

April 12, 2022



### **CITY COUNCIL AGENDA**

City Council Meeting - 7:30 p.m.

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

**IV. Invocation** Councilmember Faraldi

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**V. Recognitions**

- Katharine Caprise, Mayor's Youth Council
  - Arghya Thallapragada, Mayor's Youth Council
  - Public Safety Telecommunicator Week Proclamation
  - National Community Development Week Proclamation
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**VI. Consent Agenda**

- A)** Consideration of approving the minutes from the January 11, 2022 City Council meeting.
- B)** Consideration of approving the minutes from the January 25, 2022 City Council meeting.
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**VII. Public Hearing**

- 7)** Consideration of adopting an Ordinance #O-22-\_\_\_ approving the alley vacation of an unnamed alley between 101 and 103 Linden Avenue.
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**VIII. Public Comment**

*\*Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

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**IX. General Business**

- 8) Consideration of introducing Ordinance #O-22-\_\_\_ to release surplus funds received by the City from the delinquent tax sale of 1119 Wise Street to Robert L. Crews, Sr., the prior sole owner of that property.
- 9) First Reading on the adoption of the FY 2023 Budget:
  - A) Consideration of introducing Resolution #R-22-\_\_\_ appropriating the FY 2023 General Fund Operating Budget (excluding Discretionary External Service Providers).
  - B) Consideration of introducing Resolution #R-22-\_\_\_ appropriating the FY 2023 Discretionary External Service Providers Budget.
  - C) Consideration of introducing Resolution #R-22-\_\_\_ approving FY 2023 Operating Fund Budgets for all other funds and appropriating the sums of each fund.
  - D) Consideration of introducing Resolution #R-22-\_\_\_ approving the FY 2023 – FY 2027 Capital Improvement Program.
  - E) Consideration of introducing Resolution #R-22-\_\_\_ appropriating \$50,000 of the FY 2023 Reserve for Contingencies for use by the City Manager.
  - F) Consideration of introducing Resolution #R-22-\_\_\_ setting the Personal Property Tax Relief Rate.
  - G) Consideration of adopting Ordinance #O-22-\_\_\_ setting the Water, Sewer, and Stormwater Rates.

January 11, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of January, 2022, 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 Lynchburg City Schools (LCS), Agenda Item #1, Mr. John Collins, Director of Information Technology, LCS, provided Council with a report on the In-Home Network Expansion project. At its December 14, 2021 meeting, City Council considered a request from the Lynchburg City Schools to appropriate funds for various projects using Coronavirus Aid, Relief, and Economic Security Act (CARES) funds designated for the school system. Funds for this project were designated for LCS and there is no local match requirement. City Council requested additional information on one item, which related to the extension of the City Schools information technology network for in-home student connectivity.

Councilmember Nelson asked if the infrastructure could be utilized in any future city-wide broadband efforts; Mr. Collins replied that these towers could be used in partnership with the city or another provider to offer broader services.

Councilmember Helgeson asked for further clarification on the continuance fees; Mr. Collins explained that the fees are for the addition of one full-time employee to help manage the infrastructure and a support contract for any maintenance occurring in the student's homes.

Councilmember Wilder remarked that offering in-home student connectivity is a great way to entice families to stay in the public-school system and he hopes this will help address the declining enrollment.

Councilmember Faraldi asked if this service could be offered to all educational institutions within the city for a small fee; Mr. Collins replied that there are a lot of stipulations for how these federal funds are to be used. Councilmember Faraldi stated that he could not support the recurring costs associated

with the full-time employee and the support contract and because this only addresses a portion of the K-12 citizenry and not all of the city's K-12 citizenry.

Councilmember Tweedy stated that this is a benefit to being a student in the public-school system and is a tool for limiting learning loss due to the shutdown of in-person learning due to COVID. She stated that Council cannot address learning loss for children who are not in the public-school system.

Vice Mayor Wright stated that all the students who will benefit from the recurring cost is well worth the trade.

Councilmember Helgeson asked Council to consider turning down the \$3.5 million dollars. He asked Mr. Collins to elaborate on how many LCS students did not have access to broadband internet. Mr. Collins explained that out of the nearly 8,000 students enrolled, about 47% did not have access to broadband internet based on a survey conducted by the school system.

Councilmember Nelson made the motion to approve Resolution #R-21-088b, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of the City Manager's Office, Agenda Item #2, City Manager Mr. Wynter C. Benda reviewed the 2022 Legislative Agenda. On November 9, 2021 he proposed the City's draft agenda and Council provided feedback. Council then held a Legislative Meeting with its local delegation on November 16, 2021 which provided more feedback, and the Clerk of Council solicited input from the public. On December 14, 2021, Council took up the agenda for a vote which failed, therefore, the agenda was presented for Council action again as it was first presented.

Vice Mayor Wright stated that he was opposed to the addition of the language under the "Principles" category referencing the budget surplus because it is a statement of City policy, and should be debated among Councilmembers, but would be misplaced if included in the City's Legislative Agenda.

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Councilmember Helgeson made the motion to remove the statement under “Principles” regarding the budget surplus, take out charter change, and adopt the 2022 Legislative Agenda. Councilmember Faraldi seconded the motion but asked for a friendly amendment to the motion for the inclusion of the additional language “The City wishes to explore being considered as the pilot location for the state’s charter school initiative.” Councilmember Helgeson accepted the amendment.

Councilmember Tweedy explained her reservations about supporting the idea of a pilot program without knowing any details about the program itself and about entering into an agreement without knowing if the City can decide to remove itself from the pilot program after receiving those key details if it deemed necessary. She stated that she is not supportive of putting this language into the Legislative Agenda.

Councilmember Wilder stated he was not in support of the inclusion of the charter school language because the City should focus its resources on the challenging issues that the public schools face instead.

Mayor Dolan stated her support on the motion was contingent upon there being an option to accept or not accept the opportunity if selected and that enrollment was truly based on an inclusive lottery system.

Councilmember Nelson stated that an agreement to agree isn’t an agreement at all so the sentence that the City wishes to be considered doesn’t bind the City contractually. This doesn’t impose anything on the students or citizens so he would be in favor of supporting it.

Vice Mayor Wright stated that the motion was to do several things including the removal of the charter change, which he was not in support of, and as such would be voting against the motion.

Councilmember Helgeson stated that opening the City’s charter would allow the General Assembly to change any aspect of the charter. He asked Council to consider agreeing to the removal of the charter change.

Councilmember Nelson stated that he was originally in support of including the charter change during previous discussions in regards to moving the general elections from even years to odd years. At

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the time, he was not aware that opening the charter without the advocacy of a local legislator could leave the charter open to being modified in any way. He voiced his desire to see the elections moved to odd years, however, he was worried that opening the charter would mean that the General Assembly would direct that Lynchburg have elected school boards. He would rather take the chance of a very politicized November election in even years than invite the opportunity for an elected school board.

Vice Mayor Wright stated that after the instructive discussion, he would be voting in favor of the motion.

Mayor Dolan stated that she will also vote in favor after hearing the dialogue.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Faraldi 5

Noes: Tweedy, Wilder 2

// In the matter of Redistricting, Agenda Item #3, Council reached a general consensus to reschedule this item for the January 25, 2022 Council meeting.

// In the matter of Engineering, Agenda Item #4(a), City Engineer Mr. Lee Newland briefed Council on a resolution issuing a limited non-exclusive license to VA SKYWIRE LLC for the construction, maintenance, and operation of a fiber optic cable system within the corporate limits of the city from 700 12<sup>th</sup> Street to 1503 Grace Street. The item will come before Council for action on January 25, 2022.

// In the matter of Transportation, Agenda Item #4(b), City Engineer Mr. Lee Newland briefed Council on a resolution requesting the Virginia Department of Transportation (VDOT) to increase the official city street lane mileage for reimbursement of highway maintenance funds for FY 2023. When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2023, staff has identified 0.76 lane miles of street segments that need to be added, which include two street segments, Stables Lane (0.08 lane miles – Hawkins Mill Road to the City Limits) and Carroll Avenue (0.68 lane miles – NW

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Railroad to Albert Lankford Drive). This action is required by VDOT to add these segments for addition to the system. The item will come before Council for action on January 25, 2022.

// In the matter of Parks and Recreation, Agenda Item #4(d), Director of Parks and Recreation Ms. Jenny Jones briefed Council on a resolution approving the use of \$23,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Lynchburg Little League for field renovations in Miller Park. The item will come before Council for action on January 25, 2022.

// In the matter of Parks and Recreation, Agenda Item #4(e), Director of Parks and Recreation Ms. Jenny Jones briefed Council on a resolution approving the use of \$5,000 of the Capital Improvement Program Community Park Investment Fund to match funding raised by the partner group Greater Lynchburg Off-Road Cyclists for a pump track in Peaks View Park. The item will come before Council for action on January 25, 2022.

// In the matter of Roll Call, Councilmember Nelson asked staff to bring back a motion for Council's consideration to revitalize the Education Task Force. Councilmember Faraldi stated that Lynchburg City School's should have looped in City Council before making the decision for E.C. Glass to move to virtual learning for the week. Councilmember Wilder noted that Martin Luther King, Jr. Day is approaching and encouraged citizens to partake in the many events throughout the city; he cautioned citizens to growing number of COVID cases and the strains it has on school officials, healthcare workers, and first responders. Councilmember Helgeson commented that he was able to teach in person at Liberty University and is happy to have the students back. Councilmember Tweedy encouraged citizens to get vaccinated and boosted when appropriate. Mayor Dolan announced a few of the MLK events being hosted in the city; she recognized that January 9, 2022 was National Law Enforcement Appreciation Day; she announced the opening of warming stations in the community; she stated her appreciation for the caregivers in the community.

// On motion of Councilmember Helgeson, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of appointments typically held by the position of the City Manager to the following board and commissions: Blue Ridge Regional Jail Authority, Lynchburg Regional Business Alliance, Lynchburg Regional Business Alliance Executive Board, Airport

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Commission, Region 2000 Services Authority, Transportation Planning Organization, Central Virginia Planning District Commission, Virginia First Cities, Community Economic Development Steering Committee, and Transit Company Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following

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recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Regional Airport Authority: Reid A. Wodicka will remain on the board for an indefinite term.

Blue Ridge Regional Jail Authority: Wynter C. Benda for a term beginning on January 11, 2022.

Transportation Planning Organization: Wynter C. Benda for a term beginning on January 11, 2022.

Virginia First Cities: Wynter C. Benda for a term beginning on January 11, 2022.

Central Virginia Planning District Commission: Wynter C. Benda for a term beginning on January 11, 2022.

Great Lynchburg Transit Company Board of Directors: Reid A. Wodicka for a term beginning on January 11, 2022 and expiring October 31, 2023.

Lynchburg Regional Business Alliance Board: Wynter C. Benda for a term beginning on January 11, 2022.

Lynchburg Regional Business Alliance Executive Board: Wynter C. Benda for a term beginning on January 11, 2022.

Community Economic Development Steering Committee: Wynter C. Benda for a term beginning on January 11, 2022.

Region 2000 Services Authority: Reid A. Wodicka will remain on this board.

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

Noes: 0

// The meeting was recessed at 6:14 p.m.

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

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

Absent: 0

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

// In the matter of Recognitions, Mayor Dolan presented Ms. JoAnn Martin, Retired Communications and Public Engagement Director, with a Key to the City for her 39-years of service to the City of Lynchburg.

Mayor Dolan also proclaimed January 11, 2022 has JoAnn Martin Recognition Day.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-21-088a amending the FY 2022 Schools Capital Fund budget and appropriate \$7,796,804 to fund infrastructure upgrades to City School facilities. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 B, Council conducted a second reading and adopted Resolution #R-21-089 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriating \$38,326 to purchase law enforcement equipment for the Police Department, Sheriff's Office, and Office of the Commonwealth's Attorney. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 C, Council conducted a second reading and adopted Resolution #R-21-090 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$60,000 to purchase 75 replacement ballistic vests for law enforcement officers. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item D, Council conducted a second reading and adopted Resolution #R-21-091 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate \$50,000 to study potential housing opportunities in the Dearington neighborhood. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 E, Council conducted a second reading and adopted Resolution #R-21-092 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$22,717 to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 F, Council conducted a second reading and adopted Resolution #R-21-093 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$636 to purchase tennis equipment for the youth tennis programs.. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 G, Council conducted a second reading and adopted Resolution #R-21-094 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating

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\$84,000 to fund equipment for the Fire Department Technical Rescue Team. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 H, copies of the minutes of the September 28, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item I, copies of the minutes of the October 12, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item J, copies of the minutes of the October 26, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Development, Agenda Item #7, a public hearing was held and Council considered adopting Resolution #R-22-002 approving the goals of the Community Development Block Grant (CDBG) and HOME Programs for the Program Year 2022 Annual Action Plan.

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Ms. Melva Walker, Grants Manager, provided Council with a summary of the request. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in June 2020 and covers the period from July 1, 2020 through June 30, 2024. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires CDBG and HOME Program entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 15-day public comment period to receive citizen input regarding these goals was initiated on December 27, 2021 through a legal notice published in The News and Advance.

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.

As Chair of the Community Development Advisory Committee (CDAC), Vice Mayor Wright made a motion to approve the resolution, stating this is City Council's annual review of goals. Councilmember Wilder, Vice Chair of CDAC, seconded the motion.

Councilmember Helgeson asked CDAC to focus on housing goals going forward to combat vacant properties, specifically in Ward 2. Ms. Walker responded that the Lynchburg Redevelopment and Housing Authority will be coming forward with an application that will address this issue.

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Councilmember Faraldi asked if there was a way in which to assess how well the city is doing with the goals. Ms. Walker replied that is done individually through the different projects the City funds.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting adjourned at 8:08 p.m.

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Clerk of Council

January 25, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of January, 2022, 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 Redistricting, Agenda Item #1, Council began reviewing the decennial redistricting requirements and requested permission to initiate the process. Mr. Kent White, Director of Community Development, provided Council with a brief summary of the request. He explained that redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. This process occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. As with past redistricting, staff support comes from the offices of the City Attorney, City Manager, Community Development, Information Technology, and the City Registrar.

Councilmember Helgeson asked what the timeline for this process would look like if there was a Democratic Primary in the 5<sup>th</sup> district which includes Lynchburg residents. City Attorney Mr. Matthew Freedman replied that as long as the City meets a period of 60 days before an election they would be compliant.

Councilmember Faraldi asked about the racial makeup of Ward 2 and if the guidance speaks to ensuring it stays no lower than its current percentage or it must be above a majority? Mr. White responded that the guidance talks specifically to a majority and that any deviation above 50% should not be a problem. Councilmember Faraldi asked if the term “effective date” means that upon Council’s vote, that would be the new boundary? Mr. White replied; yes. Councilmember Faraldi asked if the guidance as to how Council will operate is from the state playbook, or would Council be able to operate from its own guidance? For example, not crossing either a natural or transportation boundary? Mr. White replied that staffs’ sense is the Department of Legislative Services gives the locality a playbook but there is some

discretion that Council has on where and how to move the boundaries as long as it is tied to block groups. Councilmember Faraldi stated that he is not a fan of how Wards are cut currently. He would like to explore how Council can find ways to bring neighborhoods back together. He would also want to see what it would take to get absentee ballots reported back to the precinct in which they come from.

// In the matter of Schools, Agenda Item #2, Council considered several options regarding its Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond (Task Force). Deputy City Manager Dr. Reid Wodicka provided Council with a brief summary of the request. On June 12, 2019, City Council adopted a charter for the Task Force. Beginning in the late summer and fall of that year, the Task Force conducted their work, holding several meetings over a period of six months. Additionally, several subcommittees defined in the Charter were formed during this time and community members became involved in conversations regarding the future of education in our community. Unfortunately, the COVID-19 pandemic paused this work and the Task Force has not met since February 2020. While no specific recommendations were developed, the group did have several productive developments, such as the completion of a demographics and enrollment trend projection, a planned (but not complete) survey of City Schools employees, and others. Additionally, while not a specific recommendation from the group, the Lynchburg City Schools facility study currently underway was also a direct result of staff involvement in the facilities subcommittee. On January 19, 2021, the School Board by consensus agreed to recommend revisions to the original scope of the Task Force, focusing on facilities, broadband infrastructure, and the social and emotional wellbeing of students; however, this was never addressed by City Council and, as such the original Charter is still the governing document.

The School Board reaffirmed the charter December 7, 2021. At the January 11, 2022 Council Meeting Councilmember Nelson requested that City Council address the continuance of the Task Force. City Council discussed three options:

1. Reaffirm the existing Task Force charter
2. Disband the Task Force
3. Reaffirm the role and need for the Task Force, but revise the scope

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Councilmember Nelson stated that even with the pandemic there's no practical or logical need to delay the Task Force resumption of its work just to modify the charter. He believes it would be more efficient for the Task Force to resume its original work and if appropriate, to simply reference whatever additional issues and insights it may identify as beneficial to that purpose.

Vice Mayor Wright stated the original mission of the Task Force was to ask important questions regarding facilities, demographics, curriculum, staffing, and etc. His opinion was that it was formed to augment the capacity of the School Board and City Council and leverage the diversity of opinions and thoughts that exist in the community and their expertise to really think hard about what the future of education's going to look like in Lynchburg. It was made up of politically insulated community members who were concerned with making sure Lynchburg has the best schools. He stated that COVID has changed the landscape of education. He stated his skepticism about renewing the Task Force because he could not see how this group would be able to now collect useful data in the immediate future and then make meaningful conclusions. The Task Force could also serve to distract City Council and the School Board from the facility study and it is really important that the two governing bodies exert full ownership over that process. He stated that when the Task Force was created, the school and city administration were expected to provide administrative support. He asked the City Manager if the City would be able to staff the Task Force should it continue? City Manager Mr. Wynter C. Benda replied that he does not know if he can commit City staff to the Task Force without fully understanding the degree of what this Task Force is; he doesn't know the needs that were of that body. If it was the complement before, he doesn't know if he can commit to it. Vice Mayor Wright stated that his recommendation is to thank the members of the Task Force for their service but to not reaffirm the charter.

Councilmember Wilder stated that he would have liked to heard from the Task Force so that Council doesn't ask them to continue if they don't want to continue, however, the School Board voted affirmatively for the group to continue so he will also vote for them to continue.

Councilmember Helgeson stated that the Task Force could have served as a neutral body to address school consolidation but now the facility study is being done, Council can address that need. He

stated that he sees the Task Force's work as being done so Council should disband them. If the need in the future arises Council can reinstitute the committee.

Councilmember Faraldi stated there is still a need for the Task Force even though the times have changed the goal, the direction of the deliverables are still applicable. He sees this group as building community buy-in and brings Council and School Board members together. He also asked Council to reconsider its membership representation on the Task Force.

Councilmember Tweedy stated the Task Force should not be brought back in the same scope as it was before because the pandemic has changed the landscape of education. She commented that Council has not seen the data that was collected beforehand and she would like to see the work of the pre-COVID period. She stated that she would be willing to consider reaffirming but would need to see some product within a certain timeframe.

Councilmember Nelson stated that he doesn't see not providing City staffing to the Task Force as an obstacle and he would leave it to the Task Force to decide how they would accomplish the work.

Councilmember Helgeson asked Council to consider a substitute motion to reaffirm the Task Force but give them a timeline to produce a presentation on data collected thus far. Mr. Benda said that he would not have the resources to give the Task Force to perform their work.

Vice Mayor Wright called the question so with no other discussion from Council, the following vote on the motion to approve Option 1 to reaffirm the existing Task Force charter failed with the following recorded vote:

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| Ayes: Nelson, Wilder, Faraldi | 3 |
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|---------------------------------------|---|
| Noes: Dolan, Wright, Helgeson, Tweedy | 4 |
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Vice Mayor Wright made the motion to approve Option 2 to disband the Task Force, seconded by Councilmember Tweedy.

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Councilmember Helgeson asked Council to consider Option 3 but impose a timeline.

Councilmember Nelson responded that he would not feel comfortable imposing a timeline without first talking with the Chairs of the Task Force.

Councilmember Faraldi made the substitute motion to approve Option 3 to reaffirm the role and need for the Task Force, but revise the scope, seconded by Councilmember Helgeson. Councilmember Faraldi stated the purpose of his motion was so that Council can discuss Option 3. Councilmember Helgeson stated that the only way he'd want to see Option 3 is if Council decided a timeline for the Task Force to produce its work.

Councilmember Tweedy stated that she would not be supporting the substitute motion because the data is outdated and the members may not be in a place to participate.

With no other discussion from Council regarding the motion, the following vote was recorded:

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Tweedy, Wilder 4

The main motion of disbanding the Task Force was then voted on with the following recorded vote:

Ayes: Dolan, Wright, Helgeson, Tweedy 4

Noes: Nelson, Wilder, Faraldi 3

// In the matter of Schools, Agenda Item #3(a), Chief Financial Officer Ms. Donna Witt briefed on a resolution to amend the FY 2022 General Fund budget and appropriate \$2,347,404 with resources from unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund (\$400,001) and to the FY 2022 Schools Capital Fund (\$1,947,403) to fund needs as approved by the School Board. This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding

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support as well as other applications, all based upon the required expenditure approval of the School Board." A request was submitted by letter to the City Manager January 3, 2022 for use of the FY 2021 Schools Fund Balance. The Lynchburg City School Board approved the submittal at the December 7, 2021 School Board meeting. This item will come before City Council for action at its February 8, 2022 meeting.

Councilmember Faraldi stated that he would like a streamlined approach on how the return to fund balance is calculated going forward.

Councilmember Tweedy asked staff to bring the answers back on the following questions: how many mobile classrooms does LCS have in its division, and why are there mobile classrooms still?

// In the matter of Planning, Agenda Item #3(b), City Planner Mr. Tom Martin briefed Council on a petition from Ms. Megan Shields (True Healing Massage) to rezone four tenths (0.4) of an acre at 3629 Fort Avenue from R-4, High Density Residential District to B-1C, Limited Business District (Conditional) to allow the use of the existing structure as a massage therapy business. The Planning Commission recommended approval at its January 12, 2022 meeting. This item will come before Council for action at its February 8, 2022 meeting.

// In the matter of a Franchise Agreement, Agenda Item #3(c), City Attorney Mr. Matthew Freedman briefed Council encroachment franchise ordinance. In the City, on Rotunda Street and Colonnade Street of the Cornerstone development, portions of the buildings related to the same were constructed on City property, namely in City sidewalks/public rights-of-way and over a City drainage easement. He advised that the remedy in this situation is to either 1) grant permission under certain terms and conditions for the existence of such encroachments; 2) permit the encroachments to exist pursuant to § 35-2.1 of the City's Code; or 2) require their immediate removal. Given the nature of the encroachments involved in this situation, City staff recommended granting permission in the form of a franchise ordinance for the encroachments to exist under certain terms and conditions. Given the nature of the grant and the length of the grant, the City will need to advertise for bids, accept a bid, and hold a public hearing before voting on whether to adopt the franchise ordinance. As such, this item will come before Council for action at its February 22, 2022 meeting.

January 25, 2022

Councilmember Faraldi asked staff to confirm whether this property was one that had a rezoning petition a few months prior for some apartment buildings.

// In the matter of Roll Call, Agenda Item #4, Councilmember Helgeson stated that he is disappointed in the school administration and the School Board for requiring masks on students. Councilmember Faraldi stated that there has been an increase in speeding challenges throughout the City and any mitigation efforts from the staff would be appreciated; he noted that January 22, 2022 was Sanctity of Life Day. Councilmember Wilder announced that there will be a vaccination effort at 3100 Hill Street; he also commended the School Board and school administration for enforcing masks. Councilmembers Nelson, Tweedy, Vice Mayor Wright, and Mayor Dolan had no items.

// The meeting was recessed at 6:18 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 Recognitions, Mayor Dolan recognized the Liberty University Women's Field Hockey team on achieving runner-up in the NCAA Field Hockey Championship.

Mayor Dolan recognized the University of Lynchburg Men's Soccer team for successfully winning the Old Dominion Athletic Conference Championship for the second year in a row and qualified for the NCAA Division III tournament.

Mayor Dolan recognized the University of Lynchburg Women's Cross-Country team for successfully winning the Old Dominion Athletic Conference title and finishing 32<sup>nd</sup> at the NCAA Division III Championship.

January 25, 2022

Mayor Dolan recognized the University of Lynchburg Men's Cross-Country team for successfully winning the Old Dominion Athletic Conference title and finishing 18<sup>th</sup> at the NCAA Division III Championship.

Mayor Dolan recognized the Miss Amiyah Chalmers, member of the Mayor's Youth Council, who was in attendance.

// In the matter of Engineering, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-22-004 issuing a limited non-exclusive license to VA SkyWire, LLC for the construction, maintenance, and operation of a fiber optic cable system. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings.

Mayor Dolan opened the floor for the petitioner to make a presentation; Mr. Scott Coonfield, President of VA SkyWire, LLC, explained to Council that a developer of an apartment complex has requested his company deliver broadband services to the area.

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 approved the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Public Comment (A), Mr. Gary Taylor spoke to Council regarding public education and other tools to improve education. He urged Council to be open-minded to the idea of implementing charter schools.

// In the matter of the Circuit Court, Agenda Item #7, a first reading was conducted regarding Resolution #R-22-005 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$33,650 for the preservation of several records. Mr. Todd Swisher, Circuit Court Clerk, provided Council with a summary of the request. The Library of Virginia allows Circuit Court Clerk's Offices statewide to submit applications

January 25, 2022

for grant funding to preserve historical records on an annual basis. The Lynchburg Circuit Court Clerk's Office submitted a grant application to reformat and preserve the following records at a total amount of \$33,650: to preserve Land Book (1896-1898); Land Book (1887, 1892, 1893); Marriage Bonds: Volume L-Z (1841-1847); Marriage Bonds: Volume A-Z (1848-1849, 1805-1852, 1856-1857); Register of Births (1865, 1872-1896); Register of Deaths (1886-1896), Register of Deaths (1865, 1872-1896); and Deed Book: Volume 59 (1889-1900). The grant application has been approved for the full amount requested and no local match is required. The grant covers 100% of the costs related to the preservation work.

At its January 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Human Services, Agenda Item #8, a first reading was conducted regarding Resolution #R-22-006 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$20,768 from the U.S. Federal Government Fiscal Year 2022 Chafee Supplemental COVID fund to aid in youth affected by the COVID-19 pandemic. Mr. Preston Sellers, Director of Human Services, provided Council with a summary of the request. The grants are funded to agencies only once, and are designed to address the financial needs of youth and young adults who are in or were formerly in foster care during the pandemic. The department of Human Services has been awarded the following amounts: \$14,768 in additional Chafee COVID funds. The funds can be used to provide direct financial assistance to youth, assist youth in meeting living expenses (rent, groceries, utilities, etc.), assist with medical expenses, provide services and supports, continue service provision for youth who would otherwise lose eligible funding (CSA) at age 21, assist with driving and/or transportation needs and expenses, and to assist agencies with marketing and outreach for eligible youth; and \$6,000 in additional Chafee ETV COVID funds. Funds are designed to assist/support youth who were on track to attend or were attending post-secondary institutions or programs, but had their education interrupted due to the COVID-19 pandemic. The funding is to be used to help support youth to remain enrolled in a post-secondary or training/vocational program, including

January 25, 2022

expenses that are not part of the cost of attendance. Examples of allowable expenditures are laptops or other technology necessary for virtual attendance, office supply items needed to create a learning space in the home, and tools/services needed for internet access.

At its January 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and 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 Fire Department, Agenda Item #9, a first reading was conducted regarding Resolution #R-22-007 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$42,532 for the purchase of two (2) Power Pro stretchers for the Fire Department. Fire Chief Greg Wormser provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. The Fire Department was awarded RSAF grant funds to replace two (2) Power Pro stretchers which have reached the end of their useful life with one being manufactured in 2012 and the other in 2015. Replacement of the items will assist the fire department in maintaining a high level of customer service and patient care. Additionally, use of these stretchers greatly diminishes the likelihood of back injuries related to patient movement. The grant requires a local match. The Fire Department has been awarded grant funds under a 50/50 match. With a total cost of \$42,532, the maximum required local match is \$21,266. The match will be funded from the FY 2022 General Fund Fire Department budget.

At its January 25, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required. Councilmember Faraldi asked where the local match will come from. Chief Wormser replied that there is currently no line item for the match, however, the funds will come from

January 25, 2022

the operating budget, specifically out the Minor Tools and Equipment budget line. Councilmember Faraldi asked for the amount currently left in that line item; Chief Wormser replied that he will give him that figure.

With no other discussion, Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #10, Council considered Resolution #R-22-008 approving \$23,000 in the Capital Improvement Program Community Park Investment Fund for the renovation of baseball fields at Miller Park. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #11, Council considered Resolution #R-22-009 approving \$5,000 in the Capital Improvement Program Community Park Investment Fund for a pump track at Peaks View Park. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Engineering, Agenda Item #12, Council considered Resolution #R-22-010 requesting VDOT to increase the official city street mileage for reimbursement of highway maintenance fund for FY 2023. Council was previously briefed on this item during its January 11, 2022 Business Item Briefings. Councilmember Tweedy made the motion to approve the resolution, seconded by Councilmember Helgeson. With no other discussion from Council, the following vote was recorded:

January 25, 2022

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

Noes: 0

// In the matter of City Council, Agenda Item #13, Council considered Resolution #R-22-011 approving a location change of the Work Session portion of the February 8, 2022 regular meeting of the City Council to allow the use of better visual aids when discussing the redistricting item scheduled for that particular meeting. Councilmember Helgeson made the motion to approve the resolution stating that he supports the location change since the proposed new location (City Hall, 2<sup>nd</sup> Floor Training Room) has full connectivity in regards to streaming services and will be fully transparent meeting. Councilmember Faraldi seconded the motion. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of the Schools, Agenda Item #14, a second reading was conducted and Council considered Resolution #R-21-088(b) amending the FY 2022 Schools Capital Fund budget and appropriating \$3,500,000 from the CARES Act to fund the City Schools In-Home Network Extension project.

Councilmember Faraldi stated that he has concerns with the ongoing costs and the limitations associated with the extension.

Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of an item not on the agenda, Councilmember Helgeson made the motion to reconsider the disbandment of the Task Force on the Future of Education in the City of Lynchburg: PreK-12 and Beyond (Task Force). Councilmember Nelson seconded the motion stating he consulted with the chair of the Task Force after the January 25, 2022 Work Session as to whether or not he was willing to undertake

January 25, 2022

the resumption of duties knowing that City staff would be unable to offer support; the Chair agreed to the conditions.

Councilmember Tweedy stated that she is in favor of letting the Task Force conduct a feasibility report before deciding whether or not to disband the group.

Councilmember Nelson clarified that the motion doesn't do anything other than reverse the disbandment of the Task Force.

With no other discussion from Council on the motion, the following vote to reverse the disbandment was recorded:

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

Noes: 0

In an effort to provide greater direction to the Task Force regarding the reversal, Vice Mayor Wright made a subsequent motion directing the Task Force to assess the feasibility of completing the assignments contained in the Task Force's original charter and to also report to City Council any other concerns that may affect its finds. Councilmember Nelson seconded the motion. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

City Council, by consensus, further directed the Task Force to provide this feasibility report to City Council no later than the City Council meeting scheduled for March 8, 2022. City Council provided some latitude in this motion that if more time from the Task Force is needed, that the Chair and Co-Chair of the Task Force would make that known to City Council.

// On motion of Councilmember Wilder, seconded by Councilmember Helgeson, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of the City entering into a lease agreement with a local private entity, pursuant to Sections 2.2-3711(A)(3) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; and to discuss the appointments to the following boards and commissions:

January 25, 2022

City Employee Appeals Board, Airport Commission, Lynchburg Redevelopment and Housing Authority, and Planning Commission, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Nelson, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

January 25, 2022

City Employee Appeals Board: Stephanie Berkland to a new 3-year term ending June 30, 2024.

Lynchburg Regional Airport Commission: Massie Ware (reappointment) to a new 3-year term ending December 31, 2024

Lynchburg Redevelopment and Housing Authority: Ray Booth to an unexpired term ending September 30, 2022.

Planning Commission: Amelia Graves to a new 3-year term ending December 31, 2024.

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

Noes: 0

// The meeting adjourned at 9:09 p.m.

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Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **April 12, 2022**

AGENDA ITEM #: **7**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: Alley Vacation – Unnamed alley between 101 and 103 Linden Avenue**

RECOMMENDATION: Approval of the alley vacation of an unnamed alley between 101 and 103 Linden Avenue.

SUMMARY: Mark F. & Kristen C. Bushing are petitioning to vacate an unopened portion of an unnamed alley, located between 101 and 103 Linden Avenue. The alley vacation is proposed to allow the combination of their properties. The total area of the proposed vacation is approximately thirty-one thousandths (0.031) of an acre.

The area to be vacated contains a fence but is otherwise unimproved. The vacation would not impact vehicle or pedestrian access.

PRIOR ACTION(S):

November 2, 2021

The Technical Review Committee (TRC) reviewed the petition. Their comments have been addressed.

FISCAL IMPACT:

Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$440.00 - \$816.00.

CONTACT(S):

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

ATTACHMENT(S):

- Ordinance
- Street Vacation Exhibits
- Title Work
- Application

REVIEWED BY: MMB WCB

061A

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY BETWEEN 101 AND 103 LINDEN AVENUE.

WHEREAS, Mark F. Bushing and Kristen C. Bushing are petitioning to vacate a portion of an unnamed alley; 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

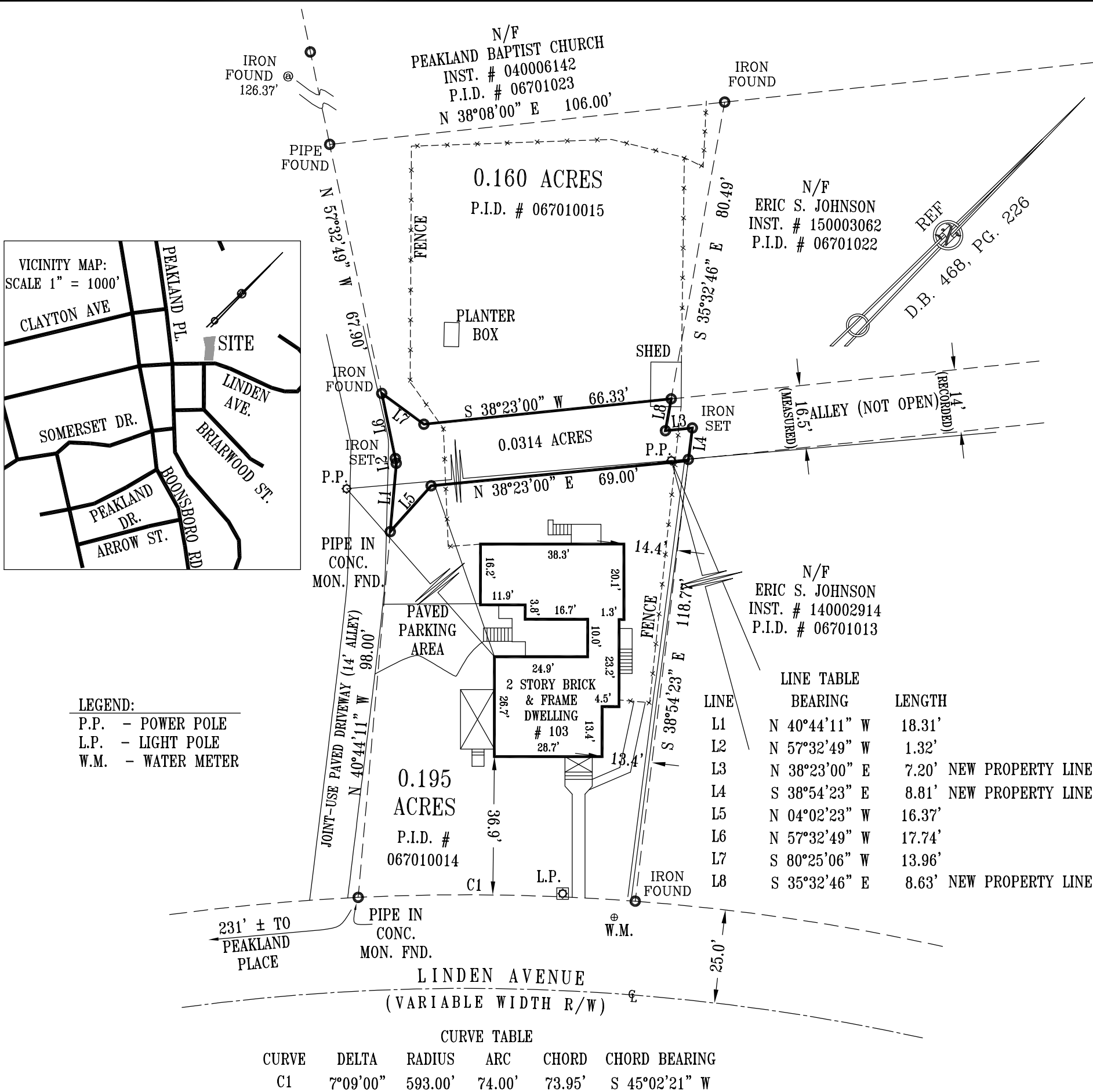
BEGINNING AT A POINT LOCATED ON THE NORTHERN SIDE OF LINDEN AVE. BEING THE SOUTHWESTERN CORNER OF P.I.D. #067010014 AND GOING IN A DIRECTION OF N40°44'11"W A DISTANCE OF 98.00' TO THE SOUTHWESTERN INTERSECTION OF THE EDGE OF A 14' ALLEY AND THE EDGE OF A VARIABLE WIDTH ALLEY, THE TRUE POINT OF BEGINNING, THENCE N40°44'11"W 18.31', THENCE N57°32'49"W 1.32' TO A POINT AT THE EDGE OF THE 14' ALLEY AND THE CENTER LINE OF THE VARIABLE WIDTH ALLEY, THENCE N57°32'49"W 17.74' TO A POINT, THENCE S80°25'06"W 13.96' TO A POINT, THENCE S38°23'00"W 66.33' TO A POINT, THENCE S35°32'46"E 8.63' TO A POINT, THENCE N38°23'00"E 7.20' TO A POINT, THENCE S38°54'23"E 8.81' TO A POINT, THENCE N38°23'00"E 69.00' TO A POINT ALONG THE SOUTHERN SIDE OF THE VARIABLE WIDTH ALLEY, THENCE N4°02'23"W 16.37' TO THE TRUE BEGINNING BEING 0.0314 ACRES OF A VARIABLE WIDTH ALLEY TO BE VACATED.

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.

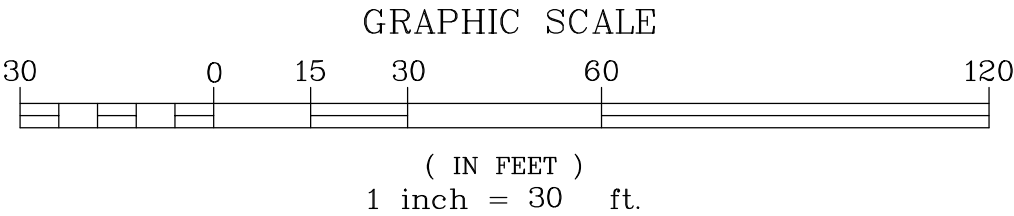
BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name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



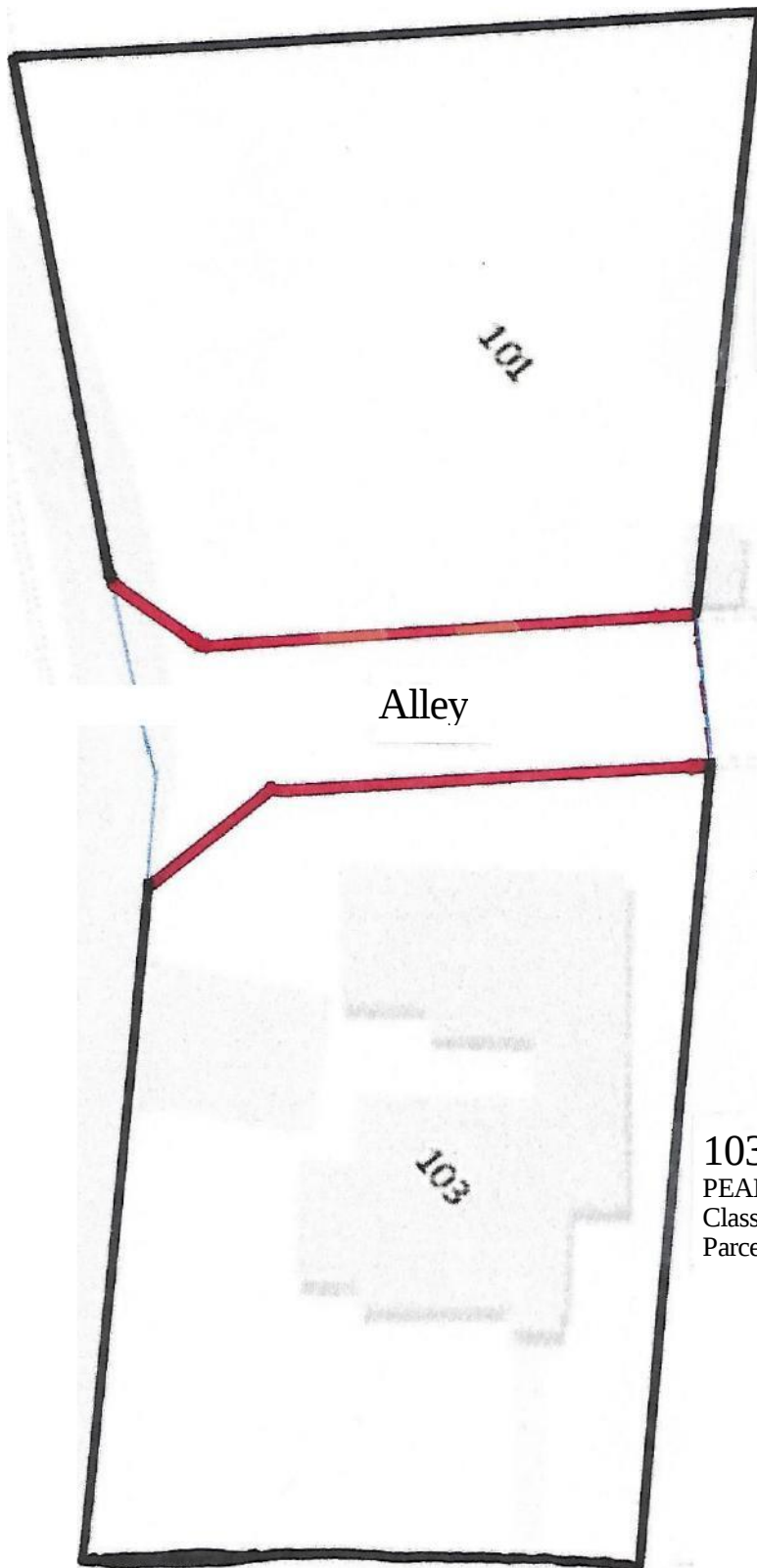
- NOTES:
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
  - THIS PROPERTY IS IN FLOOD ZONE X AS SHOWN ON F.E.M.A. MAP # 5100930029D, EFFECTIVE DATE JUNE 3, 2008.
  - THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
  - NO DETERMINATION OF WETLANDS WAS REQUESTED OF, NOR WAS ANY DETERMINATION MADE BY JAMES C. MAY & ASSOCIATES, P.C. OR THIS SURVEYOR. THIS PLAT DOES NOT ADDRESS THE EXISTENCE OF THE AFOREMENTIONED IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
  - NO SUBSURFACE INVESTIGATIONS HAVE BEEN PERFORMED AND THE SURVEYOR DISCLAIMS RESPONSIBILITY FOR THE EXISTENCE OR NON-EXISTENCE OF ANY AND ALL UNDERGROUND UTILITIES, STRUCTURES, ROCK-DEPOSITS, ETC. ASSOCIATED WITH THIS PROJECT.
  - THIS PROPERTY IS ZONED R-1. SEE LYNCHBURG ZONING ORDINANCES FOR SETBACK REQUIREMENTS.
  - P.I.D. #'S 06701014 & 06701015 ARE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS.
  - 0.0314 ACRES IS A PORTION OF 16.5' (MEASURED) ALLEY TO BE VACATED PER CITY OF LYNCHBURG.



SHEET 1 OF 1

|                                                                                                                |                                      |                                                                                                                                                                                                                                                                                                   |                       |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| JAMES C. MAY AND ASSOCIATES, P.C.<br>SURVEYORS-PLANNERS<br>P.O. BOX 718, LYNCHBURG, VA., 24501<br>434-528-1005 |                                      | PLAT SHOWING PORTION OF ALLEY TO BE VACATED BETWEEN LOTS<br>STANDING IN THE NAMES OF<br>MARK F. BUSHING & KRISTEN C. BUSHING<br>DESCRIBED IN DOC. # 050004967, A.K.A.<br>PEAKLAND, PLAN A, BLOCK 17, NEW LOTS 1 & 2<br>P.I.D. #'S 06701014 & 06701015 RESPECTIVELY<br>CITY OF LYNCHBURG, VIRGINIA |                       |
| SOURCE OF TITLE:                                                                                               | MARK F. BUSHING & KRISTEN C. BUSHING | DOC. #                                                                                                                                                                                                                                                                                            | 050004967             |
| SCALE: 1" = 30'                                                                                                | DATE: JAN. 4, 2022                   | COMM. NO.:                                                                                                                                                                                                                                                                                        | 21154                 |
| FOR:                                                                                                           | MARK F. BUSHING & KRISTEN C. BUSHING | F.B. REF.:                                                                                                                                                                                                                                                                                        | PPL/JKT               |
|                                                                                                                |                                      | TAX ID.:                                                                                                                                                                                                                                                                                          | P.I.D. # 06701014, 15 |





### 101 Linden Ave

PEAKLAND, PLAN A, BLK 17, REAR  
Class: 100 : VACANT — RESIDENTIAL  
Parcel ID: 06701015

Alley

### 103 Linden Ave

PEAKLAND, PLAN A, BLK 17, PT LOT 1 & REAR  
Class: 101 : RESIDENTIAL - DETACHED SNG FAM  
Parcel ID: 06701014

Linden Ave



March 21, 2022

Lynchburg City Planning and Community Development  
900 Church St.  
Lynchburg, Virginia 24504

Re: Updated *Vacation of Alleyway*

To whom it may concern:

I have been retained by Mark Bushing to opine the feasibility of vacating the alleyway between 103 Linden Avenue, Lynchburg, Virginia 24503 and 101 Linden Avenue, Lynchburg, Virginia 24503. The alleyway is located between two lots owned by Petitioners, Mark Bushing and Kristen Bushing. Please see the enclosed plat highlighting the alleyway to be vacated.

**Whereas**, the alleyway was created by a subdivision plat entitled Peakland Plan A, made by C.L. Demott, dated May 2, 1940 and in the Lynchburg City Circuit Court, Deed Book No. 247, page No. 446.

**Whereas**, the original developer did not reserve fee in the alley.

**Whereas**, Virginia is a Common Law State.

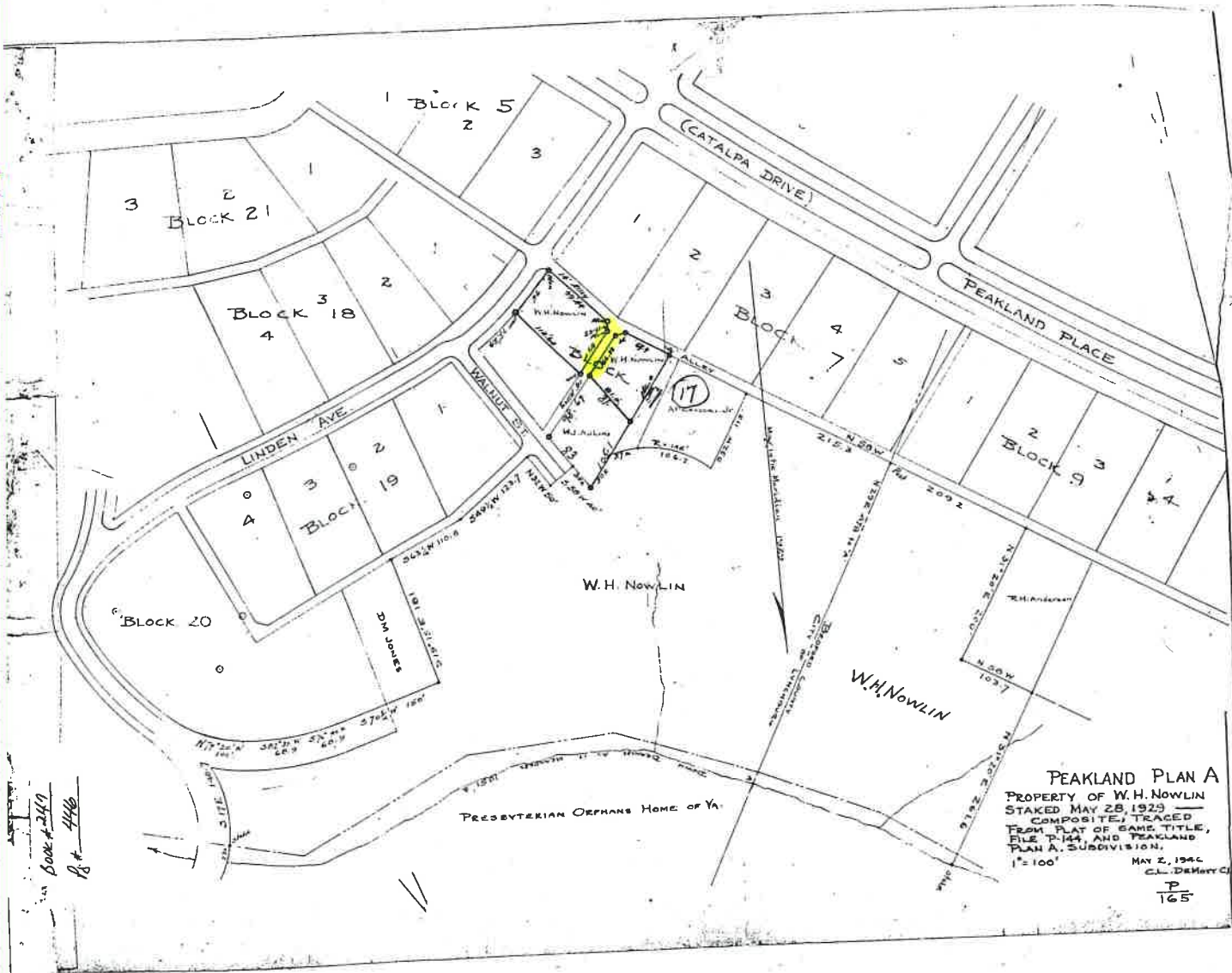
**Whereas**, that certain portion of the alleyway which the abutting lot owners wish to vacate is unimproved, also known as a paper street and has never been open to the public.

**Therefore**, it is my opinion in this matter that the title to the unimproved portion of the alleyway is currently vested in the City of Lynchburg, Virginia, but that nothing should hinder Petitioner's application to vacate said alleyway.

Sincerely,

Corey M. Thompson, Esquire

CMT/tmr  
Enclosure





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: Mark F. & Kristen C. Bushing

Street: 101 & 103 L<sub>+</sub> City: Lynch<sub>+</sub> State: VA Zip: 24503-26

Telephone#: 4343863086

E-Mail: mark.bushing@deq.virginia.gov

E-Signed: Mark F. Kristen C. Bushing (Petitioner) Date: 10/20/21

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

Name:

Street: City: State: Zip:

Telephone#: Email:

E-Signed: (Owner) Date:

3. REPRESENTATIVE:

Name:

Firm Name:

Street: City: State: Zip:

Telephone#: Email:

| 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. Do not include other work (e.g. internal lot lines to be vacated) on submitted diagram.                                                                                                                                            |
|                                                            | 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 Eve Mergenthaler at 434-455-3917, by email at <a href="mailto:eve.mergenthaler@lynchburgva.gov">eve.mergenthaler@lynchburgva.gov</a> . 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 Eve Mergenthaler at 434-455-3917 or by email at [eve.mergenthaler@lynchburgva.gov](mailto:eve.mergenthaler@lynchburgva.gov). 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.

## Alley

## LOCATED BETWEEN

101 and 103 Linden Ave

The undersigned applicant, Mark & Kristen Bushing

pursuant to the provisions of of Section 15.2-2006 of the Code of Virginia, 1950, as amended, Sections 35-71 through 35-77 of the Lynchburg City Code, 1981, as amended, and where applicable, Section 15.2-2272(2) of the Code of Virginia, 1950, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain alley described as follows:

This alley is bounded by 103 Linden Avenue to the east and 101 Linden Avenue

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 \_\_\_\_\_, 2021, 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 alley .

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 20 day of October,  
20\_\_\_\_.

Mark F. & Kristen C. Bushing

Applicant

103 Linden Ave

Lynchburg, VA. 24503-2009

Address

434-386-3086

Telephone Number

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

N | A

Address

AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY BETWEEN 101 AND 103 LINDEN AVENUE.

WHEREAS, Mark F. Bushing and Kristen C. Bushing are petitioning to vacate a portion of an unnamed alley; 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:

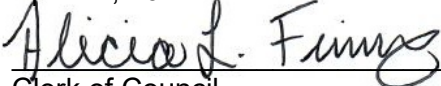
**LEGAL DESCRIPTION**

BEGINNING AT A POINT LOCATED ON THE NORTHERN SIDE OF LINDEN AVE. BEING THE SOUTHWESTERN CORNER OF P.I.D. #067010014 AND GOING IN A DIRECTION OF N40°44'11"W A DISTANCE OF 98.00' TO THE SOUTHWESTERN INTERSECTION OF THE EDGE OF A 14' ALLEY AND THE EDGE OF A VARIABLE WIDTH ALLEY, THE TRUE POINT OF BEGINNING, THENCE N40°44'11"W 18.31', THENCE N57°32'49"W 1.32' TO A POINT AT THE EDGE OF THE 14' ALLEY AND THE CENTER LINE OF THE VARIABLE WIDTH ALLEY, THENCE N57°32'49"W 17.74' TO A POINT, THENCE S80°25'06"W 13.96' TO A POINT, THENCE S38°23'00"W 66.33' TO A POINT, THENCE S35°32'46"E 8.63' TO A POINT, THENCE N38°23'00"E 7.20' TO A POINT, THENCE S38°54'23"E 8.81' TO A POINT, THENCE N38°23'00"E 69.00' TO A POINT ALONG THE SOUTHERN SIDE OF THE VARIABLE WIDTH ALLEY, THENCE N4°02'23"W 16.37' TO THE TRUE BEGINNING BEING 0.0314 ACRES OF A VARIABLE WIDTH ALLEY TO BE VACATED.

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: April 12, 2022

Certified:   
Clerk of Council

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **April 12, 2022**

AGENDA ITEM #: **8**

REGULAR: **X**  
ACTION: **X**

WORK SESSION:  
INFORMATION:

CLOSED SESSION (Confidential):

**ITEM TITLE: Request for Release of Surplus Funds from Delinquent Tax Sale of 1119 Wise Street**

**RECOMMENDATION:** Approve the attached ordinance to release surplus funds received by the City from the delinquent tax sale of 1119 Wise Street to Robert L. Crews, Sr., the prior sole owner of that property.

**SUMMARY:** The City received a letter from Robert E. Evans, Esq., dated February 1, 2022 requesting, on behalf of his client, Robert L. Crews, Sr., the release of surplus funds received by the City from the delinquent tax sale of his property at 1119 Wise Street in the City. Mr. Crews was the former owner of that property prior to the sale confirmed May 20, 2019. The property sold for \$25,000 and the Lynchburg Circuit Court entered an Order on June 6, 2019 confirming the distribution of the sales price in three checks, \$7,702.44 to the City of Lynchburg, \$3,300 to James W. Elliott, Special Commissioner, and \$13,997.56 to be held by the General Receiver for the City, Leighton Houck, pursuant to § 58.1-3967 of the Virginia Code. Such code section provides a two-year period following the sale for unknown creditors or the former owner to come forward and claim the surplus funds, but Mr. Crews was unaware that he could make a claim for those funds until late 2021. On September 23, 2021, the Lynchburg Circuit Court entered an Order directing the General Receiver to pay the surplus funds to James W. Elliott, attorney for the City. After deducting his fees from the \$13,997.56, Mr. Elliott forwarded the balance of \$12,794.18 to the City. § 58.1-3967 of the Virginia Code also provides that following payment of surplus funds to the City and “[u]pon request of the former owner . . . and after a showing of a prior entitlement thereto, the governing body of any county or city which has received such surplus funds may, in its discretion, grant relief, by ordinance, to such former owner . . . and pay over such amount as the governing body may deem appropriate to such former owner . . . and pay over such amount as the governing body may deem appropriate . . . .” As Mr. Crews had outstanding debt to the City in the amount of \$1,252.13, he has agreed that the City may deduct that amount from the \$12,794.18 leaving the total remaining surplus funds which he is requesting to be \$11,542.05.

**PRIOR ACTION(S):**

March 22, 2022 This item was a Business Item Briefing during City Council’s regular meeting.

**FISCAL IMPACT:**

\$11,542.05 Paid to Robert L. Crews, Sr. by the City  
\$1,252.13 Paid to the City by Robert L. Crews, Sr.

**CONTACT(S):**

Donna Witt, Chief Financial Officer – 455-3968  
Susan Hargis, Billings and Collections Manager – 455-3852

**ATTACHMENT(S):**

- Ordinance
- Redacted letter dated March 4, 2022, confirming an agreement to deduct bills owed from funds requested
- Letter dated February 1, 2022, from Robert E. Evans, Esq. requesting surplus funds for Mr. Crews
- Redacted letter dated October 13, 2021, from Mr. Evans enclosing surplus funds to the City
- Receipt dated October 12, 2021, acknowledging receipt of funds
- Final decree dated June 6, 2019 confirming distribution of \$25,000 in relation to property sale
- Decree Confirming Sale of 1119 Wise Street for \$25,000 and dated May 20, 2019
- Deed dated June 5, 2019 conveying 1119 Wise Street for \$25,000
- § 58.1-3967 of the Virginia Code, 1950, as amended

REVIEWED BY: MMB WCB

062A

AN UNCODIFIED ORDINANCE TO AUTHORIZE THE RELEASE AND PAYMENT OF SURPLUS FUNDS TO ROBERT L. CREWS, SR., BEING RELATED TO THE CITY'S DELINQUENT TAX SALE OF 1119 WISE STREET, LYNCHBURG, VIRGINIA 24504

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

1. That, pursuant to § 58.1-3967 of the Code of Virginia, 1950, as amended, and in the discretion of this Council as permitted by the said statute, \$11,542.05 shall be released from the City of Lynchburg's ("City") General Fund and paid to Robert L. Crews, Sr. ("Crews"). Crews is the former owner of 1119 Wise Street, Lynchburg, Virginia 24504 (Tax Map No. 010-35-005), such property was sold via a delinquent tax sale, and such sale was confirmed by Order of the Lynchburg Circuit Court on May 20, 2019. By letters dated March 4, 2022, and February 1, 2022, Crews has demonstrated his entitlement to such surplus funds.
2. That the City Manager and the City's Chief Financial Officer, as appropriate, are authorized and directed to take any and all actions necessary to effectuate the terms of this Ordinance.
3. That this Ordinance shall become effective upon its adoption.

Introduced:

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council



# THE CITY OF LYNCHBURG, VIRGINIA

CITY HALL, 900 CHURCH STREET, LYNCHBURG, VIRGINIA 24504 • (434) 455-3980 • FAX (434) 847-9049

## OFFICE OF THE CITY ATTORNEY

MATTHEW C. FREEDMAN  
CITY ATTORNEY

HOPE R. TOWNES  
DEPUTY CITY ATTORNEY

SUSAN L. HARTMAN  
SENIOR ASSISTANT CITY ATTORNEY

KATHRYN THOMAS  
ASSISTANT CITY ATTORNEY

LINDSAY R. HORNE  
ASSISTANT CITY ATTORNEY

March 4, 2022

Robert E. Evans, Esquire  
Attorney at Law  
725 Church Street, 14<sup>th</sup> Floor  
Lynchburg, VA 24504

**Re: Surplus Funds from Foreclosure Sale of 1119 Wise Street,  
Former Owner: Robert L. Crews, Sr.**

Dear Mr. Evans,

Pursuant to your request, I have prepared the following accounting of the surplus funds from the sale of 1119 Wise Street and the additional outstanding amounts owed the City of Lynchburg by Mr. Crews. I have attached copies of the letter received from Mr. Elliott and the outstanding bills for your review.

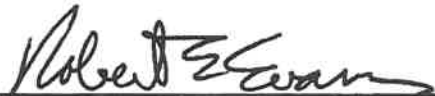
|                                                                                           |             |
|-------------------------------------------------------------------------------------------|-------------|
| Funds held by General Receiver and forwarded to<br>James W. Elliott, Special Commissioner | \$13,997.56 |
| Funds received by City of Lynchburg Less Mr. Elliott's fee                                | \$12,794.18 |

  
Total Due \$1,252.13

Surplus Funds Remaining \$11,542.05

In accordance with our prior conversation, I understand that Mr. Crews agrees that the City of Lynchburg deduct \$1,252.13 to clear the above outstanding amounts owed and is requesting that City Council determine whether to grant Mr. Crews' request for the return of the remaining surplus funds in the amount of \$11,542.05.

By your signature below, please confirm that Mr. Crews is in agreement with the deduction for outstanding bills owed and is requesting the return of the surplus funds remaining in the amount of \$11,542.05.



Robert E. Evans, Esquire  
Counsel for Robert L. Crews, Sr.

Please feel free to contact me at 455-3980 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, reading "Susan L. Hartman".

Susan L. Hartman,  
Sr. Assistant City Attorney

Enclosure

Cc: Donna Witt, Chief Financial Officer  
Susan Hargis, Billings and Collections Manager

**ROBERT E. EVANS**

**ATTORNEY AT LAW**

**725 CHURCH STREET, 14TH FLOOR**

**ALLIED ARTS BUILDING**

**LYNCHBURG, VIRGINIA 24504**

**P. O. BOX 1157**

**LYNCHBURG, VA 24505**

**TELEPHONE (434) 845-4551**

**FACSIMILE (434) 528-1665**

February 1, 2022

**Hand-Delivered**

Donna Witt

Office of Management and Budget

900 Church Street

Lynchburg, VA 24504

**RE: Surplus Received from Foreclosure Sale of 1119 Wise Street,  
Former Owner: Robert L. Crews, Sr.**

Dear Ms. Witt:

I spoke with Matthew Freedman regarding the above-captioned matter, he suggested I send to you the information set forth below, and the copies enclosed, on behalf of my client Robert L. Crews, Sr. I am hand-delivering these materials to your office and also delivering a set of copies to Mr. Freedman.

Robert L. Crews, Sr. was the sole owner of 1119 Wise Street. Following a foreclosure sale surplus funds of \$14,215.75 were paid to the City of Lynchburg, pursuant to Virginia Code §58.1-3967. This Code Section provides that following payment of such surplus funds to the City, "upon request of the former owner..., and after a showing of a proper entitlement thereto, the governing body of any County or City which has received such surplus funds may, in its discretion, grant relief, by ordinance, to such former owner...and pay over such amount as the governing body may deem appropriate to such former owner...". On behalf of Mr. Crews, I am submitting the enclosed information and requesting that the City of Lynchburg review the facts of this matter, and exercise its discretion to grant relief to Mr. Crews, the former sole owner of the property.

I am enclosing the following copies:

1. A copy of Virginia Code §58.1-3967, with relevant provisions highlighted.
2. Letter dated October 14, 2021 from Leighton Houck, General Receiver, with attached copy of check dated October 5, 2021 to James W. Elliott, attorney for

the City of Lynchburg, in amount \$14,215.75, and receipt executed by Mr. Elliott.

3. A copy of Order entered on September 23, 2021 by Lynchburg Circuit Court directing that remaining funds held by the General Receiver be paid to James W. Elliott, attorney for the City of Lynchburg.
4. A copy of Decree Confirming Sale dated May 20, 2019, confirming sale of property for \$25,000.000.
5. A copy of deed dated June 5, 2019, recorded as Instrument #190005892, conveying 1119 Wise Street for sales consideration of \$25,000.00, stating assessed value of \$53,500.00. This deed confirms that the property had been conveyed to Robert L. Crews, Sr. and Vanessa W. Crews, his wife, in 1995, and thereafter pursuant to the terms of a Final Divorce Decree recorded in the Lynchburg Circuit Court Clerk's Office as Instrument #080000834, said property was awarded to Robert L. Crews, Sr., and that the conveyance of the property by Special Commissioner's Deed was on behalf of Robert L. Crews, Sr.
6. Final Decree of Lynchburg Circuit Court dated June 6, 2019 confirming distribution of \$25,000.00 sales price in three checks, \$7,702.44 to City of Lynchburg, \$3,300.00 to James W. Elliott Special Commissioner, and \$13,997.56 balance to be held by the General Receiver for the City of Lynchburg pursuant to Virginia Code §58.1-3967.

Robert L. Crews, Sr., the sole former owner of the property, is 74 years old. He is retired, is not employed, and receives a monthly Social Security benefit of \$1,046.50. Prior to the foreclosure, as sole owner of 1119 Wise Street, a property with assessed value determined by the City of Lynchburg of \$53,500.00, Mr. Crews rented two apartments in that building for a combined monthly income of \$1,100.00. Following the foreclosure, in addition to losing the rental income of \$1,100.00 per month, Mr. Crews lost the majority of the equity he had built in the property, when the property assessed at \$53,500.00 was sold for \$25,000.00.

While Mr. Crews realized the magnitude of his loss resulting from the foreclosure, he was unaware that he had a right to claim and receive any surplus funds resulting from the sale. While Virginia Code §58.1-3967 provides a two-year period following the confirmation of sale, which occurred on May 20, 2019, for the former owner to come forward and collect the funds, Mr. Crews did not learn of his potential

right to the surplus proceeds until later in calendar year 2021, ultimately being advised in late 2021 by the General Receiver that he should contact a lawyer and make a claim with the City of Lynchburg. Thus, we arrive at the current situation where Mr. Crews is pursuing the remaining option under the provisions of the statute to request that the City in its discretion grant relief to him.

On behalf of Mr. Crews, I request that once this information has been reviewed, that the City advise me of what further action is necessary to accomplish a determination by the City of what relief shall be granted to Mr. Crews. I appreciate your consideration of this matter.

Please note that I will be out of the office until February 14, 2022.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Evans". The signature is written in a cursive style with a large, stylized "R" and "E".

Robert E. Evans

REE/kld

Enclosures

pc: Matthew Freedman  
Robert L. Crews, Sr.

**JAMES W. ELLIOTT**  
**ATTORNEY AT LAW**  
**7100 GEORGE WASHINGTON MEMORIAL HIGHWAY**  
**YORKTOWN, VIRGINIA 23692**

**REPLY TO:**  
**POST OFFICE BOX 1410**  
**YORKTOWN, VA 23692**

**TELEPHONE**  
**(757) 898-7000**  
**FACSIMILE**  
**(757) 890-2826**

October 13, 2021

Roxanne Grubbs  
Office of Billing & Collections  
City of Lynchburg  
P.O. Box 603  
Lynchburg, VA 24505

Re: Delinquent tax collections

Dear Ms. Grubbs:

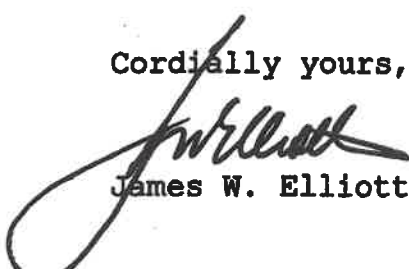
In accordance with the terms of my contract, I have recovered unclaimed funds held by the Circuit Court following the sale of the following parcels:

1. Robert L. Crews, Sr.

\$12,794.18

  
The sum of \$19,638.17 is enclosed. Please contact me if you have any questions.

Cordially yours,

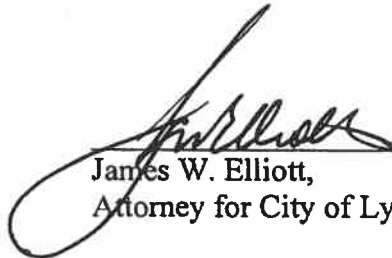
  
James W. Elliott

JWE/ker  
Enclosure

RECEIPT

Re: The City of Lynchburg v. Robert L. Crews.  
Circuit Court for the City of Lynchburg, Virginia, Case No. 16-964

Receipt is acknowledged of a check for \$14215.75 dated October 5, 2021 from the General Receiver of the City of Lynchburg, Virginia representing funds held by the General Receiver in connection with the above referenced case and paid to "James W. Elliott, Attorney for the City of Lynchburg" pursuant to Order entered in the above referenced case on September 23, 2021.

  
James W. Elliott,  
Attorney for City of Lynchburg

Dated: 10/12/2021

**RECEIVED**  
OCT 14 2021  
LEIGHTON S. HOUCK

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG  
THE CITY OF LYNCHBURG, VIRGINIA

vs.

Plaintiff  
CIVIL CASE NO. 16-964

ROBERT L. CREWS, SR.  
PROFESSIONAL FORECLOSURE, CORPORATION OF VIRGINIA  
MARK T. STEWART, TRUSTEE  
H. H. FLOYD  
CENTRAL VA ORTHOPAEDICS, PC  
SOUTHERN AIR INC.  
VANESSA W. CREWS  
MARANDA CAMPBELL

Defendants

FINAL DECREE

THIS CAUSE came on this day to be again heard upon papers formerly read and upon the Final Report of James W. Elliott, Special Commissioner, and was argued by counsel.

UPON CONSIDERATION WHEREOF, and it appearing to the Court that the sum of \$25,000.00 has been deposited to the credit of the Clerk of the Circuit Court for the City of Lynchburg in this cause,

It is ADJUDGED, ORDERED and DECREED that the Clerk of the Circuit Court for the City of Lynchburg be, and hereby is, authorized to issue checks upon the funds on deposit in this cause, and that he shall draw said checks to the proper persons in the amounts set forth opposite their names as follows:

|                                                                                                                                                 |             |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| City of Lynchburg, Virginia                                                                                                                     | \$7,702.44  |
| James W. Elliott, Special Commissioner                                                                                                          | \$3,300.00  |
| Balance to be held by the General<br>Receiver for the City of Lynchburg,<br>Virginia, pursuant to Section 58.1-3967<br>of the Code of Virginia. | \$13,997.56 |
| Total                                                                                                                                           | \$25,000.00 |

It is further ORDERED that the Assignment of Leases, Rents and Profits recorded in favor of First Federal Savings Bank of Lynchburg, against Robert L. Crews, Sr. and Vanessa W. Crews, in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, in Deed Book 964, at page 547, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia.

It is further ORDERED that the lien of the Deed of Trust described in the Complaint recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, in Deed Book 1077, at page 393, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia and is placed as a lien on the undisbursed proceeds of sale until further Order of this Court.

It is further ORDERED that the lien of the Deed of Trust described in the Complaint recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, as Instrument Number 080005166, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia.

It is further ORDERED that the judgment recorded in favor of Central VA Orthopaedics, PC, against Robert L. Crews, in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, as Instrument Number 060003770, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia and is placed as a lien on the undisbursed proceeds of sale until further Order of this Court.

It is further ORDERED that the judgment recorded in favor of Vanessa W. Crews, against Robert L. Crews, Sr., in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, as Instrument Number 080000834, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia.

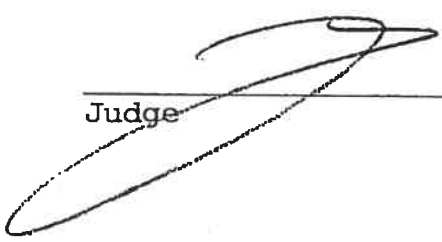
It is further ORDERED that the judgment recorded in favor of Southern Air Inc., against Robert L. Crews, Sr., in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, as Instrument Number 080004616, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia.

It is further ORDERED that the judgment recorded in favor of Vanessa W. Crews, against Robert L. Crews, Sr., in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, as Instrument Number 090004208, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia.

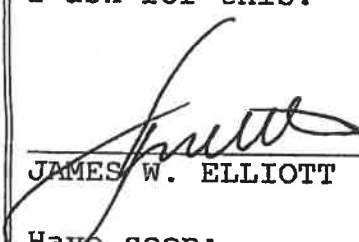
It is further ORDERED that the judgment Order recorded in favor of Maranda Campbell, against Robert S. Crews, Sr., in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia, as Instrument Number 120001899, is hereby removed as a lien on the real estate pursuant to the provisions of Section 58.1-3967 of the Code of Virginia.

And this cause is removed from the docket.

ENTER: This 6<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Judge

I ask for this:

  
\_\_\_\_\_  
JAMES W. ELLIOTT

p.q.

Have seen:

(Endorsement waived by Court)  
\_\_\_\_\_  
WILLIAM M. SAVAGE, Counsel for  
Professional Foreclosure Corporation of Virginia



---

GARY M. COATES, Counsel for  
Orthopaedic Center of Central Virginia, Inc.

cc: *Atty*

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG  
THE CITY OF LYNCHBURG, VIRGINIA

vs.

Plaintiff  
CIVIL CASE NO. 16-964

ROBERT L. CREWS, SR.  
PROFESSIONAL FORECLOSURE CORPORATION OF VIRGINIA  
MARK T. STEWART, TRUSTEE  
H. H. FLOYD  
CENTRAL VA ORTHOPAEDICS, PC  
SOUTHERN AIR INC.  
VANESSA W. CREWS  
MARANDA CAMPBELL

Defendants

DECREE CONFIRMING SALE

THIS CAUSE came on this day to be again heard upon papers formerly read and upon the report of James W. Elliott, Special Commissioner, and was argued by counsel.

And it appearing to the Court from the report aforesaid that the sale therein reported should be confirmed,

It is ADJUDGED, ORDERED and DECREED that the sale of the real estate described in the Complaint to Dequan Xie at and for a cash price of \$25,000.00 be sold, and the same is hereby confirmed.

Upon receipt of the full purchase price, the Special Commissioner is hereby directed to make, execute and deliver to the said purchaser a deed with covenants of Special Warranty, to the property aforesaid.

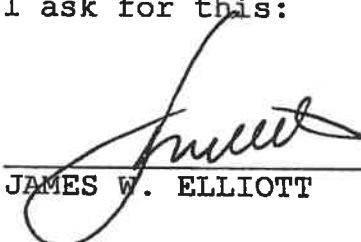
And the Special Commissioner shall report his actions to the Court.

And this cause is retained on the docket.

ENTER: This 20<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
Judge

I ask for this:

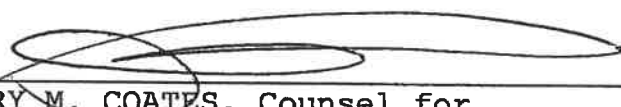
  
JAMES W. ELLIOTT

p.q.

Have seen:

(Endorsement waived by Court)

WILLIAM M. SAVAGE, Counsel for  
Professional Foreclosure Corporation of Virginia



GARY M. COATES, Counsel for  
Orthopaedic Center of Central Virginia, Inc.

cc: AHG

90005892

Sales Consideration: \$25,000.00

Assessed Value: \$53,500.00

Map No. 010-35-005

Title Insurance: None

THIS DEED, made this 5th day of June, 2019, by and between **JAMES W. ELLIOTT**, Special Commissioner, on behalf of **ROBERT L. CREWS, SR.**, parties of the first part, "Grantors" and **DEQUAN XIE**, party of the second part, "Grantee", whose address is: 409 Woodland Circle, Lynchburg, Virginia 24502.

WITNESSETH, that whereas, it was Ordered and Decreed by the Circuit Court for the City of Lynchburg, Virginia, in the pending civil cause of "The City of Lynchburg, Virginia, Plaintiff vs. Robert L. Crews, Sr., et als, Defendants" that the said James W. Elliott be, and was, appointed Special Commissioner to sell subject to confirmation by the Court, all that piece or parcel of land described as follows:

All that certain tract or parcel of land, together with the buildings and improvements thereon and the privileges and appurtenances thereunto belonging, situate, lying and being in the City of Lynchburg, Virginia, known as 1119 Wise Street, fronting 25.5 ft. on the southwesterly side of Wise Street between Eleventh and Twelfth Streets and with that uniform width extending back between parallel lines and in the direction of Floyd Street a distance of 82 ft., together with the joint and common use of a 9.8 ft. alley in the rear as an appurtenance to said real estate and designated as tax map number 010-35-005.

Together with all and singular the buildings and improvements thereon, rights and privileges, tenements, hereditaments, easements and appurtenances unto the said land belonging or in anywise appertaining.

Subject, however, to all restrictions, easements and rights-of-way and other conditions of record.

And being the same property conveyed to Robert L. Crews, Sr. and Vanessa W. Crews, as tenants by the entirety, by deed from Harry B. Forbes, Jr., dated the 14th day of April, 1995 and recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, in Deed Book 922, at page 448.

Pursuant to the terms of a Final Divorce Decree recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, as Instrument Number 080000834, said property was awarded to Robert L. Crews, Sr.

WHEREAS, the said James W. Elliott, Special Commissioner, in pursuance of said Decree, did offer for sale at a public auction the piece and parcel of land aforesaid mentioned and described after having first advertised the time, place and terms of sales as specified by the Court, at which sale Dequan Xie, was the highest bidder, for the sum of \$25,000.00 and said bidder deposited to the credit of the Special Commissioner the sum of \$25,000.00 being the full purchase price, and

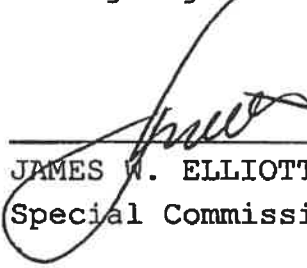
WHEREAS, the said sale was confirmed by the Court on the 20th day of May, 2019, and the Special Commissioner was directed to make, execute and deliver to the said purchaser, a deed with covenants of Special Warranty to the property aforesaid, and

WHEREAS, in pursuance of statutes made and provided in such cases, the name of the party on whose behalf this conveyance is made is here set out, to-wit: **ROBERT' L. CREWS, SR.**

THEREFORE, in consideration of the premises and the sum of \$25,000.00, deposited as aforesaid, the said James W. Elliott, Special Commissioner, in order to carry into effect the said sale in pursuance to said Decree, doth give, grant,

bargain, sell and convey unto Dequan Xie, with covenants of Special Warranty, the hereinabove described piece and parcel of land with its appurtenances.

WITNESS the following signature and seal:

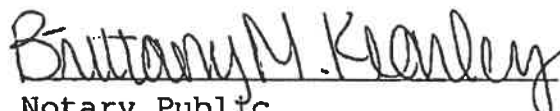
 (seal)  
JAMES W. ELLIOTT  
Special Commissioner

STATE OF VIRGINIA

COUNTY OF YORK, to-wit:

I, Brittany M. Kearley, a Notary Public in and for the County and State aforesaid, whose commission expires on the 31st day of May, 2022, do hereby certify that James W. Elliott, Special Commissioner, whose name is signed to the foregoing deed, has acknowledged the same before me in my said jurisdiction.

Given under my hand this 5th day of June, 2019.

  
Notary Public  
Registration # 7787926



INSTRUMENT 190005892  
RECORDED IN THE CLERK'S OFFICE OF  
LYNCHBURG CIRCUIT COURT ON  
SEPTEMBER 23, 2019 AT 04:12 PM  
\$53.50 GRANTOR TAX WAS PAID AS  
REQUIRED BY SEC 58.1-802 OF THE VA. CODE  
STATE: \$26.75 LOCAL: \$26.75  
EUGENE C. WINGFIELD, CLERK  
RECORDED BY: TLS

**§ 58.1-3967. How proceedings instituted; parties; procedure generally; title acquired; disposition of surplus proceeds of sale**

Proceedings under this article for the appointment of a special commissioner under § 58.1-3970.1 or the sale of real estate on which county, city, or town taxes are delinquent shall be by bill in equity, filed in the circuit court of the county or city in which such real estate is located, to subject the real estate to the lien for such delinquent taxes.

Any party with an interest in such real estate, including a lienor or person with a claim of title, but not including a person whose interest in the real estate is secured by a deed of trust properly recorded, shall file his claim within 90 days after notice of such proceedings. Failure to timely file shall bar any such claims.

Any party who is not otherwise served shall be served by publication pursuant to § 8.01-316. Any person served by publication may petition to have the case reheard, but, notwithstanding § 8.01-322, only for good cause shown, and only within 90 days of entry of the confirmation of sale.

All necessary parties shall be made parties defendant. A guardian ad litem shall be appointed for persons under a disability as defined in § 8.01-2, and for all persons proceeded against by an order of publication as parties unknown. The beneficiary or beneficiaries under any deed of trust, security interest or mortgage shall not be deemed necessary parties, provided any trustee under the deed of trust, any mortgagee under the mortgage, and any lien creditor are given notice as prescribed in § 58.1-3965, except that either the beneficiary or beneficiaries, or the trustee or trustees, under any deed of trust, security interest or mortgage securing a financial institution, or any lien creditor that is a financial institution, shall be necessary parties defendant. After filing of suit and a lis pendens, any party who thereafter acquires an interest in the delinquent real estate, including a lienor or party with a claim of title, shall not be deemed a necessary party, but shall be permitted to intervene in the proceedings to file his claim. Failure to file such a claim shall bar any such claim. The title conveyed to the purchaser at the judicial sale shall be held to bar any disabilities of parties defendant, and shall be free of all claims of any creditor, person, or entity, including those claims of beneficiaries under any deed of trust or mortgage, provided that notice was given or the creditor, person, or entity was made a party defendant.

Such proceedings shall be held in accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor, provided that publication, if necessary, shall be as provided by § 8.01-321.

In proceedings under this article, the character of the title acquired by the purchaser of such real estate at such sale shall be governed by the principles and rules applicable to the titles of purchases at judicial sales of real estate generally; however nothing herein shall be construed to affect any easements recorded prior to the date of sale.

The former owner, his heirs or assigns of any real estate sold under this article shall be entitled to

the surplus received from such sale in excess of the taxes, penalties, interest, reasonable attorneys' fees, costs and any liens chargeable thereon. If no claim for payment of the indebtedness secured by any lien chargeable thereon is made by an unknown beneficiary of such lien, or if no claim for such surplus is made by such former owner, his heirs or assigns, within two years after the date of confirmation of such sale, then such amount secured by the lien of the unknown beneficiary, surplus, or both, as applicable, shall be paid by the clerk of the court in which such suit was instituted to the county, city, or town that received proceeds from the sale of the real estate. If a county and a town receive proceeds from the same sale, then such surplus shall be divided between the county and town pro rata based on the relative amount of proceeds received by each. Upon request of the former owner, his heirs or assigns, or unknown beneficiary of any real estate sold under this article, and after a showing of a prior entitlement thereto, the governing body of any county or city which has received such surplus funds may, in its discretion, grant relief, by ordinance, to such former owner, heir, or assign, or unknown beneficiary and pay over such amount as the governing body may deem appropriate to such former owner, heir, assign, or unknown beneficiary.

Code 1950, § 58-1117.3; 1973, c. 467; 1984, c. 675; 1990, cc. 831, 918; 1992, c. 854; 1993, cc. 51, 372; 1994, cc. 295, 884; 1996, c. 710; 1997, c. 327; 1999, cc. 403, 869; 2000, c. 756; 2001, c. 37; 2004, c. 645; 2006, c. 616; 2009, c. 682.

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

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **April 12, 2022**

AGENDA ITEM #: **9**

CONSENT:  
ACTION: **X**

REGULAR: **X**  
INFORMATION:

WORK SESSION:

CLOSED SESSION:  
(Confidential)

**ITEM TITLE: 1) Adopt and Appropriate the FY 2023 Operating Budget; 2) Adopt the FY 2023 - 2027 Capital Improvement Program; 3) Adopt and Appropriate the FY 2023 Capital Budget; 4) Adopt and Appropriate \$50,000 of the FY 2023 Reserve for Contingencies for use by the City Manager; 5) Adopt a Resolution to set the Personal Property Tax Relief Rate; and 6) Adopt an Ordinance to set the Water, Sewer, and Stormwater Rates.**

**RECOMMENDATION:** Adopt and appropriate the FY 2023 Operating Budget; adopt the FY 2023 - 2027 Capital Improvement Program; adopt and appropriate the FY 2023 Capital Budget; adopt and appropriate \$50,000 of the FY 2023 Reserve for Contingencies for use by the City Manager; adopt a resolution to set the Personal Property Tax Relief Rate; and adopt an Ordinance to set the Water, Sewer, and Stormwater Rates.

**SUMMARY:** Following the March 22, 2022 Public Hearing and further discussions during City Council work sessions, including staff adjustments, the Proposed FY 2023 General Fund Budget was reconciled as follows:

|                                                                          | FY 2023<br>Proposed<br>Budget | Adjustments | FY 2023<br>Adopted<br>Budget |
|--------------------------------------------------------------------------|-------------------------------|-------------|------------------------------|
| <b>Revenues and Use of Fund Balance</b>                                  |                               |             |                              |
| Revenues                                                                 | \$206,486,198                 |             | \$206,486,198                |
| Use of (Additions to) Committed/Assigned Fund Balance Reserves           | 39,571                        |             | 39,571                       |
| Use of Fund Balance                                                      | 16,590,426                    |             | 16,590,426                   |
| <b>Total Revenues and Use of Fund Balance</b>                            | <b>\$223,116,195</b>          | <b>\$0</b>  | <b>\$223,116,195</b>         |
| <b>Expenditures, Reserves, and Transfers</b>                             |                               |             |                              |
| Operations                                                               | \$146,662,102                 | \$100,000   | \$146,762,102                |
| Debt Service                                                             | 17,212,638                    |             | 17,212,638                   |
| Schools Operations                                                       | 39,828,498                    | 966,425     | 40,794,923                   |
| Greater Lynchburg Transit Company (GLTC) - City Operating                | 1,266,454                     |             | 1,266,454                    |
| Transfers to Other Funds                                                 | 3,462,740                     |             | 3,462,740                    |
| Addition to Reserve: General Fund Reserve for Contingencies              | 1,200,000                     |             | 1,200,000                    |
| Addition to Reserve: Law Library                                         | 5,000                         |             | 5,000                        |
| Addition to Reserve: Public Safety Building Reserve                      | 71,819                        |             | 71,819                       |
| Addition to Reserve: Debt Service Reserve (one-time funds)               | 755,089                       |             | 755,089                      |
| Addition to Reserve: Debt Service Reserve (recurring funds)              | 700,000                       | (626,425)   | 73,575                       |
| Addition to Reserve: Concord Turnpike Maintenance Reserve                | 240,000                       | (240,000)   | 0                            |
| Addition to Reserve: Fuel Reserve                                        | 200,000                       | (200,000)   | 0                            |
| Addition to Reserve: Community Corrections and Pretrial Services Reserve | 10,000                        |             | 10,000                       |
| Addition to Reserve: Recreation Programs                                 | 3,309                         |             | 3,309                        |
| Addition to Reserve: Airline Service                                     | 400,000                       |             | 400,000                      |
| Capital Improvements                                                     | 11,098,546                    |             | 11,098,546                   |
| <b>Total Expenditures, Reserves, and Transfers</b>                       | <b>\$223,116,195</b>          | <b>\$0</b>  | <b>\$223,116,195</b>         |

Specific details of the adjustments are listed below:

**Increase/(Decrease) Adjustments: Expenditures, Reserves, and Transfers**

|           |                                                                                                                    |
|-----------|--------------------------------------------------------------------------------------------------------------------|
| \$100,000 | Increase Library for the lease for the River Ridge Branch                                                          |
| 966,425   | Increase Schools funding for the required local match to receive State compensation funds of \$1,603,855           |
| (626,425) | Decrease recurring funds added to the Debt Service Reserve ( <i>recurring funds added for FY 2023 - \$73,575</i> ) |
| (240,000) | Eliminate recurring funds added to the Concord Turnpike                                                            |
| (200,000) | Eliminate recurring funds added to the Fuel Reserve                                                                |

\$0 Total Adjustments: Expenditures, Reserves, and Transfers

Also, State code requires the Personal Property Tax Relief Rate be set at the time the budget is adopted.

Adopting all Resolutions except Resolution B, Discretionary External Service Providers, require a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Adopting Resolution B requires a two – thirds majority vote (i.e. five of seven) among the members elected to City Council, said vote to be taken by ayes and noes.

Adopting Ordinance G requires a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

#### Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2023 is projected to be \$24,365,371 or 11.8% of revenues. City Council's target for undesignated fund balance is a minimum of 10% of General Fund revenues with a goal of 15% as the City strives to grow incrementally each year subject to revenues available.

#### PRIOR ACTION(S):

|                    |                                                                                                                                                                                                                                     |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 8, 2022:  | FY 2023 - FY 2027 Capital Improvement Program (CIP) Presentation;<br>2022 Personal Property Tax Assessment Presentation                                                                                                             |
| February 22, 2022: | FY 2023 - FY 2027 Capital Improvement Program (CIP) Discussion;<br>2022 Personal Property Tax Assessment Adoption                                                                                                                   |
| March 8, 2022:     | City Manager introduced the Proposed FY 2023 Budgets for General, Schools, Water, Sewer, Stormwater, Airport, Fleet, and Other Funds, and the FY 2023 - 2027 Capital Improvement Program                                            |
| March 22, 2022:    | City Council and City Schools, Joint Meeting;<br>Public Hearing on the Proposed FY 2023 Budgets for General, Schools, Water, Sewer, Stormwater, Airport, Fleet, and Other Funds, and the FY 2023 - 2027 Capital Improvement Program |
| March 24, 2022:    | City Council, FY 2023 Budget Reconciliation and Water Resources Rate Study Briefing                                                                                                                                                 |
| March 29, 2022:    | City Council, FY 2023 Budget Reconciliation and Water Resources Rate Public Hearing                                                                                                                                                 |
| March 31, 2022:    | City Council, FY 2023 Budget Reconciliation                                                                                                                                                                                         |
| April 5, 2022:     | City Council, FY 2023 Budget Reconciliation                                                                                                                                                                                         |

FISCAL IMPACT: As noted in budget resolutions and ordinance

CONTACT(S): Wynter C. Benda, City Manager, 455-3990  
Donna Witt, Chief Financial Officer, 455-3968

#### ATTACHMENT(S):

- Resolutions to:
  - Adopt and appropriate the FY 2023 Operating Budget (A-C)
  - Adopt the FY 2023 - 2027 Capital Improvement Program and Adopt and appropriate the FY 2023 Capital Budget (D)
  - Adopt and appropriate \$50,000 of the FY 2023 Reserve for Contingencies for use by the City Manager (E)
  - Adopt and set the Personal Property Tax Relief Rate (F)
- Ordinance to:
  - Adopt the Water, Sewer, and Stormwater Rates (G)

REVIEWED BY: MMB WCB  
062A

**RESOLUTION:**

#R-22-\_\_

- A. BE IT RESOLVED that by majority vote the FY 2023 General Fund Operating Budget (excluding Discretionary External Service Providers) including the revenues and expenditures proposed by the City Manager and revised by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023 and said funds be appropriated:

**GENERAL FUND INCOME****Non-Dedicated Revenues**

|                                        |              |
|----------------------------------------|--------------|
| General Property Taxes                 | \$91,693,674 |
| Other Local Taxes                      | 60,702,613   |
| Permits, Fees, and Regulatory Licenses | 981,800      |
| Fines and Forfeitures                  | 250,000      |
| Use of Money and Property              | 267,720      |
| Charges for Services                   | 3,611,595    |
| Miscellaneous                          | 368,076      |
| Revenue from the Commonwealth          | 6,132,584    |

**Dedicated Revenues**

|                                             |            |
|---------------------------------------------|------------|
| Permits, Fees, and Regulatory Licenses      | 77,000     |
| Charges for Services                        | 5,439,560  |
| Recreation Revenue                          | 485,300    |
| Miscellaneous                               | 2,990,677  |
| Revenue from the Commonwealth               |            |
| Categorical Aid - State Shared Expenditures | 3,362,703  |
| Categorical Aid                             | 19,679,634 |
| Revenue from the Federal Government         | 10,443,262 |

|                                                  |                             |
|--------------------------------------------------|-----------------------------|
| Use of Committed/Assigned Fund Balance and Other | 39,571                      |
| Use of (Additions to) Unassigned Fund Balance    | 16,590,426                  |
| <b>Total</b>                                     | <b><u>\$223,116,195</u></b> |

**GENERAL FUND EXPENDITURES**

|                                |                             |
|--------------------------------|-----------------------------|
| General Government             | \$15,356,489                |
| Judicial Administration        | 5,667,365                   |
| Public Safety                  | 48,152,844                  |
| Public Works                   | 22,422,227                  |
| Health and Welfare             | 23,632,833                  |
| Parks, Recreation and Cultural | 6,472,080                   |
| Community Development          | 6,022,442                   |
| Non-Departmental               | 11,385,081                  |
| Transfer to Other Funds        | 3,462,740                   |
| General Fund - Debt Service    | 8,807,366                   |
| Schools - Debt Service         | 8,405,272                   |
| Reserves                       | 2,518,792                   |
| Transfer to Capital - City     | 11,098,546                  |
| Transfer to Capital - Schools  | 0                           |
| <b>Subtotal</b>                | <b><u>\$173,404,077</u></b> |

|                                                     |            |
|-----------------------------------------------------|------------|
| Component Units                                     |            |
| Lynchburg City Schools - Local Operating            | 40,794,923 |
| Greater Lynchburg Transit Company - Local Operating | 1,266,454  |

|                                         |                             |
|-----------------------------------------|-----------------------------|
| External Service Providers <sup>1</sup> | 7,650,741                   |
| <b>Total</b>                            | <b><u>\$223,116,195</u></b> |

<sup>1</sup> Discretionary External Service Providers to be considered separately.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

**RESOLUTION:**

#R-22-\_\_

- B. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2023 Discretionary External Service Providers Budget of \$80,485 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023 and said funds be appropriated:

**DISCRETIONARY**

|                                                       |                        |
|-------------------------------------------------------|------------------------|
| Amazement Square - Signal and Rail Car .....          | \$369                  |
| Central Virginia Alliance for Community Living .....  | 15,000                 |
| Central Virginia Community College Board (CVCC) ..... | 1,956                  |
| Downtown Lynchburg Association (DLA).....             | 50,000                 |
| Virginia Legal Aid Society .....                      | 13,160                 |
| <b>TOTAL DISCRETIONARY .....</b>                      | <b><u>\$80,485</u></b> |

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

**RESOLUTION:**

#R-22-\_\_

C. BE IT RESOLVED that by majority vote the FY 2023 budgets of the funds mentioned herein be adopted for the purposes herein mentioned and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

**FLEET SERVICES FUND INCOME**

|                                               |                            |
|-----------------------------------------------|----------------------------|
| Revenues                                      | \$11,909,428               |
| Use of (Additions to) Unassigned Fund Balance | 0                          |
| <b>Total</b>                                  | <b><u>\$11,909,428</u></b> |

**AIRPORT FUND INCOME**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| Revenue from Cost Centers                     | \$4,473,083               |
| Interest and Other                            | 55,000                    |
| Use of (Additions to) Unassigned Fund Balance | 130,522                   |
| <b>Total</b>                                  | <b><u>\$4,658,605</u></b> |

**WATER FUND INCOME**

|                                                       |                            |
|-------------------------------------------------------|----------------------------|
| Charges for Service                                   | \$13,981,043               |
| Water Contracts (Amherst/Bedford/Campbell/Industrial) | 2,192,970                  |
| Interest and Other                                    | 23,500                     |
| Use of (Additions to) Unassigned Fund Balance         | 1,401,136                  |
| <b>Total</b>                                          | <b><u>\$17,598,649</u></b> |

**SEWER FUND INCOME**

|                                                       |                            |
|-------------------------------------------------------|----------------------------|
| Charges for Services                                  | \$23,060,219               |
| Sewer Contracts (Amherst/Bedford/Campbell/Industrial) | 4,451,853                  |
| Interest and Other                                    | 36,295                     |
| Use of (Additions to) Unassigned Fund Balance         | 268,684                    |
| <b>Total</b>                                          | <b><u>\$27,817,051</u></b> |

**STORMWATER FUND INCOME**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| Charges for Services                          | \$3,554,750               |
| State Categorical Aid                         | 275,000                   |
| Interest and Other                            | 8,000                     |
| Use of (Additions to) Unassigned Fund Balance | 269,832                   |
| <b>Total</b>                                  | <b><u>\$4,107,582</u></b> |

**CITY/FEDERAL/STATE AID FUND INCOME**

|                                     |                           |
|-------------------------------------|---------------------------|
| Revenue from the Federal Government | \$2,280,713               |
| Revenue from the Commonwealth       | 1,333,614                 |
| Other                               | 691,165                   |
| In-Kind                             | 40,705                    |
| Transfer from General Fund          | 185,799                   |
| <b>Total</b>                        | <b><u>\$4,531,996</u></b> |

**COMMUNITY DEVELOPMENT BLOCK GRANT INCOME**

|                     |                         |
|---------------------|-------------------------|
| Federal Entitlement | \$729,183               |
| <b>Total</b>        | <b><u>\$729,183</u></b> |

**CHILDREN'S SERVICES ACT FUND INCOME**

|                                    |                           |
|------------------------------------|---------------------------|
| Miscellaneous                      | \$48,700                  |
| Contribution from the General Fund | 2,039,543                 |
| Lynchburg City School Transfer     | 196,541                   |
| Revenue from the Commonwealth      | 4,638,778                 |
| <b>Total</b>                       | <b><u>\$6,923,562</u></b> |

**HOME INVESTMENT TRUST FUND INCOME**

|                     |                         |
|---------------------|-------------------------|
| Federal Entitlement | \$413,856               |
| Recaptured Funds    | \$0                     |
| <b>Total</b>        | <b><u>\$413,856</u></b> |

**LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) INCOME**

|                                               |                        |
|-----------------------------------------------|------------------------|
| Pledges/Donations                             | \$0                    |
| Use of (Additions to) Unassigned Fund Balance | 75,000                 |
| <b>Total</b>                                  | <b><u>\$75,000</u></b> |

**FLEET SERVICES FUND EXPENDITURES**

|              |                            |
|--------------|----------------------------|
| Operations   | \$11,411,858               |
| Debt Service | 497,570                    |
| <b>Total</b> | <b><u>\$11,909,428</u></b> |

**AIRPORT FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$4,555,090               |
| Debt Service | 103,515                   |
| <b>Total</b> | <b><u>\$4,658,605</u></b> |

**WATER FUND EXPENDITURES**

|                                |                            |
|--------------------------------|----------------------------|
| Operations                     | \$12,193,999               |
| Debt Service                   | 3,404,650                  |
| Transfer to Water Capital Fund | 2,000,000                  |
| <b>Total</b>                   | <b><u>\$17,598,649</u></b> |

**SEWER FUND EXPENDITURES**

|                                |                            |
|--------------------------------|----------------------------|
| Operations                     | \$15,696,876               |
| Debt Service                   | 8,820,175                  |
| Transfer to Sewer Capital Fund | 3,300,000                  |
| <b>Total</b>                   | <b><u>\$27,817,051</u></b> |

**STORMWATER FUND EXPENDITURES**

|                                     |                           |
|-------------------------------------|---------------------------|
| Operations                          | \$3,649,728               |
| Debt Service                        | 187,854                   |
| Transfer to Stormwater Capital Fund | 270,000                   |
| <b>Total</b>                        | <b><u>\$4,107,582</u></b> |

**CITY/FEDERAL/STATE AID FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$4,531,996               |
| <b>Total</b> | <b><u>\$4,531,996</u></b> |

**COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES**

|              |                         |
|--------------|-------------------------|
| Operations   | \$729,183               |
| <b>Total</b> | <b><u>\$729,183</u></b> |

**CHILDREN'S SERVICES ACT FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$6,923,562               |
| <b>Total</b> | <b><u>\$6,923,562</u></b> |

**HOME INVESTMENT TRUST FUND EXPENDITURES**

|              |                         |
|--------------|-------------------------|
| Operations   | \$413,856               |
| <b>Total</b> | <b><u>\$413,856</u></b> |

**LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES**

|              |                        |
|--------------|------------------------|
| Operations   | \$75,000               |
| <b>Total</b> | <b><u>\$75,000</u></b> |

**REGIONAL JUVENILE DETENTION CENTER FUND INCOME**

|                      |                           |
|----------------------|---------------------------|
| Charges for Services | \$1,473,278               |
| Intergovernmental    | 1,907,086                 |
| Miscellaneous        | 1,400                     |
| <b>Total</b>         | <b><u>\$3,381,764</u></b> |

**RISK MANAGEMENT FUND INCOME**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| Charges for Services                          | \$1,761,586               |
| Use of (Additions to) Unassigned Fund Balance | 0                         |
| <b>Total</b>                                  | <b><u>\$1,761,586</u></b> |

**SPECIAL WELFARE FUND INCOME**

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

**TECHNOLOGY FUND INCOME**

|                                               |                         |
|-----------------------------------------------|-------------------------|
| Use of Money and Property                     | \$5,000                 |
| Transfer from General Fund                    | 430,282                 |
| Use of (Additions to) Unassigned Fund Balance | 463,254                 |
| <b>Total</b>                                  | <b><u>\$898,536</u></b> |

**REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$3,371,640               |
| Debt Service | 10,124                    |
| <b>Total</b> | <b><u>\$3,381,764</u></b> |

**RISK MANAGEMENT FUND EXPENDITURES**

|                      |                           |
|----------------------|---------------------------|
| Operations           | \$342,688                 |
| Insurance and Claims | 1,418,898                 |
| <b>Total</b>         | <b><u>\$1,761,586</u></b> |

**SPECIAL WELFARE FUND EXPENDITURES**

|              |                         |
|--------------|-------------------------|
| Operations   | \$129,500               |
| <b>Total</b> | <b><u>\$129,500</u></b> |

**TECHNOLOGY FUND EXPENDITURES**

|                |                         |
|----------------|-------------------------|
| Operations     | \$643,536               |
| Capital Outlay | 255,000                 |
| <b>Total</b>   | <b><u>\$898,536</u></b> |

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council**RESOLUTION:**

#R-22-\_\_\_\_

D. BE IT RESOLVED that by majority vote the FY 2023 - 2027 Capital Improvement Program is hereby adopted and the FY 2023 Capital Budget proposed by the City Manager is hereby adopted and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023 in the total amount of \$98,186,080 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$1,100,000 for the Airport Capital Projects Fund, \$9,811,000 for the Water Capital Projects Fund, \$65,330,000 for the Sewer Capital Projects Fund, and \$3,857,100 for the Stormwater Capital Projects Fund.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council**RESOLUTION:**

#R-22-\_\_\_\_

E. BE IT RESOLVED that by majority vote \$50,000 of the FY 2023 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2022 through June 30, 2023.

Introduced:

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

**RESOLUTION:**

#R-22-\_\_

- F. BE IT RESOLVED that by majority vote in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, the personal property tax relief rate for the fiscal year beginning July 1, 2022 through June 30, 2023 shall be set at 36.86%.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council**ORDINANCE:**

#O-22-\_\_

- G. AN ORDINANCE TO AMEND AND REENACT SECTIONS 16.3-5, 34-12.1, AND 39-54.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTIONS RELATING TO WATER RATES, SEWER RATES, AND STORMWATER FEES IN THE CITY

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

1. That Section 16.3-5 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 16.3-5. Assessment of stormwater utility charge.**

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for the stormwater utility by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in section 16.3-4. Utility fees shall be charged to owners or occupants of all developed property in the city.

- (a) Single-family unit (SFU) ~~SFU~~ area established. The SFU ~~single-family unit (SFU)~~ area is hereby established to be 2,672 square feet of impervious surface area.
- (b) The utility fee for each property shall be the SFU rate times the stormwater fee factor for each individual property.
- (c) The SFU rate shall be ~~\$4.00~~ \$4.17 per month.
- (d) The stormwater fee factor shall be as follows:

| Property Type                                                 | Impervious Area on Property<br>(in square feet) | Stormwater Fee Factor |
|---------------------------------------------------------------|-------------------------------------------------|-----------------------|
| Detached single-family residential                            | Less than 1,300                                 | 0.5                   |
| <del>Detached</del> Detached single-family residential        | 1,301 to 4,300                                  | 1.0                   |
| Detached single-family residential                            | Greater than 4,301                              | 1.6                   |
| Duplex                                                        | 0.5 per unit                                    |                       |
| Triplex, Quadplex, and Mobile Homes                           | 0.7 per unit                                    |                       |
| Condominiums and Townhomes                                    | 0.33 per unit                                   |                       |
| Apartments or 5 or more units and all nonresidential property | As defined in 16.3-5(e)                         |                       |
| Undeveloped property                                          | 0.0                                             |                       |

- (e) The stormwater fee factor for apartment properties of five or more units and for all nonresidential properties shall be equal to the impervious area of the property in square feet divided by the SFU area of 2,672 square feet, rounded to the nearest 0.1, except that the minimum factor shall be 1.0. For example, a nonresidential

property of 10,000 square feet of impervious area shall have a stormwater fee factor of 10,000 divided by 2,672, or a stormwater fee factor of 3.7.

- (f) The utility fee for unoccupied developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

2. That Section 34-12.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 34-12.1. Schedule of sewer rates.**

- (a) The monthly sewer rates for all consumers within the city shall be ~~\$6.14~~ \$7.22 per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.
- (b) The monthly sewer rate for customer accounts deemed "sewer only" (customers within the city without a water service connection) shall be ~~\$49.35~~ \$56.91. This rate is derived as follows: (monthly volume charge of ~~\$6.14~~ \$7.22 per h.c.f. by 7 h.c.f. plus a monthly service charge of \$6.37).
- (c) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of 25,000 gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

- (1) For BOD concentrations in excess of 300 milligrams per liter (MG/l), \$26.30 per 100 pounds.
- (2) For suspended solids concentrations in excess of 400 milligrams per liter (MG/l), \$28.50 per 100 pounds.
- (3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in section 34-13 will be assessed at the following rates: \$204.90 up to a limit of 2,500 gallons of capacity and \$34.74 for each 500 gallons of capacity over 2,500 gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.
- (d) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings.

3. That Section 39-54.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 39-54.1. Schedule of water rates.**

The monthly water rates for all consumers within the city shall be ~~\$2.68~~ \$2.77 per h.c.f. of water used.

There shall be, in addition to any other charge, a monthly service charge of \$3.69 plus \$4.00 per equivalent meter factor per meter for a total monthly service charge as shown in the following table.

| Meter Size | Monthly Account Charge | Meter Factor | Fee Equivalent Meter Factor per | Fee Meter per | Total Monthly Service Charge |
|------------|------------------------|--------------|---------------------------------|---------------|------------------------------|
| 5/8"       | \$3.69                 | 1.0          | \$4.00                          | \$2.00        | \$7.69                       |
| 3/4"       | \$3.69                 | 1.5          | \$4.00                          | \$3.00        | \$9.69                       |
| 1"         | \$3.69                 | 2.5          | \$4.00                          | \$5.00        | \$13.69                      |
| 1 1/2"     | \$3.69                 | 5.0          | \$4.00                          | \$10.00       | \$23.69                      |
| 2"         | \$3.69                 | 8.0          | \$4.00                          | \$16.00       | \$35.69                      |
| 3"         | \$3.69                 | 15.0         | \$4.00                          | \$30.00       | \$63.69                      |
| 4"         | \$3.69                 | 30.0         | \$4.00                          | \$60.00       | \$123.69                     |
| 6"         | \$3.69                 | 60.0         | \$4.00                          | \$120.00      | \$243.69                     |
| 8"         | \$3.69                 | 90.0         | \$4.00                          | \$180.00      | \$363.69                     |
| 10"        | \$3.69                 | 150.0        | \$4.00                          | \$300.00      | \$603.69                     |

4. That this Ordinance shall be effective on July 1, 2022.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

AN ORDINANCE TO AMEND AND REENACT SECTIONS 16.3-5, 34-12.1, AND 39-54.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTIONS RELATING TO WATER RATES, SEWER RATES, AND STORMWATER FEES IN THE CITY

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

1. That Section 16.3-5 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 16.3-5. Assessment of stormwater utility charge.**

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for the stormwater utility by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in section 16.3-4. Utility fees shall be charged to owners or occupants of all developed property in the city.

- (a) ~~Single-family unit (SFU)~~ SFU area established. The ~~SFU~~ single-family unit (SFU) area is hereby established to be 2,672 square feet of impervious surface area.
- (b) The utility fee for each property shall be the SFU rate times the stormwater fee factor for each individual property.
- (c) The SFU rate shall be ~~\$4.00~~ \$4.17 per month.
- (d) The stormwater fee factor shall be as follows:

| Property Type                                                 | Impervious Area on Property (in square feet) | Stormwater Fee Factor |
|---------------------------------------------------------------|----------------------------------------------|-----------------------|
| Detached single-family residential                            | Less than 1,300                              | 0.5                   |
| <del>Detached</del> Detached single-family residential        | 1,301 to 4,300                               | 1.0                   |
| Detached single-family residential                            | Greater than 4,301                           | 1.6                   |
| Duplex                                                        | 0.5 per unit                                 |                       |
| Triplex, Quadplex, and Mobile Homes                           | 0.7 per unit                                 |                       |
| Condominiums and Townhomes                                    | 0.33 per unit                                |                       |
| Apartments or 5 or more units and all nonresidential property | As defined in 16.3-5(e)                      |                       |
| Undeveloped property                                          | 0.0                                          |                       |

- (e) The stormwater fee factor for apartment properties of five or more units and for all nonresidential properties shall be equal to the impervious area of the property in square feet divided by the SFU area of 2,672 square feet, rounded to the nearest 0.1, except that the minimum factor shall be 1.0. For example, a nonresidential property of 10,000 square feet of impervious area shall have a stormwater fee factor of 10,000 divided by 2,672, or a stormwater fee factor of 3.7.
- (f) The utility fee for unoccupied developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

2. That Section 34-12.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 34-12.1. Schedule of sewer rates.**

- (a) The monthly sewer rates for all consumers within the city shall be ~~\$6.14~~ \$7.22 per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.
- (b) The monthly sewer rate for customer accounts deemed "sewer only" (customers within the city without a water service connection) shall be ~~\$49.35~~ \$56.91. This rate is derived as follows: (monthly volume charge of ~~\$6.14~~ \$7.22 per h.c.f. by 7 h.c.f. plus a monthly service charge of \$6.37).
- (c) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of 25,000 gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

- (1) For BOD concentrations in excess of 300 milligrams per liter (MG/l), \$26.30 per 100 pounds.
- (2) For suspended solids concentrations in excess of 400 milligrams per liter (MG/l), \$28.50 per 100 pounds.
- (3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in section 34-13 will be assessed at the following rates: \$204.90 up to a limit of 2,500 gallons of capacity and \$34.74 for each 500 gallons of capacity over 2,500 gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.
- (d) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings.

3. That Section 39-54.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 39-54.1. Schedule of water rates.**

The monthly water rates for all consumers within the city shall be ~~\$2.68~~ \$2.77 per h.c.f. of water used.

There shall be, in addition to any other charge, a monthly service charge of \$3.69 plus \$4.00 per equivalent meter factor per meter for a total monthly service charge as shown in the following table.

| Meter Size | Monthly Account Charge | Meter Factor | Fee Equivalent Meter Factor per | Fee Meter per | Total Monthly Service Charge |
|------------|------------------------|--------------|---------------------------------|---------------|------------------------------|
| 5/8"       | \$3.69                 | 1.0          | \$4.00                          | \$2.00        | \$7.69                       |
| 3/4"       | \$3.69                 | 1.5          | \$4.00                          | \$3.00        | \$9.69                       |
| 1"         | \$3.69                 | 2.5          | \$4.00                          | \$5.00        | \$13.69                      |
| 1½"        | \$3.69                 | 5.0          | \$4.00                          | \$10.00       | \$23.69                      |
| 2"         | \$3.69                 | 8.0          | \$4.00                          | \$16.00       | \$35.69                      |
| 3"         | \$3.69                 | 15.0         | \$4.00                          | \$30.00       | \$63.69                      |
| 4"         | \$3.69                 | 30.0         | \$4.00                          | \$60.00       | \$123.69                     |
| 6"         | \$3.69                 | 60.0         | \$4.00                          | \$120.00      | \$243.69                     |
| 8"         | \$3.69                 | 90.0         | \$4.00                          | \$180.00      | \$363.69                     |
| 10"        | \$3.69                 | 150.0        | \$4.00                          | \$300.00      | \$603.69                     |

4. That this Ordinance shall be effective on July 1, 2022.

Adopted: April 12, 2022

Certified: Alicia L. Fung  
Clerk of Council

**RESOLUTION:**

#R-22-025

BE IT RESOLVED that by majority vote the FY 2023 General Fund Operating Budget (excluding Discretionary External Service Providers) including the revenues and expenditures proposed by the City Manager and revised by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023 and said funds be appropriated:

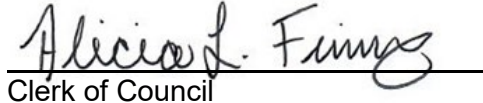
| <b>GENERAL FUND INCOME</b>                       |                             | <b>GENERAL FUND EXPENDITURES</b>                    |                             |
|--------------------------------------------------|-----------------------------|-----------------------------------------------------|-----------------------------|
| <u>Non-Dedicated Revenues</u>                    |                             |                                                     |                             |
| General Property Taxes                           | \$91,693,674                | General Government                                  | \$15,356,489                |
| Other Local Taxes                                | 60,702,613                  | Judicial Administration                             | 5,667,365                   |
| Permits, Fees, and Regulatory Licenses           | 981,800                     | Public Safety                                       | 48,152,844                  |
| Fines and Forfeitures                            | 250,000                     | Public Works                                        | 22,422,227                  |
| Use of Money and Property                        | 267,720                     | Health and Welfare                                  | 23,632,833                  |
| Charges for Services                             | 3,611,595                   | Parks, Recreation and Cultural                      | 6,472,080                   |
| Miscellaneous                                    | 368,076                     | Community Development                               | 6,022,442                   |
| Revenue from the Commonwealth                    | 6,132,584                   | Non-Departmental                                    | <u>12,685,081</u>           |
| <u>Dedicated Revenues</u>                        |                             | Transfer to Other Funds                             | 3,462,740                   |
| Permits, Fees, and Regulatory Licenses           | 77,000                      | General Fund - Debt Service                         | 8,807,366                   |
| Charges for Services                             | 5,439,560                   | Schools - Debt Service                              | 8,405,272                   |
| Recreation Revenue                               | 485,300                     | Reserves                                            | 2,518,792                   |
| Miscellaneous                                    | 2,990,677                   | Transfer to Capital - City                          | <u>9,798,546</u>            |
| Revenue from the Commonwealth                    |                             | Transfer to Capital - Schools                       | 0                           |
| Categorical Aid - State Shared Expenditures      | 3,362,703                   | <b>Subtotal</b>                                     | <b>\$173,404,077</b>        |
| Categorical Aid                                  | 19,679,634                  | Component Units                                     |                             |
| Revenue from the Federal Government              | 10,443,262                  | Lynchburg City Schools - Local Operating            | 40,794,923                  |
| Use of Committed/Assigned Fund Balance and Other | 39,571                      | Greater Lynchburg Transit Company - Local Operating | 1,266,454                   |
| Use of (Additions to) Unassigned Fund Balance    | 16,590,426                  | External Service Providers <sup>1</sup>             | 7,650,741                   |
| <b>Total</b>                                     | <b><u>\$223,116,195</u></b> | <b>Total</b>                                        | <b><u>\$223,116,195</u></b> |

<sup>1</sup>Discretionary External Service Providers to be considered separately.

Introduced: April 12, 2022

Adopted: April 26, 2022

Certified:

  
Clerk of Council

**ORDINANCE:**

#O-22-025a

AN UNCODIFIED ORDINANCE TO ADOPT A METHOD FOR RETURNING SURPLUS REAL ESTATE TAX REVENUES TO TAXPAYERS DURING THE 2023 FISCAL YEAR

WHEREAS, § 15.2-2511.1 of the Code of Virginia, 1950, as amended, authorizes the Lynchburg City Council to adopt an ordinance to “develop a method for returning surplus real property tax revenues to taxpayers who are assessed real property taxes in any fiscal year in which the locality reports a surplus”; and

WHEREAS, Qualified Taxpayer, for purposes of this Ordinance, shall mean any person, persons, entity, or entities listed as the taxpayer(s) for a Qualified Property in the City’s real estate tax records when the bills are generated for the first installment due November 15, 2022; and

WHEREAS, Qualified Property, for purposes of this Ordinance, shall mean a parcel of real estate separately assessed for real estate taxes by the City on July 1, 2022, but shall not include any property that is entirely exempt from real estate taxation or for which no tax bill would otherwise be issued.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the City Council has determined a surplus of real property tax revenues in the amount of \$2,655,942 existed in the City’s 2021 Fiscal Year budget as a result of higher collections of real property tax owed compared to the Fiscal Year 2021 Adopted Budget based on conservative budgeting of the uncollectible rate (Allowance of Uncollectible rate increased from 2.5% to 5%) due to the uncertainty of the economic impact of COVID-19.

2. That the following objective method is hereby adopted by the City Council to refund the equivalent of two cents per one hundred dollars (2¢ / \$100) of the assessed value of the Qualified Property to a Qualified Taxpayer during the City's 2023 Fiscal Year or an amount not to exceed one million three hundred thousand (\$1,300,000):

For each Qualified Property, the City's Chief Financial Officer will one-time credit the Qualified Taxpayer's first real estate billing installment statement (due November 15, 2022) two cents per one hundred dollars (2¢ / \$100) of the assessed value of the Qualified Property. Only one (1) credit will be made for each Qualified Property, regardless of the number of persons or entities who are listed as taxpayer(s) for the Qualified Property. Changes in the City's real estate tax records after the bills are generated for the first installment due November 15, 2022, will not change the Qualified Taxpayer for any parcel of real estate.

3. That for any Qualified Property for which delinquent real estate taxes are owed as of July 1, 2022, the amount of the credit otherwise due to the Qualified Taxpayer shall be reduced by the amount owed up to the full amount of the said credit.
4. That the one-time tax credit permitted hereunder will be derived from the fund balance of the City's General Fund, and adopted and appropriated as part of the City's 2023 Fiscal Year budget resolution(s)/ordinance(s).
5. That the City Manager and the City's Chief Financial Officer are authorized and directed to administer the requirements of this Ordinance and to ensure the requirements of this Ordinance are duly executed.
6. That this Ordinance shall be effective July 1, 2022.

Adopted: April 26, 2022

Certified: Alicia L. Finney  
Clerk of Council

**RESOLUTION:**

#R-22-026

BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2023 Discretionary External Service Providers Budget of \$80,485 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023 and said funds be appropriated:

**DISCRETIONARY**

|                                                       |                        |
|-------------------------------------------------------|------------------------|
| Amazement Square - Signal and Rail Car .....          | \$369                  |
| Central Virginia Alliance for Community Living .....  | 15,000                 |
| Central Virginia Community College Board (CVCC) ..... | 1,956                  |
| Downtown Lynchburg Association (DLA).....             | 50,000                 |
| Virginia Legal Aid Society .....                      | 13,160                 |
| <b>TOTAL DISCRETIONARY .....</b>                      | <b><u>\$80,485</u></b> |

Introduced: April 12, 2022

Adopted: April 26, 2022

Certified: Alicia L. Finney  
Clerk of Council

**RESOLUTION:**

#R-22-027

BE IT RESOLVED that by majority vote the FY 2023 budgets of the funds mentioned herein be adopted for the purposes herein mentioned and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

**FLEET SERVICES FUND INCOME**

|                                               |                            |
|-----------------------------------------------|----------------------------|
| Revenues                                      | \$11,909,428               |
| Use of (Additions to) Unassigned Fund Balance | 0                          |
| <b>Total</b>                                  | <b><u>\$11,909,428</u></b> |

**AIRPORT FUND INCOME**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| Revenue from Cost Centers                     | \$4,473,083               |
| Interest and Other                            | 55,000                    |
| Use of (Additions to) Unassigned Fund Balance | 130,522                   |
| <b>Total</b>                                  | <b><u>\$4,658,605</u></b> |

**WATER FUND INCOME**

|                                                       |                            |
|-------------------------------------------------------|----------------------------|
| Charges for Service                                   | \$13,981,043               |
| Water Contracts (Amherst/Bedford/Campbell/Industrial) | 2,192,970                  |
| Interest and Other                                    | 23,500                     |
| Use of (Additions to) Unassigned Fund Balance         | 1,401,136                  |
| <b>Total</b>                                          | <b><u>\$17,598,649</u></b> |

**SEWER FUND INCOME**

|                                                       |                            |
|-------------------------------------------------------|----------------------------|
| Charges for Services                                  | \$23,060,219               |
| Sewer Contracts (Amherst/Bedford/Campbell/Industrial) | 4,451,853                  |
| Interest and Other                                    | 36,295                     |
| Use of (Additions to) Unassigned Fund Balance         | 268,684                    |
| <b>Total</b>                                          | <b><u>\$27,817,051</u></b> |

**STORMWATER FUND INCOME**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| Charges for Services                          | \$3,554,750               |
| State Categorical Aid                         | 275,000                   |
| Interest and Other                            | 8,000                     |
| Use of (Additions to) Unassigned Fund Balance | 269,832                   |
| <b>Total</b>                                  | <b><u>\$4,107,582</u></b> |

**CITY/FEDERAL/STATE AID FUND INCOME**

|                                     |                           |
|-------------------------------------|---------------------------|
| Revenue from the Federal Government | \$2,280,713               |
| Revenue from the Commonwealth       | 1,333,614                 |
| Other                               | 691,165                   |
| In-Kind                             | 40,705                    |
| Transfer from General Fund          | 185,799                   |
| <b>Total</b>                        | <b><u>\$4,531,996</u></b> |

**COMMUNITY DEVELOPMENT BLOCK GRANT INCOME**

|                     |                         |
|---------------------|-------------------------|
| Federal Entitlement | \$729,183               |
| <b>Total</b>        | <b><u>\$729,183</u></b> |

**CHILDREN'S SERVICES ACT FUND INCOME**

|                                    |                           |
|------------------------------------|---------------------------|
| Miscellaneous                      | \$48,700                  |
| Contribution from the General Fund | 2,039,543                 |
| Lynchburg City School Transfer     | 196,541                   |
| Revenue from the Commonwealth      | 4,638,778                 |
| <b>Total</b>                       | <b><u>\$6,923,562</u></b> |

**HOME INVESTMENT TRUST FUND INCOME**

|                     |                         |
|---------------------|-------------------------|
| Federal Entitlement | \$413,856               |
| Recaptured Funds    | \$0                     |
| <b>Total</b>        | <b><u>\$413,856</u></b> |

**LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) INCOME**

|                                               |                        |
|-----------------------------------------------|------------------------|
| Pledges/Donations                             | \$0                    |
| Use of (Additions to) Unassigned Fund Balance | 75,000                 |
| <b>Total</b>                                  | <b><u>\$75,000</u></b> |

**FLEET SERVICES FUND EXPENDITURES**

|              |                            |
|--------------|----------------------------|
| Operations   | \$11,411,858               |
| Debt Service | 497,570                    |
| <b>Total</b> | <b><u>\$11,909,428</u></b> |

**AIRPORT FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$4,555,090               |
| Debt Service | 103,515                   |
| <b>Total</b> | <b><u>\$4,658,605</u></b> |

**WATER FUND EXPENDITURES**

|                                |                            |
|--------------------------------|----------------------------|
| Operations                     | \$12,193,999               |
| Debt Service                   | 3,404,650                  |
| Transfer to Water Capital Fund | 2,000,000                  |
| <b>Total</b>                   | <b><u>\$17,598,649</u></b> |

**SEWER FUND EXPENDITURES**

|                                |                            |
|--------------------------------|----------------------------|
| Operations                     | \$15,696,876               |
| Debt Service                   | 8,820,175                  |
| Transfer to Sewer Capital Fund | 3,300,000                  |
| <b>Total</b>                   | <b><u>\$27,817,051</u></b> |

**STORMWATER FUND EXPENDITURES**

|                                     |                           |
|-------------------------------------|---------------------------|
| Operations                          | \$3,649,728               |
| Debt Service                        | 187,854                   |
| Transfer to Stormwater Capital Fund | 270,000                   |
| <b>Total</b>                        | <b><u>\$4,107,582</u></b> |

**CITY/FEDERAL/STATE AID FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$4,531,996               |
| <b>Total</b> | <b><u>\$4,531,996</u></b> |

**COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES**

|              |                         |
|--------------|-------------------------|
| Operations   | \$729,183               |
| <b>Total</b> | <b><u>\$729,183</u></b> |

**CHILDREN'S SERVICES ACT FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$6,923,562               |
| <b>Total</b> | <b><u>\$6,923,562</u></b> |

**HOME INVESTMENT TRUST FUND EXPENDITURES**

|              |                         |
|--------------|-------------------------|
| Operations   | \$413,856               |
| <b>Total</b> | <b><u>\$413,856</u></b> |

**LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF) EXPENDITURES**

|              |                        |
|--------------|------------------------|
| Operations   | \$75,000               |
| <b>Total</b> | <b><u>\$75,000</u></b> |

**REGIONAL JUVENILE DETENTION CENTER FUND INCOME**

|                      |                           |
|----------------------|---------------------------|
| Charges for Services | \$1,473,278               |
| Intergovernmental    | 1,907,086                 |
| Miscellaneous        | 1,400                     |
| <b>Total</b>         | <b><u>\$3,381,764</u></b> |

**RISK MANAGEMENT FUND INCOME**

|                                               |                           |
|-----------------------------------------------|---------------------------|
| Charges for Services                          | \$1,761,586               |
| Use of (Additions to) Unassigned Fund Balance | 0                         |
| <b>Total</b>                                  | <b><u>\$1,761,586</u></b> |

**SPECIAL WELFARE FUND INCOME**

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

**TECHNOLOGY FUND INCOME**

|                                               |                         |
|-----------------------------------------------|-------------------------|
| Use of Money and Property                     | \$5,000                 |
| Transfer from General Fund                    | 430,282                 |
| Use of (Additions to) Unassigned Fund Balance | 463,254                 |
| <b>Total</b>                                  | <b><u>\$898,536</u></b> |

**REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES**

|              |                           |
|--------------|---------------------------|
| Operations   | \$3,371,640               |
| Debt Service | 10,124                    |
| <b>Total</b> | <b><u>\$3,381,764</u></b> |

**RISK MANAGEMENT FUND EXPENDITURES**

|                      |                           |
|----------------------|---------------------------|
| Operations           | \$342,688                 |
| Insurance and Claims | 1,418,898                 |
| <b>Total</b>         | <b><u>\$1,761,586</u></b> |

**SPECIAL WELFARE FUND EXPENDITURES**

|              |                         |
|--------------|-------------------------|
| Operations   | \$129,500               |
| <b>Total</b> | <b><u>\$129,500</u></b> |

**TECHNOLOGY FUND EXPENDITURES**

|                |                         |
|----------------|-------------------------|
| Operations     | \$643,536               |
| Capital Outlay | 255,000                 |
| <b>Total</b>   | <b><u>\$898,536</u></b> |

Introduced: April 12, 2022

Adopted: April 26, 2022

Certified: Alicia L. Fung  
Clerk of Council

**RESOLUTION:**

#R-22-028

BE IT RESOLVED that by majority vote the FY 2023 - 2027 Capital Improvement Program is hereby adopted and the FY 2023 Capital Budget proposed by the City Manager is hereby adopted and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2022 and ending June 30, 2023 in the total amount of \$96,886,080 ~~\$98,486,080~~ for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$1,100,000 for the Airport Capital Projects Fund, \$9,811,000 for the Water Capital Projects Fund, \$65,330,000 for the Sewer Capital Projects Fund, and \$3,857,100 for the Stormwater Capital Projects Fund.

Introduced: April 12, 2022

Adopted: April 26, 2022

Certified: Alicia L. Fung  
Clerk of Council

**RESOLUTION:**

#R-22-029

BE IT RESOLVED that by majority vote \$50,000 of the FY 2023 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2022 through June 30, 2023.

Introduced: April 12, 2022

Adopted: April 26, 2022

Certified: Alicia L. Fung  
Clerk of Council

**RESOLUTION:**

#R-22-030

BE IT RESOLVED that by majority vote in accordance with Section 58.1-3524 of the Code of Virginia, 1950, as amended, the personal property tax relief rate for the fiscal year beginning July 1, 2022 through June 30, 2023 shall be set at 36.86%.

Adopted: April 12, 2022

Certified: Alicia L. Finney  
Clerk of Council

**ORDINANCE:**

#O-22-031

AN ORDINANCE TO AMEND AND REENACT SECTIONS 16.3-5, 34-12.1, AND 39-54.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTIONS RELATING TO WATER RATES, SEWER RATES, AND STORMWATER FEES IN THE CITY

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

1. That Section 16.3-5 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 16.3-5. Assessment of stormwater utility charge.**

Adequate revenues shall be generated to provide for a balanced operating and capital improvement budget for the stormwater utility by setting sufficient levels of utility fees. Income from utility fees shall not exceed actual costs incurred in providing the services and facilities described in section 16.3-4. Utility fees shall be charged to owners or occupants of all developed property in the city.

- (a) Single-family unit (SFU) SFU area established. The SFU ~~single-family unit (SFU)~~ area is hereby established to be 2,672 square feet of impervious surface area.
- (b) The utility fee for each property shall be the SFU rate times the stormwater fee factor for each individual property.
- (c) The SFU rate shall be ~~\$4.00~~ \$4.17 per month.
- (d) The stormwater fee factor shall be as follows:

| Property Type                                                 | Impervious Area on Property<br>(in square feet) | Stormwater Fee Factor |
|---------------------------------------------------------------|-------------------------------------------------|-----------------------|
| Detached single-family residential                            | Less than 1,300                                 | 0.5                   |
| <del>Detached</del> Detached single-family residential        | 1,301 to 4,300                                  | 1.0                   |
| Detached single-family residential                            | Greater than 4,301                              | 1.6                   |
| Duplex                                                        | 0.5 per unit                                    |                       |
| Triplex, Quadplex, and Mobile Homes                           | 0.7 per unit                                    |                       |
| Condominiums and Townhomes                                    | 0.33 per unit                                   |                       |
| Apartments or 5 or more units and all nonresidential property | As defined in 16.3-5(e)                         |                       |
| Undeveloped property                                          | 0.0                                             |                       |

- (e) The stormwater fee factor for apartment properties of five or more units and for all nonresidential properties shall be equal to the impervious area of the property in square feet divided by the SFU area of 2,672 square feet, rounded to the nearest 0.1, except that the minimum factor shall be 1.0. For example, a nonresidential

property of 10,000 square feet of impervious area shall have a stormwater fee factor of 10,000 divided by 2,672, or a stormwater fee factor of 3.7.

- (f) The utility fee for unoccupied developed property, both residential and nonresidential, shall be the same as that for occupied property of the same class.

2. That Section 34-12.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 34-12.1. Schedule of sewer rates.**

- (a) The monthly sewer rates for all consumers within the city shall be ~~\$6.14~~ \$7.22 per h.c.f. of water used provided, however, that the rate of any party discharging industrial waste or processed water into the city system pursuant to an individual contract shall be as provided in such contract.
- (b) The monthly sewer rate for customer accounts deemed "sewer only" (customers within the city without a water service connection) shall be ~~\$49.35~~ \$56.91. This rate is derived as follows: (monthly volume charge of ~~\$6.14~~ \$7.22 per h.c.f. by 7 h.c.f. plus a monthly service charge of \$6.37).
- (c) In addition to the sewer rates provided in this section, a high strength waste surcharge is established for all customers with discharges in excess of 25,000 gallons per day and having biological oxygen demand and/or suspended solids concentrations in excess of normal wastewater.

The surcharge shall be as follows:

- (1) For BOD concentrations in excess of 300 milligrams per liter (MG/l), \$26.30 per 100 pounds.
- (2) For suspended solids concentrations in excess of 400 milligrams per liter (MG/l), \$28.50 per 100 pounds.
- (3) Truck hauled wastes disposal charges for residential and restaurant wastes as defined in section 34-13 will be assessed at the following rates: \$204.90 up to a limit of 2,500 gallons of capacity and \$34.74 for each 500 gallons of capacity over 2,500 gallons. Truck hauled wastes for special contract holders shall be charged in accordance to the terms of the contracting agreement.
- (d) Annually, the director of financial services shall compute the average of each residential customer's level of monthly water consumption in hundred cubic feet (h.c.f.) for the most recent period beginning with the first billing in November and ending with the second billing in April. By multiplying this monthly average by 1.25, a seasonal consumption limit for sewer billing shall be derived for each residential account. This limit will apply during the period for the first billing in May through the second billing in October. This adjustment shall apply only to residential bills and shall not apply to any customers using water for the purpose of manufacturing or for commercial or multifamily dwellings.

3. That Section 39-54.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

**Sec. 39-54.1. Schedule of water rates.**

The monthly water rates for all consumers within the city shall be ~~\$2.68~~ \$2.77 per h.c.f. of water used.

There shall be, in addition to any other charge, a monthly service charge of \$3.69 plus \$4.00 per equivalent meter factor per meter for a total monthly service charge as shown in the following table.

| Meter Size | Monthly Account Charge | Meter Factor | Fee Equivalent Meter Factor per | Fee Meter per | Total Monthly Service Charge |
|------------|------------------------|--------------|---------------------------------|---------------|------------------------------|
| 5/8"       | \$3.69                 | 1.0          | \$4.00                          | \$2.00        | \$7.69                       |
| 3/4"       | \$3.69                 | 1.5          | \$4.00                          | \$3.00        | \$9.69                       |
| 1"         | \$3.69                 | 2.5          | \$4.00                          | \$5.00        | \$13.69                      |
| 1 1/2"     | \$3.69                 | 5.0          | \$4.00                          | \$10.00       | \$23.69                      |
| 2"         | \$3.69                 | 8.0          | \$4.00                          | \$16.00       | \$35.69                      |
| 3"         | \$3.69                 | 15.0         | \$4.00                          | \$30.00       | \$63.69                      |
| 4"         | \$3.69                 | 30.0         | \$4.00                          | \$60.00       | \$123.69                     |
| 6"         | \$3.69                 | 60.0         | \$4.00                          | \$120.00      | \$243.69                     |
| 8"         | \$3.69                 | 90.0         | \$4.00                          | \$180.00      | \$363.69                     |
| 10"        | \$3.69                 | 150.0        | \$4.00                          | \$300.00      | \$603.69                     |

4. That this Ordinance shall be effective on July 1, 2022.

Adopted: April 12, 2022

Certified: Alicia L. Finney  
Clerk of Council