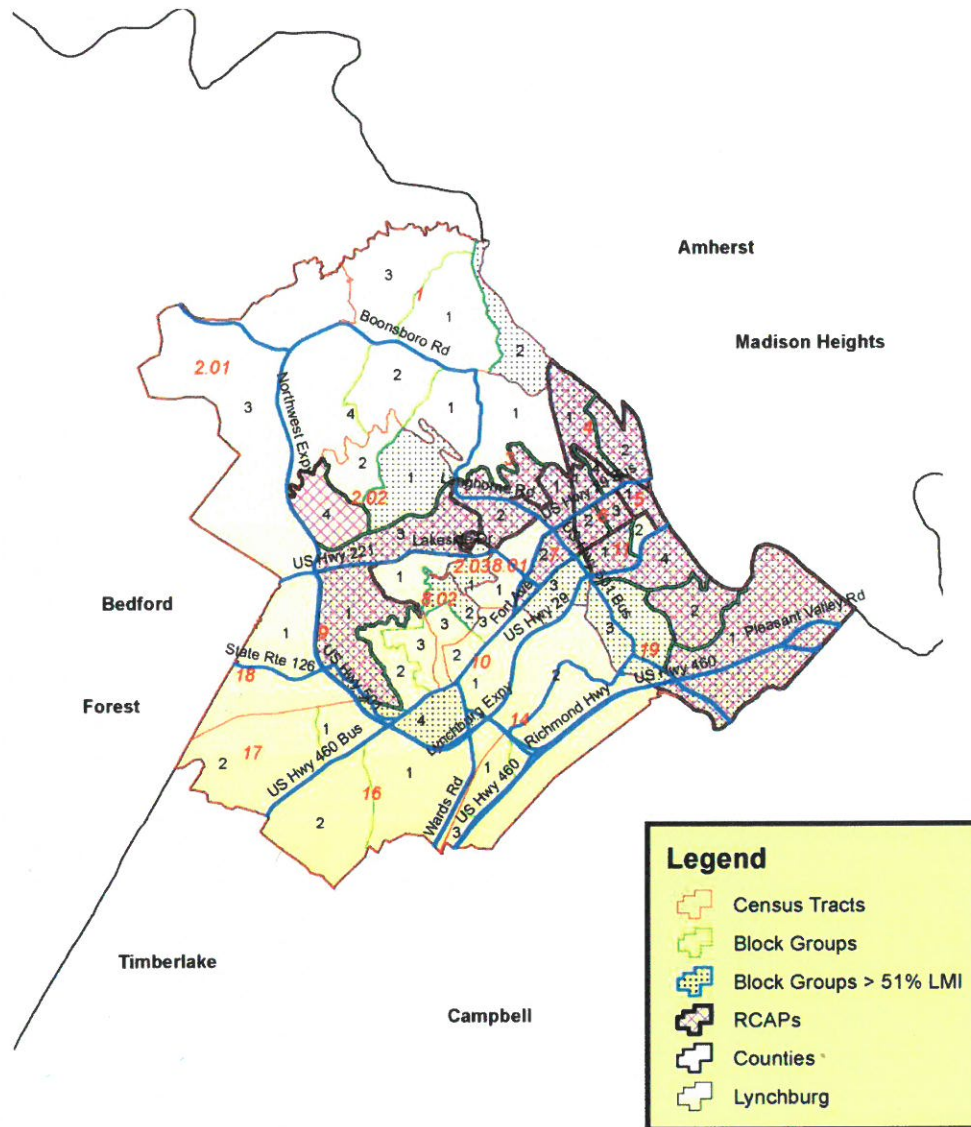
Source: 2014 HUD Low and Moderate Income Summary Data



Racially Concentrated Areas of Poverty (RCAP), 2013

Lynchburg, Virginia Consolidated Plan

Source: 2013 ACS, B02001 and B03002 and 2014 HUD Low and Moderate Summary Data



AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Areas of racial/ ethnic concentration are defined as census block groups where the percentage of a minority group is 10 percentage points above the Citywide average. All references to census block groups hereafter will simply be referred to as “block groups” for brevity.

Across Lynchburg in 2013, Blacks comprised 28.2% of the population, Hispanics 3.1%, and Asians 2.7%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 38.2% or higher, a Hispanic concentration would include a block group percentage of 13.1% or higher, and an Asian concentration would include a block group percentage of 12.7% or higher.

In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups. These maps are in the Unique Appendices.

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 4,5,6,7, 11, and 19	90
Citywide	10

Table 7 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City will invest CDBG and HOME Program funds Citywide. Investing in affordable housing projects Citywide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City’s Central Business District, where there is a higher concentration of poverty.

Discussion

In FY 2022 the project/activities allocations for the designated geographic locations are as follows:

Census Tracts 4, 5, 6, 7, 11, and 19 - 50% (CDBG Program)

Citywide - 50% (CDBG & HOME Program)

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The following are the affordable housing goals in the City of Lynchburg for this Annual Action Plan.

One Year Goals for the Number of Households to be Supported	
Homeless	1,000
Non-Homeless	1,000
Special-Needs	0
Total	2,000

Table 8 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	31
The Production of New Units	11
Rehab of Existing Units	0
Acquisition of Existing Units	7
Total	49

Table 9 - One Year Goals for Affordable Housing by Support Type

Discussion

The Coordinated Homeless Intake Access (CHIA) worker plans on serving approximately 1,000 persons through diversion or placement in transitional or permanent housing. The Affordable Housing Resource Center at Lynchburg Redevelopment and Housing Authority (LRHA) plans on serving 1,000 people during this program period. This service will be provided through a Housing Navigator who will assist citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.

Lynchburg Community Action Group (Lyn-CAG) is providing down-payment assistance for 7 units for low to moderate income homebuyers. Rush Lifetime Homes will construct thirty-one (31) affordable and accessible apartments for rent for eligible, disabled individuals through its Community Housing Development Organization (CHDO) program. The Knott Street development will produce access to eleven (11) new owner-occupied units.

AP-60 Public Housing – 91.220(h)

Introduction

Lynchburg Redevelopment and Housing Authority (LRHA) owns and manages 328 public housing units located throughout the City. The publicly-owned rental housing units are in four different locations: Dearington, Birchwood, Langview, and Brookside.

In addition, the Housing Choice Voucher Program provides housing assistance resources to 893 families that live in privately-owned scattered site housing throughout the community.

LRHA operates the Affordable Housing Resource Center (AHRC) which brings all housing related resources under one roof to provide citizens of Lynchburg a “one stop shop” for accessing the myriad of resources to address and solve housing needs. The AHRC is led by a full-time Housing Navigator and provides a centralized access point to all affordable housing resources and supportive services available in the City of Lynchburg. This project is a collaboration of LRHA, City of Lynchburg, Lynchburg Regional Housing Collaborative and Central Virginia Continuum of Care (CVCoc).

Actions planned during the next year to address the needs to public housing

In an effort to keep the housing stock in good condition ongoing revitalization efforts will continue in both the interior and exterior of the public housing apartments. Past efforts have included replacement windows and doors, exterior improvements, and interior flooring.

According to the Annual Plan for Fiscal Year 2021 (FY21), Lynchburg Redevelopment and Housing Authority (LRHA) plans to undertake the following new activities within FY 2021:

- Choice Neighborhoods – LRHA will consider Choice Neighborhood Initiatives (CNI) Planning Grant opportunities in the next fiscal year for Dearington and Birchwood Public Housing complexes. Anticipated grant application submission summer of 2021.
- Mixed Finance Modernization or Development – LRHA intends to begin a strategic planning process with residents, staff, and stakeholders during which a mixed finance and modernization plan will come to fruition. LRHA anticipates entering into a Master Development Agreement with a selected Developer as part of a Request for Proposals process in the spring/summer of 2021.
- Demolition and/or Disposition – LRHA anticipates as part of a strategic planning process to incorporate plans to possibly demo or dispose of PHA properties for mixed finance development. SAC Application process anticipated start date of 4th quarter 2021.
- Conversion of Public Housing to Project Based Assistance under the Rental Assistance Demonstration (RAD). As part of a strategic planning process identification of PHA properties to this type of conversion will be considered in FY2021.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

LRHA encourages and supports programs and activities to improve the quality of life for public housing residents. These programs address needs in the following areas: drug prevention, resident participation in community organizations and activities, employment resources, housing counseling classes, homeownership opportunities, economic development, and self-sufficiency. The Authority also sponsors National Night Out using LRHA's funds to encourage residents to report crime.

The City will utilize CDBG funds so that LRHA can continue to operate the Affordable Housing Resource Center (AHRC) projecting to serve 1,000 people with resources, housing navigation, education, and training opportunities.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

LRHA is not designated as troubled.

Discussion

N/A

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Central Virginia Continuum of Care (CVCoc) operates the homeless response system within Lynchburg and has a strategic plan to end homelessness. One of the identified goals is to develop access points for sheltered and unsheltered individuals. The CVCoc has developed a coordinated assessment process for homeless response services, Coordinated Homeless Intake and Access (CHIA). CHIA assesses households experiencing a housing crisis to divert, prevent homelessness, and refer to emergency assistance in an accessible manner through phone conversations. Households fleeing domestic violence are identified and connected with victim service providers. Initial screening occurs for diversion and prevention. Eligible households receive prevention services; including landlord mediation, eviction payment, relocation, housing stabilization. If no other housing options exist, the household is referred to an emergency shelter that fits their needs and honors client choice (geographic location, accessibility). A Housing Barrier Assessment, Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) and a priority subpopulation checklist are used by CHIA and the Community Case Review Team (case conferencing) to determine severity of housing barriers and vulnerability and to connect to the appropriate level of intervention. Over the last two years the CVCoc has operated a street outreach program, Homeless Outreach and Mobile Engagement (HOME), to ensure outreach to persons experiencing unsheltered homelessness. HOME engages with unsheltered persons in the area's parks, soup kitchens, under bridges and when notified of an unsheltered person's location. An ongoing goal of the CVCoc is to be continually evaluating the system's success at engaging all persons experiencing homelessness and successfully moving them from homelessness and into housing.

Addressing the emergency shelter and transitional housing needs of homeless persons

As soon as someone is experiencing a crisis impacting their housing stability, they are assessed through CHIA. The CHIA Coordinator first has a conversation with the household in efforts to divert them from entering into homelessness. If diversion is unsuccessful, a household is referred to an emergency shelter, as available. Households needing special attention due to a domestic violence situation will be referred to our domestic violence hotline through the YWCA of Central Virginia. Once in shelter, the household's housing barriers and needs are assessed for shelter case-management. Households belonging to a priority subpopulation (families, youth, veterans, and chronically homeless) are additionally assessed using the CVCoc By-Name List Reporting Form and the Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) to be used by the Community Case Review Team (case conferencing) in order to make appropriate referrals for services such as rapid re-housing and permanent supportive housing. Shelter staff provide targeted housing focused case management to locate safe and affordable housing as quickly as possible. In 2018, the CVCoc's average length of time homeless persons were in emergency shelter was 37 days. In 2020 the average length of time homeless

persons were in shelter was reduced to 30 days due to increased landlord recruitment, increased rapid re-housing and permanent supportive housing capacity, and ongoing case conferencing with homeless response providers in order to collaboratively serve households with high barriers. The two- year recidivism rate indicates 89% maintain housing after CVCoC discharge. This will continue and increase through expanded housing stabilization services and use of best practices (critical time intervention and landlord/tenant mediation). Prior to discharge, staff ensure households have wraparound services in substance recovery, mental health, employment, education, healthcare, legal services, and childcare to strengthen stability. Discharged households are connected with aftercare support groups, the Affordable Housing Resource Center, and rental counseling. The Housing Barriers Assessment and VI-SPDAT assess previous homelessness to identify returns and strategically target resources. The Housing Management Information System (HMIS) Committee is analyzing aggregate HMIS data to determine risk factors for recidivism and target resources. The CVCoC collaborates with the local federally qualified health center (Johnson Health Center), Community Service Board (Horizon Behavioral Health) and the City's Division of Social Services to assess eligibility for healthcare coverage. The local Division of Social Services assesses Medicaid eligibility and enrolls clients. Johnson Health Center employs enrollment specialists who are members of the CVCoC and facilitates site visits to meet with homeless households and screen for coverage under the Affordable Care Act (ACA). For persons ineligible for health insurance, the Free Clinic of Central Virginia partners with the CVCoC to provide low barrier, free medical care to homeless persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The CVCoC has identified four priority subpopulations which are chronically homeless individuals, families with children, veterans and their families and unaccompanied youth. In 2018, the CVCoC was invited to join Community Solutions' Built for Zero (BFZ) campaign. The campaign is a national change effort working to help communities end homelessness amongst specific populations through developing real time data on homelessness, optimizing local housing resources, tracking progress toward monthly goals, and accelerating proven strategies. Through these efforts, in October of 2018, the CVCoC launched a By-Name List, a real time list of all people within them CVCoC priority subpopulations experiencing homelessness in our geographic location. It includes a robust set of data points that support coordinated access and prioritization at a household level and an understanding of homeless inflow and outflow at a system level .Since the launch of the By- Name List there have been 399 households identified and offered housing assistance. Out of these households, 74% successfully moved into housing.

In the past several years, HUD-VA Supportive Housing (HUD-VASH) and Supportive Services for Veteran Families (SSVF) have targeted homeless veterans and provided housing and supportive services. Recently they started entering client-level data into the CVCoC Homeless Management Information System (HMIS) allowing more visibility into the flow of next step interventions for

veterans. The Homeless and Housing Services (HHS) Committee continues to work on strategies to prevent and end homelessness in the Central Virginia region. Currently, the three top goals of focus are to prevent people from losing their housing and divert people from entering the homeless services system, to quickly connect people experiencing homelessness to housing assistance and services tailored to their unique needs and strengths to help them achieve and maintain stable housing, and to increase employment and income growth for homeless persons.

Case conferencing has allowed CVCoC partners to present households experiencing homelessness to the CVCoC to develop effective and efficient interventions which decrease the length of time homeless. CVCoC projects follow a “Housing First” approach to minimize the time households experience homelessness by lowering barriers to project entry, decreasing involuntary discharge and not predicated services on housing readiness. A priority subpopulation within the CVCoC is households with children which ensures quick admittance to rapid re-housing projects to begin housing search and placement. The CVCoC’s current largest rapid re-housing project is dedicated to households with children. From 2017 to 2021, family homelessness in the CVCoC decreased by 64% according to Point in Time data. Of the 146 households with children since the launch of the BNL, 93% are now housed.

In the 2018 PIT Count, unaccompanied youth experiencing homelessness increased from years past. The CVCoC expanding rapid re-housing resources to include unaccompanied youth ages 18-24. As a result, the 2021 PIT Count reported an 83% decrease in homeless youth since 2018. Of the unaccompanied youth households experiencing homelessness since the launch of the BNL, 72% are now housed.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The CVCoC operates a homeless prevention program that targets households imminently at risk of homelessness. The program uses a targeting tool that identifies households who will become homeless but for intervention. This program offers rental assistance, landlord mediation, housing relocation and housing stabilization services.

In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and prisoners released from correctional institutions, the CVCoC continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge.

Discussion

Foster Care (Youth Aging Out): The City’s Division of Social Services meets with youth in foster care at

least 90 days prior to discharge in order to plan for the impending discharge. Family partnership meetings are held to develop a transitional plan with each youth that focuses on housing. The vast majority of youth leaving the foster care system return to their families of origin and many of them remain with their foster families despite being discharged from the system.

Health Care: The CVCoC policies require coordination with healthcare institutions for discharge planning and prevent, when possible, discharges to homelessness. The CVCoC coordinates with the local healthcare system, CENTRA, for discharge planning. The staff at CENTRA manages discharge planning with area housing agencies, providers, and organizations in the CVCoC to ensure safe and adequate placement of those being released from the hospital system.

Mental Health: Horizon Behavioral Health is an active member and board member of the CVCoC. The CVCoC has provided ongoing training to its members with regards to accessing services from Horizon Behavioral Health. Horizon Behavioral Health has received from the CVCoC information about current and new referral options in the area through organization presentations and announcements.

Corrections: The CVCoC participates on the Blue Ridge Re-entry Council to ensure that persons exiting correctional facilities are not discharged to homelessness.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Lynchburg completed an Analysis of Impediments to Fair Housing (AI) in 2020. The AI, in addition to identifying fair housing issues, also identified potential barriers to affordable housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City's AI indicated that the City had a few areas that could be barriers to affordable housing. 1) Access to community assets and opportunities; 2) Location and type of affordable housing; 3) Discriminatory behavior toward members of the protected class.

The City will follow the Fair Housing Action Plan to include: 1) Barriers to housing choices for members of the protected class- The City should specify procedures, trainings, and monitoring process for implementing the Language Access Plan (LAP) to streamline services and better accommodate persons with limited English proficiency (LEP); 2) Location and type of affordable housing- LRHA should expand Section 8 HCV Program to higher opportunity areas. The City and other local organizations should address the diverse housing needs for the City's various subpopulation, including low- and moderate-income households, person with disabilities, and elderly persons; 3) Location of community assets-The City should collaborate with GLTC to improve access to GLTC routes in higher opportunity areas and employment centers in the City.

Discussion:

N/A

AP-85 Other Actions – 91.220(k)

Introduction:

In FY 2022, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources is the chief obstacle to meeting underserved needs ---both financial and human (staffing). The Central Virginia Continuum of Care (CVCoC) received \$260,256 in Fiscal Year 2020 funding to continue its efforts in providing Permanent Supportive Housing and Rapid Re-housing for homeless persons. The City allocated a total of \$130,000 of Community Development Block Grant (CDBG) funds in Program Years 2020 and 2021 to support the Coordinated Homeless Intake Access (CHIA) system for persons who are homeless or about to be homeless. CHIA provides the support for these persons to access the necessary resources needed to find shelter, services, and/or permanent housing. The City of Lynchburg will continue to collaborate with human and social service agencies and the CVCoC to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

Actions planned to foster and maintain affordable housing

The City of Lynchburg allocated FY 2022 HOME Program funds to construct thirty-one (31) rental units for disabled individuals and encourage seven (7) potential homeowners to purchase homes.

Actions planned to reduce lead-based paint hazards

All City written agreements with CDBG and/or HOME Subrecipients contain provisions requiring compliance with lead-based paint rules, and are subject to procedures developed by the Grants Administration Office to ensure appropriate stages of due diligence are complete and of record prior to CDBG and/or HOME funds being disbursed. The Subrecipients and contract providers of housing rehabilitation program services will conduct risk assessments and clearance inspections for applicable rehabilitation projects, as required. All properties purchased with financial assistance provided by the CDBG and HOME Program must be inspected for lead-based paint hazards, if constructed prior to 1978, prior to final approval of application for assistance. Payment of subsidies is only issued after receipt of the inspection report revealing no lead-based paint hazard present at time of purchase.

Actions planned to reduce the number of poverty-level families

In 2016 City Council began an initiative named “Poverty to Progress”. In 2018, Bridges of Central Virginia and Poverty to Progress merged to form “Bridges to Progress” to better coordinate efforts and resources in the City. Lynchburg will continue to strive toward the mark of poverty reduction and increased median household income through civic engagement.

The Bridges to Progress organization established the following task force groups and goals to aid in the reduction of poverty-level families:

Education - The Education Taskforce has three workgroups working in different areas: Pre-K, Tutoring, and Trauma. The Pre-K Workgroup’s goal is to improve kindergarten readiness by increasing access to quality Pre-K programs and promoting preschool literacy. The Tutoring Workgroup’s goal is to have a positive impact on achievement, attendance, discipline and character in Lynchburg City School students. The Trauma Workgroup’s goal is to have a trauma informed care perspective in area schools and agencies.

- \$19,000 awarded in 2020- 20 community and faith based organizations will participate in a training-the trainer workshop hosted by the Center for Education and Leadership at the University of Lynchburg. Each organization will be allowed two facilitators for the training event. Once the training is completed, participating organizations will be able to facilitate family relationship building sessions (Keep Connected). Free online resources will then be made available to participating families.

Early Childhood Care and Education - (formerly Childcare) seeks the establishment of a community alliance to increase availability of quality, affordable childcare in Lynchburg.

- \$6,900 awarded in 2020- Smart Beginnings Central Virginia will provide intensive classroom-based coaching at the White Rock Head Start Center
- \$5,000 awarded in 2020- Partnering with the City of Lynchburg’s Parks & Recreation department, the Zumbini project is designed to engage low-to-moderate income families with early childhood education in an accessible setting- the City of Lynchburg’s Neighborhood Centers. Zumbini is a whole-child music and education program, designed for children birth to four years old with a caregiver.

Community – The Community Taskforce is the result of joining the Poverty to Progress’s Poverty 101 group with the Bridges of Central Virginia’s Getting Ahead Graduates, Government, and Community committees. This group provides opportunities for structured community dialogues and an open mic event to raise awareness of the impacts of poverty in Lynchburg, and to develop a tool for risk assessment for the nine Poverty to Progress categories.

- \$20,785 was awarded in 2020. The clients served are the Getting Ahead participants. Services will be provided through Getting Ahead classes, training through Virginia Career Works, and ongoing social support through Community Connected's Open Table model. Funding will be used to support Getting Ahead classes which are for individuals who are seeking to become economically stable.

Faith Taskforce The Faith Taskforce is committed to educating faith communities about poverty and partnering with them to implement ways to reduce poverty and build community.

- \$7,700 awarded in 2020- responding to a need expressed by the staff of Fairview Community Center, the Faith Taskforce will partner with approximately 25 families of the Fairview Community Center to offer three sessions of a four week program to enhance family money management skills as well as family soft skills necessary to secure and maintain gainful careers.

Food Disparity - The Food Disparity taskforce is engaging the community in the Oasis project, the creation of a non-profit grocery store located in a food desert.

- \$7,000 awarded in 2020- The Food taskforce will purchase 100 transit folding shopping carts for citizens regularly utilizing food agencies that are challenged with transporting groceries via walking or public transportation. Recipients of the carts will be selected by the food agencies who are familiar with the population choosing those participants who would most benefit from using the cart and would be responsible for its care.

Health/Mental Health - The Health/Mental Health Taskforce's goal is to improve both awareness and access to health and mental health resources.

- \$15,000 awarded in 2020- based on the findings of the 2018-2021 Community Health Needs Assessment, there is a clear lack of knowledge of the mental health resources available in our area, particularly in the 3 zip codes with the highest poverty rates.

Housing - The Housing Taskforce's goal is to determine the actual state of housing in Lynchburg and provide the momentum to eliminate housing insecurity.

Goals

- Review Comprehensive plan from the City of Lynchburg
- Review the Housing Study to understand the Gap in Housing
- Review the HUD Homebuyers Club

Legal - This area had representation in both Bridges of Central Virginia and Poverty to Progress. The BOCV's subcommittee was called Courts/Law Enforcement. This group implemented (with the chief's permission) a warning citation initiative for officers to use at their discretion instead of issuing tickets, developed a DMV checklist to be used in court to help folks navigate the steps of getting their license

back, and created a professional clothes closet organized for newly released inmates for job interviews and/or court appearances.

Goals

- Complete the 100-backpack pilot program
- Create plan to manage month-to-month backpack program
- Report on pathways to restorative justice in Lynchburg
- Create a plan for a reentry clinic

Transportation - The Transportation Taskforce is currently working on a cooperative city transportation application called Move UP. The software for this application is still being developed.

- \$31,375 awarded in 2020- The project is to provide additional funds for the Ways to Work and the Lynchburg Area Center for Independent Living programs. Ways to Work works one on one with individuals to facilitate obtaining low interest vehicle loans and one on one with individuals to facilitate obtaining low interest vehicle loans and provide case management support for individuals to successfully budget and manages the financial burden of owning/operating a vehicle.

Workforce - The Workforce Taskforce's goal is to facilitate the coordination of all the existing workforce programs in the area.

- Organizing resource fair for employees and staff of local business who hires people who struggle with some of the typical obstacles people face when trying to work their way out of poverty.

Actions planned to develop institutional structure

The City's Grants Administration Office is responsible for carrying out the provisions of this Consolidated Plan. Working in conjunction with its public and private partners, City staff distributes, monitors, and executes the functions of the plan and reports on its progress. Coordination with other departments within City administration is essential to smooth delivery of services, and the achievement of desired outcomes.

Primarily, the City's strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the LRHA, and several private non-profits such as Lyn-CAG and Rush Homes; and the various Central Virginia Continuum of Care organizations/non-profits. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

Actions planned to enhance coordination between public and private housing and social service agencies

As discussed in the Consolidated Plan, the City of Lynchburg actively works to coordinate community development efforts between public and private housing and social service agencies. The strategies to address the gaps include the following:

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons;
- Affordable Housing Resource Center to provides a centralized access point to all affordable housing resources and programs available in the City of Lynchburg; and
- CHIA Homeless Intake Coordinator was relocated to the Affordable Housing Resource Center.

Discussion:

N/A

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. (Program Years 2019, 2020, and 2021)	70%

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

- 1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

The City of Lynchburg does not intend to use other forms of investment.

- 2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

In accordance with HOME Program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, “gap” financing, and interest rate buy downs, as available.

The HOME affordability periods are as follows:

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure.

In accordance with HOME CPD 12-003 Notice “Guidance on Resale and Recapture Provision Requirements under the HOME Program” the City has submitted to the HUD Richmond Field Office the “Recapture Restriction Agreement” used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. The document was reviewed by the HUD Richmond Field Office staff and was found to be acceptable for compliance with §92.254(a) (5) of the HOME Program regulations.

- 3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:**

The City of Lynchburg currently uses the recapture provision option outlined in Section 24 CFR Part 92.254 (a)(5)(ii)(A)(2) to ensure the affordability requirements for the HOME Investment Partnership (HOME) Program. The recapture provision will be used to recover the direct subsidy to the homebuyer which includes down payment, closing cost assistance, interest subsidies and any difference between fair market value and purchase price. The recapture provision will be limited to net proceeds available from the sale of the HOME assistance unit. The amount of direct subsidy subject to recapture is based on the pro-rata share of the remaining affordability period. The affordability period is determined by the amount of direct subsidy included in the deed or land

covenant, which will be defined in the terms of the loan. The affordability period will apply as follows:

- Project under \$15,000 are five-year term
- Projects from \$15,001 - \$40,000 are ten-year term
- Projects over \$40,000 are fifteen-year term

The City will enforce the recapture provision requirement in its contractual agreement with its sub-recipients and CHDOs. This recapture provision must be used by all subrecipients, and CHDOs when transactions are sale of property using HOME Investment Partnership Program. Therefore, all the sub-recipients or CHDOs will be responsible for passing the recapture provision requirement to the purchaser of the HOME assisted unit in the form of a “Recapture Restriction Agreement”, deed or land covenant that runs concurrently with the affordability period.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Not applicable. During Program Year 2021 (FY 2022), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

RESOLUTION:

#R-21-034

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2022 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted: May 11, 2021

Certified: Alicia L. Fung
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional)– 2900 Candler Mountain Road & 5212 Woodall Road

KEY ELEMENTS:

___Economic Development ___Excellent Government **X** Natural and Built Environment ___Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the rezoning petition from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

SUMMARY: R&P Kirkley LLC (Jimmy Ayers) is petitioning to rezone approximately three and nine tenths (3.9) acres located on portions of 2900 Candler Mountain Road and 5212 Woodall Road to B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to remove previously approved proffers to allow the existing hotel building to be used as an age-restricted senior housing facility. The previously approved proffers to be removed specifically stated that the building would not be used for “care centers” or “convalescent and nursing homes.” The proffers also included requirements for pedestrian improvements in the vicinity, which would likely not be used by facility residents.

If approved, the building would be used as an age-restricted senior housing facility, with approximately one hundred (100) patient rooms. One hundred ninety-three (193) parking spaces would be available on site to serve the proposed use.

PRIOR ACTION(S):

March 24, 2021: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (7-0)

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes –March 24, 2021
- Planning Commission Packet – March 24, 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

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED ON PORTIONS OF 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) 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 on portions of 5212 Woodall Road and 2900 Candler Mountain Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

Beginning at a found iron rod at intersection of the eastern right-of-way line of Woodall Road and northern right-of-way line of Border Street; thence departing the northern right-of-way line of Border Street and along the eastern right-of-way line of Woodall Road, N33°40'04"E 350.59 feet to a found iron rod; thence N33°40'08"E 74.61 feet to a point; thence departing said right-of-way line, S66°21'01"E 424.96 feet to a point; thence S24°58'31"W 238.05 feet to a point in the northern right-of-way line of Border Street; thence along said right-of-way line, N89°09'42"W 1.34 feet to a found concrete monument; thence S82°37'03"W 151.65 feet to a point; thence N80°53'42"W 48.00 feet to a found iron rod; thence S66°34'48"W 67.38 feet to a found iron rod; thence S78°47'18"W 40.72 feet to a found iron rod; thence S88°42'58"W 87.93 feet to a found iron rod; thence following a curve to the right having a radius of 182.22 feet, a length of 111.16 feet, and a chord bearing and distance of N73°48'26"W 109.44 feet to a found iron rod; thence N56°19'52"W 28.39 feet to a found iron rod; thence following a curve to the right having a radius of 25.00 feet, a length of 39.26 feet, and a chord bearing and distance of N11°19'15"W 35.35 feet to the Point of Beginning; containing 3.897 acres.

...is hereby changed from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the conditions herein below which were voluntarily proffered in writing by the petitioner, R&P Kirkley LLC (Jimmy Ayers), to wit:

The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- Virginia ABC package stores
- Boardinghouses or lodging houses
- Funeral homes and undertaking establishments
- Rooming houses
- Pawn shops

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 March 24, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Jimmy Ayers to rezone approximately three and nine tenths (3.9) acres located at 2900 Candler Mountain Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) District to allow the use of the existing hotel building as an assisted living facility.

Ms. Rachel Frischeisen, Planner II provided the following summary to the Commission. This petition is located mainly on the Kirkley Hotel parcel at 2900 Candler Mountain Road and part of 5212 Woodall Road. It proposes to rezone the area from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend previously approved proffers. The previously approved proffers, to be eliminated, specifically stated that the building would not be used for care centers or "convalescent and nursing homes." The proffers also included requirements for pedestrian improvements in the vicinity due to the previously proposed use of apartments. Such improvements would likely not be used by the senior facility residents. The Future Land Use Map (FLUM) recommends High Density Residential and Community Commercial uses for the area. If approved, the existing hotel building will be used as an age restricted senior housing facility with approximately one hundred (100) patient rooms. One hundred ninety-three (193) parking spaces will be available on site to serve the proposed use. Almost all of the changes will be internal remodeling, with little to no proposed exterior changes. Due to the minimal need for external improvements, it is unlikely that stormwater management will be required on this project. The proposed use of the existing hotel building, as an age restricted senior housing facility, should have minimal impact on the surrounding area. The City's Technical Review Committee (TRC) reviewed the petition on March 2, 2021 and comments were minor in nature. The Planning Division recommends approval of the rezoning with the submitted proffers.

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

Mr. Justin Fournier, of Balzer and Associates, Inc., addressed the Commission on behalf of R&P Kirkley, LLC. The existing zoning proffered conditions that restrict B-3 uses like care centers, convalescent homes, nursing homes, and group homes. In addition, the proffers required the project to contribute funds to or complete the work for pedestrian improvements, ADA ramps, and a Greater Lynchburg Transit Company (GLTC) bus shelter. With the proposed age restricted use and the historical use of the facilities by this owner and operator, the transportation requirements are not something the clientele will be using and are no longer appropriate. There are no exterior site changes other than the land swap, which will provide additional parking to the R&P Kirkley, LLC facility.

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, he closed the public hearing.

Commissioner Marion asked if the land swap with the storage facility will result in less parking.

Mr. Fournier responded that the storage facility has low demand for parking and will have six (6) spaces of its own. There will be one hundred ninety-three (193) spaces for the Kirkley.

Ms. Frischeisen demonstrated on the concept plan where the current property line is and where the proposed property line will be. The land swap will result in more parking for the R&P Kirkley, LLC facility.

Chair Rogers asked what the facility will be like and if it will be similar to Westminster Canterbury or The Summit.

Mr. Fournier responded that the facility will be assisted living with the potential for nursing homes.

Commissioner Perault stated that the rooms are not equipped with kitchens preventing independent living. He then asked if this would come before the Commission again if they decided to become a more traditional retirement center.

Ms. Frischeisen responded that type of use would be allowed in a B-3 district and the submitted proffers do not rule that out. If they wanted to transition to a more traditional nursing home it would be permitted.

Chair Rogers asked if the restaurant will be used by the facility.

Mr. Jimmy Ayers, of Runk & Pratt, addressed the Commission. The existing hotel is licensed for one hundred sixty-four (164) rooms but this project will be between ninety-two (92) and one hundred (100) units. Interior renovations will take place to convert multiple rooms into single apartments. There will be both independent living and assisted living but they do not provide skilled nursing. The focus of the facility will be independent living but often residents will come in as independent living and transition to assisted living as their health declines. Each apartment will have a small kitchenette, a den area, and a sleeping area.

Commissioner Bowden asked what will happen to the restaurant and the pool and if this facility will be independent of the other Runk & Pratt facilities.

Mr. Ayers responded that the amenities will remain in place for the residents to use. The dining area will remain so that residents can entertain family and friends. This facility will be separate from the other Runk & Pratt facilities.

Commissioner Perault stated that the Commission has spent considerable time discussing changing existing proffers and has been frowning upon that practice, as has City Council. Those discussions have typically focused on increasing capacity and density. This petition does not do so but still requests changes to existing proffers.

Commissioner Marion stated that she is not sure why nursing homes were proffered out in first place.

Chair Rogers stated that things have changed. It was a different time when some of the regulations were created. This petition will allow for a lower density project and while he is usually a proponent of higher density, this use is fitting in this situation. There are other community businesses doing similar things in the area.

Commissioner Marion stated that she is not concerned about changing the existing proffers for this project. It would be more concerning if the request were something like an amusement park and was not reasonable. She reiterated that she is not sure why nursing homes were proffered out before. She then asked if the uses being proffered out now are permitted in the B-3 district.

Ms. Frischeisen responded that the uses being proffered out now are allowed in B-3 districts. The petitioner has specifically chosen to proffer them out so they will not be permitted.

Commissioner Perault shared agreement and stated that he supports the project. He feels that it is important though to clarify why the Commission is willing to change these proffers and not others.

Chair Rogers asked where the existing proffers originated from.

Ms. Frischeisen responded that the existing proffers are from the 2013 petition when the property was rezoned from I-2 to B-3C to bring the hotel into conformance and to allow the construction of an apartment complex. The apartment complex was never built though.

Commissioner Marion noted that there is not a room full of people in opposition to this request and asking the Commission to uphold the existing proffers. Proffers are a way of controlling what can happen with a property but are not written in stone. The Commission can make reasonable changes and should always take into consideration the people it affects. Again, there is no one here voicing opposition.

Ms. Frischeisen shared agreement and noted that this petition proposes a less intense use and less intense traffic than a hotel, which can have people coming and going at all hours.

Chair Rogers added that the original plan from the 2013 petition would have resulted in more overall impact in the community. He noted that he understands Commissioner Perault's concern but that he does not feel as strongly about changing the proffers in this instance. He supports this project, it is timely. This is one of the things our culture is dealing with. People are getting older and often want to downsize. This use will also tie in nicely with the nearby storage, which will allow people a place to keep their stuff. The uses make sense together.

Commissioner Perault shared agreement and stated that there is a good case to change the proffers in this instance.

Commissioner Bowden 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 R&P Kirkley LLC to rezone portions of 2900 Candler Mountain Road and 5212 Woodall Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffer:

1. The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- **Virginia ABC package stores**
- **Boardinghouses or lodging houses**
- **Funeral homes and undertaking establishments**
- **Rooming houses**
- **Pawn shops"**

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: March 24, 2021
Re: **Rezoning: 2900 Candler Mountain Road & 5212 Woodall Road – B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional)**

I. PETITIONER

R&P Kirkley LLC (Jimmy Ayers), 5106 Waterlick Road, Forest, Virginia 24551

Representative: Justin S. Fournier, Balzer and Associates, 901 Jefferson Street, Suite 208, Lynchburg, Virginia 24504

Property Owners:

2900 Candler Mountain Road: R&P Kirkley LLC, 5106 Waterlick Road, Forest, Virginia 24551

5212 Woodall Road: GDG Lynchburg Apartments LLC, 2615 Wind River Road, Charlottesville, Virginia 22901

II. LOCATION

The area is approximately three and nine tenths (3.9) acres located on portions of 2900 Candler Mountain Road and 5212 Woodall Road.

III. PURPOSE

The purpose of the rezoning is to remove previously approved proffers to allow the existing hotel building to be used as an age-restricted senior housing facility.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends High Density Residential and Community Commercial uses for the area
- The previously approved proffer to be eliminated specifically stated that the building would not be used for "care centers" or "convalescent and nursing homes." The proffers also included requirements for pedestrian improvements in the vicinity, which would likely not be used by facility residents.
- If approved, the building would be used as an age-restricted senior housing facility, with approximately one hundred (100) patient rooms. One hundred ninety-three (193) parking spaces would be available on site to serve the proposed use.

The Planning Division recommends approval of the Rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends High Density Residential and Community Commercial uses for the area.

Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. In particular, conversion of existing vacant retail space to these uses may be

appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed.

High Density Residential areas are developed or planned to be developed into high density townhouse or multifamily housing. Densities can range up to 30 units per acre. They may include public, institutional, private recreation, and private open space uses. Limited retail and service uses may be established as part of mixed-use developments and within high density residential projects.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2013.

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

The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- Virginia ABC package stores
- Boardinghouses or lodging houses
- Funeral homes and undertaking establishments
- Rooming houses
- Pawn shops

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 February 22, 1979, Council approved the CUP petition of J.B. Forehand to allow a tire store at 1005 Sheffield Drive.
- On July 13, 1982, Council approved the CUP petition of Video Voyage, Inc. to operate a game room at 2110 Wards Road.
- On November 11, 1986, Council approved the CUP of Autolease, Inc. to allow the use of an existing building and parking lot for automobile leasing at 2120 Wards Road.
- On September 8, 1987, Council approved the rezoning petition of MLB Corporation to rezone 4637-4641 Murray Place from I-3, Heavy Industrial District to B-5, General Business District (Conditional) to allow the construction of a Bowling Center.
- On January 15, 2002, Council approved the rezoning petition of Carl and Ellen Sanders to rezone 310 and 312 Border Street from I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow the operation of an ice cream parlor/restaurant.
- On April 9, 2002, Council approved the CUP petition of Watts Petroleum Corporation to allow a car wash at 2209 Wards Road.
- On April 8, 2008, Council approved the rezoning petition of the Lynchburg Chamber of Commerce to rezone 310 and 312 Border Street from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to allow the use of an existing building as an office.
- On April 9, 2013, Council approved the rezoning, CUP, and Future Land Use Map amendment petitions of GDG Lynchburg Hotel LLC, at this property (2900 Candler Mountain Road & 5212 Woodall Road). The property was rezoned from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing

hotel into compliance with zoning. The CUP was issued to allow development of 5212 Woodall Road into a one hundred fifty-six (156) unit apartment complex.

- On January 9, 2018, Council approved the rezoning petition of Sandpiper Hospitality V LLC to rezone 310 and 312 Border Street to eliminate proffers and allow the construction of a hotel and associated parking.

6. **Site Description.** The 2900 Candler's Mountain Road property currently consists of approximately three and nine-tenths (3.9) acres and contains a hotel building and associated parking. The building was constructed in 1980 and consists of approximately one hundred twenty thousand (120,000) square feet.

The 5212 Woodall Road property currently consists of approximately four and nine tenths (4.9) acres and contains a parking lot.

7. **Proposed Use of Property.** If rezoning is approved, the existing hotel building would be converted into an age-restricted senior housing facility. There would be very little exterior change to the building.

The owners of these two properties have agreed to a land swap and a subdivision plat will be required to modify the property lines for these two parcels if the petition is approved. GDG Lynchburg Apartments LLC will give approximately seven tenths (0.70) of an acre that consists of existing parking to R & P Kirkley LLC in exchange for approximately seventy-three hundredths (0.73) of an acre of vacant land that fronts on Border Street.

8. **Traffic, Parking and Public Transit.** The submitted concept plan indicates that there is sufficient parking onsite. The City's Zoning Ordinance would require one hundred sixteen (116) spaces would be required and one hundred ninety-three (193) spaces are provided.

The closest bus stop is one-quarter (0.25) of a mile away on Wards Road, served by Greater Lynchburg Transit Company (GLTC) Route 4.

9. **Stormwater Management.** An erosion & sediment control plan will be required if disturbed areas exceed one thousand (1000) square feet. Due to the minimal need for external improvements, it is unlikely that stormwater management will be required.

10. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.

11. **Impact.** The proposed use of the existing hotel building as an age-restricted senior housing facility should have little to no negative impact on the surrounding area. The facility is expected to generate a low volume of traffic and is located along a major corridor (Candler's Mountain Road) with a traffic light already in place. The removal of the previously approved proffer for pedestrian improvements is logical, since the residents of the facility are unlikely to use said improvements.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on March 2, 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 R&P Kirkley LLC to rezone portions of 2900 Candler's Mountain Road and 5212 Woodall Road from B-3C, Community Business District (Conditional) to B-3C,

Community Business District (Conditional) subject to the following voluntarily submitted proffer:

The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- Virginia ABC package stores
- Boardinghouses or lodging houses
- Funeral homes and undertaking establishments
- Rooming houses
- Pawn shops

This matter is respectfully offered for your consideration.

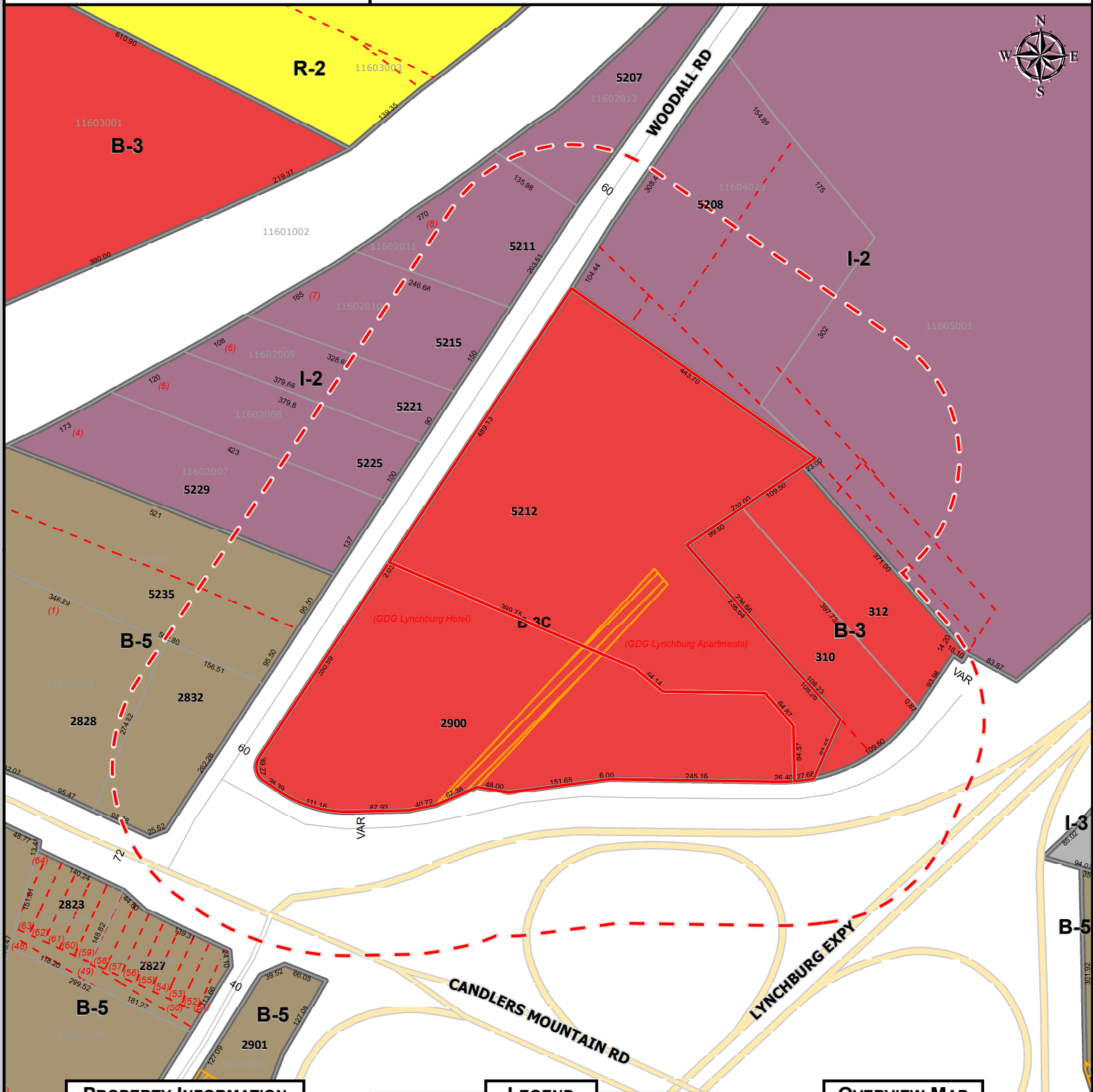


William T. Martin, AICP
City Planner

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
Mr. Jimmy Ayers, R&P Kirkley LLC
Mr. Peter Greenberg, GDG Lynchburg Apartments LLC
Mr. Justin Fournier, LA, Balzer and Associates

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

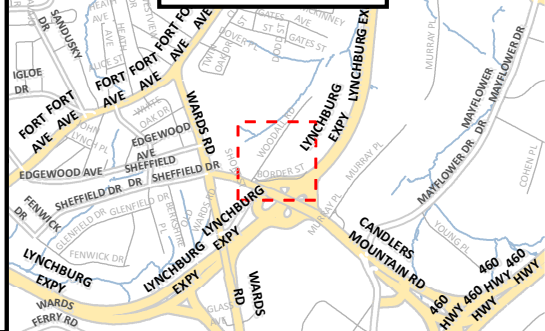
PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

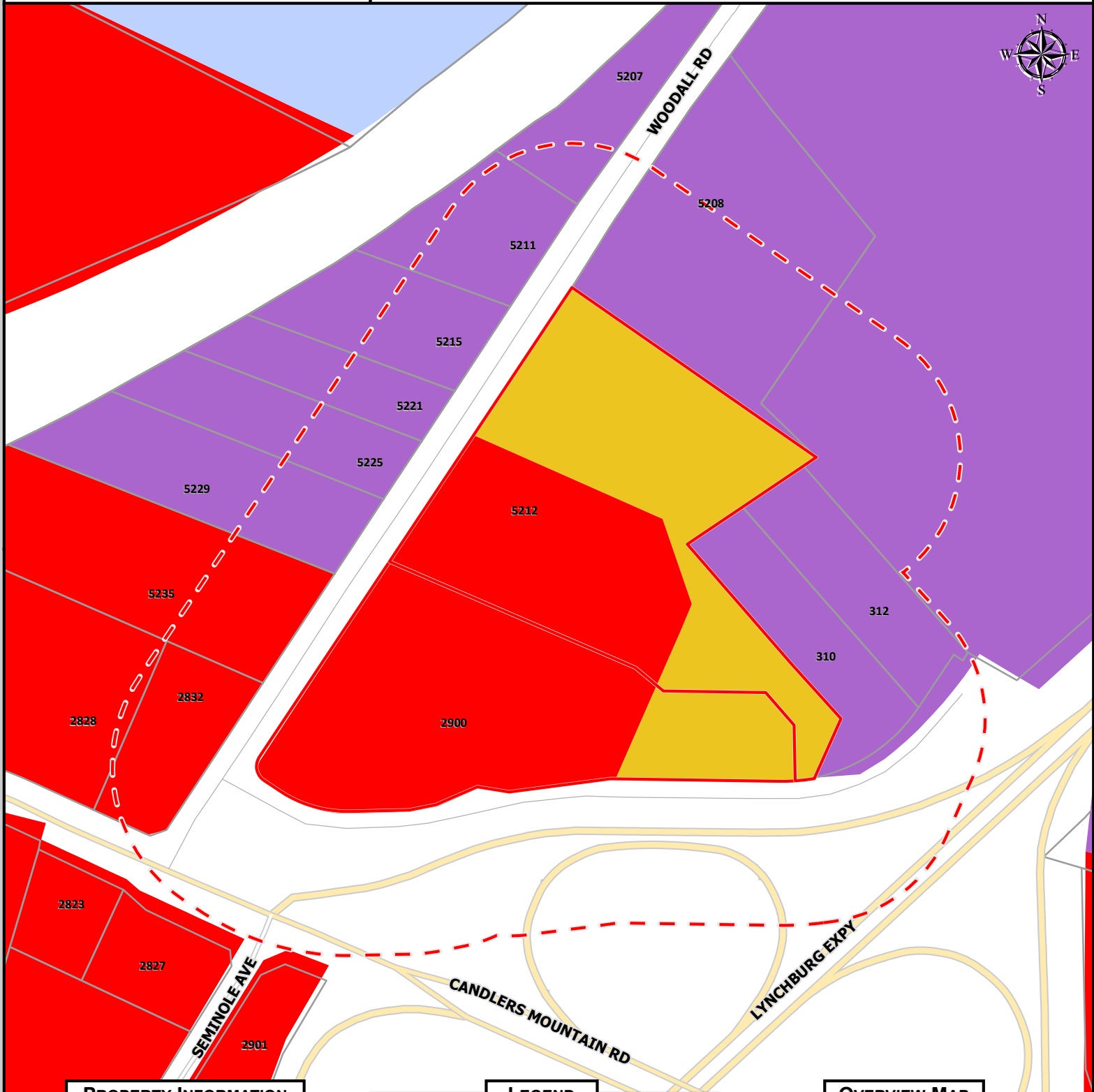
MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

OVERVIEW MAP



2900 Candler Mountain Road & 5212 Woodall Road

Parcel ID	Address	Owner
11602016	2832 CANDLERS MOUNTAIN RD	PTC REAL ESTATE LLC
11602011	5211 WOODALL RD	FLOWSERVE US INC
11602009	5221 WOODALL RD	FLOWSERVE US INC
11604003	5212 WOODALL RD	GDG LYNCHBURG APARTMENTS LLC
11604016	312 BORDER ST	2505 WARDS ROAD ASSOCIATES LLC
11604023	5208 WOODALL RD	FLOWSERVE US INC
11602004	2828 CANDLERS MOUNTAIN RD	CANDLERS MOUNTAIN ROAD LLC
11602008	5225 WOODALL RD	COVA CORPORATION
11602007	5229 WOODALL RD	COVA CORPORATION
11602005	5235 WOODALL RD	EDISON CORPORATION
11602010	5215 WOODALL RD	FLOWSERVE US INC
11605001	5114 WOODALL RD	FLOWSERVE US INC
11604002	2900 CANDLERS MOUNTAIN RD	R & P KIRKLEY LLC
11604001	310 BORDER ST	2505 WARDS ROAD ASSOCIATES LLC
11602012	5207 WOODALL RD	NORFOLK & WESTERN RAILWAY VDOT LYNCHBURG DISTRICT OFFICE



PROPERTY INFORMATION

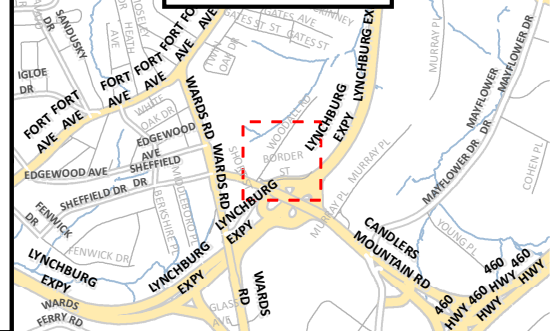
PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

OVERVIEW MAP





PROPERTY INFORMATION

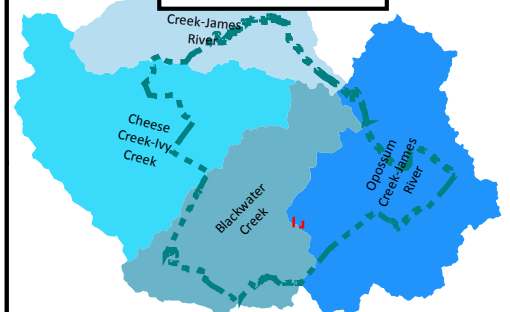
PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

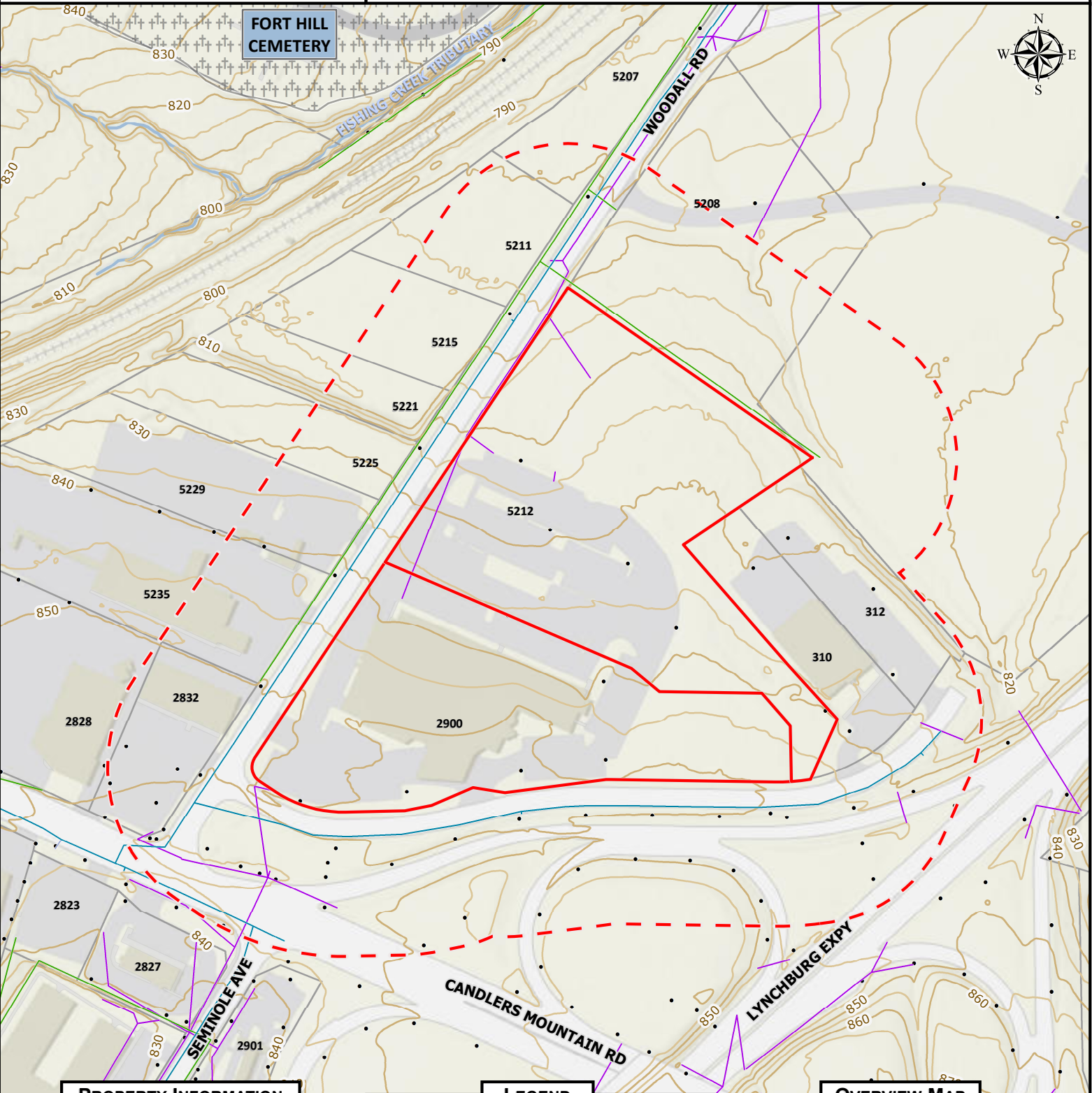
OVERVIEW MAP



Opossum Creek-James River

TRC

Balzer and Associates, Inc.



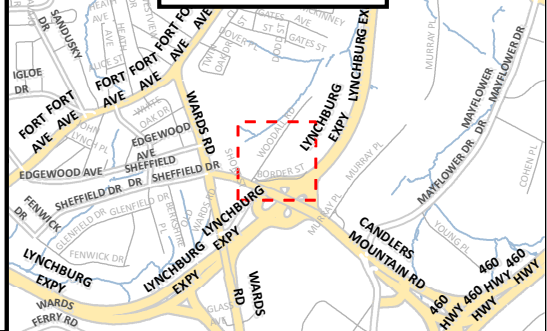
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

OVERVIEW MAP

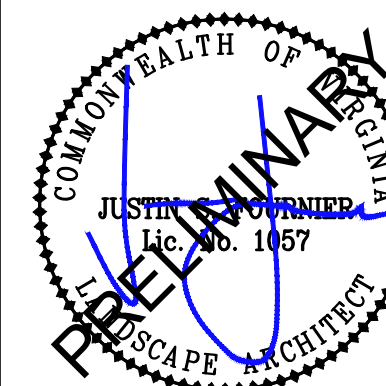


MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

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.



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Suite 200
Midlothian, VA 23113
804.794.0571



KIRKLEY ASSISTED LIVING

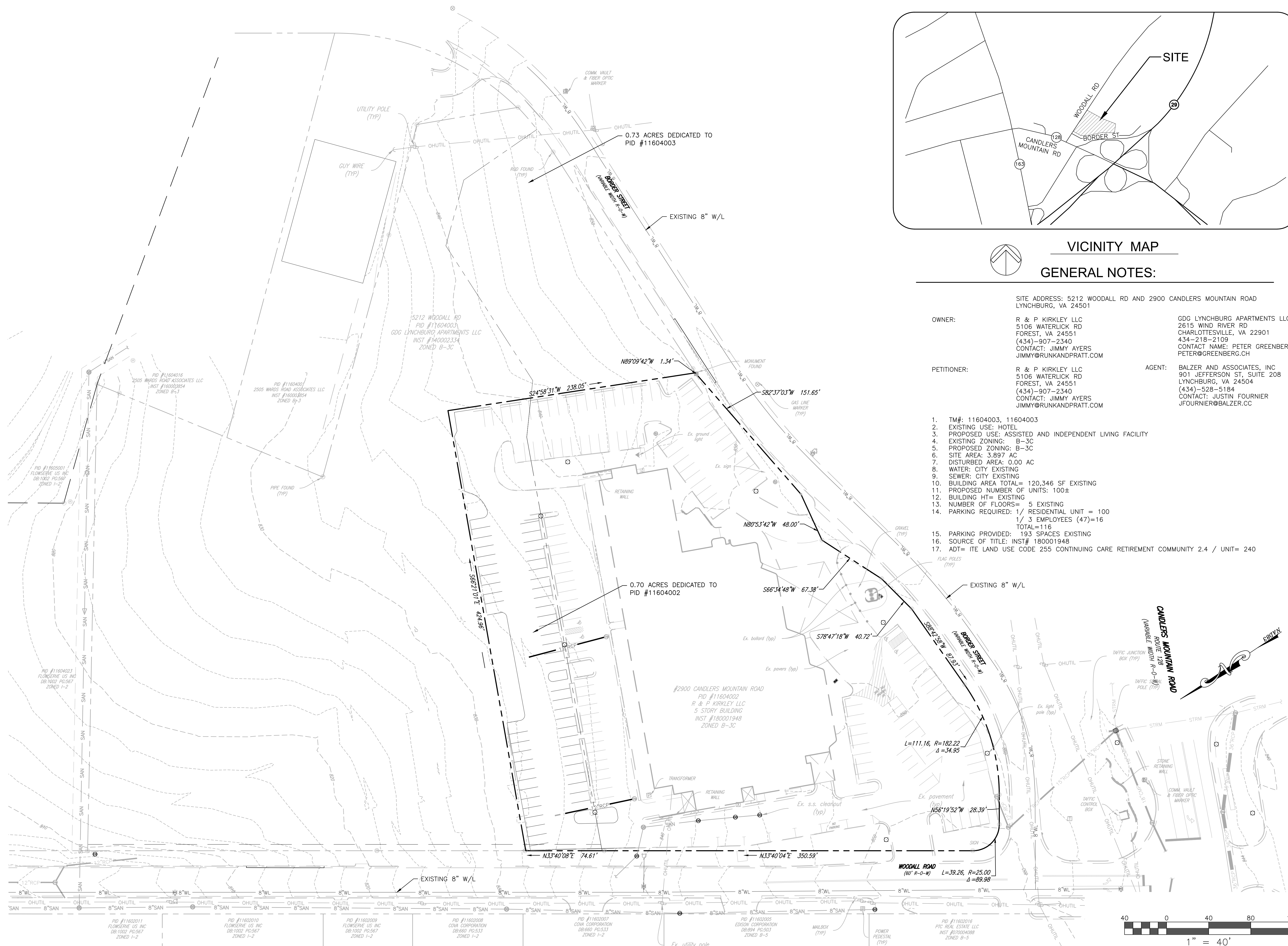
SITE PLAN

WARD III
CITY OF RICHMOND, VIRGINIA

DRAWN BY	SKM
DESIGNED BY	JSI
CHECKED BY	JSI
DATE	2.16.202
SCALE	1" = 4'
REVISIONS	

CO-

PROJECT NO. 84210010



1-231080806210010 00 K900 EV AL ECHOL VARDIAC2100100 SCHEMATIC dno EN OTED: 47002001 2-87-30 DM



BALZER
& ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

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Roanoke
Richmond
New River Valley
Staunton
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Envisioning Tomorrow, Designing Today

January 16, 2021
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, VA 24504
RE: Woodall Storage

Kirkley Assisted Living – Rezoning Narrative

Project Description

On behalf of the petitioner, R & P Kirkley LLC, we request that 2900 Candler's Mountain Road PID#11604002 and part of 5212 Woodall Road PID#11604003 be rezoned from B-3C to B-3C with proffered restrictions to allow for the conversion of the Kirkley Hotel into an age restricted senior housing facility.

The owners of 5212 Woodall Road and 2900 Candler's Mountain Road have agreed to a land swap and a subdivision plat will be required to modify the property lines for these two parcels. GDG Lynchburg Apartments LLC will give approximately 0.70 acres of land that consists of existing parking to R & P Kirkley LLC in exchange for approximately 0.73 acres of vacant land that fronts on Border Street.

Other than minor site improvements there are no proposed exterior changes to the existing facility. Construction will be limited mostly to interior renovations of the existing hotel. There will be a total of approximately 100 age restricted residential units.

The existing zoning case proffered conditions restricts the B-3 uses of care centers, convalescent and nursing homes, and group homes. In addition, the proffers required the "Project to contribute funds or complete work for "ped heads," signal timing changes, painting for crosswalks and required ADA ramps as well as a GLTC bus shelter. While these proffered conditions were appropriate for a typical apartment development as originally intended, they are not appropriate for age restricted senior housing.

It has been proven historically that residents of similar facilities do not utilize public transportation or pedestrian thoroughfares.

Stormwater Management, Landscaping, Lighting and Utilities

There will not be any proposed site improvements, therefore existing utilities and stormwater management facilities will be utilized. There are no proposed landscaping or lighting improvements at this time.

Parking

The project is required to meet the current City of Lynchburg parking requirements for residential multi-family and nursing homes. This requirement is based off the number of units, and the staff. All the parking is existing, including the parking that will be conveyed from 5212 Woodall Road.

Parking requirement= 1/ Unit (100) + 1/Staff (47) = 116 Spaces Required
Parking proposed= 193 Spaces (existing)

Future Land Use

The City of Lynchburg 2013-2030 Comprehensive Plan designates this property as Community Commercial. While this age restricted senior living development does not fit within the parameters of Community Commercial we would request that you consider this use for the following reasons:

1. There is a high demand for senior housing in the area.
2. This development will generate a low volume of daily traffic, creating minimal impact on the existing transportation infrastructure. This is amplified when you compare the traffic generation to the current existing hotel use.
3. There will be zero impact to the City of Lynchburg Public School System.



Thank you for considering this request,

A handwritten signature in black ink, appearing to be 'J. Fournier', written over a horizontal line.

Justin S. Fournier, LA
Vice President



02/01/2017

© All Pictometry

PLEASE PRINT CLEARLY

[illegible]

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED ON PORTIONS OF 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) 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 on portions of 5212 Woodall Road and 2900 Clanders Mountain Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

Beginning at a found iron rod at intersection of the eastern right-of-way line of Woodall Road and northern right-of-way line of Border Street; thence departing the northern right-of-way line of Border Street and along the eastern right-of-way line of Woodall Road, N33°40'04"E 350.59 feet to a found iron rod; thence N33°40'08"E 74.61 feet to a point; thence departing said right-of-way line, S66°21'01"E 424.96 feet to a point; thence S24°58'31"W 238.05 feet to a point in the northern right-of-way line of Border Street; thence along said right-of-way line, N89°09'42"W 1.34 feet to a found concrete monument; thence S82°37'03"W 151.65 feet to a point; thence N80°53'42"W 48.00 feet to a found iron rod; thence S66°34'48"W 67.38 feet to a found iron rod; thence S78°47'18"W 40.72 feet to a found iron rod; thence S88°42'58"W 87.93 feet to a found iron rod; thence following a curve to the right having a radius of 182.22 feet, a length of 111.16 feet, and a chord bearing and distance of N73°48'26"W 109.44 feet to a found iron rod; thence N56°19'52"W 28.39 feet to a found iron rod; thence following a curve to the right having a radius of 25.00 feet, a length of 39.26 feet, and a chord bearing and distance of N11°19'15"W 35.35 feet to the Point of Beginning; containing 3.897 acres.

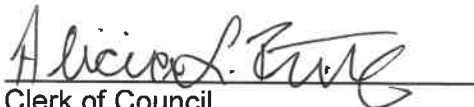
...is hereby changed from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the conditions herein below which were voluntarily proffered in writing by the petitioner, R&P Kirkley LLC (Jimmy Ayers), to wit:

The following uses, which are allowed in B-3, are not permitted within the area to be rezoned:

- Virginia ABC package stores
- Boardinghouses or lodging houses
- Funeral homes and undertaking establishments
- Rooming houses
- Pawn shops

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: May 11, 2021

Certified: 
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Future Land Use Map (FLUM)* Amendment: High Density Residential to Community Commercial Rezoning: 5212 Woodall Road & 2900 Candler's Mountain Road – B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional)

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the *Future Land Use Map (FLUM)* amendment and rezoning petition.

SUMMARY: GDG Lynchburg Apartments LLC is petitioning to amend the *FLUM* from High Density Residential to Community Commercial and rezone approximately four and nine tenths (4.9) acres located on portions of 5212 Woodall Road and 2900 Candler's Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the property to be developed as a mini storage facility. If approved, the proposed facility would consist of several single-story buildings, a three-story climate-controlled storage building, and space for outdoor storage of RVs and boats.

PRIOR ACTION(S):

March 24, 2021: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (7-0)

FISCAL IMPACT: None.

CONTACT(S): Rachel Frischeisen, Planner II – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Ordinance
- Planning Commission Minutes – March 24, 2021
- Planning Commission Packet – March 24, 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: raw

061A

RESOLUTION:

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED ON PORTIONS OF 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM HIGH DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of GDG Lynchburg Apartments LLC to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Community Commercial for a certain area located on portions of 5212 Woodall Road and 2900 Candler's Mountain Road from High Density Residential to Community Commercial is hereby approved.

Adopted:

Certified: _____
Clerk of Council

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED ON PORTIONS OF 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-5C, GENERAL 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 on portions of 5212 Woodall Road and 2900 Candler Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional).

The area embraced within the following boundaries:

Commencing at a found iron rod at intersection of the eastern right-of-way line of Woodall Road and northern right-of-way line of Border Street; thence departing the northern right-of-way line of Border Street and along the eastern right-of-way line of Woodall Road, N33°40'04"E 350.59 feet to a found iron rod; thence N33°40'08"E 74.61 feet to the Point of Beginning; thence N33°40'08"E 416.55 feet to a found iron rod; thence departing said right-of-way line, S55°10'12"E 443.70 feet to a found iron pipe; thence S56°00'58"W 232.00 feet to a found iron pipe; thence S41°02'42"E 238.64 feet to a found iron rod; thence S42°07'42"E 108.26 feet to a found iron rod; thence S24°01'18"W 97.55 feet to a found iron rod in the northern right-of-way line of Border Street; thence along said right-of-way line and following a curve to the right having a radius of 288.31 feet, a length of 54.08 feet, and a chord bearing and distance of S85°28'57"W 54.00 feet to a found iron rod; thence N89°08'38"W 245.16 feet to a found iron rod; thence N89°09'42"W 4.66 feet to a point; thence departing said right right-of-way line, N24°58'31"E 238.05 feet to a point; thence N66°21'01"W 424.96 feet to a point in the eastern right-of-way line of Woodall Road, also the Point of Beginning; containing 4.887 acres.

...is hereby changed from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) subject to the conditions herein below which were voluntarily proffered in writing by the petitioner, GDG Lynchburg Apartments LLC, to wit:

1. The project shall be developed in substantial compliance with the site plan known as "Woodall Storage" sheet C01 by Balzer and Associates, Inc. dated February 16, 2021.
2. The buildings shall be constructed in substantial compliance with one of the architectural exhibits shown on the site plan known as "Woodall Storage" sheet C02 by Balzer and Associates, Inc. dated February 16, 2021.

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 March 24, 2021 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of GDG Lynchburg Apartments, LLC to rezone approximately four and nine tenths (4.9) acres located at 5212 Woodall Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) District to allow the construction of an indoor and outdoor storage facility.

Ms. Rachel Frischeisen, Planner II provided the following summary to the Commission. Although the two (2) petitions are separate, the history of the parcels has been somewhat intertwined. On April 9, 2013, City Council approved the rezoning, Conditional Use Permit (CUP), and Future Land Use Map (FLUM) amendment petitions of GDG Lynchburg Hotel, LLC, on these properties at 2900 Clanders Mountain Road and 5212 Woodall Road. The properties were rezoned at that time from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing hotel, The Kirkley, into compliance with zoning. A CUP was also issued to allow the development of 5212 Woodall Road into a one hundred fifty-six (156) unit apartment complex. The owners of the parcels now envision different uses for these properties. There will also be a land swap between the two (2) parcels, which is why both addresses are listed on each rezoning petition. The first petition, mainly located at 5212 Woodall Road and at part of 2900 Clanders Road, proposes to rezone the properties from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the construction of a mini storage facility with outdoor storage for recreational vehicles (RVs) and boats. Currently, the City's Future Land Use Map (FLUM) indicates both High Density Residential and Community Commercial uses. The proposed use does agree with the Community Commercial designation, but doesn't agree with the High Density Residential designation. Therefore, the petition also proposes to amend the High Density Residential portion of the Future Land Use Map (FLUM) to a Community Commercial designation. If the rezoning is approved, a mini storage facility will be constructed. The proffered concept plan indicates eight (8) single-story mini storage buildings, a three-story climate-controlled storage building, and space for outdoor storage of RVs and boats. The facility will provide approximately eight hundred (800) secure mini storage units and facility access will be restricted to between the hours of 6:00 AM and 9:00 PM. In addition to the proffered concept plan, the petitioner has also proffered compliance with the submitted architectural renderings for the three-story, climate controlled storage facility that will front on Border Street and be visible from the Lynchburg Expressway. The building will appear to be two (2) stories tall from the street, with the lower level being accessible from the rear only. Stormwater runoff will be conveyed to the northeast corner of the site where a stormwater management pond is proposed. The site will be required to meet the Virginia Stormwater Management Program for both stormwater quality and quantity. The narrative indicates the site may use on-site mitigation or off-site nutrient credits to meet stormwater quality requirements. In summary, the proposed storage facility should have little to no negative impact on the surrounding area. The facility is expected to generate a low volume of traffic and is located along a major corridor with a traffic light already in place. The proposed use should fit in well with the commercial and industrial uses already in the area. The proffered concept plan and architectural renderings ensure the site will be developed as submitted. The proposed use agrees with the Future Land Use Map (FLUM) amendment to Community Commercial. Approval of the rezoning will facilitate the development of an underutilized property, since the site has been half-parking lot, half vacant for about twenty (20) years now. The Technical Review Committee (TRC) reviewed the petition on March 2, 2021. Comments have or will be addressed prior to final site plan approval. The Planning Division recommends approval of the Future Land Use Map (FLUM) amendment and the rezoning with the submitted proffers.

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

Mr. Justin Fournier, of Balzer and Associates, Inc., addressed the Commission on behalf of GDG Lynchburg Apartments, LLC. This petition requests 5212 Woodall Road and a part of 2900 Clanders Road be rezoned from B-3C, Community Business District (Conditional) to B-5C, General Business District

(Conditional) to allow the development of a mini self-storage facility. The owners of both 5212 Woodall Road and 2900 Candler's Road have agreed to a land swap and a subdivision plat will be required to modify the property lines for these two parcels. GDG Lynchburg Apartments, LLC will give approximately seven tenths (.7) of an acre that consists of existing parking to R&P Kirkley, LLC in exchange for approximately seventy-three hundredths (.73) of an acre of vacant land that fronts on Border Street. The development will consist of one (1) three-story conditioned building that will have approximately sixty thousand (60,000) square feet. The building will front on Border Street with two-stories visible from the public right-of-way of Border Street. The third level will be built on a lower level and will only be visible from within the development. The remaining development will be a mix of approximately eight (8) single-story traditional, non-conditioned self-storage buildings and paved areas with optional canopies for RV and boat storage. The layout and architectural character of the development is very important to the overall success of the project. The building will front on Border Street and will also be visible from 501 and Candler's Mountain Road, two (2) roads with a high volume of traffic. This building will be built in general compliance to one of the architectural exhibits on sheet C02 of Woodall Storage Site Plan by Balzer and Associates dated February 16, 2021. These exhibits illustrate a style that is contemporary and incorporates a combination of exterior finishes. The construction of the remaining structures will be in general compliance with the site plan known as Woodall Storage Site Plan by Balzer and Associates dated February 16, 2021. The City's Comprehensive Plan designates this area as High Density Residential. While this mini storage development does not fit within the parameters of High Density Residential, the petitioner requests that the Commission consider this request for various reasons. An independent market study has shown high demand for mini storage in this area, in particular developments of high level of quality and service. This development will create a low volume of daily traffic, creating minimal impact on the existing transportation infrastructure. This is amplified when compared to the traffic generation that would occur if the site were to be developed as High Density Residential. This use is a good transition between the commercial uses to the south and the industrial uses to the north. There will also be zero (0) impact to the City of Lynchburg public school systems.

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.

Chair Rogers asked if the RV storage sites are powered.

A member of the audience responded that the RV storage sites will have some power but not enough for someone to camp there.

Commissioner Perault asked if the structure to the east, the old ice cream restaurant, is still there.

Ms. Frischeisen responded that she believes that structure has been demolished or will be soon. The City has received a site plan for a hotel to be constructed there.

Commissioner Perault asked for clarification that the site plan for a hotel at that location is independent from these petitions.

Ms. Frischeisen responded that is correct.

Commissioner Bowden asked if the storage structures will be closer to Woodall Road.

Mr. Fournier responded that is correct.

Chair Rogers noted that storage areas are restricted to B-5, General Business Districts. He then asked why that is and why they are not permitted in B-3 districts.

Ms. Frischeisen responded that the zoning districts are meant to go from the lowest intensity to highest intensity in terms of how the use will impact other areas around it. B-1 may be lighter retail whereas B-3 and B-5 districts are uses that wouldn't be permitted just anywhere. B-5 also tends to be more intense uses that people may not necessarily want to live next to.

Chair Rogers noted that the aesthetic difference in storage areas built today is interesting. They used to be all one-story. He also stated that there is a real need for them in that area.

Commissioner Bowden stated that this is a straightforward use. The access looks good and he is in favor of the petition.

Commissioner Johnson asked if the apartment complex is still going to be constructed where the old ice cream place is.

Ms. Frischeisen responded that the old ice cream place will be demolished and a hotel will be constructed. She reiterated that it is separate from these petitions and that parcel was rezoned for that purpose a few years ago. The City recently received the site plan for the hotel.

Commissioner Johnson stated that she has no reservations about the petition. Storage is a good use and the parcel has been vacant for a while. There is a need as well.

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 GDG Lynchburg Apartments LLC to:

Amend the Future Land Use Map (FLUM) from High Density Residential to Community Commercial for a portion of the property at 5212 Woodall Road.

Rezone portions of 5212 Woodall Road and 2900 Candler's Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

- 1. The project shall be developed in substantial compliance with the site plan known as "Woodall Storage" sheet C01 by Balzer and Associates, Inc. dated February 16, 2021.**
- 2. The buildings shall be constructed in substantial compliance with one of the architectural exhibits shown on the site plan known as "Woodall Storage" sheet C02 by Balzer and Associates, Inc. dated February 16, 2021."**

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: March 24, 2021
Re: **Rezoning: 5212 Woodall Road & 2900 Candler Mountain Road – B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional)**
Future Land Use Map Amendment: High Density Residential to Community Commercial

I. PETITIONER

GDG Lynchburg Apartments LLC, 2615 Wind River Road, Charlottesville, Virginia 22901

Representative: Justin S. Fournier, Balzer and Associates, 901 Jefferson Street, Suit 208, Lynchburg, Virginia 24504

Property Owners:

5212 Woodall Road: GDG Lynchburg Apartments LLC, 2615 Wind River Road, Charlottesville, Virginia 22901

2900 Candler Mountain Road: R&P Kirkley LLC, 5106 Waterlick Road, Forest, Virginia 24551

II. LOCATION

The area is approximately four and nine tenths (4.9) acres located on portions of 5212 Woodall Road and 2900 Candler Mountain Road.

III. PURPOSE

The purpose of the rezoning is to allow the construction of a mini storage facility with outdoor storage for recreational vehicles (RVs) and boats.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* currently recommends High Density Residential and Community Commercial uses for the area
- If approved, a mini storage facility would be constructed, with several single-story buildings, a three-story climate-controlled storage building, and space for outdoor storage of RVs and boats.

The Planning Division recommends approval of the Rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends High Density Residential and Community Commercial uses for the area.

Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed.

High Density Residential areas are developed or planned to be developed into high density townhouse or multifamily housing. Densities can range up to 30 units per acre. They may include public, institutional, private recreation, and private open space uses. Limited retail and service uses may be established as part of mixed-use developments and within high density residential projects.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2013.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 1. The project shall be developed in substantial compliance with the site plan known as “Woodall Storage” sheet C01 by Balzer and Associates, Inc. dated February 16, 2021.
 2. The buildings shall be constructed in substantial compliance with one of the architectural exhibits shown on the site plan known as “Woodall Storage” sheet C02 by Balzer and Associates, Inc. dated February 16, 2021.
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 February 22, 1979, Council approved the CUP petition of J.B. Forehand to allow a tire store at 1005 Sheffield Drive.
 - On July 13, 1982, Council approved the CUP petition of Video Voyage, Inc. to operate a game room at 2110 Wards Road.
 - On November 11, 1986, Council approved the CUP of Autolease, Inc. to allow the use of an existing building and parking lot for automobile leasing at 2120 Wards Road.
 - On September 8, 1987, Council approved the rezoning petition of MLB Corporation to rezone 4637-4641 Murray Place from I-3, Heavy Industrial District to B-5, General Business District (Conditional) to allow the construction of a Bowling Center.
 - On January 15, 2002, Council approved the rezoning petition of Carl and Ellen Sanders to rezone 310 and 312 Border Street from I-2, Light Industrial District to B-3, Community Business District (Conditional) to allow the operation of an ice cream parlor/restaurant.
 - On April 9, 2002, Council approved the CUP petition of Watts Petroleum Corporation to allow a car wash at 2209 Wards Road.
 - On April 8, 2008, Council approved the rezoning petition of the Lynchburg Chamber of Commerce to rezone 310 and 312 Border Street from B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional) to allow the use of an existing building as an office.
 - On April 9, 2013, Council approved the rezoning, CUP, and Future Land Use Map amendment petitions of GDG Lynchburg Hotel LLC, at this property (2900 Candler's Mountain Road & 5212 Woodall Road). The property was rezoned from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing hotel into compliance with zoning. The CUP was issued to allow development of 5212 Woodall Road into a one hundred fifty-six (156) unit apartment complex.
 - On January 9, 2018, Council approved the rezoning petition of Sandpiper Hospitality V LLC to rezone 310 and 312 Border Street to eliminate proffers and allow the construction of a hotel and associated parking.

6. **Site Description.** The 5212 Woodall Road property currently consists of approximately four and nine tenths (4.9) acres and contains a parking lot.

The 2900 Candler's Mountain Road property currently consists of approximately three and nine-tenths (3.9) acres and contains a hotel building and associated parking. The building was constructed in 1980 and consists of approximately one hundred twenty thousand (120,000) square feet.

7. **Proposed Use of Property.** If the rezoning is approved, a mini storage facility would be constructed. The proffered concept plan indicates eight single-story mini storage buildings, a three-story climate-controlled storage building, and space for outdoor storage of RVs and boats. The facility will provide approximately eight hundred (800) secure mini storage units and facility access would be restricted to the hours of 6:00 AM and 9:00 PM.

The owners of these two properties have agreed to a land swap and a subdivision plat will be required to modify the property lines for these two parcels if the petition is approved. GDG Lynchburg Apartments LLC will give approximately seven tenths (0.70) of an acre that consists of existing parking to R & P Kirkley LLC in exchange for approximately seventy-three hundredths (0.73) of an acre of vacant land that fronts on Border Street.

8. **Traffic, Parking and Public Transit.** The submitted concept plan proposes six parking spaces for employees, which exceeds the two spaces that would be required for the employees on duty.

The closest bus stop is one-quarter (0.25) of a mile away on Wards Road, served by Greater Lynchburg Transit Company (GLTC) Route 4.

9. **Stormwater Management.** Runoff will be conveyed to the northeast corner of the site where a proposed stormwater management pond is proposed. The site will be required to meet the Virginia Stormwater Management Program for both stormwater quality and stormwater quantity. The proposed pond will be used to control runoff from the site and meet Virginia Runoff Reduction Method channel and flood protection requirements. The submitted narrative indicates the developer plans use offsite nutrient credits and/or onsite mitigation as required to meet the stormwater quality requirements.

10. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the rezoning petition.

11. **Impact.** The proposed storage facility should have little to no negative impact on the surrounding area. The facility is expected to generate a low volume of traffic and is located along a major corridor (Candler's Mountain Road) with a traffic light already in place. The proposed mini storage facility should fit in well with the surrounding commercial and industrial uses. The proffered concept plan and architectural exhibit ensure the site will be developed as submitted.

Approval of the rezoning would facilitate the development of a previously underutilized property. The proposed use agrees with the Future Land Use Map amendment to Community Commercial.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on March 2, 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 GDG Lynchburg Apartments LLC to:

Amend the Future Land Use Map (FLUM) from High Density Residential to Community Commercial for a portion of the property at 5212 Woodall Road.

Rezone portions of 5212 Woodall Road and 2900 Candler Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffers:

1. The project shall be developed in substantial compliance with the site plan known as “Woodall Storage” sheet C01 by Balzer and Associates, Inc. dated February 16, 2021.
2. The buildings shall be constructed in substantial compliance with one of the architectural exhibits shown on the site plan known as “Woodall Storage” sheet C02 by Balzer and Associates, Inc. dated February 16, 2021.

This matter is respectfully offered for your consideration.

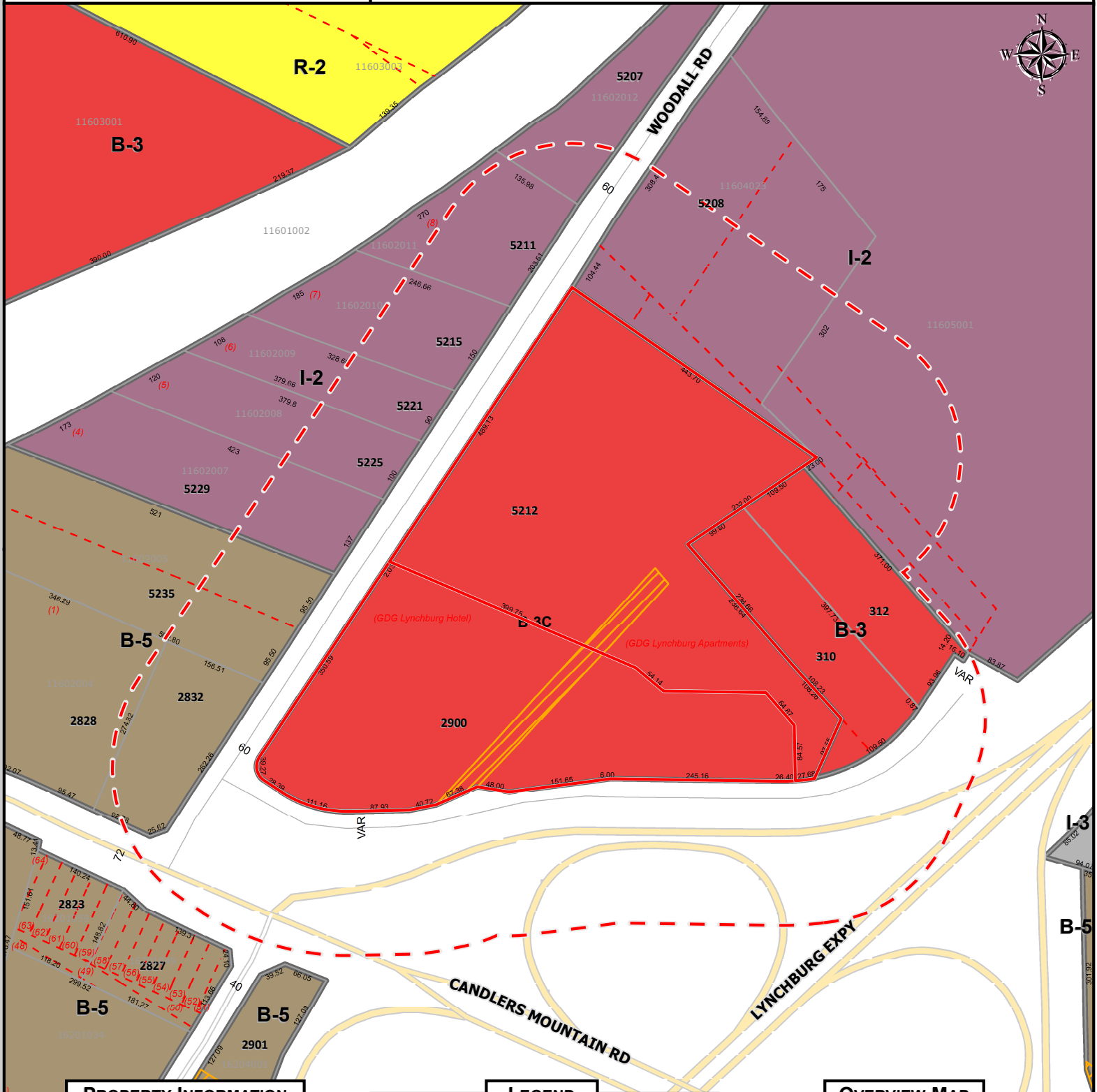


William T. Martin, AICP
City Planner

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
Mr. Jimmy Ayers, R&P Kirkley LLC
Mr. Peter Greenberg, GDG Lynchburg Apartments LLC
Mr. Justin Fournier, LA, Balzer and Associates

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

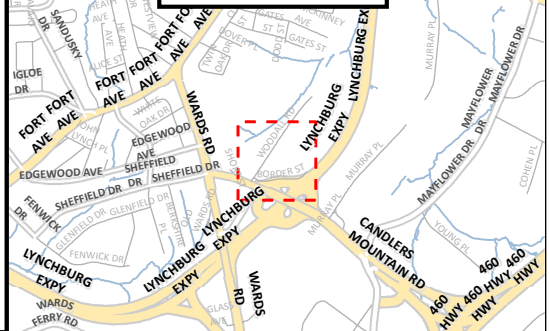
PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

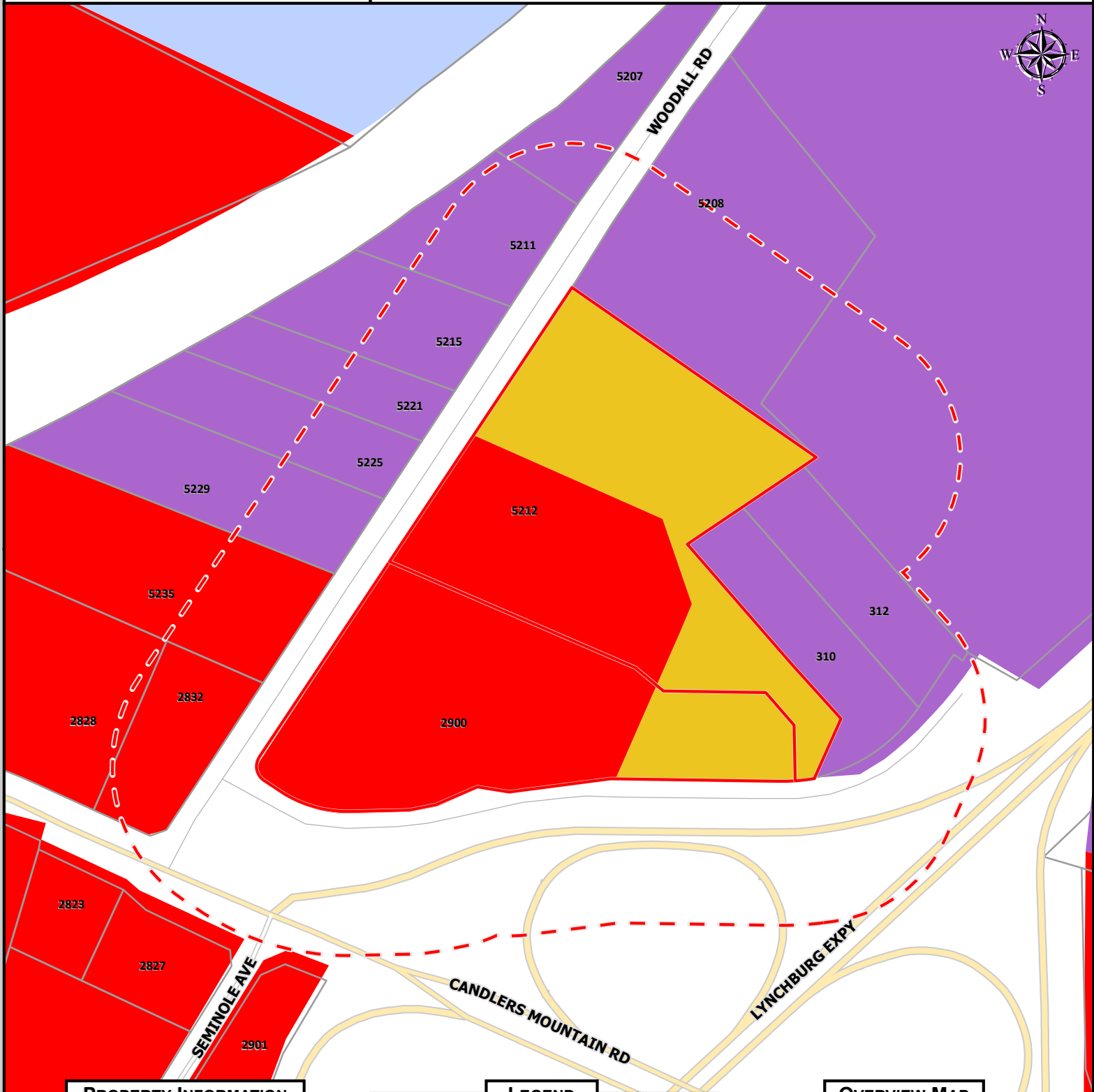
MAP SCALE: 1" = 200' DATE PRINTED: 2/17/2021

OVERVIEW MAP



5212 Woodall Road & 2900 Candler Mountain Road

Parcel ID	Address	Owner
11602016	2832 CANDLERS MOUNTAIN RD	PTC REAL ESTATE LLC
11602011	5211 WOODALL RD	FLOWSERVE US INC
11602009	5221 WOODALL RD	FLOWSERVE US INC
11604003	5212 WOODALL RD	GDG LYNCHBURG APARTMENTS LLC
11604016	312 BORDER ST	2505 WARDS ROAD ASSOCIATES LLC
11604023	5208 WOODALL RD	FLOWSERVE US INC
11602004	2828 CANDLERS MOUNTAIN RD	CANDLERS MOUNTAIN ROAD LLC
11602008	5225 WOODALL RD	COVA CORPORATION
11602007	5229 WOODALL RD	COVA CORPORATION
11602005	5235 WOODALL RD	EDISON CORPORATION
11602010	5215 WOODALL RD	FLOWSERVE US INC
11605001	5114 WOODALL RD	FLOWSERVE US INC
11604002	2900 CANDLERS MOUNTAIN RD	R & P KIRKLEY LLC
11604001	310 BORDER ST	2505 WARDS ROAD ASSOCIATES LLC
11602012	5207 WOODALL RD	NORFOLK & WESTERN RAILWAY
		VDOT LYNCHBURG DISTRICT OFFICE



PROPERTY INFORMATION

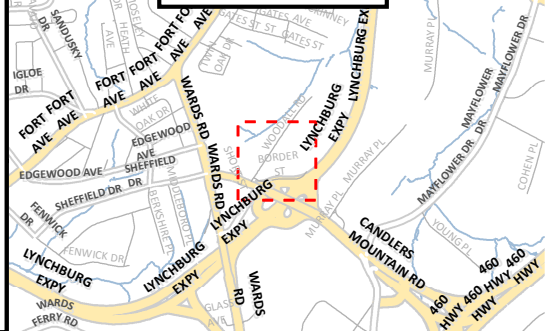
PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

OVERVIEW MAP





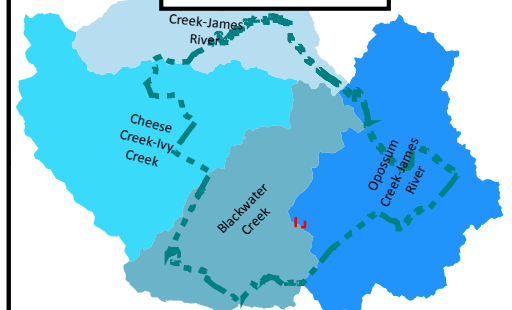
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

OVERVIEW MAP



Opossum Creek-James River

MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

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

TRC

Balzer and Associates, Inc.

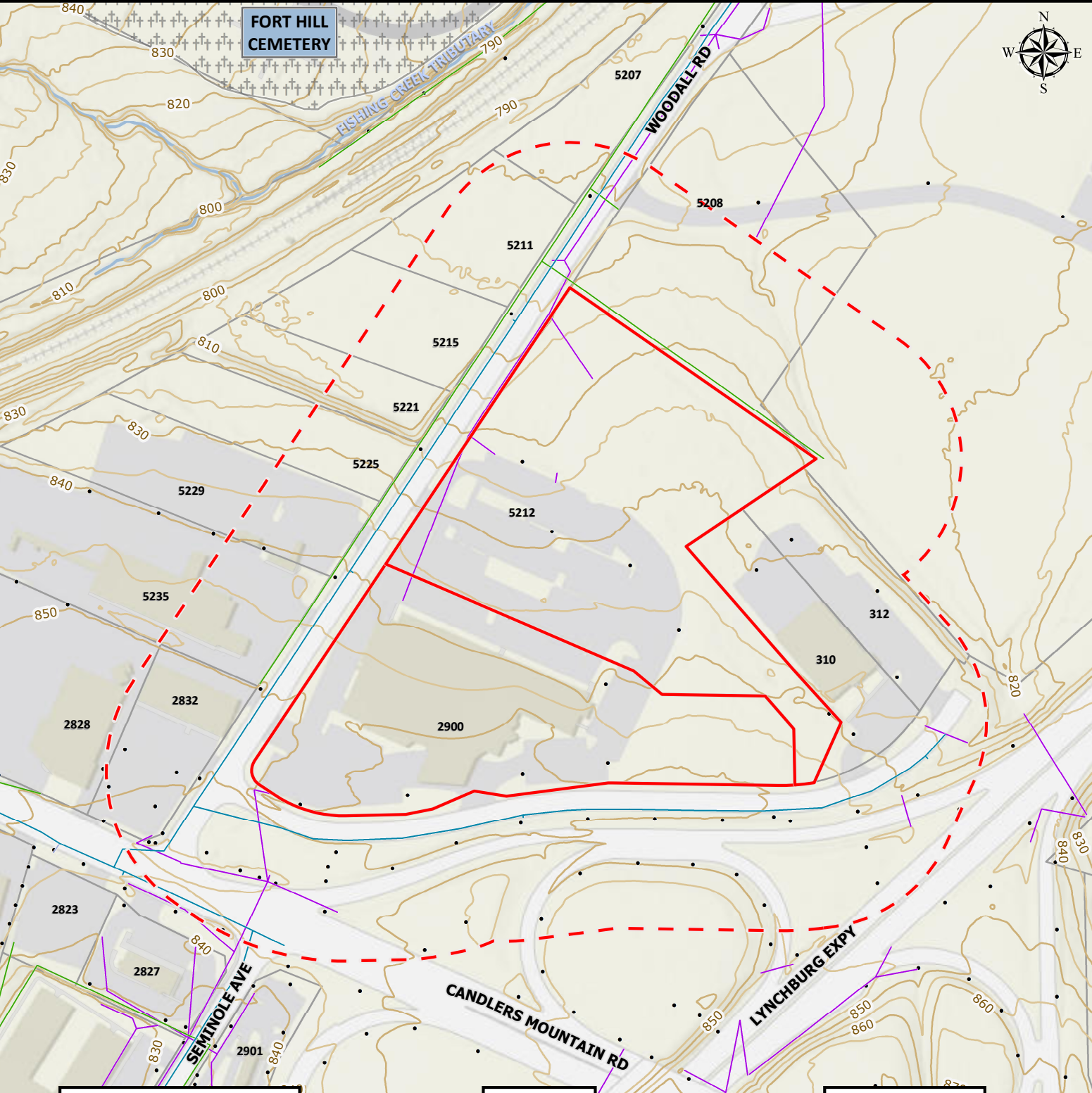
FORT HILL
CEMETERY

FISHING CREEK TRIBUTARY

WOODALL RD

CANDLERS MOUNTAIN RD

LYNCHBURG EXPY



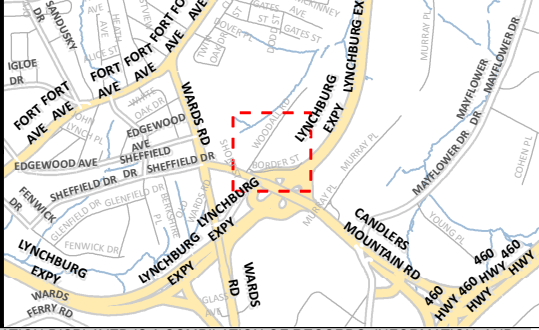
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11604003	5212 WOODALL RD
11604002	2900 CANDLERS MOUNTAIN RD

LEGEND

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

OVERVIEW MAP

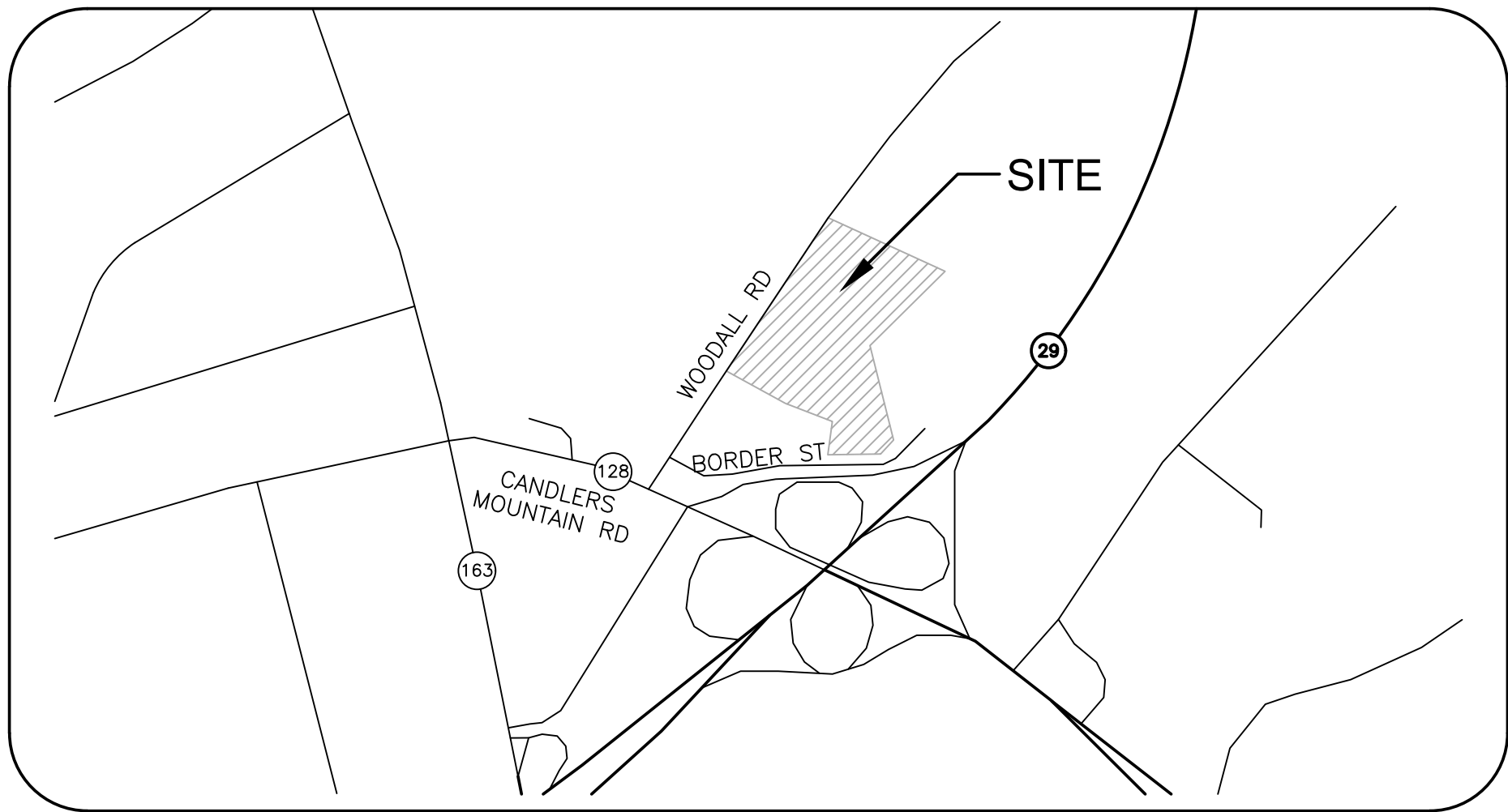


MAP SCALE: 1" to 200' DATE PRINTED: 2/17/2021

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.

LANDSCAPE LEGEND

- SHADE TREE
- STREET TREE
- EVERGREEN SCREEN TREE
- ORNAMENTAL TREE
- LARGE SHRUB
- UTILITY SCREEN SHRUB



VICINITY MAP

GENERAL NOTES:

SITE ADDRESS: 5212 WOODALL RD AND 2900 CANDLERS MOUNTAIN ROAD LYNCHBURG, VA 24501

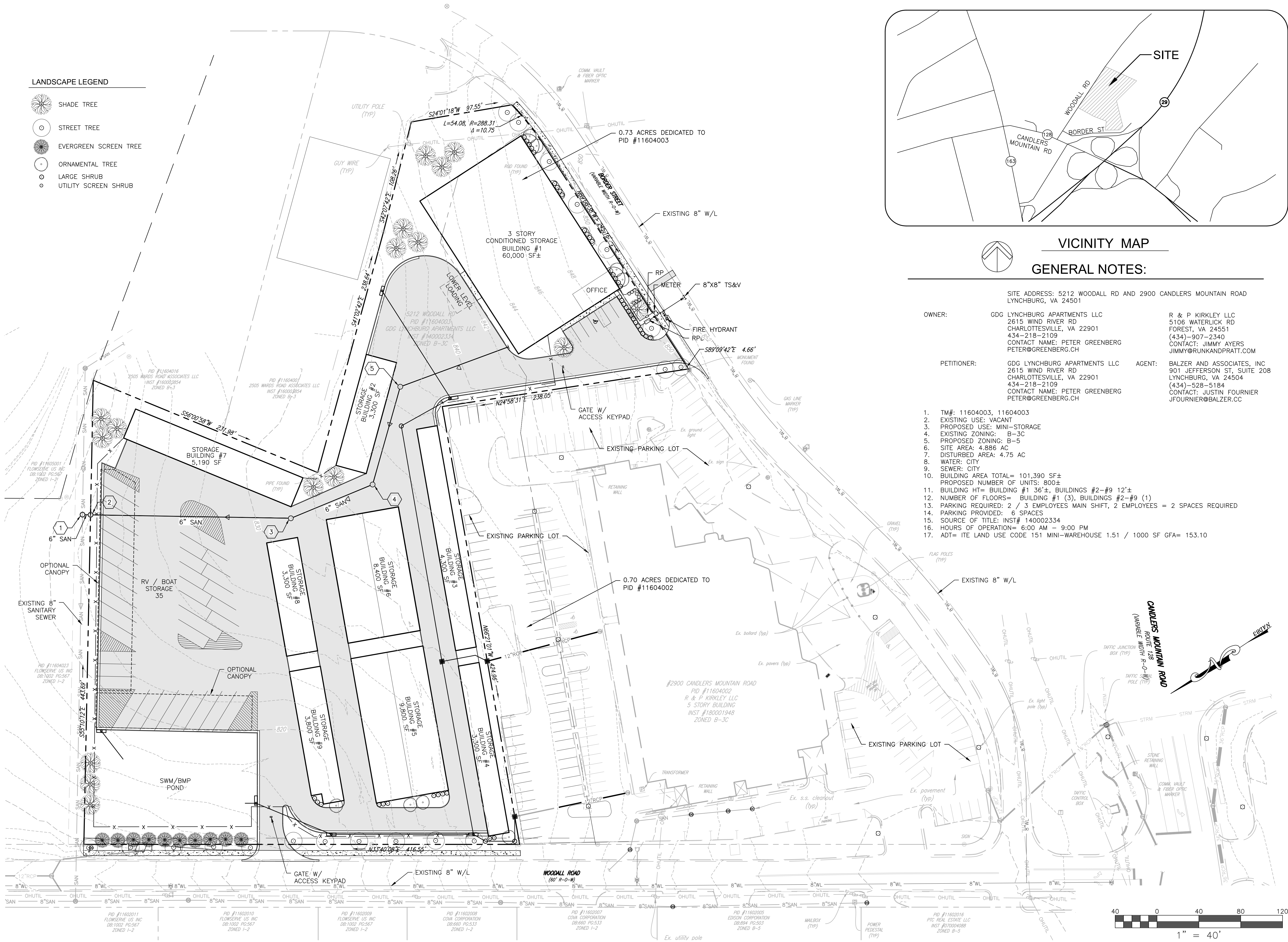
OWNER: GDG LYNCHBURG APARTMENTS LLC
2615 WIND RIVER RD
CHARLOTTESVILLE, VA 22901
434-218-2109
CONTACT NAME: PETER GREENBERG
PETER@GREENBERG.CH

PETITIONER: GDG LYNCHBURG APARTMENTS LLC
2615 WIND RIVER RD
CHARLOTTESVILLE, VA 22901
434-218-2109
CONTACT NAME: PETER GREENBERG
PETER@GREENBERG.CH

AGENT: BALZER AND ASSOCIATES, INC
901 JEFFERSON ST, SUITE 208
LYNCHBURG, VA 24504
434-528-5184
CONTACT: JUSTIN FOURNIER
JFOURNIER@BALZER.CC

R & P KIRKLEY LLC
5106 WATERLICK RD
FOREST, VA 24551
(434)-907-2340
CONTACT: JIMMY AYERS
JIMMY@RUNKANDPRATT.COM

1. TM#: 11604003, 11604003
2. EXISTING USE: VACANT
3. PROPOSED USE: MINI-STORAGE
4. EXISTING ZONING: B-3C
5. PROPOSED ZONING: B-5
6. SITE AREA: 4.886 AC
7. DISTURBED AREA: 4.75 AC
8. WATER: CITY
9. SEWER: CITY
10. BUILDING AREA TOTAL= 101,390 SF±
PROPOSED NUMBER OF UNITS: 800±
11. BUILDING HT= BUILDING #1 36'±, BUILDINGS #2-#9 12'±
12. NUMBER OF FLOORS= BUILDING #1 (3), BUILDINGS #2-#9 (1)
13. PARKING REQUIRED: 2 / 3 EMPLOYEES MAIN SHIFT, 2 EMPLOYEES = 2 SPACES REQUIRED
14. PARKING PROVIDED: 6 SPACES
15. SOURCE OF TITLE: INST# 140002334
16. HOURS OF OPERATION= 6:00 AM — 9:00 PM
17. ADT= ITE LAND USE CODE 151 MINI-WAREHOUSE 1.51 / 1000 SF GFA= 153.10



WOODALL STORAGE

SITE PLAN

DRAWN BY SKM
DESIGNED BY JSF
CHECKED BY JSF
DATE 2.16.2021
SCALE 1" = 40'
REVISIONS

C01
PROJECT NO. 84210006.00





BALZER
& ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

901 Jefferson Street
Suite 208
Lynchburg, VA 24504
434.528.5184
www.balzer.cc

Roanoke
Richmond
New River Valley
Staunton
Harrisonburg
Lynchburg

January 16, 2021
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, VA 24504
RE: Woodall Storage

Woodall Storage – Rezoning Narrative

Project Description

On behalf of the petitioner, GDG Lynchburg Apartments LLC, we request that 5212 Woodall Road PID#11604003 and part of 2900 Candler's Mountain Road PID#11604002 be rezoned from B-3C to B-5C to allow for the development of mini storage facility.

The owners of 5212 Woodall Road and 2900 Candler's Mountain Road have agreed to a land swap and a subdivision plat will be required to modify the property lines for these two parcels. GDG Lynchburg Apartments LLC will give approximately 0.70 acres of land that consists of existing parking to R & P Kirkley LLC in exchange for approximately 0.73 acres of vacant land that fronts on Border Street.

The development will consist of one 3 story, conditioned storage building that will have approximately 60,000 Square Feet. This building will front on Border Street, with two stories visible from the public right of way. The third level of the building will be built on a lower level and will only be visible from within the development. The remaining development will be a mix of approximately eight single story traditional non-conditioned mini storage buildings. There will also be paved storage areas with optional canopies for RV/Boat storage.

There will be a total of approximately 800 secure mini storage units. Access to the facility will be restricted to the hours of 6:00 AM and 9:00 PM.

In addition, the project would include minimal parking, landscaping, utilities, and stormwater management facilities.

Mini Storage Design

The layout and architectural character of the development is very important to the overall success of the project. The building that will front on Border Street will be visible from both 501 and Candler's Mountain Road, two roads with a high volume of traffic. This building will be built in general compliance to one of the architectural exhibits on sheet C02 of the "Woodall Storage" site plan by Balzer and Associates, Inc. dated February 16, 2021. These exhibits illustrate a style that is contemporary self storage construction, incorporating a combination of exterior finishes to include: architectural metal panels, masonry brick/block water table, EIFS, and glass. The remaining development will be a mix of single story traditional non-conditioned mini storage and RV/Boat storage with optional canopies. The construction of these structures and areas will be in general compliance with the site plan known as "Woodall Storage" site plan by Balzer and Associates, Inc. dated February 16, 2021. These buildings will have low visibility from the public right of way and there will be landscape screening between Woodall Road and the RV/Boat storage areas.

Stormwater Management

Runoff will be conveyed to the northeast corner of the site where a proposed SWM Pond is proposed. The site will be required to meet the Virginia Stormwater Management Program for both stormwater quality and stormwater quantity. The proposed SWM Pond will be used to control runoff from the site and meet Virginia Runoff Reduction Method channel and flood protection requirements. The engineer will evaluate the use of offsite nutrient credits and onsite mitigation as required to meet the stormwater quality requirements.

Utilities



An existing 8" water line is located within Border Street and Woodall Street. It is anticipated that the water line in Border Street will be tapped to provide potable water and fire suppression for the development. The existing 8" sanitary sewer that is located within an easement and parallel to the northern property line will be utilized to provide sewer to the development.

Parking

The project is required to meet the current City of Lynchburg parking requirements for warehousing. This requirement is based off the number of employees. It should be noted that mini storage has a very low traffic generation and need for parking. All the parking is located adjacent to the 60,000 SF building where the office will be located.

Parking requirement= $2/3$ Employees Main Shift – 2 Employees = 2 Spaces Required

Parking proposed= 6 Spaces (1 Handicap)

Landscaping, Lighting and Security

Landscaping will be provided as required per the City of Lynchburg ordinance, this will include street trees, parking lot standards, building foundation standards, utility and outdoor storage screening and an overall canopy requirement of 10%.

Trash will be located inside the main building, there are no proposed exterior trash dumpsters.

Any exterior lighting will meet City of Lynchburg requirements and be controlled to ensure no illumination extends beyond the property lines.

The property will be gated and have perimeter security fencing. Gates will be placed to ensure at least one 50' vehicle can be completely out of the public right of way while operating the keypad. If chain link fence is used as security fencing it will be screened with landscaping where visible from public roads.

Future Land Use

The City of Lynchburg 2013-2030 Comprehensive Plan designates this property as High Density Residential. While this mini storage development does not fit within the parameters of High Density Residential we would request that you consider this use for the following reasons:

1. An independent market study has shown a high demand for mini storage in this area, in particular a development of this high level of quality and service.
2. This development will create a low volume of daily traffic, creating minimal impact on the existing transportation infrastructure. This is amplified when you compare the traffic generation that would occur if the site were to be developed as High Density residential.
3. This use is a good transition between the commercial uses to the south and industrial uses to the north.
4. There will be zero impact to the City of Lynchburg Public School System.

Thank you for considering this request,

Justin S. Fournier, LA
Vice President



02/01/2017

© All Pictometry

5212 Woodall Road & 2900 Candler's Mountain Road
March 24, 2021

[illegible]

RESOLUTION:

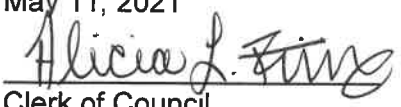
#R-21-036

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED ON PORTIONS OF 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM HIGH DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of GDG Lynchburg Apartments LLC to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Low Density Residential to Community Commercial for a certain area located on portions of 5212 Woodall Road and 2900 Candler's Mountain Road from High Density Residential to Community Commercial is hereby approved.

Adopted: May 11, 2021

Certified:


Clerk of Council

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED ON PORTIONS OF 5212 WOODALL ROAD AND 2900 CANDLERS MOUNTAIN ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-5C, GENERAL 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 on portions of 5212 Woodall Road and 2900 Candler Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional).

The area embraced within the following boundaries:

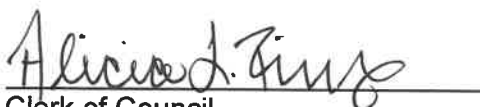
Commencing at a found iron rod at intersection of the eastern right-of-way line of Woodall Road and northern right-of-way line of Border Street; thence departing the northern right-of-way line of Border Street and along the eastern right-of-way line of Woodall Road, N33°40'04"E 350.59 feet to a found iron rod; thence N33°40'08"E 74.61 feet to the Point of Beginning; thence N33°40'08"E 416.55 feet to a found iron rod; thence departing said right-of-way line, S55°10'12"E 443.70 feet to a found iron pipe; thence S56°00'58"W 232.00 feet to a found iron pipe; thence S41°02'42"E 238.64 feet to a found iron rod; thence S42°07'42"E 108.26 feet to a found iron rod; thence S24°01'18"W 97.55 feet to a found iron rod in the northern right-of-way line of Border Street; thence along said right-of-way line and following a curve to the right having a radius of 288.31 feet, a length of 54.08 feet, and a chord bearing and distance of S85°28'57"W 54.00 feet to a found iron rod; thence N89°08'38"W 245.16 feet to a found iron rod; thence N89°09'42"W 4.66 feet to a point; thence departing said right right-of-way line, N24°58'31"E 238.05 feet to a point; thence N66°21'01"W 424.96 feet to a point in the eastern right-of-way line of Woodall Road, also the Point of Beginning; containing 4.887 acres.

...is hereby changed from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) subject to the conditions herein below which were voluntarily proffered in writing by the petitioner, GDG Lynchburg Apartments LLC, to wit:

1. The project shall be developed in substantial compliance with the site plan known as "Woodall Storage" sheet C01 by Balzer and Associates, Inc. dated February 16, 2021.
2. The buildings shall be constructed in substantial compliance with one of the architectural exhibits shown on the site plan known as "Woodall Storage" sheet C02 by Balzer and Associates, Inc. dated February 16, 2021.

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: May 11, 2021

Certified: 
Clerk of Council

From: [Brandon Barney](#)
To: [Finney, Alicia](#)
Subject: Re: Fw: City Council meeting
Date: Wednesday, May 5, 2021 7:51:21 PM

CAUTION: External Sender

Yes

On Tue, Apr 27, 2021, 8:51 PM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Good Evening,

Can you confirm that you'd like to speak at our May 11th Council meeting?

Thank you,
Alicia

From: Finney, Alicia
Sent: Tuesday, April 27, 2021 3:25 PM
To: Brandon Barney <bbarney2475@gmail.com>
Subject: RE: City Council meeting

Thank you for letting me know!

ALICIA L. FINNEY – Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 **F:** (434) 847-1536

***Formerly** alicia.campbell@lynchburgva.gov

From: Brandon Barney <bbarney2475@gmail.com>
Sent: Tuesday, April 27, 2021 11:11 AM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: Re: City Council meeting

CAUTION: External Sender

I am going to have to cancel or postpone speaking tonight. Can get on for next

On Mon, Apr 26, 2021, 11:17 AM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Good Morning, Mr. Barney –

Confirming you are on the agenda to speak at the April 27th, 2021 City Council Meeting under the Public Comment section. The meeting starts at 7:30 p.m.; Council Chamber is easily accessed by using the Church Street entrance.

Council Chamber is set up to allow for social distancing, so please find a seat in a designated pew. We ask that attendees wear masks, but they may be removed once situated at the podium in order to speak.

If you have any questions, please let me know.

Thank you!

ALICIA L. FINNEY – Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 **F:** (434) 847-1536

***Formerly** alicia.campbell@lynchburgva.gov

From: Brandon Barney <bbarney2475@gmail.com>
Sent: Wednesday, April 21, 2021 10:57 AM
To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>
Subject: Re: City Council meeting

CAUTION: External Sender

Firefighter mental health and burnout

On Wed, Apr 21, 2021, 6:52 AM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Hello Mr. Barney,

I'm happy to place you on our agenda for next Tuesday night's (April 27) Council meeting under Public Comment. Could you please provide a brief summary of what you'd like to talk about? A sentence should do.

Thank you!

ALICIA L. FINNEY – Clerk of Council
City of Lynchburg
900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 **F:** (434) 847-1536

*Formerly alicia.campbell@lynchburgva.gov

From: Brandon Barney <bbarney2475@gmail.com>

Sent: Tuesday, April 20, 2021 4:28 PM

To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>

Subject: City Council meeting

CAUTION: External Sender

Alicia,

I am a retired fireman and would like to speak on my behalf

064A

From: [Jamie Maxwell](#)
To: [Finney, Alicia](#)
Subject: Speak at 11 May Council Meeting
Date: Tuesday, May 4, 2021 12:13:49 PM

CAUTION: External Sender

Good afternoon Alicia. I would like to speak during the 1930 Council Meeting I will be speaking for the Lynchburg Firefighters Association. My topic is City of Lynchburg Department Directors.

--

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

"Rangers Lead the Way"

065A

From: uzzielburton1@aol.com
To: [Finney, Alicia](#)
Subject: Taxi Rate Increase
Date: Wednesday, May 5, 2021 9:35:02 AM

CAUTION: External Sender

City Council of Lynchburg Virginia
Alicia Finney

We the operating members of Taxi service providers for the city of Lynchburg, Va are requesting to be placed on the next available city council meeting docket to speak during the public comments time period to request approval for an increase in our fares.

Mr. Robert Williams of Gray Top Cab will be speaking on behalf of all Company's, Operators and Owners.

Thank you

Uzziel Wilson
GT&D/CVYC
(434)444-6295

066A

From: [Lynchburg FIREPAC](#)
To: [Finney, Alicia](#)
Subject: 5/11/2021 City Council Meeting
Date: Wednesday, May 5, 2021 10:16:06 AM

CAUTION: External Sender

Good morning Alicia,

Please place me on the agenda for the 5/11/21 Council Meeting during public comment. I will be addressing City Council on behalf of the Lynchburg Firefighters Political Action Committee to thank Mayor Dolan for her efforts to cross the aisle last week.

Please let me know the details when I've been placed on the agenda. Thank you.

Marty Misjuns
Director
Lynchburg FIREPAC

067A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Compensation for School Board Chairperson**

KEY ELEMENTS:

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

RECOMMENDATION: Approval of a resolution allowing the School Board of the City of Lynchburg, in its discretion, to compensate the Chairperson of the School Board with an additional annual salary at a rate not to exceed the maximum limits imposed by statute.

SUMMARY: The School Board of the City of Lynchburg has requested a resolution allowing the School Board of the City of Lynchburg, in its discretion, to compensate the Chairperson of the School Board with an additional annual salary at a rate not to exceed the maximum limits imposed by statute.

PRIOR ACTION(S): n/a

FISCAL IMPACT: Not to exceed \$2,000 per year

CONTACT(S): Dr. James Coleman, Chair, Lynchburg City School Board, 515-5070
Dr. Crystal Edwards, Superintendent, Lynchburg City Schools, 515-5070

ATTACHMENT(S): Resolution
Email sent by Dr. Robert Brennan, School Board Vice Chair, dated 4/26/2021

REVIEWED BY: raw

062A

RESOLUTION:

A RESOLUTION ALLOWING THE SCHOOL BOARD OF THE CITY OF LYNCHBURG TO PROVIDE THE CHAIRPERSON OF THE SCHOOL BOARD ADDITIONAL COMPENSATION AT A RATE NOT TO EXCEED THE MAXIMUM THAT IS CONSISTENT WITH THE LIMITS IMPOSED BY STATUTE.

WHEREAS, the School Board of the City of Lynchburg, Virginia (the "School Board") is currently comprised of nine members who have been appointed to the School Board by the City Council of the City of Lynchburg, Virginia;

WHEREAS, the School Board members are not currently compensated for their service on the School Board;

WHEREAS, pursuant to Virginia Code § 22.1-32(C), appointed school boards listed in the enumerated cities and towns therein may pay each of its members an annual salary not to exceed the limits set forth by statute;

WHEREAS, beginning July 1, 2021, the School Board has decided to compensate each member annually, at a rate not to exceed the maximum that is consistent with the limits imposed by Virginia Code § 22.1-32(C) for appointed school boards in the cities and towns listed and school Board members shall have the discretion of whether or not to accept such compensation;

WHEREAS, pursuant to Virginia Code § 22.1-32(D), any school board may, in its discretion, compensate the chairperson of the school board with an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by the governing body of the city whose school board is comprised solely of appointed members;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the School Board of the City of Lynchburg may, in its discretion, compensate the Chairperson of the School Board with an additional annual salary at a rate not to exceed the maximum limits imposed by statute.

Introduced:

Adopted:

Certified:

Clerk of Council

From: [Robert Brennan](#)
To: [Finney, Alicia](#)
Cc: [James Coleman](#); [Townes, Hope](#); [Edwards, Crystal M.](#)
Subject: Lynchburg City Schools Item for May 11th City Council Meeting
Date: Monday, April 26, 2021 4:18:52 PM
Attachments: [Chairperson compensation resolution draft.docx](#)

CAUTION: External Sender

Dear Ms. Finney,

Lynchburg City School Board recently approved a discretionary stipend of \$2,000 per year for the school board chair. These funds will be allocated from the 2021/2022 LCS budget recently approved by City Council. However, City Council needs to approve this distribution of funds per Virginia Code § 22.1-32 (D), which reads, “Any school board may, in its discretion, pay the chairman of the school board an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by (i) the school board whose membership is elected in whole or in part or (ii) the governing body of the appropriate county, city, or town whose school board is comprised solely of appointed members.”

If this item is included in the May 11th City Council meeting agenda , a representative of Lynchburg City School Board will be present to address any questions related to this request. I have attached a proposed resolution for Council’s review and hopeful approval.

Thank you for your attention to this matter. Please let me know if any additional information is required in order to have this item added to the May 11th agenda.

Dr. Brennan

Robert Owen Brennan, MD
Vice Chair
Lynchburg City School Board
Email: brennanro@lcsedu.net
Mobile Phone: 434-851-3030

"Education is the most powerful weapon we can use to change the world." Nelson Mandela

This e-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

RESOLUTION:

#R-21-038

A RESOLUTION ALLOWING THE SCHOOL BOARD OF THE CITY OF LYNCHBURG TO PROVIDE THE CHAIRPERSON OF THE SCHOOL BOARD ADDITIONAL COMPENSATION AT A RATE NOT TO EXCEED THE MAXIMUM THAT IS CONSISTENT WITH THE LIMITS IMPOSED BY STATUTE.

WHEREAS, the School Board of the City of Lynchburg, Virginia (the "School Board") is currently comprised of nine members who have been appointed to the School Board by the City Council of the City of Lynchburg, Virginia;

WHEREAS, the School Board members are not currently compensated for their service on the School Board;

WHEREAS, pursuant to Virginia Code § 22.1-32(C), appointed school boards listed in the enumerated cities and towns therein may pay each of its members an annual salary not to exceed the limits set forth by statute;

WHEREAS, beginning July 1, 2021, the School Board has decided to compensate each member annually, at a rate not to exceed the maximum that is consistent with the limits imposed by Virginia Code § 22.1-32(C) for appointed school boards in the cities and towns listed and school Board members shall have the discretion of whether or not to accept such compensation;

WHEREAS, pursuant to Virginia Code § 22.1-32(D), any school board may, in its discretion, compensate the chairperson of the school board with an additional salary not exceeding \$2,000 per year upon passage of an appropriate resolution by the governing body of the city whose school board is comprised solely of appointed members;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the School Board of the City of Lynchburg may, in its discretion, compensate the Chairperson of the School Board with an additional annual salary at a rate not to exceed the maximum limits imposed by statute.

Adopted: May 11, 2021

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2021**

AGENDA ITEM #: **14**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: Amendment and additions to sections to the City Code which involve motor vehicles

KEY ELEMENTS:

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

RECOMMENDATION: Amend Sections 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, 25-388, and 26-58 of the City Code and add Section 25-82.1 to the City Code by adopting the attached ordinance.

SUMMARY: Local governments are permitted to adopt ordinances that parallel certain provisions of the Virginia Code. Local governments frequently adopt such ordinances because localities get to keep the fines imposed for violations of the same. Such ordinances must be kept up to date and amended as necessary to continue to parallel the Virginia Code. This ordinance 1) amends, adds, and reenacts certain sections to the City Code to be in line with state law and 2) makes minor wording and technical changes.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Matthew C. Freedman, Deputy City Attorney, 455-3973

ATTACHMENT(S):
Ordinance

REVIEWED BY: raw

063A

ORDINANCE:

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTIONS 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, AND 25-388 OF CHAPTER 25, BY AMENDING SECTION 26-58 OF CHAPTER 26, AND BY ADDING A SECTION 25-82.1 OF CHAPTER 25, ALL SUCH CODE SECTIONS RELATING TO OFFENSES INVOLVING MOTOR VEHICLES

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

1. That Sections 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-386, and 25-388 of Chapter 25 of the Code of City of Lynchburg, 1981, be and the same are hereby amended and reenacted follows:

Sec. 25-16. Unnecessary noise in the operation of motor vehicles.

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the city, of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is broadcast from such vehicle is prohibited. The provisions of this ~~paragraph~~ subsection shall not apply to motor vehicles driven in a duly authorized parade or to law-enforcement or emergency vehicles.

(c) It shall be unlawful for any person ~~in~~ operating a motor vehicle within the city to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise. In operating a motor vehicle, the following acts, among others, are declared to create loud, disturbing ~~and or~~ unnecessary noises in violation of this subsection, but such enumeration shall not be deemed to be exclusive, namely:

- (1) The use of a motor vehicle so out of repair as to cause ~~thereby~~ loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle while standing or moving and thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of a motor vehicle and thereby causing unnecessary, loud and explosive noise from ~~the~~ such motor.
- (4) In starting off a motor vehicle from a standing position, the practice of gaining speed unnecessarily ~~quickly~~ and thereby causing unnecessary and loud noise from the motor of such motor vehicle.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle and thereby causing unnecessary grinding of brakes and screeching of tires, or either of such noises.

(d) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-41. Stopping vehicles for inspection or to secure information.

Except as prohibited by (i) Section 19.2-59 of the Code of Virginia, 1950, as amended, (ii) Virginia law, or (iii) the City Code, Any police officer any law-enforcement officer who shall be in uniform or who shall exhibit his badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semitrailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semitrailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semitrailer is a property-carrying vehicle or for the purpose of securing such other information as may be necessary. Nothing in this section shall be construed to authorize the establishment on any highway of police check-points where the only vehicles subject to inspection are motorcycles.

Sec. 25-147. Occupants of front seats of motor vehicles required to use safety lap belts and shoulder harnesses.

(a) Any driver, and any other person at least 18 years of age and occupying the front seat of a motor vehicle equipped or required by the provisions of Title 46.2 of the Code of Virginia, 1950, as amended, to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices, shall wear the appropriate safety belt system at all times while the motor vehicle is in motion on any public highway within the city.

(b) Any person transporting another person less than 18 years old, except under circumstances where a child restraint device would be required, shall ensure that such person is provided with and properly secured by an appropriate safety belt system when driving on the highways in the city in any motor vehicle manufactured after January 1, 1968, equipped or required by the provisions of Title 46.2 of the Code of Virginia, 1950, as amended, to be equipped with a safety belt system, consisting of lap belts, shoulder harnesses, combinations thereof or similar devices.

(c) This section shall not apply to:

- (1) Any person for whom a licensed physician determines that the use of such safety belt system would be impractical by reason of such person's physical condition or other medical reason, provided the person so exempted carries on his person or in the vehicle a signed written statement of the physician identifying the exempted person and stating the grounds for the exemption;
- (2) Any law-enforcement officer transporting persons in custody or traveling in circumstances which render the wearing of such safety belt system impractical;
- (3) Any person while driving a motor vehicle and performing the duties of a rural mail carrier for the United States Postal Service;
- (4) Any persons driving a motor vehicle and performing the duties of a rural newspaper route carrier, newspaper bundle hauler, or a news rack carrier;

(5) Drivers of and passengers in taxicabs;

(6) Personnel of commercial or municipal vehicles while actually engaged in the collection or the delivery of goods and services, including but not limited to solid waste, where such collection or delivery requires the personnel to exit and enter the cab of the vehicle with such frequency and regularity so as to render the use of safety belt systems impractical and the safety benefits derived therefrom insignificant. Such personnel shall resume the use of safety belt systems when actual collection or delivery has ceased or when the vehicle is in transit to or from a point of final disposition or disposal, including but not limited to solid waste facilities, terminals, or other location where the vehicle may be principally garaged;

(7) Any person driving a motor vehicle and performing the duties of a utility meter reader;

or

(8) Law-enforcement agency personnel driving motor vehicles to enforce laws governing motor vehicle parking.

(d) Any person who violates paragraphs (a) or (b) of this section shall be subject to a civil penalty of \$25.00 to be paid into the city's general fund. No assignment of demerit points shall be made under Article 19 of Chapter 3 of Title 46.2 of the Code of Virginia, 1950, as amended, and no court costs shall be assessed for a violation of this section.

(e) A violation of this section shall not (i) constitute negligence, (ii) be considered in mitigation of damages of whatever nature, (iii) be admissible in evidence, or (iv) be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action.

(f) A violation of this section may be charged on the uniform traffic summons form.

~~(g) No citation for a violations of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of the City Code or the Code of Virginia relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute~~ law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-317. Inspection of vehicles.

~~When the superintendent compels, by proclamation of the governor or otherwise, the owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated upon a highway within this state to submit such vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, and any such owner or operator of any such motor vehicle, trailer or semitrailer operated upon the highways of this city fails to submit such motor vehicle, trailer or semitrailer to such inspection or fails or refuses to correct or have corrected in accordance with the requirements of this chapter or of state law any mechanical defects found by such inspection to exist, he shall be punishable by a fine of not more than \$200.00.~~

~~Each day during which such motor vehicle, trailer, or semitrailer is operated on any street or highway within the city after failure to comply with this section shall constitute a separate offense. However, no penalty shall be imposed on any owner or operator for the operation of a motor vehicle, trailer or semitrailer after the expiration of a period fixed for the inspection thereof, over the most direct route between the place where such vehicle is kept or garaged and an official inspection station, for the purpose of having it inspected pursuant to a prior appointment with such station.~~

(a) The owner or operator of any motor vehicle, trailer or semitrailer registered in Virginia and operated or parked on a highway within the city shall submit their vehicle to an inspection of its mechanism and equipment by an official inspection station, designated for that purpose, in accordance with Virginia law. No owner or operator shall fail to submit a motor vehicle, trailer or semitrailer operated or parked on the highways in the city to such inspection or fail or refuse to correct or have corrected in accordance with the requirements of Title 46.2 of the Code of Virginia, 1950, as amended, any mechanical defects found by such inspection to exist.

(b) The provisions of this section requiring safety inspections of motor vehicles shall also apply to vehicles used for firefighting; inspections of firefighting vehicles shall be conducted pursuant to regulations promulgated by the Superintendent, taking into consideration the special purpose of such vehicles and the conditions under which they operate.

(c) Each day during which such motor vehicle, trailer or semitrailer is operated or parked on any highway in the city after failure to comply hereunder shall constitute a separate offense.

(d) Autocycles shall be inspected as motorcycles unless otherwise provided by Title 46.2 of the Code of Virginia, 1950, as amended.

(e) No law-enforcement officer shall stop a motor vehicle due to an expired vehicle inspection sticker until the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-320. Lighting equipment.

Every vehicle operated within the city shall be equipped with lights, lamps and lighting equipment, and the same shall be operated and used, as required by ~~state law~~ the Code of Virginia, 1950, as amended. Except where otherwise permitted by such code, no law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this section, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-327. Signs on windshields, etc.

~~(a) It shall be unlawful for any~~ No person shall ~~to operate any motor vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, sideshields, or rear windows of such motor vehicle in violation of Section 46.2-1052 of the Code of Virginia, 1950, as amended other than a certificate or other paper required to be placed by law or which may be permitted by the superintendent. The size and placement location of stickers or decals~~

~~used by counties, cities and towns in lieu of license plates shall be in compliance with regulations promulgated by the superintendent.~~

(b) For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-328. Suspension of objects so as to obstruct view of driver.

~~It shall be unlawful for any person to operate a motor vehicle upon a highway with any object or objects other than a rear view mirror, sun visor or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window.~~

~~It shall be unlawful for any person to operate a motor vehicle upon a highway in this city with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the superintendent, suspended from any part of such motor vehicle in such a manner as to obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window, or to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield; provided, however, that this section shall not apply when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the operator a view of the highway for a distance of not less than 200 feet to the rear of such vehicle.~~

(a) It shall be unlawful for any person (i) to drive a motor vehicle on a highway in the city with any object or objects, other than a rear view mirror, sun visor, or other equipment of the motor vehicle approved by the Superintendent, suspended from any part of the motor vehicle in such a manner as to substantially obstruct the driver's clear view of the highway through the windshield, the front side windows, or the rear window or (ii) to alter a passenger-carrying vehicle in such a manner as to obstruct the driver's view through the windshield. However, this section shall not apply (a) when the driver's clear view of the highway through the rear window is obstructed if such motor vehicle is equipped with a mirror on each side, so located as to reflect to the driver a view of the highway for at least 200 feet to the rear of such vehicle, (b) to safety devices installed on the windshields of vehicles owned by private waste haulers or local governments and used to transport solid waste, or (c) to bicycle racks installed on the front of any bus operated by any city, county, transit authority, or transit or transportation district. The provisions of clause (ii) shall not apply to the lawful immobilization of vehicles pursuant to Sections 46.2-1216 or 46.2-1231 of the Code of Virginia, 1950, as amended.

(b) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-337. Exhaust system in good working order required.

~~(a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system of a type installed as standard factory equipment, or comparable to that designed for use upon the particular vehicle as standard factory equipment, in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and escape of excessive gas, steam or oil. An exhaust system shall not be deemed to prevent excessive or unusual noise if it permits or allows the escape of noise in excess of that permitted by the standard factory equipment exhaust system of private passenger motor vehicles or trucks of standard make. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway in the city unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise;~~ provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

(b) The term "exhaust system," as used in this section, means all of the parts of a motor vehicle through which the exhaust passes after leaving the engine block-, including mufflers and other sound dissipative devices.

(c) Chambered pipes and turbo-supercharges shall not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in subsection (a)-, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.

(d) The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to state law, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

(e) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-344. Illegal use of defective or unsafe equipment.

(a) It shall be unlawful for any person to use or have as equipment upon a motor vehicle operated on a highway in the city any device or equipment mentioned in section 25-343 of this Code chapter which is defective ~~or~~ and in an unsafe condition.

(b) For any summons issued for a violation of this section, the court may, in its discretion, dismiss the summons, where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including

evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-386. Crossing highways or streets.

(a) When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross whenever possible only at intersections or marked crosswalks, but where intersections contain no marked crosswalks, pedestrians shall not be guilty of negligence as a matter of law for crossing at any such intersection or between intersections when crossing by the most direct route.

(b) Pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by lights, other traffic control devices, or by a law-enforcement officer.

(c) No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

Sec. 25-388. Stepping where they cannot be seen.

Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event, they shall cross the highway or street only at right angles. No law-enforcement officer shall stop a pedestrian for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this section, including evidence discovered or obtained with the person's consent, shall be admissible in any trial, hearing, or other proceeding.

2. That Section 26-58 of Chapter 26 of the Code of City of Lynchburg, 1981, be and the same is hereby amended and reenacted follows:

Sec. 26-58. Prohibited noise from motor vehicles.

No person within the city limits shall:

(a) Operate or permit the use or operation of any radio receiving set or any tape player or any other device which produces, reproduces or amplifies sound in a motor vehicle in such a manner that the sound can be heard more than 25 feet from the motor vehicle.

(b) Sound or permit the sounding of any horn, whistle or other device on or in any vehicle, except as a warning of danger.

(c) Prohibitions against other unnecessary noises in the operation of motor vehicles are found in section 25-16 of the City Code.

(d) No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

3. That a Section 25-82.1 be added to Chapter 25 of the Code of City of Lynchburg, 1981, and the same be added and enacted as follows:

Sec. 25-82.1. Expiration and Renewal of Registration.

(a) Where required, the registration of a motor vehicle, trailer or semitrailer operated in the city shall be renewed in accordance with Section 46.2-646 of the Code of Virginia, 1950, as amended. Failure to adhere to the requirements of such code section shall be punishable as a traffic infraction in accordance with the provisions of section 25-3 of this chapter.

(b) For any summons issued hereunder, the court may, in its discretion, dismiss the summons where proof of compliance with this section is provided to the court on or before the court date.

(c) No law-enforcement officer shall stop a motor vehicle due to an expired registration sticker prior to the first day of the fourth month after the original expiration date. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

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

Adopted:

Certified:

Clerk of Council